

Title CHA. Charter of the City of Carlsbad

Editor's note: Approved by the voters at the special election of June 3, 2008. (Charter Chapter 8, Statutes of 2008, July 3, 2008)

PREAMBLE

We the people of the City of Carlsbad, declare our intent to maintain in our community the historic principles of self-governance inherent in the doctrine of home-rule. We the people of Carlsbad, are sincerely committed to the belief that local government has the closest affinity to the people governed and firmly convinced that the economic and fiscal independence of our local government will better serve and promote the health, safety and welfare of all the citizens of Carlsbad. Based on these principles, we do hereby exercise the express right granted by the Constitution of the State of California and do ordain and establish this Charter for the City of Carlsbad.

ARTICLE 1. MUNICIPAL AFFAIRS.

Section 100. Powers of City.

The City shall have full power and authority to adopt, make, exercise and enforce all legislation, laws and regulations with respect to municipal affairs, subject only to the limitations and restrictions as may be provided in this Charter, in the Constitution of the State of California, and in the laws of the United States.

Section 101. Municipal Affairs; Generally.

Each of the matters set forth in this Charter are declared to be municipal affairs, consistent with the laws of the State of California. The implementation of each matter uniquely benefits the citizens of the City of Carlsbad and addresses peculiarly local concerns within the City of Carlsbad. The municipal affairs set forth in this Charter are not intended to be an exclusive list of municipal affairs over which the City Council may govern.

Section 102. Incorporation and Succession.

The City of Carlsbad shall continue to be a municipal corporation known as the City of Carlsbad. The boundaries of the City of Carlsbad shall continue as now established until changed in the manner authorized by law. The City of Carlsbad shall remain vested with and shall continue to own, have, possess, control and enjoy all property rights and rights of action of every nature and description owned, had, possessed, controlled or enjoyed by it at the time this Charter takes effect. The City of Carlsbad shall be subject to all debts, obligations and liabilities of the City of Carlsbad at the time this Charter takes effect. All lawful ordinances, resolutions, rules and regulations, or portions thereof, enforced at the time this Charter takes effect and not in conflict with or inconsistent herewith, are hereby continued in force until the same have been duly repealed, amended, changed or superseded by proper lawful action.

ARTICLE 2. FORM OF GOVERNMENT.

Section 200. Form of Government.

The municipal government established by this Charter shall be known as the "Council-Manager" form of government. The City Council shall establish the policy of the City; the City Manager shall carry out that policy.

ARTICLE 3. LOCAL LIMITS OF GROWTH CONTROL.

Section 300. Local Limits of Growth Control.

The citizens of Carlsbad recognize and declare that managing and limiting growth and ensuring that necessary public facilities are provided to the citizens of the City of Carlsbad are quintessential elements of local control and therefore are municipal affairs. The adoption of this Charter recognizes and reaffirms the principles of the growth management program established by the citizens as Proposition E in 1986 and affirms the principle that this program, that implements a municipal affair shall be superior to and take precedence over any conflicting general laws of the State of California. The intent of this Charter is to allow the City Council and the voters to exercise the maximum degree of control over land use matters within the City of Carlsbad.

ARTICLE 4. REVENUE, SAVINGS AND GENERATION.

Section 400. Economic and Community Development.

Subject to the expenditure limitation established by the citizens of Carlsbad Proposition H in 1982, the City shall have the power to utilize revenues from the general fund to encourage, support and promote economic and community development in the City.

Section 401. Public Financing.

The City Council shall have the power to establish standards, procedures, rules and regulations relating to financing of public improvements and services.

Section 402. Utility Franchises.

The City Council shall have the power to provide for the acquisition, development or operation by the City of any public utility and/or to grant any franchise, license or permit to any public utility which proposes to use or is using City streets, highways or other rights-of-way.

Section 403. Enterprises.

The City shall have the power to engage in any enterprise determined necessary to produce revenues for the general fund or any other fund established by the City Council that promotes a public purpose.

Section 404. Contracts.

The City Council shall have the power to establish standards, procedures, rules or regulations relating to all aspects of the award and performance of contracts, including contracts for the construction of public improvements, including, but not limited to, compensation paid for performance of such work.

ARTICLE 5. REVENUE RETENTION.

Section 500. Reductions Prohibited.

All revenues due to, and raised by the City, shall remain within the City of Carlsbad for appropriation solely by the City Council. No such revenue shall be subject to subtraction, retention, attachment, withdrawal or any other form of involuntary reduction by any other level of government.

Section 501. Mandates Limited.

No person, whether elected or appointed, acting on behalf of the City, shall be required to implement or give effect to, any function which is mandated by any other level of government, unless and until funds sufficient for the performance of such function are provided by such other level of government.

Section 502. Retention of Benefits.

Safety employees hired on or after October 4, 2010 (the effective date of the ordinance amending the City's Contract with CalPERS to create a second tier of retirement benefits for safety employees) shall not have their retirement benefit formula (commonly known as the 2% at 50 years of age formula) increased without an amendment to this section. The City Council may reduce this formula as provided in state law without an amendment to this section.

[1] *Editor's note: Section 502 was added to the charter by the voters at an election held on Nov. 2, 2010. (Charter Chapter No. 6, Statutes of 2011, February 3, 2011)*

ARTICLE 6. GENERAL LAWS.

Section 600. General Law Powers.

In addition to the power and authority granted by the terms of this Charter and the Constitution of the State of California, the City shall have the power and authority to adopt, make, exercise and enforce all legislation, laws, and regulations and to take all actions and to exercise any and all rights, powers and privileges heretofore or hereafter established, granted or prescribed by any law of the State of California or by any other lawful authority. In the event of any conflict between the provisions of this Charter and the provisions of the general laws of the State of California, the provisions of this Charter shall control.

ARTICLE 7. INTERPRETATION.

Section 700. Construction and Interpretation.

The language contained in this Charter is intended to be permissive rather than exclusive or limiting and shall be liberally and broadly construed in favor of the exercise by the City of its powers to govern with respect to any matter which is a municipal affair.

Section 701. Severability.

If any provision of this Charter should be held by a final judgment of a court of competent jurisdiction to be invalid, void or unenforceable, the remaining provisions of this Charter shall remain enforceable to the fullest extent permitted by law.

ARTICLE 8. AMENDMENT.

Section 800. Amendment to Charter, Revised or Repealed.

This Charter, and any of its provisions, may be amended by a majority vote of the electors voting on the question. Amendment or repeal may be proposed by initiative or by the governing body.