

PROPOSED CHARTER OF THE CITY OF DAVIS

Preamble.

The people of the city of Davis do enact and establish this Charter as the organic law of the city of Davis to secure the greatest degree of home rule possible, to preserve and enhance the quality of life, and to provide for the public health, safety, and welfare of all people of the city of Davis.

ARTICLE I. Boundaries of the City.

1.01. The boundaries of the city of Davis shall be the same as they are on the date of adoption of this Charter, and may be changed as prescribed by law.

ARTICLE II. Powers of the City.

2.01 Legislative Power of the City. The legislative power of the City shall be vested in the City Council, and in the people through the power of initiative and referendum, as provided for in the California Constitution.

2.02 General Powers: Municipal Affairs. The City shall have all powers possible for a city to 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 City shall have the power to make and enforce all ordinances and regulations with respect to municipal affairs, subject only to restrictions and limitations provided for in this Charter, and with respect to other matters subject to applicable general laws. Concerning municipal affairs, this Charter shall supercede all inconsistent laws. Nothing in this Charter shall be construed to prevent or restrict the City from exercising or consenting to the general laws of the State. This Charter is intended to be construed in favor of the exercise by the City of its powers related to municipal affairs.

ARTICLE III. City Council.

3.01 Number of City Council Members. The legislative body of the city of Davis shall be the City Council, comprised of five (5) Council members.

3.02 Term of Council Members. All City Council members shall be elected at large in the City's General Municipal Election, as specified by City ordinance, and all shall have a four-year term. The terms of Council members shall be staggered, two (2) being elected at one General Municipal Election and three (3) being elected at the next.

3.03 Council Vacancies. A vacancy in a City Council office shall be filled in compliance with the City's ordinance or in the absence of an ordinance, in compliance with state law.

ARTICLE IV. Local Control of Growth

4.01. The people of the city of Davis recognize and declare that managing and limiting growth and ensuring that necessary public facilities are provided to the people of the city of Davis are essential elements of local control and therefore are municipal affairs. The intent of this Charter is to allow the City Council and the voters to exercise the maximum degree of control over land use matters within the city of Davis.

ARTICLE V. Transition.

5.01 Continuity of Interests and Laws. The city of Davis shall continue to own, possess, and control all rights and property, including causes of action, of every kind and nature owned, possessed, or controlled by it at the time this Charter takes effect, and shall continue to be subject to all debts, obligations, liabilities, and contracts. All ordinances, resolutions, rules, regulations, or portions thereof, in effect at the time this Charter takes effect, are hereby continued in full force and effect until repealed, amended, or superceded.

5.02 Continuity of Officers. The members of the City Council in office at the time this Charter takes effect shall continue to hold their respective offices for the terms for which they were elected.

5.03 Continuity of Employees. All employees in positions at the time this Charter takes effect shall continue to perform the duties of their positions and employment without interruption, for the same compensation, under the same conditions, until the appointment and qualification of their successors and subject to removal and control as provided by City ordinance. Further, the City Council shall not adopt any provisions for labor binding arbitration.

ARTICLE VI. Amendment or Repeal

6.01 This Charter may be amended or repealed if approved by a majority of the voters of the city of Davis voting at an election. Amendments shall become effective at the time specified in the amendment, but if no time is specified, at the time the amendment is accepted and filed with the Secretary of State by the City Clerk.