

MINI-BRIEFING ON CHARTER CITY, HOME RULE, AND LOCAL CONTROL MATTERS

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Charter City / Home Rule Background

City Attorney's/City Prosecutor's Department – Civil Division

- 1886 – Pasadena incorporated
- 1901 – Pasadena voters approve Charter
- Charter city control over “municipal affairs”
 - > City law regarding “municipal affair” prevails over conflicting State law on same topic



Municipal Affairs

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Examples of Municipal Affairs

Form of City government

Elections

Local zoning and land use

Taxes and assessments

Not a Municipal Affair

Traffic and vehicle regulation

Tort claims against a public entity

Regulation of school systems



State Law Prevails Over Conflicting Charter City Measure in Certain Circumstances

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- Where charter city measure conflicts, State law prevails where

State law addresses a statewide concern
(based on considerations below)

- Legislature may not (a) determine what constitutes a municipal affair; and/or (b) change a municipal affair into a statewide concern
- Court's inquiry focuses on "identification of a convincing basis for legislative action originating in extramunicipal concerns, one justifying legislative supersession based on sensible, pragmatic considerations"

AND

State law is

- Reasonably related to resolution of that concern; and
- Narrowly tailored to limit incursion into legitimate municipal interests



Recent State Erosions to Local Control

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California
Voter
Participation
Rights Act

California
Values Act
(sanctuary
state bill
(SB 54))

Regional
Housing
Needs
Assessment
(RHNA)
targets

Housing
Crisis Act of
2019 (SB
330
(Skinner))



Recent Federal Erosions to Local Control

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Limiting
enforcement
of anti-
camping
ordinance

JAG grants
conditioned on
immigration
enforcement

FCC decision
encouraging
deployment of
5G wireless
service



Four Ways to Seek to Preserve Local Control

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Lobbying – with
legislative/regulatory bodies

**Seek Attorney
General opinion**

**File lawsuit to
challenge
relevant
laws/regulations**

**File *amicus curiae* (friend of
the court) brief** at appellate
levels of litigation involving
other cities