

CITY OF EL CERRITO MEASURE V BALLOT DESCRIPTION

Measure V asks El Cerrito voters, in part, to approve the proposed El Cerrito Charter, which would convert the City from a general law city to a charter city.

As a general law city, El Cerrito has the powers granted to it by the California Constitution and other state laws. Its acts must be consistent with state law.

In contrast, the California Constitution authorizes charter cities to adopt local rules regarding “municipal affairs” that are different from state law, sometimes called “home rule” authority. Charter cities must still comply with state law regarding matters that are of “statewide concern.” Courts decide whether an issue is a municipal affair. A charter city may only exercise home rule over a municipal affair if its charter authorizes it to do so. Its acts must therefore be consistent with the charter, as well as with the California Constitution and federal law.

The proposed El Cerrito Charter (“Charter”) would make El Cerrito a charter city. It would authorize the City Council to exercise home rule authority over all municipal affairs. It expressly provides charter city authority over revenue raising and authorizes a tax on sales of real estate. The Charter states that the City would continue to follow state law regarding payment of prevailing wages for public works projects, contracting for public works, labor relations, and elections. The Charter itself would not change existing local laws, like the Municipal Code. The City would otherwise be governed by state law, unless the City Council adopted a law to the contrary or the Charter was amended to implement local rules.

The proposed Charter itself would not change the City Council’s authority to raise its own compensation or the compensation of other city officials without voter approval. Currently, under state law and the El Cerrito Municipal Code, the City Council may increase its members’ compensation without voter approval. Increases are limited to 5% for each year since the last increase, effective upon the beginning of a new term of a councilmember. The last increase of City Council compensation was in 1992. The City Council may increase the compensation of other city officials without voter approval.

Because compensation of City officials is a municipal affair, if voters approved the Charter, the City Council could enact a law that authorized the City Council to raise its members’ compensation or the compensation of other city officials in a manner that is different from the general laws of the State, including without voter approval. The City Council would have to approve that law and any compensation changes at a noticed public meeting. The City Council or El Cerrito residents could also propose amendments to the Charter related to City Council compensation.