

RESOLUTION NO. 21-R-13331

A RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS CALLING AND GIVING NOTICE OF THE HOLDING OF A MUNICIPAL ELECTION TO BE HELD IN THE CITY OF BEVERLY HILLS ON TUESDAY, JUNE 7, 2022, OR THE NEXT REGULARLY SCHEDULED ELECTION DATE, WHICHEVER IS EARLIER, TO BE CONSOLIDATED WITH THE REGULARLY SCHEDULED ELECTION TO BE HELD IN LOS ANGELES COUNTY ON THAT DATE, FOR THE SUBMISSION TO THE VOTERS A QUESTION RELATING TO THE AUTHORIZATION OF A TERM LIMIT ON CITY ELECTED OFFICIAL SERVICE, AND DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS OF THE BALLOT MEASURE

WHEREAS, the City does not currently limit the number of terms an individual may serve in an elected City office; and

WHEREAS, the City Council desires to exercise its authority under Government Code 36502(b) by submitting to the voters a ballot measure which would establish a term limit on City elective office service; and

WHEREAS, there will be a regularly scheduled election in Los Angeles County on Tuesday, June 7, 2022; and

WHEREAS, the City Council desires to consolidate the election for the term limit ballot measure with the aforementioned regularly scheduled election on June 7, 2022, or the next regularly scheduled election date, whichever is earlier, as requested by Resolution No. 21-R-13332 .

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BEVERLY HILLS DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

Section 1. Calling Municipal Election. Pursuant to the requirements of Article 1, Chapter 3, Division 9 of the California Elections Code, the City Council hereby calls and orders to be held in the City of Beverly Hills, California, on June 7, 2022, or the next regularly scheduled election date, whichever is earlier, a Municipal Election for the purpose of submitting the voters the following question:

Term Limit Measure: Shall an ordinance be adopted by the City of Beverly Hills to establish a total three term limit during one’s lifetime for the offices of City Councilmember and City Treasurer in the City of Beverly Hills?	Yes
	No

Section 2. Ballot Measure. The full text of the proposed Ordinance to be approved by the voters entitled “AN ORDINANCE OF THE CITY OF BEVERLY HILLS ADOPTING TERM LIMITS FOR ELECTIVE CITY OFFICES” is attached as Exhibit A and incorporated herein by this reference, and such Ordinance shall be printed in the voter information pamphlet. The ballots to be used at the election shall be in the form and content as required by law.

Section 3. Passage of Measure. The passage of the term limit measure requires approval of a majority of qualified electors of the City voting in the election on the issue.

Section 4. Election Laws. The City Clerk is authorized, instructed, and directed to procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election. In all particulars not recited in this Resolution, the election shall be held and conducted as provided by law for holding municipal elections.

Section 5. Notice. The notice of the time and place of holding the election is given, and the City Clerk is authorized, instructed, and directed to give further or additional notice of the election in time, form and manner as authorized by law.

Section 6. Impartial Analysis. Pursuant to Elections Code Section 9280, the City Council hereby directs the City Clerk to transmit a copy of the ballot measure to the City Attorney. The City Attorney shall prepare an impartial analysis of the ballot measure pursuant to California Elections Code Section 9280.

Section 7. Ballot Arguments. The City Council and its members are hereby authorized to submit to the City Clerk a ballot argument in support of, or against, the ballot measure under Article 4, Chapter 3, Division 9 of the California Elections Code. Any voter eligible to vote on the ballot measure, bona fide association of citizens, or any combination of voters and associations may also file a written argument in favor or against the ballot measure with the City Clerk. The arguments in favor or against the ballot measure must be 250 words in length or less. If more than one ballot argument in favor or against the ballot measure is received by the City Clerk, the City Clerk shall give preference and priority to the City Council and its members.

Section 8. Rebuttal Arguments. Pursuant to Section 9285 of the California Elections Code of the State of California, when the City Clerk has selected the arguments for and against the ballot measure that will be printed and distributed to the voters, the City Clerk shall send copies of the argument in favor of the ballot measure to the author(s) of the argument against, and copies of the argument against to the author(s) of the argument in favor. The author(s), or a majority of the authors, may prepare and submit rebuttal arguments not exceeding 250 words or may authorize, in writing, others to submit a rebuttal argument. The rebuttal arguments shall be filed with the City Clerk, accompanied by the printed name(s) and signature(s) of the person(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers, not more than 10 days after the final date for filing direct arguments. Rebuttal arguments shall be printed in the same manner as the direct arguments. Each rebuttal argument shall immediately follow the direct argument that it seeks to rebut. All previous resolutions providing for the filing of the rebuttal arguments for City measures are

repealed. The provisions of this Section 8 shall apply only to the Municipal Election concerning the ballot measure set forth in this Resolution and shall then be repealed.

Section 9. Certification. The City Clerk shall certify to the passage and adoption of this Resolution and enter it into the Book of Resolutions of the Council of this City.

Adopted: February 16, 2021

Lester J. Friedman

LESTER J. FRIEDMAN
Mayor of the City of
Beverly Hills, California

ATTEST:

Huma Ahmed

(SEAL)

HUMA AHMED
City Clerk

APPROVED AS TO FORM:

Laurence S. Wiener

LAURENCE S. WIENER
City Attorney

APPROVED AS CONTENT:

CD

George Chavez

GEORGE CHAVEZ
City Manager

EXHIBIT A
TERM LIMIT ORDINANCE

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BEVERLY HILLS ADOPTING TERM LIMITS
FOR ELECTIVE CITY OFFICES

THE PEOPLE OF THE CITY OF BEVERLY HILLS HEREBY ORDAIN AS FOLLOWS:

Section 1. A new section 21 is hereby added to Title 2, Chapter 1, to read as follows:

“2-1-21. Term limit. A person shall serve no more than three total terms of office as a City Councilmember.

(a) If any Council member is appointed or elected to a partial term of office of two years or less, then that term shall not count toward the three term limit.

(b) The City Clerk, or other election official authorized by law, shall not accept or verify the signatures on any nomination paper for any person, including any paper seeking election as a write-in candidate, nor shall he or she certify or place on the list of certified candidates, nor print or cause to be printed on any ballot, voter information guide, sample ballot or ballot label, the name of any person whose candidacy, if successful, will result in a City Council term that exceeds the limit set forth in this section.”

Section 2. A new section 1104 is hereby added to Title 2, Chapter 3, to read as follows:

“2-3-1104. Term limit. A person shall serve no more than three total terms of office as the City Treasurer.

(a) If any City Treasurer is appointed or elected to a partial term of office of two years or less, then that term shall not count toward the three term limit.

(b) The City Clerk, or other election official authorized by law, shall not accept or verify the signatures on any nomination paper for any person, including any paper seeking election as a write-in candidate, nor shall he or she certify or place on the list of certified candidates, nor print or cause to be printed on any ballot, voter information guide, sample ballot or ballot label, the name of any person whose candidacy, if successful, will result in a City Treasurer term that exceeds the limit set forth in this section.”

Section 3. Pursuant to Government Code Section 36502, this ordinance shall be submitted to the electors of the City at the regularly scheduled election of June 7, 2022, or an earlier date that is a regularly scheduled election, and shall only become effective if a majority of votes cast on the question of whether to adopt this ordinance favor adoption of this ordinance.

Section 4. The City Council and the voters intend that an individual's previous and current terms of office shall be counted for the purpose of applying the term limits adopted herein, although all persons in office on the effective date of this ordinance shall be permitted to complete their then-current terms. Pursuant to Government Code Section 36502 this ordinance shall apply "prospectively only." There is no binding authority that interprets what "prospectively" means. The California Attorney General has opined that prospectively means that terms served prior to the effective date of the ordinance cannot be counted against term limits established by the ordinance. The Attorney General reasons that by using the term "prospectively," the Legislature intended to mean "a law which has no effect on the rights, obligations, acts, transactions and conditions performed or existing before the statute was adopted." However, an ordinance which applies only to future terms of office meets the definition of "prospectively" used by the Attorney General. The term "prospectively" does not preclude a law that applies to future acts, but which is guided by the acts or conditions which have occurred prior to the law's enactment. Therefore, when applying a new law to a future action or condition, such as a limit on holding an elected office in the future, the law may rely on the acts or conditions which have occurred prior to the law's enactment.

Therefore, the City Council and the voters intend this ordinance to be prospective. The ordinance would not change the current term of persons in office on its effective date, but it would consider the past terms served by City officeholders. However, to the extent that a court strikes down the City Council and the voters' intent to have this ordinance apply to elected officeholders who previously served three terms, such intent shall be severable from the rest of the ordinance. The City Council and voters would have enacted the three term limit even if this means that the terms served by elected officeholders prior to the effective date of this ordinance cannot be counted against the term limits established by this ordinance.

Section 5. Severability. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this ordinance or the application thereof to any person or place, is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, the remainder of this ordinance shall be and remain in full force and effect.

Section 6. Execution and Certification. The Mayor will sign this Ordinance and the City Clerk will attest and certify to the passage and adoption of this Ordinance if a majority of the voters voting in the City's election on June 7, 2022, or the next regularly scheduled election date, whichever is earlier, approve the Proposition asking whether the voters approve this Ordinance.

Adopted:

Effective:

LESTER J. FRIEDMAN

Mayor of the City of Beverly Hills, California

ATTEST:

_____(SEAL)

HUMA AHMED

City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

LAURENCE S. WIENER
City Attorney

GEORGE CHAVEZ
City Manager

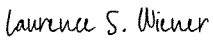
Certificate Of Completion

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Source Envelope:	
Document Pages: 7	Signatures: 4
Certificate Pages: 2	Initials: 1
AutoNav: Enabled	Envelope Originator:
Envelope Stamping: Enabled	Michelle Ramos-Vergara
Time Zone: (UTC-08:00) Pacific Time (US & Canada)	455 N. Rexford Drive
	Beverly Hills, CA 90210
	mvergara@beverlyhills.org
	IP Address: 198.245.188.139


Record Tracking

Status: Original	Holder: Michelle Ramos-Vergara	Location: DocuSign
2/4/2021 11:55:09 AM	mvergara@beverlyhills.org	


Signer Events

Signer Events	Signature	Timestamp
Laurence S. Wiener lwiener@rwglaw.com Security Level: Email, Account Authentication (None)	 Signature Adoption: Pre-selected Style Using IP Address: 208.87.235.180	Sent: 2/12/2021 5:34:36 PM Viewed: 2/12/2021 5:35:08 PM Signed: 2/12/2021 5:35:38 PM

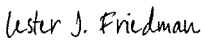
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Cindy Owens cowens@beverlyhills.org Policy & Management Analyst City of Beverly Hills Security Level: Email, Account Authentication (None)	 Signature Adoption: Pre-selected Style Using IP Address: 198.245.188.139	Sent: 2/12/2021 5:35:39 PM Viewed: 2/16/2021 9:27:55 AM Signed: 2/19/2021 12:38:50 PM
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George Chavez gchavez@beverlyhills.org Security Level: Email, Account Authentication (None)	 Signature Adoption: Pre-selected Style Using IP Address: 76.171.130.20	Sent: 2/19/2021 12:38:52 PM Resent: 2/23/2021 11:06:27 AM Viewed: 2/23/2021 11:24:54 AM Signed: 2/23/2021 11:25:04 AM
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Electronic Record and Signature Disclosure:
Not Offered via DocuSign

Lester J. Friedman lfriedman@beverlyhills.org Security Level: Email, Account Authentication (None)	 Signature Adoption: Pre-selected Style Using IP Address: 172.90.252.10	Sent: 2/23/2021 11:25:06 AM Viewed: 2/23/2021 3:11:36 PM Signed: 2/23/2021 3:12:08 PM
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Electronic Record and Signature Disclosure:
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Signer Events	Signature	Timestamp
<p>Huma Ahmed hahmed@beverlyhills.org Security Level: Email, Account Authentication (None)</p> <p>Electronic Record and Signature Disclosure: Not Offered via DocuSign</p>	<p><i>Huma Ahmed</i></p> <p>Signature Adoption: Pre-selected Style Using IP Address: 107.77.228.149 Signed using mobile</p>	<p>Sent: 2/23/2021 3:12:09 PM Viewed: 2/23/2021 3:47:26 PM Signed: 2/23/2021 3:47:39 PM</p>
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Editor Delivery Events	Status	Timestamp
Agent Delivery Events	Status	Timestamp
Intermediary Delivery Events	Status	Timestamp
Certified Delivery Events	Status	Timestamp
Carbon Copy Events	Status	Timestamp
<p>Adrienne Tarazon atarazon@beverlyhills.org Security Level: Email, Account Authentication (None)</p> <p>Electronic Record and Signature Disclosure: Not Offered via DocuSign</p>	<div style="border: 1px solid black; padding: 5px; text-align: center;">COPIED</div>	<p>Sent: 2/23/2021 11:25:06 AM</p>
<p>Dorina Mohan dmohan@beverlyhills.org Security Level: Email, Account Authentication (None)</p> <p>Electronic Record and Signature Disclosure: Not Offered via DocuSign</p>	<div style="border: 1px solid black; padding: 5px; text-align: center;">COPIED</div>	<p>Sent: 2/23/2021 11:25:06 AM</p>
<p>Jackie Perez jperez@beverlyhills.org Security Level: Email, Account Authentication (None)</p> <p>Electronic Record and Signature Disclosure: Not Offered via DocuSign</p>	<div style="border: 1px solid black; padding: 5px; text-align: center;">COPIED</div>	<p>Sent: 2/23/2021 3:47:41 PM</p>
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