

TOWN OF LOS GATOS  
CLERK DEPARTMENT  
RECEIVED

October 4, 2019

2019 OCT 7 11:41

Ms. Shelley Neis  
Los Gatos Town Clerk  
110 East Main Street  
Los Gatos, CA 95030

RE: Request for Title and Summary and Notice of Withdrawal of Prior Initiative

Dear Ms. Neis:

As the proponents of the "Los Gatos Town Council Term Limits Initiative" (the "measure"), we hereby give notice of our intention to circulate a petition within the Town of Los Gatos for the purpose of amending the Los Gatos Municipal Code to implement new term limits for Los Gatos Town Council Members.

Attached are the Notice of Intent, the full text of the measure, the statements required by California Elections Code section 9608, and a check in the amount of \$200. Pursuant to California Elections Code sections 9202 and 9203, we request that the Los Gatos Town Attorney timely prepare a Title & Summary of the measure so that we may comply with the publication requirements and begin circulating the petition.

Pursuant to section 9604 of the California Elections Code, the previous version of this initiative is hereby withdrawn, to be replaced by the attached initiative.

Please send all correspondence related to the measure to our attorney at the following office address and email address:

Samuel J. Harvey  
The Sutton Law Firm  
150 Post Street, Suite 405  
San Francisco, CA 94108  
([sharvey@campaignlawyers.com](mailto:sharvey@campaignlawyers.com))

Thank you for your assistance with this matter.

Sincerely,



Philip Koen  
88 Wissahickon Ave.  
Los Gatos, CA 95030



Richard Van Hoesen  
156 Villa Ave.  
Los Gatos, CA 95030



Jak Van Nada  
165 Euclid Ave.  
Los Gatos, CA 95030

Enclosures

NOTICE OF INTENT TO CIRCULATE PETITION

Notice is hereby given by the persons whose names appear hereon of their intention to circulate the petition within the Town of Los Gatos for the purpose of amending the Los Gatos Municipal Code to implement new Town Council term limits within the Town of Los Gatos. A statement of the reasons for the proposed action as contemplated in the petition is as follows:

This ordinance implements new Town Council term limits within the Town of Los Gatos by:

Instituting a term limit on Town Council members of two consecutive four-year terms; and

Promoting more competitive and inclusive elections by limiting how long a Town Council member may serve; and

Allowing Town Council members who have served two consecutive terms to return to office if elected after leaving office for four years.



Philip Koen



Jak Van Nada



Richard Van Hoesen

Proponents' Signed Statements Pursuant to California Elections Code Section 9608

I, Phillip Koen, acknowledge that it is a misdemeanor under state law (California Elections Code section 18650) to knowingly or willfully allow the signatures on an initiative petition to be used for any purpose other than qualification of the proposed measure for the ballot. I certify that I will not knowingly or willfully allow the signatures for this initiative to be used for any purpose other than qualification of the measure for the ballot.

  
Phillip Koen

Dated this 4 day of Oct, 2019.

I, Jack Van Nada, acknowledge that it is a misdemeanor under state law (California Elections Code section 18650) to knowingly or willfully allow the signatures on an initiative petition to be used for any purpose other than qualification of the proposed measure for the ballot. I certify that I will not knowingly or willfully allow the signatures for this initiative to be used for any purpose other than qualification of the measure for the ballot.

  
Jack Van Nada

Dated this 6<sup>th</sup> day of Oct, 2019.

I, Richard Van Hoesen, acknowledge that it is a misdemeanor under state law (California Elections Code section 18650) to knowingly or willfully allow the signatures on an initiative petition to be used for any purpose other than qualification of the proposed measure for the ballot. I certify that I will not knowingly or willfully allow the signatures for this initiative to be used for any purpose other than qualification of the measure for the ballot.

  
Richard Van Hoesen

Dated this 6<sup>th</sup> day of Oct, 2019.

**LOS GATOS TOWN COUNCIL TERM LIMITS INITIATIVE**

**BE IT ORDAINED** by the People of the Town of Los Gatos as follows:

**Section 1. Title.**

This measure shall be known and may be referred to as the “Town Council Term Limits Initiative.”

**Section 2. Findings and Declarations.**

**WHEREAS**, the Los Gatos Town Council consists of five Council members; and

**WHEREAS**, Los Gatos Town Council members are elected to serve staggered four-year terms; and

**WHEREAS**, the Town of Los Gatos currently does not have term limits for Town Council members; and

**WHEREAS**, term limits encourage competitive elections and foster increased citizen participation in seeking elective office; and

**WHEREAS**, term limits encourage diversity among the members of the Town Council; and

**WHEREAS**, term limits provide voters with more choices about who will represent them; and

**WHEREAS**, California Government Code section 36502 authorizes the People of Los Gatos to adopt by initiative a limit on the number of terms a member of the Town Council may serve; and

**WHEREAS**, the People of Los Gatos support a term limit of two consecutive four-year terms; and

**WHEREAS**, after serving two consecutive terms, a person should not be eligible to serve an additional term until at least four years have elapsed since that person last held office; and

**WHEREAS**, a person appointed or elected to serve a partial term of two years or

less should be eligible to serve an additional two consecutive four-year terms; and

**WHEREAS**, a partial term of more than two years should be deemed to be one full term; and

**WHEREAS**, the People of Los Gatos intend for term limits to apply prospectively beginning with the terms that commence on or after the effective date of this ordinance.

**NOW, THEREFORE**, the People of the Town of Los Gatos do ordain as follows:

**Section 3. Section 2.20.040 is hereby added to the Los Gatos Town Code to read in its entirety as follows:**

Section 2.20.040. - Term Limits.

- (a) The term of office for each member of the Town Council shall be four years.
- (b) No person shall serve more than two consecutive terms as a member of the Town Council.
- (c) Any person who has served two consecutive terms shall not serve again, either by election or appointment, until at least four years have elapsed since that person last held office.
- (d) For purposes of this section, any person appointed or elected to the Town Council to fill an unexpired term of two years or less in length shall thereafter be eligible to serve two consecutive terms upon the expiration of the partial term for which that person was appointed or elected.
- (e) Applying prospectively to terms commencing on or after the effective date of this ordinance, any portion of a term of office longer than two years shall be deemed to be a full term for the purpose of the limit imposed by this section.
- (f) Any member of the Town Council who resigns from or otherwise leaves office during a term shall be deemed to have served the entirety of that term for the purpose of the limit imposed by this section, regardless of the length of time remaining in the term.

#### **Section 4. Earliest Possible Election.**

The People of Los Gatos hereby expressly request that this measure be submitted to the voters of Los Gatos at the earliest time allowable by law.

#### **Section 5. Severability.**

Should any provision of this measure, or its application to any person or circumstance, be determined by a court of competent jurisdiction to be unlawful, unenforceable, or otherwise void, voidable, or invalid, that determination shall have no effect on any other provision, or the application of this measure to any other person or circumstance and, to that end, the provisions hereof are severable. By approving this measure, the voters express their intent that each section and subsection would have been adopted irrespective of whether any one or more sections or subsections are found to be invalid or unconstitutional, and that each section and subsection is therefore explicitly severable, part-by-part, phrase-by-phrase, and word-by-word, and that if any portion is determined by a court of competent jurisdiction to be unlawful, unenforceable, or otherwise void, voidable, or invalid, that the least amount of language be severed from the ordinance.

#### **Section 6. Competing Initiatives/Measures.**

This measure is intended to be comprehensive. It is the intent of the People of Los Gatos that, in the event this measure and one or more measures relating to the same subject shall appear on the same ballot, the provisions of the other measure or measures shall be deemed in conflict with this measure. In the event that this measure receives a greater number of affirmative votes, the provisions of this measure shall prevail in their entirety, and all provisions of the other measure or measures shall be null and void. If this measure is approved by a majority of the voters but does not receive a greater number of affirmative votes than any other measure or measures appearing on the same ballot regarding the creation of term limits, then this measure shall take effect to the extent not in conflict with said other measure or measures.

#### **Section 7. Effective Date.**

This measure shall be considered adopted and become effective upon the date of the election which it was approved by the voters.

### **Section 8. Liberal Construction.**

This measure is an exercise of the initiative power of the People of Los Gatos to create term limits for service on the Town Council, and shall be liberally construed to effectuate that purpose.

### **Section 9. Legal Defense.**

The People of Los Gatos desire that this measure, if approved by a simple majority of voters, and thereafter challenged in court, be defended by the Town of Los Gatos. The People of Los Gatos, by approving this measure by a simple majority of voters, hereby declare that the proponent(s) of this measure have a direct and personal stake in defending this measure from constitutional or statutory challenges to the measure's validity or implementation. In the event the Town fails to defend this measure, or the Town fails to appeal an adverse judgment against the constitutionality, statutory permissibility or implementation of this measure, in whole or in part, in any court of law, the measure's proponent(s) shall be entitled to assert his, her or their direct personal stake by defending the measure's validity and implementation in any court of law and shall be empowered by the People through this measure to act as agents of the People of Los Gatos, and the Town of Los Gatos shall indemnify the proponent(s) for reasonable expenses and other losses incurred by the proponent(s), as agent(s), in defending the validity and/or implementation of the challenged measure. The rate of indemnification shall be no more than the amount it would cost the Town to perform the defense itself.