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7/30/18

(O-2019-12)

ORDINANCE NUMBER O- 20970 (NEW SERIES)

DATE OF FINAL PASSAGE JUL 30 2018

AN ORDINANCE SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY OF SAN DIEGO, AT THE MUNICIPAL SPECIAL ELECTION, CONSOLIDATED WITH THE CALIFORNIA STATE GENERAL ELECTION TO BE HELD ON NOVEMBER 6, 2018, ONE MEASURE AMENDING THE CITY CHARTER BY AMENDING ARTICLE VI, SECTION 66, BOARD OF EDUCATION.

WHEREAS, pursuant to California Constitution, article XI, section 3(b), California Elections Code (Elections Code) section 9255(a)(2), and San Diego City Charter (Charter) section 223, the Council of the City of San Diego (Council) has authority to place Charter amendments on the ballot to be considered at a Municipal Election; and

WHEREAS, California Constitution, art. IX, 16(a), authorizes charter cities that include school districts to provide for “the manner in which, the times at which, and the terms for which the members of boards of education shall be elected or appointed, for their qualifications, compensation and removal, and for the number which shall constitute any one of such boards;” and

WHEREAS, Charter section 66 governs the composition and elections of the Board of Education of the San Diego Unified School District (School Board); and

WHEREAS, Charter section 66 directs that the School Board be composed of five members, elected at the same time as the City Council, with the top two vote-getters in individual district primary elections advancing to a general election in the entire San Diego Unified School District (School District); and that School Board members serve four-year terms, with no term limits; and

WHEREAS, the Council now seeks to submit to voters a ballot measure that would amend Charter section 66 to impose a term limit on School Board members beginning in 2020; and

WHEREAS, the proposed Charter amendments would limit School Board members to serving three four-year terms, with the intention that, after such service, the former Board of Education member would face a lifetime ban on serving as a School Board member; and

WHEREAS, the proposed Charter amendments would provide that School Board members who hold the office as of the date of the Municipal General Election in 2020 shall not have prior or current terms counted for purposes of applying the term limit provision; and

WHEREAS, the Charter has never included term limits for School Board members since the section was enacted in 1931, and the current language has been in effect since 1979; and

WHEREAS, the Charter amendments were proposed by School Board member Dr. Sharon Whitehurst-Payne as part of the Council Policy 000-21 process, heard by the Council's Rules Committee, and then by the Council; and

WHEREAS, by San Diego Ordinance O-02963, introduced and adopted on July 17, 2018, the Council has called a Municipal Special Election to be consolidated with the California State General Election to be held November 6, 2018, for the purpose of submitting to the qualified voters of the City one or more ballot measures; and

WHEREAS, the Council now desires to submit to the voters, at the Municipal Special Election to be held November 6, 2018, one measure amending the Charter by amending Article VI, section 66, Board of Education; and

WHEREAS, the Council's proposal, on its own motion, of a Charter amendment is governed by California Constitution, article XI, section 3(b), Elections Code section 9255(a)(2), and Government Code section 34458, and is not subject to veto by the Mayor; NOW, THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. One measure amending the City Charter by amending Article VI, section 66, related to term limits for members of the Board of Education of the San Diego Unified School District, is hereby submitted to the qualified voters at the Municipal Special Election to be held on November 6, 2018, and consolidated with the California State General Election to be held on the same date, with the measure to read as follows:

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**MEASURE**

**ARTICLE VI**

**BOARD OF EDUCATION**

**SECTION 66: BOARD OF EDUCATION**

The government of the San Diego Unified School District shall be vested in a Board of Education, composed of five members who shall be nominated and elected at the regular municipal primary elections and the general municipal elections at the same time as the election of Council members. At the municipal primary election there shall be chosen by the registered voters of each Board of Education District two candidates for the office of any Board of Education member from a District whose term expires the succeeding December. At the general municipal election the registered voters of the whole San Diego Unified School District shall select from among the candidates chosen at the primary election in each district one candidate

for the office of each Board of Education member whose term expires the succeeding December. Each candidate for the Board of Education shall have been a registered voter of the San Diego Unified School District and an actual resident of the election district from which ~~he~~ the candidate seeks to be nominated for thirty (30) days immediately preceding filing of a nominating petition. The members shall serve for a term of four years from and after 10 a.m. the first Monday after the first day of December next succeeding this election and until their successors are elected and qualified, except as herein provided.

Notwithstanding any other provision of this Charter, and commencing in 2020, no person shall serve more than three four-year terms as a member of the Board of Education. Board members who hold the office as of the date of the Municipal General Election in 2020 shall not have prior or current terms counted for purposes of applying this term limit provision.

Any vacancy occurring in the Board shall be filled from the election district in which the vacancy occurs by appointment by the remaining Board members; but in the event that said remaining members fail to fill such vacancy by appointment within thirty (30) days after the vacancy occurs, they must immediately cause to be held a primary election in the district in which the vacancy occurs and a general election within the entire school district to fill such vacancy; provided, however, that any person appointed to fill such vacancy shall hold office only until the next regular municipal election, at which date a person shall be elected to serve for the remainder of such unexpired term.

For the purpose of electing members of the Board of Education, the San Diego Unified School District shall be divided into five (5) districts as nearly equal in voter population as practicable. For the first primary and regular election held under this section, as amended, the boundaries of such election districts shall be established by the Board of Education as such Board existed on the effective date of the amendment to this section. Thereafter, the boundaries of such election districts shall be subject to alteration and change under the provisions of this section. The Board of Education, by resolution, may change and alter the boundaries of the election districts and in the resolution may describe the new boundaries by reference to a map on file in the office of the City Clerk; a metes and bounds description of the new boundaries need not be contained in said resolution.

**END OF MEASURE**

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Section 2. The measure shall be presented and printed upon the ballot and submitted to the voters in the manner and form set out in Section 3 of this ordinance.

Section 3. On the ballot to be used at this Municipal Special Election, in addition to any other matters required by law, there shall be printed substantially the following:

<b>MEASURE __.</b> CHARTER AMENDMENT ENACTING <b>TERM LIMITS FOR SCHOOL BOARD MEMBERS.</b> Shall City Charter section 66 be amended to limit a member of the San Diego Unified School District Board of Education from serving more than three four-year terms, beginning in 2020, and not count prior or current terms for purposes of the term limit for those School Board members who hold office on the date of the Municipal General Election in 2020?	YES	
	NO	

Section 4. An appropriate mark placed in the voting square after the word “Yes” shall be counted in favor of the adoption of this measure. An appropriate mark placed in the voting square after the word “No” shall be counted against the adoption of the measure.

Section 5. Passage of this measure requires the affirmative vote of a majority of those qualified electors voting on the matter at the Municipal Special Election.


Section 6. The City Clerk shall cause this ordinance or a digest of this ordinance to be published once in the official newspaper following this ordinance’s adoption by the City Council.

Section 7. In compliance with San Diego Municipal Code section 27.0402, this measure will be available for public examination for no fewer than ten calendar days prior to being submitted for printing in the sample ballot. During the examination period, any voter registered in the City may seek a writ of mandate or an injunction requiring any or all of the measure to be amended or deleted. The examination period will end on the day that is 75 days prior to the date set for the election. The Clerk shall post notice of the specific dates that the examination period will run.

Section 8. A full reading of this ordinance is dispensed with prior to its passage, a written or printed copy having been available to the City Council and the public prior to the day of its passage.

Section 9. Pursuant to sections 295(b) and 295(d) of the Charter of the City of San Diego, this ordinance shall take effect on the date of passage by the City Council, which is deemed the date of its final passage.

APPROVED: MARA W. ELLIOTT, City Attorney

By   
Sharon B. Spivak  
Deputy City Attorney

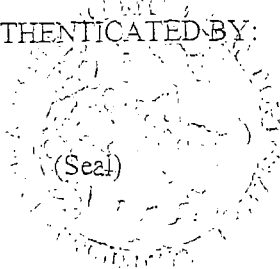
SBS:cm  
07/25/18  
Or. Dept: Rules Committee  
Doc. No. 1800374

Passed by the Council of The City of San Diego on JUL 30 2018, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Ward	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Georgette Gomez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage JUL 30 2018.

AUTHENTICATED BY:



(Seal)

KEVIN L. FAULCONER

Mayor of The City of San Diego, California.

ELIZABETH S. MALAND

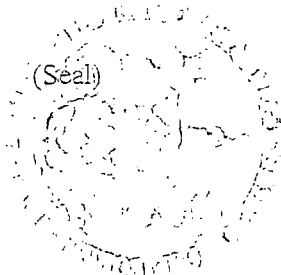
City Clerk of The City of San Diego, California.

By Linda Irwin, Deputy

I HEREBY CERTIFY that the foregoing ordinance was passed on the day of its introduction, to wit, on

JUL 30 2018, said ordinance being of the kind and character authorized for passage on its introduction by Section 295 of the Charter.

I FURTHER CERTIFY that said ordinance was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.



(Seal)

ELIZABETH S. MALAND

City Clerk of The City of San Diego, California.

By Linda Irwin, Deputy

Office of the City Clerk, San Diego, California

Ordinance Number O- 20970