



City of McFarland

City Council Meeting

STAFF REPORT

Agenda Item No. 5.
Section: DEPARTMENTAL
REPORTS
Meeting Date: November 12,
2025

TO: Honorable Mayor and Council Members

FROM: Diego Viramontes, City Manager
Paul Saldaña , Economic Development Manager

SUBJECT: Overview and Options for Establishment of Charter Law City

SUMMARY:

The City of McFarland is currently a general law city. The general law form of government allows cities to act only in accordance with the authority given by the California Constitution and the California Legislature. See California Constitution, art. XI, sec. 7 [“A county or city may make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws.”]. The alternative type of city government is the charter. A charter city is one that has adopted a “charter” which acts as a local constitution for the city. Under the California Constitution, charter cities have authority to make and enforce all laws related to local “municipal affairs” and supersede conflicting state laws. See California Constitution, art. XI, sec. 5. However, where the general laws of the State are declared or found by the courts to be of statewide concern, or the subject matter addressed applies to all cities, even charter law cities must follow these general laws. Much like the federal and state Constitutions, a charter may only be adopted, amended or repealed by a majority of the vote of the city’s residents.

Benefits of Charter City Status

Charter cities derive their authority from the California Constitution and have greater autonomy over municipal affairs. Key benefits include:

- **Local Control:** Charter cities can enact laws and policies tailored to local needs, especially in areas like elections, contracting, and land use.
- **Governance Flexibility:** Ability to customize the structure of city government, including election systems and administrative procedures.
- **Revenue Authority:** Charter cities may adopt local taxes such as real property transfer taxes, transient occupancy taxes, and utility users taxes with voter approval.
- **Contracting Preferences:** Freedom to establish local hiring preferences, exempt from certain state mandates like prevailing wage laws.
- **Zoning and Land Use:** Greater control over housing and development policies, especially in light of recent court rulings favoring charter cities.

Legal Process to Become a Charter City

Option A Elected Charter Commission: For an elected charter commission, a long timeline is required. Either the voters (by initiative) must gather signatures for an elected commission, or the City Council must vote to place the question of an elected commission on the ballot. This election, if by initiative, for the creation of an elected charter commission must take place at a regularly scheduled statewide general election. The next such scheduled election is in November 2026. If a commission is elected, they then have two years to submit a proposed draft charter to the voters, which must also be held at a general election, which would be the 2028 election season. Thus, an elected charter commission process, whether placed on the ballot by the Council or by citizen initiative, requires multiple years to complete. Voters elect a 15-member charter commission to draft the charter, which is then submitted for voter approval.

Option B City Council Action: California Government Code Section 34458 allows the governing body of a city or city and county to propose, amend, or repeal a charter on its own motion. For a proposed charter drafted by the Council (either through a Council committee or by the Council itself), it must be submitted for a regular statewide general election. Prior to submitting a proposal to the voters, the governing body must hold at least two public hearings, providing notice in a newspaper and posting it in public places. The second hearing must occur at least 30 days after the first, and the governing body cannot conduct a vote on the proposal until 21 days after the second hearing.

Options Moving Forward

Based on the legal authority, governance benefits, and recent successes of other California cities, it is recommended that the City of McFarland initiate the process to become a charter city. This transition will empower McFarland to tailor its policies to local needs, enhance civic engagement, and strengthen its autonomy in the face of statewide mandates. If the Council desires to move forward, the following steps are recommended:

- Appoint a Charter Advisory Committee of 6 to 8 members, including 2 members of the City Council, 2 members of the Planning Commission, and 2-4 residents of the City. This would be brought back at the next council meeting.

FINANCIAL IMPACT:

RECOMMENDATION:

Council provide direction to staff regarding Charter City options.

ATTACHMENTS:

None