



**TOWN OF LOS GATOS  
COUNCIL AGENDA REPORT**

MEETING DATE: 10/01/2019

ITEM NO: 13

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DATE: September 25, 2019  
TO: Mayor and Town Council  
FROM: Robert Schultz, Town Attorney  
SUBJECT: Review of Citizen Ballot Initiative Amending the Los Gatos Town Code  
Regarding Term Limits for Council Members

**RECOMMENDATION:**

It is recommended that the Town Council review this report and provide any direction to staff .

**BACKGROUND:**

On September 3, 2019, a Notice of Intent to Circulate Petition proposing an amendment to the Los Gatos Town Code was submitted to the Town Clerk. This ballot measure would amend the Los Gatos Town Code to add term limitations for members of the Town Council. Presently, persons serving as Council members serve four-year terms and can serve unlimited terms. This measure would eliminate the ability to serve unlimited terms and create a limit of two consecutive terms for Council members. After serving two consecutive terms, a Council member would not be eligible to serve an additional term until at least four years have elapsed since that Council member last held office. Under State Law, the ballot measure must operate prospectively, so that any time served by a person serving in office before certification of the 2020 election, would not count toward the term limit thereafter.

Attachment A is a Copy of the Notice of Intent to Circulate Petition and Attachment B is the Ballot Title and Summary, as mandated and prepared by the Town Attorney.

**DISCUSSION:**

Procedural requirements for placing a local initiative on the ballot parallel those for qualifying a statewide proposition. After drafting an initiative measure, proponents must file a "notice of

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Town Attorney

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Reviewed by: Town Manager, Assistant Town Manager, Town Attorney, and Finance Director

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intention” to circulate a petition for signatures with the Town Clerk, along with the text of the proposed measure and a request for ballot title and summary. The Town Clerk forwards the request to the Town Attorney, who has 15 days to return an impartial ballot title and summary. Proponents must publish the notice of intention, ballot title, and summary in the local newspaper of general circulation. Next, proponents have 180 days from the receipt of the ballot title and summary to circulate a petition for the requisite signatures.

Under State law, term limits can only be enacted by the voters at a regularly scheduled election. The next regularly scheduled election is November 2020. Since a term limits ballot measure must be held at a regularly scheduled election, the Petition will need a minimum of 10% of the registered voter population which equates to approximately 2,090 registered voters.

Upon receiving an initiative petition, the Town Clerk must verify the number of signatures obtained and their eligibility within 30 days. In the interim, the Town Council may refer the proposed measure for a report on its fiscal impact, consistency with the General Plan, and other effects. Reports must be received within 30 days after the Town Clerk has certified the sufficiency of the petition. If the Town Clerk determines that the requisite number of valid signatures has been gathered, he or she submits the initiative to the Town Council. A local government cannot refuse to place a duly certified initiative on the ballot.

Instead of waiting to see if the petitions qualify for the ballot, the Town Council could on its own direct staff to prepare resolutions to place all, part, or none of the term limit ballot measures on the November 2020 general election.

CONCLUSION:

This is primarily an informational report for Council consideration and to direct staff accordingly.