



TOWN OF LOOMIS
ACTION MINUTES
SPECIAL COUNCIL MEETING
LOOMIS TOWN COUNCIL
LOOMIS DEPOT
5775 HORSESHOE BAR ROAD, LOOMIS, CA 95650

THURSDAY

AUGUST 5, 2010

7:00 P.M.

CALL TO ORDER Call to order by Mayor Liss at 7:00 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.**

Tom Morrow stated the following:

- he read in the paper the Council supported AB 32 and opposed Proposition 23
- asked how many people on the Council voted for it and asked if they read AB 32

Mayor Liss stated the following:

- the vote was 4/1, Councilmember Kelley voting no
- he read AB 32 and Proposition 23

Nancy Beck, 6304 David Avenue, commended Loomis Public Works for fixing Taylor Road.

ADOPTION OF AGENDA A motion was made to adopt the Agenda. On motion by Councilmember Ucovich, seconded by Councilmember Morillas and passed by voice vote.

OPPORTUNITY TO COMMENT ON CONSENT CALENDAR: All items listed under the Consent Agenda are considered by the Council to be routine in nature and will be enacted by one motion unless an audience member or Councilmember requests otherwise, in which case, the item will be removed for separate consideration.

A motion was made to adopt the Consent Agenda. On motion by Councilmember Morillas, seconded by Councilmember Scherer and passed by voice vote.

CONSENT AGENDA

- A. A Resolution of the Town Council of the Town of Loomis Requesting Collection of Charges on Tax Roll For the Following Districts: Heather Heights Community Facilities District No. 3, Loomis Maintenance District Unit 1, Loomis Maintenance No. 2, Community Facilities District No. 1, Sunrise-Loomis Community Facilities District No. 2, Community Facilities District No. 4, Loomis Acres Unit No. 4 Maintenance District, King Road Maintenance District, Rachel Estates Maintenance District, Hunters Crossing II Maintenance District, Saunders Avenue Maintenance District, Saunders Avenue Improvement District, Sherwood Estates Maintenance District, Heritage Park Estates

RECOMMENDED ACTION

ADOPT RESOLUTION

Resolution 10-20

BUSINESS

1. Ballot Argument Opposing Term Limit Initiative on November Election

Discuss submitting to Placer County Elections a ballot argument opposing the term limit initiative

Recommended action: Discuss and determine a course of action including possibly approving ballot language opposing the term limit initiative

Public comment:

Bill Branch, 6605 Wells Avenue, stated the following:

- it's inappropriate to have term limits in a Town this small with a limited pool of people that run for office
- in the past we have averaged one new Councilmember each election over the last 25 years
- term limits would punish the entire Town because some of the proponents want to get even with two incumbents
- Tom McClintock has been quoted to say that he regrets backing term limits
- as a newsman, he personally has seen the damage term limits has done to the legislature
- some of us are strongly convinced that this measure would amount to a retro-active law that is forbidden by the constitution
- if it passes the new law would take full effect three months before the law is passed, this is a question the lawyers will have to deal with
- this forces some candidates to spend significant amount of money, time, campaigning and maybe not serving

Tom Milward, 3893 South Holly Street, stated the following:

- he asked if Council has the right to use the Town staff and facilities to go against 1300+ people that signed a petition supporting Measure A (term limits)
- these long time politicians don't listen to the voters, they will vote for their own personal agendas
- he is not sure why they are having the meeting tonight because at least four councilmembers have already made up their minds
- if you are against Measure A than argue on your own time and don't use it for your own personal agenda
- we have to give control of the Town back to the voters
- Council should represent the voters and take a neutral stance

Jean Wilson, 4301 Barton Road, stated the following:

- the Council is the only entity that is allowed to put an argument on the ballot
- the voters need to see both sides for clarity
- it is important to be able to vote for someone you like, no matter how long they have been on and if people don't want to elect them than they don't have to vote for them
- there are several flaws in the measure as it is written, such as eight years before you can run again

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

- she proposed a ballot argument in opposition of term limits, read it and distributed a copy of it to the Council and to those attending the meeting
- in the second paragraph of the argument she asked to revise "24" to "12" and "two" to "one"

Vic Markey, 3254 Taylor Road, stated the following:

- he supports term limits
- the opposition letter quotes no source or facts to base their conclusions on
- term limits will restore the Town to a more issue and citizen based Council
- he asked Council not to submit an argument against term limits
- support candidate rotation and make the Mayor's position two years

Jeremy Sutter, Orchard Park Court, stated the following:

- the voters need to see both sides of the arguments
- the Council's job is to be informative, state facts and staying neutral
- there shouldn't be judgments and telling people how to think
- Ms. Calvert's comments should be in the newspaper and not as an argument

Janet Thew, 5572 St. Francis Circle, stated the following:

- the proponents argument is their opinion, you don't have to be neutral
- she has no problem with Council writing the argument

David McCauley, 6100 Horseshoe Bar Road, stated the following:

- asked Council to not oppose this
- business owners contribute a huge amount of taxes
- he represents a business and the majority are for term limits

Councilmember Scherer stated the following:

- one of the criticism is that the Council is using staff time and resources to do this
- he likes the argument that was presented by Sandra Calvert on behalf of an informal group of citizens
- we can take what the citizens have brought forth and review that and see if that meets our needs and approve it as our own

Councilmember Ucovich stated the following:

- he clarified that he was not one of the authors of the 3 options given tonight in the staff Report
- he asked if the argument against this measure can only be given by the Council

Dave Larsen, Town Attorney, pointed out the following:

- the Town Attorney does not take sides as to whether or not a measure should be approved
- in Elections Code 9282, Subsection A, it indicates that if a citizen measure is placed on the ballot by a petition it says that "persons filing an initiative may file a written argument in favor of the ordinance and the Legislative body may submit an argument against the ordinance"
- further down it reads, "only those arguments shall be printed for the sample ballot"
- if Council were to initiate a measure, than it says the Legislative or any individual voter or any group can put an argument out for consideration

Councilmember Ucovich is in favor of the argument submitted by Sandra Calvert, it explains the opposite side of term limits.

Councilmember Scherer suggested the following:

- taking out of the sentence in the second paragraph of Ms. Calvert's argument: "That's a stunning average of two new council members every election."
- adding at the bottom: "submitted by the Loomis Town Council on behalf of an informal group of concerned Loomis citizens."

Councilmember Morillas supports using Ms. Calvert's argument.

Mayor Liss opened public comment again.

Tom Millward asked how one lady represents a group of concerned citizens.

Sandra Calvert said it was an "informal group of citizens," not just herself.

Jean Wilson suggested taking out the 11 word sentence that Councilmember Scherer suggested and at the end put: (Argument prepared by an informal group of concerned Loomis citizens.)

Mayor Liss suggested the following:

- taking out the sentence Councilmember Scherer suggested
- adding as the last sentence: "Argument prepared by an informal group of concerned Loomis Citizens," and submitted by the Mayor

Following further discussion on the matter, a motion was made to adopt the ballot argument submitted by Sandra Calvert with the following revisions:

- taking out of the sentence in the second paragraph of the argument: "That's a stunning average of two new council members every election."
- adding as the last sentence: "Argument prepared by an informal group of concerned Loomis citizens and submitted by the Mayor, Gary Liss," and authorize staff, if necessary, to make minor word modifications to accommodate the word limitation.

On motion by Councilmember Ucovich, seconded by Councilmember Scherer and passed by voice vote (4/0, Councilmember Kelley was absent).

Council agreed to meet again for the rebuttal on August 14, 2010 at the Depot at noon.

ADJOURNMENT

A motion was made to adjourn at 8:14 p.m. On motion by Councilmember Ucovich, seconded by Councilmember Scherer and passed by voice vote.

Mayor

Town Clerk