

# Title CHA. Charter of City of Desert Hot Springs

## PREAMBLE

*We, the people of the City of Desert Hot Springs, declare our intent to maintain in our community the historic principles of self-governance inherent in the doctrine of home-rule. Therefore, we, the citizens of the City of Desert Hot Springs, do enact and establish this Charter in order to form a better City government; to better serve and provide for the health, safety, morals and welfare of the people of our City; to improve the means of cooperation and assistance with neighboring governmental jurisdictions; and to preserve and enhance the quality of life of the people of Desert Hot Springs.*

*Through the adoption and enactment of this City Charter, the citizens of Desert Hot Springs hereby do declare their express intent and purpose to be and remain forever a separate and independent City, as provided for by the Constitution of the State of California.*

## CHARTER

## ARTICLE 1. MUNICIPAL AFFAIRS

### 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 a municipal affair or concern, the performance of which is unique to the benefit of the City of Desert Hot Springs.

### 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

### 200. Form of Government.

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

## ARTICLE 3. REVENUE, SAVINGS, AND GENERATION

### **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.

### **301. Public Financing.**

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

### **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.

### **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.

### **304. Economic Development and Community Development.**

The City shall have the power to utilize revenues from the general fund to encourage, support and promote economic development and community development in the City.

## **ARTICLE 4. REVENUE RETENTION**

### **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.

### **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**

### **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

### 600. Constitution 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 that is a municipal affair.

### 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

### 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.