

[District elections, term limits, and instant runoff voting for Board of Education members;  
conditions for School District to receive money from the Public Education Enrichment Fund.]

## CHARTER AMENDMENT

### PROPOSITION \_\_\_\_

Describing and setting forth a proposal to the qualified voters of the City and County of San Francisco to amend the Charter of the City and County of San Francisco by amending Sections 8.100, 13.101, and 13.102, and adding Section 13.111, to provide for district elections, term limits, and instant runoff voting for members of the Board of Education, and by adding Sections 16.123-6A and 16.123-6B, to require the San Francisco Unified School District to submit a mission statement and five-year strategic plan and to participate with the Board of Supervisors in an inter-agency review board on school openings, mergers, relocations and closures, as a condition of receiving money from the Public Education Enrichment Fund.

The Board of Supervisors hereby submits to the qualified voters of the City and County, at an election to be held on November 7, 2006, a proposal to amend the Charter of the City and County by amending Sections 8.100, 13.101, and 13.102, and by adding Sections 13.111, 16.123-6A, and 16.123-6B, to read as follows:

Note: Additions are *single-underline italics Times New Roman*.  
Deletions are ~~*strikethrough italics Times New Roman*~~.

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

*(a)* The Unified School District shall be under the control and management of a Board of Education composed of seven members who shall be elected by district ~~the voters of the Unified School District~~. 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. The terms of office in effect for Board members on the date this Charter is adopted shall continue.

(b) No person elected or appointed as a member of the Board of Education may serve as such for more than two successive four-year terms. Any person appointed to the Board of Education to complete in excess of two years of a four-year term shall be deemed, for the purpose of this section, to have served one full term. No person having served two successive four-year terms may serve as a member of the Board of Education, either by election or appointment, until at least four years after the expiration of the second successive term in office. Any member of the Board of Education who resigns with less than two full years remaining until the expiration of the term shall be deemed, for the purposes of this section, to have served a full four-year term.

#### **SEC. 13.101. TERMS OF ELECTIVE OFFICE.**

Except in the case of an appointment or election to fill a vacancy, the term of office of each elected officer shall commence at 12:00 noon on the eighth day of January following the date of the election.

Subject to the applicable provisions of Section 13.102, the elected officers of the City and County shall be elected as follows:

At the general municipal election in 1995 and every fourth year thereafter, a Mayor, a Sheriff and a District Attorney shall be elected.

At the statewide general election in 1996 and every fourth year thereafter, ~~four members of the Board of Education~~ and four members of the Governing Board of the Community College District shall be elected.

At the general municipal election in 1997 and every fourth year thereafter, a City Attorney and a Treasurer shall be elected.

At the statewide primary election in 1998 and every fourth year thereafter, an Assessor-Recorder and Public Defender shall be elected.

At the statewide general election in 1998 and every fourth year thereafter, ~~three members of the Board of Education~~ and three members of the Governing Board of the Community College District shall be elected.

The election and terms of office of members of the Board of Supervisors shall be governed by Section 13.110. The election and terms of office of members of the Board of Education shall be governed by Sections 13.102 and 13.111.

### **SEC. 13.102. INSTANT RUNOFF ELECTIONS.**

(a) For the purposes of this section: (1) a candidate shall be deemed "continuing" if the candidate has not been eliminated; (2) a ballot shall be deemed "continuing" if it is not exhausted; and (3) a ballot shall be deemed "exhausted," and not counted in further stages of the tabulation, if all of the choices have been eliminated or there are no more choices indicated on the ballot. If a ranked-choice ballot gives equal rank to two or more candidates, the ballot shall be declared exhausted when such multiple rankings are reached. If a voter casts a ranked-choice ballot but skips a rank, the voter's vote shall be transferred to that voter's next ranked choice.

(b) The Mayor, Sheriff, District Attorney, City Attorney, Treasurer, Assessor-Recorder, Public Defender, members of the Board of Education, and members of the Board of Supervisors shall be elected using a ranked-choice, or "instant runoff," ballot. The ballot shall allow voters to rank a number of choices in order of preference equal to the total number of candidates for each office; provided, however, if the voting system, vote tabulation system or similar or related equipment used by the City and County cannot feasibly accommodate choices equal to the total number of candidates running for each office, then the Director of Elections may limit the number of choices a voter may rank to no fewer than three. The ballot shall in no way interfere with a voter's ability to cast a vote for a write-in candidate.

(c) If a candidate receives a majority of the first choices, that candidate shall be declared elected. If no candidate receives a majority, the candidate who received the fewest first

choices shall be eliminated and each vote cast for that candidate shall be transferred to the next ranked candidate on that voter's ballot. If, after this transfer of votes, any candidate has a majority of the votes from the continuing ballots, that candidate shall be declared elected.

(d) If no candidate receives a majority of votes from the continuing ballots after a candidate has been eliminated and his or her votes have been transferred to the next-ranked candidate, the continuing candidate with the fewest votes from the continuing ballots shall be eliminated. All votes cast for that candidate shall be transferred to the next-ranked continuing candidate on each voter's ballot. This process of eliminating candidates and transferring their votes to the next-ranked continuing candidates shall be repeated until a candidate receives a majority of the votes from the continuing ballots.

(e) If the total number of votes of the two or more candidates credited with the lowest number of votes is less than the number of votes credited to the candidate with the next highest number of votes, those candidates with the lowest number of votes shall be eliminated simultaneously and their votes transferred to the next-ranked continuing candidate on each ballot in a single counting operation.

(f) A tie between two or more candidates shall be resolved in accordance with State law.

(g) The Department of Elections shall conduct a voter education campaign to familiarize voters with the ranked-choice or, "instant runoff," method of voting.

(h) Any voting system, vote tabulation system, or similar or related equipment acquired by the City and County shall have the capability to accommodate this system of ranked-choice, or "instant runoff," balloting.

(i) Ranked choice, or "instant runoff," balloting shall be used for the general municipal election in November 2002 and all subsequent elections. *If the Director of Elections certifies to the Board of Supervisors and the Mayor no later than July 1, 2002 that the Department will not be ready to implement ranked choice balloting in November 2002, then the*

~~City shall begin using ranked choice, or "instant runoff," balloting at the November 2003 general municipal election.~~

~~If ranked choice, or "instant runoff," balloting is not used in November of 2002, and no candidate for any elective office of the City and County, except the Board of Education and the Governing Board of the Community College District, receives a majority of the votes cast at an election for such office, the two candidates receiving the most votes shall qualify to have their names placed on the ballot for a runoff election held on the second Tuesday in December of 2002.~~

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

(a) Each member of the Board of Education, commencing with the general municipal election in November, 2008, shall be elected by the electors within a Board of Education district, and must have resided in the district in which he or she is elected for a period of not less than 30 days immediately preceding the date he or she files a declaration of candidacy for the office of member of the Board of Education, and must continue to reside therein during his or her incumbency, and upon ceasing to be such resident shall be removed from office.

(b) Notwithstanding any provisions of this Section or any other section of the Charter to the contrary, the respective terms of office of the members of the Board of Education who shall hold office on the eighth day of January, 2009, shall expire at 12 o'clock noon on said date and the seven persons elected as members of the Board of Education at the general election in 2008 shall succeed to said offices on said eighth day of January, 2009. At that time, the Director of Elections shall determine by lot whether the members of the Board of Education elected from the even- or odd-numbered Board of Education districts at the general municipal election in 2008 shall have terms of office expiring at noon on the eighth day of January, 2011, and which shall have terms of office expiring at noon on the eighth day of January, 2013. Commencing,

however, with the general municipal election in November, 2010, the terms of office for members of the Board of Education shall be four years and shall continue as such thereafter.

Those members of the Board of Education elected at the general election in 2006, and those first elected at the general election in 2008 who only serve an initial two-year term, shall not be deemed to have served a full term for purposes of the term limit established in Section 8.100(b). However, those members of the Board of Education elected at the general election in 2006 and re-elected at the general election in 2008 who only serve an initial two-year term, shall be deemed to have served a full term for purposes of the term limit established in Section 8.100(b)

(c) No later than January 1, 2007, the Board of Supervisors shall provide by ordinance for an independent commission to establish the district boundary lines, and a process for updating the boundary lines, if necessary or appropriate, following the dicennial federal census. The commission shall consist of seven members, four appointed by the Mayor and three appointed by the Board of Supervisors, and shall include civic leaders, parents of students, and members of the community.

**SEC. 16.123-6A. MISSION STATEMENT AND STRATEGIC PLAN.**

(a) No later than February 1 of each year during the term of this measure, the San Francisco Unified School District shall submit to the Mayor and the Board of Supervisors a mission statement and five-year strategic plan. The plan shall address the District's plans for:

- Enhancing community schooling/school choice;
- Improving academic standards and high school matriculation to 4-year colleges and universities;
- Retaining and attracting children and families to San Francisco;
- Attracting and retaining the best teachers;
- Decreasing dropout/truancy rates;

- Working with the San Francisco Police Department to keep gangs out of schools and improve relationships between youth and the Department;
- Working with the San Francisco Fire Department to incorporate Neighborhood Emergency Response Team training;
- Developing school facilities and sports fields;
- Developing afterschool and enrichment programs;
- Improving job training and counseling for dropouts; and.

any other matters that the District deems appropriate or the Mayor or the Board requests.

(b) The Mayor and the Board of Supervisors may request further explanation of items included in the strategic plan, and the District shall respond in a timely manner to such inquiries. The Board may place appropriations provided for under this measure on reserve until it has received adequate responses to its inquiries.

**SEC. 16.123-6B. INTER-AGENCY REVIEW BOARD.**

(a) As a condition of receiving any funding under these Sections 16.123-1 et seq., the District must agree to participate with the City in an inter-agency review board to be established by ordinance of the Board of Supervisors to consider the opening, merger, relocation, or closure of a school or schools within the District.

(b) City members of the review board shall include representatives of Police, Fire, the Department of Children, Youth and Their Families, Recreation and Park, Juvenile Probation, the Controller, the Municipal Railway, and Parking and Traffic. The review board shall be subject to all requirements of the Brown Act and the City's Sunshine Ordinance.

(c) In order to ensure that the review board recommendations, if any, will be most useful to the District, such discussions shall be conducted before the Board of Education takes final action on any such proposal. The Board of Supervisors may place appropriations from the

Public Education Enrichment Fund on reserve during the then-current year or in future years if, in the Board's opinion, the District is not participating in the review agency in good faith.

APPROVED AS TO FORM:  
DENNIS J. HERRERA, City Attorney

By: \_\_\_\_\_  
THOMAS J. OWEN  
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