



Cheryl Davila
Councilmember
District 2

ACTION CALENDAR
April 28, 2020

To: Honorable Mayor and Members of the City Council

From: Councilmember Cheryl Davila

Subject: Placing a Measure on the November 3, 2020 Ballot to Introduce Term Limits for the Mayor and City Councilmembers.

RECOMMENDATION

Adopt a Resolution to draft an Amendment to Article V, Section 14 and 15 of the City Charter for the November 3, 2020 General Municipal Election, limiting the terms of service for the Mayor and City Councilmembers to no more than three consecutive four-year terms or twelve years, with a required two-year hiatus in order to serve additional terms.

FISCAL IMPACTS OF RECOMMENDATION

The salaries of the staff who draft the ballot measure and the cost of placing the measure on the ballot are the fiscal impacts. Actual costs to be determined.

BACKGROUND

Per Berkeley City Charter Article V. Section 14 and 15, the current law allows the Mayor and City Councilmembers to serve an unlimited number of terms¹.

This proposed measure imposes a limit of three consecutive four-year terms or twelve years of uninterrupted service for the elective offices of Mayor and City Council. These limits only apply to serving in the exact same position for three consecutive terms. By being elected into a new position, for example transitioning from a Councilmember to the Mayor, the term limits start over. Once an individual Mayor or Councilmember has served three consecutive terms, they shall not serve again until a two year hiatus has been satisfied since their last term date of the office held.

This measure will add the underlined amendment to Berkeley City Charter Article V. Section 14 to read as follows:

“The Mayor shall hold office for a term of four years from and after the first day of December after his/her/their election is certified by the City Clerk and until a successor is elected and qualified. However, the term of the Mayor elected in the November 2006 general municipal election shall expire on the first day of December, 2008 after a successor is elected in the November, 2008 general municipal election. Thereafter, mayoral elections shall coincide with presidential elections. The Mayor shall not hold office for more than three consecutive four-year terms, or twelve years. Any Mayor who has served the maximum number of terms as set forth in this Section shall not serve again until a two year hiatus has been satisfied since their last date in office.”

¹ <https://www.codepublishing.com/CA/Berkeley/>

In addition, this measure will add the underlined amendment to Berkeley City Charter Article V. Section 15 to read as follows:

“Except as provided in this section, Councilmembers shall hold office for a term of four years from and after the first day of December after their election is certified by the City Clerk and until their successors are elected and qualified. However, the terms of the Councilmembers elected in the November, 1994 general municipal election shall expire on the first day of December, 1996 after their successors are elected and qualified in the November, 1996 general municipal election. In addition, four of the eight Councilmembers elected at the November, 1996 general municipal election shall serve two year terms which shall expire on the first day of December, 1998 after their successors are elected and qualified in the November, 1998 general municipal election. The remaining four Councilmembers elected at the November, 1996 general municipal election shall serve four year terms which shall expire on the first day of December 2000, until their successors are elected and qualified in the November 2000 general municipal election. At the City Council meeting which occurs immediately after the effective date of this charter amendment establishing four year terms commencing with the November 1996 general municipal election, the City Clerk shall conduct a drawing by lot to determine the four Council districts in which Councilmembers shall serve the two year terms which expire on the first day of December, 1998. In the remaining Council districts, the Councilmembers from those districts shall serve four year terms commencing with the November, 1996 general municipal election. Commencing with the November, 1998 general municipal election, and at each general municipal election thereafter, each Councilmember elected at each general municipal election shall serve a four year term. Each Councilmember shall not hold office for more than three consecutive four-year terms. Any Councilmember who has served the maximum number of terms as set forth in this Section shall not serve again until at least two years have passed since his/her/their last date of holding office.”

CURRENT SITUATION AND ITS IMPACTS

Past Berkeley Mayors and Councilmembers have served over three terms, some over twenty years. Some of the long-term Council decisions contributed to the current issues Berkeley is facing, today, such as exorbitantly high rents, gentrification, massive homelessness, displacement, and discrimination. Career politicians can cause stagnation in policy as they become disconnected from their constituents and community. Term limits enable an opportunity for equity, diversity, new vision, new ideas, and achieve forward momentum.

City of Berkeley term limits would bring us into alignment with established term limits for the California State Legislature, and other counties and cities. Several cities in our state, like Carson, Camarillo, Chico, Chula Vista, Anaheim, Downey, Irvine, La Mesa, Los Angeles, Lynwood, Palmdale, Pinole, Redondo Beach, San Marino, Santa Ana, Tracy, West Hollywood, Folsom, Walnut, Vernon, Thousand Oaks, Stockton, Santa Monica, Folsom, Foster City, Los Gatos, Long Beach, Coalinga, Desert Hot Springs, Pinole, San Diego, Santa Clara, and Santa Monica, have adopted term limits for their Mayors and City Councilmembers in the last several years.

In the nearby City of Pinole, a whopping 73 percent of Pinole voters passed their Term Limits measure in their recent November elections. This measure imposed term limits of three successive terms in office for any City Council member, and then required a break of two years out of office before that official could run for office again.

In the spirit of good governance for the City of Berkeley, term limits are a necessary tool to encourage greater citizen involvement, allowing new candidates the opportunity to contribute to their community and enter the political arena.

ENVIRONMENTAL SUSTAINABILITY

There are no impacts.

CONTACT PERSON

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Councilmember District 2

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ATTACHMENTS

1. Resolution
2. Exhibit A: Proposed Amendments to Article V, Section 14 and 15 of the Berkeley City Charter

RESOLUTION NO. ##,###-N.S

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BERKELEY TO SUBMIT A BALLOT MEASURE FOR THE NOVEMBER 3, 2020 ELECTION, AMENDING THE BERKELEY MUNICIPAL CODE CHARTER ARTICLE V. SECTION 14 AND 15 TO LIMIT THE NUMBER OF TERMS FOR THE MAYOR AND CITY COUNCIL TO NO MORE THAN 3 CONSECUTIVE TERMS.

WHEREAS, Per Berkeley City Charter Article V. Section 14 and 15, the current law allows the Mayor and City Councilmembers to serve an unlimited number of terms; and

WHEREAS, Past long-termed Berkeley Mayors and Councilmembers have served over three terms, and in some cases over twenty years, leading to significant decisions that have had long-term implications and ushered in some of the current challenges Berkeley is facing, for examples with gentrification and displacement; and

WHEREAS, In the spirit of good governance for the City of Berkeley, term limits are a necessary tool in the political environment, and encourage greater resident involvement, allowing new people the opportunity to contribute to their community; and

WHEREAS, While they are a simultaneously a resource for institutional knowledge, career politicians can cause stagnation in policy and become disconnected from their constituents; and

WHEREAS, Term limits enable an opportunity for city governance to become an arena for greater equity, diversity, new vision, new leadership, new ideas, and potential forward momentum; and

WHEREAS, The term limits for the City of Berkeley proposed here aligns with established term limits for the California State Legislature and other surrounding counties and cities; and

WHEREAS, Throughout the state, Cities of Carson, Camarillo, Chico, Chula Vista, Anaheim, Downey, Irvine, La Mesa, Los Angeles, Lynwood, Palmdale, Pinole, Redondo Beach, San Marino, Santa Ana, Tracy, West Hollywood, Folsom, Walnut, Vernon, Thousand Oaks, Stockton, Santa Monica, Folsom, Foster City, Los Gatos, Long Beach, Coalinga, Desert Hot Springs, Pinole, San Diego, Santa Clara, and Santa Monica have adopted term limits for their Mayors and City Councilmembers; and

WHEREAS, Terms for the Mayor and members of the City Council are set by the City Charter, Article 5, Section 14 and 15, and amending the Charter would require a Ballot Measure;

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Berkeley adopt a resolution to submit a Ballot Measure for the November 3, 2020 Election to amend the Berkeley Municipal Code Charter Article 5. Section 14 and 15, limiting the terms of service for the Mayor and City Councilmembers to no more than three consecutive four-year terms, requiring a two year hiatus has been completed before running again for office.

EXHIBIT A

**AMENDMENTS TO ARTICLE V OF THE BERKELEY CITY CHARTER RELATED TO
MAYOR'S TERM OF OFFICE AND COUNCILMEMBER'S TERM OF OFFICE**

The People of the City of Berkeley hereby amend Article V, Sections 14 and 15 of the Charter of the City of Berkeley to read as follows:

Sections 14 and 15 of Article V of the Charter of the City of Berkeley is amended (see underline) to read as follows:

Section 14. Mayor's term of office.

The Mayor shall hold office for a term of four years from and after the first day of December after his or her election is certified by the City Clerk and until a successor is elected and qualified. However, the term of the Mayor elected in the November 2006 general municipal election shall expire on the first day of December, 2008 after a successor is elected in the November, 2008 general municipal election. Thereafter, mayoral elections shall coincide with presidential elections. The Mayor shall not hold office for more than three consecutive four-year terms. Any Mayor who has served the maximum number of terms as set forth in this Section shall not serve again until at least two years have passed since his/her last date of holding office.

Section 15. Councilmember's term of office.

Except as provided in this section, Councilmembers shall hold office for a term of four years from and after the first day of December after their election is certified by the City Clerk and until their successors are elected and qualified. However, the terms of the Councilmembers elected in the November, 1994 general municipal election shall expire on the first day of December, 1996 after their successors are elected and qualified in the November, 1996 general municipal election. In addition, four of the eight Councilmembers elected at the November, 1996 general municipal election shall serve two year terms which shall expire on the first day of December, 1998 after their successors are elected and qualified in the November, 1998 general municipal election. The remaining four Councilmembers elected at the November, 1996 general municipal election shall serve four year terms which shall expire on the first day of December 2000, until their successors are elected and qualified in the November 2000 general municipal election. At the City Council meeting which occurs immediately after the effective date of this charter amendment establishing four year terms commencing with the November 1996 general municipal election, the City Clerk shall conduct a drawing by lot to determine the four Council districts in which Councilmembers shall serve the two year terms which expire on the first day of December, 1998. In the remaining Council districts, the Councilmembers from those districts shall serve four year terms commencing with the November, 1996 general municipal election. Commencing with the November, 1998 general municipal election, and at each general municipal election thereafter, each Councilmember elected at each general municipal election shall serve a four year term. Each Councilmember shall not hold office for more than three consecutive four-year terms. Any Councilmember who has served the maximum number of terms as set forth in this Section shall not serve again until a two year hiatus has been satisfied since their last term date of the office held.

