



BB City of San Clemente, City Council Term Limits

Shall a measure be adopted limiting City Council service to two consecutive four-year terms with the ability to again serve as a member of the City Council after being off the City Council for no less than two years?

What your vote means

YES	NO
A "yes" vote on Measure BB <u>will</u> authorize the term limits on City Council service as set forth above.	A "no" vote on Measure BB <u>will not</u> authorize the term limits on City Council service as set forth above.

For and against

FOR	AGAINST
Laura Ferguson Mayor Pro Tem Gene James Councilmember ON BEHALF OF THE CITY COUNCIL	No argument against this measure was submitted.

Ballot Measures-BB

Full Text of Measure BB
City of San Clemente

ORDINANCE NO. 1691

AN ORDINANCE OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADDING A NEW SECTION 2.04.090 TO CHAPTER 2.04 OF TITLE 2 OF THE SAN CLEMENTE MUNICIPAL CODE ESTABLISHING CITY COUNCIL TERM LIMITS, SUBJECT TO APPROVAL OF A MAJORITY OF THE ELECTORS VOTING ON THE MEASURE AT THE GENERAL MUNICIPAL ELECTION TO BE HELD TUESDAY, NOVEMBER 3, 2020

NOW THEREFORE, THE PEOPLE OF THE CITY OF SAN CLEMENTE DO ORDAIN AS FOLLOWS:

Section 1. Pursuant to California Government Code section 36502(b) and subject to the approval of a majority of the voters of the City of San Clemente, the San Clemente Municipal Code is hereby amended to add a new Section 2.04.090 to Chapter 2.04 of Title 2 of the Municipal Code to read as follows:

“2.04.090. Term Limits.

A. No person shall be eligible to serve in the office of City Council Member for more than two (2) consecutive four (4) year terms.

1. The limits set forth in this ordinance shall apply to any four (4) year term to which a person was elected to serve in the office of City Council at the November 3, 2020 general election or at any future election.

2. The limits set forth in this ordinance shall also apply to any four (4) year term to which a person was appointed by the City Council in lieu of a general election scheduled for November 3, 2020 or any future election to serve in the office of City Council, pursuant to California Elections Code Section 10229 or similar State law.

3. Except as set forth in subsection (B) below, the limits set forth in this ordinance shall not apply to any partial term (less than four (4) years) to which a person is appointed by the City Council or elected at a special election to fill a vacant City Council office.

B. No person who has been elected to or held office as a member of the City Council for two (2) consecutive four (4) year terms shall again be eligible for election or appointment as a member of the City Council unless and until not less than two years has or will have elapsed between the most recent date of such person's prior service as a member of the City Council and the effective date of such person's most recent election or appointment to such office. Notwithstanding subsection (A)(3) above, a former member of the City Council shall not be appointed or specially elected to a partial City Council term in order to fill a vacant City Council office during this two year period.

C. The phrase “two years” as used in this subparagraph B of this section shall mean the period between the date of the declaration of the results of any general municipal election held in November of any even numbered year and the date of the declaration of the results of any general municipal election held in November of any immediately preceding or immediately succeeding even numbered year even though such period may be more or less than an actual period of two years.

D. The City Clerk, or other election official authorized by law, shall not accept or verify the signatures on any nomination paper for any person, including any paper for the purpose of seeking election as a write-in candidate, nor shall he or she certify or place on the list of certified candidates, nor print or cause to be printed on any ballot, ballot pamphlet, sample ballot or ballot label, the name of any person whose candidacy, if successful, will result in a new City Council term that exceeds the limits set forth herein.”

Section 2. If any part of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining parts of the ordinance. The City declares that it would have adopted this ordinance, and each part of it, irrespective of the possibility that some part or parts of it might be declared invalid or unconstitutional.

Section 3. This Ordinance shall take effect if it is approved by a majority of the eligible voters of the City of San Clemente voting at a General Municipal Election to be held on November 3, 2020, and shall only apply prospectively beginning with four (4) year City Council member terms that are elected or appointed in lieu of an election at the November 3, 2020 General Municipal Election and for each General Municipal Election thereafter. If so approved, the ordinance becomes effective 10 days after the City Council declares and certifies the results of the election by resolution.

Section 4: The City Clerk is hereby directed to publish this ordinance at least once, within 15 days after the election results are certified, in a newspaper of general circulation published and circulated in the City of San Clemente.



Ballot Measures-BB

**Impartial Analysis
City of San Clemente
Measure BB**

The City of San Clemente does not currently impose term limits on its City Council Members. Measure BB proposes the adoption of an Ordinance which would establish term limits for City Council Members as set forth below.

If Measure BB is approved, no person who has served two consecutive four-year terms on the City Council will be permitted to seek nomination or election for a new term until he or she has stayed off the Council for at least two years after the expiration of his or her second consecutive term. Partial terms (less than four years) to fill Council vacancies will not generally count against the term limit. Therefore, someone who has served a prior partial term could still serve two consecutive four-year terms. However, a person could not serve two consecutive four-year terms and then serve a partial term unless and until two years have passed from the end of the person's two consecutive full four-year terms and the beginning of the partial term.

Measure BB prohibits the City Clerk/Election Official from accepting or verifying nomination papers for any person, including any nomination for any write-in candidate, or from certifying or placing on the list of certified candidates, or printing on any ballot, ballot pamphlet, sample ballot or ballot label, the name of any person whose candidacy, if successful, will exceed the term limits set forth in Measure BB.

If Measure BB is approved, it would apply prospectively to all future four-year City Council terms starting with those elected at the November 3, 2020 election. Measure BB was placed on the ballot by the San Clemente City Council.

A "yes" vote on Measure BB will authorize the term limits on City Council service as set forth above.

A "no" vote on Measure BB will not authorize the term limits on City Council service as set forth above.

Measure BB requires majority voter approval to pass.

s/ Scott C. Smith
City Attorney



Argument in Favor of Measure BB

It is well established that incumbents win elections at high rates. If term limits were imposed on San Clemente City Councilmembers, this will provide voters with a regular opportunity for change which can bring new expertise, innovative ideas and fresh perspectives as members could not serve more than two (2) consecutive four (4) year terms. In the history of San Clemente, there has been nothing preventing councilmembers from holding office for as many terms as they would like.

In any city, with countless constituent concerns that present themselves, having council seats occupied by the same elected officials is not always in the best interest of the community. Term limits change the culture of apathy. People get excited about running for office if they know they have a chance of winning on a fair playing field. Talented, qualified San Clementians are often at a disadvantage running against incumbents with widespread name recognition that they are discouraged from running.

Throughout California, voters have overwhelmingly supported term limits for public officials. Without them, over time, incumbents become too cozy with special interests. Beholden to those special interests, entrenched politicians often forget about the people they were elected to serve.

Many cities throughout Southern California have term limits for their elected officials, including Laguna Niguel, Anaheim, Dana Point, Newport Beach, Huntington Beach, Costa Mesa, San Diego, and Santa Barbara among others. Term limits also apply to the Orange County Board of Supervisors and California's statewide elected officers and Senate and Assembly legislators.

Measure BB will break this cycle of entrenched incumbency by setting a reasonable limit of two (2) consecutive council terms of service beginning after the November 3, 2020 election.

Term limits will improve our political process and open up our government. Vote YES on Measure BB.

s/ Laura Ferguson
Mayor Pro Tem

s/ Gene James
Councilmember

ON BEHALF OF THE CITY COUNCIL

No argument against this measure was submitted.