

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BEVERLY HILLS ADOPTING TERM LIMITS
FOR ELECTIVE CITY OFFICES

THE PEOPLE OF THE CITY OF BEVERLY HILLS HEREBY ORDAIN AS FOLLOWS:

Section 1. A new section 21 is hereby added to Title 2, Chapter 1, to read as follows:

“2-1-21. Term limit. A person shall serve no more than three total terms of office as a City Councilmember.

(a) If any Council member is appointed or elected to a partial term of office of two years or less, then that term shall not count toward the three term limit.

(b) The City Clerk, or other election official authorized by law, shall not accept or verify the signatures on any nomination paper for any person, including any paper seeking election as a write-in candidate, nor shall he or she certify or place on the list of certified candidates, nor print or cause to be printed on any ballot, voter information guide, sample ballot or ballot label, the name of any person whose candidacy, if successful, will result in a City Council term that exceeds the limit set forth in this section.”

Section 2. A new section 1104 is hereby added to Title 2, Chapter 3, to read as follows:

“2-3-1104. Term limit. A person shall serve no more than three total terms of office as the City Treasurer.

(a) If any City Treasurer is appointed or elected to a partial term of office of two years or less, then that term shall not count toward the three term limit.

(b) The City Clerk, or other election official authorized by law, shall not accept or verify the signatures on any nomination paper for any person, including any paper seeking election as a write-in candidate, nor shall he or she certify or place on the list of certified candidates, nor print or cause to be printed on any ballot, voter information guide, sample ballot or ballot label, the name of any person whose candidacy, if successful, will result in a City Treasurer term that exceeds the limit set forth in this section.”

Section 3. Pursuant to Government Code Section 36502, this ordinance shall be submitted to the electors of the City at the regularly scheduled election of June 7, 2022, or an earlier date that is a regularly scheduled election, and shall only become effective if a majority of votes cast on the question of whether to adopt this ordinance favor adoption of this ordinance.

Section 4. The City Council and the voters intend that an individual’s previous and current terms of office shall be counted for the purpose of applying the term limits adopted herein, although all persons in office on the effective date of this ordinance shall be permitted to complete their then-current terms. Pursuant to Government Code Section 36502 this ordinance shall apply “prospectively only.” There is no binding authority that interprets what “prospectively” means. The California Attorney General has opined that prospectively means that terms served prior to the effective date of the ordinance cannot be counted against term limits established by the ordinance. The Attorney General reasons that by using the term “prospectively,” the Legislature intended to mean “a law which has no effect on the rights, obligations, acts, transactions and conditions performed or existing before the statute was adopted.” However, an ordinance which applies only to future terms of office meets the definition of “prospectively” used by the Attorney General. The term “prospectively” does not preclude a law that applies to future acts, but which is guided by the acts or conditions which have occurred prior to the law’s enactment. Therefore, when applying a new law to a future action or condition, such as a limit on holding an elected office in the future, the law may rely on the acts or conditions which have occurred prior to the law’s enactment.

Therefore, the City Council and the voters intend this ordinance to be prospective. The ordinance would not change the current term of persons in office on its effective date, but it would consider the past terms served by City officeholders. However, to the extent that a court strikes down the City Council and the voters’ intent to have this ordinance apply to elected officeholders who previously served three terms, such intent shall be severable from the rest of the ordinance. The City Council and voters would have enacted the three term limit even if this means that the terms served by elected officeholders prior to the effective date of this ordinance cannot be counted against the term limits established by this ordinance.

Section 5. Severability. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this ordinance or the application thereof to any person or place, is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, the remainder of this ordinance shall be and remain in full force and effect.

Section 6. Execution and Certification. The Mayor will sign this Ordinance 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 election on June 7, 2022, or the next regularly scheduled election date, whichever is earlier, approve the Proposition asking whether the voters approve this Ordinance.

Adopted:

Effective:

LESTER J. FRIEDMAN
Mayor of the City of Beverly Hills, California

ATTEST:

_____(SEAL)

HUMA AHMED
City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

LAURENCE S. WIENER
City Attorney

GEORGE CHAVEZ
City Manager