

**Office of
The City Attorney
City of San Diego**

**MEMORANDUM
MS 59**

(619) 236-6220

DATE: August 20, 2018

TO: Elizabeth Maland, City Clerk

FROM: City Attorney

SUBJECT: Title, Summary, and City Attorney Impartial Analysis for Ballot Measure – Amendments to Charter Section 66 - Enacting Term Limits for School Board Members (**Measure H**)

The City Council has directed the City Attorney to prepare a ballot title, summary and impartial analysis of a San Diego City Charter (Charter) amendment measure that would enact term limits for members of the Board of Education for the San Diego Unified School District, which the City Council voted to place on the November ballot. (*See* San Diego Resolution R-311921, adopted July 30, 2018.)

The measure seeks voter approval to amend the Charter by amending Article VI, section 66, Board of Education.

The City Council adopted San Diego Ordinance O-20970 on July 30, 2018, to submit the Charter amendment measure to the voters on the November 6, 2018 Municipal Special Election ballot.

BALLOT TITLE

Amendments to San Diego City Charter Section 66 to Enact Term Limits for Members of
the Board of Education of the San Diego Unified School District

BALLOT SUMMARY

This measure would amend the San Diego City Charter (Charter) to enact term limits for members of the Board of Education of the San Diego Unified School District (School Board).

If approved by voters, Charter section 66 would limit a member of the School Board to serving three four-year terms, beginning in 2020. Those School Board members who hold office on the date of the Municipal General Election in November 2020 would not have their prior or current terms counted for purposes of the new term limit.

The ballot measure was proposed during a process in which members of the public submitted ballot measure proposals for consideration by a Council standing committee and then the full Council. The Council voted to place the measure on the ballot. If approved, the Charter would be amended as of the date the amendments are chaptered by the California Secretary of State.

CITY ATTORNEY'S IMPARTIAL ANALYSIS

The California Constitution 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.” Cal. Const. art. IX, § 16(a). This is the limit of a charter city’s authority over a school board.

San Diego City Charter (Charter) section 66 governs the composition and elections of the Board of Education of the San Diego Unified School District (School Board).

The Charter 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.

This measure would amend the Charter to impose a term limit on School Board members beginning in 2020. The Charter amendments would limit School Board members to serving three four-year terms, with the intention that, after such service, the former School Board member would face a lifetime ban on serving on the School Board.

If approved, School Board members who hold the office as of the date of the Municipal General Election in November 2020 would not have their prior or current terms counted for purposes of applying the new term limit provision.

The Charter sections regarding the School Board were last amended in 1979. The Charter has not included term limits for School Board members since section 66 was enacted in 1931.

This ballot measure was proposed by a School Board member during a process in which members of the public submitted ballot measure proposals for consideration by a Council standing committee and then the full City Council. The City Council voted to place the measure on the ballot.

To comply with the California Constitution and the California Education Code, this ballot measure related to the School District has been submitted only to those voters who are registered to vote within School District boundaries.