



TOWN OF LOOMIS
ACTION MINUTES
SPECIAL COUNCIL MEETING
LOOMIS TOWN COUNCIL
LOOMIS DEPOT

5775 HORSESHOE BAR ROAD, LOOMIS, CA 95650

SATURDAY

AUGUST 14, 2010

12:00 NOON

CALL TO ORDER Call to order by Mayor Liss at 12:03 p.m.

ROLL CALL

Present

Mayor Liss
Councilmember Morillas
Councilmember Scherer
Councilmember Ucovich

Absent: Councilmember Kelley

PUBLIC COMMENT: This time is reserved for those in the audience who wish to address the Town Council on subjects that are not on the Agenda. The audience should be aware that the Council may not discuss details or vote on non-agenda items. Your concerns may be referred to staff or placed on the next available agenda. Please **note that comments from the public will also be taken on any item on the agenda. The time allotted to each speaker** is five minutes. There was no public comment.

ADOPTION OF AGENDA A motion was made to adopt the Agenda. On motion by Councilmember Ucovich, seconded by Councilmember Scherer and passed by voice vote (4/0).

BUSINESS

- Ballot Argument Rebuttal Language Opposing Term Limit Initiative on November Election**
Consider submitting rebuttal language opposing term limit initiative to Placer County Elections
Recommended action: Discuss and develop rebuttal ballot language opposing the term limit initiative to submit to County Elections
Public comment:

Councilmember Ucovich understood that the retro activity of the initiative can't be determined until after the election.

Dave Larsen, Town Attorney, stated that based on the existing case law, this type of issue would not be taken up prior to the election.

Mayor Liss asked if there was a possibility that we could ask the Secretary of Elections to modify the initiative to eliminate the August 1st deadline and say that it takes affect after the election?

Dave Larsen stated the following;

- you can request of the court , indicating that you want that provision struck, prior to the election
- than the court would decide whether or not it was appropriate to do so
- he would need to file immediately, by next week, this would be immediately taken up by the court (before the ballot goes to print)

Sonja Cupler, 5630 Tudor Way, stated the following:

- there is an inappropriate use of public monies to oppose term limits for Measure A
- every time Council meets to write arguments opposing term limits they are using taxpayers' dollars to do so
- they are using the Town Attorney's time to write legal opinions, Town Manager's time to write reports and staff's time to coordinate the meetings and the Town facilities to hold the meetings in
- their petition was turned into elections to be certified to go on the Ballot in June of 2010
- Placer County Elections said that because they didn't title their petition a "Special Election" than it would have to be brought back to the Council for them to decide
- the Council than voted to not place it on the June 2010 ballot because it would be more democratic for more people to vote on it during an election where there is a higher voter turn-out and less cost to the Town, so they voted to place it on the November 2010 ballot
- at the October 13, 2009 meeting the Council voted to approve their own resolution called "Council Term Limit Measure on the November 2010 General election Ballot" (Resolution 09-34)
- so the Council also voted in their own resolution with the very same affective date, August 1, 2010, and is now potentially poised to challenge the measure in court after the November election results are determined

Sandra Calvert, 4285 Indian Creek Drive, stated the following:

- she read a rebuttal that she suggested the Council use and passed out copies to the Council
- the following is the wording she presented to Council:

The reasons to vote NO on Measure A:

Measure A, as written is retroactive, which is illegal under state law. If passed, it will cost the Town money to defend it in court.

Measure A is not meant to improve how our Town operates. This measure was written to remove Walt Scherer and Miguel Ucovich from the Loomis Town Council.

- Term limits in Loomis will create constant instability on the town council.
- Term limits removes experienced council members with historical perspective in favor of short term candidates.
- Removing experienced people from office will put our town at a disadvantage when negotiating with developers, surrounding cities and other special interest groups.
- We re-elect council members when they do a good job. If they have done a good job, vote for them again. You decide who does a great job, not term limits.
- The proponents of Measure A are asking you to give up your rights to vote people in and out of office. We should be able to vote for whoever we want.
- the sponsors of Measure A claim that the town has been run by a select few. In fact, there have been 25 people on the Loomis Town Council since incorporation, 25 years ago.

Please preserve your right to vote for anyone you choose. Keep Loomis the traditional small town we voted to create.

Vote NO on Measure A.

It is illegal and expensive, limits your rights and weakens our town.

Jean Wilson, 4301 Barton Road, stated the following:

- If other entities were allowed to write the ballot arguments, she would probably be more in agreement with Ms. Cupler
- but given that the council is the only entity allowed to submit the ballot argument than it is only fair to the public to have both sides of the argument shown, therefore it is appropriate that the Council offer something on the ballot
- of the 1300 people that signed the petition they are only asking to have it on the ballot, it is not a vote, often after further deliberation, people who have signed a petition have sometimes changed their mind
- she also proposed the following wording for the Rebuttal Argument Against Measure A:

Why reject Measure A for Loomis? Quite simply, it is not needed.

- "New blood" can already be elected to the Council. Recent years' examples: Guy Fuson, Mayors Kelley, Liss and Millward.
- A mix of new and returning members gives the Council both fresh perspectives and experience.
- the longer-term incumbents act as individuals and not as power bloc, reflecting variety in perspectives and voter representation.
- The Founding Fathers only set term limits on the Presidency (to avoid it becoming a kingship), not on other elected offices, such as Congress. They too valued experience and the people's right to keep a good representative.
- Each Council member still only has one vote, no matter how long on the Council. Good ideas come from both new and older members.
- This measure arbitrarily limits your right to elect the candidates of your choice simply because they have served two terms. If you don't like a candidate, work hard to elect someone else!

Even if you sometimes support term limits, this is a poor measure. Two terms is not a long time for competent widely—supported candidates to serve. And requiring an 8-year timeout, rather than one term or half term, is overkill. Measure A is also unfair to candidates by not allowing those who win election to serve, and unfair to citizen tax-payers by requiring them then to fund another election for Council. Keep choice in Loomis elections. Vote NO.

Dave Larsen, Town Attorney, stated the following;

- you don't need to call for a special election for two vacant seats, they can be appointed, unless a majority was going to be appointed than a special election is required
- the courts may say that part of the initiative is retroactive and therefore illegal and the judge finds that argument persuasive than the judge is liable to maintain the status quo, not take the two persons off council, so they would be the ones doing the appointing
- if the incumbents are re-elected, and Measure A passes, they will stay in office until the courts make a decision

Mayor Liss suggested taking a recess so residents can work on combining the two rebuttals brought forward tonight.

Recess at 12:46 p.m. to 1:00 p.m.

Sandra Calvert and Jean Wilson suggested the revised rebuttal argument and Council agreed, adding a few revisions to read as follows:

The reasons to vote NO on Measure :

Measure A, as written is retroactive, which is illegal under state law.

If passed, it will cost the town money in court.

- A mix of new and returning members gives the Council both fresh perspectives and experience.
- The Founding Fathers didn't set term limits on elected offices, such as Congress. They too valued experience and the people's right to keep a good representative.
- Removing experienced people with historical perspective from office will put our town at a disadvantage when negotiating with surrounding cities and other special interest groups.
- We re-elect councilmembers when they do a good job. If they have done a good job, vote for them again. You decide who does a great job, not term limits.
- Each council member still only has one vote. Good ideas come from both new and older members.
- Measure A sponsors claim that the town has been run by a select few. In fact, there have been 25 new people on the Loomis Town Council since incorporation, 25 years ago. Recent examples: Hollis, Fuson, Millward, Kelley, Liss.

Please preserve your right to vote for anyone you choose. Keep Loomis the traditional small town we voted to create. Keep choice in Loomis elections.

Measure A is illegal, expensive, limits your rights, and weakens our town.

Vote NO on Measure A.

Prepared by an informal group of citizens.

Following further discussion on the matter, a motion was made to adopt the above revised rebuttal argument against Measure A (as read by clerk) and allow latitude for minor clerical revisions in order to meet word count, and any grammatical or punctuation errors. On motion by Councilmember Scherer, seconded by Councilmember Ucovich and passed by voice vote (4/0). Councilmember Kelley was absent.

ADJOURNMENT

A motion was made to adjourn at 1:42 p.m. On motion by Councilmember Scherer, seconded by Councilmember Ucovich and passed by voice vote.

Mayor

Town Clerk