

# CHARTER OF THE CITY OF SOLVANG

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## PREAMBLE

We the people of the City of Solvang declare our intent to restore our community to the historic principles of self-governance inherent in the doctrine of home-rule. Sincerely committed to the belief that local government has the closest affinity to the people governed, and firm in the conviction that the economic and fiscal independence of our local government will promote the health, safety and welfare of all the citizens of this City, we do hereby exercise the express right granted by the Constitution of the State of California to enact and adopt this Charter for the City of Solvang.

### ARTICLE I. MUNICIPAL AFFAIRS

#### Section 100. Municipal Affairs.

The City shall have full power and authority to adopt, make, exercise and enforce all legislation, laws, and regulations and to take all actions relating to municipal affairs, without limitation, which may be lawfully adopted, made, exercised, taken or enforced under the Constitution of the State of California. Without limiting in any manner the foregoing power and authority, each of the powers, rights, and responsibilities described in this Charter is hereby declared to be a municipal affair, the performance of which is unique to the benefit and welfare of the citizens of the City of Solvang.

#### Section 101. Incorporation and Succession.

The City of Solvang, in the County of Santa Barbara, State of California, shall continue to be a municipal corporation under its present name City of

Solvang. The boundaries of the City of Solvang shall continue as now established until changed in the manner authorized by law. The City of Solvang shall remain vested with and shall continue to own, have, possess, control and enjoy all property rights of property and rights of action of every nature and description owned, had, possessed, controlled or enjoyed by it at the time this Charter takes effect, and is hereby declared to be the successor of same. It shall be subject to all debts, obligations and liabilities, which exist against the municipality at the time this Charter takes effect. All lawful ordinances, resolutions, rules and regulations, or portions thereof, in force at the time this Charter takes effect and not in conflict with or inconsistent herewith, are hereby continued in force until the same have been duly repealed, amended, changed or superceded by proper authority.

Section 102. No Increased Power to Tax.

The citizens of Solvang, being ever mindful of the increasing tax burden upon them, confer no increased power to tax upon the City. The City of Solvang shall have only that power to tax allowed to general law cities.

**ARTICLE II. CONTRACTS, PUBLIC FINANCING AND FRANCHISES**

Section 200. Public Works Contracts.

Except as provided by ordinance or by agreement approved by the City Council, the City of Solvang, as a Charter City, is exempt from the provisions of the California Public Contract Code. 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 have the power to accept gifts and donations, including donations of material and labor, in the construction of any public works project. The City shall have the power to perform any work of improvement by use of its own forces and is not required to contract for the construction of works of public improvement. The City may also contract with other public agencies for the construction of works of public improvement.

Section 201. Purchasing.

The City shall have the power to establish standards, procedures, rules or regulations related to the purchasing of goods, property, or services, including, but not limited to, the establishment of local preferences.

Section 202. Public Financing.

The City shall have the power to establish standards, procedures, rules or regulations related to any public financing.

Section 203. Utility Franchises.

The City shall have the power to adopt any ordinance providing for the acquisition, development, or operation by the City of any utility, or any ordinance providing for the granting of a franchise to any utility not owned by the City which proposes to use or is using City streets, highways or other rights-of-way.

**ARTICLE III. REVENUE RETENTION**

Section 300. Reductions Prohibited.

Any revenues raised and 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 said mandating authority.

**ARTICLE IV. GENERAL LAWS**

Section 400. General Law Powers.

In addition to the power and authority granted by the terms of this Charter and the Constitution of the State of California, the City shall have the power and authority to adopt, make, exercise and enforce all legislation, laws and regulations and to take all actions and to exercise any and all rights, powers, and privileges heretofore or hereafter established, granted or prescribed by any law of the State of California or by any other lawful authority. In the event of any conflict between the provisions of this Charter and the provisions of the general laws of the State of California, the provisions of this Charter shall control.

**ARTICLE V. INTERPRETATION**

Section 500. Construction and Interpretation.

The language contained in this Charter is intended to be permissive rather than conclusive or limiting and shall be liberally and broadly construed in favor of the exercise by the City of its power to govern with respect to any matter, which is a municipal affair.

Section 501. 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 VI. ELECTIVE OFFICIALS**

Section 601. Enumeration.

The elective officers of the City of Solvang shall be a Mayor and four (4) Council members each of whom, including the Mayor, shall have the right to vote on all questions coming before the Council.

Section 602. Election at Large.

The Mayor shall be elected at the general municipal election on a general ticket from the City at large. The Council members shall be elected at the general municipal election from the City at large, two (2) being selected biennially.

Section 603. Eligibility for Office.

Eligibility for such elected offices shall be as mandated by general law.

Section 604. Terms of Office.

The term of the Mayor shall be two (2) years, and the terms of the Council members shall be four (4) years. Terms shall commence on the first regular Council meeting in December following the election and each shall serve until a successor is elected or appointed and qualified. Ties in voting shall be settled by the casting of lots. The office of each member of the Council, including the office of the member who is Mayor, is a separate office to be filled separately. Any incumbent member of the Council may run for the office of Mayor, and the Mayor may run for the office of Mayor or for any other seat on the Council for which the Mayor is otherwise eligible; however, no member of the Council shall hold more than one seat, and no person may be a candidate for more than one seat or office. The first general election for Mayor shall take place in the general election in November 2008. Until that time, the current policy of rotation shall govern the selection of the mayor amongst the regularly elected or appointed council members.

Section 605. Mayor – Powers and Duties.

The Mayor shall preside at all meetings of the City Council and perform such other duties consistent with the office as may be imposed by the Council or by the vote of the people. The Mayor shall be entitled to vote, and must vote

when present, except as prohibited by State law, but shall possess no veto power. As presiding officer of the Council the Mayor will faithfully communicate the will of the Council majority to the Administrative Officers in matters of policy. The Mayor shall be recognized as the official head of the City for all ceremonial purposes.

## ARTICLE VII. OFFICE OF SPECIAL CITY AUDITOR

### Section 700. Creation of Office.

The office of Special City Auditor is hereby established. The Special City Auditor shall be appointed by the Council. Each such appointment shall be made on a case-by-case basis as determined by the City Council from time to time. The Special City Auditor shall be qualified to investigate issues as directed by the City Council and shall be compensated at such times and such amounts as may be determined by the City Council.

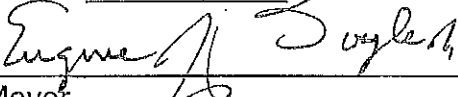
The Special City Auditor shall have the following powers and duties:

- (a) Conduct special audits and investigations as assigned by the City Council. "Special audits" and "investigations" mean assignments of limited scope, intended to determine: (1) The accuracy of information provided to the City Council. (2) The costs and consequences of recommendations made to the City Council. (3) Other information concerning the performance of City departments, offices, or agencies as requested by the Council.

### Section 701. Auditor's Right of Access.

The Special City Auditor shall have access to, and authority to examine any and all documents, including but not limited to books, accounts, internal memoranda, writings and tapes, reports, vouchers, correspondence, files and other records, bank accounts, money and other property of any City department, office or agency, whether created by the Charter or otherwise, with the exception of the office of any elected official. It is the duty of any officer, employee or agent of the City having control of such records to permit access to, and examination thereof, upon the request of the Special City Auditor or his or her authorized representative. It is also the duty of any such officer, employee or agent to fully cooperate with, and to make full disclosure of all pertinent information.

Dated: June 26, 2006

  
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Mayor

ATTESTED AND CERTIFIED: