

**Office of  
The City Attorney  
City of San Diego**

**MEMORANDUM  
MS 59**

**(619) 236-6220**

**DATE:** August 20, 2018

**TO:** Elizabeth Maland, City Clerk

**FROM:** City Attorney

**SUBJECT:** Title, Summary, and City Attorney Impartial Analysis for Ballot Measure – Section 12(c) (**Measure K**)

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The City Council has directed the City Attorney to prepare a ballot title, summary and impartial analysis of a San Diego City Charter (Charter) amendment measure related to term limits for City Councilmembers, which the City Council voted to place on the November ballot. (See San Diego Resolution R-311922, adopted July 30, 2018.)

The measure seeks voter approval to amend the Charter by amending Article III, section 12(c), The Council.

The City Council adopted San Diego Ordinance O-20971 on July 30, 2018, to submit the Charter amendment measure to the voters on the November 6, 2018 Municipal Special Election ballot.

**BALLOT TITLE**

Amendments to the San Diego City Charter Regarding Term Limits for City  
Councilmembers

**BALLOT SUMMARY**

This measure would amend the San Diego City Charter (Charter) to specify that members of the City Council (Council) would be limited to serving two four-year terms as a Councilmember. The limit would apply regardless of whether the terms were served consecutively.

The Charter provision regarding partial terms would not change: a partial term exceeding two years would count as a full term. A partial term may occur when a Councilmember is elected or appointed to fill a vacancy and complete another Councilmember's term.

The ballot measure was proposed by two Councilmembers during a process in which proposals were submitted for consideration by a Council standing committee and then the full Council. The Council voted to place the measure on the ballot.

If approved, the Charter would be amended as of the date the amendments are chaptered by the California Secretary of State.

### **CITY ATTORNEY'S IMPARTIAL ANALYSIS**

The San Diego City Council (Council) is composed of nine Councilmembers elected by district. This ballot measure would amend San Diego City Charter (Charter) section 12(c) to specify that members of the Council would be limited to serving two four-year terms.

Section 12(c) provides that Councilmembers are limited to "two consecutive four-year terms as a Council member from any particular district." The Charter states that if a Councilmember serves "a partial term as Councilmember from a particular district in excess of two (2) years" it shall be considered a full term.

If approved by voters, the Charter amendments would remove the phrases "from any particular district" and "from a particular district." The existing language allows a Councilmember to potentially serve more than two four-year terms if:

- (1) the Councilmember moved to a different district and won election there; or
- (2) a redistricting caused a Councilmember's residence to be assigned to a different numbered district when boundaries changed, allowing the

Councilmember to serve two full terms in the new numbered district. For example, if a Councilmember served one term representing District X, but redistricting moved the Councilmember's residence into District Y, the Councilmember could potentially serve two more full terms, if elected to do so, in District Y.

If approved, the Charter amendments would count each four-year term toward the term limit.

The word "consecutive" would be removed, so that all terms are counted, regardless of whether terms are served in succession, and regardless of the district the member served. After meeting the term limit, a former Councilmember would face a lifetime ban on serving as a Councilmember.

The provision regarding partial terms would remain the same. A partial term in office that exceeds two years would count as a full term. Although rare, Councilmembers can serve a partial term if they are appointed or elected to fill a vacancy and complete another Councilmember's term in office.

The Charter language to be amended was approved by voters in 1992.

The Council placed this measure on the ballot.

If the measure is approved, all candidates seeking Council seats in the November 6, 2018 Municipal General Election, and who are elected to those seats, would remain eligible to be sworn in and serve a four-year term that will begin in December 2018.

A Councilmember's eligibility to hold a new term in office would be determined at the time the Councilmember requests nomination papers from the City Clerk's Office to become a candidate for election to another term. This will occur next in 2020. At that point, if a

Councilmember has already served two four-year terms (and possibly an additional partial term that does not exceed two years), the Councilmember would not be eligible for re-election.

The next regularly scheduled primary elections for Councilmembers representing Districts 1, 3, 5, 7, and 9, respectively, will be held in 2020; regularly scheduled primary elections for Councilmembers representing Districts 2, 4, 6, and 8, respectively, will be held in 2022.