

To: City Council and Mayor  
From Bob Pinzler  
Re: School Districts in Charter Cities

This is the document regarding school districts that I was quoting from. Should you have any question, please let me know.

Bob

It looks like Redondo Beach is once again an outlier in the question of whether a school district is properly a part of a city's charter.

There are 121 Charter Cities in California. 97 have school districts that have contiguous borders with their cities. Only 29 of those have any mention of the school district

Of those, 18 have charter sections which state that the school district is independent, running under the Education Code. (10 other cities used to have their school districts in their charters but removed them.)

This leaves only 11 remaining with school districts in their charter. They are: Albany, Arcadia, Culver City, Inglewood, Los Angeles, Pasadena, Piedmont, Redondo Beach, San Francisco, San Rafael, and Santa Monica.

The school district sections of each charter vary widely.

**Albany's is somewhat *pro forma* except that it sets term limits.**

*The control of the School Department shall be vested in a Board of Education which shall consist of five (5) members elected at large by the qualified voters of the City at a general municipal election to be held therein every even-numbered year in the same manner and time as for the members of the Council. They shall serve for a term of four (4) years and until their respective successors qualify.*

*No person not an elector of the City shall be eligible to hold office as a member of the Board of Education, and no person shall be eligible for nomination for such office without having been a resident of the City for thirty (30) days immediately preceding nomination.*

*Three members of the Board of Education shall be elected at the regular Municipal Election as herein provided in 1954 and two (2) members thereof at such election in 1956 and thereafter in similar rotation each even-numbered year.*

*Not more than thirty (30) days after this section becomes effective, the Board of Education shall appoint a successor to replace the member of the City Council serving on the Board of Education. The term of this appointee shall expire at the next regular Municipal Election.*

(b)

*Regular meetings of the Board shall be held at such times as the Board may prescribe, provided that at least one regular meeting shall be held in each calendar month. All meetings of the Board shall be open to the public.*

(c)

*The Board shall have the entire management of the public schools of the City and, in addition to the powers and duties prescribed by the provisions of this Charter, shall have all the powers that are now, or may hereafter be, conferred and discharge the duties imposed by law upon City Boards of Education.*

(d)

*Inspection of accounts by City. Deleted.*

(e)

*The Board shall make such rules and regulations governing its meetings and procedure as may seem proper. A majority of the Board shall constitute a quorum, but the affirmative vote of three members shall be necessary to authorize the payment of public money or the election of a superintendent, principals, teachers and all officers and employees who the Board is authorized to elect or appoint.*

(f)

*Any vacancy of the Board shall be filled by the vote of a majority of the Board until the next general city election for Municipal Officers, when a member shall be elected to fill the unexpired term.*

*In the event that three (3) or more such vacancies exist at one time, sufficient vacancies shall be filled by the appointment by the County Superintendent of Schools to make a majority of such Board to act and fill the remaining vacancies. Each such appointed member shall hold office until the next general City Election for Municipal Officers, when a member shall be elected to fill the unexpired term.*

*If any member of the Board of Education shall remove from the City or absent themselves therefrom for more than sixty (60) days consecutively without permission of the Board of Education, or shall fail to qualify, their office shall thereupon become vacant.*

**Section 6.02 *LIMITATION OF TERMS.***

*Any person who shall have been elected to two (2) successive terms as a member of the Board of Education shall be ineligible to serve again in that office until an intervening period of two (2) years has elapsed. Election to an unexpired term pursuant to Section 6.01 (f) of this Charter shall constitute election to a term as a member of the Board. This section shall not operate to create a vacancy or vacancies on the Board as constituted on the effective date of this section.*

**Arcadia's is a bit more detailed.**

**ARTICLE XIV**  
**BOARD OF EDUCATION**

***Section 1400. ESTABLISHMENT OF A BOARD OF EDUCATION.***

*The control, management, and administration of the public schools of the City of Arcadia 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, is hereby vested in a Board of Education consisting of five members who shall be voters in the school district; said Board is hereby vested with all the powers and charged with all the duties provided by the laws of the State for city boards of education.*

***Section 1401. TERM OF OFFICE.***

*The members of such Board of Education shall be elected from the school district at large and shall hold office for the term of four years, and until their successors are elected and duly qualified.*

***Section 1402. ELECTION.***

*School board elections shall be held on the third Tuesday on April of each odd-numbered year. The members of such Board of Education holding office at the time this Charter becomes effective shall continue in office for their respective terms of office and until their respective successors are elected and duly qualified as herein provided. The officers of the election for members of the Board of Education shall be compensated for their services as provided by the general laws of the State governing school elections; such compensation and any other expense incurred in the conduct of said election shall be a charge upon the School District and not upon the City. In the preparation of ballots for the election of members for the Board of Education, there shall be printed, stamped, or written the name of each candidate for such office who has filed the required documents pursuant to the requirements of the general law of the State relating to the election of Boards of Education. In all other matters the election for members of the Board of Education shall be governed by the general law of the State relating to the election of city boards of education.*

***Section 1403. MEETINGS.***

*The members of the Board of Education shall enter upon the discharge of their duties on or before the second Tuesday in July after their election, and the Board shall meet upon said day and annually thereafter and organize by electing one of their number President, one of their number Vice President, and one of their number Clerk, whose terms of office shall be one year. They shall hold regular meetings at least once each month, at such time and place as may be determined by their rules. Special meetings may be called by the President or by written request of any three members. A majority of the members shall constitute a quorum. The Board may determine the rules of its proceedings, and the ayes and noes shall be taken, recorded and entered on the records of the Board. Any vacancy occurring on the Board shall be filled by the remaining members of the Board, and if there be no members, then by the Council.*

***Section 1404. BOARD SECRETARY.***

*The Board of Education shall, at the first meeting in each school year, or at such other time as shall be fixed by resolution of the Board, appoint the Superintendent of Schools as Secretary to the Board and shall prescribe the duties of such secretary.*

***Section 1405. GENERAL LAW APPLICABLE.***

*In all matters not specifically provided for in this Article, the Board of Education shall be governed by the provisions of the general law relating to such matters.*

Culver City's section is somewhat the same.

***ARTICLE X. BOARD OF EDUCATION***

***SECTION 1000. NUMBER AND TERM.***

*The Board of Education shall consist of five members, elected at-large from the School District, for a term of four years.*

***SECTION 1001. ELIGIBILITY.***

*Only residents of the School District who are lawfully registered voters of the School District shall be eligible to hold office as a member of the Board of Education. Candidates for election to such office must have been lawfully registered voters of the School District for the 30 days immediately preceding the filing of their nomination papers.*

***SECTION 1002. VACANCIES.***

*The Board of Education shall fill any vacancy by appointment. Such appointee shall hold office until a successor is elected and certified. If the vacancy occurs before the first day to file nomination papers for the next regular Board of Education election, a Board Member shall be elected at that election as successor to any appointee, or to fill the vacancy if it has not been previously filled before appointment, and such newly elected Board Member shall serve for the remainder of any unexpired term and until a successor is elected and certified.*

*If a vacancy is not filled by appointment within 60 days after its occurrence, the Board of Education shall immediately call a special election. The special election shall be held not later than 120 days after the vacancy occurs, except that no special election shall be called to fill the vacancy if it cannot be held at least 180 days before the next regular Board of Education election. A person elected at a special election shall hold office for the remainder of the unexpired term and until a successor is elected and certified.*

*If there is an election to fill one or more full terms and one or more unexpired terms, then the candidates who receive the highest number of votes shall serve the full terms, and of the candidates remaining, those who receive the next highest number of votes shall serve the unexpired terms.*

***SECTION 1003. FORFEITURE OF OFFICE.***

*The grounds for forfeiture of the office of a member of the Board of Education are the following:*

(a) The Board Member is absent, without the consent of the Board of Education, from all regular Board meetings for a period of 60 consecutive days from and after the last regular Board meeting attended by such Board Member;

(b) The Board Member is convicted of a felony or a crime involving moral turpitude; or

(c) The Board Member ceases to be a resident and lawfully registered voter of the School District.

After the occurrence of any of the foregoing events, the office of the Board Member shall be declared vacant by the Board of Education, by a vote of at least three of its members. At the request of the affected Board Member, the Board of Education shall hold a public hearing before declaring the office vacant.

#### ***SECTION 1004. ORGANIZATION OF THE BOARD OF EDUCATION.***

At the annual organizational meeting of the Board of Education, the members shall elect a president, vice-president and clerk. No Board Member shall serve more than two consecutive years in such office.

Inglewood's is basically the same except it allows the school district to choose the electoral structure of the district as well as setting three consecutive term limits.

#### ***ARTICLE XXVI***

#### ***Department of Education***

***Section 1:*** Board of Education. The control of the public schools of the said City of Inglewood, including the whole of the Inglewood Unified School District, as the same now exists, or may hereafter be changed and exist, as provided by law, shall be vested in a Board of Education, which shall consist of five members. The members of said Board shall serve without compensation.

***Section 2:*** Under said Board of Education the public school system of said city shall continue as the present under the constitution and laws of the State of California relating thereto, as said constitution and laws now exist, or may hereafter be amended, and said public school system shall be supported, maintained, improved, extended, conducted, operated and carried on under said constitution and laws, as they now exist or may hereafter be amended, in all particulars in all respects, and in the same manner as heretofore.

***Section 3:*** The powers and duties of the Board of Education shall be such as are now or may hereafter be prescribed by the constitution and laws of the State of California for boards of education and/or boards of school trustees.

***Section 4:*** The Board of Education shall consist of five members. By resolution, the Board of Education shall select a method of election from the following options: (a) That each member of the governing board be elected by the registered voters of the entire district; (b) That one or more members residing in each trustee area be elected by the registered voters of that particular trustee area; or (c) That each governing board member be elected by the

*registered voters of the entire school district or community college district, but reside in the trustee area which he or she represents. If the Board of Education establishes trustee areas in selecting the method of election, the arrangement of the boundaries of such trustee areas shall be approved and amended as provided in state law including Education Code section 5019 or any succeeding statutes. Any change in method of election or trustee area boundaries shall not affect the ability of any incumbent board member to serve out his or her term of office. All qualified electors of the Inglewood Unified School District shall have the right to vote for members of the Board of Education. Elections shall be held at the times and in the manner in this charter provided for the holding of general municipal elections and said Members shall hold office for a term of four years and shall continue in office until their successors shall be elected and qualified. School Board members shall not serve for more than three consecutive terms.*

***Section 5: In the event any vacancy or vacancies shall exist in the membership of said Board of Education, the same shall be filled in accordance with the general law of the State of California as it now provides or hereafter shall be amended.***

As one might expect, the Los Angeles charter entry is the most complex and fulsome. It is not one we should use for reference.

***ARTICLE VIII  
BOARD OF EDUCATION***

***Sec. 800. Authority.***

*The provisions of this Article are adopted pursuant to the City's authority under California Constitution Article XI, Section 5, and Article IX, Section 16.*

***Sec. 801. Board of Education.***

*The Board of Education of the Los Angeles Unified School District shall consist of seven members, elected by districts.*

***Sec. 802. Board of Education Redistricting.***

(a) ***Redistricting by Ordinance.*** Every ten years, the Council shall by ordinance redistrict the Los Angeles Unified School District into seven districts designated in the ordinance by numbers from one to seven, inclusive. Those districts shall be used for all elections of members of the Board of Education, including their recall, and for filling any vacancy in the office of member of the Board of Education, after the effective date of the ordinance and until new districts are established.

(b) ***Redistricting Commission.*** There shall be a Redistricting Commission to advise the Council on drawing of Board district lines. The Commission members shall be appointed in the following manner: one by each member of the Board of Education, four by the Council President, and four by the Mayor. Notwithstanding the provision of Section 501(d), one of the Council President's appointees, and one of the Mayor's appointees, must reside within

the Los Angeles Unified School District but outside the limits of the City. No officer or employee of the School District shall be eligible to serve on the Commission. The Redistricting Commission shall appoint a director and other personnel, consistent with budgetary approval, which positions shall be exempt from the civil service provisions of the Charter.

(c) ***Redistricting Process.*** The Redistricting Commission shall be appointed before the date by which the Census Bureau is to release the decennial census data. A new Commission shall be appointed to advise the Council prior to each subsequent redistricting. The Commission shall begin the redistricting process at any time after appointment, but no later than June 1, 2021, and each subsequent tenth anniversary of that date. The Commission shall seek public input throughout the redistricting process. The Commission shall present its proposal for redistricting to the Council no later than a date prescribed by ordinance.

The Council shall adopt a redistricting ordinance no later than December 31, 2021, and each subsequent tenth anniversary of that date. Nothing in this section shall prohibit the Council from redistricting with greater frequency provided that districts so formed each contain, as nearly as practicable, equal portions of the total population of the Los Angeles Unified School District as shown by the Federal Census immediately preceding the formation of districts or based upon other population reports or estimates as may be determined by the Council to be substantially reliable.

(d) ***Criteria for Redistricting.*** All districts shall be drawn in conformance with the requirements of state and federal law and to the extent feasible shall keep neighborhoods and communities intact, utilize natural boundaries or street lines, be geographically compact, and conform to high school attendance zones.

(e) ***Effect of Redistricting on Incumbents.*** No change in the boundary or location of any district by redistricting shall operate to abolish or terminate the term of office of any member of the Board of Education prior to expiration of the term of office for which that member was elected.

(f) ***Annexation or Consolidation.*** Territory added to the Los Angeles Unified School District after the adoption of a districting ordinance shall be added to an adjacent and contiguous district or districts by the Council by ordinance.

(g) ***Terms.*** Members of the Board of Education shall hold their office for a term of four years except as provided in Section 806. The terms of office of those Board members elected from odd-numbered districts shall commence during each fourth anniversary of 1979, and for the members elected from even numbered districts shall commence during each fourth anniversary of 1981, except as provided in Section 806 and until the year 2020. Beginning in the year 2020, the terms of office of those Board members elected from odd-numbered districts shall commence during each fourth anniversary of the year 2020 and for the members elected from even-numbered districts shall commence during each fourth anniversary of the year 2022. No person may serve more than three terms of office as a member of the Board of Education. This limitation on the number of terms of office

shall not apply to any unexpired term to which a person is elected or appointed if the remainder of the term is less than one-half of the full term of office. The limitation on the number of terms of office shall apply only to terms of office that begin on or after March 1, 2007.

***Sec. 803. Election of Board Members.***

The election of Members of the Board of Education of the Los Angeles Unified School District shall be conducted in accordance with Sections 400 through 440 of the Charter and applicable ordinances consistent with the Charter. In order to encourage a broader participation in the political process by placing limits on the amount any person may contribute or otherwise cause to be available to candidates for election to the Board of Education, the following campaign finance provisions apply to elections of the members of the Board of Education. This section is intended to supplement the Political Reform Act of 1974.

(a) ***Definitions.***

(1) "Behested" means and will be treated in the following manner for purposes of this section:

(A) An expenditure behested by a candidate or candidate's controlled committee is not an independent expenditure and shall be treated as a contribution to the candidate or committee that behests the expenditure. A payment is behested if it is made:

(i) at the request or suggestion of the candidate, committee, or the candidate or committee's agent;

(ii) in concert with, with the cooperation of, or in consultation with, the candidate, committee, or the candidate or committee's agent; or

(iii) under any arrangement, coordination, or direction between the candidate, committee, or the candidate or committee's agent.

(B) An expenditure is behested without limitation under the following circumstances:

(i) active involvement or participation by a candidate in the creation or design of a communication financed by the spender, including consultation between the spender and the candidate about content;

(ii) solicitation by the spender and/or provision by the candidate of materials specifically for use in the communication or procuring the candidate's consent to include specific materials in the communication; or

(iii) arranging with the candidate for preparation of any materials used in the communication.

(C) *There is a rebuttable presumption that an expenditure is behested, and therefore not independent, if:*

*(i) it is made by or through any agent of the affected candidate or member of the candidate's controlled committee in the course of his/her involvement in the current campaign;*

*(ii) in the election cycle during which the expenditure is made, both the spender or the spender's agent and the candidate on whose behalf the expenditure is made retain the same individual or entity to provide non-ministerial, campaign related professional services (non-ministerial, campaign related professional services include, but are not limited to: polling or other campaign research, media consulting or production, direct mail consultation, and fundraising);*

*(iii) the expenditure finances a communication that replicates, reproduces, republishes, distributes, or disseminates, in whole or substantial part, a broadcast, written, graphic, or other form of campaign material designed, produced, paid for, or distributed by the affected candidate, his or her committee, or agent;*

*(iv) the expenditure is based on information about a candidate's campaign plans, projects, or needs not generally available to the public; or information provided directly or indirectly by that candidate, committee, or their agents to the spender or spender's agent, with an express or tacit understanding that the expenditure was being considered;*

*(v) the spender or spender's agent discusses or negotiates the content, timing, location, mode, intended audience, volume of distribution, or frequency of placement of a communication financed by the spender with the candidate whose election or nomination is advocated by the spender or whose opponent's defeat is advocated by the spender;*

*(vi) in the election cycle during which the expenditure is made, the spender or spender's agent is serving or has served in a formal executive, policy-making, or advisory position with the candidate's campaign or has participated in strategic or policy-making discussions with the candidate's campaign relating to that candidate's pursuit of nomination or election to office, and the candidate is pursuing the same office as a candidate whose nomination or election the expenditure is intended to influence;*

*(vii) the expenditure is made after a request to the spender or spender's agent by the candidate, the candidate's controlled committee, or their agents for an expenditure on the candidate's behalf; or*

*(viii) the expenditure is made in connection with or as a consequence of fundraising events or campaign activities co-sponsored by the candidate and the spender or the spender's agent.*

(D) *An expenditure will not be deemed behested merely when:*

(i) a spender or spender's agent interviews a candidate on legislative or policy positions or issues affecting the spender or discusses campaign-related issues with the candidate, such as platforms, polling information, which organizations support the candidate and which support his/her opponent, or the identity of the consultants the candidate plans to hire, provided that prior to making a subsequent expenditure based on that information, the spender or his agent has not communicated with the candidate, candidate's controlled committee, or their agents concerning the expenditure;

(ii) the spender solicits and/or obtains a photograph, biography, position paper, press release, or similar material from the candidate, candidate's controlled committee, or their agents and, without the prior knowledge, control, or involvement of the candidate, candidate's controlled committee, or their agents, subsequently utilizes or incorporates that information to create a communication in support of the candidate or in opposition to his or her opponent;

(iii) the spender made prior contributions to the candidate;

(iv) the spender communicates to the candidate, the candidate's controlled committee, or the agent of either, the intent to make an independent expenditure without discussing any of the items mentioned in Subparagraph (C)(v) of this section;

(v) a member of an organization that makes an expenditure renders volunteer personal services to or works for the affected candidate's campaign, unless the volunteer or campaign worker was also involved in the activities of the spender-organization's political action committee or makes payments on behalf of the spender-organization, or is serving or has served the affected candidate's campaign in one of the capacities described in Subparagraph (C)(vi) of this section;

(vi) the expenditure was made in response to an unsolicited request from political party leaders or their agents that the committee "support" the candidate or make an expenditure relating to the candidate;

(vii) the expenditure finances the cost of preparing or disseminating candidate evaluations to voters or conducting a political survey; or

(viii) the spender employs or is under contract with a political consultant or pollster who rendered services to a candidate in prior years.

(2) "Board of Education office" means the office of a member of the Board of Education of the Los Angeles Unified School District.

(3) "Candidate or Committee Agent" means any person who has express or implied authority to make or to authorize the making of expenditures on behalf of the candidate. There shall be a rebuttable presumption that the following have that authority: current or former officers of the candidate-controlled committee, employees of the campaign, persons who have received compensation or reimbursement from the campaign, or any person who has been placed in a position within the campaign organization where it would reasonably

appear that in the ordinary course of campaign-related activities he or she may authorize expenditures. A candidate's agent is also any person who is serving or has served in an advisory, decision-making, or strategic role with a candidate's campaign, with or without compensation, where that person's duties and/or actions reflect or require direct knowledge of the candidate's campaign strategy, plans, or needs.

(4) "Election" means any primary nominating election, a general election, a special election and a recall election.

(5) "Independent expenditure" means an expenditure made by any person in connection with a communication that expressly advocates the election or defeat of a clearly identified candidate; or, taken as a whole and in context, unambiguously urges a particular result in an election, but which is not made to or at the behest of the affected candidate or committee.

(6) "Loan" means and will be treated in the following manner for purposes of this section:

(A) A loan shall be considered a contribution from the maker and the guarantor of the loan and shall be subject to the contribution limitations of this section.

(B) The proceeds of a loan made to a candidate by a commercial lending institution in the regular course of business on the same terms available to members of the public and which is secured or guaranteed shall not be considered to be a contribution within the meaning of the contribution limitations of this section.

(C) Extensions of credit (other than loans referred to in Subdivision (6)(B)) for a period of more than 30 days are subject to the contribution limitations of this article.

(7) "Member communications" means payments made pursuant to Government Code Section 85312.

(A) For purposes of this article, payments for member communications that are behested by candidates, with the exception of payments for a regularly published newsletter or periodical limited solely to individual members not exceeding the amount of payments regularly made to publish a regular newsletter or periodical, shall be considered contributions to that candidate or candidate controlled committee for purposes of the contribution limits reporting requirements contained in this article.

(B) For purposes of this article, member communications that are not behested by a candidate, a candidate's controlled committee, or an agent of a candidate or a candidate's controlled committee are not considered contributions to a candidate.

(C) Member communications that are not behested by a candidate, a candidate's controlled committee, or an agent of a candidate or a candidate's controlled committee and are not payments for a regularly published newsletter or periodical limited solely to individual members and do not exceed the amount of payments regularly made to publish a

regular newsletter or periodical, are considered expenditures and are required to be reported pursuant to Subsection (s).

(8) "Non-Candidate Spending" means any combination of independent expenditures and/or member communications that are not behested by a candidate.

(b) ***Campaign Contribution Limitations.***

(1) No intended candidate for the Board of Education, and no committee acting on behalf of such candidate, shall solicit or accept, or cause to be solicited or accepted, any contribution for use in any election for such office unless and until such candidate shall have filed a Declaration of Intent to Solicit and Receive Contributions in connection with candidacy for a specific Board of Education office. That declaration shall be filed with the City Ethics Commission on a form prescribed by the City Ethics Commission. Once the election takes place, the declaration is thereafter void. No person may have on file at the same time more than one declaration for any single election. A candidate may, however, file a form canceling one declaration and may thereafter file a new declaration.

(2) The candidate and the treasurers of the candidate's controlled committees shall file with the City Ethics Commission on a form prescribed by the City Ethics Commission a statement under oath that the candidate and the treasurers have read and understood Section 803. This statement shall be filed concurrent with the filing of the Declaration of Intent to Solicit and Receive Contributions.

(3) No person shall contribute a total of more than \$1,000 to any candidate for the Board of Education and to his or her controlled committee for a single election. A candidate for the Board of Education shall not accept any contribution or contributions totaling more than \$1,000 from any person for a single election. Nothing in this section is intended to limit the amount a candidate can contribute to his or her candidacy for the Board of Education from his or her personal funds.

(4) [Repealed.]

(5) No person shall make a contribution in connection with a single election for a Board of Education office, which would cause the aggregate amount of such contributions by that person to exceed a sum equal to \$1,000 multiplied by the number of Board of Education offices appearing on the ballot at that election, but in no case less than \$2,000, in connection with all candidates in that election seeking election to all Board of Education offices; provided, however, that a candidate shall not be limited by this Subdivision (5) in the amount he or she may contribute or expend in connection with his or her own campaign.

(6) No person shall make, and no person or candidate shall solicit or accept any loan of more than \$1,000 for use in connection with an election for the Board of Education. Further, no person shall make, and no person or candidate shall solicit or accept any loan for use in connection with an election for a Board of Education office for a period of more than 30 days. Loans to a candidate or to a candidate's controlled committees shall be counted against the contribution limitations applicable to the candidate. A candidate is not prohibited from obtaining a personal loan of any amount from a licensed financial lending

*institution in the regular course of business, unless the loan is made for political purposes. Every loan to a candidate or the candidate's controlled committee shall be by written agreement, which shall be filed with the candidate's or committee's campaign statement on which the loan is first reported. This Subdivision (6) shall not limit the amount or duration of loans from the candidate to his or her own campaign.*

(7) Any contributions solicited or accepted pursuant to this section shall be expended only in connection with the candidacy for the office specified in the candidate's Declaration of Intent to Solicit and Receive Contributions. Contributions solicited or accepted pursuant to this section for one individual shall not be expended for the candidacy of any other individual seeking another Board of Education office or in support of or in opposition to any Los Angeles Unified School District ballot measure. No candidate, committee controlled by a candidate, or elected member of the Board of Education shall use contributed funds to make any contribution to any other candidate running for office or to any committee supporting or opposing a candidate for office. Provided, however, a candidate shall not be prohibited from making a contribution from his or her own personal funds to his or her own candidacy, to the candidacy of any other candidate or in support of or in opposition to any Los Angeles Unified School District ballot measure.

(c) ***Adjustment of Limits.*** Every four years, the City Ethics Commission shall review whether the contribution limitations contained in this section should be adjusted to reflect changes in the Consumer Price Index (CPI) for the Los Angeles-Long Beach Metropolitan Statistical Area. The first review shall begin at the end of the calendar year 2011. If the contribution limitations are not adjusted during any review period, the limitations may be adjusted in a subsequent four-year review period, up to the overall increase in the CPI since the last adjustment. Any change to the contribution limitations shall be effective for any subsequent election for which the fundraising period has not yet opened as provided in Subsection (q). The City Ethics Commission shall forward a report with its findings to the Council by March 1, following each review. Within 60 days after the City Ethics Commission forwards its report to the Council, the Council shall hold a public hearing concerning the matter and act to approve or disapprove the report. If the Council fails to disapprove within the 60 day period, the report shall be presented to the Mayor for approval or veto, and to the Council for override of the Mayor's veto. If approved by the Mayor, or if the Mayor fails to act, or if approved by the Council on override of the Mayor's veto, the amount specified in the report shall have the force of law as the contribution limitations applicable to this section, subject to all penalties and remedies in this section.

(d) ***Cash Contributions and Anonymous Contributions.*** No person shall make, and no candidate or committee shall solicit or accept, any cash contribution in excess of \$25. Total anonymous contributions to a candidate or committee which exceed in the aggregate \$200 with respect to a single election shall not be used by the candidate or committee for whom such contributions were intended, but instead, such excess shall be paid promptly to the City Treasurer for deposit in the General Fund of the City.

(e) ***Campaign Contribution Checking Account.*** No more than one campaign contribution checking account shall be established by each candidate for a Board of Education office, and by each committee supporting or opposing such candidate. The account shall be

established at an office of a bank or savings and loan institution located in the City of Los Angeles. Upon opening such account, the candidate shall file with the City Ethics Commission within ten days of opening the campaign bank account, the name of the bank or savings and loan institution and the account number. Funds shall only be disbursed from such account by checks signed by the candidate, treasurer or designated agent of the treasurer. A candidate, treasurer or designated agent of the treasurer shall deposit into the campaign checking account all contributions received in connection with a Board of Education election. A candidate, treasurer or designated agent of the treasurer shall pay all campaign expenditures for a Board of Education election with monies from this campaign checking account.

If a candidate has other controlled committees and such committees have checking accounts, the candidate shall notify the City Ethics Commission in writing of these committees and the names and addresses of the banks or savings and loan institutions and the account numbers of any such accounts. A candidate shall notify the City Ethics Commission of these committees, the banks or savings and loan institutions, and the account numbers concurrent with the filing of the Declaration of Intent to Solicit and Receive Contributions. If committees are thereafter formed or accounts thereafter opened, then the candidate shall notify the City Ethics Commission on the next regular business day on which the City Ethics Commission office is open. No contribution shall be commingled with the personal funds of the candidate or any other person.

This subsection shall not prohibit the establishment of savings accounts or certificates of deposit, provided that no campaign expenditures may be made therefrom.

(f) **Treasurer.** A candidate having campaign committees for election to the Board of Education shall appoint a treasurer of each committee. No expenditure shall be made by or on behalf of a committee without the authorization of the treasurer or that of his or her designated agents. No contribution or expenditure shall be accepted or made by or on behalf of a committee at a time when there is a vacancy in the office of treasurer. It shall be the duty of the candidate and the treasurer to approve and authorize such payments and to retain such authorizations, detailed accounts, records, bills and receipts.

(g) **Training for Candidates and Treasurers.** Every candidate for the Board of Education, and every treasurer of such candidate's controlled committee, shall attend a training program conducted or sponsored by the City Ethics Commission prior to the election at which the candidate's name will appear on the ballot.

(h) **Accountability.** The candidate and the treasurer shall maintain such detailed accounts, records, bills and receipts as are necessary to prepare campaign statements. The candidate and the treasurer shall retain the detailed accounts, records, bills and receipts for the periods specified in the Political Reform Act of 1974 as amended. Every candidate and committee shall make available on demand to any public officer having legal authority to enforce this section, details of checking and financial accounts of each committee controlled by the candidate and all records supporting such details.

(i) **Petty Cash Fund.** Subsection (e) notwithstanding, a candidate, campaign treasurer and other designated agents authorized to issue checks on a campaign contribution checking account may disburse to the candidate or committee establishing the checking account an amount not greater than \$50 per week to be used for petty cash purposes by the candidate or committee.

(j) **Assumed Name Contributions.** No contribution shall be made, directly or indirectly, by any person or combination of persons, acting jointly in a name other than the name by which they are identified for legal purposes, nor in the name of another person or combination of persons. No person shall make a contribution in his, her or its name of anything belonging to another person or received from another person on the condition that it be used as a contribution. In the event it is discovered by a candidate or committee treasurer that a contribution has been received in violation of this subsection, the candidate or treasurer shall promptly pay the amount received in violation of this subsection to the City Treasurer for deposit in the General Fund of the City.

(k) **Campaign Expenditures - Uncontrolled by Candidate or Committee.** Persons or organizations not subject to the control of a candidate or committee but who make independent expenditures for or against a candidate or committee shall indicate clearly on any material published, displayed or broadcast that it was not authorized by a candidate or a committee controlled by a candidate.

(l) **Recall Petition.** In the event a recall petition is filed, the committee or individual filing the petition shall be subject to the same campaign disclosure provisions as are applicable to candidates for the Board of Education.

(m) **Suppliers of Goods and Services - Disclosure of Records Required.** No person who supplies goods or services or both goods and services to a candidate or committee for use in connection with the campaign for a Board of Education office shall knowingly refuse to divulge or disclose to the City Ethics Commission or to any public officer having legal authority to enforce this section, the details and the records supporting such details of any expenditures made by the candidate or committee in payment for such goods or services or both.

(n) **Aggregation of Payments.** For the purposes of the contribution limitations contained in this section, contributions and/or expenditures from two or more persons will be aggregated and considered to be made by a single person for the purposes of the contribution limitations and reporting provisions contained in this section, if any of the circumstances listed below is applicable:

(1) Contributions and/or expenditures from a person will be aggregated with contributions and/or expenditures from any other person that controls his, her, or its contribution or expenditure activity;

(2) Contributions and/or expenditures from a sponsored committee, as defined in Government Code Section 82048.7, shall be aggregated with contributions and/or expenditures from its sponsoring organization;

(3) Contributions and/or expenditures from an entity shall be aggregated with contributions and/or expenditures from any other entity that has the same individuals constituting a majority of the members of each entity's board of directors;

(4) Contributions and/or expenditures from an entity shall be aggregated with contributions and/or expenditures from any other entity that has the same officers or with whom it shares a majority of officers. For the purposes of this subdivision, an officer does not include an individual who serves only as a member of the entity's board of directors;

(5) Contributions and/or expenditures from a corporation or limited liability company shall be aggregated with contributions and/or expenditures from any other corporation or limited liability company that has the same majority shareholder and/or member or that holds a majority of voting rights in that corporation or limited liability company;

(6) Contributions and/or expenditures from a corporation shall be aggregated with contributions and/or expenditures from any parent or subsidiary corporation, provided that at least one of the corporations is not publicly traded;

(7) Contributions and/or expenditures from an individual shall be aggregated with contributions and/or expenditures from any corporation, limited liability company, firm, joint venture, syndicate, business trust, company or other business entity not described in Subdivisions (8) or (9) below, in which the individual owns an investment of 50% or more or holds a majority of voting rights;

(8) Contributions and/or expenditures from an individual shall be aggregated with contributions and/or expenditures from any sole proprietorship the individual owns; or

(9) Contributions and/or expenditures from a general partner shall be aggregated with contributions and/or expenditures from any general or limited partnership in which the general partner owns an investment of 50% or more or in which the general partner holds a majority of voting rights.

(o) **Family Contributions.** Contributions by a husband and wife shall be treated as separate contributions. Contributions by children under eighteen years of age shall be treated as contributions by their parents and attributed proportionately to each parent (one-half to each parent or the total amount to a single custodial parent).

(p) **Return of Contributions.** A contribution shall not be considered to be received if it is not negotiated, deposited, or utilized, and is returned to the donor within 14 days of receipt.

(q) **Restrictions on When Contributions May Be Received.** No candidate for the Board of Education, or the controlled committee of that candidate, shall solicit or accept or cause to be solicited or accepted any contribution more than 18 months before the date of the election at which the candidate seeks office. No candidate for the Board of Education, or his or her controlled committee, shall solicit or receive or cause to be solicited or received a contribution to his or her own campaign committee from any person later than nine months

*after the date of the election. Contributions solicited or received or caused to be solicited or received by a candidate for the Board of Education, or his or her controlled committee, following his or her election shall be used to retire campaign debt.*

*(r) Campaign Disclosure, Reporting and Recordkeeping.*

*(1) In addition to the campaign statements required to be filed pursuant to the Political Reform Act, commencing with Government Code Section 81000, as amended, candidates for the Board of Education, their controlled committees and committees primarily formed to support or oppose these candidates shall file a pre-election statement on the Friday before the election. This statement shall have a closing date of the Wednesday before the election and shall cover activity and payments occurring through that day. Candidates for the Board of Education, their controlled committees and committees primarily formed to support or oppose these candidates shall also file campaign statements as follows in connection with a primary nominating election held in March:*

*(A) For the period ending September 30 of the year prior to the election, a statement shall be filed no later than October 10, for the period from July 1 through September 30.*

*(B) For the period ending December 31 of the year prior to the election, a statement shall be filed no later than January 10, of the year of the election for the period from October 1 through December 31.*

*(2) No contribution shall be deposited into a campaign checking account of a candidate for the Board of Education unless the name, address, occupation and employer of the contributor is on file in the records of the recipient of the contribution.*

*(3) Each candidate, and each committee making independent expenditures or member communications in support of or opposition to a candidate, who sends a mailing or distributes more than 200 substantially similar pieces of campaign literature, shall send a copy of the mailing or other literature to the City Ethics Commission at the same time the mailing or other literature is given to the post office or otherwise distributed. During the election campaign, the Commission shall merely serve as a repository for this literature and shall not judge or comment on the contents of the literature.*

*(4) Any candidate for the Board of Education and the candidate's controlled committee required to file campaign statements with the City Ethics Commission shall file those campaign statements online, using the Commission's Electronic Filing System (EFS), after the candidate and/or committee has received contributions or made expenditures of \$25,000 or more in connection with election to a Board of Education office.*

*(A) Once a candidate or committee is required to file campaign statements online, that candidate or committee shall continue to file statements online until the committee has officially terminated. Committees and other persons not required to file online by this subsection may do so voluntarily.*

(B) A person required to file online shall continue to file a paper copy of each campaign statement, as required by the California Political Reform Act and this article, until the person is no longer required to file campaign statements with the City Ethics Commission. The paper copy shall continue to be the original campaign statement for audit and other legal purposes.

(C) In addition to any late filing penalties that may be imposed for a late filing of a paper copy pursuant to the California Political Reform Act or this article, any person who fails to comply with the online filing requirement of this subsection will, in addition, be subject to an additional late filing penalty of \$25 per day after the deadline for the late filing of the online copy.

(D) The information contained on a campaign statement filed online shall be the same as that contained on the paper copy of the same statement that is filed with the City Ethics Commission.

(s) ***Disclosure of Payments for Independent Expenditures and Non-Behested Member Communications.***

(1) Any person, including any committee, who makes or incurs independent expenditures of \$1,000 or more in support of or in opposition to any candidate for the Board of Education, or one or more payments for member communications as defined by this section, totaling \$1,000 or more in support of or in opposition to a candidate for the Board of Education, shall notify the City Ethics Commission within 24 hours by certified mail or fax or e-mail each time one or more payments, which meet this threshold, are made.

(2) The notification shall consist of a declaration specifying each candidate supported or opposed by the expenditure, the amount spent to support or oppose each candidate, whether the candidate was supported or opposed, and that the expenditure was not behested by the candidate or candidates who benefited from the expenditure. This declaration shall be made under penalty of perjury and signed by the person or officer and the treasurer of the group making the expenditure. In addition, the date and amount of the payment, a description of the type of communication for which the payment was made or incurred, the name and address of the person making the payment, the name and address of the payee, and a copy of the mailing or advertisement, or a copy of the script or recording of the call, transmission, or advertisement, shall also be provided to the City Ethics Commission. The notification also shall include disclosure of contributions of \$100 or more received by the committee since the day after the closing date of the committee's last campaign disclosure report filed within the Commission or since the first day of the current calendar year, whichever date occurs later; however, contributions that are received, but earmarked for any other candidate outside the Los Angeles Unified School District need not be disclosed. The notification also shall include disclosure of contributions of \$100 or more made in the current calendar year by the person to Board of Education candidates or their controlled committees.

(3) City Ethics Commission staff will notify all candidates by phone, fax or e-mail in the affected race within one business day after receiving the notice of payments for

independent expenditures and uncoordinated member communications of \$1,000 or more. The notification will indicate the candidate who was supported or opposed by the expenditure as indicated on the signed declaration and include a copy of the communication provided by the person or group making the expenditure.

(4) For purposes of the notification required in Subdivision (1), payments by an organization for its regularly published newsletter or periodical, if the circulation is limited to the organization's members, employees, shareholders, other affiliated individuals and those who request or purchase the publication, shall not be required to be reported.

(5) Any committee, including but not limited to a candidate controlled committee and an independent expenditure committee, that makes or incurs payments for 1,000 or more recorded telephone calls or any other forms of electronic or facsimile transmission of substantially similar content, or that makes or incurs expenditures of \$1,000 or more for a radio or television advertisement, in support of or opposition to any candidate(s) for Board of Education office, shall send a copy of the script or recording used for each communication to the Ethics Commission within 24 hours of the first time the calls, transmissions, or advertisements are made or aired.

(t) **Verification.** All declarations, reports and statements filed under this section shall be signed and verified by the filer under penalty of perjury. The candidate and any person signing declarations, reports and statements under this provision shall read, know and understand the contents of all these declarations, reports and statements.

(u) **Duties of City Ethics Commission.** The City Ethics Commission shall administer the provisions of this section. In addition to other duties required under the terms of this section, the City Ethics Commission shall:

(1) Conduct audits and investigations of reports and statements filed by candidates and committees supporting or opposing candidates for Board of Education offices as required under the Political Reform Act of 1974, as amended, and Article VII and this section of the Charter. The City Ethics Commission shall employ investigators where necessary to fully investigate any person subject to this section.

(2) Enforce or cause to be enforced the provisions of this section pursuant to Section 90002(c) of the Government Code, in accordance with Article VII of the Charter.

(3) Report apparent violations of this section and applicable state law to the City Attorney or another appropriate law enforcement agency.

(v) **Enforcement.**

(1) **Criminal Enforcement**- Any person who knowingly or willfully violates any provisions of this section is guilty of a misdemeanor. Any person who knowingly or willfully causes any other person to violate any provision of this section, or who aids and abets any other person in the violation of any provision of this section, shall be liable under the provisions of this section. Prosecution for violation of any provision of this section must be commenced within

four years after the date on which the violation occurred. No person convicted of a misdemeanor under this section shall act as a lobbyist or as a City contractor for a period of four years following the date of the conviction unless the court at the time of sentencing specifically determines that this provision shall not be applicable. For purposes of this section, a plea of *nolo contendere* shall be deemed a conviction.

(2) *Civil Enforcement.*

(A) Any person who intentionally or negligently violates any provision of this section shall be liable in a civil action brought by the City Attorney, the City Ethics Commission or by a person residing within the boundaries of the Los Angeles Unified School District for an amount not more than \$5,000 per violation, or for more than three times the amount the person failed to report properly or unlawfully contributed, gave or received.

(B) Any person who intentionally or negligently makes or receives a contribution, or makes an expenditure, in violation of any provision of this section shall be liable in a civil action brought by the City Attorney or by a person residing within the City for an amount up to three times the amount of the unlawful contribution or expenditure.

(C) If two or more persons are responsible for any violation, they shall be jointly and severally liable.

(D) Any person, other than the City Attorney, before filing a civil action pursuant to this subsection, shall first file with the City Ethics Commission a written request for the City Ethics Commission to commence the action. The request shall contain a statement of the grounds for believing a cause of action exists. The City Ethics Commission shall respond within 40 days after receipt of the request, indicating whether it intends to file a civil action. If the City Ethics Commission indicates in the affirmative, and files suit within 40 days thereafter, no other action may be brought unless the action brought by the City Ethics Commission is dismissed without prejudice.

(E) Not more than one judgment on the merits with respect to any violation may be obtained under this subsection. Actions brought for the same violation or violations shall have precedence for purposes of trial in the order of the time filed. Such actions shall be dismissed once judgment has been entered or a settlement approved by the court in a previously filed action. The court may dismiss a pending action without prejudice to any other action for failure of the plaintiff to proceed diligently and in good faith. The action may be so dismissed on motion by the City Attorney or any plaintiff in an action based on the same violation.

(F) In determining the amount of liability under this subsection, the court may take into account the seriousness of the violation and the degree of culpability of the defendant. If a judgment is entered against the defendant or defendants in an action, a private plaintiff shall receive 50% of the amount recovered. The remaining 50% shall be deposited into the City's General Fund. In an action brought by the City Attorney or the City Ethics Commission, the entire amount shall be paid to the General Fund.

(G) No civil action alleging a violation of this section shall be filed more than four years after the date the violation occurred.

(H) Any person residing within the Los Angeles Unified School District, including the Los Angeles City Attorney, may sue for injunctive relief to enjoin violations or to compel compliance with the provisions of this section. The court may award to a party, other than an agency, who prevails in any civil action authorized by this article, his or her costs of litigation, including reasonable attorneys' fees; provided, however, that no such award may be granted against the City of Los Angeles.

(w) *Effect of Violation on Outcome of Election.*

(1) If a candidate is convicted of a misdemeanor violation of any provision of this section, the court shall make a determination as to whether the violation had a material effect on the outcome of the election. If the court finds such a material effect, then:

(A) if such conviction becomes final before the date of the election, the votes for such candidate shall not be counted, and the election shall be determined on the basis of the votes cast for the other candidates in that race;

(B) if such conviction becomes final after the date of the election, and if such candidate was declared to have been elected, then such candidate shall not assume office, the office shall be deemed vacant and shall be filled as otherwise provided in the Charter;

(C) if such conviction becomes final after the candidate has assumed office, then the candidate shall be removed from office, the office shall be deemed vacant and shall be filled as otherwise provided in the Charter; and

(D) the person so convicted shall be ineligible to hold any elected City office or the office of a member of the Board of Education for a period of five years after the date of such conviction.

(2) The City Clerk shall not issue any certificate of nomination or election to any candidate until his or her pre-election campaign statements required by the Political Reform Act of 1974, as amended, or if no campaign statement is required, the written declaration permitted under Section 84205 of the Government Code, have been filed in the form and at the place required by the Political Reform Act of 1974.

(x) *Late Filing Penalties.* If any person files an original statement or report after any deadline imposed by this article, he or she shall, in addition to any other penalties or remedies established by the article, be liable to the City Ethics Commission in the amount of \$25 per day after the deadline until the statement or report is filed. Liability need not be enforced by the Commission if on an impartial basis it determines that the late filing was not willful and that enforcement of the liability will not further the purposes of the article, except that no liability shall be waived if a statement or report is not filed within 30 days.

(y) ***Severability.*** If any provision or portion of this section, or its application to any person or circumstance, is held invalid by any court, the remainder of this section or the application of such provisions to persons or circumstances other than those as to which it is held invalid, shall not be affected.

***Sec. 804. Compensation.***

The total compensation for members of the Board of Education shall be set by a compensation committee provided in this section:

(a) The committee shall be constituted as follows:

(1) The committee shall be comprised of a total of seven members.

(2) Each member of the committee shall reside within the Los Angeles Unified School District.

(3) Two members of the committee shall be parents or guardians of pupils who attend a school within the Los Angeles Unified School District:

(A) One of whom shall be a parent or guardian of a pupil who attends a school within the boundaries of the City of Los Angeles;

(B) One of whom shall be a parent or guardian of a pupil who attends a school outside of the boundaries of the City of Los Angeles.

(4) One member of the committee shall have expertise in the area of compensation, such as an economist, market researcher or personnel manager;

(5) Two members of the committee shall have experience in the business community:

(A) One of whom is an executive of a corporation, incorporated in California and located within the Los Angeles Unified School District, which ranks among the largest private sector employers in the Los Angeles Unified School District;

(B) One of whom is an owner of a small business (of less than 25 employees) located within the Los Angeles Unified School District.

(6) Two members of the committee shall be members or officers of a labor organization or union.

(b) The appointments shall be made as follows:

(1) The Mayor of the City of Los Angeles shall appoint the member referenced in Subdivision (a)(5)(A) and one of the two members referenced in Subdivision (a)(6);

(2) *The Mayors of Cities of Bell, Cudahy, Huntington Park, Maywood and South Gate shall collectively appoint the member referenced in Subdivision (a)(5)(B);*

(3) *The Mayors of the Cities of Gardena, Carson, Lomita, Montereay Park, San Fernando and West Hollywood shall collectively appoint one of the two members referenced in Subdivision (a)(4);*

(4) *The Chair of the Los Angeles County Board of Supervisors shall appoint the member referenced in Subdivision (a)(3)(B);*

(5) *The President of the Los Angeles City Council shall appoint the member referenced in (a)(3)(A) and one of the two members referenced in Subdivision (a)(6).*

*All appointments shall be subject to confirmation by a majority vote of the Los Angeles City Council. Within 10 days of any vacancy, the appointing authority shall appoint a person to serve the unexpired portion of the term. Within 15 days of the appointment of a member to fill a vacancy, the appointment shall be subject to confirmation by a majority vote of the Los Angeles City Council.*

(c) *The appointing authorities shall strive insofar as practicable to provide a balanced representation of the geographic, gender, racial and ethnic and other diversity of the Los Angeles Unified School District in appointing committee members.*

(d) *Not later than 30 days after the effective date of this Charter section, the appointing authorities shall appoint the committee members. The Council shall approve or disapprove the appointments not later than 15 days after the appointments are received. Every five years, thereafter, beginning on the first Monday following April 1, 2007, a new committee shall be appointed.*

(e) *Ninety days after the Council confirms the committee members, the committee shall, by a single resolution adopted by a majority of the membership of the committee, establish the annual salary and the medical, dental, insurance and other similar benefits of the Board of Education members. The committee shall be dissolved 60 days after adoption of the resolution.*

(f) *In establishing the annual salary and other benefits, the committee shall consider all of the following:*

(1) *The amount of time members of the Board of Education serve, directly or indirectly related to the performance of his or her duties.*

(2) *The amount of the annual salary and other benefits for other elected and appointed officers and officials in the State of California with comparable responsibilities, the judiciary, and to the extent practicable the private educational sector, recognizing, however, that public officers do not receive, and do not expect to receive, compensation at the same levels as individuals in the private sector with comparable experience and responsibilities.*

(g) The annual salary and benefits specified in that resolution shall become effective on the date the committee is dissolved as provided in Subsection (e).

(h) On an annual basis, in years when the committee is not performing a compensation review, the Board of Education may increase the compensation and other benefits of individual or all Board members beyond the amount established by the committee, in an amount not to exceed two percent of the applicable total combined amount of compensation and benefits. Any increase made pursuant to this subsection shall be effective upon approval by the Board of Education.

(i) The salary and benefits for members of the Board of Education shall be payable out of the funds of the Los Angeles Unified School District.

(j) All committee members shall receive their actual and necessary expenses incurred in the performance of their duties, paid by funds from the Los Angeles Unified School District. The committee members shall receive no other compensation for the performance of their services as committee members.

(k) Public notice shall be given of all meetings of the committee, and the meetings shall be open to the public pursuant to the Ralph M. Brown Act, Government Code Section 54950, et seq., or its successor open meeting legislation.

***Sec. 805. Powers of the Board.***

The Board of Education shall have power to control and manage the public schools of the Los Angeles Unified School District in accordance with the Constitution and laws of the state.

***Sec. 806. Board of Education Term of Office.***

(a) Notwithstanding any other provision of the Charter, in order to transition to new election dates starting in 2020, Board of Education members elected in 2015 shall be elected for a term expiring in December 2020 and members elected in 2017 shall be elected for a term expiring in December 2022.

(b) The term of a member of the Board of Education shall commence on the first day of July next following his or her election until the year 2020. Beginning in the year 2020, the term of a member of the Board of Education shall commence on the second Monday in December next following his or her election.

(c) For purposes of the term limits contained in Section 802(g), the term of office of Board of Education members elected in 2015 and 2017 as described in subsection (a) of this section shall count as one term.

Pasadena's is unique in that it included other cities and requires that they have representation on the board and includes unincorporated LA County areas where the County

Supervisor appoints the member as well as the City of Sierra Madre, where the City Council chooses the member As with LA, it is not one to use for reference.

## *ARTICLE VII - BOARD OF EDUCATION*

### *Section 701. - ESTABLISHMENT OF A BOARD OF EDUCATION.*

*The control, management, and administration of the public elementary and secondary schools of the City of Pasadena and such 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, is hereby vested in a Board of Education consisting of seven members nominated and elected by geographic sub-district as provided in this Charter. The Board of Education is hereby vested with all the powers and charged with all the duties provided under state law for city boards of education.*

### *Section 702. - TERM OF OFFICE.*

A.

*Except as provided in subsection B, the members of the Board of Education shall hold office for a term of four years, and until their successors are elected and have duly qualified.*

B.

*Notwithstanding any other provision of this Charter, in order to transition to new election dates starting in 2020, the terms of office of members of the Board of Education elected in the year 2015 shall expire in December 2020 and the terms of office of members of the Board of Education elected in the year 2017 shall expire in December 2022.*

C.

*Beginning in the year 2020, the terms of office of members of the Board of Education elected in the geographic sub-districts for seats 2, 4, and 6 shall commence in the year 2020 and in each fourth anniversary of the year 2020, and the terms of office of members of the Board of Education elected in the geographic sub-districts for seats 1, 3, 5, and 7 shall commence in the year 2022 and in each fourth anniversary of the year 2022. The terms of office for all members of the Board of Education shall commence on the fifth Monday following their election and until their respective successors are elected and have duly qualified.*

### *Section 703. - ELECTION.*

*Beginning in the year 2020, members of the Board of Education shall be elected at a general election held on the first Tuesday after the first Monday in November in each even-numbered year, coinciding with the statewide general election. Candidates to be voted on at the general election shall be residents and qualified voters of the geographic sub-district in which the election is held. Only voters who live in the geographic sub-district shall be eligible to vote in the elections for Board Member from that geographic sub-district. No names shall be printed upon the ballot in the general election for the office of member of the Board of Education other than those nominated in the manner hereinafter prescribed.*

#### ***Section 704. - NOMINATING PETITION.***

Any person desiring to become a candidate for the Board of Education to be filled at such election shall file, or have filed, with the City Clerk, acting in the capacity of Assistant Secretary to the Board of Education during Board of Education elections, in the form and in the period prior to the <sup>[1]</sup> ~~primary nominating~~ election prescribed by the California Elections Code, nominating papers signed by him/her specifying for which geographic sub-district he/she is a candidate, signed by not less than twenty five (25) qualified voters from the geographic sub-district in which the election is held, requesting such candidacy, and accompanied by a filing fee of \$25.00. The names of voters not residents of the geographic sub-district for which the candidate is being nominated shall not be counted by the County Registrar of Voters in determining the sufficiency of such petition.

##### ***Footnotes:***

-- (1) --

\*Clerical error.

#### ***Section 705. - ELIGIBILITY.***

Each Board Member shall be a qualified elector of the geographic sub-district in which the election is held. Each Board Member shall be a resident of the geographic sub-district from which the Member is elected or appointed.

#### ***Section 706. - GENERAL ELECTION.***

The candidate receiving the highest number of votes in the general election for each geographic sub-district shall be deemed elected for that office, without any run-off election. In the case of a tie vote, the Board of Education shall summon the candidates affected to appear at a time and place designated by the Board and shall at that time and place determine the tie by lot.

#### ***Section 707. - CANVASS OF RETURNS.***

On the fifth Monday of each even-numbered year after the statewide general election and at their usual time and place of meeting, the Board of Education shall meet to approve the canvass of returns submitted by the City Clerk acting in his/her capacity as Assistant Secretary to the Board of Education and shall declare the results.

#### ***Section 708. - STATE LAW APPLICABLE; ERRORS OR IRREGULARITIES.***

In all other matters, the election for members of the Board of Education shall, as to the primary nominating and as to the general election, be governed by the applicable general laws of the State relating to city boards of education.

No election, whether primary nominating or general, shall be set aside for any error, irregularity or defect in the proceedings leading up to or in said election, when the provisions of law governing the same are substantially complied with and where a fair expression of the will of the electorate is secured.

***Section 709. - MEETINGS OF BOARD OF EDUCATION.***

*The members of the Board of Education shall enter upon the discharge of their duties on the fifth Monday of each even-numbered year after the statewide general election, and the Board of Education shall meet upon said day and annually thereafter and organize by electing one of their number President, whose term of office shall be one year. The Board of Education shall determine the rules of its proceedings. Any vacancy occurring on the Board of Education shall be filled by the remaining members of the said Board, and if there be no members, then by the City Council.*

***Section 710. - ANNUAL ADDRESS BY PRESIDENT OF THE BOARD OF EDUCATION.***

*No later than May of each year, the President of the Board of Education shall address the public on the state of the Pasadena Unified School District to report to the people on the progress of the District in achieving its prior goals and objectives and to articulate its goals and objectives for the coming school year, including the financial state of the schools.*

***Section 711. - GENERAL LAW APPLICABLE.***

*In all matters not specifically provided for in this Article, the Board of Education shall be governed by the provisions of the general law relating to such matters.*

***Section 712. - ELECTION COSTS.***

*The Board of Education shall reimburse the City out of school district funds for the costs of any election conducted by the City arising out of a request by the Board of Education including an amendment to this Charter.*

***Section 713. - GEOGRAPHIC SUB-DISTRICTS.***

*A. Geographic sub-districts for the Board of Education shall be established by resolution of the Pasadena Board of Education after the decennial census year or whenever the Board determines by at least a two-thirds vote that a sufficient change in population has occurred that makes it desirable in the opinion of the Board to adjust the boundaries of the geographic sub-districts. Geographic sub-districts shall be as nearly equal in population as practicable and such redistricting shall be in compliance with applicable laws.*

*B. At least twenty-two (22) months prior to the second general election day following the day of the decennial census, the Board of Education shall establish, by resolution, a Redistricting Commission to recommend to the Board the configuration of geographic sub-districts for the area served by the Pasadena Unified School District. The Redistricting Commission shall consist of nine members, as follows:*

- 1. Three residents of the City of Pasadena appointed by the Pasadena City Council;*
- 2. Three residents of the area served by the Pasadena Unified School District appointed by the Pasadena Board of Education who are not then members of the Board of Education;*

3. Two residents of the Altadena unincorporated area of Los Angeles County served by the Pasadena Unified School District appointed by the County Supervisor(s) representing such area;

4. One resident of the City of Sierra Madre to be appointed by the City Council of the City of Sierra Madre;

C. The Redistricting Commission shall hold at least one public hearing on any proposal to adjust the boundaries of a district prior to a public hearing at which the Redistricting Commission votes to recommend the proposal to the Board of Education. The Redistricting Commission shall provide its recommendation to the Board of Education at least sixteen (16) months prior to the second general election day following the day of the decennial census.

D. The geographic sub-districts recommended by the Redistricting Commission shall be adopted by the Board, unless amended by a two-thirds majority of the Board. If the Board fails to act within 60 calendar days of the submission of the Commission's final report and recommended plan to the Superintendent, the Commission's recommended geographic sub-districts shall be deemed adopted.

E. No change in the boundary or location of any district by redistricting shall abolish or terminate the term of office of any member of the Board prior to expiration of the term of office for which the member was elected, notwithstanding any other provision of this Section. Each incumbent member of the Board of Education will, during the duration of the member's current term, represent the area by which the member was elected.

F. At the time of, or after, any annexation of territory to the District, the Board of Education shall designate, by resolution, the geographic sub-district of which the annexed territory shall be a part.

Piedmont's is generic except for the inclusion of a requirement that the Board members not be compensated. It is a city of about 11,000 nestled between Oakland and Berkeley.

## ***ARTICLE VII.*** ***Public Schools***

### ***SECTION 7.01 GOVERNING BOARD***

*The Board of Education shall have control and management of the public schools in the Piedmont Unified School District in accordance with the Constitution and general laws of the State, and is hereby vested with all powers and charged with all the duties provide by this Charter and all the general laws of the State for city boards of education.*

### ***SECTION 7.02 MEMBERSHIP, TERM OF OFFICE***

*The Board of Education shall consist of five (5) members elected from the City at large for a term of four (4) years. Board members shall be elected at the times and in the same manner provided for members of the City Council and shall be required to meet the same eligibility*

qualifications. No person who has served two (2) full consecutive terms as a member of the Board of Education shall be eligible to hold office until one (1) full intervening term of four (4) years has elapsed. Any person who serves as a member of the Board for more than eighteen (18) months of an unexpired term shall be considered to have served a full term.

#### ***SECTION 7.03 COMPENSATION***

*The members of the Board of Education shall not receive any compensation for their service to the School District. Board members may receive actual and necessary expenses incurred in the performance of their duties of office as determined by the Board.*

#### ***SECTION 7.04 VACANCIES***

*The same rules governing the creation of vacancies or causing forfeiture of office from the City Council shall also apply to the members of the Board of Education. A vacancy on the Board shall be filled by appointment of a majority vote of said Board, with the appointee holding office for the remainder of the unexpired term or until the next general municipal election. If a vacancy on the Board of Education continues for sixty (60) days, the vacancy shall be filled by special election.*

#### ***SECTION 7.05 ORGANIZATION***

*The Board of Education shall annually, pursuant to the requirements of the California Education Code, elect one of its own members to be President of the Board and another to serve as Vice-President. Either of these officers may be removed by the affirmative vote of four (4) members.*

#### ***SECTION 7.06 MEETINGS***

*The Board of Education shall meet at such times and places as may be designated by resolution of said Board. Three (3) members of the Board shall constitute a quorum, except as otherwise provided by law. All meetings of the Board of Education shall be public, except as otherwise provided in the California Government and Education Codes. The Board shall determine the rules of its proceedings.*

San Francisco's is different, mostly in setting the compensation and how the members are elected.

#### ***SEC. 8.100. UNIFIED SCHOOL DISTRICT.***

*The Unified School District shall be under the control and management of a Board of Education composed of seven members who shall be elected pursuant to Section [13.111](#). A student representative shall serve on the Board in accordance with state law. No member of this Board shall be eligible to serve on the Governing Board of the Community College District. The compensation for each member shall be \$500 per month.*

#### ***SEC. 13.111. ELECTION OF BOARD OF EDUCATION.***

##### ***(a) Manner of Election.***

*(1) Beginning on January 1, 2017, and ending on the sunset date set forth in subsection (a)(2), elections for the Board of Education of the Unified School District shall be conducted in a manner that permits any San Francisco resident to vote who either:*

*(A) is a voter, as defined in [Article XVII](#) of this Charter, or*

(B) is the parent, legal guardian, or caregiver (as defined in California Family Code Section 6550 or any successor legislation) of a child under age 19 residing in the San Francisco Unified School District, is the minimum age required under this Charter to vote in a municipal election, and is not disqualified from voting under Article II Section 4 of the California Constitution or any implementing State statute, regardless of whether the person is a United States citizen.

The Board of Supervisors may adopt ordinances implementing this subsection (a)(1).

(2) Subsection (a)(1)(B) authorizing non-citizens to vote in Board of Education elections shall expire by operation of law on December 31, 2022, or on December 31 immediately following the third election for members of the Board of Education conducted in accordance with this Section [13.111](#), whichever is later. Thereafter, the Board of Supervisors may determine by ordinance whether non-citizens may vote in elections for members of the Board of Education.

(b) **Limitations.** This Section [13.111](#) shall apply only to elections for members of the Board of Education of the San Francisco Unified School District. Nothing in this Section [13.111](#) shall affect the terms of office of members of the Board of Education, including incumbent members on the effective date of the Charter amendment enacting this Section. Nothing in this Section shall alter the definition of "elector" or "voter" set forth in [Article XVII](#) of this Charter.

San Rafael's also requires no compensation for the board members.

## *ARTICLE XI - Educational Department*

### *Section 1. - SCHOOL DEPARTMENT.*

The school department of the city of San Rafael shall comprise all the schools within the city of San Rafael, the San Rafael school district, and all territory that is now or may hereafter be annexed thereto for school purposes, which shall be known as "San Rafael School District," and which shall succeed to all the obligations, property rights and privileges of the San Rafael School District. It shall consist of elementary and secondary schools as now established or that may hereafter be established, and may, at the discretion of the board of education, include technical, industrial, kindergarten and night schools; provided, that no school money shall be used for technical, industrial or night schools or kindergarten when such use would prevent the board of education from maintaining elementary and secondary schools as provided by law.

### *Section 2. - SCHOOL TERRITORY.*

All territory included within the limits of the San Rafael school district, or that may hereafter be included within such limits, but not within the city limits, shall be deemed a part of said city for the purpose of holding the general municipal elections, and shall constitute one or more separate election precincts, and the qualified electors therein shall vote only for members of the board of education and on questions submitted to a vote of the people at special or general elections pertaining to school matters; and said outside territory shall be deemed a part of said city for all matters connected with the school department.

***Section 3. - GOVERNMENT.***

*The government of the school department of the district shall be vested in a board of education, and who shall receive no compensation.*

***Section 4. - MEETINGS.***

*The board of education shall meet on the first Monday after the election of its members shall have been officially declared, and shall organize by electing one of their number president, and they shall also elect a secretary and fix his salary, and shall meet thereafter at such times as may be designated by resolution, and in the place provided for them by the council. Special meetings may be called by the president of the board of education, or by three members of said board united in a call. All meetings of said board shall be public.*

***Section 5. - QUORUM.***

*A majority of the board shall be a quorum, and the affirmative vote of a majority of the board shall be necessary to pass any measure, but a less number may adjourn from day to day and compel the attendance of absent members in such manner as the board may prescribe.*

***Section 6. - POWERS OF BOARD OF EDUCATION.***

*The board of education shall have entire control and management of the general public schools in the city in accordance with the constitution and general laws of the state, and is hereby vested with all the powers and charged with all the duties provided by this chapter and by the general laws of the state of city board of education.*

***Section 7. - PROCEDURE FOR CLOSURE OF SECONDARY SCHOOL.***

(a) *A secondary school within the San Rafael School District may be closed only after the Board of Education holds an advisory election for the purpose of allowing voters to voice their opinion on the issue of the closure of the school. The Board of Education must hold such an advisory election in consolidation with a regular election or special election, or in a special election the Board may choose to call for this purpose, no less than 180 days prior to the date a secondary school is to be closed. For purposes of this section, a school is deemed "closed" on the first day, exclusive of normal weekends, holidays and vacation periods, that the school is not attended by its normally assigned students.*

(b) *Ballots used in the advisory vote shall contain the words "Shall (Name of School) be closed effective (Date designed for closure)?" and the words YES or NO placed so that the voters may indicate their choice. The heading above the ballot question shall contain the words "Advisory Vote Only."*

(c) As used in this section, "advisory vote" means an indication of general voter opinion regarding the closure of a secondary school. The results of the advisory vote will in no manner be controlling on the Board of Education.

(d) This procedure shall not apply to the temporary closure of a secondary school in the event of loss or destruction of necessary school facilities or during an emergency which threatens health or safety.

**Santa Monica's also includes a no compensation clause.**

## ARTICLE IX—BOARD OF EDUCATION

### **900 Number and term.**

The Board of Education shall consist of seven members elected from the School District at large, at the times and in the manner in this Charter provided, and who shall serve a term of four years.

The terms of all members shall commence on the first Tuesday following such election and each member shall serve until the member's successor is elected and qualified. Any ties in voting shall be settled by the casting of lots.

### **901 Eligibility.**

No person shall be eligible to hold office as a member of the Board of Education unless that person shall have been a qualified elector of the School District.

### **902 Compensation.**

Members of the Board of Education shall receive no compensation for their services as such.

### **903 Vacancies.**

A vacancy in the Board of Education from whatever cause arising shall be filled by appointment by the Board of Education, such appointee to hold office until the first Tuesday following the next general municipal election, and until the appointee's successor is elected and qualified. At the next general municipal election following any vacancy, a new member shall be elected to serve for the remaining period of any unexpired term.

If a member of the Board of Education is absent from all regular meetings of the Board for a period of sixty days, consecutively, from and after the last regular Board meeting attended by such member, unless by permission of the Board expressed in its official minutes, or is convicted of a crime involving moral turpitude, or ceases to be an elector of the School District, that member's office shall become vacant and shall be so declared by the Board of Education.

### **904 Presiding officer.**

On the first Tuesday following any election at which a Board member is elected, the Board shall meet and elect one of its members as the presiding officer to serve at the pleasure of the Board.

**905 General municipal election date for Board of Education.**

If Section 1400 of the City Charter is amended to change the date of the General Municipal Election from the second Tuesday in April of odd numbered years to the first Tuesday following the first Monday in November of even numbered years, such change shall be applicable to the election of members of the Board of Education under this Charter.

In the event such change becomes effective, for those elected members of the Board of Education whose terms are scheduled to expire in April 1985, those terms shall expire in November 1984. For those elected officers whose terms are scheduled to expire in April 1987, those terms shall expire in November 1986. The terms of the officers elected in November of even numbered years shall begin on the first Tuesday following their election.