

SAMPLE CHARTER

TOWN OF ATHERTON

PREAMBLE

We, the people of the Town of Atherton, under the constitution and laws of the state of California, in order to secure the benefits inherent in the doctrine of home rule, declare our intent to restore to our community the historic principles of self-governance.

In adopting this Charter, the people of Atherton delegate authority for governance to its local officials who must faithfully serve the residents of the Town. By doing so, the people assert their desire for local control over municipal affairs, their freedom to decide their own destiny, and their rejection of efforts by agencies outside of the Town's jurisdiction seeking to impose policies, regulations, rules or laws upon the Town's residents without their approval.

ARTICLE I – Acceptance of Home Rule

Except as restricted by this Charter, the Town shall have all powers allowable under the Constitution of the State of California to adopt ordinances, establish rules, grant franchises, structure Town government, and in every way to govern the municipal affairs of the Town. Municipal affairs encompass all matters of local concern as determined by the City Council consistent with the meaning of "municipal affairs" under the constitutional, statutory, and judicially defined law of the State of California. Such powers are in addition to those granted or prescribed by any applicable law for municipal corporations within the state of California.

Expressly, the Town retains all powers allowable for "municipal affairs" including but not limited to: public employment, public finance, public contracting, revenue and taxation, land use and planning, prevailing wage, and governance. 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 declared to be a municipal affair or concern, the performance of which is unique to the benefit of the residents of the Town of Atherton. Enumeration by this Charter of any particular power does not constitute a limitation upon the Town's general grant of powers under applicable law.

Nothing in this Charter is intended to restrict the Town in exercising any right, power or authority granted under the general laws of the State of California. However, the provisions of this Charter shall prevail in the event of any conflict with general law.

ARTICLE II – Structure of City Government

The Town shall continue to be governed by a City Council of five members elected at large. The City Council shall adopt and regularly affirm all policies applicable to the role of members of the City Council. The City Council shall appoint a City Manager and a City Attorney. The City

Manager, as the chief administrative officer of the Town, shall appoint all department heads other than the City Attorney. The form of municipal government established by this Charter shall be in the form of “Council-Manager” form of government. The City Council shall establish policies of the Town and the City Manager shall carry out such policies. Involvement in administrative matters by the Council or by any individual Councilmember shall occur only by direction of the City Manager.

City Council compensation will be in those limits as set forth in the Government Code, as may be amended from time to time.

ARTICLE III – Selection of Mayor and Vice Mayor

The Mayor and Vice Mayor shall be elected from among the Councilmembers by a majority vote of the members of the Council. Terms of these offices may be set by Ordinance.

ARTICLE IV – Continuation of Existing Law

All ordinances, resolutions, rules, policies and regulations of the Town in effect as of the effective date of this Charter shall continue in effect until repealed or amended.

ARTICLE V – Interpretation & Severability

The provisions of this Charter shall be interpreted broadly to favor the exercise of home rule.

If any provision of this Charter is found by a court to be invalid, void or otherwise unenforceable, such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Charter are severable and remain in full force and effect.