



What Is A *General Law* City?

(How Atherton is Governed Today)

Atherton is a General Law City, meaning the Town operates under rules written by the State of California. The Town has local authority, but that authority exists only where State law allows it.

Where Atherton Has Local Freedom as a General Law City

Atherton can make local decisions within State-defined limits. These limits include:

- **Local Services and Operations** - Example: The Town decides how many police officers to staff, how parks are maintained, and how public works crews are deployed.
- **Zoning and Land Use Administration** - Example: The Town can adopt local design standards, setback rules, and review processes, but must still comply with State housing laws and mandates.
- **Local Fees Where Authorized** - Example: The Town can set permit fees or service fees when State law allows and follow required methodologies.
- **Day-to-Day Management** - Example: The City Manager oversees staff, prepares budgets, and manages operations under authority granted by state law.
- **Local Ordinances** - Example: The Town can regulate noise, parking, tree protection, and construction hours, as long as those rules do not conflict with State law.

Where Atherton Is Limited as a General Law City

State law controls many key areas:

- **Governance Structure** - Example: The Town must follow State-prescribed rules for Council authority, roles, and procedures.
- **Elections** - Example: Election timing, procedures, and many requirements are dictated by State law.
- **Contracting Rules** - Example: State law determines procurement thresholds, bidding requirements, and contract processes.
- **Housing Mandates** - Example: State housing element law, RHNA requirements, ADU laws, and density mandates apply regardless of local preference.

Bottom Line - The Town can decide how to run services locally, but the rules of the game are largely written by the State and can change through legislation.



What Is A *Charter* City?

(What Atherton Is Exploring)

A **Charter City** operates under a **voter-approved charter**, which acts like a local constitution. The California Constitution allows charter cities more authority over **municipal affairs** (as defined by the State), while still requiring compliance with State law on matters of Statewide concern. The Town is studying this option; no decision has been made.

Where a Charter City May Have Greater Local Freedom

If Atherton were to adopt a charter, it could potentially have greater discretion over certain municipal affairs, depending on future Council action and court interpretation. Illustrative examples include:

- **Governance Procedures** - Example: The Town could define local rules for Council procedures or administrative organization, beyond what State law allows for general law cities.
- **Local Elections (within limits)** - Example: The Town could set certain election procedures locally, as long as they comply with constitutional and voting rights requirements.
- **Public Contracting** - Example: The Town could adopt local procurement rules for Town projects, rather than relying solely on State bidding statutes, where legally permitted.
- **Personnel and Employment Practices** - Example: The Town could establish local rules for hiring, discipline, or compensation structures for municipal employees, subject to labor and constitutional law.
- **Administrative Flexibility** - Example: The Town could streamline certain internal processes to better match the Town's size and service expectations.

What a Charter City Still Cannot Do

Even with a Charter, the Town would still be limited by State law on matters of Statewide concern:

- **Housing Law** - Example: State Housing Element law, RHNA, SB 9, ADU laws, and other housing mandates would still apply.
- **Environmental and Civil Rights Laws** - Example: CEQA, Fair Housing laws, and constitutional protections remain fully applicable.
- **Taxes and Fees** - Example: While Charter Cities have opportunities to enact certain types of taxes that General Law cities cannot, any new tax would still require voter approval, as required by State law.
- **Automatic Changes** - Example: Current zoning, services, and policies would not change simply because a charter is adopted.

Bottom Line - A charter could give the Town more room to write its own local rules for municipal operations, but it does not override State law and does not change anything unless voters approve the charter and future Councils act through public processes.



TOWN OF ATHERTON

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BECOMING A CHARTER CITY

Atherton is exploring whether becoming a Charter City would provide greater local control over municipal affairs such as governance, elections, contracting, land use, and public finance, within the limits of the California Constitution. A charter serves as a local constitution, defining governance authority over municipal affairs as allowed by the California Constitution while preserving all powers available under general law.

A charter must be approved by voters. At this time, no decision has been made to place a charter measure on the ballot.

What is a Charter City?

Currently, Atherton is a General Law City, meaning our governance is largely dictated by state statutes. A Charter City operates under its own local charter. A charter establishes a framework for how a city governs its municipal affairs, as allowed under the California Constitution, while remaining subject to state law on matters of statewide concerns.

What the Draft Charter DOES:

- Maximizes authority over municipal affairs to the extent allowed by the California Constitution.
- Keeps the council-manager form of government and existing ordinances.
- Continues all existing ordinances and policies

What the Draft Charter DOES NOT DO:

- The draft charter does not impose any new taxes or fees.
- It does not alter current zoning, density, or land use rules.
- Change the Town's form of government.

Proposed Timeline to November 2026

- Kick-Off Workshop: January 29, 2026, at 6 PM | Town Council Chambers
- Jan – April 2026: Community Workshops & Neighborhood Meetings
- May – June 2026: City Council Public Hearings
- November 2026: Potential Election (Subject to Council approval)

Get Involved

Community input is vital. No decision has been made to place this on the ballot. Learn more, read the draft charter, and view meeting dates:

- **Website:** <https://atherton.news/Charter-City>
- **Contact:** Questions? PH: 650-752-0504 | Email: grodericks@ci.atherton.ca.us.



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CHARTER CITY EXPLORATION - FAQs

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A charter must be approved by voters. At this time, no decision has been made to place a charter measure on the ballot.

Frequently Asked Questions

1. What is a Charter? A Charter functions as a local constitution. It establishes a framework for how a city governs its "municipal affairs" as allowed under the California Constitution, while remaining subject to state law on matters of statewide concern.

2. What does it mean to be a Charter City? Charter cities have "Home Rule" authority. This means they have greater authority over "municipal affairs," which may include the governance structure, conduct of city elections, public contracting, personnel matters, land use and public finance, within constitutional limits. The scope of "municipal affairs" is defined over time through statutes and court decisions.

3. Why is the Town exploring a charter now? The City Council is evaluating whether charter status could help preserve local decision-making and provide flexibility in an evolving state regulatory environment. **No decision has been made to place a charter on the ballot.**

4. What does the draft charter actually do? The proposed draft is intentionally concise and structural. It:

- Affirms home rule authority over municipal affairs
- Maintains the Council-Manager form of government
- Provides for the Council selection of the Mayor and Vice Mayor
- Continues all existing ordinances and policies unless specifically changed later
- Includes broad interpretation and severability provisions

5. What does the draft charter NOT do?

- It does **not** impose new taxes or fees. Any future tax would still require voter approval under state law.
- It does **not** change zoning, density, or land use rules.
- It does **not** eliminate compliance with state laws regarding "statewide concerns".
- It does **not** change the Town's fundamental form of government.

6. How would a charter be adopted? A charter can only be adopted by the voters. It requires a majority vote (50% + 1) of Atherton residents at an election.

7. Why is the Town doing community engagement? If adopted, a charter guides future governance and may change over time by community vote. Community understanding and input are important before the City Council decides whether to move forward with a ballot measure.

8. Once adopted, how can the Charter be changed? Just like its adoption, any amendment or repeal of the Charter requires a vote of the people. It cannot be changed administratively; it must be ratified by a majority vote of Atherton voters at an election.

9. Can the City Council change the Charter without voter approval? No. While the City Council can propose amendments or a repeal of the Charter, they cannot enact those changes on their own. The Council's role is to place the proposed amendment on the ballot, where the final decision rests with the voters.

10. Can residents propose updates to the Charter? Yes. Residents have the power to propose amendments or a repeal of the Charter through a citizen initiative.

11. What are the risks of becoming a Charter City?

Charter authority can involve legal interpretation and potential litigation. These risks are part of what the Council is evaluating.

12. Why not remain a General Law City?

That is one option. The purpose of this process is to understand the tradeoffs before making any decision.

13. Are these meetings advocating for the charter?

No. The meetings are informational and educational only. No decisions will be made at the meetings.

14. How can residents provide input?

By attending workshops or neighborhood meetings, submitting written comments, or speaking at City Council hearings.

15. What is the timeline?

Community engagement runs January through April 2026, followed by City Council hearings in May and June. A potential ballot measure would be in November 2026 if the Council proceeds.

16. How would a charter be adopted?

Only by majority vote of Atherton voters at an election.

17. What happens if voters reject the charter?

Nothing changes. Atherton remains a General Law City.

18. Where can I learn more? We invite you to participate in upcoming workshops and hearings.

- **Website:** <https://atherton.news/Charter-City>
- **Contact:** Questions? PH: 650-752-0504 | Email: grodericks@ci.atherton.ca.us.

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.