

Attachment B

Term Limits Initiative

INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS

The People of the City of Newport Beach do hereby ordain as follows:

Section 1. Title

This initiative measure shall be known as the “**Initiative To Establish Strict Term Limits for City Council Members**” (the “**Initiative**”).

Section 2. Purpose and Findings.

A. Purpose. Entrenched interests at the City Council do not promote the best interests of the community. This Initiative seeks to improve the leadership and governance of Newport Beach by eliminating the current loophole that allows City Council Members to serve for an unlimited number of terms so long as they are not consecutive. A revolving door of council members is not desirable, and the Charter of the City of Newport Beach (“**Charter**”) should be modified to ensure council members remain responsive to local residents. This Initiative amends the Charter to limit Council Members from serving more than two full terms, or a total of 8 years.

B. Findings. The residents of the City of Newport Beach find that this Initiative promotes the public interest in light of its purpose and the following facts and circumstances:

1. Term limits promote electoral competition, encourage civic participation, and create opportunities for new leadership.

2. This Initiative closes the current term limit “loophole” by eliminating the ability of a former City Council Member to sit on the sidelines then return for another eight years. The current law allows the same politicians to run our City without the benefit of new voices and viewpoints.

3. Many cities and counties in California have maximum term limits. This Initiative is consistent with many other jurisdictions throughout California.

4. This Initiative will better align the City Charter with the community’s general understanding, expectations and preferences.

5. This Initiative recognizes the benefits that local governments can receive from experienced leadership. By allowing for up to eight years on the City Council, the City can benefit from City Council Members with experience and institutional knowledge.

6. City Council Members may be distracted and influenced by the opportunity to return to the City Council for additional terms. This Initiative eliminates incentives for City Council Members to engage in behavior that is guided by a City Council Member’s interests in

additional terms on the City Council, instead of the interests of the Newport Beach community. This Initiative helps ensure that the City Council Members are focused on what is best for the City, not their reelection prospects.

7. Extended service on the City Council allows for concentration of power, undermines democratic and transparent governance, and can lead to unethical behavior. This Initiative will prevent the various consequences of powerful repeat leaders who have interests and allegiances tied to previous government roles, and will create more opportunities for new, fresh leadership on the City Council.

8. This Initiative is in the best interest of the people of Newport Beach.

Section 3. Amendment and Addition to the *Newport Beach Municipal Code*.

The voters hereby amend and Section 401 (titled, "Eligibility") of the City Charter as follows (new language is shown in underlined text and deleted text shown in ~~striketrough text~~):

"No person shall be eligible to hold office as a member of the City Council unless he or she is, and shall have been for at least thirty (30) days immediately preceding his or her nomination or appointment, a registered elector of the district from which he or she is nominated or appointed, and for at least thirty (30) days immediately preceding his or her election or appointment, a registered elector of the City.

Notwithstanding the provisions of Section 400, no person shall be or remain eligible to hold office as a member of the City Council for more than two (2) ~~consecutive~~ four (4) year terms or a total of eight (8) years ("Term Limit"). Service of a partial term, by appointment or otherwise, on the City Council of any duration shall constitute completion of a four-year term for purposes of the Term Limit. All duly elected City Council members as of January 31, 2027, shall remain eligible to complete their current terms notwithstanding the Term Limit, but eligibility for any future term on the City Council shall be subject to the Term Limit. Members of the City Council who have served one or more terms prior to their current term shall be entitled to complete such term, but shall not be eligible for re-election except as provided below. Members of the City Council who are serving their first term as of the effective date of this amendment shall be eligible to hold office during a second four year term when the current term expires.

~~This section is intended to prevent persons from serving more than two (2) consecutive terms, and shall not be construed to render ineligible any person who would not, by virtue of his or her election, serve more than two consecutive terms."~~

Section 4. Implementation of this Initiative.

A. This Initiative is considered adopted and effective upon the earliest date legally possible after the elections official certifies the vote on the Initiative by the voters of the City (the "**Effective Date**"). Upon the Effective Date of this Initiative, the City is directed to promptly take all appropriate actions needed to implement this Initiative, including but not limited to taking any

administrative steps necessary to update any and all City ordinances, codes, maps, figures, and any other documents maintained by the City so they conform to the legislative policies set forth in this Initiative.

B. Upon the Effective Date of this Initiative, the City Charter provisions of Section 3 of this Initiative are hereby inserted into the City Charter as set forth above. The City may reorganize, renumber, and/or reformat the City Charter to incorporate Section 3 of this Initiative, provided that the full text of each provision is inserted into the City Charter without alteration.

C. The City Charter in effect on the date of filing of the Notice of Intention to Circulate Petition ("**Filing Date**"), and the City Charter as amended by this Initiative, comprise an integrated, internally consistent and compatible statement of policies for the City. To ensure that the City Charter and other City policies and plans remain an integrated, internally consistent, and compatible statement of policies for the City, any provision of the City Charter that is adopted between the Filing Date and the Effective Date of the City Charter amendment adopted by this Initiative shall, to the extent that such interim-enacted provision is inconsistent with or would diminish, render invalid, defeat, or impair the City Charter amendment adopted by this Initiative, be amended as soon as possible and in the manner and time required by applicable law to ensure consistency with this Initiative.

Section 5. Effect of Other Measures on the Same Ballot.

If this Initiative and another measure on the same subject matter appear on the same ballot, and a majority of the voters vote in favor of both measures but this Initiative receives more votes than the other measure, this Initiative alone shall become valid, binding and adopted in its entirety, and the other measure shall be null and void in its entirety. If a majority of the voters vote in favor of both measures but this Initiative receives less votes than the other measure, only those provisions of the other measure that are in direct and irreconcilable conflict with the provisions of this Initiative shall control, and all other provisions of this Initiative shall become valid, binding and adopted. The voters expressly declare this to be their intent, regardless of any contrary language in any other ballot measure.

Section 6. Interpretation, Severability, and Legal Defense.

A. This Initiative must be interpreted so as to be consistent with all federal and State laws, rules, and regulations. If any section, sub-section, sentence, clause, phrase, part, or portion of this Initiative is held to be invalid or unconstitutional by a final judgment of a court of competent jurisdiction, such decision does not affect the validity of the remaining portions of this Initiative. The voters declare that this Initiative, and each section, sub-section, sentence, clause, phrase, part, or portion thereof, would have been adopted or passed irrespective of the fact that any one or more sections, sub-sections, sentences, clauses, phrases, parts, or portions are found to be invalid. If any provision of this Initiative is held invalid as applied to any person or circumstance, such invalidity does not affect any application of this Initiative that can be given effect without the

invalid application.

B. If any portion of this Initiative is held by a court of competent jurisdiction to be invalid, we the People of the City of Newport Beach indicate our strong desire that: (i) the Newport Beach City Council use its best efforts to sustain and reenact that portion, and (ii) the Newport Beach City Council implement this Initiative by taking all steps possible to cure any inadequacies or deficiencies identified by the court in a manner consistent with the express and implied intent of this Initiative, including by presenting voters with an opportunity to adopt or reenact any such portion in a manner consistent with this Initiative.

C. This Initiative must be broadly construed in order to achieve the purposes stated above. It is the intent of the voters that the provisions of this Initiative be interpreted or implemented by the City and others in a manner that facilitates the purpose set forth in this Initiative.

D. The People of the City of Newport Beach desire that this amendment to the City Charter, if approved by the voters and thereafter challenged in court, be defended by the City. The People, by approving this City Charter amendment, hereby declare that the proponent(s) of this City Charter amendment have a direct and personal stake in defending it from constitutional or statutory challenges to its validity or implementation. In the event the City fails to defend this City Charter amendment, or the City fails to appeal an adverse judgment against its constitutionality, statutory permissibility or implementation, in whole or in part, in any court of law, the proponents shall be entitled to assert their direct personal stake by defending its validity and implementation in any court of law, shall be empowered by the People through this measure to act as agents of the People, and shall be entitled to recover their reasonable attorney's fees from the City of Newport Beach.

Section 7. Amendment or Repeal.

The City Charter as amended and adopted by Section 3 of this Initiative can be amended or repealed only by a majority of the voters of the City voting in an election held in accordance with applicable State and City law. For the avoidance of doubt, this Section only limits the power to amend the City Charter provisions as amended and adopted by Section 3 and does not limit the power of the City to amend or repeal other portions of the City Charter or Newport Beach Municipal Code in a manner that is consistent with this Initiative and other applicable law.

Section 8. Judicial Enforcement.

Any aggrieved person shall have the right to bring an action to enjoin any violation of this Initiative or to enforce the duties imposed on the City by this Initiative. The proponents of this Initiative may defend the provisions of this Initiative in any litigation brought to challenge the Initiative consistent with Section 6 of this Initiative.