

**CoR CCEC —General Law City v. Charter City  
03 March 2011**

	<b>Characteristic</b>	<b>Redding as a General Law City</b>	<b>Charter City</b>
	<b>Ability to Govern Municipal Affairs</b>	Bound by the state’s general law, regardless of whether the subject concerns a municipal affair.	Has supreme authority over “municipal affairs.” Cal. Const. art. XI, § 5(b).
<b>1</b>	<b>ELECTIONS</b>		
<b>1.A</b>	<b>Elections Generally</b>	Municipal elections conducted in accordance with the California Elections Code. Cal. Elec. Code §§ 10101 <i>et seq.</i> .	Not bound by the California Elections Code. May establish own election dates, rules, and procedures. See Cal. Const. art. XI, § 5(b); Cal. Elec. Code §§ 10101 <i>et seq.</i> .
<b>1.B</b>	<b>Methods of Elections</b>	Redding holds at-large elections whereby voters vote for any candidate on the ballot. Redding could choose to elect the city council “by” or “from” districts, so long as the election system has been established by ordinance and approved by the voters. Cal. Gov’t Code § 34871. Mayor may be selected by the city council, or a rotation procedure could be codified in the municipal code, or Mayor could be selected by a vote of the people. Cal. Gov’t Code §§ 34902.	May hold at-large or district elections. May elect by plurality or may implement elections by a 50% plus one standard. See Cal. Const. art. XI, § 5(b).
<b>1.C</b>	<b>City Council, City Treasurer and City Clerk Qualifications</b>	<p>Minimum qualifications are:</p> <ol style="list-style-type: none"> <li>1. United States citizen</li> <li>2. At least 18 years old</li> <li>3. Registered voter</li> <li>4. Resident of the city at least 15 days prior to the election and throughout his or her term</li> <li>5. If elected by or from a district, be a resident of the geographical area comprising the district from which he or she is elected.</li> </ol> <p>Cal. Elec. Code § 321; Cal. Gov’t Code §§ 34882, 36502; 87 Cal. Op. Att’y Gen. 30 (2004).</p>	Can establish own criteria for city office provided it does not violate the U.S. Constitution. Cal. Const. art. XI, § 5(b), 82 Cal. Op. Att’y Gen. 6, 8 (1999).

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<b>1.D</b>	<b>Public Funds for Candidate in Municipal Elections</b>	No public officer shall expend and no candidate shall accept public money for the purpose of seeking elected office. Cal. Gov't Code § 85300.	Public financing of election campaigns is lawful. <i>Johnson v. Bradley</i> , 4 Cal. 4th 389 (1992).
<b>1.E</b>	<b>Term Limits</b>	May provide for term limits. Cal. Gov't Code § 36502(b).	May provide for term limits. Cal. Const. art. XI, § 5(b); Cal Gov't Code Section 36502 (b).
<b>1.F</b>	<b>Vacancies and Termination of Office</b>	An office becomes vacant in several instances including death, resignation, removal for failure to perform official duties, electorate irregularities, absence from meetings without permission, and upon non-residency. Cal. Gov't Code §§ 1770, 36502, 36513.	May establish criteria for vacating and terminating city offices so long as it does not violate the state and federal constitutions. Cal. Const. art. XI, § 5(b).
<b>2</b>	<b>CITY COUNCIL STRUCTURE AND PROCEDURES</b>		
<b>2.A</b>	<b>Form of Government</b>	State law describes the city's basic form of government. Government Code section 36501 authorizes general law cities be governed by a city council of five members, , a police chief (appointed by Council or delegated to City Manager to appoint) , a fire chief (appointed by Council or delegated to City Manager to appoint), and any subordinate officers or employees as required by law. City electors may adopt ordinance which provides for a different number of council members members (5, 7, or 9). The City Attorney, City Treasurer, and City Clerk may be appointed or elected, or some combination.. Cal. Gov't section 34871. The Government Code also authorizes the "city manager" form of government. Cal. Gov't Code § 34851.	Charter can provide for any form of government including the "strong mayor," and "city manager" forms. See Cal. Const. art. XI, § 5(b); Cal. Gov't Code § 34450 <i>et seq.</i>
<b>2.B</b>	<b>Council Member Compensation and Expense Reimbursement</b>	Salary-ceiling is set by city population and salary increases set by state law except for compensation established by city electors. See Cal. Gov't Code § 36516. If a city provides any type of compensation or payment of expenses to council members, then all council members are required to have two hours of ethics training. See Cal. Gov't Code §§ 53234 - 53235.	May establish council members' salaries. See Cal. Const. art. XI, § 5(b). If a city provides any type of compensation or payment of expenses to council members, then all council members are required to have two hours of ethics training. See Cal. Gov't Code §§ 53234 - 53235.

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<b>2.C</b>	<b>Legislative Authority</b>	<p>Ordinances may not be passed within five days of introduction unless they are urgency ordinances. Cal. Gov't Code § 36934.</p> <p>Ordinances may only be passed at a regular meeting, and must be read in full at time of introduction and passage except when, after reading the title, further reading is waived. Cal. Gov't Code § 36934.</p>	<p>May establish procedures for enacting local ordinances. <i>Brougher v. Bd. of Public Works</i>, 205 Cal. 426 (1928).</p>
<b>2.D</b>	<b>Resolutions</b>	<p>May establish rules regarding the procedures for adopting, amending or repealing resolutions.</p>	<p>May establish procedures for adopting, amending or repealing resolutions. <i>Brougher v. Bd. of Public Works</i>, 205 Cal. 426 (1928).</p>
<b>2.E</b>	<b>Quorum and Voting Requirements</b>	<p>A majority of the city council constitutes a quorum for transaction of business. Cal. Gov't Code § 36810.</p> <p>All ordinances, resolutions, and orders for the payment of money require a recorded majority vote of the total membership of the city council. Cal. Gov't Code § 36936. Specific legislation requires supermajority votes for certain actions.</p>	<p>May establish own procedures and quorum requirements. However, certain legislation requiring supermajority votes is applicable to charter cities. For example, see California Code of Civil Procedure section 1245.240 requiring a vote of two-thirds of all the members of the governing body unless a greater vote is required by charter.</p>
<b>2.F</b>	<b>Rules Governing Procedure and Decorum</b>	<p>Ralph Brown Act is applicable. Cal. Gov't Code §§ 54951, 54953(a).</p> <p>Conflict of interest laws are applicable. See Cal. Gov't Code § 87300 <i>et seq.</i>.</p>	<p>Ralph Brown Act is applicable. Cal. Gov't Code §§ 54951, 54953(a).</p> <p>Conflict of interest laws are applicable. See Cal. Gov't Code § 87300 <i>et seq.</i>.</p> <p>May provide provisions related to ethics, conflicts, campaign financing and incompatibility of office.</p>
<b>3</b>	<b>CITY PERSONNEL</b>		
<b>3.A</b>	<b>Personnel Matters</b>	<p>May establish standards, requirements and procedures for hiring personnel consistent with Government Code requirements.</p> <p>May have "civil service" system, which includes comprehensive procedures for recruitment, hiring, testing and promotion. See Cal. Gov't Code § 45000 <i>et seq.</i></p> <p>Meyers-Milias-Brown Act applies. Cal. Gov't Code § 3500.</p>	<p>May establish standards, requirements, and procedures, including compensation, terms and conditions of employment for personnel. See Cal. Const. art. XI, § 5(b).</p> <p>Procedures set forth in Meyers-Milias-Brown Act (Cal. Gov't Code § 3500) apply, but note, "[T]here is a clear distinction between the <i>substance</i> of a public employee labor issue and the <i>procedure</i> by which it is resolved. Thus there is no question that 'salaries of local employees of a charter city</p>

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		Cannot require employees be residents of the city, but can require them to reside within a reasonable and specific distance of their place of employment. Cal. Const. art. XI, § 10(b).	constitute municipal affairs and are not subject to general laws.” <i>Voters for Responsible Retirement v. Board of Supervisors</i> , 8 Cal.4th 765, 781 (1994).  Cannot require employees be residents of the city, but can require them to reside within a reasonable and specific distance of their place of employment. Cal. Const. art. XI, section 10(b).
<b>4</b>	<b>PUBLIC WORKS AND CONTRACTS</b>		
<b>4.A</b>	<b>Contracting Services</b>	Authority to enter into contracts to carry out necessary functions, including those expressly granted and those implied by necessity. See Cal. Gov’t Code § 37103; <i>Carruth v. City of Madera</i> , 233 Cal. App. 2d 688 (1965).	Full authority to contract consistent with charter.  May transfer some of its functions to the county including tax collection, assessment collection and sale of property for non-payment of taxes and assessments. Cal. Gov’t Code §§ 51330, 51334, 51335.
<b>4.B</b>	<b>Public Contracts</b>	Competitive bidding required for public works contracts over \$5,000. Cal. Pub. Cont. Code § 20162. Such contracts must be awarded to the lowest responsible bidder. Pub. Cont. Code § 20162. If city elects subject itself to uniform construction accounting procedures, less formal procedures may be available for contracts less than \$100,000. See Cal. Pub. Cont. Code §§ 22000, 22032.  Contracts for professional services such as private architectural, landscape architectural, engineering, environmental, land surveying, or construction management firms need not be competitively bid, but must be awarded on basis of demonstrated competence and professional qualifications necessary for the satisfactory performance of services. Cal. Gov’t Code § 4526.	Not required to comply with bidding statutes provided the city charter or a city ordinance exempts the city from such statutes, and the subject matter of the bid constitutes a municipal affair. Pub. Cont. Code § 1100.7; see <i>R &amp; A Vending Services, Inc. v. City of Los Angeles</i> , 172 Cal. App. 3d 1188 (1985); <i>Howard Contracting, Inc. v. G.A. MacDonald Constr. Co.</i> , 71 Cal. App. 4th 38 (1998).
<b>4.C</b>	<b>Payment of Prevailing Wages</b>	In general, prevailing wages must be paid on public works projects over \$1,000. Cal. Lab. Code § 1771. Higher thresholds apply (\$15,000 or \$25,000) if the public entity has adopted a special labor compliance program. See Cal. Labor Code § 1771.5(a)-(c).	Historically, charter cities have not been bound by state law prevailing-wage requirements so long as the project is a municipal affair, and not one funded by state or federal grants. <i>Vial v. City of San Diego</i> , 122 Cal. App. 3d 346, 348 (1981). However, there is a growing trend on the part of the courts and the Legislature to expand the applicability of prevailing wages to charter cities under an analysis that

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			<p>argues that the payment of prevailing wages is a matter of statewide concern. There is a case pending before the California Supreme Court to resolve this issue.</p> <p><i>State Building and Construction Trades Council of California v. City of Vista</i></p>
<b>5</b>	<b>FINANCE AND TAXATION</b>		
<b>5.A</b>	<b>Finance and Taxing Power</b>	<p>May impose the same kinds of taxes and assessment as charter cities. See Cal. Gov't Code § 37100.5.</p> <p>Imposition of taxes and assessments subject to Proposition 218 and Proposition 26. Cal. Const. art.XIIIC.</p> <p>Examples of common forms used in assessment district financing include:</p> <ul style="list-style-type: none"> <li>• Improvement Act of 1911. Cal. Sts. &amp; High. Code § 22500 <i>et seq.</i>.</li> <li>• Municipal Improvement Act of 1913. See Cal. Sts. &amp; High. Code §§ 10000 <i>et seq.</i>.</li> <li>• Improvement Bond Act of 1915. Cal. Sts. &amp; High. Code §§ 8500 <i>et seq.</i>.</li> <li>• Landscaping and Lighting Act of 1972. Cal. Sts. &amp; High. Code §§ 22500 <i>et seq.</i>.</li> <li>• Benefit Assessment Act of 1982. Cal. Gov't Code §§ 54703 <i>et seq.</i>.</li> </ul> <p>May impose business license taxes for regulatory purposes, revenue purposes, or both. See Cal. Gov't Code § 37101.</p>	<p>Have the power to tax.</p> <p>Have broader assessment powers than a general law city, as well as taxation power as determined on a case-by case basis.</p> <p>Imposition of taxes and assessments subject to Proposition 218, Cal. Const. art. XIIIC, § 2, Proposition 26 and own charter limitations</p> <p>May proceed under a general assessment law, or enact local assessment laws and then elect to proceed under the local law.</p> <p><i>See J.W. Jones Companies v. City of San Diego</i>, 157 Cal. App. 3d 745 (1984).</p> <p>May impose business license taxes for any purpose unless limited by state or federal constitutions, or city charter. See Cal. Const. art. XI, § 5.</p> <p>May impose real property transfer tax; does not violate either Cal. Const art. XIII A or California Government Code section 53725. See <i>Cohn v. City of Oakland</i>, 223 Cal. App. 3d 261 (1990); <i>Fielder v. City of Los Angeles</i>, 14 Cal. App. 4th 137 (1993).</p>

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		May not impose real property transfer tax. See Cal. Const. art. XIII A, § 4; Cal. Gov't Code § 53725; <i>but see</i> authority to impose documentary transfer taxes under certain circumstances. Cal. Rev. & Tax. Code § 11911(a), (c).	
<b>5.B</b>	<b>Gift of Public Funds</b>	A city may not make a gift of public funds. Cal. Const. art. XVI, § 6. This prohibition does not preclude expenditures and disbursements for public purposes, even if a private person incidentally benefits. <i>Redevelopment Agency of San Pablo v. Shepard</i> , 75 Cal. App. 3d 453, 457, 142 Cal. Rptr. 212 (1977).	The constitutional prohibition on a gift of public funds has been held not to apply to a charter city, unless the city's charter, itself, contains a similar prohibition. <i>Tevis v. City and County of San Francisco</i> , 43 Cal. 2d 190, 272 P.2d 757 (1954); <i>Los Angeles Gas &amp; Electric Corp. v. City of Los Angeles</i> , 188 Cal. 307, 205 P. 125 (1922).
<b>5.C</b>	<b>Penalties &amp; Cost Recovery</b>	May impose fines, penalties and forfeitures, with a fine not exceeding \$1,000. Cal. Gov't Code § 36901.	May enact ordinances providing for various penalties so long as such penalties do not exceed any maximum limits set by the charter. <i>County of Los Angeles v. City of Los Angeles</i> , 219 Cal. App. 2d 838, 844 (1963).
<b>6</b>	<b>PUBLIC UTILITIES/FRANCHISES</b>		
<b>6.A</b>	<b>Public Utilities/Franchises</b>	<p>May establish, purchase, and operate public works to furnish its inhabitants with electric power. See Cal. Const. art. XI, § 9(a); Cal. Gov't Code § 39732; Cal. Pub. Util. Code § 10002.</p> <p>May grant franchises to persons or corporations seeking to furnish light, water, power, heat, transportation or communication services in the city to allow use of city streets for such purposes. The grant of franchises can be done through a bidding process, under the Broughton Act, Cal. Pub. Util. Code §§ 6001-6092, or without a bidding process under the Franchise Act of 1937, Cal. Pub. Util. Code §§ 6201-6302.</p>	<p>May establish, purchase, and operate public works to furnish its inhabitants with electric power. See Cal. Const. art. XI, § 9(a); <i>Cal. Apartment Ass'n v. City of Stockton</i>, 80 Cal. App. 4th 699 (2000).</p> <p>May establish conditions and regulations on the granting of franchises to use city streets to persons or corporations seeking to furnish light, water, power, heat, transportation or communication services in the city.</p> <p>Franchise Act of 1937 is not applicable if charter provides. Cal. Pub. Util. Code § 6205.</p>
<b>7</b>	<b>PLANNING AND LAND USE</b>		
<b>7.A</b>	<b>Zoning</b>	Zoning ordinances must be consistent with general plan. Cal. Gov't Code § 65860.	Zoning ordinances are not required to be consistent with general plan unless the city has adopted a consistency requirement by charter or ordinance. Cal. Gov't. Code § 65803.