



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 03/03/2020

ITEM NO: 9

DATE: February 25, 2020
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Term Limits Initiative

- a. Accept Elections Official's Certification of the Sufficiency of the Term Limits Initiative Petition,
- b. Adopt a Resolution Calling the Election and
- c. Direct the Inclusion of the Preliminary Estimated Cost of the Election for the Term Limits Initiative of \$54,200 in the Town Manager's Proposed Operating Budget for Fiscal Year (FY) 2020/21.

RECOMMENDATION:

Term Limits Initiative

- a. Accept Elections Official's Certification of the Sufficiency of the Term Limits Initiative Petition,
- b. Adopt a Resolution Calling the Election, and
- c. Direct the inclusion of the preliminary estimated cost of the election for the Term Limits Initiative of \$54,200 in the Town Manager's Proposed Operating Budget for Fiscal Year (FY) 2020/21.

BACKGROUND:

On October 7, 2019, a Notice of Intent to Circulate a Petition titled *A Citizens Initiative Measure Amending the Town Code to Limit the Time a Person May Serve on the Town Council to Two Consecutive Terms* was filed with the Town's Elections Official.

On January 16, 2020, James R. Sutton, on behalf of Phil Koen, Richard Van Hoesen, and Jak Van Nada, proponents of the initiative, filed with the Elections Official the petition containing a total number of 2,960 signatures. On January 22, 2020, the petition was delivered by the Elections Official to the Santa Clara County Registrar of Voters Office (ROV) for signature verification.

PREPARED BY: Shelley Neis, Town Clerk
Robert Schultz, Town Attorney

Reviewed by: Town Manager and Finance Director

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BACKGROUND (continued)

Pursuant to California Elections Code 9115(a), the ROV conducted a random sampling technique to verify the signatures. A random sampling shall include an examination of at least 500 or 3% of the signatures, whichever is greater.

On February 20, 2020, the ROV notified the Town Elections Official that per Elections Code Section 9115, subdivision (b), the statistical sampling is over 110 percent.

Pursuant to California Elections Code Section 9114, if the petition is found sufficient the Elections Official shall certify the results of the examination to the Town Council at the next regular meeting of the Council. The results of the signature verification are set forth in the certification by the Elections Official (Attachment 1). Based on these results, the Elections Official is certifying that the petition meets the 10% valid signature requirement of registered voters to place the initiative on the next regular election ballot.

DISCUSSION:

California Government Code Section 36502 requires the Town's voters to determine whether Town Council members shall be subject to term limits. Such a decision must be made at a regular Town election and can only apply prospectively (previous terms of re-elected incumbents do not count toward the term limit put in place). A term limit measure may be placed on a ballot as an initiative measure brought forward by citizens or as a Council proposed measure. Therefore, the Town Council does not have the option to adopt an Ordinance without alteration and once Council has accepted the certification of the sufficiency of the Term Limits petition, it must adopt a resolution (Attachment 2) calling an election to be consolidated with the Santa Clara County General Election occurring on November 3, 2020;

The resolution, if approved, directs the Town Attorney to prepare an impartial analysis of the initiative pursuant to California Elections Code Section 9280.

CONCLUSION:

After accepting the Elections Official certification of the sufficiency of the Term Limits initiative, Council must adopt a resolution calling the election to be held on November 3, 2020 and authorizing the budget adjustment estimated at \$54,200.

COORDINATION:

This report was coordinated with the Town Attorney and the Town Manager's offices.

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FISCAL IMPACT:

The costs for municipal elections are incurred by the Town. An election for an initiative measure has not yet been budgeted for FY 2020/2021. The ROV's preliminary estimated cost of including the initiative would be approximately \$54,200 for a 6-page measure, not including costs for signature verification. Depending on Council's approval, the budget allocation is estimated to be approximately \$108,400 for both initiatives. If approved by the Town Council, the Manager should include this amount in the Proposed FY 2020/21 Operating Budget.

ENVIRONMENTAL ASSESSMENT:

This is not a project defined under CEQA, and no further action is required.

Attachments:

1. Certification of Sufficiency
2. Resolution Calling the Election