


Please attend the July 10 public hearing on the proposed charter (7 p.m. at City Hall)

Answers about becoming a Charter City

The information in this mailer answers some of the most frequently asked questions about charters in general and Costa Mesa's proposed charter. In the fall of 2011, the Costa Mesa City Council asked the City Attorney to investigate the benefits and variations of the Charter form of city government, which would transfer control on municipal issues from Sacramento to Costa Mesa. Costa Mesa's neighbors—Newport Beach, Huntington Beach, Irvine and Santa Ana—are charter cities. On July 10, the City Council will hold its second public hearing on the proposed charter, or local constitution, for Costa Mesa, and on July 31, the City Council is expected to vote on whether to place a charter measure on the Nov. 6, 2012 ballot.

An Important Message from City Hall



City of Costa Mesa
P. O. Box 1200
Costa Mesa, CA 92628-1200

Postal Customer

Nov. 6: If placed on ballot, citywide vote on whether to approve proposed charter.

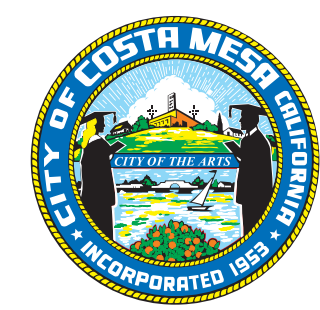
July 31: City Council meeting to decide whether to place proposed charter on Nov. 6, 2012 ballot. 6 p.m. City Council Chambers.

July 10: Second public hearing on proposed charter. 7 p.m. City Council Chambers.

Important Dates



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Answers about the proposed Charter for the City of Costa Mesa

We the People of the city of Costa Mesa declare our intent to restore to 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 of 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 Costa Mesa.

— Preamble to proposed Costa Mesa Charter



FAQS on charters

What is a charter?

A charter is a local constitution or set of bylaws for a city. Under provisions in California's state 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.

More ▶

Public hearing on the proposed charter: July 10, 7 p.m. at City Hall



How many other cities have a charter?

Of California's 478 cities, 120 of them are charter cities, including Newport Beach, Irvine, and Huntington Beach.

Where are we in the charter process for Costa Mesa?

The idea for Costa Mesa to become a charter city was first presented at a City Council meeting in November of 2011. Per state law, the City is required to hold two public hearings and one public meeting (June 5, July 10 and July 31) on the proposed charter over a two-month period.

The draft of the charter will be the subject of the July 10 public hearing, which will be at 7 p.m. in the City Council Chambers (77 Fair Drive).

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. Any changes to the charter must also be approved by the majority of participating Costa Mesa voters.

What is 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.

The state allows a city charter to be put on the ballot by two methods: 1) through an elected 15-member charter commission and 2) through a city council. Why didn't Costa Mesa use an elected charter commission?

Over the past 40 years, very few, if any, California cities have used an elected 15-member commission to draft a charter. The standard practice has been to draft a charter through the City Council. Sometimes this is done with the help of a council-appointed committee.

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?

- As proposed, the Costa Mesa charter does not require the City to pay prevailing, or union, wages on projects that rely only on local funds.
- Any increase in employee pension benefits, outside of cost of living adjustments, must be approved by the majority of Costa Mesa voters.
- Public employee association dues cannot be automatically deducted from city employee paychecks if that money will be used for political activities.

What if the City Council wants to enact or change an ordinance under the new charter?

The City Council would have to go through the same set of procedures as any general law city and as Costa Mesa has done for the past 59 years.

I keep hearing Costa Mesa has proposed a "cut-and-paste" charter. What does that mean and is it bad?

Many California charters contain similar language because the provisions have survived legal challenges to their validity. Costa Mesa's proposed charter uses that familiar language because it is legally tested, and has worked well for other charter cities.

What decisions do charter cities get to make that are free from Sacramento control?

These decisions include, but are not limited to, municipal election matters, land use and zoning decisions (with some exceptions), how a city spends its tax dollars, and municipal contracts (e.g. prevailing wage can be waived).

Examples of matters of statewide concern that cannot be regulated by charter cities include 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 FPPC Regulations; and regulation of school systems.

What are the checks and balances on a charter city?

Charter cities, such as Newport Beach, Huntington Beach, and Irvine, 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.

Does the Costa Mesa charter have any other specific checks in it to protect residents?

Yes, it has an "Anti-City of Bell Provision." The charter states that the compensation for the mayor and council members must follow California Government Code Section 36516, where the formula considers city population.

Will my taxes increase with a charter?

No. Any increase in taxes would still need to be approved by the majority of local voters.

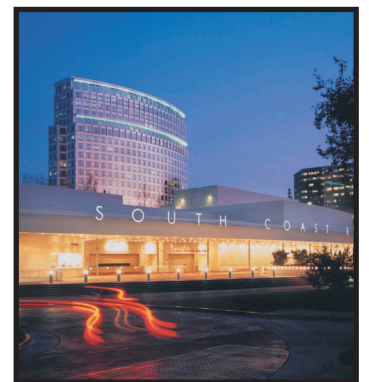
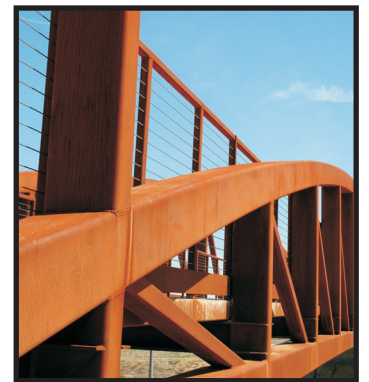


How can I give my input?

You can attend the July 10 public hearing and July 31 meeting on the charter. You can also visit the City's website (www.costamesaca.gov) and click on the "Weigh In on the Charter" link and give your comments.

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) 754-5221.



Charter Notes



The best nonpartisan information on city charters can be found on the League of California Cities website (www.cacities.org/chartercities).

Orange County charter cities are Anaheim, Buena Park, Cypress, Huntington Beach, Irvine, Newport Beach, Santa Ana, and Seal Beach.

All of California's major cities have charters, including Los Angeles, Long Beach, San Francisco, San Diego, San Jose, Sacramento, Oakland, Santa Barbara, San Bernardino, and Riverside.

Any change to a voter-approved charter would have to be voted on by Costa Mesa residents.

Measure C, which ensures the OC Fair and Event Center remains zoned for its current use, would remain in place under a Costa Mesa charter.

Charters in California can be as short as a single page (e.g. City of Buena Park) or can be dozens of pages long.

The proposed charter for Costa Mesa keeps City Council term limits in place.

If placed on the Nov. 6, 2012 ballot, there will be more than three months of discussion and debate on whether to approve the proposed Costa Mesa charter.

Without having to pay prevailing wage, the City estimated it would have saved \$1.8 million on the recent \$20 million expansion and renovation of the Police Department.

Charter Notes



On five other recent projects funded only with local funds, the City estimated it could save between 2.4% and 15.4% on labor costs without using prevailing wage. The total cost savings is estimated to be \$3.4 million.

A city operating under a charter is still subject to the general laws, as passed by the state legislature, on affairs that are not municipal in nature, and are of statewide concern, such as the vehicle code.

You can read California city charters online at www.cacities.org/charters.

Because of the scandal in the City of Bell, the state legislature has adopted several safeguards to prevent the manipulation of the charter process. Proposed charters must be voted on at primary or general elections (no special elections), and cities must hold two public hearings and one public meeting over the course of two months to ensure public input.