VOTE ON NOV. 4, 2014

ANSWERS ABOUT THE PROPOSED CHARTER FOR COSTA MESA

On Nov. 4, 2014, Costa Mesa voters will decide whether to adopt a charter (local constitution). The California Constitution gives cities the power to become charter cities. The benefit of adopting a charter is that charter cities have ultimate authority over "municipal affairs." In other words, a charter city's law concerning a municipal affair will trump a state law governing the same topic.

The charter city provision of the state Constitution, commonly referred to as the "home-rule" provision, is based on the principle that a city, rather than the state, is in the best position to know what it needs and how to satisfy those needs. (The preceding information was provided by the League of California Cities.)

On May 7, 2013, the Costa Mesa City Council voted to create a Charter Committee to draft a proposed charter. The Committee, which was comprised of 13 appointed members, convened the first of its 16 meetings on June 26, 2013. On March 12, 2014, the Committee voted 10-1 to recommend this charter to the City Council.

The information in this mailer answers some of the most frequently asked questions about charters in general and Costa Mesa's proposed charter. Most of the answers were taken from the League of California Cities' report on charters. For more charter information, please visit the city's website (www.costamesaca.gov/charter).

Costa Mesa

What is a charter?

A charter is a local constitution or set of bylaws for a city. Under the California Constitution, voters can exercise a greater degree of local control through a charter than what is provided by the California Legislature through the Government Code. Becoming a charter city allows voters to determine how their city government is organized and, with respect to municipal affairs, enact legislation different from that adopted by the state.

The charter city provision of the State Constitution, commonly referred to as the "home-rule" provision, is based on the principle that a city, rather than the state, is in the best position to know what it needs and how to satisfy those needs. The home-rule provision allows charter cities to conduct their own business and control their own affairs. A charter maximizes local control.

How many other cities have a charter?
Of California's 482 cities, 121 of them are charter cities, including Newport Beach, Irvine, Santa Ana, and Huntington Beach.

Who has the last word on the charter?
The voters. A proposed charter must appear on the ballot and be approved by the majority of participating Costa Mesa voters. Thereafter, any changes to the charter must also be approved by a majority of participating Costa Mesa voters.

What's a general law city?
Cities that have not adopted a charter are general law cities. General law cities are bound by the state's general law, even with respect to municipal affairs.

Who came up with the proposed charter for Costa Mesa?
On May 7, 2013, the Costa Mesa City Council voted to create a Charter Committee to draft a proposed charter. The Committee, which was comprised of 13 appointed members, convened the first of its 16 meetings on June 26, 2013. On March 12, 2014, the Committee voted 10-1 to recommend this charter to the City Council. After two public hearings, the City Council voted to put the charter, with minor changes, on the ballot.

What about current City ordinances and policies? Will the charter wipe them out?
No. Unless an ordinance or policy is in conflict with a charter provision, all Costa Mesa ordinances and policies will remain in effect.

Aside from allowing for local control, what will be some of the specific differences that the charter will bring to Costa Mesa?

- The Costa Mesa charter requires any increase in employee pension benefits, outside of cost of living adjustments, be approved by a majority of Costa Mesa voters.
- The Costa Mesa charter requires that the city maintain cash reserves for the "purpose of funding significant or unexpected events or opportunities" such as major economic downturns and natural disasters.
- The Costa Mesa charter requires that the Civic Openness In Negotiations (COIN) ordinance be used during labor negotiations with employee associations.
- The Costa Mesa charter allows for outsourcing of operations and/or services that may be performed as or more effectively by a third party.

As a charter city, how does the City Council enact or change an ordinance?
The City Council would continue to follow the same set of procedures as any general law city and as Costa Mesa has done in the past.

When must charter cities follow general law in municipal or local matters?
When the local matters are of statewide concern, including traffic and vehicle regulations; tort claims against a governmental agency; conflict of interest requirements found under the Political Reform Act, Government Code Section 1090, and California Fair Political Practices Commission Regulations; and regulation of school systems.

What are the checks and balances on a charter city?
Charter cites, such as Newport Beach, Huntington Beach, Irvine, and Santa Ana are bound by the U.S. Constitution, federal laws, the state Constitution, the city's charter, and state laws that regulate matters of statewide concern such as criminal laws in the California Penal Code, the state's open meeting laws (the Brown Act), the California Environmental Quality Act and vehicular laws in the Vehicle Code.

In addition, any attempt to create new ordinances or amend current ones is subject to the same public process that the City currently must follow as a general law city.

Will my taxes go up with a charter?
No. Any increase in taxes would still need to be approved by the majority of local voters.

Where can I read the proposed charter and get more information?
The proposed charter and additional information can be found on the City's website (www.costamesaca.gov/charter). If you have any questions, please call the City Clerk's Office at (714) 754-5225.