

**CITY OF SIMI VALLEY
MEMORANDUM**

August 31, 2015

TO: City Council

FROM: Office of the City Manager

SUBJECT: REQUEST FOR DIRECTION REGARDING CITY COUNCIL TERM LIMITS

STAFF RECOMMENDATION

It is recommended that the City Council provide direction regarding City Council term limits.

CITY MANAGER'S RECOMMENDATION

This item was requested at the June 15, 2015 City Council meeting. The City Manager has no recommendation. In addition to the cities surveyed, it is my understanding that the School District voted to place term limits on the ballot for the School Board.

BACKGROUND AND OVERVIEW

During its June 15, 2015 meeting, the City Council requested that staff return with a report for consideration that examines term limits for City Council Members.

California Government Code Section 36502(b) provides that "Any proposal to limit the number of terms a member of the city council may serve on the city council, or the number of terms an elected mayor may serve, shall apply prospectively only and shall not become operative unless it is submitted to the electors of the city at a regularly scheduled election and a majority of the votes cast on the question favor the adoption of the proposal." The next regularly scheduled election where the City may elect to place a term limits item on the ballot is November 8, 2016. If such a proposal is placed on the ballot and receives a majority vote, it would be effective for the November 2018 election. The City Council last considered the issue of term limits in November 2011 and at that time, determined not to submit an item to the electorate during the November 2012 election.

FINDINGS AND ALTERNATIVES

Other Cities in Ventura County

Of the ten cities in Ventura County, one has term limits, the City of Thousand Oaks. That city's term limits ordinance was initiated by a citizen petition and passed by the

voters in 2012. It became effective in 2014. It states that Council Members may serve no more than three consecutive four-year terms of office. A full “term of office” is defined as an individual serving more than two years in the position of Council Member. Service of less than two years will not count as a full term. Once an individual serves three consecutive terms of office, either by election or appointment, he or she will not be allowed to run for a fourth consecutive full term. However, the same individual will be allowed to run for another term after waiting four years from the expiration of their third consecutive full term.

The Initiative applies only to terms of office commencing on or after 2014, the effective date of the Initiative. In other words, this Initiative did not apply to the term of office of any existing Council Member as of the November 6, 2012 election or to new Council Members who may have been elected at that time.

This being the case, those Council Members elected (or re-elected) in November 2014 will be eligible to serve three consecutive full terms through December 2026. For those Council Members elected (or re-elected) in November 2016, they will be eligible to serve three consecutive full terms through December 2028.

In the City of Ventura, its Charter Review Committee will be making a recommendation to the City Council on term limits by the end of this year.

Should the Simi Valley City Council wish to present an item to the voters during the 2016 election, and should the item pass, the term limits would not apply to Council Members who are elected (or re-elected) until 2018. Early estimates from the County of Ventura indicate that the cost to add an item to the ballot would be approximately \$12,000, in addition to the cost of electing two City Council Members and one Mayor; currently estimated to be approximately \$45,000, for a total of approximately \$57,000.

Term Limits in Government

It should be noted that term limits have been considered and have impacted all levels of government in the United States, as follows:

United States President Term Limits

The Twenty-second Amendment (XXII) of the United States Constitution was passed by Congress on March 21, 1947 and ratified by the requisite number of states on February 27, 1951 to limit the time an individual may serve as President of the United States to two four-year terms. An exception was granted for a President who completed more than two years of an unfinished term to be subsequently elected only once. If, however, a President has already completed less than two years of an unfinished term, he/she may be elected twice. This would theoretically result in a President serving for a period of just less than ten years. Once two full terms are completed, the same person may not run for President again.

United States Senate Term Limits

There are no term limits for United States Senators. In the early 1990s, a number of States attempted to limit their Senators to specific terms, generally in the area of two six-year terms (twelve years). However, in May 1995, the United States Supreme Court overturned these term limits.

United States Congress Term Limits

There are no term limits for Members of the United States House of Representatives (Congress). In the early 1990s, a number of States attempted to limit their Members of Congress to specific terms, generally in the area of three two-year terms (six years). However, in May 1995, the United States Supreme Court overturned these term limits.

State Governor Term Limits

There are 36 states which have term limits of some sort for their Governors. Governors in 14 states do not have term limits and may serve an unlimited number of times.

State Legislature Term Limits

There are 35 states which do not have term limits for their legislative bodies (typically the State Senate and a separate State Assembly). The following 15 states currently have legislative term limits: Arizona, Arkansas, California, Colorado, Florida, Louisiana, Main, Michigan, Missouri, Montana, Nebraska, Nevada, Ohio, Oklahoma, and South Dakota. These term limits vary with the cap on total years ranging from six to 12 years. Six other states had adopted term limits at some point in time. However, they were repealed. State Supreme Courts overturned limits in Massachusetts, Oregon, Washington, and Wyoming. In Idaho and Utah, where term limits were statutory, their legislatures repealed them.

State of California Term Limits

In November 1990, California's voters imposed term limits on the Governor (two four-year terms for a total of eight years), State Senators (two four-year terms for a total of eight years), and State Assemblymembers (three two-year terms for a total of six years). Since current Governor Jerry Brown served two previous terms (1975 to 1983) before the 1990 term limits vote, he was eligible to serve two additional four year terms. Individuals are permitted to serve in both the State Senate and State Assembly for a maximum of 14 years. Along with those of Arkansas and Michigan, California's State Legislature term limits are among the most restrictive in the nation.

Proposition 28, a "California Change in Term Limits Initiative" was on the June 5, 2012 ballot in California as an initiated constitutional amendment, and was approved by 61% of the voters. This amendment reduces the total amount of time a person may serve in the State Legislature from 14 years to 12 years. However, it allows the same individual to serve a total of 12 years either in the Assembly, Senate, or a combination of both, and applies only to legislators first elected after the measure is passed. It provides that

Legislators elected before the Initiative is passed continue to be subject to existing term limits.

California Counties Term Limits

According to the National Association of Counties' publication, *History of County Term Limits*, published in February 2011, a total of 49 (85%) of California's 58 counties do not have term limits for their governing body ("Board of Supervisors"). A total of 9 (15%) of California's counties do have term limits for their Board of Supervisors, as follows:

1. El Dorado County (two terms)
2. Los Angeles County (three terms)
3. Orange County (two terms)
4. San Diego County (two terms)
5. San Francisco County (two terms)
6. San Joaquin County (two terms)
7. San Mateo County (three terms)
8. Santa Clara County (three terms)
9. Ventura County (three terms)

Five of these counties have term limits of two four-year terms (eight years). Four of these counties (including Ventura County) have term limits of three four-year terms (12 years). All nine of these counties are served by full-time, elected Boards of Supervisors. None of the counties with part-time Board of Supervisors have term limits.

California Cities Term Limits

The most recent information available as to the number of cities across the state that have term limits was created in 2011, and modified by staff following the city of Thousand Oaks' adoption of term limits in 2012. As of 2012, a total of 383 (79%) of California's 482 cities do not have term limits for their governing body ("City Council"). A total of 99 (21%) of California's cities do have term limits of some form for their City Councils.

Term Limits	Charter Cities	General Law Cities	Total
Yes	52	47	99 (21%)
No	69	314	383 (79%)
Total	121	361	482 (100%)

Term limits among California cities generally range from one term for Mayor to four consecutive terms for Council Members. While term limits have been approved in cities with small, medium, and large populations, they are far more common in large cities with full-time Mayors and Council Members. For example, eight (80%) of the ten largest cities (Los Angeles, San Diego, San Jose, San Francisco, Fresno, Long Beach, Oakland, and Anaheim) have term limits. The lower a city's population, the less likely it is to have term limits. Cities with part-time city councils are also less likely to have term limits. One medium-sized city (Palmdale) repealed its term limits ordinance in 2009. None of the cities in Ventura County have full-time Mayors or Council Members.

Arguments in Favor of City Council Term Limits

Staff obtained a sample of the arguments both in favor and in opposition to term limits for City Councils. Samples of the arguments in favor include:

- Limits potential abuses of power by elected officials who stay in office too long.
- Encourages new people to get involved in local government.
- Broadens the base of potential candidates.
- Increases responsiveness to the public (further interests of voters vs. ensuring long-term political survival).
- Encourages fresh ideas.
- Provides voters with more choices.
- Increases voter turnout.
- Ensures a better balance of power among different interest groups.
- Encourages more diversity of Council Members.
- Encourages broader representation of different neighborhoods.
- Reduces the cost of campaigns.

Arguments Against City Council Term Limits

Samples of the arguments against include:

- Erodes the effectiveness of Council Members in their final term (lame duck status).
- Restricts the ability of future voters from voting on who their Council Members should be. (“The democratic will of the electorate is denied”).
- Term limits are supposed to be applied toward full-time politicians who serve in larger jurisdictions and not toward part-time city councils in smaller cities.
- Elected officials who have experience in their positions provide more value to the community because of their knowledge, contacts, institutional/historical memory, and focus on long-term outcomes.
- Prevents highly effective and responsive Council Members from continuing their work for the community (resulting in negative financial impacts on the community).

- Elected officials should be voted out of office if the public does not believe they are effective in their current position.
- Enhances the power of staff, unions, lobbyists, consultants, and special interest groups. (This has happened in the California State Legislature).
- Makes Council Members more political, partisan, and adversarial. (This has happened in both the California Senate and California Assembly.)
- Loss of representation on national (e.g. National League of Cities), State (e.g. League of California Cities), and regional bodies (e.g. Ventura County Transportation Commission) due to tenure required to obtain leadership positions.
- Loss of effectiveness in obtaining national grants, state grants, regional funding, regulation assistance, political assistance, etc.
- Increases cost of local campaigns.

Simi Valley City Council Elections History

Over the last 13 election cycles, there have been 29 candidates for Mayor and 85 candidates for City Council. During this time, two Mayors have decided not to seek re-election and three Council Members have decided not to seek re-election. A breakdown of the number of candidates for each election since 1990 is included below.

Election Year	Number of Candidates – Mayor	Number of Candidates - City Council	Notes
1990	2	9	
1992	5	13	
1994	2	7	
1996	1	6	
1998	2	6	
2000	2	6	
2002	3	4	
2004	1	3	
2006	1	2	Only Incumbents filed
2008	3	6	
2010	3*	6	*One Write-In Candidate
2012	2	7	
2014	2	10*	*One Write-In Candidate

Simi Valley Council Member Term Lengths History (1969 to Present)

From the City's incorporation in 1969 through today:

- The City has had 32 City Council Members.
- The City has had 11 Mayors (Six Council Appointed, Four Elected At Large, and One who was Council Appointed and also Elected At Large.)

17 of the 32 Council Members who have served since 1969, or approximately 53%, have served for one term or less, and 15 of the 32, or approximately 47%, more than one term. 11 of the 32, or approximately 34%, have served 2 or more terms. In the City's 46 year history, six of the 32 Council Members, or nearly 19%, have served three or more terms.

The following alternatives are available to the City Council:

1. Direct staff to prepare an item for inclusion on the 2016 ballot regarding establishing City Council term limits;
2. Direct staff of the term limits to be proposed, i.e. the number of terms by position, and if there are to be any allowances for a break in service;
3. Direct staff to bring back term limit options for City Council consideration to be included on the 2016 ballot;
4. Direct staff not to pursue adding a term limits item to the 2016 ballot;
5. Provide staff with other direction.

Staff requests direction.

SUMMARY

During its June 15, 2015 meeting, the City Council requested that staff return with a report for consideration that examines term limits for City Council members. It is recommended that the City Council provide direction regarding City Council term limits.



 Samantha Argabrite
 Assistant to the City Manager

Prepared by: Samantha Argabrite, Assistant to the City Manager