

MODESTO CITY SCHOOLS

BOARD OF SUPERVISORS RESOLUTION NO. 17/18-10

2018 MAR 23 4 13 PM
**RESOLUTION OF THE BOARD OF EDUCATION
OF THE MODESTO CITY SCHOOLS
REQUESTING THAT THE MODESTO CITY COUNCIL
PLACE AN AMENDMENT OF THE CITY CHARTER ON THE BALLOT
RELATING TO THE ELECTION CYCLE OF THE BOARD OF EDUCATION**

WHEREAS, the City of Modesto ("City") is governed by a City Charter ("Charter");
and

WHEREAS, pursuant to the Education Code and the terms of the Charter, the Charter governs the election of members of the Modesto City Schools ("District") Governing Board ("Board") by all qualified electors within the District; and

WHEREAS, Section 300 of the Charter currently states: "Regular Municipal election for the election of officers and for such other purposes as the Council may prescribe shall be held biennially on the first Tuesday after the first Monday in November of each odd-numbered year"; and

WHEREAS, generally voter turnout is greater for statewide general elections than for local elections, including school board member elections held in November of odd-numbered years; and

WHEREAS, California Senate Bill 415, an act (which may be cited to as the California Voter Participation Rights Act (herein "the Act")) to add Chapter 1.7 (commencing with Section 14050) to Division 14 of the Elections Code, was approved by the California Governor and filed with the Secretary of State on September 1, 2015; and

WHEREAS, commencing January 1, 2018, the Act prohibits a political subdivision from holding an election other than on a statewide election date (i.e., "off-cycle") if holding an election on a non-concurrent date has previously resulted in voter turnout for a regularly scheduled election in the political subdivision being at least 25% less than the average voter turnout within the political subdivision for the previous four statewide general elections; and

WHEREAS, a political subdivision may, however, hold an off-cycle election if, by January 1, 2018, the political subdivision has adopted a plan to consolidate a future election with a statewide general election not later than the November 8, 2022, statewide general election; and

WHEREAS, the Act authorizes attorney's fees to a prevailing plaintiff who has appropriately filed an action in superior court to enforce the Act's prohibition; and

WHEREAS, the District may achieve a savings in the cost of its elections, if the District's elections are consolidated with the statewide general elections; and

WHEREAS, as a result of these facts, the Board of Education desires to change the date of future Board member elections to be consolidated with the California statewide general election in order to save public funds and provide greater voter input into school board elections; and

WHEREAS, the Charter must be amended in order to allow for the District to change the election cycle and a Charter amendment may only be placed on the ballot by the City Council or voter petition; and

WHEREAS, the Board of Education intends to authorize District staff to compensate the City for its expenses incurred in amending its Charter for the benefit of the District; and

WHEREAS, the District and the City share many common interests and the continued strength of the District's relationship with the City is of utmost importance to the Board of Education.

NOW, THEREFORE, the Board of Education hereby finds, determines, declares, orders, and resolves as follows:

Section 1. The Board of Education hereby requests that the City Council of the City of Modesto place a City Charter amendment ("Charter Amendment") before voters at the November 2018 election to amend the Charter as follows so as to ensure compliance with the Act (deletions in strikeout/additions in underline):

The control, management and administration of the public schools of the City of Modesto, and the territory that is now or may hereafter be annexed thereto for school purposes, in accordance with the Constitution and general laws of the State of California, are hereby vested in a Board of Education. In all matters not specifically provided for in this article, the Board shall be governed by the provisions of the general law relating to such matters and shall be vested with all the powers and charged with all the duties provided by the laws of the State for city boards of education. The Board of Education shall be the governing body of the Modesto City School District of Stanislaus County and the Modesto High School District of Stanislaus County.

The Board of Education shall consist of seven (7) members who may receive compensation pursuant to the applicable provisions of the Education Code of the State of California. The Board of Education shall select a method of election for its members, by resolution, including but not limited to trustee or at large, in accordance with Chapter 1, Part 4, Division 1, Title 1 of the California Education Code, or any succeeding statute. The members of the Board of Education shall hold office for a period of four (4) years from and after the ~~first Tuesday following the Regular Municipal Election~~ California Statewide Election on the first Tuesday after the first Monday in November of each even numbered year at which they are elected and continuing until their successors are elected and have qualified. Each Board of Education member term commencing in 2015 shall be extended one year to December 2020 and each member term commencing in 2017 shall be extended one year to December 2022.

No person shall be eligible to be nominated for or to hold office as a member of the Board of Education unless the person is and shall have been for at least thirty (30) days preceding the person's nomination or appointment a resident and registered elector of the school district or districts which are under the jurisdiction of the Board of Education.

Section 2. If the Charter Amendment is approved, the terms of office shall be extended one (1) year as described in Appendix A.

Section 3. The Board of Education requests that the City and its staff work with District staff to draft a ballot question for the Charter Amendment, and that the written argument in favor of the measure, and in rebuttal to any opposition thereto, be submitted by persons selected by the President of the Board. The Board of Education's intent is that the proposed Charter Amendment be presented to all voters within the District's boundaries, including those voters outside the City of Modesto.

Section 4. In a subsequent resolution, the Board of Education will authorize District staff to reimburse the City for its reasonable costs associated with placing this Charter Amendment before voters at the November 2018 election.

Section 5. The District's Superintendent and/or her designees are authorized pursuant to this Resolution to take any action and/or execute any documents which are necessary to carry out, give effect to, and comply with the terms and intent of this Resolution.

APPROVED, PASSED, AND ADOPTED by the Board of Education on December 11, 2017, by the following vote:

AYES:	Brown, Grenbeaux, Lopez, Marks, Walker, West, Neumann
NOES:	None
ABSTENTIONS:	None
ABSENT:	None


President of the Governing Board

ATTEST:


Clerk of the Governing Board

Appendix A**Resolution Relating to Request for Charter Amendment to
Reschedule Election of Board of Education Members**

<u>Trustee Area</u>	<u>Current Trustee</u>	<u>Current Election Year Cycle</u>	<u>Proposed Election Year Cycle</u>
1	Cindy Marks	2021	2022
2	Amy Neumann	2019	2020
3	Chad Brown	2021	2022
4	John Walker	2019	2020
5	Charlene G. West	2021	2022
6	Steven Grenbeaux	2019	2020
7	Adolfo Lopez	2021	2022