

CITY COUNCIL ORDINANCE NO. 14-05
(Approved by the voters on November 4, 2014)

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 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:

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. 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. 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.

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.

ADOPTED by the vote of the people of the City of Irvine on November 4, 2014 at a General Municipal Election as certified by the City Council of the City of Irvine on the 9th day of December, 2014, and becomes effective 10 days thereafter on December 19, 2014.


MAYOR OF THE CITY OF IRVINE

ATTEST:


CITY CLERK OF THE CITY OF IRVINE

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS
CITY OF IRVINE)

I, MOLLY MCLAUGHLIN, City Clerk of the City of Irvine, HEREBY DO CERTIFY that the foregoing Ordinance was adopted by the voters of the City of Irvine as an initiative measure at an election held on November 4, 2014, as certified by the City Council of the City of Irvine on the 9th day of December, 2014, and that the ordinance becomes effective 10 days thereafter on December 19, 2014.



CITY CLERK OF THE CITY OF IRVINE