



II

City of Tustin, Term Limits Revisions

Shall an ordinance revising the limitation on consecutive terms of office for the Mayor and Members of the City Council be adopted?

What your vote means

YES	NO
A "yes" vote on Measure II will approve the ordinance described above.	A "no" vote on Measure II will not approve the ordinance.

For and against

FOR	AGAINST
Austin Lumbard Mayor	Letitia Clark Tustin City Councilmember Rebecca "Beckie" Gomez, Ph.D. Tustin City Councilmember

Ballot Measures-IIFull Text of Measure II
City of TustinAN ORDINANCE OF THE PEOPLE OF THE CITY OF TUSTIN, CALIFORNIA REVISING THE LIMITATIONS ON
CONSECUTIVE TERMS OF THE MAYOR AND MEMBERS OF THE CITY COUNCIL

Pursuant to California Elections Code section 9222, the people of the City of Tustin do hereby ordain as follows:

SECTION 1. Section 1307 of the Tustin City Code is hereby repealed in its entirety and revised to read as follows:

1307- LIMITATION ON CONSECUTIVE TERMS OF MAYOR AND MEMBERS OF THE COUNCIL

(a) Findings and Purpose

The people hereby find and declare:

- (1) The Founders established a system of representative government based upon free, fair, and competitive elections. The increased concentration of political power in the hands of incumbent representatives has made electoral systems less free, less competitive, and less representative.
 - (2) The ability of legislators to serve an unlimited number of terms contributes heavily to the extremely high number of incumbents who are reelected. This unfair incumbent advantage discourages qualified candidates from seeking public office and creates a class of career politicians, instead of the citizen representatives envisioned by the Founders. These career politicians become representatives of the bureaucracy, rather than of the people whom they are elected to represent.
 - (3) The purpose of this section is to ensure a free and democratic system of fair elections, and to encourage qualified candidates to seek public office, by limiting the powers of incumbency, by establishing limitations upon the number of consecutive terms and consecutive years which a person may be elected to serve as Mayor, as a member of the City Council, or any combination thereof.
- (b) Limitation on Consecutive Elected Terms: Any person who has served as a member of City Council or in the office of Mayor, or any combination thereof, for three consecutive terms or for twelve consecutive years, whichever is less, shall not be eligible to be elected to the City Council or to the office of Mayor for a period of eight calendar years from the last date of service on the City Council or as Mayor.
- (1) If the person's service of the third consecutive term or the twelfth consecutive year ends in December after a general election, that person shall be eligible to run and be elected in the general election in November of the calendar year eight years later. (For example: if a Council member's third term ends upon certification of election results in December 2050, then that person would be eligible to be elected in November 2058 notwithstanding that the election is less than eight full years after the last date of service in 2050.)
- (c) Definition of a Term: When a person serves less than a full term as member of the City Council or as Mayor due to appointment, resignation, vacancy, or due to special election to fill a vacancy, such service in office shall be counted toward the limitation on consecutive elected terms if the individual served two or more years (728 days or more) of that term.
- (d) Appointment to Fill a Vacancy: This section shall not be construed to prevent a person from being appointed to fill a vacancy on the City Council or in the office of Mayor at any time.
- (e) Retroactivity: Pursuant to California Government Code section 36502(b), this section shall apply prospectively only. This section shall apply to the terms of office commencing with the election in November 2024. Terms that are commenced, and years that are served, as members of the City Council or as Mayor prior to November 2024 shall not be included when calculating the number of terms or years served for purposes of this section.

SECTION 2: Ordinances 1126, 1175, and 1180 are hereby repealed in their entirety, effective upon the effective date of this ordinance.

SECTION 3: Pursuant to California Elections Code 9217, this ordinance shall become valid and binding if a majority of the voters voting on the proposed ordinance vote in its favor. It shall be considered as adopted upon the date that the vote is declared by the City Council, and shall go into effect 10 days after that date.

SECTION 4: If any section, subsection, subdivision, paragraph, sentence, clause, or phrase in this Ordinance, or any part thereof, is for any reason held to be unconstitutional or invalid, or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance, or any part thereof. The People of the City of Tustin hereby declare that they would have passed this Ordinance and each section, subsection, subdivision, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, or phrases are subsequently declared unconstitutional or otherwise invalid or ineffective.



Ballot Measures-II

Impartial Analysis City of Tustin Measure II

Measure II, the “City of Tustin Term Limits Revisions” measure seeks voter approval at the November 5, 2024, General Election of an ordinance to revise the term limit regulations applicable to the Mayor and members of the City Council.

In November 1994, the City’s voters adopted an ordinance establishing term limits for the members of the City Council when all members of the City Council were elected at-large by all voters in the City and the Mayor was appointed annually by the City Council from amongst its members.

The measure proposed by the City Council would revise the term limit ordinance to address the recently established office of the Mayor, which is elected City-wide, and that of the remaining four members of the City Council, now elected from districts. The proposed measure would further implement the following revisions to the term limit regulations:

- The duration of time which a person may be elected to serve as Mayor, as a member of the City Council, or any combination thereof, would be limited to three consecutive terms or twelve (12) consecutive years, whichever is less. (Under the existing term limits, members of the City Council can serve for two full consecutive terms of four years);
- Once a person has served three consecutive terms or twelve consecutive years, whichever is less, that person would not be eligible to be elected to the City Council or to the office of Mayor for eight (8) calendar years from the last date of service on the City Council or as Mayor. (Under the existing term limits, the period of ineligibility is two (2) years.)
- A definition of “term” is added to specify that when a person serves less than a full-term as City Council member or as Mayor due to appointment, resignation, vacancy, or due to special election to fill a vacancy, that service would be counted toward the limitation on consecutive elected terms if the individual served two or more years (728 days or more) of that term.

If approved by the voters, the ordinance would apply to City Council and Mayoral terms commencing with the election in November 2024. Terms that commenced and years served prior to November 2024 would not be included when calculating the number of terms or years served under the revised ordinance.

If the measure is approved by a majority of the voters, the ordinance revising the City’s term limits regulations will become effective ten days after result of the vote is declared by the City Council.

A “yes” vote on Measure II will approve the ordinance described above.

A “no” vote on Measure II will not approve the ordinance.

The above statement is an impartial analysis of the proposed ordinance. If you desire a copy of the ordinance, please call the City Clerk’s office at 714-573-3026 and a copy will be mailed at no cost to you.

s/David E. Kendig
City Attorney



Ballot Measures-II

Argument in Favor of Measure II

Tustin's current term limit ordinance was enacted decades before the city was compelled under state law to switch to district elections.

Because of that change and the creation of the directly-elected mayor's office, the city attorney and city council agreed it is essential to update the rules for Tustin voters.

This measure modifies the term limit ordinance to avoid potential conflicts and increase opportunities for residents by:

1. Ensuring term limits for the mayor: clarify that term limits do apply to the mayor position the same as the rest of the city council positions. Equal rules for the mayor and city council members.
2. Promoting equal district representation: assure residents from each city council district have equal opportunity to run for either their district city council seat or the mayor's seat. These changes assure more opportunities for residents to run for mayor, regardless of the council district they live in, by allowing all residents to serve a full four-year term on city council before running for mayor.
3. Creating better access for new candidates: extend the period a prior councilmember is barred from running for office after serving the maximum allowed years on city council. The current code requires a termed-out council member only to sit off city council for two years before he or she can run again. This change increases that sitting out period from two years to eight years, allowing better opportunities for new candidates.
4. Clarifying rules regarding partial terms: make clear how term limit rules apply in instances of council member resignations and subsequent elections or appointments to fill partial uncompleted terms.

These changes are important for promoting a more equal playing field in elections and assuring better resident representation at city hall. If you agree, please vote "yes."

s/ Austin Lombard
Mayor

Rebuttal to Argument in Favor of Measure II

Don't be fooled, Tustin! This measure has NOTHING TO DO WITH NEW DISTRICT ELECTIONS. The full City Council did not agree to this measure—only the three councilmembers who will BENEFIT from EXTENDING term limits agreed.

Changing the term limits goes against what Tustin voters have already decided. Right now, councilmembers can serve two consecutive terms and then take a break for two years before they can run again. The proposed change would let councilmembers serve up to 12 years in a row, and current councilmembers could potentially serve as long as 20 years. This change doesn't benefit the community; it mainly benefits the current councilmembers by giving them more time in office.

Since Tustin switched to district elections, it's easier for Tustin residents to run and get elected because they only need to focus on their district, not the entire city. This shift has made it less expensive and less dependent on big money and special interests in order to win.

If we want to keep Tustin elections fair and open for new candidates, we shouldn't change the current ordinance. It already allows Tustin residents to run for council or mayor after a two-year break. In Tustin's history, only two councilmembers have successfully returned after taking a break, showing that the current system works.

Let's keep the power in the hands of the voters. Say NO to this Measure and protect our community's voice.

Vote No on Measure II.

s/ Letitia Clark
Tustin City Councilmember

s/ Rebecca "Beckie" Gomez, Ph.D.
Tustin City Councilmember



Ballot Measures-II

Argument Against Measure II

Rebuttal to Argument Against Measure II

Do Not Let Career Politicians Fool You!

This measure would allow some current City Councilmembers to serve as long as 20 consecutive years on the City Council.

Tustin has had common-sense term limits for 30 years. In 1994, Tustin voters made Tustin one of the earliest cities in the state to adopt term limits.

Our term limits are simple. A member of the City Council cannot serve more than two consecutive 4-year terms in office. That's the same term limit that we put on the President and the Governor. That SHOULD be good enough for a Tustin City Councilmember.

But now the City Council wants to extend that so that people can serve 3 consecutive years on the City Council. Why?

Here's what's worse: this ordinance would repeal the old term limits, and only start the clock running for new terms in the future. That means that two current councilmembers could serve 16 consecutive years on the City Council, and one of them could serve twenty years. Why?

If a person wants to serve again, they can—as long as they wait out of office. We have had councilmembers serve two terms, and then come back later to serve again. The system works. The Tustin City Council is NOT supposed to be a place for career politicians.

We are both departing the City Council this year. If we decide to run again in the future, we will do so with the benefit of new perspectives gained by not being in office, and after we proved ourselves to the community again. We think any politician should have to do the same.

Vote No on Measure II.

s/ Letitia Clark
Tustin City Councilmember

s/ Rebecca "Beckie" Gomez, Ph.D.
Tustin City Councilmember

The opponents claim this measure is about current City Council members. The opponents are wrong.

The City Council voted to put this measure before Tustin voters because the current rules do not address the new electoral system established in 2022 after state law compelled the City to switch to Council districts and Tustin created the directly elected Mayor's office. This measure addresses our new system and updates outdated rules.

The current rules fall short because they:

- Do not explicitly define term limits for the Mayor. As Tustin's first directly elected Mayor, I strongly believe the Mayor should have term limits. This measure does that.
- Only require termed-out council members to leave office for two years before they can run again. Two years is too short and allows termed-out City Council members to effectively keep their incumbent advantage. This measure extends the sitting out period from two years to eight years, giving new candidates better opportunities to get elected.
- Does not adequately address how term limits apply when: a City Council member resigns mid-term, a City Council member is appointed to fill a partial term, etc. This measure closes those potential loopholes.

Changes are required to address our new by-district and at-large Mayor system. This measure ensures a balanced system that allows all Tustin residents (including the opponents) a more equal opportunity to run for City Council and/or Mayor.

If you agree an equal playing field for all residents is important, please vote yes.

s/ Austin Lumbard
Mayor