

MEASURE P

BEFORE THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN BENITO

RESOLUTION NO. 2021-____

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN BENITO SUBMITTING A MEASURE FOR THE NOVEMBER 8, 2022 GENERAL ELECTION REGARDING TERM LIMITS FOR MEMBERS OF BOARD OF SUPERVISORS, AND AUTHORIZING RELATED ACTIONS

WHEREAS, currently, there are no term limits which exist for members of the Board of Supervisors of San Benito County;

WHEREAS, Government Code Section 25000, the Board of Supervisors may adopt an ordinance imposing term limits for members of the Board of Supervisors, subject to approval of the voters;

WHEREAS, pursuant to authority provided by Government Code Section 25000, Ordinance No. 1024 was duly passed and adopted by the San Benito County Board of Supervisors on June 22, 2021; and,

WHEREAS, Ordinance No. 1024, if approved by the voters, would amend the current San Benito County Code by adding Article IIIA “Board of Supervisors Term Limits” to Chapter 3.01 of Title 3 of the San Benito County Code;

WHEREAS, pursuant to California Government Code section 25000, Ordinance No. 1024 must be approved by the majority of the voters in order to become effective;

WHEREAS, the San Benito County Board of Supervisors desires to call an election and submit to the qualified electors to establish a three-term limit as set forth in the ordinance;

WHEREAS, the San Benito County Board of Supervisors desires an election on this question to be consolidated with the Statewide General Election to be held on November 8, 2022;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the County of San Benito, State of California, pursuant to the provisions of Elections Code, hereby orders and proclaims that Ordinance No. 1024 shall be submitted to the voters of the County of San Benito at the Statewide General Election to be held and conducted on the 8th day of November 2022. The manner of holding the election and the procedure for voting for and against the question presented shall be as set forth in the Elections Code for a general election.

BE IT FURTHER RESOLVED that the County Clerk/Registrar of Voters is directed to assign an appropriate letter to this measure in a manner consistent with Elections Code.

BE IT FURTHER RESOLVED that, in accordance with the Elections Code, the following measure shall be submitted to the voters of San Benito County as a measure on the ballot at said statewide general election, and that the County Clerk/Registrar of Voters be, and hereby is, instructed to place the same on the ballot at said election in the following form:

Measure ____: San Benito County Board of Supervisors Term Limits

Shall Ordinance No. 1024, "An Ordinance of the San Benito County Board of Supervisors Regarding Term Limits for Members of the Board of Supervisors", which establishes a lifetime term limit of three terms for persons first assuming office on or after January 1, 2023, and two additional terms for any Board member who has previously served a term in office, be adopted?

YES

NO

BE IT FURTHER RESOLVED that the text of Ordinance No. 1024 for proposed measure to be submitted to the voters is attached as Exhibit "A".

BE IT FURTHER RESOLVED that the entire text of Ordinance No. 1024 shall not be printed in the voter information section of the sample ballot and, instead, pursuant to Elections Code section 9160, there shall be printed immediately below the County Counsel's impartial analysis, in no less than 10-point boldface type, a legend substantially as follows:

"The above statement is an impartial analysis of Ordinance No. 1024 submitted for approval by the voters as Measure ____ . If you desire a copy of the ordinance or measure, please call the elections official's office at 831-636-4016 and a copy will be mailed at no cost to you."

Pursuant to Elections Code section 9160, the County Clerk/Registrar of Voters may, at her discretion, add the following message.

"You may also access the full text of the measure on the County Web site at the following Web site address, www.sbcvote.us."

The County Clerk/Registrar of Voters may additionally alter the above message to specify a direct link to the full text if located on a webpage other than www.sbcvote.us

BE IT FURTHER RESOLVED that the Measure shall pass upon approval by a majority of the votes cast on the Measure (50% plus 1);

BE IT FURTHER RESOLVED that Elections Code sections 9160, *et seq.*, shall apply to this election;

BE IT FURTHER RESOLVED that the impartial analysis by the County Counsel in the form required by Elections Code section 9160 (b) shall be prepared and filed with the County Clerk/Registrar of Voters on a date to be determined by the County Clerk/Registrar of Voters pursuant to Elections Code section 9163;

BE IT FURTHER RESOLVED that the Board of Supervisors hereby does not direct the County Auditor to prepare a fiscal impact statement as the adoption of the ordinance would not have a financial impact on the County;

BE IT FURTHER RESOLVED that this Proclamation of Election is hereby issued for said election and the measure to be voted on in accordance with the terms hereinabove stated;

BE IT FURTHER RESOLVED that the Clerk of the Board is hereby directed to provide a certified copy of this Resolution to the San Benito Auditor-Controller, Recorder & Registrar of Voters;

BE IT FURTHER RESOLVED. That in all particulars not recited in this resolution, the election shall be held and conducted as provided for by law.

DULY PASSED AND ADOPTED this 22nd day of June 2021 by the Board of Supervisors of the County of San Benito by the following vote:

AYES: Supervisor(s)
NOES: Supervisor(s)
ABSENT: Supervisor(s)
ABSTAIN: Supervisor(s)

By: _____
Bea Gonzales, Chair

ATTEST:
Jennifer Frechette, Clerk of the Board

APPROVED AS TO LEGAL FORM
Barbara Thompson, County Counsel

Barbara Thompson

By: _____

By: _____

Date: _____

Date: _____

Exhibit A

ORDINANCE NO. __

AN ORDINANCE OF THE SAN BENITO COUNTY BOARD OF SUPERVISORS, REGARDING TERM LIMITS FOR MEMBERS OF BOARD OF SUPERVISORS

The Board of Supervisors of the County of San Benito ordains as follows:

Section 1. Findings and Declarations

Exhibit “A”, “Findings and Declarations” is attached hereto and incorporated herein by this reference.

Section 2. Article IIIA “Board of Supervisors Term Limits” shall be added to Chapter 3.01 “Administration Generally” of Title 3 “Administration and Personnel”, of the San Benito County Code, and shall read as follows:

Article IIIA. Board of Supervisors Term Limits.

3.01.050 Term Limits

(A) No person shall serve more than three terms as a member of the San Benito County Board of Supervisors. This provision shall apply prospectively only, so that any supervisor commencing a term of office on or after January 1, 2023, may serve up to three terms from and after that date.

(B) Notwithstanding subdivision (A), any candidate who has served, or is currently serving, as a member of San Benito County Board of Supervisors shall serve no more than two additional terms as a member of the San Benito County Board of Supervisors. This provision shall apply prospectively only, so that any supervisor described by this subdivision, commencing a term of office on or after January 1, 2023, may serve up to two terms from and after that date.

(C) Any person who, whether by appointment or election, serves a partial term of the office of Supervisor of more than two years shall be deemed, for the purpose of this section, to have served a full four-year term.

Section 3. Severability

The provisions of this Ordinance are separate and severable. If any sentence, section, or provision of this Ordinance is for any reason held by a court to be unconstitutional or invalid, the Board declares that it would have passed this Ordinance, or any sentence, section, or provision thereof, irrespective of the invalidity of the provision held to be unconstitutional or invalid. Such unconstitutionality or invalidity shall therefore not affect the remaining provisions of this Ordinance, or the validity of its application to other persons or circumstances.

Section 4. Effective Date and Publication.

Pursuant to Government Code section 25000, subdivision (b), this ordinance shall only become effective if approved by the electors of San Benito County. Therefore, this ordinance shall become effective January 1, 2023, only if approved by the voters at a regularly scheduled election prior to that date. This Ordinance shall be published once within 15 days of its passage.

Section 5. Codification.

Section 2 of this Ordinance shall not be codified until after the effective date of this Ordinance. If this ordinance is not approved by the voters, it shall remain uncoded. If term limits are approved by the voters, Section 2 shall be codified. The remaining sections shall not be codified.

In regular session of the Board of Supervisors of the County of San Benito introduced on the 8th of June, 2021, and adopted this 22nd day of June, 2021 by the following vote:

AYES:
NOES:
ABSENT:

Chair, Board of Supervisors

ATTEST: JENNIFER FRECHETTE
Clerk of the Board of Supervisors,

APROVED AS TO LEGAL FORM

By: _____
Clerk of the Board

By: _____
Barbara Thompson, County Counsel

Exhibit “A”
“Findings and Declarations”

The Board of Supervisors hereby makes the following findings:

A. California Government Code section 25000 provides that the County may prospectively limit the number of terms a Member of the Board of Supervisors may serve after approval by a vote of the people.

B. The Board of Supervisors is authorized and directed by statute to submit an ordinance imposing term limits to the voters.

C. The Board of Supervisors believes it is in the best interests of County residents to establish term limits for members of the Board of Supervisors, and that a maximum of three terms serves the interests of both continuity and experience in office, with the need to encourage the most qualified and talented candidates to run for office;

D. Term limits encourage competitive elections and foster increased citizen participation in seeking elective office; and

E. Term limits encourage diversity among the members of the Board of Supervisors; and,

F. Term limits provide voters with more choices about who will represent them; and

G. The purpose of lifetime term limits is to promote a free and democratic system of fair elections, and to encourage qualified candidates to seek public office by limiting the powers of incumbency.

H. Term limits encourage members to maximum their time in office to accomplish their goals and policies during their limited term of office.