

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2018-271**

**RESOLUTION AT THE REQUEST OF THE MODESTO BOARD OF  
EDUCATION FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF  
THE MODESTO CITY SCHOOLS BOARD OF EDUCATION A PROPOSAL TO  
AMEND SECTION 1500 OF THE CITY CHARTER TO CHANGE THE  
ELECTION DATES FOR THE BOARD OF EDUCATION TO THE DATE OF  
THE STATEWIDE GENERAL ELECTIONS HELD IN NOVEMBER OF EVEN-  
NUMBERED YEARS AND PROVIDE FOR A ONE-TIME EXTENSION OF  
EXISTING FOUR-YEAR TERMS FOR BOARD MEMBERS**

WHEREAS, in 2015, the California Legislature adopted and the Governor signed Senate Bill 415, the California Voter Participation Rights Act (“CVPRA”), and

WHEREAS, the CVPRA prohibits a school district from holding a regular election other than on a statewide election date, if holding an election on an odd-numbered year has previously resulted in voter turnout being at least twenty-five (25%) less than the average voter turnout for the previous four statewide general elections, and

WHEREAS, on December 11, 2017, the Modesto Board of Education adopted Resolution No. 17/18-10, requesting that the City, on its own motion, submit to voters a proposal to amend the Charter to transition School Board elections to November of even-numbered years to ensure compliance with the CVPRA, and

WHEREAS, Article XV, Section 1500 of the Charter of the City of Modesto (“Charter”) vests the control, management and administration of the Modesto City School District of Stanislaus County and the Modesto High School District of Stanislaus County, jointly referred to as “Modesto City Schools” or “the District,” in the Modesto Board of Education (“the Board of Education”); and

WHEREAS, Section 1500 the Charter references the fact that all seven (7) members of the Board of Education are elected at regular municipal elections, and

although the City of Modesto will submit to voters in November a measure to transition all future regular municipal election dates to even-numbered years, to ensure that the District's elections also happen in November of even-numbered years it is necessary to seek an amendment to Section 1500 of the City Charter related to District Board of Education elections and when they occur, and

WHEREAS, Article XI, Section 3 of the California Constitution and Government Code Section 34458 provide that the governing body of a city, on its own motion, may submit a proposal to amend its charter to voters, and

WHEREAS, Article IX, Section 16 (b) of the California Constitution establishes that city charter amendments changing the manner in which members of boards of education are elected must be submitted to and approved by a majority of all of the qualified electors of the school district, not just the qualified electors of the City, and

WHEREAS, pursuant to Elections Code Section 1415(a)(2), the City, on its own motion, may submit to voters a proposal to amend the Charter to comply with federal or state voting rights laws at the next statewide primary election, and

WHEREAS, while Section 1604 of the Charter requires the City to review the Charter at least every ten (10) years, and while the City has established a charter review committee to assist it with such review, the City is authorized by Article XI, Section 3 of the California Constitution and Government Code Section 34458 to amend the Charter without convening a charter review committee, and

WHEREAS, if approved by the voters, this ballot measure would allow the Board of Education to ensure compliance with state law by moving its elections to November of even-numbered years, and

WHEREAS, the City Council, pursuant to Resolution 2018-55, called for a general municipal election to be held on and consolidated with the November 6, 2018 statewide general election and for the Stanislaus County Elections Department to conduct such election on behalf of the City of Modesto and the Modesto City Schools and therefore the Council now desires to include this measure on the ballot at said election on behalf of the Modesto City Schools Board of Education.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

1. Pursuant to Article XI, Section 3 and Article IX, Section 16 of the California Constitution, California Government Code Section 34458, and California Elections Code Sections 1415(a)(2), the City Council of the City of Modesto proposes to and does hereby, by its own motion, submit to the qualified electors of the Modesto City Schools District, a proposal to amend Section 1500 of the Charter of the City of Modesto, at the municipal election to be held on November 6, 2018 as set forth below, and hereby designates and refers said proposal to be set forth in the form of a ballot measure as hereinafter prescribed for use at said municipal election:

PROPOSED AMENDMENT TO THE CHARTER OF THE CITY OF

MODESTO

Municipal Election

November 6, 2018

The Council of the City of Modesto hereby proposes, on its own motion, to amend Section 1500 of the Charter of the City of Modesto as follows:

MEASURE \_

**SECTION 1500. - BOARD OF EDUCATION.**

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.

Note: Any wording stricken would be deleted by this measure. All of the above wording which is underlined would be added by this measure.

2. On the ballots to be used at said election, in addition to any other matter required by law to be printed thereon, shall be printed the following question:

MEASURE \_\_

To increase voter participation and to conform with State law, shall the City of Modesto Charter be amended to (1) hold future Modesto City Schools Board of Education elections in November of even-numbered years to coincide with State/Federal elections, and; (2) allow for a one-time, one-year extension of the terms of current Board of Education members?	Yes	<input type="radio"/>
	No	<input type="radio"/>

3. The City Council hereby orders the City Clerk to submit the proposed charter amendment to the voters of the Modesto City Schools Board at a the regular Municipal Election on November 6, 2018.

4. Pursuant to Elections Code section 12101 et seq., the City Clerk of the City of Modesto is hereby authorized to prepare all required notices related to the ballot measures and to publish such notices as required by law in *The Modesto Bee*, the official newspaper of said City and a newspaper of general circulation printed and published in said City.

5. The Stanislaus County Elections Department is hereby authorized to canvass the returns of the Municipal Election related to this measure.

6. The City Clerk is hereby directed to file a certified copy of this resolution with the Board of Supervisors and the Elections Department of the County of Stanislaus, and the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

7. Pursuant to Elections Code Section 9280, the City Clerk is hereby directed to transmit a copy of the ballot measure to the City Attorney, who is hereby directed to prepare an impartial analysis of the measure showing the effect of the measure on existing law and the operation of the measure.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26<sup>th</sup> day of June, 2018, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki,  
Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Ah You

ATTEST: *Stephanie Lopez for*  
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: *Adam U. Lindgren*  
ADAM U. LINDGREN, City Attorney