



STAFF REPORT

July 27, 2022
File Number 0650-20

SUBJECT

TERM LIMITS BALLOT MEASURE FOR CITY COUNCILMEMBERS AND THE MAYOR

DEPARTMENT

City Attorney

RECOMMENDATION

Consider and introduce Ordinance No. 2022-13 and adopt Resolution No. 2022-91R to place a ballot measure to set term limits for the Mayor and City Councilmembers on the November 8, 2022, consolidated general election.

Staff Recommendation: None

Presenters: Gary McCarthy, Assistant City Attorney

FISCAL ANALYSIS

The San Diego County Registrar of Voters indicates that placement of this measure on the November general election ballot could cost up to \$78,000. The actual costs will depend on how many jurisdictions participate in the election and the quantity of pages required to present the measure and associated text. The Registrar assigns election costs in a consolidated election through the use of a weighted average method.

PREVIOUS ACTION

On July 15, 2020, the City Council considered placing a ballot measure before the voters to enact terms limits on City Councilmembers and the City Treasurer. The matter failed to muster a majority vote.

On May 25, 2022, the City Council directed the City Attorney to prepare a ballot measure for the November 2022 general election to allow voters to address term limits for the Mayor and City Councilmembers in Escondido. The City Council agreed that the ballot measure should set limits of two terms for the Mayor and three terms for City Councilmembers.

BACKGROUND

In the Community Opinion Survey Summary Report, prepared for the City of Escondido published on December 31, 2021, approximately two-thirds (68%) of Escondido residents favored limiting City Councilmembers to two consecutive four-year terms, twenty-two percent (22%) preferred no term limits



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and 10% were unsure or unwilling to answer the question. In every identified subgroup surveyed, those who favored term limits outnumbered those who did not by at least 2-to-1.

On April 6, 2022, Councilmember Morasco requested a Future Agenda item to discuss and consider an amendment to the Escondido Municipal Code to place limits on the terms for the mayor, councilmembers and the city treasurer who may serve the City of Escondido. Any such amendment would need to be placed on the general election ballot for public vote. At this time there are no limits on the number of terms an elected or appointed representative for the City may serve under the Code. Neither federal nor state law place term limits on the city's elected offices.

On May 25, 2022, after a staff presentation, hearing public comment and deliberating on the merits of bringing the matter forward for a public vote, the City Council directed the City Attorney to prepare a ballot measure for the November 2022 general election to allow voters to address term limits for the Mayor and City Councilmembers in Escondido. The City Council agreed that the ballot measure should set limits of two terms for the Mayor and three terms for City Councilmembers. The City Council did not address the issue of whether the other elected City official, the City Treasurer, should also be included in the ballot measure for a public vote on a term limit.

1. Municipal Term Limits.

As noted in the May 2022 Staff Report, State law establishes procedural steps to adopt local government term limits. First, the City Council or City residents may propose by initiative limits on the number of terms a municipality's elected may serve. Second, regardless of the source, any proposal to limit or change term durations shall not become operative unless the electors of the City at a regularly scheduled election vote and a majority of the votes cast on the question in favor the adoption of the proposal. (Government Code section 36502(b).) The imposition of term limits must occur prospectively – it cannot impact the current term of elected officials.

2. Proposed Ballot Measure and Ordinance.

The proposed ordinance, if approved by a simple majority of qualified voters, would impose lifetime term limits of two terms for a Mayor and three terms for City Councilmembers. Partial terms of two years or more in that office would count as one term. A partial term of less than two years in that office would not count as a term.

Under state law, any term limits would not apply to the current terms of current elected officials. Ordinance No. 2022-13 provides the language necessary to amend the Escondido Municipal Code to impose term limits requested by the City Council on May 25, 2022. The Ordinance requires voter approval in order to be effective.

Resolution No. 2022-91R will add this ballot measure to the consolidated general election on November 8, 2022. The San Diego County Registrar of Voters Calendar of Events lists the key events for the next consolidated general election and is included as Attachment "A."



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Ballot measures may include arguments for or against the measure. Anyone can submit arguments in support of or opposed to the measure, and may also submit rebuttals. If the City Clerk receives multiple arguments for or against the measure, the City Clerk will select the arguments to be presented to the voters in the voter information pamphlet based on priorities described in state law. If the City Council prefers to submit an argument in support of the proposed measure, the City Council or an individual councilmember's argument would take precedence over any other submissions. Thus, the City Council may choose to maintain control of the ballot argument.

Because of the physical limitations of ballots, ballot measure language has a 75-word limit. The proposed ballot language is as follows:

To establish term limits of two terms for persons serving as Mayor and three terms for persons serving as a City Councilmember, whether consecutive or not, shall Ordinance 2022-13 amending the Escondido Municipal Code be approved?

The ballot measure voter information pamphlet would contain the proposed changes to Chapter 2 of the Escondido Municipal Code.

Conclusion.

If the City Council chooses to submit this ballot measure to the voters on November 8, 2022, and more than one half (50% + 1) of the voters vote yes, the measure would become effective.

The City Council or individual Councilmembers may retain control of the ballot measure argument by voting to authorize the mayor, or one or more city councilmembers, to draft the argument and any rebuttals if necessary.

ATTACHMENTS

- a. Attachment "1" – San Diego County Registrar of Voters November 8, 2022 for Local Measures Calendar of Events

ORDINANCES

- a. ORDINANCE NO. 2022-13

RESOLUTIONS

- a. RESOLUTION NO. 2022-91R