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Model City Charter Revision Project - Eighth Edition

Option Memo

Issue: Term Limits

Seventh Edition: The seventh edition of the Model Charter contains no language requi or encouraging cities to adopt any rules relating to term limits.

Analysis of the Issue: The current number of municipalities with term limits is unknow However, as of 1992, term limits were in place in 32 percent of America's largest cities (populations of 250,000 or more) according to a study conducted by Professor Thomas, of the Graduate School of Public Affairs, University of Missouri at Kansas City. Profes Thomas's study pointed out the following:

- Term limits were adopted principally in cities with the council-manager form of government.
- The trend toward adopting council term limits was principally a post-1989 phenomenon.
- In the majority of large cities with term limits, both mayors and city council men were limited.
- The average cap was eight years.
- All term limit measures were placed on the ballot by citizen initiative, although i cases the city council endorsed the plan. In those two cases, limits passed as part package of benefits/raises, etc., for council members.

Daniella Fagre of U.S. Term Limits conducted the most recent comprehensive study of term limits. Her study indicated that as of 1995, term limits were known to exist in near 3,000 cities. Additional facts noted in the report were that as of 1995:

- Eight of the 10 most populous cities in America had term limits.
- Of the largest 100 cities, 47 had municipal level limits.
- There were local-level limits of some form in 40 states.
- The average length of service allowed in term-limited cities was 7.9 years.

Argument For and Against Term Limits

1. What will give the voters a sense that they have choices?

Proponents

- For voters to feel they have a real choice, elections in this country must be made competitive. Term limitations force that competition.
- Term limits are the key to breaking the deadlock on other campaign reform issues. Long-time incumbents, it can be assumed, will not vote against their own careers, pecuniary interest in the areas of campaign finance, media access, voter registration and other privileges. Office holders who know that they will not be in office when these reforms take place, however, have less incentive to protect the advantages of incumbency.
- A seat open every couple of terms will create more competition, since challengers will not be discouraged from taking on a long-time, seemingly invincible opponent. For other campaign contributors will not automatically assume that giving to an incumbent is the only safe investment.

Opponents

- Voters have a choice. They can vote for whomever they want in primaries, caucuses and general elections. Voters are returning incumbents to office in record numbers in part because they like them, and in part because those incumbents enjoy advantages that have rendered elections uncompetitive. Those advantages should be subject to reforms that level the playing field. Limit the advantages - don't limit the choices voters make, removing specifically the candidate who has proven his or her acceptability to the voters.

2. What will create an active public dialogue that will encourage voters' becoming informed?

Proponents

- An office holder with fewer re-election campaigns will be a more active and responsive candidate. He or she will have to participate in debates and candidate forums, make appearances and promote visibility of campaign issues. This more public contest will be more involving of voters than a situation where an incumbent's re-election is so assured that voters have no need to follow the campaign.

Opponents

- More competitive elections will improve public dialogue on governance and representation. This can be achieved through real reform, not through the blunt instrument of term limitation. Those real reforms include campaign financing, media access, voter registration, and civic education-reforms that reach out to engage citizens and broaden the availability of information and participatory activities. Term limitations, by removing a choice from the ballot, will further alienate, rather than invigorate, voters.

What will attract the finest candidates?

Proponents

- The finest candidates for a representative body are citizen-legislators, people who have proven their abilities in other fields and can bring that experience to public service. Lack of term limits encourages and sustains only career politicians; "outsiders" are effectively discouraged because of the high rate of incumbent return, the high cost of running an effective campaign against an incumbent, and the image of government rife with corruption. This denies the voters the service of some of the country's most experienced, able people. If we were to move the obstacle of entrenched incumbents, many capable candidates would make themselves available for public service.

Opponents

- Limiting the list of potential candidates by automatically retiring those who have served before eliminates some of the most experienced people who could serve in office. A company would not retire its executives simply because those individuals help their jobs a long time-on the contrary, they are especially valued because of their experience. Government is no different.

What will maximize the officeholder's effectiveness in serving his or her electorate

Proponents

- An officeholder who spends less time campaigning and raising money has more time to spend on the job.
- Few re-election campaigns means less reason for special interest PACs and individuals to make larger long-term "investments" in a politician's career. Term limits will produce a legislator less beholden to the special interests that PACs and big contributors represent.
- A legislator who has been in office only a limited number of terms will be more in touch with the community he or she has recently left.
- An officeholder who is not constantly weighing re-election prospects can focus on the overall interest of the city.
- A candidate that emerges victorious from a competitive election has been tested. Voters view such a candidate with confidence, because they have had an opportunity to know his or her views on issues and watch how he conducts himself under pressure.

Opponents

- An individual serving in high office benefits from experience and expertise in the office he or she will be discharging. Under term limitation, just when a legislator has developed some expertise in issues, process and influence with his colleagues, he must be retired.
- Frequent turnover among legislators will leave only staff, bureaucrats and lobbyists in command of issues, process and political expertise. This is particularly troubling for city council-members that typically have little or no personal staff help, and rely on departmental staff and lobbyists for information and advice on how to vote - potential increasing, rather than decreasing, special-interest influence.
- In their final, lame duck terms, a legislator's influence with colleagues and the executive will arguably be lessened. By the same reasoning, there will be less incentive to be responsible to constituents' concerns. Indeed, some have argued that a term-limit legislator will spend most of this time in office arranging for his post-government

employment.

Three Options: The Committee should adopt one of the following options by the end of the next March meeting:

1. The 8th edition shall continue to make no reference to term limits.
 2. The 8th edition shall include an 8-year term limitation for elected officials.
 3. The 8th edition shall include term limitations in an amount of years determined to be appropriate by individual charter review efforts.
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1. John Clayton Thomas, "The Term Limitations Movement in U.S. Cities," National Civic League Review, 81:2, Spring-Summer 1992, pp. 155-173.
2. Daniella Fagre, "Microcosm of the Movement: Local Term Limits in the United States," U.S. Term Limits Report, (1995).

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