

City of Marina

Incorporated November 13, 1975
As A General Law City

HOME RULE CITY CHARTER

Approved by Voters June 2, 1998
Amended by Voters November 7, 2000

City of Marina

HOME RULE CITY CHARTER

PREAMBLE

We the people of the City of Marina 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 Marina.

CHARTER

Article 1. Municipal Affairs - Generally

Section 1.01 Municipal Affairs. The City shall have the 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. Without limiting in any manner the foregoing power and authority, each of the powers, rights and 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 Marina.

Article 2. Revenue, Generation and Savings

Section 2.01 Adequate Financial Resources. It shall be the duty, obligation and responsibility of the City and the City Council to develop plans and programs, provide adequate financial resources for, and to implement fully such plans and programs as are necessary to accomplish the duties and obligations as set out in this Article, this Charter and State and Federal law.

Section 2.02 Basic Level of City Service. The Council shall maintain a revenue structure adequate to meet the City financial requirements for execution of the balanced programs and the basic level of city services determined by the City Council necessary to carry out the duties, obligations and mandates of this Charter, which revenue structure shall be balanced equitably between taxes, fees, utility and enterprise charges and assessments, grants and other sources of income and revenue.

Section 2.03 Enterprises. The City shall have the power to engage in any enterprise

deemed necessary to produce revenue for the general fund or any other fund established by the City Council to promote a public purpose.

Section 2.04 Utility Franchise. The City shall have the power to adopt any ordinance providing for the acquisition, development or operation by the City of any public utility, or any ordinance providing for the granting of a franchise 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 2.05 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 City public works contract, including, but not limited to, the compensation rates to be paid for the performance of such work.

Section 2.06 Public Financing. The City shall have the power to establish standards, procedures, rules or regulations related to any public financing.

Article 3. Revenue Retention

Section 3.01 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 another level of government.

Section 3.02 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 4. General Laws

Section 4.01 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 5. Interpretation

Section 5.01 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 5.02 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.

Approved by voters June 2, 1998.

Article 6. Election of Officeholders

Section 1.02 Term of Office of Council Member Filing as a Candidate for Mayor. The term of office for any Council Member who files as a candidate for the office of Mayor shall automatically expire on the date the next municipal election is held after that filing. The filing period for candidates to fill such Council Member's term shall be extended an additional five days.

Section 1.03 Appointment to Fill Council Vacancies. A vacancy in the elective office of Council Member shall be filled by appointment by the Council, such appointee to hold office until the next General Municipal Election and until a successor is elected and installed. Should the Council fail to fill any such vacancy within forty (40) days after the same occurs, then it shall be filled by appointment by the Mayor. At the next General Municipal Election following any vacancy, a new Council Member shall be elected to serve for the remaining period of any unexpired term.

If the offices of a majority or more of the Council Members becomes vacant, the City Clerk shall call a Special Municipal Election to fill said vacancies, which election shall be held within sixty (60) days of the existence of said vacancies. Each candidate elected at such election shall hold office until the next General Municipal Election. At that election the candidate or candidates receiving the highest number of votes shall be deemed to fill the longest unexpired term or terms. In the interim, said vacancies, whether occurring by recall, resignation, legal disability or physical disability, shall be filled by the persons holding the following offices in the following order: Chairperson of the Planning Commission, Chairperson of the Community Service & Recreation Commission, Chairperson of the City Services & Improvement Commission, and Chairperson of the Economic Development Commission. Such persons shall serve as interim elective officer until said vacancies are filled by election and the newly elected officers are installed. Said persons shall be sworn in by the City Clerk in the same manner and form as elected officers as soon as possible after the vacancy or vacancies occur and shall have all the rights, duties and obligations of an elected officer during said interim appointment.

Approved by the voters November 7, 2000.