

CHARTER OF THE CITY OF FORTUNA

Charter Chapter 23 – City of Fortuna

(Filed with Secretary of State December 20, 1996)

PREAMBLE

We the people of the City of Fortuna, believe in the doctrine of home rule. We stand firm in the conviction that our local government can best provide for the health, safety, and welfare of all the citizens of this City. In order to restore the principles of self governance to our community, we hereby enact and adopt this Charter for the City of Fortuna.

CHARTER

Article I – Municipal Affairs

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 Fortuna.

Article II – Taxing Limitations

Section 200. General and Special Taxes. All taxes are either special taxes or general taxes. General taxes are taxes imposed for general governmental purposes. Special taxes are taxes imposed for specific purposes.

Section 201. Imposition of Taxes. The City cannot impose any new tax or raise property, sales and business license taxes unless and until such taxes are submitted to the electorate. This Section does not apply to transient occupancy taxes, increases in taxes by the State that are passed through to the City or to a reallocation of taxes if there is no net change in the amount of taxes collected. Property taxes cannot be increased and special taxes cannot be imposed unless and until such taxes are approved by two-thirds vote of the voters voting in an election on the issue. Revenues from any special tax shall be used only for the purpose or service for which it was imposed, and for no other purpose whatsoever. A general tax cannot be imposed unless and until such general tax is approved by a majority vote of the voters voting in an election on the issue.

Article III – State Mandates

Section 300. Reductions Prohibited. Any revenues raised or 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 301. 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 the mandating government.

Article IV – Cost Savings and Efficiencies

Section 400. Public Works. 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. The City shall also have the power to establish procedures, rules or regulations for collecting assessments from assessment and maintenance districts.

Section 401. Purchasing. The City shall have the power to establish standards, procedures, rules or regulations related to the purchasing of goods, property or services.

Section 402. Noticing. The City shall have the power to establish standards, procedures, rules or regulations related to the adoption of ordinances and noticing of public hearings.

Section 403. Utilities. The City shall have the power to adopt any ordinance providing for the granting of a franchise to any privately owned public utility which proposes to use or is using the City's streets, highways or other rights-of-way. The City shall also have the power to engage in any utility enterprise which will result in a savings for the citizens of the City. Any City enterprise shall be undertaken only after review by the City Council and its determination that entry into such enterprise will be in the best interests of the citizens of the City.

Article V – General Laws

Section 500. General Law Powers. The City shall be governed by the general laws of the State of California except as set forth in this Charter and the Constitution of the State of California. The City shall have the power and authority to exercise any and all rights and privileges lawfully granted to any general law city of the State of California. In the event of conflict between any provisions of the general law and the provisions of this Charter, the Charter provisions shall prevail.

Article VI – Interpretation

Section 600. Construction and Interpretation. The language

contained in the Charter is intended to be permissive rather than exclusive or limiting, and shall be liberally and broadly construed to allow the City to exercise its power to govern with respect to any matter which is a municipal affair as defined under California law.

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 VII. Amendments.

Section 700. Amendments. This Charter may be amended only by a majority vote of the registered voters of the City at an election duly called for the purpose of proposing a Charter amendment or amendments to the voters.