

**TOWN OF LOS GATOS
MEASURE B**

Shall the measure proposing a term limit ordinance to require that after serving two (2) four (4) year terms, a Town Council Member is not eligible to run for the Town Council or to be appointed to a vacancy unless a period of four years has elapsed since their last service on Town Council, be adopted?

**YES
NO**

**TOWN ATTORNEY'S IMPARTIAL ANALYSIS OF
MEASURE B**

The Los Gatos Town Council consists of five members, each elected by the voters to serve for a four-year term. The Town does not currently impose term limits on its Town Council Members. Measure "B" proposes the adoption of an Ordinance which would establish term limits for Town Council Members as set forth below.

If Measure "B" is approved, no person who has served two consecutive four-year terms on the Town Council will be permitted to seek nomination or election for a new term until he or she has stayed off the Council for at least four years after the expiration of his or her second consecutive term. Partial terms (two years or less) to fill Council vacancies will not count against the term limit. Therefore, someone who has served a prior partial term of two years or less could still serve two consecutive four-year terms. However, a person could not serve two consecutive four-year terms and then serve a partial term unless and until four years have passed from the end of the person's two consecutive full four-year terms and the beginning of the partial term. Any member of the Town Council who leaves office during a term shall be deemed to have served the entirety of their term.

If Measure "B" is approved, it would apply prospectively to all future four-year Town Council terms starting with those elected at the November 3, 2020 election.

A "yes" vote on Measure "B" will authorize the term limits on Town Council service as set forth above.

A "no" vote on Measure "B" will not authorize the term limits on Town Council service as set forth above.

Measure "B" will be approved if it receives a simple majority of "Yes" votes.

Robert Schultz
Town Attorney

COMPLETE TEXT OF MEASURE B

LOS GATOS TOWN COUNCIL TERM LIMITS INITIATIVE

BE IT ORDAINED by the People of the Town of Los Gatos as follows:

Section 1. Title.

This measure shall be known and may be referred to as the "Town Council Term Limits Initiative."

Section 2. Findings and Declarations.

WHEREAS, the Los Gatos Town Council consists of five Council members; and

WHEREAS, Los Gatos Town Council members are elected to serve staggered four-year terms; and

WHEREAS, the Town of Los Gatos currently does not have term limits for Town Council members; and

WHEREAS, term limits encourage competitive elections and foster increased citizen participation in seeking elective office; and

WHEREAS, term limits encourage diversity among the members of the Town Council; and

WHEREAS, term limits provide voters with more choices about who will represent them; and

WHEREAS, California Government Code section 36502 authorizes the People of Los Gatos to adopt by initiative a limit on the number of terms a member of the Town Council may serve; and

WHEREAS, the People of Los Gatos support a term limit of two consecutive four-year terms; and

WHEREAS, after serving two consecutive terms, a person should not be eligible to serve an additional term until at least four years have elapsed since that person last held office; and

WHEREAS, a person appointed or elected to serve a partial term of two years or less should be eligible to serve an additional two consecutive four-year terms; and

WHEREAS, a partial term of more than two years should be deemed to be one full term; and

WHEREAS, the People of Los Gatos intend for term limits to apply prospectively beginning with the terms that commence on or after the effective date of this ordinance.

NOW, THEREFORE, the People of the Town of Los Gatos do ordain as follows:

Section 3. Section 2.20.040 is hereby added to the Los Gatos Town Code to read in its entirety as follows:

Section 2.20.040.-Term Limits.

(a) The term of office for each member of the Town Council shall be four years.

COMPLETE TEXT OF MEASURE B-Continued

- (b) No person shall serve more than two consecutive terms as a member of the Town Council.
- (c) Any person who has served two consecutive terms shall not serve again, either by election or appointment, until at least four years have elapsed since that person last held office.
- (d) For purposes of this section, any person appointed or elected to the Town Council to fill an unexpired term of two years or less in length shall thereafter be eligible to serve two consecutive terms upon the expiration of the partial term for which that person was appointed or elected.
- (e) Applying prospectively to terms commencing on or after the effective date of this ordinance, any portion of a term of office longer than two years shall be deemed to be a full term for the purpose of the limit imposed by this section.
- (f) Any member of the Town Council who resigns from or otherwise leaves office during a term shall be deemed to have served the entirety of that term for the purpose of the limit imposed by this section, regardless of the length of time remaining in the term.

Section 4. Earliest Possible Election.

The People of Los Gatos hereby expressly request that this measure be submitted to the voters of Los Gatos at the earliest time allowable by law.

Section 5. Severability.

Should any provision of this measure, or its application to any person or circumstance, be determined by a court of competent jurisdiction to be unlawful, unenforceable, or otherwise void, voidable, or invalid, that determination shall have no effect on any other provision, or the application of this measure to any other person or circumstance and, to that end, the provisions hereof are severable. By approving this measure, the voters express their intent that each section and subsection would have been adopted irrespective of whether any one or more sections or subsections are found to be invalid or unconstitutional, and that each section and subsection is therefore explicitly severable, part-by-part, phrase-by-phrase, and word-by-word, and that if any portion is determined by a court of competent jurisdiction to be unlawful, unenforceable, or otherwise void, voidable, or invalid, that the least amount of language be severed from the ordinance.

Section 6. Competing Initiatives/Measures.

This measure is intended to be comprehensive. It is the intent of the People of Los Gatos that, in the event this measure and one or more measures relating to the same subject shall appear on the same ballot, the provisions of the other measure or measures shall be deemed in conflict with this measure. In the event that this measure receives a greater number of affirmative votes, the provisions of this measure shall prevail in their entirety, and all provisions of the other measure or measures shall be null and void. If this measure is approved by a majority of the voters but does not receive a greater number of affirmative votes than any other measure or measures appearing on the same ballot regarding the creation of term limits, then this measure shall take effect to the extent not in conflict with said other measure or measures.

COMPLETE TEXT OF MEASURE B-Continued

Section 7. Effective Date.

This measure shall be considered adopted and become effective upon the date of the election which it was approved by the voters.

Section 8. Liberal Construction.

This measure is an exercise of the initiative power of the People of Los Gatos to create term limits for service on the Town Council, and shall be liberally construed to effectuate that purpose.

Section 9. Legal Defense.

The People of Los Gatos desire that this measure, if approved by a simple majority of voters, and thereafter challenged in court, be defended by the Town of Los Gatos. The People of Los Gatos, by approving this measure by a simple majority of voters, hereby declare that the proponent(s) of this measure have a direct and personal stake in defending this measure from constitutional or statutory challenges to the measure's validity or implementation. In the event the Town fails to defend this measure, or the Town fails to appeal an adverse judgment against the constitutionality, statutory permissibility or implementation of this measure, in whole or in part, in any court of law, the measure's proponent(s) shall be entitled to assert his, her or their direct personal stake by defending the measure's validity and implementation in any court of law and shall be empowered by the People through this measure to act as agents of the People of Los Gatos, and the Town of Los Gatos shall indemnify the proponent(s) for reasonable expenses and other losses incurred by the proponent(s), as agent(s), in defending the validity and/or implementation of the challenged measure. The rate of indemnification shall be no more than the amount it would cost the Town to perform the defense itself.

ARGUMENT IN FAVOR OF MEASURE B

Measure B will establish term limits for the Los Gatos Town Council. Measure B is on the ballot because a citizen-led initiative qualified for the ballot with more than 2,500 signatures from Los Gatos residents.

Term limits increase voter choice by making elections more competitive, encouraging more candidates to run, and have shown to bring more diversity of the backgrounds of those elected.

Throughout Santa Clara County and California, voters have overwhelmingly supported term limits for public officials. Without them, over time, incumbents become entrenched politicians who can forget about the people they were elected to serve. Our local system of government flourishes when there is a constant flow of new citizens who can promote fresh ideas and solutions.

Of the other 14 cities in Santa Clara County, 12 have enacted some form of term limits. Term limits also apply to California's statewide elected officers and Senate and Assembly legislators.

Because of a lack of term limits and the advantages of incumbency, since 2001 only 13 citizens have served on the 5-person Los Gatos Town Council. Shouldn't more residents have the opportunity to serve?

Measure B will give Los Gatos voters a real chance for fresh perspectives, new ideas and change.

In 2019 the Town Council had the opportunity to proactively place a term limit initiative before the voters, but they chose not to. They did this even though there was overwhelming support for term limits.

Measure B will break this cycle of entrenched incumbency by setting a reasonable limit of two council terms with a four-year break before allowing an individual to rerun for election.

Term limits will improve our political process and open our government. Vote YES on Measure B.

Phillip Koen
Chairman Stack Infrastructure

Richard Van Hoesen
Chief Financial Officer, Onpharma Company

Jak Van Nada
Retired Chief Executive Officer, Golden State Services

Sandy Decker
Former Mayor and Councilmember

Colleen Wilcox
Former Supt. of Schools Santa Clara Co.

NO ARGUMENT AGAINST MEASURE B WAS SUBMITTED