

ORDINANCE NO. 2096

INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS

The People of the City of Monterey Park do ordain as follows:

SECTION 1: *Title.* This initiative measure (this "Initiative") is entitled the "Term Limit Initiative."

SECTION 2: *Purpose and Findings.* The purpose of this Initiative is to impose term limits upon persons serving on the Monterey Park City Council pursuant to Government Code § 36502(b).

SECTION 3: *Amendment of Monterey Park Municipal Code.* A new § 2.04.040 is added to the Monterey Park Municipal Code to read as follows:

"§ 2.04.040 Term Limits. Pursuant to Government Code § 36502(b), term limits are imposed upon persons serving on the city council, the city treasurer, and city clerk as follows:

- A. For purposes of this section, the terms "city councilmember, city treasurer, and city clerk" are collectively referred to as "public official." As used in this Section, a "public office" means either the office of city clerk; office of city treasurer; or the city council.
- B. No person may serve more than two consecutive terms as a public official in a particular public office, whether by election or appointment. Other than as provided by this Section, persons are ineligible to be a public official more than two consecutive terms.
- C. Any person who is ineligible to be a public official due to the limitations set forth in this Section, will again become eligible to hold public office as a public official provided not less than two years have or will have elapsed between the most recent date of such person's previous service as a public official and the effective date of such person's most recent election or appointment to public office. After such a two year absence, a new two consecutive term limit applies.
- D. Any person, who, whether by appointment or election, serves a partial term in public office for more than two years is deemed, for the purpose of this Section, to have served a full four-year term.
- E. Any person, who, whether by appointment or election, holds public office and resigns from the office shall be deemed to have serve a full four year term and through the end of the term of the office for purposes of this

Section.

- F. The City Clerk must reject, refuse to accept for filing, and otherwise refuse to process any nominating papers or other equivalent declaration of candidacy as required or authorized by law for persons if they are ineligible to hold public office pursuant to this Section.
- G. This Section applies prospectively only, so that any public official beginning a term of office on or after the effective date of this Section may serve up to two consecutive terms from and after that date.
- H. Only the voters may amend or repeal this Section at an election duly certified under the Elections Code.”

SECTION 4: *Implementation of this Initiative.* Upon the effective date of this Initiative, the City is directed to promptly take appropriate actions needed to implement this Initiative.

SECTION 5: *Miscellaneous.*

- A. This Initiative must be interpreted so as to be consistent with all federal and state laws, rules, and regulations. If any section, sub-section, sentence, clause, phrase, part, or portion of this Initiative is held to be invalid or unconstitutional by a final judgment of a court of competent jurisdiction, such decision does not affect the validity of the remaining portions of this Initiative. The voters declare that this Initiative, and each section, sub-section, sentence, clause, phrase, part, or portion thereof, would have been adopted or passed irrespective of the fact that any one or more sections, sub-sections, sentences, clauses, phrases, part, or portion is found to be invalid. If any provision of this Initiative is held invalid as applied to any person or circumstance, such invalidity does not affect any application of this Initiative that can be given effect without the invalid application.
- B. If any portion of this Initiative is held by a court of competent jurisdiction to be invalid, we the People indicate our strong desire that: (i) the City Council use its best efforts to sustain and reenact that portion, and (ii) the City Council implement this Initiative by taking all steps possible to cure any inadequacies or deficiencies identified by the court in a manner consistent with the express and implied intent of this Initiative, and then adopting or reenacting such portion as necessary or desirable to permit the planning and development of the Project.
- C. This Initiative must be broadly construed in order to achieve the purposes stated in this Initiative. It is the intent of the voters that the provisions of this Initiative be interpreted or implemented by the City and others in a manner that facilitates the purposes set forth in this Initiative.

SECTION 6: *Attestation.* The Mayor will sign this Initiative and the City Clerk will attest and certify to the passage and adoption of this Ordinance if a majority of the voters voting in the City's general election on March 5, 2013 approve the proposition asking whether the voters approve this Initiative.


SECTION 7: *Effective Date.* This Ordinance will impose term limits in accordance with Government Code § 36502(b). Accordingly, it will be submitted to a general election on March 5, 2013 for voter approval. If a majority of voters vote in favor of this Ordinance, it will become valid and binding on the date that the City Council certifies the election results in accordance with Elections Code § 9217.

PASSED AND ADOPTED this 19th day of March, 2013.



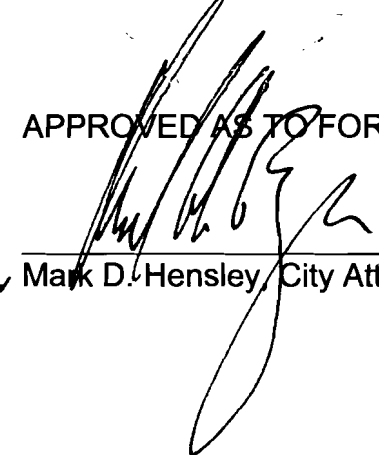
Mitchell Ing, Mayor

ATTEST:



David M. Barron, CMC, City Clerk

APPROVED AS TO FORM:



for Mark D. Hensley, City Attorney