



THE CITY OF SAN DIEGO
COUNCIL PRESIDENT MYRTLE COLE

FOURTH DISTRICT

October 23, 2017

Judge Jeffrey B. Barton
Presiding Judge
San Diego Superior Court
220 West Broadway
San Diego, CA 92101

Re: Grand Jury Report: "San Diego County Grand Jury Report Titled "San Diego Unified School District School Board Elections - Time for a Change"

Dear Judge Barton:

Pursuant to California Penal Code Section 933.05(a), (b) and (c), the City of San Diego provides the attached response from the City Council to the applicable findings and recommendations included in the above referenced Grand Jury Report.

If you require additional information or have any questions, please contact Erin Demorest, Director of Legislative Affairs, at 619-533-3920.

Sincerely,

Myrtle Cole

- Encl: 1. City response to Grand Jury Report: "San Diego Unified School District School Board Elections - Time for a Change"
2. City Council Resolution R-2018-118 Rev.

**City Council Response to
San Diego County Grand Jury Report Titled
“San Diego Unified School District School Board Elections – Time for a Change”**

Pursuant to California Penal Code section 933(c), the San Diego City Council provides the following responses for the findings and recommendations to the City Council that are included in the above referenced Grand Jury Report:

FINDINGS 01 THROUGH 06

Below are the City Council’s responses to Findings 01 through 06:

Finding 01: *The San Diego Unified School District election process does not always result in board members who reflect the diversity of the district’s population.*

Response: **The City Council agrees with the Grand Jury’s finding.**

Finding 02: *Because of the high cost of competing in two election campaigns, support and financial backing is often required from special-interest groups.*

Response: **The City Council partially disagrees with the Grand Jury’s finding.**

Although costs spent on election campaigns can be high, financial backing from special-interest groups or others is not required. Groups that wish to support candidates can do so in compliance with elections laws.

Finding 03: *Term limits enable more citizens to take part in school governance.*

Response: **The City Council agrees with the Grand Jury’s finding.**

Finding 04: *By instituting sub-district elections and term limits, a large part of the elections process will be returned to the people.*

Response: **The City Council agrees with the Grand Jury’s finding.**

Finding 05: *Term limits broaden the pool of people involved in the schools boards.*

Response: **The City Council agrees with the Grand Jury’s finding.**

Finding 06: *School board positions were not intended to be a long-term career position.*

Response: **The City Council partially disagrees with the Grand Jury’s finding.**

School board positions are intended to be a means for providing leadership through a democratic process, including citizen input and varied viewpoints, and are not commonly viewed as long-term career positions. However, Charter section 66 (and its seven amendments since 1931) has never included term limits for San Diego Unified School District board members.

**City Council Response to
San Diego County Grand Jury Report Titled
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RECOMMENDATIONS 17-28 THROUGH 17-30

Below are the City Council’s responses to Recommendations 17-28 through 17-30:

Recommendation 17-28: *Consider placing a measure on a future ballot to allow the voters to decide whether to amend the San Diego City Charter to change the election process for the San Diego Unified School District School Board Elections, allowing only citizens in their sub-districts to elect representation directly from their sub-district.*

Response: The recommendation has been implemented.

The Council recently considered a similar proposal in March 2017 and decided not to take any action to implement the item. This issue could be considered as part of the normal ballot measure process at a later date.

Recommendation 17-29: *Consider placing a measure on a future ballot to allow the voters to decide whether to amend the San Diego City Charter to allow a San Diego Unified School District board candidate who receives a majority of the votes in their sub-district during the primary election be considered elected.*

Response: The recommendation will not be implemented because it is not warranted.

In the November 2016 general election, voters approved the opposite approach for the City of San Diego races for Mayor, Councilmembers, and City Attorney. With the approval of Measure K, a runoff for each race will now be required for the two candidates receiving the most votes in the primary. Previously, runoff elections were not required if a candidate in a given race received a majority vote in the primary.

Recommendation 17-30: *Consider placing a measure on a future ballot to allow the voters to decide whether to amend the San Diego City Charter to limit the number of terms San Diego Unified School District School Board Trustees can serve.*

Response: The recommendation has been implemented.

See response to Recommendation 17-28.

RESOLUTION NUMBER R- 311359
DATE OF FINAL PASSAGE OCT 16 2017

201
10/16/17

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPROVING THE CITY COUNCIL'S RESPONSE
TO THE MAY 9, 2017 SAN DIEGO COUNTY GRAND JURY
REPORT TITLED "SAN DIEGO UNIFIED SCHOOL DISTRICT
SCHOOL BOARD ELECTIONS – TIME FOR A CHANGE"

WHEREAS, on May 9, 2017, the 2016-2017 San Diego County Grand Jury
(Grand Jury) filed a report titled "San Diego Unified School District School Board Elections -
Time for a Change" that requested a response from the San Diego City Council (Council); and

WHEREAS, the Report discusses issues related to specific elements of the School Board
elections, including term limits, runoff elections, and district-wide vs. sub-district contests; and

WHEREAS, the Report includes six findings and three recommendations directed to the
Council which are covered by the proposed response; and

WHEREAS, under California Penal Code section 933(c), within 90 days after the filing
of the report, each public agency which the Grand Jury reviewed, and about which it issued the
Report, must comment to the Presiding Judge of the Superior Court on the findings and
recommendations pertaining to matters under the control of the agency; and

WHEREAS, the comments required from the Council are due to be submitted to the
Presiding Judge of the Superior Court by November 3, 2017, as the City had requested and
received an extension of time to respond; and

WHEREAS, the Grand Jury requested that the Council respond to findings 01 through 06
and to the recommendations numbered 17-28 through 17-30 in the Report; and

WHEREAS, the Office of the Independent Budget Analyst (IBA) proposed a response from Council to the Grand Jury report as set forth in IBA Report No. 17-27, dated July 18, 2017, for the Council's consideration; and

WHEREAS, at the Council meeting on October 16, 2017, Council President Myrtle Cole made a motion to change the proposed response which was then adopted by the Council;

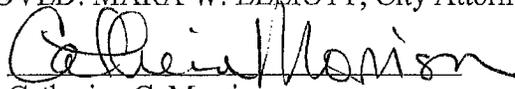
WHEREAS, under Charter section 280(a)(1) this resolution is not subject to veto by the Mayor because this matter is exclusively within the purview of the Council and not affecting the administrative service of the City under the control of the Mayor; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that the Council approves and adopts as its own the response to the 2016-2017 San Diego County Grand Jury Report titled "San Diego Unified School District School Board Elections -Time for a Change" as set forth in IBA Report No. 17-27, dated July 18, 2017 and revised and adopted at October 16, 2017 Council meeting.

BE IT FURTHER RESOLVED that the Council President is authorized and directed, on behalf of the San Diego City Council, to execute and deliver the above-described response to the Presiding Judge of the San Diego County Superior Court no later than November 3, 2017.

APPROVED: MARA W. ELLIOTT, City Attorney

By


Catherine C. Morrison
Deputy City Attorney

CCM:jvg
September 28, 2017
10/16/17 REV.
Or.Dept: IBA
Doc. No.: 1590320_2

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of OCT 16 2017.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Passed by the Council of The City of San Diego on OCT 16 2017, 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 OCT 16 2017.

(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By Steph Brady, Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- **311359**