



Term Limits Corral

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Click here if you wish to go directly to our **suggested term limits city charter amendment**.

Term limits corrals already exist in many places in this country.

Nothing seems to have united the American people more than the desire to limit the terms served by our elected officials.

According to the website www.termlimits.org, the constitutions of approximately half of the 50 states give citizens the right to petition, i. e., initiative and referendum (I&R). The citizens of almost all, if not all, of the states with I&R have opted for term limits (usually by about a 2 to 1 margin) for:

- a. Elected state officials. In a few states, the state legislature and/or the courts have managed to overturn the overwhelming, and therefore obvious, wishes of the voters. To our knowledge, the voters have never reversed their own initial decision to install term limits.
- b. US representatives and senators. However, the US Supreme Court overturned these overwhelming election results, holding that such elections were in violation of the US Constitution.

Term limits have spread like wildfire to local governments. Eight of the ten largest US cities, including Houston, have term limits. Chicago, that paragon of virtuous politics, is one of the two without term limits. Chicago corruption is the poster child for the need for term limits. Term limits are not attributable to right wing politics. Quite the contrary, most, if not all, of the 10 largest US cities are strongly Democrat.

In the last Houston term limits election in 1994, Houston voters supported term limits 79%-21%. We believe that a new Houston election is needed in order to strengthen the existing term limits by limiting elected city officials to a total of six years in all city offices combined.

We hold that view because all of Houston's elected officials are currently elected for two-year terms, with a maximum of three terms in the applicable office (mayor, city controller, district council member, or council member at-large). Under this arrangement, an elected official could end up holding City of Houston elected office for 24 years.

The attached [proposed city charter amendment on term limits \(CLICK HERE TO VIEW\)](#) would very simply limit any elected city official to serve no more than six years in all city offices combined in his/her lifetime. We believe this is more in line with the original intent of our founding forefathers, who apparently did not believe in the need for lifetime elected officials.

Following are the issues that were considered by us in writing the proposed Houston city charter amendment on term limits:

1. It seems obvious to us, based upon many historical facts and writings, that this country was founded and evolved based upon the concept that elected offices were to be temporarily held by citizens at large who would return to private life after serving, and public offices were not to be held for life by career politicians.
2. The most powerful and important office in this country, US president, is term limited by the 22nd amendment to the US constitution. The limit is two four-year terms.
3. Houston elected offices pale in comparison to the office of US president, by any measurement of responsibility, difficulty, etc. Therefore, the six-year city office term limit is extremely reasonable when compared to the eight-year term limit on the US presidency.
4. City officials having to run for reelection every two years is not unreasonable. US representatives, with many more responsibilities and complexities involved than city offices, are required to run every two years. Having biannual elections furnishes voters an opportunity to rapidly reject a non-performing official. In fact, we would like to have the right to petition for recall. We believe elected officials underestimate the value of concentrating on just plain performing (what they are elected to do) and then devoting the remaining time to campaigning. Excellent on-the-job performance is the best campaigning tool an office holder has.
5. If elected city officials have to spend their first two years “just learning the ropes”, that says more about the inabilities and/or lack of qualifications of the official than the difficulties of the office. It is our understanding that all non-elected city positions require that the hired employee meet certain job experience, education and other requirements before employment or promotion.
It would not be acceptable in the private sector to select a CEO (mayor), CFO (city controller) or Board Member (council member) of a \$4 billion annual revenue enterprise (which the City is) who had no correlated experience or qualifications (unless it was done to meet diversity objectives, and even then only in the case of board membership). Accordingly, anyone seeking city office should be prepared to be effective in the first two-year term. Democracy should not have to suffer because of unprepared candidates.
6. It is arrogant for Houston city officials to believe that they are invaluable and irreplaceable and that there are not innumerable citizens in this city of approximately two million people who could step right in and, in very short order, do as good, if not better, job as the incumbent is doing. City government is not rocket science.
7. If it had not been for the introduction of Houston term limits we would still be governed by the good old boy entrenched politicians, some of who have gone to prison due to the old system. Due to the commencement of term limits, women and minorities have now had and seized the opportunity to serve as elected city officials.

8. If the bureaucrats and city employees supposedly are running the city due to term limits it is because of either incompetent or weak elected officials---or the system needs to be changed regarding the bureaucrats and city employees, for that is where the system is supposedly flawed. That is somewhat similar to trying to correct the impact of lobbyists by regulating the lobbyists, when the proper solution is to regulate the elected officials. Elected officials should be simply prohibited by law from taking the money. **Put the onus where it belongs.**
9. Permitting elected city officials to run for yet another city office after completing their time in their first city office runs counter to everything above. That is, it encourages perpetual office holding by career politicians. Under existing term limits, a city district or at-large council member can subsequently hold office for six-year terms as a district council member, an at-large council member, city controller and finally mayor---for a total tenure in city office of 24 years. So a person can spend a substantial portion of their entire working career as an elected city official. That is a recipe for corruption.
10. We have a current perfect example in Houston city government as to why elected officials should be restricted to a total of six years in city office during the official's lifetime. Our newly elected mayor (for the next six years?) just completed her six years as city controller, which in turn was preceded by six years on city council as a district council member. She served as chairperson of city council's fiscal affairs committee while on city council during calendar years 1998-2003. Late in her 1998-2003 city council term the city entered into unbelievably generous and unsustainable increased benefits in the employee pension plans, on her city council watch. While she was city controller (financial watchdog directly elected by and directly accountable to the voters) in calendar years 2004-2009 she criticized the plans and their funding. But, immensely important, she never truly informed the voters regarding the fact that the City accumulated operating losses of almost **\$1.7 BILLION** (mostly attributable to the increased pension benefits) during fiscal years 2004-2009, on her city controller watch. (See page 197 of the City's Comprehensive Annual Financial Report for fiscal year ended June 30, 2009 for the 2004-2009 annual operating losses---"Change in Net Assets". See page 17 of the 2009 CAFR for the auditor-certified operating loss---"Change in Net Assets"---for fiscal 2009 and the comparable pages in the 2004-2008 CAFRs for the auditor-certified losses ---"Changes in Net Assets"---for those five years.) She now maintains that tough times lie ahead, due to the recession (the crisis arose before the recession), but the problem is manageable, but she still gives no real acknowledgment of the **\$1.7 BILLION** of operating losses, all of which has occurred on her watches in city office. That is totally inexcusable and irresponsible.
11. In our opinion, term limits are needed even more in Houston because of the city having a strong-mayor form of government, which gives the mayor essentially dictatorial powers. A prime example of this unbridled power is the previous mayor's handling of the Prop 2 approved by the voters in November 2004, to exert overall control over the city's spending. The mayor was forced by a Texas appellate court to place Prop 2 in the city charter but still refused to ever enforce Prop 2, meanwhile leaving Houston with **\$1.7 BILLION** in operating losses during his tenure. The mayor used untold thousands of taxpayer dollars in fighting the will of the people on Prop 2 all the way to the Texas Supreme Court, where the issue now stands, solely on the city's specious position that voters have no standing to sue to force the city to enforce laws which are actually in the

city charter. The mayor thus acted not only as the city's executive branch, but also usurped city council's legislative powers (in the face of a very suppliant city council) and usurped the power of the state's judicial system (the mayor supposedly is subservient to the city charter, not vice versa) by refusing to enforce a law actually in the city charter. Surely, this matter will ultimately be settled by the Texas Supreme Court in the voters' favor, but only after a long and bitter struggle and confiscation of much taxpayer money to be used against taxpayers' own benefit and desires expressed at the polls.

We trust that the foregoing is of assistance to you in deciding whether to opt for a city charter amendment to either implement term limits in your city or to strengthen your existing term limits---assuming that you have that right in your state.

Obviously, the critical issue is to have the right to petition (i. e., I&R-Initiative and Referendum) in your state. The concepts and comments introduced here may be of benefit in drafting a term limits amendment for your state constitution, if you do not already have that state right.