



CITY OF PALMDALE

Charter of the City of Palmdale, California 2009

PREAMBLE

WE THE PEOPLE of the City of Palmdale 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 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 Palmdale.

PASSED, APPROVED and ADOPTED by the voters at the general municipal election of November 3, 2009.



James C. Ledford, Jr., Mayor



Steven D. Hofbauer, Mayor Pro Tem



Laura Bettencourt, Councilmember



Mike Dispenza, Councilmember



Tom Lackey, Councilmember





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ARTICLE 1. MUNICIPAL AFFAIRS

Section 100. Powers of City.

The City shall have full power and authority to adopt, make, exercise and enforce all legislation, laws and regulations and to take all actions relating to municipal affairs, without limitation, which may be lawfully adopted, made, exercised, taken or enforced under the Constitution of the State of California.

Section 101. Municipal Affairs; Generally.

Without limiting in any manner the foregoing power and authority, each of the matters set forth in this Charter are declared to be municipal affairs, consistent with the laws of the State of California. The implementation of each matter uniquely benefits the citizens of the City of Palmdale and addresses peculiarly local concerns within the City of Palmdale. The municipal affairs set forth in this Charter are not intended to be an exclusive list of municipal affairs over which the City Council may govern.

Section 102. 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.



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Section 103. Incorporation and Succession.

The City shall continue to be a municipal corporation known as the City of Palmdale. The boundaries of the City of Palmdale shall continue as now established until changed in the manner authorized by law. The City shall remain vested with and shall continue to own, have, possess, control and enjoy all property rights and rights of action of every nature and description owned, had, possessed, controlled or enjoyed by it at the time this Charter takes effect, and is hereby declared to be the successor of same. It shall be subject to all debts, obligations and liabilities, which exist against the City at the time this Charter takes effect. All lawful ordinances, resolutions, rules and regulations, or portions thereof, in force at the time this Charter takes effect and not in conflict with or inconsistent herewith, are hereby continued in force until the same have been duly repealed, amended, changed or superseded by proper authority.

ARTICLE 2. FORM OF GOVERNMENT

Section 200. Council-Manager Form of Government.

The municipal government established by this Charter shall be the "Council-Manager" form of government, under which the City Council sets policy and the City Manager will carry out that policy.

ARTICLE 3. FISCAL MATTERS

Section 300. Public Works Contracts.

Except as provided by City ordinance or by agreement approved by the City Council, the City of Palmdale, as a Charter City, is exempt from the provisions of the California Public Contracts Code and from the provisions of any other California statute regulating public contracting and purchasing. The City shall have the power to establish standards, procedures, rules or regulations to regulate all aspects of the bidding, award, contract provisions and requirements and performance of any public works contract, including, but not limited to, the compensation rates to be paid for the performance of such work. The City shall have the power to accept gifts and donations, including donations of material and labor, in the construction of any public works project. The City shall have the power to perform any work of improvement by use of its own forces and is not required to contract for the construction of works of public improvement. The City may also contract with other public agencies for the construction of works of public improvement.



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Section 301. Prevailing Wages.

The provisions of California Labor Code Section 1770 et. Seq. regarding the payment of prevailing wages on public works and related regulations as now existing and as may be amended, are accepted, reaffirmed and made applicable to the City.

Section 302. Purchasing.

The City shall have the power to establish standards, procedures, rules or regulations related to the purchasing of goods, property, or services.

Section 303. Public Financing.

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

Section 304. Utilities and Utility Franchises.

The City shall have the power to own, acquire, develop, and/or operate any utility, and to adopt any ordinance providing for the granting of a franchise to any utility not owned by the City that proposes to use or is using City streets, highways or other rights-of-way.

Section 305. Enterprises.

The City shall have the power to lawfully engage in any enterprise deemed necessary to provide revenues for the general fund or any other fund established by the City Council.

ARTICLE 4. REVENUE RETENTION

Section 400. Reductions Prohibited.

All revenues due to, and raised by the City, shall remain within the City of Palmdale for appropriation solely by the City Council. No such revenue shall 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 implement or give effect to 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 such mandating authority.



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ARTICLE 5. LAND USE REGULATION

Section 500. Local Control of Land Use.

The citizens of Palmdale recognize and declare that managing land use and development within the City of Palmdale and ensuring that necessary public facilities are provided to the citizens of the City of Palmdale are quintessential elements of local control and therefore are municipal affairs. The adoption of this Charter recognizes and reaffirms the principles of local land use management and control and affirms the principle that City of Palmdale local land use regulations may be superior to and take precedence over any conflicting general laws of the State of California. The intent of this Charter is to allow the City Council and the voters to exercise the maximum degree of control over land use matters within the City of Palmdale.

ARTICLE 6. ELECTIONS

Section 600. Elections.

The City shall have the power to adopt ordinances establishing procedures, rules or regulations concerning City of Palmdale elections and public officials, including but not limited to, the qualifications and compensation of elected officials, the method, time and requirements to hold elections, to fill vacant offices and for voting by mail. Unless in conflict with ordinances adopted by the City, state law regarding elections shall apply.

ARTICLE 7. FINES AND PENALTIES FOR VIOLATIONS OF CITY ORDINANCES

Section 700. Fines and Penalties.

The City shall have the power to adopt ordinances establishing penalties, fines and forfeitures for violations of the provisions of the Palmdale Municipal Code.

ARTICLE 8. AMENDMENT

Section 800. Amendment to Charter, Revision or Repeal.

This Charter and any of its provisions may be amended by a majority vote of the electors voting on the question. Amendment, revision or repeal may be proposed by initiative or by the governing body, provided, however, that any such amendment or repeal proposed by the governing body, must be voted on at an election held in November, unless the proposed measure is approved by at least four members of the City Council at a regularly scheduled meeting, in which case, the measure may be voted on at a special or any other municipal election.



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ARTICLE 9. INTERPRETATION

Section 900. 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 power to govern with respect to any matter that is a municipal affair.

Section 901. 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.

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