

PROPOSED

CONSTITUTIONAL HOME RULE CITY CHARTER

OF THE

CITY OF PORT HUENEME, CALIFORNIA

JUNE 12, 1996

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CONSTITUTIONAL HOME RULE CITY CHARTER
OF THE
CITY OF PORT HUENEME, CALIFORNIA

April 20, 1995

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DEC - 5 1996

Charter Chapter 20-City of Port Hueneme
City Charter of the City of Port Hueneme
[Filed with the Secretary of State on December 5, 1996]

By BILL JONES, Secretary of State Page 1
Deputy Secretary of State

FINAL DRAFT

PROPOSED CHARTER OF THE CITY OF PORT HUENEME, CALIFORNIA
June 12, 1996

Preamble:

The citizens of the City of Port Hueneme do enact and establish this Charter to secure the greatest degree of home rule possible for all citizens of the City, to preserve and enhance the quality of life for the citizens of Port Hueneme, their children, their neighbors, their businesses and institutions, and their posterity.

It is the further intent of the citizens of the City of Port Hueneme to secure that degree of governance which assures economic and fiscal independence to the fullest extent possible under the United States and California Constitutions, so as to promote the public health, safety and welfare of all citizens of the City.

ARTICLE I

POWERS AND DUTIES OF THE CITY

Section 1.1 Municipal Affairs

The City may make and enforce all ordinances, resolutions, rules and regulations in respect to municipal affairs, subject only to restrictions and limitations provided in this Charter, the United States and California Constitutions and laws, and decisions of courts with competent jurisdiction. As regards municipal affairs and all powers granted herein and hereby, this Charter shall supersede all laws inconsistent therewith.

Section 1.2 Powers of the City

The City shall have all powers possible for a city to have under the United States and California Constitutions and laws as fully and as completely as though those powers were specifically enumerated in this Charter.

Section 1.3 General Law Powers

Nothing in this Charter shall be construed to prevent or restrict the City from exercising any and all rights, powers and privileges heretofore or hereafter granted or prescribed by the General Laws of the State of California. In addition to all powers provided for by this Charter, the City shall have all the powers now or hereafter given to General Law cities in California, which powers are hereby declared to be possessed by the City.

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Section 1.4 Intergovernmental Powers

The City may exercise and perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by agreement or otherwise, with any one or more states or any agency of California, or any governmental jurisdiction or non-profit corporation thereof, or the United States or any of its agencies.

Section 1.5 Utilities and Enterprises

The City shall have the power to acquire, engage in and to manage any and all utilities and enterprises which the City Council shall deem appropriate for a public purpose.

Section 1.6 Franchises

The City Council shall have the power by ordinance to provide for the acquisition, development, operation and management of any public utility, and by ordinance may grant a franchise to utilize the public streets, rights-of-way and air rights by any public utility, enterprise or activity not owned by the City.

Section 1.7 Debt Financing

The City Council may issue all manner of securities and incur all manner of indebtedness, provided, however, general obligation debt of the City shall at no time exceed ten percent of the assessed valuation of all taxable property within the City.

Section 1.8 Residual Powers

The citizens of the City of Port Hueneme hereby reserve to themselves through their City government all residual powers as may be available to them under and by virtue of the United States and California Constitutions.

Section 1.9 Purchasing and Contracting

A. Purchasing. The City Council shall by ordinance provide for a purchasing system assuring a maximum of competition for the lowest price consistent with a stated level of quality. The City Council, however, may provide exceptions to such competitive processes when the City desires to secure copyrighted or patented products or specialized professional services.

B. Contracting. The City Council by ordinance shall provide for a contracting system and may adopt prevailing wage, geographic boundaries and other guidelines and restrictions, including local bidding preference, governing public works and other City contracts.

Section 1.10 Revenue Reductions and Mandates

The City Council shall have the power to avoid and to oppose any reduction in the amount of revenue provided to the City by any higher level of government. Further, the City Council shall have the power to order the non-performance of any service or activity mandated on the City by any higher level of government until such time as a court of competent jurisdiction orders that the City shall accept such revenue reduction or perform such mandated service or activity, or until revenues adequate to perform such service shall be provided by the mandating government.

Section 1.11 Balanced Revenue System

The City Council shall have the power and duty by ordinance and resolution to maintain a revenue structure adequate to meet all City financial requirements necessary for the execution of such programs and projects as may be determined by the Council. The City revenue structure shall include fees, taxes, utility and enterprise charges, and assessments insofar as the City Council is legally permitted, to comply with the judicially-determined requirements and definitions of the California Constitution as it now exists or may be amended.

Section 1.12 Duties and Responsibilities of the City

The City Council shall budget and make provision for City services, activities, programs and facilities as it deems appropriate in the best interests of public health, safety, welfare and the quality of life, and shall provide information to the public relative to the activities of the City.

Section 1.13 Liberal Interpretation

The provisions of this Charter shall be construed liberally in favor of the City. The specific mention of particular powers in the Charter shall not be construed as limiting in any way any of the powers granted by this Charter.

ARTICLE II

ORGANIZATION AND GOVERNANCE

Section 2.1 Boundaries of the City

The boundaries of the City shall be as now established, and may be changed as provided by law, by this Charter, or by ordinance.

Section 2.2 Form of Government

The organizational form of government under which the City shall operate shall be that which is commonly known as "The Council-Manager Plan".

Section 2.3 Governing Body

The City shall have a City Council composed of five Councilmembers, elected by the voters of the City for four year terms, as provided by ordinance. The City Council shall be the legislative and governing body of the City. One member of the City Council shall be selected and serve at the pleasure of the City Council as the Mayor. A second member of the City Council shall be selected by the City Council and shall serve at the pleasure of the City Council as Mayor Pro Tempore.

Section 2.4 Elections

Unless otherwise provided by ordinance, all elections shall be held in accordance with the provisions of the California Elections Code governing municipal elections.

Section 2.5 Exercise of City Council Powers

The City Council shall exercise its powers in accordance with appropriate laws and this Charter.

Section 2.6 Budget, Financial Report and Audit

The City Council by ordinance shall provide for the preparation, presentation to the City Council, and administration of the operating and capital improvement budgets by the City Manager; the preparation and presentation of annual financial reports; and the provision of an annual audit of all City financial transactions and records.

Section 2.7 City Manager

A. Creation. There shall be a City Manager who shall be the chief administrative officer of the City. The Council shall appoint the person who it believes to be best qualified with specific reference to experience in, and knowledge of accepted practice in respect to the duties of the office as set forth in this Charter and in an ordinance establishing the duties of the City Manager. The City Manager shall serve at the pleasure of the City Council.

B. Duties. The appointment, removal, authority and duties of the City Manager shall be as established by ordinance, including the Manager's appointment, control and supervision of all appointed officers and employees.

Section 2.8 City Organization and Activities

The City Council shall by ordinance provide for the administrative organization and procedures of the City. The City Council shall make policy for the City and, additionally, shall be responsible to the people of the City for, but not limited to, the following duties and responsibilities:

A. Governance. Considering ordinances and resolutions and adopting those which it determines to be necessary for the governance, proper administration and adequate financing of the City;

B. Oversight. Providing oversight of the City Manager and all municipal activities under his/her purview;

C. Legal Execution. Carrying out all provisions of this Charter, ordinances and applicable State and federal laws;

D. Reviews. Conducting such reviews and taking such actions as may be required for the effective governance and financing of the City;

E. Other Duties. Performing such other duties as may by State law, ordinance or resolution be assigned to the City Council.

Section 2.9 Annual Expenditures

The City Council by ordinance shall provide for an integrated budgetary accounting and finance system which shall be based on the principle that the total of expenditures for each established City fund for each fiscal year shall not exceed the total of estimated revenues plus carried forward fund balance and appropriated reserves, plus any capital financing made available for each such established City fund.

Section 2.10 Conflicts of Interest

The City Council shall provide by ordinance and City policy that all applicable law prohibiting the use of public office and employment for private gain is applicable to all City officers and employees, and to assure compliance with the laws of California regarding conflicts of interest or employment.

ARTICLE III

GENERAL PROVISIONS AND TRANSITION

Section 3.1 Violations

The City Council by ordinance shall categorize and provide for penalties for misdemeanors and infractions within the general laws. Further, the City Council shall provide for fines, penalties, enforcement of City ordinances, infractions and regulations, and for willful violations of this Charter.

Section 3.2 Amendment

This Charter may be amended by a vote of the people as provided by law.

Section 3.3 Transition

All City ordinances, resolutions, rules, regulations and agreements which are in force and not in conflict with this Charter when this Charter becomes effective shall remain in effect until repealed, modified or amended.

Section 3.4 Continuity

A. Rights. The City shall continue to own, possess and control all rights and property of every kind and nature owned, possessed or controlled by the City on the effective date of this Charter, and shall be subject to all its debts, obligations and liabilities.

B. Officers and Employees. On the effective date of this Charter all present officers and employees of the City shall retain their respective offices and employment until their successors are selected and qualified, as provided by ordinance.

Section 3.5 Severability

If any provision of this Charter is held to be invalid the other provisions of this Charter shall not be affected thereby. If the application of this Charter or any of its provisions to any person or circumstance is held invalid the application of this Charter and its provisions or circumstances shall not be affected thereby.

END OF CHARTER TEXT

PARTICIPANT SIGNATURES ON NEXT PAGES

**Fifth Draft Proposed Home Rule City Charter
City of Port Hueneme**

ADOPTED BY THE VOTERS OF THE CITY OF PORT HUENEME ON THE 5th
DAY OF NOVEMBER, 1996.

Dr. Robert E. Turner
Mayor, City of Port Hueneme
DR. ROBERT E. TURNER

ATTEST:

Karen B. Jackson
City Clerk, City of Port Hueneme

FILED WITH AND CHAPTERED BY THE CALIFORNIA SECRETARY OF STATE, AND
EFFECTIVE ON THE 5th DAY OF December, 1996.

PROPOSED AND SUBMITTED BY THE CITY COUNCIL
OF THE
CITY OF PORT HUENEME, CALIFORNIA
FOR VOTER APPROVAL
on this 12th day of June, 1996

Dr. Robert Turner
Dr. Robert Turner, Mayor

Anthony Volante
Anthony Volante, Mayor Pro Tem

Orvene S. Carpenter
Orvene Carpenter, Councilmember


Jonathan Sharkey
Jonathan Sharkey, Councilmember

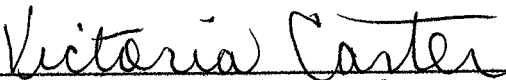
Toni Young
Toni Young, Councilmember

CITY OF PORT HUENEME
CITIZENS CHARTER ADVISORY COMMITTEE

Recommended to the Port Hueneme City Council and Port Hueneme
Charter Commission for adoption and placement on the November 5,
1996 General Election Ballot:


Dorothy Blake, Member

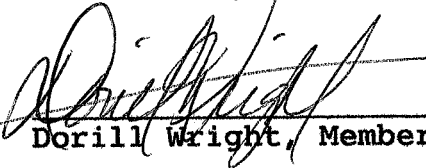

Penny Bohannon, Member


Victoria Carter, Member


Dorothy Ramirez, Member

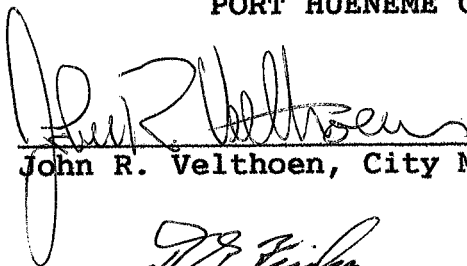

Murray Rosenbluth, Member


Ted Waddell, Member


Dorill Wright, Member



William Hunt, Alternate Member

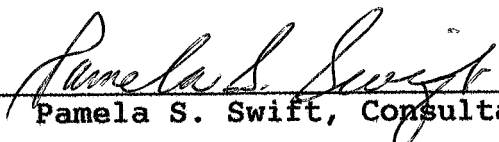
STAFF TO PORT HUENEME CHARTER COMMISSION
AND
PORT HUENEME CITIZENS CHARTER ADVISORY COMMITTEE


John R. Velthoen, City Manager


Karen Jackson, City Clerk


Don Kircher, City Attorney


Douglas W. Ayres, Consultant


Pamela S. Swift, Consultant