

EXHIBIT "A"

ORDINANCE NO. _____

AN ORDINANCE OF THE PEOPLE OF THE CITY OF HOLLISTER, CALIFORNIA, ADDING SECTION 2.04.340 TO CHAPTER 2.04 (CITY COUNCIL) OF THE HOLLISTER MUNICIPAL CODE TO ESTABLISH TERM LIMITS ON MAYORAL AND CITY COUNCIL MEMBER SERVICE

NOW THEREFORE, THE PEOPLE OF THE CITY OF HOLLISTER DO ORDAIN AS FOLLOWS:

SECTION 1. Subject to the approval of a majority of the voters of the City of Hollister at the scheduled election so designated by the City Council in a separate resolution placing the proposal on the ballot for such election, Section 2.04.340 is hereby added to Chapter 2.04 of the Hollister Municipal Code and shall read as follows:

"2.04.340 Term Limits on Mayoral and City Council Service.

- (a) **Mayoral Service.** A person may serve no more than the following terms as Mayor:
- (1) If a full Mayoral term remains two years, no more than four consecutive full terms of service, for a total of eight consecutive years.
 - (2) If a full Mayoral term is changed to four years by Hollister voters, no more than two consecutive full terms of service, for a total of eight consecutive years.
 - (3) Any person whose Mayoral service has reached the applicable term limit set forth herein shall not be eligible to hold office again as Mayor for four (4) years following the conclusion of the person's last term of office as Mayor.
- (b) **Council Member Service.** A person may serve no more than two consecutive full terms of service as a Council Member. Any person whose Council Member service has reached the applicable term limit set forth herein shall not be eligible to hold office again as a Council Member for four (4) years following the conclusion of the person's last term of office as a Council Member.
- (c) For purposes of this Section, "term" shall mean the following:
- (1) Any full term of service (four years for Council Members and two or four years for Mayor, as applicable) for which a person was nominated, including as a write-in candidate, and to which he or she was elected to office at any General Municipal Election, occurring on or after November 5, 2024, and which was completely served by the person until the term's scheduled expiration;

(2) Any full term of service (four years for Council Members and two or four years for Mayor, as applicable) to which a person was appointed by the City Council in lieu of a General Municipal Election, pursuant to California Elections Code Section 10229 or similar law, occurring on or after November 5, 2024, and which was completely served by the person until the term's scheduled expiration;

(3) Any full term of service described in paragraphs (1) and (2) above, which was not completely served by the person, but which terminated prior to the scheduled expiration of the term due to any of the following:

(A) The officer's seat is lawfully declared vacant during that term for any reasons other than resignation;

(B) The officer is lawfully recalled from office by the voters during that term;

(C) The officer has legally forfeited his or her elected office under applicable Federal or State law during that term; or

(D) If the officer vacates his or her office due to resignation:

⓪ If the resignation occurs with more than one (1) year remaining in his or her current term, this shall not count as a "full term" against the term limit.

⓪ If the resignation occurs with one (1) year or less remaining in his or her current term, this shall count as a "full term" against the two-term limit.

(d) For purposes of this Section, "term" shall not mean any of the following:

(1) Any full term of service (four years for Council Members and two years for Mayor) for which a person was nominated, including as a write-in candidate, and to which he or she was elected to office at any General Municipal Election, occurring prior to November 5, 2024; or

(2) Any full term of service (four years for Council Members and two years for Mayor) to which a person was appointed by the City Council in lieu of a General Municipal Election, pursuant to California Elections Code Section 10229 or any similar law, occurring prior to November 5, 2024; or

(3) Any partial term to which a person has been specially elected or appointed to the office of Mayor or Council Member pursuant to recall election or to fill a mid-term vacancy, pursuant to State law.

(e) Any person whose Mayoral service has reached the applicable term limit set forth herein and is not eligible to hold office as Mayor may run for a Council Member office if that person is otherwise legally qualified to serve in that office. Any person whose Council Member service has reached the applicable term limit set forth herein and is not eligible to hold office as a Council Member may run for Mayoral office if that person is otherwise legally qualified to serve in that office.

(f) 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 for the purpose of 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 new Mayoral or City Council Member term that exceeds the limits set forth herein.

(g) Notwithstanding paragraph (d)(3) above, no person whose Mayoral service has reached the applicable term limit set forth herein and who is not eligible to hold office as Mayor may be appointed to serve as Mayor, whether said appointment is in lieu of a General Municipal Election, pursuant to California Elections Code Section 10229, or to fill a vacancy in the office of Mayor pursuant to State law. Notwithstanding subsection (d)(3) above, no person whose Council Member service has reached the applicable term limit set forth herein and who is not eligible to hold office as a Council Member may be appointed to serve as a Council Member, whether said appointment is in lieu of a General Municipal Election, pursuant to California Elections Code Section 10229, or to fill a vacancy in a Council Member office pursuant to State law.

(h) Notwithstanding paragraph (d)(3) above, no person whose Mayoral service has reached the applicable term limit set forth herein and who is not eligible to hold office as Mayor may run for special election to fill a vacancy in the office of Mayor pursuant to State law. Notwithstanding subsection (d)(3) above, no person whose Council Member service has reached the applicable term limit set forth herein and who is not eligible to hold office as a Council Member may run for special election to fill a vacancy in a Council Member office pursuant to State law.”

SECTION 2. If any portion of this Ordinance 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 Ordinance 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 Section, and each portion thereof, regardless of the fact that any portion of the initiative may be subsequently deemed invalid.

SECTION 3. To the fullest extent allowed by law, the provisions of this Ordinance shall prevail over, and supersede, all other provisions of the Municipal Code and any ordinances, resolutions or administrative policies of the City of Hollister which are in conflict with any provision of this Ordinance.

SECTION 4. This Section shall not be repealed or amended except by a measure approved by a majority of the electors voting on the issue at a General Municipal Election, or at a special election called for that purpose.

SECTION 5. This Ordinance shall take effect only if approved by a majority of the eligible voters of the City of Hollister voting at a Municipal General Election to be held on November 8, 2022, and shall take effect ten (10) days after the City Council has certified the results of the Municipal General Election by resolution.

SECTION 6. The Mayor is hereby authorized to attest to the adoption of this Ordinance by the People voting thereon on November 8, 2022, by signing where indicated below.

I hereby certify that the foregoing Ordinance was PASSED, APPROVED AND ADOPTED by the People of the City of Hollister on the 8th day of November, 2022.