



## CITY COUNCIL AGENDA REPORT

**Meeting Date:** July 18, 2024

**From:** Jeremy Dennis, City Manager, Ingrid Padilla, City Clerk & Michael Roush, Legal Counsel

**Subject:** Election Issues: i. Resolution to Place on the November 5, 2024 Ballot an Ordinance Establishing Term Limits for City Council Members

### COMMUNITY GOAL/RESULT

Community Building - Brisbane will honor the rich diversity of our city (residents, organizations, businesses) through community engagement and participation

### RECOMMENDATION:

Adopt the attached resolution to place on the November 5, 2024 ballot an ordinance to establish term limits for City Council members.

### BACKGROUND

The term of each city council member shall be for a term of four years from the time each member is elected and qualified until the member's successor is elected and qualified. Section 2.38.050, Brisbane Municipal Code. Currently, City Council members in Brisbane may serve an unlimited number of terms.

State law, however, permits a city council to adopt a proposal to limit the number of terms a member of the city council may serve on the city council. Any such proposal shall apply prospectively only and shall not be operative unless it is submitted to the electors (voters) of the city at a regularly scheduled election and a majority of votes cast on the question favor the adoption of the proposal. Government Code, Section 36502 (b).

At its meeting on June 20, 2024, City Council directed staff to prepare a proposal to be submitted to the voters at the November 2024 election (a regularly scheduled election) that would limit the number of consecutive terms that a council could serve to three; such person would not be eligible to run for another term of office for two years, after which the person would be eligible to serve another three consecutive terms. In addition, Council directed that the proposal provide that any term of office for which a person is elected or appointed to fill a vacancy would not count as one of the three terms.

Staff has drafted such a proposal and it is set forth as Exhibit A to the attached resolution. The resolution also asks the County Registrar of Voters to consolidate this matter with the Council's regularly scheduled election of three council members.

In order for this item to be on the November 5, 2024 ballot, Council must adopt the resolution 88 days before the election, which is August 9, 2024. This could be done at its meeting on July 18, at its regular meeting on August 1 (currently cancelled), or at a special meeting before the August 9 deadline.

## **DISCUSSION**

The proposal provides that a council member shall serve no more than three consecutive terms. If such person serves for three consecutive terms, the person is not eligible to serve an additional term except after two years. If then elected, the person may serve an additional three consecutive terms. As to any person who is elected or appointed in order to fill a vacancy, that term of office will not count toward the three consecutive terms of office.

This proposal, if approved by a majority of the voters who cast votes on the proposal, would apply to the terms of office for the three council members elected at the November 2024 election. It would not apply to the terms of office for the two council members Davis and O'Connell whose terms of office run through 2026.

In addition, the resolution authorizes the City Council to submit arguments and rebuttals for or against the Ordinance. The resolution also provides the City Clerk to transmit a copy of the ordinance to the City Attorney to prepare an impartial analysis of the effects of the ordinance on existing law and operation of the ordinance.

Arguments and rebuttals shall be submitted in accordance with Elections Code, section 9280-9287. The City Clerk, as the City Election Official, will set the deadline for submitting arguments and rebuttals.

If the ordinance receives a majority vote of those voting on it, the ordinance will be in effect and may only be changed by a future vote of the electorate.

## **Fiscal Impact**

Since the City will have an election for Council members in November 2024, there will be an additional cost to the City to place this matter on the ballot, but the actual costs are difficult to estimate, depending on the number of registered voters, the number of Brisbane items on a ballot, and the number of items on the ballot from other jurisdictions. Staff estimates that the cost to place one or two additional items on the ballot would be in the range of \$19,000 to \$27,000. There are funds in the City Clerk's budget for this purpose.

## Environmental Review

Adoption of the attached resolution placing the ordinance on the ballot is not subject to environmental review because it concerns organizational or administrative activities of the City that in and of itself will not result in direct or indirect physical changes to the environment and, hence, it is not a project under the California Environmental Quality Act. Section 15378 (b) (5), CEQA Guidelines.

## Attachments

Resolution placing on the November 5, 2024 ballot an ordinance to establish term limits for City Council Members

*Jeremy Dennis*

\_\_\_\_\_  
Jeremy Dennis, City Manager

*Ingrid Padilla*

\_\_\_\_\_  
Ingrid Padilla, City Clerk

*Michael H. Roush*

\_\_\_\_\_  
Michael Roush, Legal Counsel