Adopted
12/06/16
Sinanyan/Devine
All Ayes

RESOLUTION NO. 16-213

A RESOLUTION OF THE COUNCIL OF THE CITY OF GLENDALE, CALIFORNIA, AUTHORIZING PLACING ON THE BALLOT THE QUESTION OF AMENDING THE CHARTER REGARDING TERM LIMITS FOR OFFICE OF COUNCILMEMBER

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF GLENDALE, that it does hereby authorize placing on the ballot for submission to the City electorate the following charter amendment, the full text of such amendment set forth fully in Attachment 1:

CHARTER AMENDMENT NO. __ Shall the City Charter be amended to require term limits for councilmembers: councilmembers may not serve more than three terms; a partial term of two years or more will be deemed a full term; and the measure will not apply to councilmember terms that commenced prior to adoption of this measure?	YES	
	NO	

BE IT FURTHER RESOLVED that the City Attorney is hereby directed to prepare an impartial analysis of the measure showing the effect of the measure on existing law and how the measure will operate, and

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to take such steps as may deemed necessary to place the matter on the ballot for the General Municipal Election to be held on April 4, 2017.

Adopted this 6th day of December, 2016

Paula Devine
Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM

CITY ATTORNEY

DATE 12/8/16

STATE OF CALIFORNIA)
) SS.
COUNTY OF LOS ANGELES)

I, Ardashes Kassakhian, City Clerk of the City of Glendale, certify that the foregoing Resolution No. 16-213 was adopted by the Council of the City of Glendale, California, at a regular meeting held on the 6th day of Dec, 2016, and that the same was adopted by the following vote:

Ayes: Gharpetian, Najarian, Sinanyan, Devine
Noes: None
Absent: None

City Clerk

8 E 1

Attachment 1 to City Council Resolution re Term Limits of Councilmembers

[New provisions or language added to the existing Charter section are shown in underline, words and figures deleted from the existing charter section are shown in ~~Strikethrough type~~.]

Article IV, Sec 6. Terms of elective officers; term limits of councilmembers.

(a) From and after the general municipal election to be held on the first Tuesday in April of 1965, the clerk and treasurer elected and the three (3) members of the council and the three (3) members of the board of education receiving the highest number of votes for said offices respectively shall hold office for terms of four (4) years commencing at eight p.m. (8:00 P.M.) of the second Monday following the day of election and until their successors are elected and qualified. From and after the general municipal election of 1967 the two (2) members of the council and the two (2) members of the board of education then elected shall hold office for terms of four (4) years commencing at eight p.m. (8:00 P.M.) of the second Monday following the day of said general municipal election of 1967 and until their successors are elected and qualified. Any person elected to fill a vacancy shall serve for the remainder of the unexpired term. In the election of councilmen and members of the board of education, where full terms and one (1) or more unexpired terms are to be filled, no distinction shall be made in nominating or voting between the full terms and the unexpired terms, but the person or persons elected by the highest number of votes shall be elected for the full term or terms and the person or persons receiving the next highest vote shall be elected for the unexpired term or terms, as the case may be.

(b) No person may serve more than three (3) terms of office as a member of the City Council, either by election or appointment. This limitation on the number of terms of office shall not apply to any unexpired term to which a person is elected or appointed to council if the remainder of the term is less than one-half of the full term of office and shall apply only to terms of office that began after April 4, 2017.

Adopted
12/06/16
Gharpetian/Sinanyan
All Ayes

RESOLUTION NO. 16-214

A RESOLUTION OF THE COUNCIL OF THE CITY OF GLENDALE, CALIFORNIA, CALLING FOR ARGUMENTS IN FAVOR OR AND AGAINST PROPOSED CHARTER AMENDMENTS FOR THE BALLOT FOR THE GENERAL MUNICIPAL ELECTION ON TUESDAY, APRIL 4, 2017

WHEREAS, pursuant to Article XI of the California Constitution, Title 4, Division 2, Chapter 2 of the Government Code and Division 9, Chapter 3, Article 3 (commencing at §9255) of the Elections Code of the State of California, the City Council of the City of Glendale desires to submit to the voters certain proposed charter amendments; and

WHEREAS, the City Council is authorized and directed by statute to submit the proposed charter amendments to the voters; and

WHEREAS, pursuant to Section 1.08.060A of the Glendale Municipal Code, 1995, persons or associations desiring to write arguments in favor of or against the adoption of any measure or proposition shall write a written request with the City Clerk.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF GLENDALE,

Section 1: That the City Council hereby calls to persons or associations desiring to write arguments in favor of or against the adoption of the proposed Charter Amendment for the General Municipal Election on April 4, 2017. Written requests to write arguments shall be submitted to the City Clerk no later than January 3, 2017 and such arguments shall not exceed 300 words.

Section 2: The City Clerk shall certify to the passage and adoption of this Resolution.

Adopted this 6th day of December, 2016.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM

Senior Assistant City Attorney

DATE 11/29/16

STATE OF CALIFORNIA)
) SS.
COUNTY OF LOS ANGELES)

I, Ardashes Kassakhian, City Clerk of the City of Glendale, certify that the foregoing Resolution No. 16-214 was adopted by the Council of the City of Glendale, California, at a regular meeting held on the 6th day of Dec, 2016, and that the same was adopted by the following vote:

Ayes: Gharpetian, Najarian, Sinanyan, Devine
Noes: None
Absent: None

City Clerk

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glendale
california

CITY OF GLENDALE, CALIFORNIA
REPORT TO THE:

Joint ☐ City Council ☒ Housing Authority ☐ Successor Agency ☐ Oversight Board ☐

December 6, 2016

AGENDA ITEM

Report: Discussion of Potential Ballot Measure Amending City Charter, relating to Council Term Limits

1) Resolution of the Council Authorizing Placing on the Ballot the Question of Amending the Charter to Require Council Term Limits
2) Motion Directing Staff re Charter Amendment on Council Term Limits
3) Resolution Calling for Arguments For and Against the Ballot Measures
4) Motion Making Appointments to Write Ballot Arguments For/Against Ballot Measure

COUNCIL ACTION

Public Hearing ☐ Ordinance ☐ Consent Calendar ☐ Action Item ☒ Report Only ☐

Approved for December 6, 2016 calendar

ADMINISTRATIVE ACTION

Signature

Submitted by:
Michael J. Garcia, City Attorney

Prepared by:
Lucy Varpetian, Senior Assistant City Attorney

Approved by:
Scott Ochoa, City Manager

Reviewed by:
Yasmin K. Beers, Assistant City Manager

Ardashes Kassakhian, City Clerk

8 E 1

RECOMMENDATION

Staff seeks direction regarding a ballot measure amending the City Charter relating to City Council term limits. If the Council desires to place a measure on the ballot to limit the number of council terms, suggested language for amending the Charter is provided in the Resolution.

BACKGROUND/ANALYSIS

At the November 15, 2016 city council meeting, the council considered the possibility of amending the charter to require term limits. Currently, Glendale city council members may serve an unlimited number of council terms. After reviewing many examples, Council elected to follow the process in the City of Los Angeles, where the Charter Section 206 provides a three term limit for council members and the term limit does not apply to any unexpired term to which a person is elected or appointed if the remainder of the term is less than one-half of the full term of office. Council further discussed not placing a permanent ban on future elections, but allowing a candidate to run again after a four-year absence.

Potential Charter Amendment
The Council can choose to place a measure on the ballot to amend the City Charter to add a limitation on the number of terms one may serve on the city council. The proposed amendment is consistent with the direction provided by Council at the November 15, 2016 meeting. The proposed amendment has two alternatives on one point where Council will need to provide additional direction. Specifically, Council will need to decide whether the three term limit is for three consecutive terms or just three terms. Although not specifically discussed in depth on November 15, 2016, Staff believes that Council desired the term limits to apply to three consecutive terms, but want to make sure that point is clear. An alternative version is provided below. Should council elect to place the measure on the ballot, staff has included the suggested amendment below.

Article IV, Sec 6. Terms of elective officers; term limits of councilmembers.

(a) From and after the general municipal election to be held on the first Tuesday in April of 1965, the clerk and treasurer elected and the three (3) members of the council and the three (3) members of the board of education receiving the highest number of votes for said offices respectively shall hold office for terms of four (4) years commencing at eight p.m. (8:00 P.M.) of the second Monday following the day of election and until their successors are elected and qualified. From and after the general municipal election of 1967 the two (2) members of the council and the two (2) members of the board of education then elected shall hold office for terms of four (4) years commencing at eight p.m. (8:00 P.M.) of the second Monday following the day of said general municipal election of 1967 and until their successors are elected and qualified. Any person elected to fill a vacancy shall serve for the remainder of the unexpired term. In the election of councilmen and members of the board of education, where full terms and one (1) or more unexpired terms are to be filled, no distinction shall be made in nominating or voting between the full terms and the unexpired terms, but the person or persons elected by the highest number of votes shall be elected for the full term or terms and the person or persons receiving the next highest vote shall be elected for the unexpired term or terms, as the case may be.

ALTERNATIVE 1 – THREE CONSECUTIVE TERM LIMIT

(b) No person may serve more than three (3) consecutive terms of office as member of the City Council, either by election or appointment, until at least four years after the expiration of the third consecutive term. After a four year absence, a new three consecutive term limit applies. These limitations on the number of terms of office shall not apply to any unexpired term to which a person is elected or appointed to council if the remainder of the term is less than one-half of the full term of office. These limitations on the number of terms of office of councilmembers shall apply only to terms of office that began after April 4, 2017.

ALTERNATIVE 2 – THREE- TERM LIMIT

(b) No person may serve more than three (3) terms of office as member of the City Council, either by election or appointment, until at least four years after the expiration of the third term. After a four year absence, a new three term limit applies. These limitations on the number of terms of office shall not apply to any unexpired term to which a person is elected or appointed to council if the remainder of the term is less than one-half of the full term of office. These limitations on the number of terms of office of councilmembers shall apply only to terms of office that began after April 4, 2017.

Next Steps

If the Council adopts a resolution calling for the placement of Charter amendment on the ballot, a resolution calling for arguments for and against the proposed charter amendment, must also be adopted.

The following procedures must be followed:

City Attorney's Impartial Analysis: Elections Code §9280 provides that whenever city measures are placed on the ballot, the City Attorney, upon direction of the City Council must prepare an impartial analysis of the measures showing the effect of each measure on existing law and how each measure will operate.

Call for Arguments For or Against Proposed Charter Amendments: Pursuant to Section 1.08.060 of the Glendale Municipal Code, 1995, ("GMC"), arguments for and against the proposed Charter amendments must be submitted by specific dates. The GMC requires the Council give preference for writing arguments in the following order:

1. Officers of the City elected by the people.
2. Appointive officers of the City.
3. Bona fide associations of citizens.
4. Individual voters.

Should a majority of the Council choose to write the arguments in favor of the proposed ballot measures, the City Attorney is prepared to draft such arguments or, in the alternative, the Council may write its own arguments. Any dissenting Councilmember may write an argument against the proposed ballot measure pursuant to the above specified order of preference.

Other Pertinent Elections Dates:

A person must request to write arguments at least 85 days prior to election. (January 3, 2017)

The City Council must appoint a person or persons to write arguments at least 75 days prior to election. (January 10, 2017)

Arguments must be submitted to the City Clerk at least 65 days prior to election. (January 27, 2017)

A 10 day review period of arguments prior to submitting materials for printing.

A sample ballot must be mailed to residents at least 21 days prior to the election. (March 14, 2017)

FISCAL IMPACT

Adding the Amendment to the ballot will increase in cost an estimated $25,000. In addition, there may be costs associated with the production and mailing of educational materials on the ballot measures if the City decides to produce such materials.

ALTERNATIVES

The Council may consider any of the following alternatives:

Alternative 1: Council elects to place a measure on the ballot whereby the term limits are established in the charter.

Alternative 2. Council takes no action.

Alternative 3: The City Council may consider any other alternative not proposed by staff.

CAMPAIGN DISCLOSURE

Not applicable to this item.

EXHIBITS

None.