



VOTE ON NOV. 4, 2014

How would Costa Mesa be different under the proposed charter?

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 becoming a charter city 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 California League of 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 the charter it drafted for the City Council.

Inside this informational mailer you'll find a chart detailing the changes that would happen under the proposed Costa Mesa charter. For more charter information, please visit the city's website (www.costamesaca.gov/charter).

FOR MORE CHARTER INFORMATION, PLEASE VISIT THE CITY'S WEBSITE WWW.COSTAMESACA.GOV/CHARTER

GENERAL LAW VS. PROPOSED CHARTER

CURRENT PRACTICE	DRAFT CHARTER PROVISION	CHANGE
NAME OF CITY		
Costa Mesa.	Section 100. Name of City. The City of Costa Mesa shall be known as the City of Costa Mesa.	Same.
BOUNDARIES		
Existing city boundaries.	Section 102. Boundaries. The City of Costa Mesa's boundaries shall include the area within its existing boundaries and any portion hereinafter annexed.	Same.
POWERS		
Costa Mesa is bound by the state's general law, even with respect to municipal affairs.	Section 104. Powers. The City shall have the power to make and enforce all laws and regulations in respect to municipal affairs, subject only to such restrictions and limitations as may be provided in this Charter or in the Constitution of the State of California. In the event of any conflict, this Charter shall control over the general laws of the State of California as to municipal affairs.	Yes. As a charter city, Costa Mesa would have greater control over issues that are deemed municipal affairs.
FORM OF GOVERNMENT		
Council/City Manager.	Section 202. Administrative Officers. The only two administrative officers of the City who will be appointed by the City Council are the Chief Executive Officer (City Manager) and the City Attorney, whose qualifications, appointment and removal shall be pursuant to the general laws of the State of California. No other administrative officer position shall be created which may be directly appointed by the City Council.	Same.
TERM OF OFFICE		
The number of terms a member may serve on the City Council shall be limited to two (2) consecutive terms of four (4) years each.	Section 300. Terms. The elective officers of the City shall consist of a City Council of five (5) Members elected at large. The term of office shall be four (4) years. The Council Members' terms shall be staggered in the manner existing at the time of the adoption of this Charter.	Same. Although the term limits provision are not included in Section 300, term limits were adopted by voters, thus, may only be eliminated by voters.
PRESIDING OFFICER		
The City Council shall choose one of its members as mayor and one of its members as mayor pro tempore at the meeting at which the declaration of the municipal election results and the installation of the newly elected officers is made pursuant to Sections 10262 and 10264 of the Elections Code, following the declaration of the election results. The term of service for both mayor and mayor pro tempore shall be for a period of two (2) years from the date of appointment.	Section 304. Presiding Officer. On the date of any meeting of the City Council at which the Council receives the certification of the results of any general or special municipal election at which any member of the City Council is elected, the City Council, after swearing in and qualifying any newly elected member, shall elect one of its members as presiding officer, who shall have the title of Mayor. The City Council, at the same time as electing the Mayor, shall elect one of its members as Mayor Pro Tempore. The term of service for both the Mayor and Mayor Pro Tempore shall be two (2) years. Both the Mayor and Mayor Pro Tempore shall serve in such capacity at the pleasure of the City Council.	Same.

GENERAL LAW VS. PROPOSED CHARTER

CURRENT PRACTICE	DRAFT CHARTER PROVISION	CHANGE
CITY COUNCIL COMPENSATION		
Governed by California Government Code.	Section 306. Council Member Compensation. The salary of the Council Members shall be limited in accordance with California Government Code section 36516 as it hereafter may be amended.	Same.
INCOMPATIBLE OFFICES		
Governed by California Government and Costa Mesa Municipal Code.	Section 308. Incompatible Offices. The members of the City Council shall not be eligible to hold any other office or employment with the City during the period of their terms of service. The members of the City Council shall not be eligible to hold any employment with the City for a period of two (2) years following the last date of service as an elected official on the City Council.	Same.
MUNICIPAL ELECTIONS		
Governed by California Government Code.	Section 400. Municipal Elections. Municipal elections shall be held in accordance with California Elections Code section 11001, et. seq.	Same.
INITIATIVE, REFERENDUM, RECALL		
Governed by California Government Code.	Section 402. Initiative, Referendum, Recall. The power of initiative, referendum and recall of elective officers are reserved to the electors of the City, and these powers shall be exercised in accordance with the general law of the State of California.	Same.
BUDGET		
City policy requires that \$14.125 million be reserved for emergencies.	Section 500. Budget Reserves. The City shall maintain cash reserves for the purpose of funding significant or unexpected events or opportunities. Such events could include a major economic downturn, natural disaster or purchase of real property of importance to the community, as determined by a supermajority of the City Council. The City Council shall review the appropriate amount of cash reserves for such purposes at least every five (5) years.	Yes. City Council would review minimum emergency reserve levels every five years.
RETIREMENT BENEFITS		
Approved by City Council majority.	Section 600. Retirement Benefits. On or after the effective date of this Charter, except for any increase previously authorized in a valid and binding memorandum of understanding or contract, no employee or officer of the City shall receive an increase in employee retirement benefits, other post-employment benefits, employer contributions for post-retirement benefits, including post-retirement health benefits, to be paid for by the City or for which the City is liable without approval by a two-thirds (2/3) majority of the voters at a general election.	Yes. Requires voter approval for any pension increases.

GENERAL LAW VS. PROPOSED CHARTER

CURRENT PRACTICE	DRAFT CHARTER PROVISION	CHANGE
CIVIC OPENNESS IN NEGOTIATIONS (COIN)		
COIN ordinance, enacted in 2012 by City Council majority, can be revised or eliminated by Council majority.	Section 602. Civic Openness In Negotiations. Civic openness during labor negotiations being essential to good government, Title 2, Chapter VI, Articles 1 and 2 of the Costa Mesa Municipal Code governing labor negotiations and any amendments, modifications, or deletions thereto are hereby adopted by reference.	Yes. COIN may not be repealed without an amendment to the charter/voter approval.
PUBLIC CONTRACTING		
Follows the state's Uniform Construction Cost Accounting Act (UCCAA).	Section 700. Public Contracting. The Public Services Department shall utilize the informal bidding procedures and cost thresholds set forth in the Uniform Construction Cost Accounting Act, as the procedures and cost thresholds may be modified every five (5) years by the Uniform Construction Cost Accounting Commission. Notwithstanding the foregoing, the City shall not be obligated to comply with any provision of the Uniform Construction Cost Accounting Act, including but not limited to, future changes which relate to matters other than solicitation of bids and thresholds for informal bidding.	Continues to follow the UCCAA. However, the City may opt out of the UCCAA based on its review of the procedures and thresholds every five years.
PREVAILING WAGES		
Must pay prevailing wages on locally funded projects.	Section 702. Prevailing Wages. The City shall not require the payment of prevailing wages in public works contracts paid for solely with the City's local funds and which are not a matter of statewide concern, unless payment of prevailing wages is compelled by the terms of the funding source.	Yes. The City would not be required to pay prevailing wages on locally funded projects.
CHARTER REVIEW		
Not applicable.	Section 800. Charter Review. Every ten (10) years, the City Council shall form a Charter Review Committee to review the existing Charter and determine whether any amendments, modifications or repeal of its provisions are necessary. The City Council may, at its discretion, appoint a Charter Review Committee at any time. A Charter Review process can also be initiated by a petition signed by 2,500 registered votes of the City.	Currently, there is no charter in place. Thus, the 10-year review is new.
OUTSOURCING		
The City's ability to outsource is limited.	Section 802. Outsourcing. The City may enter into a contract for any services unless limited by the Constitution of the State of California or other applicable law. The City shall periodically review its existing operations and services to consider whether said operations and/or services may be performed as or more efficiently and effectively by a third party. Any contract entered into, pursuant to this provision, shall be ratified in accordance with the procedure set by the City Council.	Yes. Authorizes outsourcing services.
GENERAL PLAN CONSISTENCY		
Zoning ordinances must be consistent with the General Plan.	Section 804. General Plan Consistency. All zoning ordinances adopted shall be consistent with the general plan.	Same.