

CITY OF SACRAMENTO



JAMES P. JACKSON
City Attorney
THEODORE H. KOBEY, JR.
Assistant City Attorney
LELIAND J. SAVAGE
SAMUEL L. JACKSON
WILLIAM P. CARNAZZO
DIANE B. BALTER
CHRISTINA PRIM
Deputy City Attorneys

DEPARTMENT OF LAW
812 TENTH STREET
SUITE 201
SACRAMENTO, CA 95814
TELEPHONE (916) 449-5346

April 1, 1983

TO: HONORABLE CITY COUNCIL
FROM: THEODORE H. KOBEY, JR., Assistant City Attorney
RE: CHARTER AMENDMENTS - TWO-TERM LIMITATIONS FOR
MAYOR AND COUNCILMEMBERS

SUMMARY

Attached are charter amendments requested by Councilmember Serna, which limit councilmembers and the mayor to two terms.

DISCUSSION

The attached charter amendments would limit councilmembers and the mayor to two consecutive terms. After a period of at least three years, a person who had served two terms would again be eligible for office. Both amendments provide that persons elected to fill and actually serving an unexpired term of more than three years would be eligible for one additional full term and then would not again be eligible for a period of three years.

The amendment for councilmembers (Sec. 27) provides as follows for councilmembers in office at the time of its adoption:

- (1) Any councilmember whose current term expires in 1983 would be allowed two full terms commencing in 1983. (subsection (c) (1)).
- (2) Any councilmember whose current term expires in 1985 would be allowed two full terms commencing in 1985. (subsection (c) (2)).

Persons not in office at the time of adoption of the charter amendment would be limited to two full terms commencing when they first take office. (subsection (d))

The amendment for mayor (§ 41) would take effect beginning with the 1983 election and the limit would be computed starting then.

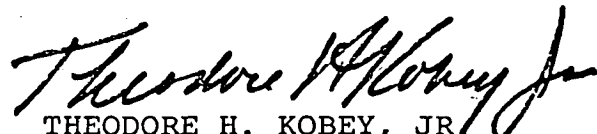
Honorable City Council
April 1, 1983
Page Two

Time spent as councilmember does not count in computing the two term limit for mayor (§ 41) and time spent as mayor does not count against the limit for councilmember (§ 27(b)).

Finally, the two term limit for councilmember precludes anyone from serving more than two consecutive terms from any district. Thus, after serving two terms in one district, someone could not serve from that district or any other district for three years.

RECOMMENDATION

Councilmember Serna recommends that these charter amendments be referred to the Law and Legislation Committee.


THEODORE H. KOBAY, JR.
Assistant City Attorney

THK:kn

Attachments

#29

Sec. 27 Qualifications of members.

(a) Each member of the council or candidate therefor, other than for the office of mayor, at the date of candidacy and election or appointment, shall be an elector and a resident in such member's district for not less than 30 days preceding the date of candidacy and election or appointment, as the case may be, and must continue to reside in such district during the term of office, except that no boundary change under section 24 or 25 shall disqualify a member from serving the remainder of the term. The term "elector" means a person who qualifies to vote at either a state election or federal election held in the State of California. "Date of candidacy" shall mean the date of filing nominating papers or equivalent declaration of candidacy.

(b) No person shall be eligible to serve as a council member for more than two successive terms. Any person who has served two successive terms shall not again be eligible to serve as a council member until three years have elapsed from the time of leaving office. Any person elected to fill and actually serving for an unexpired term of more than three years shall be eligible only for one term of office on the expiration of the unexpired term for which that person was elected, and shall not again be eligible to serve as a council member until three years have elapsed from the time of leaving office. Any time served by any person as mayor shall not be counted in determining the eligibility of such person to serve as a council member other than as mayor.

27

(c) Subsection (b) shall apply to persons holding the office of council member at the time of its enactment as follows:

(1) For any council member, other than the mayor, whose term of office expires in 1983, subsection (b) shall apply commencing with such person's taking office as council member in 1983 and any time served prior to said taking office shall not be counted in determining the eligibility of any such person to serve as council member.

(2) For any council member whose term of office expires in 1985, subsection (b) shall apply commencing with such person's taking office as council member in 1985 and any time served prior to said taking office shall not be counted in determining the eligibility of any such person to serve as council member.

(d) Except as provided in subsection (c), subsection (b) shall apply to any person who takes office as council member on or after November 29, 1983.

#29

Sec. 41 Mayor - Qualifications.

(a) The mayor or candidate therefor, at the date of candidacy and election or appointment, shall be an elector and a resident of the city not less than thirty (30) days prior to the date of candidacy and election or appointment, as the case may be, and shall continue to reside in the city during the term of office. The term "elector" shall have the meaning given in section 27 of article III. "Date of candidacy" shall mean the date of filing nomination papers or equivalent declaration of candidacy.

(b) No person shall be eligible to serve as mayor for more than two successive terms. Any person who has served two successive terms shall not again be eligible for the office of mayor until three years have elapsed from the time of leaving office. Any person elected to fill and actually serving for an unexpired term of more than three years shall be eligible only for one term of office on the expiration of the unexpired term for which that person was elected, and shall not again be eligible for the office of mayor until three years have elapsed from the time of leaving office. This subsection shall apply to any person who takes office as mayor on or after November 29, 1983. Any time served by any person as a council member other than as mayor shall not be counted in determining the eligibility of such person to serve as mayor.

#29

MEMORANDUM

TO: LAW AND LEGISLATIVE COMMITTEE
FROM: LORRAINE MAGANA, CITY CLERK
SUBJECT: REFERRAL OF ITEM NO. 29, COUNCIL
AGENDA OF APRIL 5, 1983
DATE: APRIL 6, 1983

Pursuant to Council action, the following matter is referred to you:

Charter Amendment regarding two term limitation
for Mayor and Council members

LM/emm