

Attachment 1
CHARTER CITY
PROS AND CONS

Article XI, section 5, of the Constitution, commonly referred to as the “home rule” provision, generally gives charter cities full authority over their municipal affairs while recognizing state law supremacy over matters of statewide concern. Based on this constitutional grant of authority, an adopted city charter operates as an instrument of limitation and restriction on the broad power of a city over its municipal affairs. The charter provisions set the standards for a city’s exercise of its authority.

PROS

The state Constitution grants charter city control over “municipal affairs,” which includes land use and zoning decisions that are not in conflict with state laws (like housing or prevailing wage laws). General law cities must follow all state statutes.

The state has “borrowed” local funds in the past to balance its budget shortfalls. A city charter could constrain the state from doing so again in the future.

A charter city can impose specific local regulations related to term limits and require a longer time period before a termed out council member may seek election.

Determine its own process for publication of ordinances and legal notices. As a general law City, the City is required to post legal notices in a newspaper that has been adjudicated. Currently, there is only one adjudicated paper in the City that is not adequate for providing notice to the people of Carson. As a charter city, the City may use a newspaper of wider circulation.

Establish procedures for the procurement of supplies, services, construction, contracts, and the like, such as local hiring preferences or project labor agreements in a manner that varies from that provided by state law but does not conflict with it.

Avoid paying prevailing wages on city funded construction projects under \$25,000.

Charter cities can prohibit the imposition of a property transfer tax.

The state cannot force charter cities to disincorporate.

Charter cities will always have an independence from the state (home rule) that is not available to general law cities, although that is being eroded and it's hard to tell what's considered home rule anymore.

The people can amend a charter to curb abuses, and a charter cannot be amended without voter approval.

CONS

Uncertainties may arise as to whether specific matters are municipal affairs governed by the charter or statewide concerns governed by state law. This could result in exposure to legal challenges in “gray” areas where the charter and general law differ.

Difficult to change and requires voter approval, limiting the Council's ability to take quick action to legislate in a manner inconsistent with the Charter.

In order to rely on case law from other charter cities, a city's charter must include the same language. To minimize the risk, it is prudent to include provisions that are similar to established and successful charter cities.

The charter amendment process by initiative could be used by special interest groups to attempt to undermine the city charter or by political rivals to cause community discord.