

RESOLUTION 19-127

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, TO IMMEDIATELY DISCONTINUE MUNICIPAL PROVISION OF PASSPORT SERVICES BY THE CITY OF CARSON

WHEREAS, Section 7, Article 11 of the California Constitution provides that a “city may make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws.”; and

WHEREAS, under this authority granted to the City of Carson under the California Constitution, “cities have plenary authority to govern, subject only to the limitation that they exercise this power within their territorial limits and subordinate to state law. (Cal. Const., art. XI, § 7.)” (*Candid Enterprises, Inc. v. Grossmont Union High Sch. Dist.*, (1985) 39 Cal. 3d 878, 885.) (See also *Sherwin-Williams Co. v. City & Cty. of San Francisco*, (1994) 857 F. Supp. 1355, 1371 (authority extremely broad).); and

WHEREAS, this broad authority to govern the City of Carson is vested in the City Council of the City of Carson, which possesses both legislative and executive authority to govern the City of Carson (*People v. Levy*, (1935) 8 Cal. App. 2d Supp. 763, 767; *Hopping v. City of Richmond*, (1915) 170 Cal. 605, 610.); and

WHEREAS, Carson Charter section 300 (Powers Vested in the City Council) provides that “All powers of the City shall be vested in the city council except as otherwise provided in this Charter. Any authority not delegated by this Charter or ordinances of the City is retained by the city council.”; and

WHEREAS, the City Council has full authority over the municipal affairs of the City (when not preempted or restricted by federal or State law), including full authority over municipal policies, property, services, facilities, programs, organization and finances; and

WHEREAS, the federal government allows for qualified local agencies and offices to provide passport services on a voluntary basis; and

WHEREAS, the offering of passport services is not a mandatory or statutory function of California municipal governments; and

WHEREAS, the duties of a City Clerk as set forth in the California Government Code and state law do not include the provision of passport services; and

WHEREAS, Carson Charter section 501 (City Clerk; Powers and Duties) does not enumerate provision of passport services as a duty or requirement of the Carson City Clerk; and

WHEREAS, the Carson municipal code not require the Carson City Clerk to provide passport services; and

EXHIBIT 1

WHEREAS, the City of Carson through the City Clerk's Office voluntarily offers passport services to residents and non-residents alike at City Hall; and

WHEREAS, the residents of the City of Carson are best served by municipal services for the residents of Carson rather than provision of municipal services to the region; and

WHEREAS, the prudent use of limited City resources calls for funding City services and programs which serve the residents of Carson and not simply all residents of the region; and

WHEREAS, the ability for Carson residents to secure a passport is not dependent on Carson City Hall providing passport services; and

WHEREAS, the City Council has determined that the optional provision of passport services by the City of Carson at City Hall is not a desired municipal service to offer; and

WHEREAS, the City Council has determined that the optional provision of passport services by the City of Carson at City Hall is not a prudent use of limited City resources, time, facilities, and property; and

WHEREAS, under the authority of the State Constitution, State law, and the Carson Charter, the City Council sets and determines the appropriate policies and the proper budget for the City of Carson; and

WHEREAS, under the authority of the State Constitution, State law, and the Carson Charter, the City Council controls the use of City property and facilities, including the use of City Hall; and

WHEREAS, the Carson City Council desires that henceforth the City of Carson will not offer passport services as a municipal service at Carson City Hall; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, DOES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

Section 1. The recitals set forth above are true and correct and incorporated herein by this reference.

Section 2. Pursuant to the authority of the City Council over the City of Carson municipal budget, municipal policies, municipal facilities and municipal property, effective immediately the City Council discontinues, ceases and formally terminates the provision, offering, or facilitation of passport services at Carson City Hall by any City office, facility, program, officer, employee or agent.

Section 3. Pursuant to the authority of the City Council over the City of Carson municipal budget, municipal policies, municipal facilities and municipal property, effective immediately the City Council orders all City offices, facilities, programs, officers, employees and agents to immediately discontinue the processing of any new passport applications at Carson City Hall, and to expeditiously complete and finalize any passport applications pending at Carson City Hall as of the date of the passage of this Resolution.

Section 3. The City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

Section 4. This Resolution shall be effective immediately upon passage and adoption.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Carson, California, at a regular meeting held on the 19th day of June, 2019.

ATTEST:

Mayor Albert Robles

City Clerk Donesia Gause-Aldana

APPROVED AS TO FORM:

City Attorney Sunny K. Soltani