



Legislation Text

File #: 14-0232, **Version:** 1

TO:

Honorable Mayor and Members of the City Council

THROUGH:

Bruce Moe, Acting City Manager

FROM:

Liza Tamura, City Clerk

Quinn M. Barrow, City Attorney

SUBJECT:

Ballot Measure to Establish a Two-Term Limit for Elected Officials (City Attorney Barrow).

DISCUSS

RECOMMENDATION:

Consider adopting the following resolutions related to placing a measure on the ballot for the November 4, 2014 election that would prohibit City Councilmembers and the City Treasurer from holding the same office for more than two terms:

1. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH CALLING FOR THE HOLDING OF A SPECIAL MUNICIPAL ELECTION ON TUESDAY, NOVEMBER 4, 2014, FOR THE SUBMISSION OF A PROPOSED ORDINANCE TO THE QUALIFIED VOTERS
2. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES TO CONSOLIDATE A SPECIAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 4, 2014, WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THE DATE PURSUANT TO § 10403 OF THE ELECTIONS CODE
3. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH SETTING PRIORITIES FOR FILING WRITTEN ARGUMENTS REGARDING A CITY MEASURE AND DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS

BACKGROUND:

At the City Council meeting on April 15, 2015, the City Council directed staff to place on a future agenda draft resolutions to call a special election for the November 4, 2014 election for a ballot measure to limit the terms for all elected officials to a maximum of 8 years (two terms).

The Council also directed staff to: (1) seek a cost estimate from the County; and (2) determine whether the measure would be retroactive or prospective.

DISCUSSION:

Prior to 1996, there were no term limits for Councilmembers in the City of Manhattan Beach. The 1996 Election Ballot included two measures concerning term limits:

Measure J: "Shall an ordinance be adopted which limits a Member of the City Council to serving two (2) consecutive terms with a provision which allows a Member to hold office again after being out of office for a period of at least two (2) years?"

Measure K: "Shall an ordinance be adopted which limits a Member of the City Council to serving two (2) terms with a provision declaring a Member ineligible to hold office thereafter (a lifetime ban on renewed service)?"

The voters adopted Measure J but did not adopt Measure K, thereby limiting Councilmembers to serving no more than two consecutive terms, but allowing Councilmembers to seek office again after a two-year waiting period.

On April 15, 2014, the Council directed staff to return with the draft resolutions attached to this staff report, and determine: (1) the estimated cost of the election, and (2) whether the ballot measure would apply to former and sitting Councilmembers and City Treasurers.

The County has estimated that the cost of adding one measure to the November ballot would be \$48,000.

California Government Code Section 36502(b) governs the application of City Council term limits in general law cities, such as Manhattan Beach. Section 36502(b) requires that a majority of the voters who vote in that election approve the adoption of the ballot measure. In addition, it requires that term limits be applied "prospectively" only.

Pursuant to the City's current term limit ordinance (Measure J), former and sitting Councilmembers enjoy the right to seek re-election even after they have served two consecutive terms on the Council. That right may be exercised so long as the person is out of office for at least two years before seeking re-election. As a result, if the proposed ballot measure is adopted by the voters, its prospective application would allow any sitting or former Councilmember to hold office for an additional two terms. Persons who have never sat as Councilmembers would be limited to serving a maximum of two terms (8 years, total).

There are no provisions in state law expressly authorizing general law cities to impose term limits on City Treasurers. Consistent with the principles discussed above, the measure has been drafted so that the term limit would apply prospectively, which would have the effect of limiting any person elected as City Treasurer after the measure is passed to two terms thereafter.

CONCLUSION:

Consider adopting the following resolutions related to placing a term limit ballot measure on the November 4, 2014:

1. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH CALLING FOR THE HOLDING OF A SPECIAL MUNICIPAL ELECTION ON TUESDAY, NOVEMBER 4, 2014, FOR THE SUBMISSION OF A PROPOSED ORDINANCE TO THE QUALIFIED

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Attachments:

1. Resolution Calling for the Holding of a Special Municipal Election
2. Resolution Requesting LA County to Consolidate a Special Municipal Election
3. Resolution Setting Priorities for Filing Written Arguments Regarding a City Measure