

# **Charter of the City of McFarland**

## **Preamble**

We the people of the City of McFarland, State of California, under the constitution and the laws of the state of California, declare our intent to restore to our community the historic principles of self-governance inherent in the doctrine of home-rule. We are 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 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 McFarland.

## **Article I: Names & Boundaries**

### **Section 1.01 Name**

The municipal corporation now existing and known as the City of McFarland shall remain and continue to exist as a municipal corporation under the name "City of McFarland", but as a California Constitution Home Rule Charter City.

### **Section 1.02 Boundaries of the City**

The boundaries of the City of McFarland shall be as now established and as may be changed in the future as provided by law, by this Charter, or by ordinance.

## **Article II: Powers of the City**

### **Section 2.01. Powers.**

Except as restricted by this Charter, the City shall have all powers allowable under the Constitution of the State of California to adopt ordinances, establish rules, grant franchises, structure City government, and in every way to govern the municipal affairs of the City. 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. The City shall also have the power to exercise any and all rights, powers and privileges heretofore or hereafter established, granted, or prescribed by any law of the State, by this Charter, or by other lawful authority, or which a municipal corporation might or could exercise under the Constitution of the State of California

Expressly, the City 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 City of McFarland. Enumeration by this Charter of any particular power does not constitute a limitation upon the City's general grant of powers under applicable law.

Nothing in this Charter is intended to restrict the City 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.

**Section 2.02 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.

**Section 2.03 Elections.**

The City of McFarland shall have the power to adopt ordinances establishing procedures, rules or regulations concerning City of McFarland elections and public officials, including but not limited to, the qualifications and compensation of elected officials, the method, time and requirements to hold elections, to fill vacant offices. Unless in conflict with ordinances adopted by the City, state law regarding elections shall apply.

**Section 2.04 Fines and Penalties.**

The City of McFarland shall have the power to adopt ordinances establishing penalties, fines and forfeitures for violations of the provisions of the McFarland Municipal Code.

**Section 2.05 Incorporation and Succession.**

The City shall continue to be a municipal corporation known as the City of McFarland. The City shall remain vested with and shall continue to own, have, possess, control and enjoy all property rights 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 City 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 has been duly repealed, amended, changed or superseded by proper authority.

### **Article III Form of Government**

#### **3.01 Council-Manager Form of Government**

The municipal government established by this Charter shall be the "Council-Manager," form of government, under which the Mayor and City Council set policy and the City Manager carries out that policy. The City Manager shall be responsible to the City Council for the administration of all City affairs placed in the City Manager's charge by ordinance or by this charter.

#### **3.02 Mayor and City Council**

The City shall be governed by, and all powers of the City shall be vested in, the Mayor and City Council. The City Council consists of four Council Members each elected to office from the City at large in the manner provided by the laws of the State or procedures adopted by ordinance. The Mayor shall be elected to office from the City at large. The Mayor and each City Council Member shall have equal votes on all matters coming before the City Council. The Mayor and each City Council Member in office at the time this Charter takes effect shall continue in office until the end of the term for which he or she was elected or appointed subject to the right of the people to recall the Mayor or a City Council Member from office as provided in the laws of the State.

### **Article IV: Elections & Vacancies**

#### **Section 4.01 Election Procedures.**

Unless otherwise provided by ordinance, all elections shall be held in accordance with the provisions of the California Elections Code for the holding of municipal elections, so far as the same are not in conflict with this Charter.

#### **Section 4.02 Special Elections.**

The City Council may call special elections for such purposes as the Council may prescribe. A special election may be held on any date specified by the Council.

#### **Section 4.03 Initiative, Referendum and Recall.**

The electors of the City reserve to themselves the powers of initiative and referendum and the recall of elective officers, to be exercised in the manner prescribed by the California Constitution and State law.

#### **Section 4.04 Council Vacancies.**

The office of a Councilmember shall become vacant upon the member's death, resignation, removal from office or forfeiture of office in any manner authorized by State law. Whenever a vacancy in the City Council arises, from whatever cause arising, the vacancy shall be filled by the City Council as provided herein.

Within 15 working days of the occurrence of the Council vacancy, following a published notification of such vacancy, persons who are eligible for and interested in filling the vacancy, shall file a standard application with the City Clerk. On the 16<sup>th</sup> working day following the creation of the vacancy, the City Clerk shall provide to the remaining Council members the applications of all eligible applicants. Within 30 calendar days of receipt of said applications the City Council shall make an appointment from among the eligible applicants. The City Council may alternatively call a special election pursuant to State law.

## **Article V Financial Procedures**

### **Section 5.01 Property Tax Limits and Procedure:**

The City Council may not levy a property tax for general municipal purposes in excess of the maximum rate applicable to the City on the effective date of this Charter, provided, however, that a property tax in excess thereof may be levied if authorized by the State Constitution or State law, and if authorized by the affirmative votes of a majority of the City's voters voting on a proposition to increase such levy and, provided further, that any such tax must comply with all applicable provisions of this Charter.

### **Section 5.02 Separate Taxing Areas.**

Nothing herein contained shall preclude the Council from establishing separate taxing areas within the City for the levy of a tax in excess of such maximum rate if authorized by the State Constitution, State law, by ordinance, or by the affirmative votes of a majority of the voters within the area voting on a proposition to impose or to increase such levy.

### **Section 5.03 Procedure for Assessment**

The procedure and authority for the assessment, levy and collection of taxes may be prescribed by ordinance and, in the absence of such an ordinance the procedure and authority applicable thereto shall be that prescribed by State law.

### **Section 5.04 Restrictions on Revenues and Taxes**

The Council shall maintain a revenue structure adequate to meet City financial requirements for execution of the balanced programs determined by the City Council necessary to carry out the duties, obligations and mandates of this Charter, which revenue structure shall be balanced equitably between taxes, fees, utility and enterprise

charges, and assessments, and comply with the judicially-determined requirements, definitions and intent of California Constitution Articles XIII A and XIII B.

### **Section 5.05 Special Funds**

The City Council shall by ordinance provide, and the annual budget shall make adequate provision for reserve accounts in each fund, or a special fund, for emergencies, uninsured losses, unfunded liabilities, pollution and adverse environmental conditions, depreciable fixed asset replacement, utility and enterprise facility perpetual replacement, and any other such reserves as the City Manager might recommend and the City Council approve.

### **Section 5.06 Budgeting**

The Council, by ordinance, shall provide for an integrated budgeting and financial management system. Each fund shall have a balanced budget. The ordinance shall provide for: an annual budget submitted before the first day of the last month of the current fiscal year; a comprehensive and consolidated view of the City's financial condition, and; other budgetary requirements made by the Council by ordinance.

### **Section 5.07 Budget Adoption.**

The Council shall adopt the annual budget by affirmative vote of a majority of its members, on or before the last working day of the last month of the current fiscal year. If it fails to adopt the budget by this date the budget proposed by the City Manager shall be deemed adopted.

### **Section 5.08 Independent Audit:**

The Council shall provide for an independent annual audit of all City financial accounts and documents and may provide for more frequent or more specialized audits as it deems necessary. All audits shall be completed and financial reports shall be issued no later than the Federal single audit filing deadline.

All audits shall be made by a certified public accountant firm experienced in city auditing. The selected audit firm shall have no personal interest, direct or indirect, in the fiscal affairs of the City government or any of its officers. The selected audit firm may not provide services to the City other than audit and directly allied financial reporting services for one year after the conduct of any annual audit.

### **Section 5.09 Public Works Contracts.**

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.

**Section 5.10 Public Financing.**

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

**Section 5.11 Utility Franchises.**

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

**Section 5.12 Enterprises.** The City shall have the power to engage in any enterprise deemed necessary to produce revenues for the general fund or any other funds established by the City Council to promote a public purpose.

**Section 5.13 Debt.**

The City by ordinance may issue all manner of securities and incur all manner of indebtedness.

**Article VI Miscellaneous Provisions**

**Section 6.01 Continuation of Rights**

The City shall continue to own, possess and control all rights and property of every kind and nature owned, possessed or controlled by it on the effective date of this Charter, and shall be subject to all its debts, obligations and liabilities.

**Section 6.02 Continuation of Acts**

All lawful ordinances, resolutions, and rules and regulations in force on the effective date of this Charter and not in conflict or inconsistent herewith are continued in force until repealed or amended.

**Section 6.03 Construction and Interpretation.**

The language contained in this Charter is intended to be permissive rather than exclusive 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 6.04 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 VIII Amendments and Repeal**

**Section 7.01 Amendment to Charter, Revision or Repeal.** This Charter and any of its provisions may be amended by a majority vote of the electors voting on the question. Amendment, revision or repeal may be proposed by initiative or by the City Council by Ordinance.

**Recommended to the McFarland City Council for public review and comment; City Council adoption and; placement on the November 3, 2026 election ballot.**

**Charter Advisory Committee**

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