

**CITY OF MILPITAS  
MEASURE F**

Shall an ordinance be adopted amending the Milpitas Municipal Code to shorten Councilmember terms limits by establishing for both Councilmembers and Mayor, effective with the November 8, 2022 General Municipal Election, a ten consecutive year limit on combined Mayoral and City Councilmember service, with a six year limit on Mayoral service, followed by a two-year "cooling off" period, during which a person may not serve as Mayor or a Councilmember?

**YES  
NO**

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

Chapter 400 of the Title 1 of the City of Milpitas contains the City's current term limits on Mayoral and City Council service. At present, a person may not serve more than a combined total of three consecutive elective terms as either Mayor or as a Councilmember. However, if a Councilmember is elected Mayor or the Mayor is elected as a Councilmember, the official may serve an additional term for a combined total of four consecutive elective terms. Once the elected official reaches their respective term limit, he or she may not serve for a "cooling off period" of at least two years and may then serve again in elective office.

On June 21, 2022, the City Council voted to place Measure F on the November 8, 2022 General Municipal Election. If approved by a majority of voters, Measure F would amend Chapter 400 of Title 1 of the Municipal Code to make the following changes to local term limits:

- A person may not serve more than a combined total of ten consecutive years of elective service, whether as Mayor or a City Councilmember. If the ten year term limit is reached, the officer may not serve for a "cooling off period" of at least two years and may then serve in elective office again (as Mayor or Councilmember) for a new term limits period.
- Further, one may not serve more than a total of six years as Mayor (three elective two-year terms) within the ten consecutive year combined limit total. If the Mayor reaches the six year term limit, he or she may (i) run for one elective four-year term as a Councilmember, provided the Mayor has four years remaining within his or her respective ten consecutive year combined term limit; or (ii) choose not to serve in elective office for a "cooling off period" of at least two years, after which he or she may then serve in elective office again (as Mayor or Councilmember) again for a new ten-consecutive-year term limits period.

An "elective term" under Measure F includes those terms to which a person was actually elected or appointed to in lieu of an election under California Elections Code 10229. However, a partial term to fill a mid-term vacancy is not deemed to be a "term" covered by Measure F.

Any person who serves one-half or more of either a Councilmember or Mayoral elective term shall be deemed to have served that entire elective term (all years) consecutively with the next scheduled elective term, even if there is an actual break of time in elected service.

Recognizing that Milpitas already has term limits in place, Measure F also includes transitional rules to address the elective terms of current incumbents.

**CITY ATTORNEY'S IMPARTIAL ANALYSIS OF  
MEASURE F-Continued**

Measure F requires simple majority approval of Milpitas voters to pass.

**The above statement is an impartial analysis of Measure F. If you desire a copy of the Measure, please call the Elections Official's office at (408) 586-3001 and a copy will be mailed at no cost to you.**

Michael Mutalipassi  
City Attorney

### **ARGUMENT IN FAVOR OF MEASURE F**

The city council has put forth a ballot measure this year reducing term limits shortening time in office from 12 years on the city council to 10 consecutive years. This encourages opportunity for more diverse citizen participation and reduces political advantage of incumbents. A reduction in term limits opens up opportunity to allow new fresh "out of the box" ideas that can help shape Milpitas as the city grows. The city has no lifetime term limits which allows councilmembers to return after a two year "cooling period" if the voters so will it.

Rich Tran  
Mayor

Carmen Montano  
Vice Mayor

**NO ARGUMENT AGAINST MEASURE F WAS SUBMITTED**