

## CITY ATTORNEY'S IMPARTIAL ANALYSIS OF MEASURE G

Measure G asks voters to adopt the City of Benicia Charter (“Charter”) which will allow the City of Benicia (“City”) to exercise the authority over municipal affairs granted to charter cities by the California Constitution. The proposed Charter specifically limits the City’s new powers over municipal affairs solely to municipal revenue including taxation and assessment, and a system for the imposition, levy and collection of a real property transfer tax. Accordingly, the proposed Charter allows the City to enact a Real Property Transfer Tax Ordinance (“Measure H”), the proceeds of which will fund City services. The Charter further provides that in all other respects, the powers of the City shall remain as they currently are, and shall be governed by the general laws of the State of California.

The City is currently a general law city which means the powers of the City are governed by the general laws established by the State Legislature or enacted by voter initiative. Charter cities, on the other hand, are specifically authorized by the State Constitution to govern themselves as to those matters deemed “municipal affairs”. In contrast, state law applies to charter cities for matters of “statewide concern”.

Whether a given activity is a municipal affair, over which a charter city has sole authority, or of statewide concern, over which the State legislature has authority, is an issue for the State judicial system to decide based on the facts and circumstances of each case. Generally, a matter is of statewide concern rather than a municipal affair when its impact is primarily regional.

A general law city may elect to become a charter city by following statutory procedures and may limit the scope of matters the charter governs. Here the City utilized the procedure in Government Section 34458. The Charter proposed by the City provides that the City’s new powers over municipal affairs will be limited solely to municipal revenues including taxation and assessment, and a system for the imposition, levy and collection of a real property transfer tax.

Measure H, the companion measure to Measure G, is also being presented to voters on November 5, 2024, and asks voters to approve the adoption of a real property transfer tax to fund City services, including, but not limited to, roads, infrastructure, facilities, Police, and Fire. Measure H can only be approved if voters approve Measure G, which establishes the proposed Charter.

A “yes” vote on Measure G adopts the City of Benicia Charter. A “no” vote on Measure G will maintain the City of Benicia as a general law city. Measure G will be adopted if it is approved by a majority vote of the electorate. If Measure G is approved by a majority of voters and the Charter is adopted, any future amendment or expansion of the scope of the Charter would be subject to voter approval.

Measure G was placed on the ballot by the City Council of the City of Benicia.

Submitted August 12, 2024.

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The above statement is an impartial analysis of Measure G. The full text of Measure G is printed in the Voter's Information Pamphlet and is also available on the City's website at : <https://www.ci.benicia.ca.us/elections>. If you desire a copy of the measure, please call the City Clerk's office at 707-746-4200 and a copy will be mailed at no cost to you.