CHARTER
OF THE
CITY OF COSTA MESA

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PREAMBLE

We, the people of the City of Costa Mesa, State of California, believe ethics and integrity, fiscal responsibility, and transparency are essential for confidence in government, are the foundation of public trust, and just governance is built upon these values. By enacting this Charter as the fundamental law of the City under the Constitution of the State of California, we do hereby exercise the privilege of retaining for the citizens the benefits of local government, by enacting the laws and procedures set forth herein pertaining to the governance and operation of the City.

It is incumbent upon those who govern and make decisions for and on behalf of the City to abide legally and morally by the provisions of this Charter, in its strictest sense, in order to ensure the continued success and well-being of our fair City.

The City recognizes that without fiscal responsibility for public funds, including the maintenance of substantial reserves, it cannot serve and protect the interests of its Citizens. As such the City will hold these principles as its primary function and obligation.

ARTICLE I.
INCORPORATION AND POWERS

Section 100. Name of City.
The City of Costa Mesa shall be known as the City of Costa Mesa.

Section 102. Boundaries.
The City of Costa Mesa's boundaries shall include the area within its existing boundaries and any portion hereinafter annexed.

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.

ARTICLE II.
FORM OF GOVERNMENT

Section 200. Form of Government and Powers.
The municipal government established by this Charter shall be known as the Council-Manager form of government. The City Council will establish the policy of the City, and the Chief Executive Officer will carry out that policy.

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.

ARTICLE III.
ELECTIVE OFFICERS

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.

Section 302. 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.

Section 304. Council Member Compensation.
The salary of the Council Members shall be limited in accordance with California Government Code section 36515 as it hereafter may be amended.

Section 306. 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.

ARTICLE IV.
ELECTIONS

Section 400. Municipal Elections. Municipal elections shall be held in accordance with California Elections Code section 11001, et. seq.

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.

ARTICLE V.
FINANCE

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.

ARTICLE VI.
PERSONNEL

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.

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. The City Council shall comply with Title 2, Chapter VI, Articles 1 and 2 of the Costa Mesa Municipal Code when engaging in the meet and confer process pursuant to the Meyers-Milias-Brown Act. In the event that Title 2, Chapter VI, Articles 1 and 2 of the Costa Mesa Municipal Code shall hereafter be repealed, the terms of those provisions as they exist at the adoption of this Charter, except as same may be modified by court order, shall continue to be followed by the City Council when engaging in the meet and confer process pursuant to the Meyers-Milias-Brown Act.

ARTICLE VII.
PUBLIC CONTRACTING

Section 700. Public Contracting.
The Public Services Department is authorized to 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.

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.

ARTICLE VIII.
MISCELLANEOUS

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 2500 registered voters of the City.

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.

Section 804. General Plan Consistency.
All zoning ordinances adopted shall be consistent with the general plan.

Section 806. Construction and Interpretation.
Except as provided by mandatory language in this Charter, the language contained in this Charter is intended to be permissive rather than limiting and shall be liberally and broadly construed in favor of the exercise of power to govern with respect to any matter which is a municipal affair.

Section 808. 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.