

Title CHA. Charter of City of Palm Desert

Editor's Note: Charter was adopted by Resolution 97-55 and certified by Resolution 97-100.

PREAMBLE

We the people of the City of Palm Desert declare our intent to maintain in our community the historic principles of self-governance inherent in the doctrine of home-rule. (Sincerely committed to the belief that local government has the closest affinity to the people governed, and firm in the conviction 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 this City, we do hereby exercise the express right granted by the Constitution of the State of California to enact and adopt this Charter for the City of Palm Desert.

ARTICLE 1. MUNICIPAL AFFAIRS

Section 100. Municipal Affairs; Generally.

Each of the responsibilities of governance set forth and described in this Charter, and as established by the Constitutional, statutory and judicially defined law of the State of California, is hereby declared to be a municipal affair or concern, the performance of which is unique to the benefit of the City of Palm Desert.

Section 101. 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 such limitations and restrictions as may be provided in this Charter and in the Constitution of the State of California.

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 establish the policy of the City; the City Manager shall carry out that policy.

ARTICLE 3. REVENUE, SAVINGS AND GENERATION

Section 300. Public Works Contracts.

The City shall have the power to establish standards, procedures, rules or regulations to regulate all

aspects of the bidding, award and performance of any public works contract, including, but not limited to, the compensation rates to be paid for the performance of such work.

Section 301. Public Financing.

The City shall have the power to establish standards, procedures, rules or regulations related to any public financing.

Section 302. Utility Franchises.

The City shall have the power to adopt any ordinance providing for the acquisition, development or operation by the City of any public utility and/or any ordinance providing for the granting of a franchise, license or permit to any public utility not owned by the City which proposes to use or is using City streets, highways or other rights-of-way.

Section 303. Enterprises.

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

Section 304. Economic and Community Development.

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.

ARTICLE 4. REVENUE RETENTION

Section 400. Reductions Prohibited.

Any revenues raised and collected by the City shall not be subject to subtraction, retention, attachment, withdrawal or any other form of involuntary reduction by any other level of government.

Section 401. Mandates Limited.

No person, whether elected or appointed, acting on behalf of the City, shall be required to perform 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 said mandating authority.

ARTICLE 5. GENERAL LAWS

Section 500. 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 6. INTERPRETATION

Section 600. 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 601. Severability.

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

ARTICLE 7. AMENDMENT

Section 700. Amendment to Charter, revised or repealed.

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