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# CITYWATCH EXTRA

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## Judge Orders Term Limit Bill off the Ballot: Mixing Issues Cheats Voters

By Ken Draper

**In a stunning decision Thursday morning**, Superior Court Judge Robert O'Brien ordered Proposition R ... the term limits/ethics reform measure ... off the November ballot. This is the ballot measure that the city attorney had warned might be legally vulnerable and that Neighborhood Council activists have been fighting, claiming that it was misleading and had been hustled through the city council without the benefit of input from the public and the Ethics Commission.

The Judge hinted at the direction he was headed on Wednesday when he asked attorneys hired to represent the city, "Are the voters not disenfranchised if they are for one part and not the other?"

In his ruling, O'Brien noted that, "each of these subjects ... present clearly different policy decisions."

O'Brien is the judge who last week gave Neighborhood Council members an important victory over City Hall. In a separate suit, filed by attorney Jeff Jacobberger on behalf of voter and Central San Pedro NC board member, Dan Pasley, the Judge ordered the city to change the title of Prop R, and some of the arguments language, because it was misleading.

Attorney Charles Bell, who represented the litigant in Thursday's action said, "The issue of term limits stands on its own and deserves the right to be voted on up or down."

The League of Women Voters attorney Stephen Kaufman, in arguing that was appropriate to have the two issues ... ethics reform and term limits ... in the same measure, said that, "sometimes you have to take the good with the bad."

"I thought it was wrong for the City Council to try to soft-pedal the fact that Prop R extended term limits and blatantly ignored the advice of the City Attorney and bypassed the Ethics Commission and Neighborhood Councils," said attorney Jacobberger, "NC's are simply trying to stand up for making sure the little guy has the same opportunity to shape legislation as the Chamber of Commerce."

The City can appeal O'Brien's decision but is running out of time. The County says they have to have the ballot materials ready for the printer Friday night. ?