



Legislation Text

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Report to Mayor and City Council

Thursday, August 11, 2016

Discussion

SUBJECT:

CONSIDERATION OF CITY ACTION TO SUBMIT TO THE VOTERS A PROPOSED ORDINANCE ESTABLISHING TERM LIMITS FOR ELECTED OFFICIALS IN THE CITY OF CARSON

I. SUMMARY

This item is on the agenda at the direction of the Mayor and the City Council. At the City Council meeting on August 2, 2016, the City Council gave direction for City Staff to prepare an ordinance establishing term limits for elected officials in the City for consideration at a special meeting of the City Council. The City Council also gave direction for City Staff to prepare the necessary resolutions to the send the proposed ordinance to the voters at the November 8, 2016 election.

The elected offices in the City currently are the Mayor, members of the City Council, the City Clerk, and the City Treasurer. The proposed measure establishes a lifetime limit of three terms served in any combination of offices. Both options also include that the term limit will apply to any combination of offices held by a person.

This Staff Report also includes information regarding whether other cities in California have term limits for elected City Clerks and City Treasurers.

This Staff Report presents the proposed ordinance for City Council consideration, along with the necessary resolutions for sending the proposed ordinance to the voters. The deadline for taking action to submit the ballot measure to the voters at the November election is August 12, 2016.

II. RECOMMENDATION

REVIEW the information in this staff report and TAKE one or more of the following actions:

1. CONSIDER whether to send Ordinance No. 16-1598 titled "AN ORDINANCE OF THE CITY OF CARSON, CALIFORNIA, SETTING TERM LIMITS FOR THE ELECTED OFFICIALS IN THE CITY OF CARSON BY ADDING A NEW CHAPTER 12 'TERM

LIMITS FOR ELECTED OFFICIALS' TO ARTICLE II OF THE CARSON MUNICIPAL CODE" to the voters at the November 8, 2016 election.

2. IF DECISION is to send a ballot measure to the voters for consideration of establishing term limits for elected officials in the City of Carson, THEN WAIVE further reading and ADOPT attached resolutions:
 - (a) Resolution No. 16-108 titled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, ORDERING THE SUBMISSION TO THE QUALIFIED ELECTORS OF THE CITY OF A CERTAIN MEASURE TO ESTABLISH TERM LIMITS FOR ELECTED OFFICIALS IN THE CITY OF CARSON AT THE GENERAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 8, 2016".
 - (b) Resolution No. 16-109 titled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, SETTING PRIORITIES FOR FILING WRITTEN ARGUMENT(S) IN SUPPORT AND DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS REGARDING THE MEASURE TO ESTABLISH TERM LIMITS FOR ELECTED OFFICIALS IN THE CITY OF CARSON".
 - (c) Resolution No. 16-110 titled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, PROVIDING FOR THE FILING OF REBUTTAL ARGUMENTS REGARDING THE MEASURE TO ESTABLISH TERM LIMITS FOR ELECTED OFFICIALS IN THE CITY OF CARSON".

III. ALTERNATIVES

CONSIDER sending to the voters an Ordinance which only sets term limits the office of the Mayor and Council and not the City clerk or City Treasurer at the November 8, 2016 election.

TAKE another action the City Council deems appropriate consistent with the requirements of law.

IV. BACKGROUND

A. General

The City of Carson does not have term limits for any of its elected offices. The elected offices in the City currently are the Mayor, members of the City Council, the City Clerk, and the City Treasurer.

Under Government Code section 36502(b), cities have the authority to send a measure to

the voters establishing term limits for the Mayor and members of the City Council. The election must be a regularly scheduled city election, such as the General Municipal Election to be held in Carson on November 8, 2016.

State law requires that the new term limits only apply to terms beginning on or after the term limits are adopted. This means that, if a measure is approved by the voters, the term limits would become effective immediately for the offices that are scheduled for election at the November 8, 2016 election. However, because some current terms of office do not end until 2018, the term limits would not be effective for those offices until after the November 2018 election.

At the City Council meeting on August 2, 2016, the City Council discussed a potential term limit ballot measure. The City Council gave the following direction:

- The City Council wished to consider, at a special meeting, an ordinance for submission to the voters establishing term limits for elected offices in Carson.
- The City Council directed a lifetime term limit of three (3) terms of four (4) years each for any combination of the City's elective offices. Such terms do not need to be served consecutively.
- The City Council directed that the ordinance contain language similar to the language regarding term limits for the LA County Board of Supervisors, which states that partial terms count against the three term limit only if less than one half of the term is served.
- The City Council also directed that City Staff present information on other cities with elected City Clerks and/or City Treasurer's, and whether those cities have term limits for the elected City Clerk and/or City Treasurer.

Based upon this direction, City Staff provide the following staff report which includes the requested information, drafted the proposed measure and necessary resolutions.

B. Analysis

1. The Proposed Ordinance

The proposed ordinance establishes a lifetime limit of three terms of four years each served in any elected office in the City. Specifically, it provides that no person shall be elected or appointed to more than three terms as an elected official, or in any combination of elected offices. This means, for example, that if a person serves two terms as City Clerk, and then is elected to the City Council, the person could only serve one term on the City Council.

The proposed ordinance provides that if a person is elected or appointed to complete an unexpired term of office, that unexpired term of office will not count towards the term limit if the remainder of the term is less than one half the full term of office.

The proposed ordinance also provides that if an elected official is elected Mayor, his or her uncompleted term of office *shall not* count towards the term limits if: (1) the elected official

is elected Mayor at a general municipal election; and (2) the elected official's current office was not scheduled for election at that general municipal election. The purpose of this provision is to provide clarity for a situation in which a sitting elected official chooses to run for Mayor, but that official's term of office is off-cycle from the position of Mayor. Other options for City Council consideration are to (1) specify that the uncompleted term of office *shall* count towards the term limits; or (2) remain silent on this specific situation.

If the City Council chooses to submit the proposed measure to the voters, it is recommended that the City Council approve three resolutions: (1) sending the measure to the voters; and (2) authorizing some or all of the members of the City Council to submit ballot arguments in favor, and directing the City Attorney to prepare an impartial analysis, and (3) authorizing the filing of rebuttal arguments.

2. Other Cities in California with Elected City Clerks and/or Treasurers

The City Attorney's Office researched other California cities with elected City Clerks and/or Treasurers. This research surveyed 26 cities in California with elected City Clerks and City Treasurers. Of those cities, 10 are charter cities, and the remaining 16 are general law cities.

This research also found that one of those cities, Monterey Park, a general law city, established term limits on the City Clerk and City Treasurer. The Monterey Park Municipal Code defines city councilmember, city treasurer, and city clerk collectively as "public officials". The Monterey Park Municipal Code sets a limit of two consecutive four-year terms served in any particular public office, and provides that a person is ineligible to be a public official more than two consecutive terms. A person becomes eligible for public office again after a two-year absence from public office, and then a new two consecutive term limit applies. The Monterey Park Municipal Code also cites Government Code section 36502(b) as the authority for establishing term limits.

Furthermore, one of the Cities, San Bruno, a general law city, is in the process of switching from an elected City Clerk and Treasurer, to an appointed City Clerk and Treasurer.

Finally, of these cities with elected City Clerks and/or City Treasurers, it appears that five have term limits for the city council and/or mayor, but do not have term limits for the City Clerk and/or Treasurer.

V. FISCAL IMPACT

The City Council has already asked the County to consolidate the general municipal election. The additional cost of adding this item to the ballot has been requested from the County and the City Clerk will have that information at the meeting.

VI. EXHIBITS

1. Ordinance 16-1598 (pp. 5-7)
2. Resolution 16-108 (pp. 8-9)

3. Resolution 16-109 (pp. 10-11)

4. Resolution 16-110 (pp. 12-13)

Prepared by: City Attorney's Office