

LARRY AGRAN
IRVINE CITY COUNCILMEMBER

December 5, 2022

Irvine City Clerk Carl Petersen
1 Civic Center Plaza
Irvine, CA 92606

(Also sent via email: clerk@cityofirvine.org)

Dear Mr. Petersen:

Pursuant to Government Code §1770(c)(1-2) and effective at 11:59 p.m. on Monday, December 5, 2022, I am resigning from my current seat on the Irvine City Council. I will resume my service on the City Council when I am sworn-in for a new four-year term on Tuesday, December 13, 2022.

My reason for this brief resignation (to be followed one week later by a swearing-in ceremony for a new City Council term) is rooted in a provision of Irvine's City Charter imposing term limits on those elected to the City Council. Article IV, Section 400 of the Charter states: "Any person who serves two (2) full terms as a member of the City Council shall not be eligible to serve again as a member of the City Council. If a Council member serves a partial term in excess of two (2) years, it shall be considered a full term for the purpose of this provision."

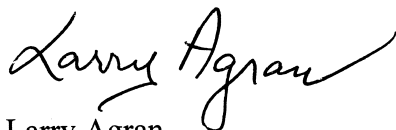
When I was elected to the City Council in 2020, I received only a two-year term, completing the remainder of the four-year term to which Councilmember Khan was elected in 2018. I was sworn-in for my current two-year term on December 8, 2020, and the swearing-in ceremony for the new term to which I was just elected will not occur until December 13, 2022. Although I believe that the Charter provision quoted above was not intended to count my partial term as a full term for the purpose of term limits, it could be construed in that manner since my current partial term will be "in excess of two (2) years" by a few days.

Shortly before the Thanksgiving holiday, I conferred with City Attorney Jeff Melching regarding the Charter's term limits provision. Mr. Melching noted that a strict calendar-based interpretation of the provision leads to results that depend entirely on recurring and unavoidable quirks in the calendar relating to the election date, the certification period, and the swearing-in date. Mr. Melching noted, for example, that because Councilmember Khan was sworn-in on December 11, 2018 and then became Mayor on December 8, 2020, her partial Council term was not "in excess of two (2) years" and would not count as a full term under the Charter's term limits provision; but my completion of Councilmember Khan's term through December 13, 2022 could be regarded as a full term because the total length of service would be a few days beyond two years. Under these circumstances, and given the impossibility of altering or reinterpreting the Charter at this moment, Mr. Melching agreed that my brief resignation, followed by a new swearing-in ceremony on December 13, 2022, would prevent my current partial City Council term from being counted as a full term under the Charter's term limits provision.

While my resignation will create a one-week "vacancy" on the City Council, there is no need (or time) for the Council to take any action under the Charter to declare or fill the vacancy. As Mr. Melching concluded in an email he sent to me: "Despite the mandatory language of the Charter and the Municipal Code, if the term of a vacant office expires and a new term for that office begins before the vacancy can be declared and/or filled, then the procedures for declaring and filling the vacancy become unnecessary."

Please acknowledge receipt of this letter.

Sincerely,

A handwritten signature in cursive script that reads "Larry Agran". The signature is written in black ink and is positioned above the printed name.

Larry Agran