

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

**MEMORANDUM  
MS 59**

**(619) 236-6220**

**DATE:** August 12, 2022

**TO:** Elizabeth Maland, City Clerk

**FROM:** City Attorney

**SUBJECT:** Title, Summary, and City Attorney Impartial Analysis for Ballot Measure – Amendment to San Diego City Charter Section 55 – Authorizing childcare in recreational facilities and buildings on dedicated parkland

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The City Council directed the City Attorney to prepare a ballot title, summary, and impartial analysis of a San Diego City Charter (Charter) amendment measure that would authorize childcare in recreational facilities and buildings on dedicated parkland, which the City Council voted to place on the November 8, 2022 Municipal Special Election ballot. (*See San Diego Resolution R-314248, adopted on July 25, 2022.*)

The measure seeks voter approval to amend the Charter by amending Article V, Section 55, Park and Recreation.

The City Council adopted San Diego Ordinance O-21509 on July 25, 2022 to submit the Charter amendment measure to the voters on the November 8, 2022 Municipal Special Election ballot.

**BALLOT TITLE**

Amendment to San Diego City Charter Article V, Section 55 to authorize childcare in recreational facilities and buildings on dedicated parkland.

**BALLOT SUMMARY**

This measure would amend the San Diego City Charter (Charter) Article V, Section 55 to allow the City Manager to approve childcare activities at recreation facilities and buildings in

dedicated park property owned by the City of San Diego. For purposes of this amendment, childcare means any State-licensed childcare facility, that is not an in-home family day care, in which nonmedical care and supervision is provided for children under age 18 in a group setting for less than 24 hours per day. Childcare, for this amendment, does not include educational or instructional uses provided by public, private, home, or charter schools.

The City Council placed the measure on the ballot. If approved, the Charter amendment would become effective as of the date the California Secretary of State officially chapters the amendment.

### **CITY ATTORNEY’S IMPARTIAL ANALYSIS**

San Diego City Charter (Charter) section 55 governs the allowed uses of City of San Diego-owned parkland. Dedicated parkland is City-owned property that the Council of the City of San Diego (City Council) or California Legislature has formally and permanently set aside by City Council ordinance or State statute for park or recreation purposes.

Once City-owned property is dedicated as parkland, Charter section 55 requires the City to permanently use that parkland for park or recreation purposes unless an alternative use is approved by two-thirds of the City’s voters. Childcare is not currently a park or recreation use.

If approved, this ballot measure would amend Charter section 55 to allow, but not require, the City Manager to authorize childcare in recreational facilities and buildings on dedicated parkland. For purposes of this amendment, childcare means any State-licensed childcare facility, other than in-home family day care, in which nonmedical care and supervision is provided for children under age 18 in a group setting for less than 24 hours per day. Childcare would not include educational or instructional use provided by public, private,

home, or charter schools. This amendment would not authorize the construction of new buildings on dedicated parkland solely for childcare.

The Charter amendment proposed in this measure also includes minor changes for consistency with other Charter provisions, such as punctuation and naming conventions.

The measure can only be repealed by a majority of City voters.

This measure was proposed by members of the City Council, which voted to place it on the ballot. If approved by a majority of the qualified voters voting on the measure, the Charter would be amended as of the date the amendment is chaptered by the California Secretary of State.