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DATE: December 18, 2019

TO: Honorable Mayor and City Councilmembers

FROM: City Clerk's Office

SUBJECT: **INTRODUCTION OF AN ORDINANCE AND ADOPTION OF RESOLUTIONS PLACING A BALLOT MEASURE ESTABLISHING TERM LIMITS FOR THE MAYOR AND MEMBERS OF COUNCIL BEFORE THE VOTERS AT THE GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 3, 2020**

**SYNOPSIS**

Staff recommends that the City Council adopt three resolutions related to the General Municipal Election to be held on November 3, 2020: 1) a resolution calling and giving notice of the General Municipal Election to be held on Tuesday, November 3, 2020, for the proposed measure establishing term limits for members of the city council and the mayor; 2) requesting the San Diego County Board of Supervisors to consolidate the General Municipal Election with the Statewide General Election to be held on Tuesday, November 3, 2020, pursuant to Section 10403 of the Election Code; and 3) setting priorities for filing written argument(s), providing for the filing of rebuttal arguments and directing the City Attorney to prepare an impartial analysis; and introduce an ordinance adding Article XVII, Section 2.94 to Chapter 2 of the Oceanside City Code to establish term limits for the members of the city council and the mayor.

**BACKGROUND**

At the City Council's June 5, 2019 regular Council meeting, Councilmember Rodriguez submitted, and Mayor Weiss concurred, to add the following item to the Council's agenda:

*"Request by Councilmember Rodriguez and Mayor Weiss to direct staff to schedule a workshop to present information about: 1) the salaries paid by California cities to full time council members and the process to increase salaries paid to the Oceanside council members, 2) term limits for council members; and potential direction to prepare a ballot measure in accordance with the requirements of Government Code section 36516 for November 2020 to raise council salaries and impose term limits for council members"*

On a 4-1 vote (Sanchez abstained), Council directed staff to schedule a workshop to specifically discuss: 1) City Council term limits, 2) City Council campaign contributions, 3) City Council salaries, 4) Council Aides.

At the September 18, 2019 Mayor and Council Workshop, Council directed staff to prepare a proposed measure establishing term limits for members of the city council and the mayor on the statewide November 2020 General Election ballot. The direction included establishing, subject to voter approval, a three term limit for the offices of mayor and councilmember.

### **ANALYSIS**

In accordance with the requirements of the California Elections Code, the initial step in the election process is for the governing body of the City to adopt a resolution calling the election. Additionally, the California Elections Code requires that the governing body adopt a resolution requesting the San Diego County Board of Supervisors to consolidate this election with the Statewide General Municipal Election and another resolution adopting certain regulations.

### **FISCAL IMPACT**

The estimated cost of \$80,000-\$100,000 will be charged to account number 120123101.5305. Funding for the election in the amount of \$ 170,000 will be programmed to the FY 2020-21 budget for this account. Therefore, sufficient funds will be available.

### **INSURANCE REQUIREMENTS**

Does not apply.

### **COMMISSION OR COMMITTEE REPORT**

Does not apply.

### **CITY ATTORNEY'S ANALYSIS**

Government Code section 36502(b) provides the legal authority to place the proposed term limit measure before the voters. That section provides in relevant part, “[a]ny 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 City Attorney has drafted a new Section 2.94 to Chapter 2 of the Oceanside City Code to establish lifetime limits of three terms for both the mayor and

members of council. This is consistent with the direction provided at the September 18, 2019 workshop. The terms served as a member of the city council will not count towards the three term limit applicable to the mayor. Similarly, the terms served as mayor will not count towards the three term limit applicable to the council members. If approved by the voters, the term limits will apply prospectively.

**RECOMMENDATION**

Staff recommends that the City Council adopt three resolutions related to the General Municipal Election to be held on November 3, 2020: 1) a resolution calling and giving notice of the General Municipal Election to be held on Tuesday, November 3, 2020, for the proposed measure establishing term limits for members of the city council and the mayor; 2) requesting the San Diego County Board of Supervisors to consolidate the General Municipal Election with the Statewide General Election to be held on Tuesday, November 3, 2020, pursuant to Section 10403 of the Election Code; and 3) setting priorities for filing written argument(s), providing for the filing of rebuttal arguments and directing the City Attorney to prepare an impartial analysis; and introduce an ordinance adding Article XVII, Section 2.94 to Chapter 2 of the Oceanside City Code to establish term limits for the members of the city council and the mayor.

PREPARED BY:

  
\_\_\_\_\_  
Vaida Pavolas  
Assistant City Clerk

SUBMITTED BY:

  
\_\_\_\_\_  
Deanna Lorson  
City Manager

REVIEWED BY:

John Mullen, City Attorney  
Jane McPherson, Financial Services Director

  
\_\_\_\_\_  
JAM

ATTACHMENTS:

1. Resolution Calling and Giving Notice
2. Resolution to Consolidate
3. Resolution Setting Priorities
4. Ordinance

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE, CALIFORNIA, CALLING AND GIVING NOTICE OF THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 3, 2020, FOR THE ELECTION OF ONE BALLOT MEASURE

WHEREAS, under the provisions of the laws in the State of California and the provisions of the Charter of the City of Oceanside, a General Municipal Election shall be held on Tuesday, November 3, 2020, to submit any authorized ballot measures to the voters.

NOW, THEREFORE, the City Council of the City of Oceanside DOES RESOLVE as follows:

SECTION 1. That pursuant to the requirements of the laws of the State of California and the provisions of the Charter of the City of Oceanside, there is called and ordered to be held in the City of Oceanside, California, on Tuesday, November 3, 2020, a General Municipal Election for the purpose of submitting to the voters the following ballot measure to the qualified voters:

Shall the Ordinance adding Article XVII, Section 2.94 to Chapter 2 of the Oceanside City Code establishing limits of three four year terms whether consecutive or not for the offices of mayor and city council member be adopted?	YES
	NO

SECTION 2. That the ballots to be used at the election shall be in the form and content as required by law.

SECTION 3. That the San Diego County Registrar of Voters is authorized, instructed and directed to procure and furnish any and all official ballots, notices, printed matter and all supplies,

1 equipment and paraphernalia that may be necessary in order to properly and lawfully conduct  
2 the election.

3 SECTION 4. That the polls for the election shall be open at seven o'clock a.m. of the day  
4 of the election and shall remain open continuously from that time until eight o'clock p.m. of the  
5 same day when the polls shall be closed, except as provided in Section 14401 of the Elections  
6 Code of the State of California.

7 SECTION 5. That in all particulars not recited in this resolution, the election shall be held  
8 and conducted as provided by law for holding municipal elections.

9 SECTION 6. That notice of the time and place of holding the election is given and the City  
10 Clerk is authorized, instructed and directed to give further or additional notice of the election, in  
11 time, form and manner as required by law.

12 PASSED AND ADOPTED by the City Council of the City of Oceanside, California,  
13 this \_\_\_\_\_ day of December, 2019, by the following vote:

14 AYES:

15 NAYS:

16 ABSENT:

17 ABSTAIN:

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20 MAYOR OF THE CITY OF OCEANSIDE

21 APPROVED AS TO FORM:

21 ATTEST:

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CITY ATTORNEY

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CITY CLERK

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO TO CONSOLIDATE THE GENERAL MUNICIPAL ELECTION WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 3, 2020, PURSUANT TO SECTION 10403 OF THE ELECTIONS CODE

WHEREAS, the City Council of the City of Oceanside has called a General Municipal Election to be held in the City of Oceanside, California, on Tuesday, November 3, 2020, for the purpose of submitting any ballot measure(s) that may be authorized by the City Council; and

WHEREAS, it is desirable that the General Municipal Election be consolidated with the Statewide General Election to be held on the same date; that the City precincts, polling places and election officers of the two elections be the same; that the Registrar of Voters canvass the returns of the General Municipal Election; and that the election be held in all respects as if there were only one election.

NOW, THEREFORE, the City Council of the City of Oceanside DOES RESOLVE as follows:

SECTION 1. That pursuant to the provisions of Section 10403 of the Elections Code of the State of California, the Board of Supervisors of San Diego County is hereby requested to consent and agree to the consolidation of the General Municipal Election with the Statewide General Election on Tuesday, November 3, 2020, for the purpose of submitting any ballot measure(s) that may be authorized by the City Council.

SECTION 2. That the election shall be held in all respects as if there were only one election and only one form of ballot shall be used, and that the Registrar of Voters is authorized to canvass the returns of the General Municipal Election at the proper time.

SECTION 3. That the Board of Supervisors is requested to issue instructions to the Registrar of Voters to take any and all steps necessary for the holding of the consolidated election.

SECTION 4. That the City of Oceanside recognizes that additional costs will be incurred by the County by reason of this consolidation and agrees to reimburse the County for its reasonable share of these costs.

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SECTION 5. That the City Clerk is hereby directed to file a certified copy of this resolution with the Board of Supervisors and the Registrar of Voters of San Diego County.

PASSED AND ADOPTED by the City Council of the City of Oceanside, California, this \_\_\_\_\_ day of December, 2019, by the following vote:

- AYES:
- NAYS:
- ABSENT:
- ABSTAIN:

MAYOR OF THE CITY OF OCEANSIDE

APPROVED AS TO FORM:

ATTEST:

  
CITY ATTORNEY

\_\_\_\_\_  
CITY CLERK

Resolution Consolidating the Election: November 3, 2020

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE, CALIFORNIA, SETTING PRIORITIES FOR FILING WRITTEN ARGUMENT(S) REGARDING A CITY MEASURE, PROVIDING FOR THE FILING OF REBUTTAL ARGUMENTS AND DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS.

WHEREAS, a General Municipal Election is to be held in the City of Oceanside, California, on November 3, 2020, at which there will be submitted to the voters the following measure:

Shall the Ordinance adding Article XVII, Section 2.94 to Chapter 2 of the Oceanside City Code establishing limits of three four year terms whether consecutive or not for the offices of mayor and city council member be adopted?	YES
	NO

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OCEANSIDE, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. Pursuant to Section 9282(b) of the Elections Code of the State of California, the City Council authorizes the Mayor to file a written argument in favor of the City measure not exceeding 300 words on behalf of the City Council. Arguments must be submitted to the City Clerk and may be changed or withdrawn until and including the date fixed by the City Clerk after which no arguments for or against the measure may be submitted, withdrawn or changed.

The arguments shall be filed with the City Clerk, signed, with the printed name(s) and signature(s) of the author(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers who is the author of the argument. The arguments shall be accompanied by the Form of Statement To Be Filed By Author(s) of Argument supplied by the City Clerk.

SECTION 2. That pursuant to Section 9285 of the Elections Code of the State of



1 California, when the elections official has selected the arguments for and against the measure,  
2 which will be printed and distributed to the voters, the Elections Official shall send a copy of an  
3 argument in favor of the proposition to the authors of any argument against the measure and a  
4 copy of an argument against the measure to the authors of any argument in favor of the measure  
5 immediately upon receiving the arguments.

6 The author or a majority of the authors of an argument relating to a city measure may  
7 prepare and submit a rebuttal argument not exceeding 250 words or may authorize in writing  
8 any other person or persons to prepare, submit, or sign the rebuttal argument.

9 A rebuttal argument may not be signed by more than five individuals.

10 The rebuttal arguments shall be filed with the City Clerk, signed, with the printed  
11 name(s) and signature(s) of the author(s) submitting it, or if submitted on behalf of an  
12 organization, the name of the organization, and the printed name and signature of at least one of  
13 its principal officers, not more than 10 days after the final date for filing direct arguments. The  
14 rebuttal arguments shall be accompanied by the Form of Statement To Be Filed By Author(s)  
15 of Argument as supplied by the City Clerk.

16 Rebuttal arguments shall be printed in the same manner as the direct arguments. Each  
17 rebuttal argument shall immediately follow the direct argument which it seeks to rebut.

18 SECTION 3: That the provisions of Section 2 shall apply only to the election to be held  
19 on November 3, 2020 related to the above entitled initiative, and shall then be repealed

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1 SECTION 4. That the City Council directs the City Clerk to transmit a copy of the  
2 measure to the City Attorney. Pursuant to California Elections Code Section 9280, the City  
3 Attorney shall prepare an impartial analysis of the measure not exceeding 500 words showing  
4 the effect of the measure on the existing law and the operation of the measure.

5 PASSED AND ADOPTED by the City Council of the City of Oceanside, California,  
6 this \_\_\_\_\_ day of December, 2019, by the following vote:

7 AYES:

8 NAYS:

9 ABSENT:

10 ABSTAIN:

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12 MAYOR OF THE CITY OF OCEANSIDE

13 APPROVED AS TO FORM:

14 ATTEST:

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16 CITY ATTORNEY

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18 CITY CLERK

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25 Resolution setting priorities for filing written argument(s), providing for the filing of rebuttal  
26 arguments and directing the city attorney to prepare an impartial analysis: November 3, 2020  
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ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE ADDING ARTICLE XVII, SECTION 2.94 TO CHAPTER 2 OF THE OCEANSIDE CITY CODE TO ESTABLISH TERM LIMITS FOR MEMBERS OF THE OCEANSIDE CITY COUNCIL AND THE MAYOR

WHEREAS, at duly noticed meeting held on September 18, 2019, the City Council directed the City Attorney to prepare a ballot measure and related actions to establish term limits for the members of the city council and the mayor; and

NOW, THEREFORE, the City Council of the City of Oceanside does ordain as follows:

SECTION 1. Article XVII, Section 2.94(a)-(c) is hereby adopted as follows:

**Section 2.94 Term Limits**

(a) No person shall serve more than three terms as the mayor whether consecutive or not. A partial term of more than two years shall count as one term. A partial term of less than two years shall not count as one term. This term limit applies to appointed terms and elected terms. Terms served as a council member shall not be counted towards the three term limit applicable to the mayor.

(b) No person shall serve more than three terms as a member of the city council whether consecutive or not. A partial term of more than two years shall count as one term. A partial term of less than two years shall not count as one term. This term limit applies to appointed terms and elected terms. Terms served as the mayor shall not be counted toward the three term limit applicable to council members.

(c) The term limits set forth in this Section 2.94(a) and (b) shall apply prospectively only to those terms of office that begin on or after the election at which this ordinance is adopted.

SECTION 2. This Ordinance shall take effect immediately, upon approval by a simple majority of the voters voting on the question at the November 3, 2020 election.

1 SECTION 3. Severability.

2 If any section, sentence, clause or phrase of this Ordinance is for any reason held to be  
3 invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision  
4 shall not affect the validity of the remaining portions of this Ordinance. The City Council  
5 hereby declares that it would have passed this Ordinance and adopted this Ordinance and each  
6 section, sentence, clause or phrase thereof, irrespective of the fact that any one or more section,  
7 subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

8 SECTION 4. The City Clerk of the City of Oceanside is hereby directed to publish this  
9 Ordinance, or the title hereof as a summary, pursuant to state statute, once within fifteen (15)  
10 days after its passage in a newspaper of general circulation published in the City of Oceanside.

11 INTRODUCED at a regular meeting of the City Council of the City of Oceanside,  
12 California, held on the \_\_\_\_ day of \_\_\_\_\_, 2019, and, thereafter,

13 PASSED AND ADOPTED at a regular meeting of the City Council of the City of  
14 Oceanside California, held on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_, by the following vote:

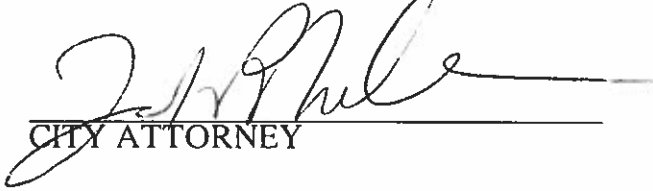
- 15 AYES:
- 16 NAYS:
- 17 ABSENT:
- 18 ABSTAIN:

19 MAYOR OF THE CITY OF OCEANSIDE

20  
21 ATTEST:

APPROVED AS TO FORM:

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23 \_\_\_\_\_  
24 CITY CLERK

  
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CITY ATTORNEY

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28 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE  
ADDING ARTICLE XVII, SECTION 2.94 TO CHAPTER 2 OF THE OCEANSIDE  
CITY CODE TO ESTABLISH TERM LIMITS FOR MEMBERS OF THE  
OCEANSIDE CITY COUNCIL AND THE MAYOR