

**CITY OF SARATOGA
MEASURE C**

Shall the City of Saratoga adopt an ordinance establishing term limits for members of the Saratoga City Council, limiting individuals to serving two terms and specifying the duration of various types of partial terms that are considered a term for the purposes of term limits?

YES
NO

**CITY ATTORNEY'S IMPARTIAL ANALYSIS OF
MEASURE C**

Measure C would establish term limits for the Saratoga City Council. If adopted, the measure would limit individuals to serving two terms on the City Council. After serving two terms an individual would not be eligible to serve again on the City Council. The measure would apply only to terms of office that begin on or after November 8, 2022.

The Saratoga Municipal Code sets no limit on the number of terms that an individual may serve on the City Council. (The voters of the City of Saratoga approved an advisory measure concerning term limits in 1992. That measure was advisory only and has no legal effect.) Measure C would amend the Code to provide that no person may serve more than two terms on the Saratoga City Council.

Measure C would further provide that (1) any person who is removed or has resigned from office is considered to have served a full term regardless of the amount of time in office; (2) any person who has been elected at a general municipal election to fill the unexpired term of a vacant seat on the City Council is considered to have served a full term; and (3) any person who has been appointed or elected at a special election to fill the unexpired term of a vacant seat on the City Council and served two or more years in that capacity is considered to have served a full term.

Measure C would apply to terms of office beginning on or after the November 8, 2022 election. As required by State law, it would not apply retroactively. That is, terms served or partially served prior to adoption of Measure C would not count toward the two-term limit.

A "yes" vote would amend the City Code to establish term limits as described. A "no" vote would result in no change in the Saratoga Municipal Code. This measure must receive a majority of "yes" votes in order to pass.

Measure C was placed on the ballot by the Saratoga City Council.

Submitted August 23, 2022

Richard S. Taylor
City Attorney
City of Saratoga

COMPLETE TEXT OF MEASURE C

Term Limits for Saratoga City Council Members

Section 1. Purpose and Findings

- A. The purpose of this measure is to establish legally binding term limits for the Saratoga City Council.
- B. This measure would limit individuals to serving two terms on the City Council. After serving two terms an individual would not be eligible to serve again on the City Council.

Section 2. Amendment to Saratoga Municipal Code

In accordance with California Government Code 36502(b), Section 2-10.200 is added to the Saratoga Municipal Code to read:

2-10.200 Term Limits.

- (a) No person may serve more than two terms on the Saratoga City Council.
- (b) For purposes of this section:
 - (1) any person who is removed or has resigned from office shall be deemed to have served a full term regardless of the amount of time in office;
 - (2) any person who has been elected at a general municipal election to fill the unexpired term of a vacant seat on the City Council shall be deemed to have served a full term; and
 - (3) any person who has been appointed or elected at a special election to fill the unexpired term of a vacant seat on the City Council and served two or more years in that capacity shall be deemed to have served a full term.
- (c) This section was adopted by the voters of the City of Saratoga at the November 8, 2022 election and shall not be repealed or amended except by a measure approved by a majority of the voters voting on the issue at an election legally called for that purpose.

Section 3. Implementation.

- A. This ordinance shall take effect only if approved by a majority of voters of the City of Saratoga at the November 8, 2022 election.
- B. In accordance with State law, the Saratoga Municipal Code provisions of this ordinance shall apply prospectively only, to those terms of office which commence on or after November 8, 2022.
- C. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, part, or portion of this measure is held to be invalid or unconstitutional by a final judgment of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this measure. The voters hereby declare that this measure, and each section, subsection, paragraph, subparagraph, sentence, clause, phrase, part, or

COMPLETE TEXT OF MEASURE C-Continued

portion thereof would have been adopted or passed even if one or more sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, parts, or portions are declared invalid or unconstitutional. If any provision of this measure is held invalid as applied to any person or circumstance, such invalidity shall not affect any application of this measure that can be given effect without the invalid application.

ARGUMENT IN FAVOR OF MEASURE C

In 1992 City voters approved the non-binding Citizen Advisory measure. Now, let's make it stick!

Term limits are good because they:

- Foster greater resident participation in local government;
- Create more competitive elections;
- Provide voters more choice at the ballot box;
- Hold elected officials accountable; and
- Promote fresh perspectives and ideas.

Thirty years later, it is time to formalize the Citizen Initiative. Vote YES on Measure C.

Tina Walia
Mayor

Kookie Fitzsimmons
Vice-Mayor

Mary-Lynne Bernald
Council Member

Rishi Kumar
Council Member

Yan Zhao
Council Member

NO ARGUMENT AGAINST MEASURE C WAS SUBMITTED