

CITY ATTORNEY REPORT ON TERM LIMITS

JANUARY 12, 2016
AGENDA ITEM NO. 7

TERM LIMITS LEGAL FRAMEWORK

City Council Agenda Item No. 7
January 12, 2016

1. City Charter

- a. Four-Year Terms
- b. One-Year “Waiting” Period after Two Terms
- c. No Lifetime Limit on Total Number of Terms or Years
- d. Applies to Mayor, City Council members and City Attorney

2. State and Federal Law

- a. Term Limits have been Upheld Against Constitutional Challenges
(1st & 4th Amendments)
- b. California Constitution Gives Charter City Authority over its Elections
- c. Term Limits have been found to be Municipal Affairs
- d. Government Code Section 36502
 - i. Specifically Authorizes Cities to Implement Term Limits
 - ii. Requires Adoption at Regularly Scheduled Election
 - iii. Allows Prospective Application Only
 - iv. Applicability to Charter Cities?

TERM LIMITS

OPTIONS FOR CITY COUNCIL CONSIDERATION

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1. Eliminate One-Year “Waiting” Period
2. Extend One-Year “Waiting” Period
3. Increase Allowable Number of Consecutive Terms
4. Implement Lifetime Limits on Number of Terms or Years
5. Extend Term Length
6. Leave Status Quo

TERM LIMITS NEXT STEPS

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1. Refer to Charter Review Commission for Consideration and Recommendation
2. Refer to City Attorney for Further Analysis Based on Specific Referral
3. Do Nothing