

ORDINANCE NO. 2974

OXNARD TERM LIMITS ACT

The people of the City of Oxnard do ordain as follows:

SECTION 1. Title.

This initiative shall be known and may be cited as the "Oxnard Term Limits Act."

SECTION 2. Findings and Declarations.

The people of the City of Oxnard ("City") find and declare all of the following:

- a) Currently, there is no limit on the number of terms a city council member may serve;
- b) Section 36502(b) of the Government Code authorizes the residents of a city to propose to limit the number of terms a member of the city council may serve on the council and the number of terms an elected mayor may serve;
- c) With term limits in place, elected officials will be more responsible toward constituents because they will soon be constituents themselves, and will have to live under the laws they created while in office;
- d) With term limits in place, there will be more opportunities for the community to develop new leaders who will bring fresh ideas to city hall;
- e) With term limits in place, candidates will be more likely to run for the purpose of serving the people, and they would have to leave office before corruption dominates their decisions.

SECTION 3. Purposes and Intent.

The people of the City of Oxnard hereby declare their purposes and intent in enacting this measure to be as follows:

- a) To make the term of mayor the same length as other members of the city council;
- b) To limit the mayor and other members of the city council from serving more than two consecutive full terms;
- c) To apply such limits on a prospective basis; and
- d) To allow elected officials who become ineligible to serve due to term limits to become eligible again after a two-year break in service.

SECTION 4. Oxnard Term Limits Act.

A. Amendment of Section 2-3 of the Oxnard Municipal Code.

(Type formatted as underlined is added to the Municipal Code. Type formatted as ~~striketrough~~ is deleted from the Municipal Code. Unformatted type is existing and not amended by this initiative.)

Section 2-3 of the Oxnard Municipal Code is amended to read as follows:

SEC. 2-3 ELECTION OF MEMBERS OF THE CITY COUNCIL BY DISTRICT; AT-LARGE MAYOR; LENGTH OF TERMS.

(A) Following the March 6, 2018 effective date of sections 2-2 through 2-3.5, and upon the commencement of "by district" elections in the order established in section 2-3.5 of this code, members of the city council shall be elected "by district" as defined in Cal. Gov't Code, Section 34871, or any successor statute. No term of any member of the city council that commenced prior to March 6, 2018 shall be affected by the adoption of sections 2-2 to 2-3.5 of the code. The term of office of each member elected to the city council shall be four years.

~~(B) The mayor shall continue to be separately elected on an at-large basis to a two-year term. The term of the mayor shall be four years.~~

~~(B) (C) Registered voters signing nomination papers or voting for a member of the city council shall be residents of the geographical area making up the district from which the member is to be elected.~~

~~(C) Except as otherwise provided in section 2-3.5(B), the terms of the office of each member elected to the city council shall remain four years.~~

B. Addition of Section 2-4 to the Oxnard Municipal Code.

Section 2-4 is added to Oxnard Municipal Code to read as follows:

SEC. 2-4. TERM LIMITS.

(A) Any person who has served in elective City office for two (2) consecutive full terms, or a combination of full and partial terms totaling seven (7) consecutive years, shall be ineligible to be elected or appointed to an elective City office until two (2) consecutive years has elapsed since the person last held elective City office.

(B) For purposes of this section:

(1) The phrase "elective City office" means Mayor and City Council Member.

(2) Any person who, either by appointment or election, serves more than one-half of a term in elective City office, shall be deemed to have served a full term.

(3) Notwithstanding subsection (2), a person who resigns or is removed from elective City office any time during a term, other than to assume a different elective City office, shall be deemed to have served a full term.

(4) This section shall not impose an absolute limit on the number of terms a person may serve in his or her lifetime, but only imposes a limit on the number of consecutive years a person may serve in any combination of elective City offices.

SECTION 5. Interpretation.

To the fullest extent allowed by law, the provisions of this Initiative shall prevail over, and supersede, all other provisions of the Municipal Code and any ordinances, resolutions or administrative policies of the City of Oxnard, including those adopted by the electors, that are in conflict with any provision of this Initiative.

SECTION 6. Implementation.

(A) This Initiative shall apply prospectively only to any term of office commencing on or after the date of the election at which the voters approve this Initiative.

(B) Notwithstanding (A) of this section, subdivision (B) of Section 2-3 of the Municipal Code amended by this Initiative (SECTION 4(A)), changing the term for the office of Mayor from two years to four years, shall go into effect with the term of office beginning on or after November 8, 2022. The principal purpose of delaying the effective date of this subdivision is to ensure that potential candidates for Mayor will know with certainty the term of the office prior to filing as candidates.

SECTION 7. Proponent Standing.

The People of the City of Oxnard declare that the proponent(s) of this measure has a direct and personal stake in defending this measure and grant formal authority to the proponent to defend this measure in any legal proceeding, either by intervening in such legal proceeding, or by defending the measure on behalf of the people and the City in the event that the City declines to defend the measure or declines to appeal an adverse judgment against the measure.

In the event that the proponent is defending this measure in a legal proceeding because the City has declined to defend it or to appeal an adverse judgment against it, the proponent shall: act as an agent of the people and the City; be subject to all ethical, legal, and fiduciary duties applicable to such parties in such legal proceedings; and be entitled to recover reasonable legal fees and related costs from the City.

SECTION 8. Severability.

If any portion of this Initiative is declared invalid by a court of law or other legal body with applicable authority, the invalidity shall not affect or prohibit the force and effect of any other provision or application of the Initiative that is not deemed invalid. The voters of the city hereby declare that they would have circulated for qualification and/or voted for the adoption of this Initiative, and each portion thereof, regardless of the fact that any portion of the Initiative may be subsequently deemed invalid.

PASSED AND ADOPTED this 21st day of January, 2020, by the following vote:

AYES: Councilmembers Basua, Lopez, MacDonald, Perello, Ramirez, and Mayor Flynn.

NOES: Councilmember Madrigal.

ABSENT: None.

ABSTAIN: None.


Tim Flynn, Mayor

ATTEST: 
Michelle Ascencion, City Clerk