

**Exhibit “B”**

*For submission to the voters, the proposal to adopt a charter at the November 8, 2022 election.*

**CHARTER OF THE CITY OF HAWTHORNE**

**PREAMBLE**

We the people of the City of Hawthorne declare our intent to restore to our community the historic principles of self-governance inherent in the doctrine of home rule. We hold dear the historic doctrine of home rule; the right to determine the structure of our government, our land uses and forms, and the character of our community. 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 Hawthorne.

**CHARTER**

**Article I – Municipal Affairs**

**Section 100. Powers of the City.** 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, which may be lawfully adopted, made, exercised, taken or enforced under the Constitution of the State of California.

**Section 101. Municipal Affairs; Generally.** Each of the matters set forth in this Charter are declared to be municipal affairs, consistent with the laws of the State of California. The implementation of each matter uniquely benefits the citizens of the City of Hawthorne and addresses peculiarly local concerns within the City of Hawthorne. The municipal affairs set forth in this Charter are not intended to be an exclusive list of municipal affairs over which the City Council may govern.

**Section 102. Incorporation and Succession.** The City of Hawthorne shall continue to be a municipal corporation known as the City of Hawthorne. The boundaries of the City of Hawthorne shall continue as now established until changed in the manner authorized by law. The City of Hawthorne shall remain vested with and shall continue to own, have, possess, control and enjoy all property rights and rights of action of every nature and description owned, had, possessed, controlled or enjoyed by it at the time this Charter takes effect. The City of Hawthorne shall be subject to all debts, obligations and liabilities of the City of Hawthorne at the time this Charter takes effect. All lawful ordinances, resolutions, rules and regulations, or portions thereof, enforced at the time this Charter takes effect and not in conflict with or inconsistent herewith, are hereby continued in force until the same have been duly repealed, amended, changed or superseded by proper lawful action. The Mayor and members of the City Council in office at the time this Charter takes effect shall continue to hold their respective offices for the terms for which they were elected.

**Article II – Form of Government**

**Section 200. Form of Government.** The municipal government established by this Charter shall be known as the “Council-Manager” form of government. The City Council shall establish the policy of the City; the City Manager shall carry out that policy.

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**Section 201. Compensation.** All members of the City Council, including the Mayor, shall receive as total compensation for their services a monthly salary which shall be set at the “Low Income Limits” for a family of two (2) as set forth by the U.S. Department of Housing and Urban Development for the area including Los Angeles County for the year 2021. The City shall not provide any additional compensation to members of the City Council, including the Mayor, for attendance at other meetings of City or City-affiliated commissions, committees, subcommittees, and boards of directors. Any future adjustment to the salaries of City Council members, including the Mayor, shall be in accordance with, and limited by, the provisions of law as set forth in Government Code Section 36516 or any successor provision thereto.

All of the members of the City Council, including the Mayor, shall continue to be entitled to reimbursement for their actual and necessary expenses incurred in the performance of their official duties as stated in, and limited by, the provisions of law applicable to the reimbursement for expenses City Council members in general law cities as set forth in Government Code Sections 36514.5, 53232.2 and 53232.3 or any successor provision thereto. The City Manager shall be responsible for collecting any receipts from the members of the City Council for reimbursable expenses within sixty days of the incurrence of any eligible expense, and shall submit quarterly reports to the City Council regarding said expenses.

**Section 202. Advisory Commission Appointments.** To assist the City Council in the governance of the City, there shall be advisory boards, committees or commissions (“Commissions”) as the City Council may establish by ordinance or resolution as deemed appropriate in the conduct of the City's business. The City Council shall provide by ordinance or resolution a process to fill Commission seats that are open after the effective date of this charter, which provides that each member of the City Council shall have the authority to nominate one member to a position on each City Commission subject to the approval by a majority of the City Council. If any Commission is composed of more than five members, the Mayor shall have the authority to nominate the balance of the Commission members above five, subject to the approval by a majority of the City Council. Members of the Commission shall serve at the pleasure of the City Council and may be removed from office without cause or notice of hearing, by a majority vote of the City Council. All members of Commissions shall be qualified electors of the City, unless otherwise specified in the ordinance or resolution establishing the Commission.

### **Article III – Prosecution of Misdemeanors**

**Section 300. City Attorney Prosecution of Misdemeanors.** The City Attorney, or designee, shall have the authority to prosecute on behalf of the people all criminal cases for violation of this Charter and of City ordinances, and all misdemeanor offenses arising upon violation of the laws of the State. This section is a continuation of pre-existing prosecutorial authority and inclusion in the Charter shall not be interpreted to invalidate any existing authority of the City Attorney, or designee, to prosecute any misdemeanor committed within the City arising out of violation of State law.

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### **Article IV – General Laws**

**Section 400. 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. In the absence of Charter provisions, ordinances, laws, or regulations to the contrary, the City shall be subject to applicable general laws.

### **Article V – Construction, Interpretation, Amendment**

**Section 500. 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 powers to govern with respect to any matter which is a municipal affair.

**Section 501. Severability.** If any provision of this Charter should be held by a final judgment of a court of competent jurisdiction to be invalid, void or unenforceable, the remaining provisions of this Charter shall remain enforceable to the fullest extent permitted by law.

**Section 502. Amendment to Charter.** This Charter, and any of its provisions, may be amended by a majority vote of the electors voting on the question. Amendment or repeal may be proposed by initiative or by the governing body.