



CITY COUNCIL REPORT

8A

DATE: FEBRUARY 6, 2018

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

FROM: ERIC S. CASHER, CITY ATTORNEY

COPY: MICHELLE FITZER, CITY MANAGER

SUBJECT: ADOPTION OF A RESOLUTION AUTHORIZING THE SUBMISSION TO THE VOTERS IN THE CITY OF PINOLE A MEASURE TO REPEAL COUNCIL MEMBER TERM LIMITS AS PART OF THE JUNE 5, 2018 ELECTION

RECOMMENDATION

It is recommended that the City Council adopt a resolution authorizing the submission to voters a measure to repeal existing Council member Term Limits as part of the June 5, 2018 regularly scheduled statewide election.

BACKGROUND

In November 2008, the voters of the City of Pinole passed Measure N, which enacted Pinole Municipal Code Section 2.08.030 establishing term limits for Council members. Specifically, Section 2.08.030 prohibits an individual from serving more than three (3) successive terms on the City Council. After serving three successive terms, an individual is eligible to serve on the City Council again only after two years have elapsed. Terms that were in progress when the Measure was adopted count toward the three term limit, but terms that were already completed do not.

Government Code Section 36502 authorizes a general law city like Pinole to adopt term limits for members of the City Council by either City Council or voter action. However, because Pinole's current term limit measure was adopted by the voters, it may only be repealed by the voters.

On July 11, 2017, the City Council held a properly noticed Special Meeting to discuss, among other things, the possibility of repealing Council member term limits in the City of Pinole. Following discussion, and statements during public comment in favor of the elimination of term limits, the City Council directed the City Attorney to prepare a measure for submission to the voters to decide whether or not to repeal Council member term limits.

DISCUSSION

The proposed resolution, if adopted by the City Council, will direct submission of a

measure to the voters of the City of Pinole to decide whether or not to repeal the existing term limits for Council members (the "Measure"). Those terms limits are contained in Municipal Code section 2.08.030, and prohibit an individual from serving more than three successive terms on the City Council. If a majority of the qualified voters are in favor of the Measure then Section 2.08.030 will be repealed in its entirety and term limits for Council members will be eliminated.

As set forth in the proposed resolution, the ballot language shall state:

"Shall the City's ordinance limiting the number of successive terms of members of the Pinole City Council be eliminated? A 'yes' vote will eliminate the City's existing term limits for Council members. A 'no' vote will keep the City's existing term limits for Council members in effect."

The proposed resolution requests that the Contra Costa County Registrar of Voters consolidate the Measure with the regularly scheduled statewide election on June 5, 2018. The City will have to reimburse the Registrar of Voters for its costs in placing the Measure on the June 5, 2018 ballot. Those costs are estimated to be approximately thirty thousand dollars (\$30,000).

The proposed resolution instructs the City Clerk to take all action necessary and required by law to ensure the Measure appears on the June 5, 2018 ballot, and to coordinate with the County Registrar of Voters as appropriate. Additionally, the resolution instructs the City Attorney to prepare an impartial analysis of the Measure.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

The approval of this resolution is exempt from the California Environmental Quality Act (Public Resources Code §§ 21000 et seq., "CEQA," and 14 Cal. Code Reg. §§ 15000 et seq., "CEQA Guidelines"), based on the general rule set forth in CEQA Guidelines Section 15061(b)(3) that CEQA applies only to projects which have the potential for causing a significant effect on the environment.

FISCAL IMPACT

The City will be responsible for reimbursing the Contra Costa County Registrar of Voters for the cost of placing this Measure on the June 5, 2018 Ballot. That cost is estimated to be approximately thirty thousand dollars (\$30,000).

ATTACHMENTS

Attachment A: Resolution Authorizing Submission of Measure to Voters
Attachment B: Text of Ordinance Repealing Term Limits to be submitted to Voters