

1978

## City Charters - Boards of Education

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## Official Title and Summary Prepared by the Attorney General

**CITY CHARTERS—BOARDS OF EDUCATION—LEGISLATIVE CONSTITUTIONAL AMENDMENT.** Requires that any amendment to a city charter which would change the manner, time, or terms of appointment or election of the governing board of a school or community college district or change charter provisions relating to the qualifications, compensation, removal or number of such members must be submitted for approval by a majority of all the qualified electors of the school or community college district voting on the question, including persons residing in such district but outside city boundaries. Requires submission of such amendments as separate questions. Financial impact: Minor increases in local election costs could result where voters live outside city's boundary.

**FINAL VOTE CAST BY LEGISLATURE ON SCA 26 (PROPOSITION 4)**

Assembly—Ayes, 76  
Noes, 0

Senate—Ayes, 35  
Noes, 0

**Analysis by Legislative Analyst****Background:**

The State Constitution allows a city operating under a charter form of government to set forth in its charter the conditions of membership for its city board of education. Specifically, the charter may provide for:

1. The manner and times of electing or appointing members,
2. The qualifications that members must meet and how much they shall be paid,
3. The number of members and the terms of office,
4. Removing members from office.

At present, the city boards of education of some chartered cities govern school districts which include areas outside the city limits. Persons living in such school districts but outside city limits are not permitted to vote on city charter amendments which would change the provisions listed above.

**Proposal:**

This constitutional amendment would require that all voters living in the school district governed by the city board of education be permitted to vote on proposed city charter amendments regarding the provisions listed above.

**Fiscal Effect:**

This measure could result in additional local election costs where voters living in a school district governed by a city board of education live outside the city's boundary. The amount would depend upon the number of such voters affected but would probably be minor.

**Polls are open from 7 A.M. to 8 P.M.**

## Text of Proposed Law

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This amendment proposed by Senate Constitutional Amendment No. 26 (Statutes of 1977, Resolution Chapter 47) expressly amends an existing section of the Constitution; therefore, new provisions proposed to be inserted or added are printed in *italic type* to indicate that they are new.

### PROPOSED AMENDMENT TO ARTICLE IX

SEC. 16. (a) It shall be competent, in all charters framed under the authority given by Section 5 of Article XI, to provide, in addition to those provisions allowable by this Constitution, and by the laws of the state 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.

*(b) Notwithstanding Section 3 of Article XI, when the boundaries of a school district or community college district extend beyond the limits of a city whose charter provides for any or all of the foregoing with respect to the members of its board of education, no charter amendment effecting a change in the manner in which, the times at which, or the terms for which the members of the board of education shall be elected or appointed, for their qualifications, compensation, or removal, or for the number which shall constitute such board, shall be adopted unless it is submitted to and approved by a majority of all the qualified electors of the school district or community college district voting on the question. Any such amendment, and any portion of a proposed charter or a revised charter which would establish or change any of the foregoing provisions respecting a board of education, shall be submitted to the electors of the school district or community college district as one or more separate questions. The failure of any such separate question to be approved shall have the result of continuing in effect the applicable existing law with respect to that board of education.*

**Apply for Your Absentee Ballot Early**

### Argument in Favor of Proposition 4

Your YES vote on Proposition 4 will correct an inequitable situation whereby many persons are denied the right to vote on ballot measures affecting a school district in which they live.

Under longstanding state constitutional provisions, a charter city is permitted to include in its charter provisions for the appointment, election, removal, etc. of a local board of education. However, the school districts of some charter cities now have grown so that they have boundaries which are larger than the cities which created them. Because the Constitution allows only residents of a charter city to vote on amendments to its charter, persons who live within the school district but outside the city itself find themselves unable to vote on a charter amendment which vitally affects the school district.

Your approval of Proposition 4 will close this loophole which disenfranchises voters in a number of school districts.

For example, the Los Angeles school district covers 710 square miles, but the City of Los Angeles accounts

for less than 500 of those square miles. There are approximately 150,000 registered voters who live within the Los Angeles school district but in areas that are outside of the City of Los Angeles. These voters cannot vote on school district charter amendments even though they are directly affected by the outcome of the voting.

It is unfair that a school district voter be deprived of the right to vote on a charter amendment which affects his own schools. Proposition 4 will correct that. No one would argue that it would be fair for only some of a city's voters to vote on a city ballot measure. It is just as unfair to allow only some of a school district's voters to vote on a measure affecting school districts.

You can bring fairness to the way we run our schools by voting YES on Proposition 4.

**BILL GREENE**  
*State Senator, 29th District*

**ZEV YAROSLAVSKY**  
*Member, Los Angeles City Council*

### Rebuttal to Argument in Favor of Proposition 4

Amending our State Constitution to permit non-city residents to vote on city charters is wrong.

The State Constitution does not require any amendment to provide for non-city residents to vote on school issues. Our State Constitution already provides for this.

Many school districts are spread over several cities and unincorporated areas of several counties. As a matter of fact, one district covers portions of Santa Clara and Santa Cruz counties plus the whole or part of (7) cities. All of the residents of this district vote on all school trustee and school tax elections.

This issue covers a local problem. The problem is in the Los Angeles City Charter, not the State Constitution. The Los Angeles City Councilmen and the State Senator who wrote the Argument in support of this Constitutional Amendment would best serve their constituency by supporting home rule and

seeking amendments to the Los Angeles City Charter and any other city charter that permits the city to control a school district that is not completely within their city boundaries.

For the Los Angeles City government to exercise control over educational facilities and operations outside their geographic jurisdiction is not only morally wrong, but it is most probably legally wrong. Do not become a part of this by permitting it through a Constitutional Amendment.

VOTE "NO" on Proposition 4.

**HAL M. ROGERS**  
*President, Taxpayers Unanimous*

**NELLIE L. LOWE**  
*Secretary, Taxpayers Unanimous*

**JOSEPH H. DONOHUE**  
*Founder, Voters Including Concerned Taxpayers  
Offering Real Savings (VICTORS)*

## Argument Against Proposition 4

The Legislature's own Counsel's Digest, written specifically for this Constitutional Amendment states, "The Constitution currently authorizes city charters to provide for . . . persons residing outside the boundaries of a city are not entitled to vote on amendments to the charter of such city." What is wrong with this? Do you believe that people who are non-residents of your city should be able to vote on your city charter?

This Constitutional Amendment would permit non-city residents to vote on a city charter. This is wrong. It establishes a precedent whereby non-residents of a city, county, or even a state could vote on city or county charter or even the constitution of a state in which they do not reside.

The real problem is that cities or counties are

permitted to control sub-ordinate jurisdictions that are not wholly within their geographic boundaries.

If the Legislature feels that a Constitutional Amendment is necessary, it should introduce a Constitutional Amendment which prohibits such practices.

Voting NO on this Constitutional Amendment is in the local taxpayers' best interests.

**HAL M. ROGERS**  
*President, Taxpayers Unanimous*

**NELLIE L. LOWE**  
*Secretary, Taxpayers Unanimous*

**JOSEPH H. DONOHUE**  
*Founder, Voters Including Concerned Taxpayers  
Offering Real Savings (VICTORS)*

## Rebuttal to Argument Against Proposition 4

Thanks to a quirk in the state constitution, some citizens are denied the right to vote on matters directly affecting them. Proposition 4 will correct this inequity.

Some school districts cover an area larger than the city by whose charter the district is governed. Residents of such school districts vote for members of their school board, but are prohibited from voting on city charter changes affecting their school district. A "YES" vote on Proposition 4 will change this.

For example, the Los Angeles Unified School District is governed by Los Angeles' City Charter. Yet, the district includes communities such as San Fernando, Carson and Huntington Park which are outside Los Angeles. Proposition 4 will allow residents of such communities to vote on charter changes just affecting the school district.

Opponents of Proposition 4 suggest limiting school

districts to city boundaries. Such a plan could cost taxpayers millions of dollars, since it would reverse the steps districts have taken to economize through consolidation.

Opponents say Proposition 4 allows non-residents to vote on city matters that are none of their business. Not so. Proposition 4 allows residents of school districts, heretofore disenfranchised from the electoral process, to vote *only* on matters which *are* their business: Matters affecting their children's schools.

Vote "YES" on Proposition 4.

**BILL GREENE**  
*State Senator, 29th District*

**ZEV YAROSLAVSKY**  
*Member, Los Angeles City Council*