

AN ORDINANCE OF THE CITY OF ALHAMBRA AMENDING THE ALHAMBRA CITY CHARTER TO REMOVE ALL REFERENCES IN ANY FORM TO THE ALHAMBRA UNIFIED SCHOOL DISTRICT (“AUSD”) SO THAT AUSD ELECTIONS ARE GOVERNED BY THE STATE EDUCATION AND STATE ELECTIONS CODES

The people of the City of Alhambra, including those persons residing outside of the City but within the boundaries of the Alhambra Unified School District, do hereby ordain as follows:

Section 1. With regard to section 7 of Article III. General Provisions Relating to Officers, shall be deleted:

~~SEC. 7. ELECTIVE OFFICIALS DESIGNATED – RESIDENCE REQUIREMENTS. – Five city councilpersons shall be elected officials of the City of Alhambra, all of whom shall be elected at the general municipal election on a general ticket from the city at large; provided that, of the five councilpersons, one shall be nominated by the qualified electors of each district, of which the councilperson so nominated must have been a resident not less than thirty days next preceding the filing of a declaration of intent to run for office as required by this Charter. The office of councilperson of each district shall constitute a separate office. Five members of the board of education shall be elected officials of the unified school district, of which the City of Alhambra is a part. All school board members shall be elected at the general municipal election on a general ticket from the unified school district at large. The five members of the board of education must have the residence qualifications specified in Section 86 of Article XIV of this Charter.~~

Section 2. With regard to Article XIV. Board of Education, the entire Article shall be deleted:

~~SEC. 83. UNIFIED SCHOOL DISTRICT; ANNEXED TERRITORY TO BE INCLUDED IN DISTRICTS.~~

~~– There is within the city, the Alhambra Unified School District. The unified school district shall have the same boundaries as the former Alhambra City School and the Alhambra City High School Districts, and shall hold all property, rights and privileges which the former school districts held, subject to all existing liabilities, and the unified district shall include such territory outside the limits of the city of Alhambra as may hereafter be annexed to the unified district for school purposes, all of which territory is herein referred to and included within the term “district,” as used in this Article.~~

~~SEC. 84. TERRITORY OUTSIDE CITY BUT INSIDE SCHOOL DISTRICTS DEEMED PART OF CITY FOR ELECTIONS CONCERNING SCHOOL MATTERS.~~

~~– All territory included in the limits of Alhambra Unified School District or that may hereafter be included within such limits, but not within the city limits shall be deemed a part of the 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 pertaining to school matters submitted to a vote at special or general elections, and in all matters connected with the administration or support of the public schools.~~

~~SEC. 85. COMPOSITION OF BOARD; ELECTION OF MEMBERS; TERMS OF OFFICE; NOMINATING DISTRICTS.~~

~~—(a) The government of the schools in the Alhambra Unified School District shall be vested in a board of education to consist of five members who shall serve without compensation. Members of the board of education shall be elected by the qualified electors of the entire school district at large at a general municipal election, and shall hold office for a term of four years from and after the first day of December following their election, and until their successors are elected and qualified. The qualified electors of the school district whether they reside within or without the city of Alhambra, shall have the right to vote at elections for members of the board of education.~~

~~—(b) The board of education shall, by resolution, divide the school district into five (5) geographic “nominating” districts. The districts shall comply with the federal Voting Rights Act as it may be amended or supplemented from time to time. Following the decennial federal census within the time provided under state law and consistent with the federal Voting Rights Act, the boundaries of the nominating districts shall be adjusted by the board of education by resolution.~~

~~—(c) The qualified electors of each of the five nominating districts shall nominate candidates for one of the board member positions, in the manner prescribed in section 107. The qualified electors of each geographic district may nominate more than one candidate to run for board membership, but only one candidate from each nominating district may be elected to board membership. The qualified electors from the first, second and third nominating districts as they existed on June 30, 2004 shall nominate candidates in 2004 and, subject to subsection b, every four years thereafter to run for the three board positions whose terms of office expire in 2004. The qualified electors of the fourth and fifth nominating districts as they existed on June 30, 2004 shall nominate candidates in 2006 and, subject to subsection b, every four years thereafter to run for the two board positions whose terms of office expire in 2006.~~

~~SEC. 86. ELIGIBILITY FOR BOARD MEMBERSHIP.~~

~~—To be eligible to the office of member of the board of education, a person must be a qualified elector of the school district and must have resided in the nominating district from which he or she is nominated for at least one month prior to his or her filing of a Notice of Intent in accordance with Section 107A.~~

~~SEC. 87. POWERS AND DUTIES GENERALLY OF BOARD.~~

~~—The board of education shall have entire control and management of all public schools in said district, in accordance with the constitution and general laws of the state and the provisions of this Charter and said board is hereby vested with all the powers and charged with all the duties provided by this Charter and also by general laws of the state for city boards of education.~~

~~SEC. 88. APPOINTMENT, DUTIES AND SALARY OF SECRETARY OF BOARD.~~

~~—The board of education shall appoint a secretary who may or may not be one of their own number and shall prescribe the duties and fix the salary of such secretary.~~

~~SEC. 89. ANNUAL ORGANIZATION MEETING; SELECTION OF PRESIDENT; VACANCIES.~~

~~—Members of the board of education shall meet annually on the first day of December and shall organize by choosing one of their members as president, who shall serve as president for one year. In case a vacancy should occur on the board of education, the remaining members of the board shall appoint a qualified person to all such vacancy,~~

~~and if there be less than a majority of such board then in office, such appointment shall be made by the super-intendent of schools of the county in which such district is situated. In either case, such appointee shall serve only until the next general municipal election, when, if the term does not then expire, a person shall be elected to fill the vacancy.~~

~~SEC. 90. REGULAR MEETINGS; RULES OF PROCEDURE; MEETINGS AND MINUTES TO BE OPEN TO PUBLIC.~~

~~—The board of education shall hold regular meetings at the office of the city superintendent of schools, at least once a month, at such time as it may determine. The board may determine the rules of its proceedings, but all its meetings shall be public and its minutes open to inspection.~~

~~SEC. 91. QUORUM; ISSUES REQUIRING THREE AFFIRMATIVE VOTES.~~

~~—A majority of the members of the board shall constitute a quorum, but the affirmative vote of three members shall be required to authorize any expenditure of public moneys, the election of appointive officers and the election of teachers.~~

~~SEC. 92. SUPERINTENDENT OF SCHOOLS — APPOINTMENT; COMPENSATION.~~

~~—The board of education shall appoint a super-intendent of schools and fix his or her compensation.~~

~~SEC. 93. SAME — POWERS AND DUTIES GENERALLY.~~

~~—The superintendent of schools shall be the executive officer of the board of education, shall enforce all rules and regulations adopted by the board and shall give his or her full time to the duties of his or her office. He or she shall be subject only to the board of education and all orders of the board relating to the direction of principals and teachers shall be given through him or her. He or she must examine all plans for the construction or reconstruction of school buildings and report in writing to the board any objections he or she may find thereto. He or she shall have general supervision of the course of instruction and of the discipline and conduct of the schools.~~

~~SEC. 94. SAME — NOMINATIONS, ASSIGNMENT AND TRANSFER OF TEACHERS.~~

~~—The superintendent of schools shall nominate and recommend all teachers and principals for election by the board of education. He or she shall assign all teachers and principals and make all transfers necessary to the successful operation of the school.~~

~~SEC. 95. BOARD TO ELECT TEACHERS UPON SUPERINTENDENT'S RECOMMENDATION: RULES FOR MAKING RECOMMENDATIONS.~~

~~—The board of education shall elect all teachers, but only from a list of candidates nominated and recommended by the superintendent of schools. The board of education may make rules in accordance with which the superintendent must make such nominations and recommendations.~~

~~SEC. 96. POWERS AND DUTIES OF SECRETARY OF BOARD.~~

~~—The secretary of the board shall keep a record of the proceedings of the board, and an account of all expenditures allowed by it, and for what purpose. He or she shall be the custodian of all books, papers and documents belonging to said district. He or she shall, in June of each year, make a full and complete detailed report of receipts and expenditures by the board, including an estimate of the available balance that will remain~~

~~in any fund at the close of the fiscal year. He or she shall perform such other duties as the board may require of him or her.~~

~~SEC. 98. PLENARY POWER AND CONTROL OF SCHOOL ADMINISTRATION VESTED IN BOARD.~~

~~—Plenary power and control in all matters of school administration is vested in the board of education, and no reference in this Charter to any officer or board of the city shall apply to or affect said board or any member thereof, unless such board of education or members thereof is specifically referred to therein.~~

Section 3. With regard to Article XVII. Elections, Sections 104, 107, 107A, 116, strike and remove as indicated:

~~SEC. 104. WHEN GENERAL ELECTIONS ARE HELD; WHEN ELECTED OFFICERS SHALL TAKE OFFICE.~~

~~General municipal elections shall be held in said city on the Tuesday following the first Monday in November of each even-numbered year, commencing on the Tuesday following the first Monday in November, 1974, at which shall be elected the elective officers provided for by this Charter, including members of the board of education, and all such officers shall take office on the first day of December next succeeding the day of their respective election at 12 o'clock noon.~~

~~SEC. 107. NOMINATIONS TO ACCORD WITH STATE LAW; SIGNATURES REQUIRED ON NOMINATING CERTIFICATES; WHEN NOMINATING CERTIFICATES TO BE FILED.~~

~~All candidates for elective city offices including members of the board of education shall be nominated in the manner provided by general election laws applicable to special, local and municipal elections in the State of California, and succeeding and other sections or laws relating to independent nominations, in force at the time of any general municipal election, except as hereinafter otherwise prescribed; provided, however, that nominating certificates for a council-person of a district shall be signed by at least fifty qualified electors of the district from and by which the nomination is made and that nominating certificates of members of the board of education shall be signed by at least seventy five qualified electors of the trustee area from and by which the nomination is made, and that all other nominating certificates shall be signed by at least seventy five qualified electors of the city; and provided further, that all nominating certificates shall be filed with the city clerk not more than sixty days nor less than fifty days before the day of the general municipal election.~~

~~When candidates for any office are nominated in accordance with the provisions of this section, it is hereby provided and directed that no party name or designation shall appear on the certificate or ballots and that the names of all candidates for each office shall be arranged alphabetically on said ballot.~~

~~SEC. 107A. CANDIDATE TO SIGN DECLARATION OF INTENTION.~~

~~Each candidate for any elective city office, including the board of education, at any general municipal or special election shall file in the office of the city clerk a written and signed declaration of his or her intention to become a candidate for such elective city office. The declaration of intention shall be filed, on a form to be supplied by the city clerk, not more than thirty nor less than twenty days prior to the first day on which such~~

candidate's nomination papers may be presented for filing. No person may be a candidate nor have his or her name printed upon any ballot as a candidate for elective city office unless he or she has filed such declaration of intention. The provisions of this section shall not, however, be deemed to prevent or prohibit the writing in on any ballot by any voter of the name of any candidate whose name is not printed thereon and for whom he or she may wish to vote, as provided in this Charter.

SEC. 116. COUNCIL TO PROVIDE FOR CONDUCT, ETC., OF ELECTIONS; ELECTION PRECINCTS.

The conduct and carrying on of all city elections shall be under the control of the council, and it shall, by ordinance, provide for the holding of all such elections, and may district and subdivide the city ~~and any portion of the school district outside of the city, when participating therein,~~ into municipal election precincts for the holding of municipal elections, and change and alter such precincts and redistrict the city ~~and such outside portion of the school district~~ for such elections as often as occasion may require, but no such precinct in the city shall include within its boundaries portions of two districts of the city ~~or any portion of the school district outside of the city.~~ Unless the boundaries of the precincts shall be established, altered or changed as herein provided, they shall remain as fixed by the board of supervisors of the county for the registration of electors beginning in January of the last even numbered years preceding.

Section 4. With regard to Article XXV. Miscellaneous, repeal section 193.1 in its entirety:

~~SEC. 193.1. EFFECTIVE DATE OF CERTAIN AMENDMENTS.~~

~~—The amendment of Sections 83, 84, 85 and 86 of Article XIV and of Section 107 of Article XVII, and the repeal of Section 97 of Article XIV of this Charter, as ratified by the Legislature at its 1963 regular session, shall become operative only upon the effective date of the formation of a unified school district which includes the territory of the Alhambra City School District and the Alhambra City High School District. Prior thereto, Sections 83, 84, 85, 86 and 97 of Article XIV and Section 107 of Article XVII of the Charter of the City of Alhambra, as they read prior to such ratification by the Legislature, shall remain operative.~~

Section 5. Execution. The Mayor shall sign and the City Clerk shall attest to the passage of this Ordinance upon certification by the City Council of the results of the election approving this Ordinance.

PASSED AND ADOPTED by the people of the City of Alhambra, including those persons residing outside of the City but within the boundaries of the Alhambra Unified School District City Council of the City of Alhambra, State of California, on November 2, 2021.

Mayor

Attest:

Lauren Myles, City Clerk

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