



# CITY OF BUELLTON

## CITY COUNCIL AGENDA

**Regular Meeting of February 9, 2012 – 6:00 p.m.  
City Council Chambers, 140 West Highway 246  
Buellton, California**

Copies of staff reports or other written documentation relating to each item of business referred to on this Agenda are on file in the office of the City Clerk and are available for public inspection

### **CALL TO ORDER**

Mayor Holly Sierra

### **PLEDGE OF ALLEGIANCE**

Council Member Leo Elovitz

### **ROLL CALL**

Council Members Ed Andrisek, Judith Dale, Leo Elovitz, Mayor Pro Tem Dave King, and Mayor Holly Sierra

### **REORDERING OF AGENDA**

### **PUBLIC COMMENTS**

Speaker Slip to be completed and turned in to the City Clerk prior to commencement of meeting. Limited to matters not otherwise appearing on the agenda. Limited to three (3) minutes per speaker. No action will be taken at this meeting.

### **CONSENT CALENDAR**

**(ACTION)**

The following items are scheduled for consideration as a group. Any Council Member, the City Attorney, or the City Manager may request that an item be withdrawn from the Consent Agenda to allow for full discussion.

- 1. Minutes of January 26, 2012 Regular City Council Meeting**
- 2. List of Claims to be Approved and Ratified for Payment to Date for Fiscal Year 2011-12**

**PRESENTATIONS**

- 3. Proclamation to Richard Sanford for being Inducted into the “Vintner’s Hall of Fame”**

**PUBLIC HEARINGS**

**COUNCIL MEMBER COMMENTS**

**COUNCIL ITEMS**

**WRITTEN COMMUNICATIONS**

*Written communications are included in the agenda packets. Any Council Member, the City Manager, or City Attorney may request that a written communication be read into the record.*

**COMMITTEE REPORTS**

*This Agenda listing is the opportunity for Council Members to give verbal Committee Reports on any meetings recently held for which the Council Members are the City representatives thereto.*

**BUSINESS ITEMS**

**CITY MANAGER’S REPORT**

**CITY ATTORNEY ITEMS**

**(POSSIBLE ACTION)**

- 4. Consideration of Term Limits for Council Members**

**CLOSED SESSION ITEMS**

**(POSSIBLE ACTION)**

**5. PUBLIC EMPLOYMENT**

**Discussion Regarding Hiring Public Works Director - California Government Code Section 54957**

**ADJOURNMENT**

The next meeting of the City Council will be a Special Meeting held on Saturday, February 11, 2012 at 9:00 a.m.

# CITY OF BUELLTON

**CITY COUNCIL MEETING MINUTES**  
**Regular Meeting of January 26, 2012**  
**City Council Chambers, 140 West Highway 246**  
**Buellton, California**

## **CALL TO ORDER**

Mayor Sierra called the meeting to order at 6:00 p.m.

## **PLEDGE OF ALLEGIANCE**

Council Member Ed Andrisek led the Pledge of Allegiance

## **ROLL CALL**

**Present:** Council Members Ed Andrisek, Judith Dale, Leo Elovitz, Mayor Pro Tem Dave King, and Mayor Holly Sierra

**Staff:** City Manager John Kunkel, City Attorney Ralph Hanson, City Engineer Rose Hess, Planning Director Marc Bierdzinski, Finance Director Annette Muñoz, Station Commander Lt. Julie McCammon, and City Clerk Linda Reid

## **REORDERING OF AGENDA**

None

## **PUBLIC COMMENTS**

None

## **CONSENT CALENDAR**

- 1. Minutes of January 12, 2012 Regular City Council Meeting**
- 2. List of Claims to be Approved and Ratified for Payment to Date for Fiscal Year 2011-12**

Council Member Andrisek requested that Item No. 3 be pulled from the Consent Calendar for discussion.

Council Member Elovitz requested that Item No. 4 be pulled from the Consent Calendar for discussion.

**MOTION:**

Motion by Council Member Andrisek, seconded by Mayor Pro Tem King approving Items 1 and 2 of the consent calendar as listed.

**VOTE:**

Motion passed by a roll call vote of 5-0.

**3. Award of Bid for Rebuilding Patio Cover at Zaca Creek Golf Course**

**SPEAKERS/DISCUSSION:**

Council Member Andrisek discussed the Zaca Creek Golf Course patio cover construction plan and asked that staff redesign the plan and bring it back to Council for review and approval.

Tom Armor, Buellton, discussed the proposed patio cover plan and construction.

**MOTION:**

Motion by Council Member Dale, seconded by Council Member Andrisek requesting a redesign of the patio cover by using larger posts and cross lattice and making the structure taller.

**VOTE:**

Motion passed by a roll call vote of 3-2, with Mayor Pro Tem King and Mayor Sierra voting no.

**4. Resolution No. 12-02 - “A Resolution of the City Council of the City of Buellton, California, Amending the City Contribution to the 457 Deferred Compensation Plan for New Hires of the City”**

**DISCUSSION:**

Council Member Elovitz questioned why the City Council decided to amend the City’s contribution to the 457 Deferred Compensation Plan for new hires and that the Council should instead consider a matching contribution rather than getting rid of the City’s contribution all together.

**MOTION:**

Motion by Council Member Elovitz, seconded by Council Member Andrisek approving Item No. 4 of the Consent Calendar as listed.

**VOTE:**

Motion passed by a roll call vote of 5-0.

**PRESENTATIONS**

None

**PUBLIC HEARINGS**

None

## **COUNCIL MEMBER COMMENTS**

Council Member Andrisek announced that he, together with Mayor Pro Tem King and Mayor Sierra attended the League of California Cities Channel Counties Division dinner in Thousand Oaks and provided an oral report regarding the meeting.

Council Member Andrisek announced that he attended the “Change of Command” ceremony at Vandenberg Air Force Base.

Mayor Sierra thanked the Buellton Chamber and Visitors Bureau staff for arranging the Branding Luncheon today.

## **COUNCIL ITEMS**

Mayor Sierra questioned the travel policy for Council Members and whether it needed to be updated.

Mayor Sierra requested that staff agendize discussion of becoming a Charter City.

## **WRITTEN COMMUNICATIONS**

Mayor Sierra provided correspondence from Stan Bernstein of Buellton regarding the foxtails at PAWS Park.

## **COMMITTEE REPORTS**

Council Member Dale announced that the Visioning Committee met to discuss the current status and announced the “Draft Plan” is online and encouraged everyone to review the Plan. This item will be brought to the Council on February 23.

Council Member Dale reported on the latest “Events Committee” meeting and stated that this Committee will help facilitate events coming to Buellton.

Mayor Andrisek announced that he attended the Central Coast Water Authority Board Meeting and provided an oral report regarding the meeting and a handout for the record.

Mayor Sierra announced that she attended board meetings for Santa Barbara County Association of Governments and Air Pollution Control District and provided oral reports regarding the meetings.

## **BUSINESS ITEMS**

### **5. Annual Report Regarding PAWS Park**

PAWS President Darin Biamonte provided a status report regarding PAWS Park ([www.syvpaws.org](http://www.syvpaws.org)), which included future goals, such as ground cover at the Park.

**6. Resolution No. 12-03 – “A Resolution of the City Council of the City of Buellton, California, Adopting the 2011 City of Buellton Annex of the County of Santa Barbara Multi-Jurisdictional Hazard Mitigation Plan”**

**RECOMMENDATION:**

That the City Council consider the adoption of Resolution No. 12-03.

**STAFF REPORT:**

Planning Director Bierdzinski presented the staff report.

**DOCUMENTS:**

Staff Report with attachment (Resolution No. 12-03)

**MOTION:**

Motion by Mayor Pro Tem King, seconded by Council Member Andrisek approving and adopting Resolution No. 12-03 – “A Resolution of the City Council of the City of Buellton, California, Adopting the 2011 City of Buellton Annex of the County of Santa Barbara Multi-Jurisdictional Hazard Mitigation Plan”

**VOTE:**

Motion passed by a roll call vote of 5-0.

**7. Resolution No. 12-04 – “A Resolution of the City Council of the City of Buellton, California, Adopting Parking Regulations Adjacent to Fire Hydrants Along Certain Designated Streets of the City Pursuant to California Vehicle Code Section 22514”**

**RECOMMENDATION:**

That the City Council consider the adoption of Resolution No. 12-04.

**STAFF REPORT:**

City Manager Kunkel presented the staff report.

**DOCUMENTS:**

Staff Report with attachment (Photos of fire hydrants, January 12, 2012 staff report, Resolution No. 12-04 with Exhibit A)

**DISCUSSION:**

The Council discussed the alternative distances to paint the curbs in front of fire hydrants near River View Park and for staff to agendize painting all curbs red in front of fire hydrants throughout the City.

**MOTION:**

Motion by Council Member Andrisek, seconded by Council Member Dale approving Resolution No. 12-04 – “A Resolution of the City Council of the City of Buellton, California, Adopting Parking Regulations Adjacent to Fire Hydrants Along Certain Designated Streets of the City Pursuant to California Vehicle Code Section 22514” with red curbs extending 5 feet on both sides of the fire hydrant.

**VOTE:**

Motion failed by a roll call vote of 2-3, with Council Member Elovitz, Mayor Pro Tem King and Mayor Sierra voting no.

**MOTION:**

Motion by Mayor Pro Tem King, seconded by Council Member Dale approving Resolution No. 12-04 – “A Resolution of the City Council of the City of Buellton, California, Adopting Parking Regulations Adjacent to Fire Hydrants Along Certain Designated Streets of the City Pursuant to California Vehicle Code Section 22514” with red curbs extending 7.5 feet on both sides of the fire hydrant.

**VOTE:**

Motion passed by a roll call vote of 4-1, with Council Member Andrisek voting no.

**CITY MANAGER’S REPORT**

City Manager Kunkel announced that Caltrans will be repairing Highway 246 from the west city limits to the Avenue of Flags, beginning Monday, January 30 through February 2.

City Manager Kunkel announced he will be attending League of California Cities City Manager’s conference next week.

City Manager Kunkel also announced that the retreat scheduled for Saturday, February 11 will be held in the Council Chambers.

**ADJOURNMENT**

Mayor Sierra adjourned the regular meeting at 7:30 p.m. The next regular meeting of the City Council will be held on Thursday, February 9, 2012 at 6:00 p.m.

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Holly Sierra  
Mayor

ATTEST:

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Linda Reid  
City Clerk

BACK-UP/SUPPORT DATA IS AVAILABLE FOR COUNCIL REVIEW IN CITY HALL

The following is a list of claims to be ratified and approved for payment by the City Council at the **February 9, 2012** Council Meeting.

Listed below is a brief summary of the attached claims:

	EXHIBIT A		<u>\$ 345,982.47</u>
	EXHIBIT B		<u>\$ 10,645.41</u>
	PAYROLL	1/31/12	\$36,952.32
	Council Pay	1/26/12	\$2,326.95
	<b>TOTAL AMOUNT OF CLAIMS:</b>		<b><u><u>\$ 395,907.15</u></u></b>

	<u>FY 2010-11</u>	<u>FY 2011-12</u>
The total amount of claims and demands paid by the City for the Fiscal Year through February 1, 2012	\$ 4,216,386.20	\$ 5,462,130.52

**AUTHORIZATION IS HEREBY GIVEN TO THE CITY TREASURER TO PAY ALL CLAIMS AS REVENUES BECOME AVAILABLE**

**FISCAL YEAR 2011-12 REVENUE AND EXPENDITURE RECAP**

As of December 31, 2011  
**50.0%**  
of the year elapsed

<u>CITY</u>	<u>Budgeted</u>	<u>Year to Date</u>	<u>% of Total to Date</u>
Total Revenues	\$4,532,365.00	\$1,944,142.68	43%
Total Expenditures	\$6,330,205.00	\$3,079,682.89	49%
<u>WATER/SEWER</u>	<u>Budgeted</u>	<u>Year to Date</u>	<u>% of Budget to Date</u>
Total Revenues	\$2,044,800.00	\$1,065,159.62	52%
Total Expenditures	\$2,605,396.00	\$1,543,214.89	59%
<u>RDA</u>	<u>Budgeted</u>	<u>Year to Date</u>	<u>% of Budget to Date</u>
Total Revenues	\$825,000.00	\$423,393.15	51%
Total Expenditures	\$1,499,936.00	\$102,563.89	7%

The Revenue Status Report and Expenditure Status Report are available for your review.

**The Cash Balances as of February 1, 2012 are as follows:**

	Balance as of :	<u>FY 2010-11</u>	<u>FY 2011-12</u>
<b>Checking</b>			
Rabobank	2/1/2012	0.00	83,209.43
Montecito Bnk&Trust	2/1/2012	121,647.93	35,431.40
<b>Total Checking</b>		<u>121,647.93</u>	<u>118,640.83</u>
<b>Savings/Investments</b>			
LAIF-savings	12/31/2011	14,660,999.14	12,917,361.98
Rabobank-money mkt	12/31/2011	200,000.00	202,481.08
Morgan Stanley-bonds	12/31/2011	0.00	375,000.00
Great Pacific-treasuries	12/31/2011	0.00	0.00
First Empire-bonds	12/31/2011	3,345,831.59	3,485,000.00
<b>Total Savings/Investments</b>		<u>18,206,830.73</u>	<u>16,979,843.06</u>
% of cash invested		19.35%	23.76%
<b>Total Cash</b>		<u><u>18,328,478.66</u></u>	<u><u>17,098,483.89</u></u>

Check-Run	Seq#	Date	Vendor Name	Checking #	Obls	Discount	Net amount	Status
25870-	499	1	1/18/2012	698 CALIFORNIA STATE DISBURSEMENT	1	.00	1,613.50	Logged
25871-	500	1	1/25/2012	0 BRADLEY OGDEN	1	.00	17.19	Logged
25872-	500	2	1/25/2012	0 PAT CARSON	1	.00	49.02	Logged
25873-	500	3	1/25/2012	0 DISTEC INC	1	.00	24.03	Logged
25874-	500	4	1/25/2012	0 CENTURY MANUFACTURING CO.	1	.00	131.26	Logged
25875-	500	5	1/25/2012	0 AVANT	1	.00	120.00	Logged
25876-	500	6	1/25/2012	27 AQUA BEN CORPORATION	1	.00	2,172.24	Logged
25877-	500	7	1/25/2012	28 ARAMARK UNIFORM SERVICES	1	.00	418.30	Logged
25878-	500	8	1/25/2012	35 ASSOC TRANSPORTATION ENGINEERS	1	.00	1,691.00	Logged
25879-	500	9	1/25/2012	76 CAL-COAST IRRIGATION, INC.	1	.00	2.81	Logged
25880-	500	10	1/25/2012	90 CaIPERS LONG-TERM CARE PROGRAM	1	.00	84.25	Logged
25881-	500	11	1/25/2012	118 COASTAL COPY, LP	1	.00	98.07	Logged
25882-	500	12	1/25/2012	119 CRAIG ADAMS	1	.00	100.00	Logged
25883-	500	13	1/25/2012	121 COC/BBA/VISITORS INFORMATION	1	.00	7,272.48	Logged
25884-	500	14	1/25/2012	151 CALIF DEPT OF PUBLIC HEALTH	1	.00	60.00	Logged
25885-	500	15	1/25/2012	155 DAVID KING	1	.00	116.55	Logged
25886-	500	16	1/25/2012	190 FEDEX FREIGHT WEST	1	.00	68.29	Logged
25887-	500	17	1/25/2012	193 FIRST NATIONAL BANK OF OMAHA	8	.00	2,121.20	Logged
25888-	500	18	1/25/2012	199 FOSTER D. REIF	2	.00	150.00	Logged
25889-	500	19	1/25/2012	230 HPC/EAGLE ENERGY	1	.00	755.14	Logged
25890-	500	20	1/25/2012	242 JASON L. FUSSEL	1	.00	100.00	Logged
25891-	500	21	1/25/2012	252 JIM VREELAND FORD	1	.00	28.50	Logged
25892-	500	22	1/25/2012	257 GREGORY JENSEN dba	1	.00	90.00	Logged
25893-	500	23	1/25/2012	263 JOHN SANCHEZ	1	.00	80.00	Logged
25894-	500	24	1/25/2012	268 KEVIN WOLFFALE	1	.00	65.00	Logged
25895-	500	25	1/25/2012	286 LEAGUE OF CALIFORNIA CITIES	1	.00	150.00	Logged
25896-	500	26	1/25/2012	303 ART MERCADO	1	.00	100.00	Logged
25897-	500	27	1/25/2012	310 MARBORG INDUSTRIES	1	.00	72.00	Logged
25898-	500	28	1/25/2012	326 MNS ENGINEERS, INC.	9	.00	67,932.75	Logged
25899-	500	29	1/25/2012	342 NIELSEN BUILDING MATERIALS, INC	1	.00	72.75	Logged
25900-	500	30	1/25/2012	350 OLIVERA'S REPAIR, INC	1	.00	58.08	Logged
25901-	500	31	1/25/2012	352 P G & E	1	.00	17,522.04	Logged
25902-	500	32	1/25/2012	380 PRAXAIR DISTRIBUTION, INC.	1	.00	119.70	Logged
25903-	500	33	1/25/2012	395 RAFAEL RUIZ CLEANING	4	.00	5,314.00	Logged
25904-	500	34	1/25/2012	424 S Y R W C D	2	.00	2,284.98	Logged
25905-	500	35	1/25/2012	448 SB CO FIRE DEPARTMENT	3	.00	1,676.00	Logged
25906-	500	36	1/25/2012	450 SB CO SHERIFF'S DEPARTMENT	3	.00	143,533.05	Logged
25907-	500	37	1/25/2012	469 STAPLES CONTRACT & COMMERCIAL,	2	.00	210.38	Logged
25908-	500	38	1/25/2012	477 STAPLES CREDIT PLAN	1	.00	95.01	Logged
25909-	500	39	1/25/2012	489 STEVE'S WHEEL & TIRE	1	.00	52.16	Logged
25910-	500	40	1/25/2012	529 TRANSFIRST	1	.00	238.31	Logged
25911-	500	41	1/25/2012	554 VENCO WESTERN, INC.	1	.00	11,622.23	Logged
25912-	500	42	1/25/2012	556 VERIZON WIRELESS	1	.00	315.12	Logged
25913-	500	43	1/25/2012	563 VORTEX INDUSTRIES, INC.	1	.00	227.22	Logged
25914-	500	44	1/25/2012	570 WAYNE KREPS, JR. dba	1	.00	16.16	Logged
25915-	500	45	1/25/2012	589 GERALD T. WITCHER	1	.00	100.00	Logged
25916-	500	46	1/25/2012	629 ED ANDRISEK	3	.00	187.27	Logged
25917-	500	47	1/25/2012	655 COAST NETWORKX, INC.	1	.00	285.90	Logged
25918-	500	48	1/25/2012	677 WALLACE GROUP	1	.00	4,794.31	Logged
25919-	500	49	1/25/2012	706 SATCOM GLOBAL, INC.	1	.00	40.03	Logged
25920-	500	50	1/25/2012	713 COASTAL COPY, LP	1	.00	483.80	Logged
25921-	500	51	1/25/2012	714 SIERRA TURF, INC.	1	.00	2,000.00	Logged
25922-	500	52	1/25/2012	718 AUTOSYS, INC.	1	.00	180.00	Logged

Check-Run	Seq#	Date	Vendor Name	Checking	# Obls	Discount	Net amount	Status
25923-	500	53	1/25/2012	723 CALIFORNIA PAVEMENT MAINTENANC	1	.00	39,279.65	Logged
25924-	500	54	1/25/2012	730 SYVUHS GIRLS SOFTBALL BOOSTER	1	.00	250.00	Logged
25925-	500	55	1/25/2012	731 SAGE INSTITUTE INC.	1	.00	5,810.89	Logged
25926-	500	56	1/25/2012	732 RECREATION REPUBLIC INC.	1	.00	3,274.17	Logged
25927-	500	57	1/25/2012	11105 ADRIENNE WALTER	1	.00	18.00	Logged
25928-	500	58	1/25/2012	11142 CHRISTOPHE MILLNER	1	.00	357.70	Logged
25929-	500	59	1/25/2012	11163 DAN POSNEY dba	1	.00	252.00	Logged
25930-	500	60	1/25/2012	11166 DIANE CURRIDEN	1	.00	140.00	Logged
25931-	500	61	1/25/2012	11170 DONELLE MARTIN	1	.00	500.00	Logged
25932-	500	62	1/25/2012	11236 GARY GENE JOHNSON dba	1	.00	622.50	Logged
25933-	500	63	1/25/2012	11292 JOSHUA A. GRANT	1	.00	318.50	Logged
25934-	500	64	1/25/2012	11300 KAREN PALMER	1	.00	77.00	Logged
25935-	500	65	1/25/2012	11321 LAURA COGAN	1	.00	135.00	Logged
25936-	500	66	1/25/2012	11343 MARIANNE MADSEN	1	.00	342.00	Logged
25937-	500	67	1/25/2012	11476 STEPHEN F. DUNLAP	1	.00	168.00	Logged
25938-	500	68	1/25/2012	11525 VICTORIA L. BENNETT	1	.00	88.00	Logged
25939-	501	1	1/30/2012	698 CALIFORNIA STATE DISBURSEMENT	1	.00	1,613.50	Cut
25940-	501	2	1/30/2012	714 SIERRA TURF, INC.	1	.00	15,623.48	Cut
						.00		
** Total check discount **						.00		
** Total check amount **						345,982.47		
						.00		

Payments via Electronic Fund Transfer (EFT):

Use Tax 4th Qtr	1/23/12	587.00
Payroll Taxes	2/1/12	10,058.41

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10,645.41



**PROCLAMATION**  
**Honoring Richard Sanford**  
**Inducted into the 2012 California “Vintners Hall of Fame”**

**WHEREAS**, in 1970, Richard Sanford founded the Sanford & Benedict Vineyard and planted the first Pinot Noir vines in the western part of the Santa Ynez Valley, which became known as the Sta. Rita Hills American Viticultural Area; and

**WHEREAS**, in 1981, Richard and his wife, Thekla, founded Sanford Winery and spent the next 25 years making some of the region’s best Pinot Noir and Chardonnay wines, while influencing other winemakers how to do the same; and

**WHEREAS**, Richard has achieved worldwide recognition for his Pinot Noir and Chardonnay wines by his commitment to quality and refusal to compromise; and

**WHEREAS**, in 2000, all of Sanford’s estate vineyards were certified organic by the California Certified Organic Farmers – the first such designation in Santa Barbara County; and

**WHEREAS**, in 2005, Richard and his wife, Thekla, founded Alma Rosa Winery and Vineyards, headquartered in Buellton; and

**WHEREAS**, the Sanfords also incorporate sustainable practices into their vineyard, winemaking, and business activities; and

**WHEREAS**, pioneering Santa Barbara County winemaker Richard Sanford has been named to the Culinary Institute of America (CIA) 2012 Vintners Hall of Fame - the first Central Coast resident ever named to the California Vintners Hall of Fame; and

**WHEREAS**, this year’s inductees are the leaders who helped California become the center of the American wine industry while producing some of the best wines in the world; and

**WHEREAS**, on February 20, 2012 Richard will be honored at the Culinary Institute of America at Greystone Cellars, in St. Helena, as part of the college’s sixth annual Vintners Hall of Fame celebration.

**NOW, THEREFORE, I**, Holly Sierra, Mayor of the City of Buellton, on behalf of the City Council, hereby commend Richard Sanford for being inducted into the 2012 California Vintners Hall of Fame.

**PASSED, APPROVED, and ADOPTED this 9th day of February 2012.**

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**Holly Sierra**  
**Mayor**

**CITY OF BUELLTON**  
City Council Agenda Staff Report

City Manager Review: JHK  
Council Agenda Item No.: 4

To: The Honorable Mayor and City Council

From: Ralph D. Hanson, City Attorney

Meeting Date: February 9, 2012

Subject: Consideration of Term Limits for Council Members

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**BACKGROUND**

At the City Council meeting of January 26, 2012, the Council requested that the City Council consider the imposition of term limits for service on the City Council of Buellton. California law permits cities to establish term limits for members of their legislative bodies. This staff report will review the questions:

1. What are the statutory requirements that apply to establishment of term limits for city councilmembers by general law cities?
2. What procedures need to be followed to place a council-sponsored measure on the ballot?

Basically, and as will be discussed in further detail below:

1. Term limits for members of the City Council must be voted on in a regular election and take effect only prospectively as to future terms of office. The City Council must determine the specific limitations to be imposed.
2. To submit a council-sponsored measure to the electorate, the Council must adopt an ordinance setting out the term limitation to be imposed and a resolution calling the election.

## **DISCUSSION**

### A. Legislative Authority – Options.

California Government Code Section 36502(b) permits city councils in general law cities to establish term limits for members of the city councils. That section states as follows:

(b) “Notwithstanding any other provision of law, the city council of a general law or charter city may adopt or the residents of the city may propose, by initiative, a proposal to limit or repeal a limit on the number of terms a member of the city council may serve on the city council, or the number of terms an elected mayor may serve. Any proposal to limit the number of terms a member of the city council may serve on the city council, or the number of terms an elected mayor may serve, shall apply prospectively only and shall not become operative unless it is submitted to the electors of the city at a regularly scheduled election and a majority of the votes cast on the question favor the adoption of the proposal. . . .”

Choices for the City Council to consider include the following:

1. Number of terms of office that may be served.
2. Whether the term limits imposed apply only to consecutive terms or act as a lifetime total limitation.
3. Whether individuals appointed to fill vacancies count a partial term as a full term for purposes of the term limits mandate.

It should be noted that any initiative measure that appears on the 2012 ballot will apply only prospectively to those members of the City Council who are elected in 2014.

### B. Procedure for Council-Sponsored Term Limit Initiative on the Ballot.

Initiative measures are laws enacted by a vote of the people that address legislative issues. An initiative measure may be brought forth and enacted through a petition process by members of the public, or it may be prepared by the City Council and submitted to the electorate for a binding vote. Either way, the measure, if adopted by the people becomes law and may only be changed by a subsequent vote of the people.

Should the Council determine that it wishes to submit the question of term limits to a vote of the people, Section 9222 of the Elections Code sets forth specific procedures for the Council to place a binding initiative measure on the ballot as follows:

“9222. The legislative body of the city may submit to the voters, without a petition therefor, a proposition for the repeal, amendment, or enactment of any ordinance, to be voted upon at any succeeding regular or special city election, and if the proposition submitted receives a majority of the votes cast on it at the election, the ordinance shall be repealed, amended, or enacted accordingly. A proposition may be submitted, or a special election may be called for the purpose of voting on a proposition, by ordinance or resolution. The election shall be held not less than 88 days after the date of the order of election.”

Thus, to place an initiative measure on the ballot, the Council would need to develop an ordinance establishing term limits and then adopt a resolution calling for the matter to be placed on the ballot in a regular election.

It should be noted that although Section 9222 applies to both regular and special elections, the provisions of Section 36502(b) require a measure establishing term limits to be voted on at a regular election.

### **FISCAL IMPACT**

No costs associated with this matter.

### **RECOMMENDATION**

The City Council should discuss if term limits are appropriate for the City of Buellton and, if so, determine the specific terms and conditions it wishes to include in any Council-sponsored initiative it decides to submit to the electorate.