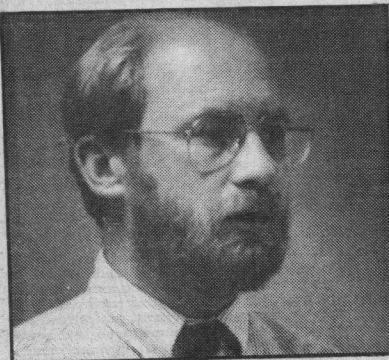


MAYORS Two-term limit in question

Mayor won't run anyway; Laird not sure



John Laird
Third term an unexpected option.

By **MARK BERGSTROM**
Sentinel staff writer *3-22-90*

SANTA CRUZ — Mayor Mardi Wormhoudt and City Councilman John Laird could run for unprecedented third-consecutive terms in November, according to an opinion rendered by the city attorney.
"I don't plan to run," said Wormhoudt Wednesday. "Absolutely not."

Laird, however, said he would need time to think about it.
City Attorney John Barisone said in a memo to City Clerk Emma Solden that a review of court decisions suggests that a two-term limit on City Council terms may not be enforceable.
Barisone said he would advise Solden to go ahead and process nomination papers should Laird or Wormhoudt choose to seek re-election on the November ballot.

Barisone said it then would be up to someone from the community to challenge the results of the election. He said he wrote the memo as part of his duties of keeping the city informed on legal issues.
"I had accepted the fact that I would be leaving office in November. I had not expected this to be a realistic option," said Laird of the development.
"This comes somewhat as a surprise. I'll want to take some time to

check out the legal ramifications and to talk to people in the community," he said.
Wormhoudt said nine years on the council and three as mayor are enough. "I've really given a large part of my life to this work," she said.
"This year has been very intense and extremely difficult. I'm willing to give it my all until November



Mardi Wormhoudt
Mayor says nine years' enough.

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Terms/ Ghio predicts change would cause stir

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and then that's that," she said.
"If people can convince John Laird to run again, they'd be very fortunate to have him continue (on the council)," Wormhoudt said.
Barisone said his memo was based on court decisions involving elections in South San Francisco and San Diego County.
Neither case is identical to the situation in Santa Cruz.
In the South San Francisco Case, the court of appeals ruled that a general-law city could not impose additional qualifications upon those set by the state Government Code.
Deputy South San Francisco City Attorney Robert Ewing said Councilwoman Robert Teglia ran and was elected to a third term in 1987. A citizen challenged the election. The First District Court of Appeals rendered its decision last May, he said.
The other case on which Barisone bases his opinion was decided in San Diego County. In that decision, the court of appeal struck down a two-term limit for the Board of Supervisors.
Santa Cruz is a charter city and is subject to different rules from general-law cities and even charter counties, Barisone explained.
Primarily, he said, the state recognizes certain "home rule" policies in charter cities. "Cities like Santa Cruz are given greater leeway in conducting municipal affairs," he said.
But, he said, "the two decisions

strongly suggest two-term limits are not enforceable."
A Superior Court judge in Southern California has upheld the city of Cerritos' two-term limit, and Cerritos is a charter city. But, Barisone said, law is only made by higher courts.
No action was taken to stop the candidates from running either in South San Francisco or San Diego County. The legal action came in the form of election challenges, Barisone said.
Barisone said a city clerk's role is a clerical role and does not carry the power to make a decision as to whether a candidate can file election papers.
"She (Solden) would have no choice but to process those papers until a court told her not to," Barisone explained.
Councilman Joe Ghio, who had to sit out two years before running for his current third term, said he thought Laird would be reluctant to run again without some firm legal decision.
Ghio said the city attorney had to dig up a 1915 court decision to allow him to run for his third term because the city charter says the hiatus must be two years. Ghio had sat out only 361 days between elections. That 1915 decision interpreted the two years as meaning one election.
Ghio predicted any attempt to evade the two-term limit would cause a stir. "Everything causes a stir in this town. My four days caused a stir," he said.