

MEASURE P

CITY ATTORNEY'S IMPARTIAL ANALYSIS OF MEASURE P

This ballot measure would amend Santa Clara City Charter Sections 701 and 704.1 to modify the term limitations of the Mayor and City Council. Presently, persons serving in each office may only serve two consecutive terms but are eligible to serve again after a two year period. Consequently, those persons can, in effect, serve unlimited terms as long as no more than two terms are served consecutively. This measure would eliminate the ability to serve unlimited terms and create an outright limit of two terms each for both the offices of Mayor and City Council. As before, time served in the office of City Council would not be counted as time served in the office of Mayor.

The measure would not operate retroactively so that any time served by a person serving in either office before December 1, 2016, would not count toward the term limit thereafter. Finally, the measure would also define a partial term of over two years as being a full term for purposes of the proposed new term limit.

A "Yes" vote would serve to eliminate the ability of persons serving as Mayor or City Council Member to serve unlimited terms as long as no more than two terms are served consecutively. A "No" vote would serve to leave existing term limitations as is.

This measure was placed on the ballot by action of the Santa Clara City Council on July 19, 2016.

Richard E. Nosky, Jr.
City Attorney

COMPLETE TEXT OF MEASURE P

Sec. 701 Term limits of mayor and council members.

~~A member of the Council shall not serve more than two consecutive elective terms as such, and shall be ineligible for reelection or appointment to fill a vacancy in the Council until two years after such service. No person elected as member of the Council shall be eligible to serve, or serve, for more than two (2) full terms; but such service prior to December 1, 2016, shall not disqualify any person from further service as a member of the Council. If a member of the Council serves a partial term in excess of two (2) years, it shall be considered a full term for the purpose of this provision.~~ The office of elected Mayor, to be filled from the City at large, is a separate office from the Council and solely for the purpose of this term limit disqualification is not a Council office or the Council. Consequently, time served in such office of elected Mayor is not time served on the Council and time served on the Council is not time served in such office of elected Mayor.

Sec. 704.1 Mayor-Limitation of terms.

~~No person who has been elected to the office of Mayor for two successive four-year terms shall be eligible to run for election to the office of Mayor, nor to serve as such, for any additional successive term; but the above shall not disqualify any person from running for election to the office of Mayor, nor from further service as Mayor, for any term or terms which are not successive, nor for any parts of terms which are not successive. No person elected as Mayor shall be eligible to serve, or serve, more than two (2) full terms; but such service prior to December 1, 2016, shall not disqualify any person from further service as Mayor. If a Mayor serves a partial term in excess of two (2) years, it shall be considered a full term for the purpose of this provision.~~

ARGUMENT IN FAVOR OF MEASURE P

The City of Santa Clara has seen explosive economic and population growth, which has brought an influx of new talent and smart individuals who have made tremendous contributions to our economy and City. However, the makeup of our City Council membership has not reflected this diverse and talented growth-too often we see the same Council Members and Mayors, depriving the City of new individuals from taking a leadership role.

While the current City Charter gives the illusion of term limits, the reality is that Council Members can simply "reset" their limit by sitting out for 2 years or by serving as Mayor, thereby allowing them to run again.

The Charter Review Committee felt that lifetime term limits would better reflect the general sentiment in the community. **We seek to impose a lifetime limit of 2 terms for Council Members, and separately a lifetime limit of 2 terms for Mayor.** The separation of term limits is intended to give a Council Member who has served 2 terms an opportunity to serve as Mayor, using the experience they gained from serving on Council.

This measure puts the City on the right path to ensuring our future Council is one that embraces new talented individuals that bring along fresh perspectives and new ideas.

We urge you to support this measure. Please vote YES on Measure P.

/s/ Beverly Silva
Charter Review Committee Chairperson

/s/ Jodi Muirhead
Charter Review Committee Member

/s/ Hosam Haggag
Charter Review Committee Member

/s/ Howard A. Myers
Charter Review Committee Member

/s/ Brian P. Lowery
Charter Review Committee Member

NO ARGUMENT AGAINST MEASURE P WAS SUBMITTED