

**FULL TEXT OF MEASURE W
CITY OF IRVINE**

CITY COUNCIL ORDINANCE NO. _____

AN ORDINANCE OF THE PEOPLE OF THE CITY OF IRVINE, CALIFORNIA, AMENDING THE CITY CHARTER OF THE CITY OF IRVINE TO CREATE LIFETIME TERM LIMITS FOR THE MAYOR AND CITY COUNCIL MEMBERS

WHEREAS, Government Code section 36502 and the inherent powers of a charter city permit a city to adopt an ordinance proposing to limit or repeal the limit on the number of terms that a member of the City Council and/or the elected Mayor may serve, subject to the approval of the voters of the city at a regularly scheduled election; and

WHEREAS, Section 400 of the Charter for the City of Irvine currently imposes consecutive term limits for members of City Council and the elected Mayor, but does not impose lifetime term limits; and

WHEREAS, the purpose of lifetime term limits is to promote a free and democratic system of fair elections, and to encourage qualified candidates to seek public office by limiting the powers of incumbency; and

WHEREAS, to provide the opportunity of continuity of leadership by members of the City Council and Mayor while at the same time continuing to limit the power of incumbency, it is appropriate to amend the Charter of the City of Irvine to place lifetime limits on the total number of terms which members of the City Council or Mayor may serve; and

WHEREAS, pursuant to Elections Code section 1415, Government Code section 36502, and the inherent powers of a charter city, the City Council has determined to submit to the voters at a General Municipal Election a ballot measure amending the City Charter of the City of Irvine to place lifetime limits on the number of years which members of the City Council or Mayor may serve.

NOW, THEREFORE, THE PEOPLE OF THE CITY OF IRVINE, CALIFORNIA, DO ORDAIN AS FOLLOWS:

SECTION 1. Findings. The above recitals are true and correct and incorporated herein.

SECTION 2. Amendment of the City Charter. Section 400 of the Charter of the City of Irvine is hereby amended to read as follows (deletion shown as ~~strike-out~~ and addition as underline):

Section 400. Mayor and City Council.

The City Council, hereinafter termed "Council," shall consist of a Mayor and four (4) Council members elected to office from the City at large in the manner provided in this Charter.

The Mayor shall serve a term of two (2) years. ~~No Mayor shall serve for more than two (2) consecutive full terms in office. Any person who serves two (2) full terms as Mayor shall not be eligible to serve again as Mayor.~~ If a Mayor serves a partial term in excess of one (1) year, it shall be considered a full term for the purpose of this provision. Other than as set forth herein, eligibility for office, compensation, vacancies and the filling of vacancies shall be the same for the office of Mayor as provided for the office of Council member by this Charter. The Mayor, in addition to serving as the presiding officer of the Council, shall have all of the rights, powers and duties of a Council member and shall be a member of the Council.

The term of office for a Council member shall be four (4) years. Alternatively, and successively, two (2) four-year terms shall be filled at one general municipal election and two (2) four-year terms at the next such election, consistent with the sequence of terms of Council members existing on the effective date hereof ~~[June 7, 1988]. No Council member shall serve for more than two (2) consecutive full terms in office.~~ Any person who serves two (2) full terms as a member of the City Council shall not be eligible to serve again as a member of the City Council. If a Council member serves a partial term in excess of two (2) years, it shall be considered a full term for the purpose of this provision.

If at any general municipal election, one (1) or more Council member, whose term of office will not expire as of the election, and who would be required to vacate the office of Council member if elected to the office of Mayor, files as a candidate for the office of Mayor, the following procedure will be used to fill the contingent vacancy in the office of Council member that would arise if the sitting Council member were elected Mayor: To the extent legally possible, the ballot for the office of Council member, the official election materials and voter information pamphlet shall notify the voters that they may cast ballots for not more than three (3) candidates for the office of Council member; that at least two (2) Council offices shall be filled by election; and that if a Council member whose term of office will not expire as of the election is elected to the office of Mayor, the vacancy in the office of that Council member shall be filled by the candidate for Council member receiving the third highest number of votes at the same municipal election.

The term of the Mayor and a Council member shall commence at the next regularly scheduled meeting of the Council following certification of the election results by the election official or such earlier other date as may be established by ordinance of the City Council, and he or she shall serve until his or her successor qualifies. Any ties in voting and any determination with respect to which Council member is to fill which office shall be settled by the casting of lots. No person shall hold both the office of Mayor and Council member.

The term limits established by this section shall be applicable prospectively only. The term limits shall not apply to any term that began before November 4, 2014. The Mayor and each Council member in the office at the time this Charter amendment takes effect [December 16, 1991] shall continue in office until the end of the term for which he or she was elected or appointed, unless elected to the office of Mayor, and until his or her successor qualifies subject to the right of the people to recall a Council member from office as provided herein.

As used herein the term "qualifies" shall mean, in addition to the provisions of the general law, having taken the oath of office following the election and his or her term of office shall have commenced.

SECTION 3. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason, held to be invalid or unenforceable by a court of competent jurisdiction, then the remaining portions of this Ordinance shall nonetheless remain in full force and effect. The People of the City of Irvine, California, hereby declare that they would have adopted each section, subsection, sentence, clause, phrase, or portion of this Ordinance irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions of this Ordinance be declared invalid or unenforceable.

SECTION 4. Effective Date. This Ordinance shall go into effect ten (10) days after the date on which the election results are declared by the City Council.

SECTION 5. Execution. The Mayor is hereby authorized to attest to the adoption of this Ordinance by the voters of the City of Irvine by signing where indicated below. The Clerk is authorized to publish this Ordinance in compliance with law.

**IMPARTIAL ANALYSIS BY CITY ATTORNEY
CITY OF IRVINE
MEASURE W**

This Measure was placed on the ballot by the City Council for the City of Irvine. The City Council for the City of Irvine is comprised of four elected City Council members and one elected Mayor. (This impartial analysis refers to the City Council members and Mayor collectively as "Elected Officials.") California state law authorizes cities to establish limits on the number of terms an Elected Official may serve in office. Term limits must be approved by the voters of the City of Irvine.

Section 400 of the Charter for the City of Irvine currently imposes consecutive term limits for its Elected Officials. More specifically, a member of the City Council cannot serve more than two consecutive four-year terms, and the Mayor cannot serve more than two consecutive two-year terms. In other words, a person cannot be a City Council member for more than eight consecutive years, and a person cannot be the Mayor for more than four consecutive years. Because existing law only limits *consecutive* terms, an Elected Official can return to the City Council after sitting out for a term (or part of a term), or can potentially serve as an Elected Official indefinitely by alternating between terms served as the Mayor and terms served as a City Council member.

If a majority of voters vote "yes" to approve this Measure, Section 400 of the Charter for the City of Irvine will be amended to create *lifetime* term limits for Irvine Elected Officials. If approved, the Measure will prohibit a person from serving as a member of the City Council for more than two four-year terms, and will prohibit a person from serving as the Mayor for more than two two-year terms. If approved, the proposed Measure will effectively create a lifetime term limit for Elected Officials of twelve years (*i.e.*, eight years as a City Council member and four years as the Mayor).

If approved, the Measure would apply prospectively only, meaning the terms an Elected Official served that commenced prior to the adoption of this Measure would not count toward the newly adopted lifetime term limit. Instead, only terms that began on or after November 4, 2014, would count toward the lifetime term limits. Therefore, if the Measure is approved, terms for Council members and the Mayor that are being voted on at the same election as this Measure will be included as a term counting toward the lifetime term limits ban.

THE ABOVE STATEMENT IS AN IMPARTIAL ANALYSIS OF ORDINANCE OR MEASURE W. IF YOU DESIRE A COPY OF THE ORDINANCE OR MEASURE, PLEASE CALL THE ELECTIONS OFFICIAL'S OFFICE AT 949-724-6205 AND A COPY WILL BE MAILED AT NO COST TO YOU.

s/ Todd Litfin
City Attorney

ARGUMENT IN FAVOR OF MEASURE W

Measure W enacts strong term-limits for the Irvine City Council. If passed an Irvine resident could serve no more than two terms as a Councilmember and two terms as Mayor. Afterwards there is a lifetime ban on future service.

Currently there is a 'loop hole' in the city's term limits ordinance that allows local politicians to run for Council, then Mayor, and back again – over and over. One member of the Council, first elected in 1978, has been serving continually in office since 1998 and is eligible to seek reelection again this year.

We believe that every politician, even in local government, should ultimately have to return back to private life and live under the laws and regulations they have created while in office.

We believe that with strict term limits, closing the 'revolving door' loophole, and a lifetime ban, that we ensure that our city council will always attract citizen representatives who are in touch with our residents.

Irvine voters passed a measure years ago that they thought enacted strong term-limits, but as we have seen it contained a loophole allowing politicians to jump between Mayor and Councilmember in perpetuity.

So to summarize this simple but important measure:

- Two Term Limit for Councilmembers
- Two Term Limit for Mayor
- Permanent lifetime ban once limits reached
- Closes 'revolving door' loophole

Please join us in enacting real and meaningful term limits here in the City of Irvine.

s/ Steven S. Choi, Ph.D
Mayor

s/ Jeffrey Lalloway
Mayor Pro Tem

s/ Christina L. Shea
Councilwoman

s/ Lynn Schott
Irvine Planning Commissioner

REBUTTAL TO ARGUMENT IN FAVOR OF MEASURE W

Please Vote NO on Measure W. This isn't about true "term limits." Irvine already has a voter-approved term limits law in our City Charter. **Measure W is a TERM EXTENSION scheme** written by and for Mayor Steven Choi and Councilmember Jeff Lalloway — to extend their own terms far beyond the term limits now in our City Charter.

Beginning in 1986, Irvine voters approved a system of term limits. The term limits in our City Charter are clear: no more than two consecutive 4-year terms for City Councilmembers and no more than two consecutive 2-year terms for Mayor.

For more than 25 years, this voter-approved system has worked well for Irvine, providing a good mix of fresh faces and experienced elected officials on our City Council.

Now, Mayor Steven Choi wants you to give him — **and him alone** — the chance to run not just for a second term in 2014, but a **third** consecutive term in 2016 and, according to legal authorities, possibly even a **fourth** consecutive term in 2018. Then, after that, he could run for two more terms as a City Councilmember!

Measure W is either the worst written "term limits" proposal in history; or, in the name of "term limits," it is a hypocritical attempt by Steven Choi to extend his own power as Mayor far into the future. **Mayor Steven Choi's personal political ambition is a poor basis for radically changing Irvine's existing term limits law.**

We urge you to Vote NO on Measure W.

s/ Larry Agran
Councilmember

s/ Mary Ann Gaido
Irvine Planning Commissioner

s/ Carolyn Inmon
Retired Irvine Teacher

s/ Chris King
Irvine Finance Commissioner

ARGUMENT AGAINST MEASURE W

Vote NO on Measure W. It's a fraud. Measure W is NOT a "term limits" measure. It is just the opposite. It is a TERM EXTENSION for the Mayor and City Council.

According to the Irvine City Attorney's impartial analysis, Measure W would permit its authors, Mayor Steven Choi and Councilman Jeff Lalloway, to stay on the Irvine City Council continuously until the year 2026!

- Under Irvine's existing term limit system – which was adopted by Irvine voters in 1986 – even if he were re-elected this November, Steven Choi would be termed-out as Mayor in 2016. **But if Measure W is adopted, he could run for an unprecedented third two-year term as Mayor in 2016. And then he could run for two more terms as a Councilman after that, serving on the Council continuously until 2026.**
- In the case of Jeff Lalloway, under Irvine's current term limit system, even if he were re-elected this November, he would be termed-out as a Councilman in 2018. **But if Measure W is adopted, he could run for an unprecedented third consecutive term as Councilmember in 2018 and serve until 2022. And then, he could run for two terms as Mayor after that, serving on the Council continuously until 2026.**

Does this look like real term limits to you? Of course not. It's obvious that the Choi-Lalloway Measure W is **NOT** about true term limits. It is a self-serving fraud to keep incumbent Councilmembers in office for another 12 years. It should be rejected.

Irvine voters elect a Mayor and City Councilmembers to serve the people, not to serve themselves. Let's stop this Choi-Lalloway term extension scheme before it gets started. Please join us in voting NO on Measure W.

s/ Larry Agran
Councilmember

s/ Mary Ann Gaido
Irvine Planning Commissioner

s/ Carolyn Inmon
Retired Irvine Teacher

s/ Chris King
Irvine Finance Commissioner

REBUTTAL TO ARGUMENT AGAINST MEASURE W

Councilman Larry Agran, who signed the argument against Measure W wants you to believe that we currently have effective term limits in Irvine. THAT'S SIMPLY NOT TRUE.

Agran himself is the poster child for why this is certainly not the case.

Agran was first elected to the Council in 1978 and has served continuously on the council since 1998 and he is eligible to run again this year.

AGRAN WILL HAVE SERVED 16 YEARS STRAIGHT WITH NO END IN SIGHT.

The reality is that due to a LOOPHOLE, individuals can serve on the City Council with NO LIMITS AT ALL as long as they hop back and forth between Mayor and Councilmember, over and over.

You read that right! Under current law you can serve on the City Council FOREVER.

This measure CLOSES THE LOOPHOLE by banning "office hopping" and instituting a PERMANENT LIFETIME TERM BAN after term limits have been reached.

Again — the four key parts of Measure W are:

- REAL Two Term Limits for Councilmembers
- REAL Two Term Limits for Mayor
- A LIFETIME ban once limits are reached
- CLOSES the Revolving Door LOOPHOLE.

Don't be fooled by a self-serving 16 year incumbent – Larry Agran opposes strong term limits for Irvine, which will allow him a way to stay on the Council FOREVER.

SUPPORT REAL TERM LIMITS FOR THE CITY OF IRVINE.

Vote YES on Measure W.

s/ Steven S. Choi, Ph.D
Mayor

s/ Jeffrey Lalloway
Mayor Pro Tem

s/ Christina L. Shea
Councilwoman

s/ Lynn Schott
Irvine Planning Commissioner