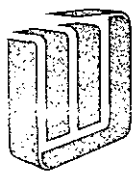


FILED by order  
of the Board of Directors of  
The Metropolitan Water District  
of Southern California  
at its meeting held FEB 11 1992

*Barbara E. ...* 9-19  
Executive Secretary



**MWD**  
METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

February 4, 1992

To: Board of Directors (Executive Committee--Information)  
From: General Manager  
Subject: Legislation Regarding Term Limits

Report

Assembly Bill 2324, authored by Assembly Members Andal, Wyman, Ferguson and Hunter would limit officeholders to two terms of four years each and would apply for the lifetime of the officeholder. A person holding one office could hold a different office for the term limit applicable to the second office.

Senate Bill 1298, authored by Senator Kopp, would authorize the governing bodies of local government agencies, including the boards of special districts like Metropolitan (see proposed Government Code Section 56115), or the residents of the governmental entities by initiative, to propose term limits for members of their governing boards. A proposed term limit would not become effective unless approved by a majority of the voters of the government agency at a special or regularly scheduled election.

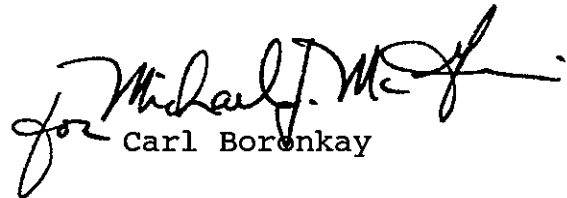
Staff has not recommended a position on either bill, but will continue to watch their progress and report any significant developments to the Board. A copy of each bill is attached.

Board Committee Assignment

This letter was referred for information to the Executive Committee because of this committee's interest in legislation affecting Metropolitan, pursuant to Administrative Code section 2417 (a).

Recommendation

For information only.

  
for Carl Borenkay

SS\jb  
limits

Attach.

CALIFORNIA LEGISLATURE—1991-92 REGULAR SESSION

**ASSEMBLY BILL**

No. 2324

Introduced by Assembly Members Andal, Wyman,  
Ferguson, and Hunter  
(Coauthors: Senators Deddeh, Lewis, and Royce)

January 14, 1992

An act to add Chapter 6 (commencing with Section 1950) to Division 4 of Title 1 of the Government Code, relating to local term limits.

## LEGISLATIVE COUNSEL'S DIGEST

AB 2324, as introduced, Andal. Local term limits.

Existing statutory law does not impose term limits on persons holding office in local government.

This bill would impose a limit of 2 terms of 4 years each on city council members in general law cities, mayors in general law cities, boards of supervisors in general law counties, governing boards of school districts, as specified, and governing boards of other special districts. The bill would specify that a term limit prescribed shall be for the lifetime of the office holder; however, a person who has held one office would be able to hold a different office for the term limit prescribed for the second office. The bill would not apply the term limits retroactively.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Chapter 6 (commencing with Section  
2 1950) is added to Division 4 of Title 1 of the Government  
3 Code, to read:

4  
5 CHAPTER 6. LOCAL TERM LIMITS  
6

7 1950. The following officeholders shall be limited to  
8 two terms of four years each:

9 (a) A member of a city council of a general law city.

10 (b) The mayor of a general law city, in which the  
11 office of mayor is elected separately from the office of city  
12 council member.

13 (c) A member of the board of supervisors of a general  
14 law county.

15 (d) A member of the governing board of an  
16 elementary school district, unified school district, union  
17 high school or joint union high school district, or  
18 community college district. This subdivision shall not  
19 apply to a district with a population of less than 25,000  
20 persons based on the last federal decennial census.

21 (e) A member of the governing board of a special  
22 district, other than a district specified in subdivision (d).  
23 This subdivision shall not apply to a district with a  
24 population of less than 25,000 persons based on the last  
25 federal decennial census.

26 1951. A term limit prescribed in this chapter for an  
27 office shall apply to a person holding that office for that  
28 person's lifetime. However, a person who has held one  
29 office for the term limit prescribed in this chapter may  
30 hold a different office specified in this chapter for the  
31 term limit prescribed for that office.

32 1952. The term limits prescribed in this chapter shall  
33 not be applied retroactively.

**SENATE BILL**

**No. 1298**

**Introduced by Senator Kopp**

January 16, 1992

An act to amend Sections 1006, 35107, and 72103 of the Education Code, and to amend Sections 25000 and 36502 of, and to add Section 56115 to, the Government Code, relating to governing bodies.

LEGISLATIVE COUNSEL'S DIGEST

SB 1298, as introduced, Kopp. Governing bodies: term limits.

Existing law does not authorize the imposition of limitations on the number of terms that persons may serve on governing bodies of local governmental entities.

This bill would expressly authorize the governing bodies of county boards of education, school districts, community college districts, or special districts, any board of supervisors or city council, or the residents of those respective entities, to submit a proposal to the electors to limit the number of terms a member of the governing body, board of supervisors, or city council may serve. The bill would make the operation of the proposal contingent upon the approval of the proposal by a majority of the votes cast on the question at a special or regularly scheduled election. Since the bill would create additional duties for local election officials, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that no reimbursement shall be

made from the State Mandates Claims Fund for costs mandated by the state pursuant to this act, but would recognize that local agencies and school districts may pursue any available remedies to seek reimbursement for these costs.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 1006 of the Education Code is  
2 amended to read:

3 1006. (a) Any registered voter is eligible to be a  
4 member of the county board of education except the  
5 county superintendent of schools, any member of his  
6 staff, or any employee of a school district.

7 (b) *Notwithstanding any other provision of law, the*  
8 *county board of education may adopt or the residents of*  
9 *the county may propose by initiative, a proposal to limit*  
10 *the number of terms a member of the county board of*  
11 *education may serve on the county board of education.*  
12 *Any proposal to limit the number of terms a member of*  
13 *the county board of education may serve on the county*  
14 *board of education shall not become operative unless it is*  
15 *submitted to the electors of the county at a special or*  
16 *regularly scheduled election and a majority of the votes*  
17 *cast on the question favor the adoption of the proposal.*

18 SEC. 2. Section 35107 of the Education Code is  
19 amended to read:

20 35107. (a) Any person, regardless of sex, who is 18  
21 years of age or older, a citizen of the state, a resident of  
22 the school district, a registered voter, and who is not  
23 disqualified by the Constitution or laws of the state from  
24 holding a civil office, is eligible to be elected or appointed  
25 a member of a governing board of a school district  
26 without further qualifications.

27 (b) An employee of a school district may not be sworn  
28 into office as an elected or appointed member of that  
29 school district's governing board unless and until he or  
30 she resigns as an employee. If the employee does not  
31 resign, the employment will automatically terminate

1 upon being sworn into office.

2 For any individual who is an employee of a school  
3 district and an elected or appointed member of that  
4 school district's governing board prior to January 1, 1992,  
5 this subdivision shall apply when he or she is reelected or  
6 reappointed, on or after January 1, 1992, as a member of  
7 the school district's governing board.

8 *(c) Notwithstanding any other provision of law, the*  
9 *governing board of a school district may adopt or the*  
10 *residents of the school district may propose by initiative,*  
11 *a proposal to limit the number of terms a member of the*  
12 *governing board of the school district may serve on the*  
13 *governing board of the school district. Any proposal to*  
14 *limit the number of terms a member of the governing*  
15 *board of the school district may serve on the governing*  
16 *board of the school district shall not become operative*  
17 *unless it is submitted to the electors of the school district*  
18 *at a special or regularly scheduled election and a majority*  
19 *of the votes cast on the question favor the adoption of the*  
20 *proposal.*

21 SEC. 3. Section 72103 of the Education Code is  
22 amended to read:

23 72103. (a) Any person, regardless of sex, who is 18  
24 years of age or older, a citizen of the state, a resident of  
25 the community college district, a registered voter, and  
26 who is not disqualified by the Constitution or laws of the  
27 state from holding a civil office, is eligible to be elected  
28 or appointed a member of a governing board of a  
29 community college district without further qualifications.

30 (b) An employee of a community college district may  
31 not be sworn into office as an elected or appointed  
32 member of that community college district's governing  
33 board unless and until he or she resigns as an employee.  
34 If the employee does not resign, the employment will  
35 automatically terminate upon being sworn into office.

36 For any individual who is an employee of a community  
37 college district and an elected or appointed member of  
38 that community college district's governing board prior  
39 to January 1, 1992, this subdivision shall apply when he or  
40 she is reelected or reappointed, on or after January 1,

1 1992, as a member of the community college district's  
2 governing board. This section does not apply to an  
3 individual who is usually employed in an occupation  
4 other than teaching and who also is employed part time  
5 by the community college district to teach no more than  
6 one course per semester or quarter in the subject matter  
7 of that individual's occupation.

8 *(c) Notwithstanding any other provision of law, the*  
9 *governing board of a community college district may*  
10 *adopt or the residents of the community college district*  
11 *may propose by initiative, a proposal to limit the number*  
12 *of terms a member of the governing board of the*  
13 *community college district may serve on the governing*  
14 *board of a community college district. Any proposal to*  
15 *limit the number of terms a member of the governing*  
16 *board of a community college district may serve on the*  
17 *governing board of a community college district shall not*  
18 *become operative unless it is submitted to the electors of*  
19 *the community college district at a special or regularly*  
20 *scheduled election and a majority of the votes cast on the*  
21 *question favor the adoption of the proposal.*

22 SEC. 4. Section 25000 of the Government Code is  
23 amended to read:

24 25000. *(a) Each county shall have a board of*  
25 *supervisors consisting of five members. Not more than*  
26 *three members shall be elected at the same general*  
27 *election. If the terms of office of more than three*  
28 *members of the board expire at the same time, at the first*  
29 *regular meeting after January 1st following their election*  
30 *the members so elected shall so classify themselves by lot*  
31 *that three members shall serve for four years, and two for*  
32 *two years. Thereafter the term of office of each member*  
33 *shall be four years.*

34 *(b) Notwithstanding any other provision of law, the*  
35 *board of supervisors may adopt or the residents of the*  
36 *county may propose by initiative, a proposal to limit the*  
37 *number of terms a member of the board of supervisors*  
38 *may serve on the board of supervisors. Any proposal to*  
39 *limit the number of terms a member of the board of*  
40 *supervisors may serve on the board of supervisors shall*



1 *not become operative unless it is submitted to the*  
2 *electors of the county at a special or regularly scheduled*  
3 *election and a majority of the votes cast on the question*  
4 *favor the adoption of the proposal.*

5 SEC. 5. Section 36502 of the Government Code is  
6 amended to read:

7 36502. (a) A person is not eligible to hold office as  
8 councilman, city clerk, or city treasurer unless he or she  
9 is at the time of assuming ~~such~~ *the respective* office an  
10 elector of the city, and was a registered voter of the city  
11 at the time nomination papers are issued to the candidate  
12 as provided for in Section 22842 of the Elections Code.

13 If, during his or her term of office, he or she moves  
14 his or her place of residence outside of the city limits or  
15 ceases to be an elector of the city, his or her office shall  
16 immediately become vacant.

17 (b) *Notwithstanding any other provision of law, the*  
18 *city council of a general law or charter city may adopt or*  
19 *the residents of the city may propose by initiative, a*  
20 *proposal to limit the number of terms a member of the*  
21 *city council may serve on the city council. Any proposal*  
22 *to limit the number of terms a member of the city council*  
23 *may serve on the city council shall not become operative*  
24 *unless it is submitted to the electors of the city at a special*  
25 *or regularly scheduled election and a majority of the*  
26 *votes cast on the question favor the adoption of the*  
27 *proposal. Notwithstanding the provisions of this*  
28 *subdivision, the provisions of any city charter that on*  
29 *January 1, 1993, impose limitations on the number of*  
30 *terms a member of the city council may serve on the city*  
31 *council shall remain in effect. Unless otherwise*  
32 *prohibited by a city charter, any city, charter may be*  
33 *amended pursuant to this section or pursuant to the*  
34 *procedures specified in the charter, to include the*  
35 *limitation authorized in this subdivision.*

36 SEC. 6. Section 56115 is added to the Government  
37 Code, to read:

38 56115. (a) *Notwithstanding any other provision of*  
39 *law, the governing body of a special district may adopt or*  
40 *the residents of a special district may propose by*

1 initiative, a proposal to limit the number of terms a  
2 member of the governing body of the special district may  
3 serve on the governing body of the special district. Any  
4 proposal to limit the number of terms a member of the  
5 governing body of the special district may serve on the  
6 governing body of the special district shall not become  
7 operative unless it is submitted to the electors of the  
8 special district at a special or regularly scheduled election  
9 and a majority of the votes cast on the question favor the  
10 adoption of the proposal.

11 (b) For purposes of this section the term "special  
12 district" shall mean an agency of the state, formed  
13 pursuant to general law or special act, for the  
14 performance of governmental or proprietary functions  
15 within limited boundaries.

16 SEC. 7. No reimbursement shall be made from the  
17 State Mandates Claims Fund pursuant to Part 7  
18 (commencing with Section 17500) of Division 4 of Title  
19 2 of the Government Code for costs mandated by the  
20 state pursuant to this act. It is recognized, however, that  
21 a local agency or school district may pursue any remedies  
22 to obtain reimbursement available to it under Part 7  
23 (commencing with Section 17500) and any other  
24 provisions of law. Notwithstanding Section 17580 of the  
25 Government Code, unless otherwise specified in this act,  
26 the provisions of this act shall become operative on the  
27 same date that the act takes effect pursuant to the  
28 California Constitution.