

INDIAN WELLS CHARTER

(as amended)

PREAMBLE

We the people of the City of Indian Wells declare our intent to restore to our community 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 Indian Wells.

Article I - Municipal Affairs: Generally

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, subject only to such limitations and restrictions as may be provided in this charter and 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 Indian Wells.

Section 101. Councilperson's Compensation. Except as provided below or as may be required by applicable Federal or State law, no City funds shall be expended, or anything of value provided to, or on behalf of, any member of the City Council for his or her personal use or benefit.

The City Treasurer is authorized to make the following payments:

For services rendered as a member of the City Council - \$1000 per month.

For services rendered as Mayor – an additional \$500 per month.

For services rendered as Mayor Pro Tem – an additional \$250 per month.

Beginning July 1, 2014 and each year thereafter, the City Treasurer shall adjust the amounts above to reflect any changes in the Consumer Price Index for this area as determined by the Bureau of Labor Standards of the United States Department of Labor.

Nothing herein shall be construed to prohibit the reimbursement of ordinary and necessary expenses incurred in the performance of ones duties as a Member of the City Council, or Mayor, or Mayor Pro Tem provided such expenditures were reasonably incurred and approved in advance by the City Council.¹

¹ Section 101 adopted by voters at November 6, 2012 election. Effective date December 6, 2012.

Article II. CONTRACTS, PUBLIC FINANCING AND REVENUES

Section 200. Public Works. 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.

Section 201. Public Financing. The City shall have the power to establish standards, procedures, rules or regulations related to any public financing.

Section 202. 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. The City shall have the power to adopt any ordinance providing for the granting of a franchise, license or permit 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 203. Enterprises. The City shall have the power to engage in any enterprise deemed necessary to produce revenues for the general fund or any other fund established by the City Council to promote a public purpose.

Section 204. Economic Development. The City shall have the power to utilize revenues from the general fund to encourage, support and promote economic development.

Section 205. 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 206. 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 III - General Laws

Section 300. 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 IV – Interpretation

Section 400. 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 401. 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.