

We, the people of the City of Desert Hot Springs, declare our intent to maintain in our community the historic principles of self-governance inherent in the doctrine of home-rule. Therefore, we, the citizens of the City of Desert Hot Springs, do enact and establish this Charter in order to form a better City government; to better serve and provide for the health, safety, morals and welfare of the people of our City; to improve the means of cooperation and assistance with neighboring governmental jurisdictions; and to preserve and enhance the quality of life of the people of Desert Hot Springs.

Through the adoption and enactment of this City Charter, the citizens of Desert Hot Springs hereby do declare their express intent and purpose to be and remain forever a separate and independent City, as provided for by the Constitution of the State of California.

CHARTER

ARTICLE 1. MUNICIPAL AFFAIRS.

Section 100. Municipal Affairs: Generally.

Each of the responsibilities of governance set forth and described in this Charter, and as established by the Constitutional, statutory and judicially defined law of the State of California, is hereby declared a municipal affair or concern, the performance of which is unique to the benefit of the City of Desert Hot Springs.

Section 101. Powers of City.

The City shall have full power and authority to adopt, make, exercise and enforce all legislation, laws and regulations with respect to municipal affairs, subject only to such limitations and restrictions as may be provided in this Charter and in the Constitution of the State of California.

ARTICLE 2. FORM OF GOVERNMENT.

Section 200. Form of Government.

The municipal government established by this Charter shall be known as the "Council-Manager form of government." The City Council establishes the policy of the City; the City Manager shall carry out that policy.

ARTICLE 3. REVENUE, SAVINGS, AND GENERATION.

Section 300. Public Works Contracts.

The City shall have the power to establish standards, procedures, rules or regulations to regulate all aspects of the bidding, award and performance of any public works contract, including, but not limited to, the compensation rates to be paid for the performance of such work.

Section 301. Public Financing.

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

Section 302. Utility Franchises.

The City shall have the power to adopt any ordinance providing for the acquisition, development or operation by the City of any public utility and/or any ordinance providing for the granting of a franchise, license or permit to any public utility not owned by the City, which proposes to use, or is using, City streets, highways or other rights-of-way.

Section 303. Enterprises.

The City shall have the power to engage in any enterprise deemed necessary to produce revenues for the general fund or any other fund established by the City Council to promote a public purpose.

Section 304. Economic Development and Community Development.

The City shall have the power to utilize revenues from the general fund to encourage, support and promote economic development and community development in the City.

ARTICLE 4. REVENUE RETENTION.

Section 400. Reductions Prohibited.

Any revenues raised and collected by the City shall not 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 perform 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 said mandating authority.

ARTICLE 5. GENERAL LAWS.

Section 500. 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.

ARTICLE 6. INTERPRETATION.

Section 600. Constitution 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 powers to govern with respect to any matter that is a municipal affair.

Section 601. 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.

ARTICLE 7. AMENDMENT.

Section 700. Amendment to Charter, Revised or Repealed.

This Charter, and any of its provisions, may be amended by a majority vote of its electors voting on the question. Amendment or repeal may be proposed by initiative or by the governing body.

PREAMBLE

WE THE PEOPLE of the City of El Centro 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 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 El Centro.

Article I - Municipal Affairs

Section 100. - Municipal Affairs

Section 101. - Powers

Section 102. - Incorporation and Succession

Section 100. - Municipal Affairs

Each of the responsibilities of governance set forth and described in this Charter, and as established by the Constitutional, statutory and judicially defined law of the State of California, is hereby declared to be a municipal affair or concern, the performance of which is unique to the benefit of the citizens of the City of El Centro.

Section 101. - Powers

The City shall have all powers that a city can have under the Constitution and laws of the State of California as fully and completely as though they were specifically enumerated in this Charter. The enumeration in this Charter of any particular power, duty or procedure shall not be held to be exclusive of, or any limitation or restriction upon, this general grant of power.

Section 102. - Incorporation and Succession

The City shall continue to be a municipal corporation known as the City of El Centro. The boundaries of the City of El Centro 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

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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 City Manager will carry out that policy.

Article 3 - Fiscal Matters

Section 300. - Public Works Contracts

Section 301. - Prevailing Wages.

Section 302. - Economics and Community Development

Section 300. - Public Works Contracts

The City and its agencies, including, but not limited to El Centro Regional Medical Center, are exempt from the provisions of all California statutes regulating public contracting and purchasing except as provided by ordinance or by agreement approved by the City Council. The City shall establish all standards, procedures, rules or regulations to regulate all aspects of public contracting and purchasing.

Section 301. - Prevailing Wages.

The City and its agencies shall require the payment of prevailing wages on City and its agencies' public works projects in the same manner as is required of general law cities in the State of California; provided, however, that the City Council

may, by resolution or ordinance adopted by a four-fifths (4/5) vote, increase or decrease the minimum thresholds which trigger the requirement to pay prevailing wages for the individual projects, categories of projects or all City and its agencies' public works projects.

Section 302. - Economics and Community Development

The City shall encourage, support, and promote economic development and community development in the City.

Article 4 - Revenue Retention

Section 400. - Reductions Prohibited

Section 401. - Mandates Limited

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Revenues raised and collected by the City shall not be subject to subtraction, retention, attachment, withdrawal or any other form of involuntary reduction by any other level of government.

Section 401. - Mandates Limited

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Article 5 - Revenue Retention

Section 500. - General Law Powers

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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.

Article 6 - Interpretation

Section 600. - Construction and Interpretation

Section 601. - Severability

Section 600. - 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 which is a municipal affair.

Section 601. - Severability

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