

FREDRIC D. WOOCHEER
MICHAEL J. STRUMWASSER
GREGORY G. LUKE †
BRYCE A. GEE
BEVERLY GROSSMAN PALMER
DALE K. LARSON

† Also admitted to practice in New York and Massachusetts

STRUMWASSER & WOOCHEER LLP
ATTORNEYS AT LAW
10940 WILSHIRE BOULEVARD, SUITE 2000
LOS ANGELES, CALIFORNIA 90024

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SANTA MONICA, CALIF.

TELEPHONE: (310) 576-1233
FACSIMILE: (310) 319-0156
WWW.STRUMWOOCHEER.COM

ANDREA SHERIDAN ORDIN
SENIOR COUNSEL

January 29, 2018

By Personal Delivery

Denise Anderson-Warren
City Clerk, City of Santa Monica
1685 Main Street, Room 102
Santa Monica, California 90401

Re: Proposed "Term Limits for City Councilmembers" Charter Amendment

Dear Ms. Anderson-Warren:

Enclosed with this letter are the text of a proposed charter amendment measure, titled "Term Limits for City Councilmembers," and the notice of intent to circulate petition. Please transmit the proposed measure to the City Attorney for a title and summary pursuant to California Elections Code section 9203. Please call or email me when the title and summary is available.

As required by section 9203, the proponents of this measure are Ms. Mary Marlow, a registered voter in Santa Monica, residing at 155 Ocean Park Blvd., Santa Monica, California, 90405, and Ms. Sue Himmelrich, a registered voter in Santa Monica, residing at 337 14th Street, Santa Monica, California, 90402.

The affidavits required by Elections Code section 9608 are signed by Ms. Marlow and Ms. Himmelrich and attached to this letter.

If you have any questions or require additional information, please contact me at (310) 576-1233 or bgee@strumwooch.com. Thank you.

Very truly yours,


Bryce Gee

Enclosures

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NOTICE OF INTENT TO CIRCULATE PETITION

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Notice is hereby given by the persons whose names appear below of their intention to circulate the petition within the City of Santa Monica for the purpose of amending the City Charter to establish term limits for members of the City Council. A statement of the reasons for the proposed action as contemplated in the petition is as follows:

Incumbent legislators seldom lose. In the most recent 2016 municipal election, 100% of the incumbents for Santa Monica City Council were reelected. And over the past 25 years, City Council incumbents in Santa Monica have been reelected again and again at an overwhelming rate. **That is because, unlike many other jurisdictions in California, our City imposes no limits whatsoever on how many terms Councilmembers can serve.**

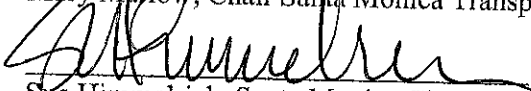
For example, California has established term limits for its statewide elected officers (Governor, Lieutenant Governor, Treasurer, Attorney General, Controller, Secretary of State, Insurance Commissioner, and Superintendent of Public Institution) and its Senate and Assembly legislators. Cities across the state and throughout Los Angeles County have also imposed term limits on their elected officials.

Term limits give voters a real chance for change and bring in fresh perspectives and ideas. Term limits encourage potential candidates to run and foster healthy competition. That is why they are so popular in the county and the state.

Our Founding Fathers envisioned a rotation in office with citizen legislators serving their country. Yet, the reality is that incumbents are elected over and over again because of name recognition and the power of the incumbency. **The term limits proposed in this measure—which would impose a lifetime limit of three terms for a total of no more than 12 years of service—are necessary to break this cycle.**

It's time for Santa Monica to join the good governance movement. Let's adopt reasonable term limits for City Councilmembers in order to restore open access to the political process and to encourage qualified candidates to seek public office.


Mary Marlow, Chair Santa Monica Transparency Project


Sue Himmelrich, Santa Monica City Councilmember

The proposed charter amendment reads as follows:

Section I: TITLE

This measure may be known and referred to as the “Term Limits for City Councilmembers” Ballot Measure.

Section II: FINDINGS AND PURPOSE

The People of the City of Santa Monica find as follows:

The City of Santa Monica currently imposes no limits on the number of terms an individual may serve on the City Council, which allows incumbents to remain on the City Council for decades.

Such entrenched incumbency has made our electoral system less free, less competitive, and less representative.

Term limits for City Councilmembers are therefore necessary to restore free, fair, and competitive elections; to encourage qualified candidates to seek public office; and to eliminate perpetual and unfair incumbent advantages.

The term limits set forth in this charter amendment will make the electoral process in Santa Monica more open, free, and democratic.

To achieve these purposes, this measure shall be interpreted in a manner that applies the term limits broadly, not restrictively.

Section III: AMENDMENT OF CITY CHARTER, ARTICLE VI, SECTION 600

Section 600, of Article VI, of the City Charter, is amended to read (new text is shown by underlining and deleted text is shown by ~~strikeout~~):

600. Number, ~~and-term,~~ and term limits

The City Council shall consist of seven members elected from the City at large, at the times and in the manner in this Charter provided, and who shall serve for a term of four years.

The term of all members shall commence on the first Tuesday following such election and each member shall serve until the member’s successor is elected and qualified. Any ties in voting shall be settled by the casting of lots.

No person shall serve more than three terms as a member of the City Council whether consecutive or not. For purposes of this section, a partial term of more than two years shall count as one term.

These term limits shall apply to appointed terms as well as elected terms.

These term limits shall apply prospectively only to those terms of office that begin on or after the election at which this Charter amendment is adopted.

Section IV: CONFLICTING PROPOSITIONS

If any other proposition, appearing on the same ballot as this proposition, addresses the subject matter in a way that conflicts with the treatment of the subject matter in this proposition, and if each proposition is approved by a majority vote of those voting on each proposition, then as to the conflicting subject matter the proposition with the highest affirmative vote shall prevail, and the proposition with the lowest affirmative vote shall be deemed disapproved as to the conflicting subject matter.

Section V: SEVERABILITY

If any provision of this measure or its application to any person, property, or circumstances is found to be unconstitutional or otherwise invalid by a court of competent jurisdiction, that invalidity shall not affect the remaining provisions of this measure or the application of those provisions to other persons, property or circumstances, which can be implemented without the invalid provisions and to this end, the provisions of this measure are declared to be severable.

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I, Mary Marlow, acknowledge that it is a misdemeanor under state law (Section 18650 of the Elections Code) to knowingly or willfully allow the signatures for an initiative petition to be used for any purpose other than qualification of the proposed measure for the ballot. I certify that I will not knowingly or willfully allow the signatures for this initiative to be used for any purpose other than qualification of the measure for the ballot.

Signed:

Mary Marlow.

Dated this 27 day of January, 2018

Name: Mary Marlow

Mailing address: 155 Ocean Park Blvd., Santa Monica, CA 90405

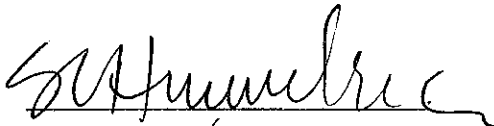
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2018 JAN 29 AM 11:43

I, Sue Himmelrich, acknowledge that it is a misdemeanor under state law (Section 18650 of the Elections Code) to knowingly or willfully allow the signatures on an initiative petition to be used for any purpose other than qualification of the proposed measure for the ballot. I certify that I will not knowingly or willfully allow the signatures for this initiative to be used for any purpose other than qualification of the measure for the ballot.

Signed:



Dated this 28th day of January, 2018

Name: Sue Himmelrich

Mailing address: 337 14th Street, Santa Monica, CA 90402