

TOWN OF WINDSOR AGENDA REPORT

Joint Windsor Town Council, Windsor Redevelopment Successor Agency and Windsor Water District Meeting Date: April 17, 2024

To: Mayor and Town Council
From: Irene Camacho-Werby, Town Clerk / Public Information Officer
Subject: Town Council and Mayoral Term Limits

Recommendation to Council:

Provide direction to staff regarding drafting an ordinance creating term limits that would be submitted to the voters.

Strategic Plan Element:

The recommended action supports the goal of Organizational Effectiveness. Goal Statement: Achieve a high performing organization by nurturing an engaged workforce committed to a shared vision of public service.

Background:

On February 16, 2024, the Town Council held a Working Group retreat workshop with the topic of looking ahead to charting a successful 2024. The topic of term limits was visited as Councilmembers discussed Council governance within their government norms.

The Town of Windsor does not have term limits for the Members of Council or the Mayor. Should the Town Council request to put limits in place for the elected positions of Mayor and Councilmember, it would require voter approval.

Government Code Section 36502(b) specifies: 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.

Limitations may be placed on the number of consecutive terms that Councilmembers may serve and may also be placed on the number of terms that a person may serve during their lifetime.

Discussion:

There are a few term-limit ordinances currently being used throughout the state, and they generally fall within four models:

- Two or three consecutive terms of four years for Councilmembers and two or more terms of two years for the Mayor, followed by a specified elapsed duration or break in service (typically 1, 2, or 4 years) before the incumbent is eligible to seek election to an additional term.

- Two or three consecutive terms of four years for Councilmembers and two or more terms of two years for the Mayor
- Eight or ten-year maximum consecutive terms for Councilmembers and the Mayor, followed by a specified elapsed duration or break in service (typically 1, 2, or 4 years) before the incumbent is eligible to seek election to additional terms
- Eight or ten-year maximum consecutive terms for Councilmembers and the Mayor
- Maximum Lifetime terms for members of Council regardless of position

In addition, pursuant to Government Code Section 36502(b), a term limit ordinance applies prospectively only. This means that any term of office that commenced prior to the effective date of a term limit ordinance would not count as a term served for purposes of implementing the ordinance.

For purposes of discussion, the Council is asked to consider the following points:

- The number of terms a Councilmember/Mayor may serve consecutively
- Whether to allow a break in service between terms when the imposed limit has been reached or create a lifetime term limit
- The period of elapsed time between terms, if desired, when the imposed limit has been reached
- Whether to allow a Councilmember to run for Mayor immediately following their reached term limit
- Whether to allow the Mayor to run for Councilmember immediately following their reached term limit
- The number of terms a member of the Council may serve regardless of position

If the Town Council wishes to put terms limits in place, staff requests direction on the specific model of term limits it wants to move forward with examples (similar to those outlined above) and to direct staff to bring back a staff report for adoption of a resolution placing a term limit ordinance on the November 2024 ballot.

If the Town Council does not wish to put term limits in place then no further action is required.

Fiscal Impact:

The recommended action will not result in any fiscal impact associated from seeking direction from Council on this item. Should the Town Council move forward with placing a measure on the ballot, the estimated cost for one measure is \$51,000.

Environmental Review:

The recommended action does not constitute a “project” within the meaning of California Environmental Quality Act (CEQA) Guidelines Section 15378 and requires no environmental review.

Attachment(s):

[12.6 PowerPoint Term Limits \(Distributed 2024-04-16\)](#)

[12.6 Correspondence Received \(Distributed 2024-04-16\)](#)

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Town Manager