

CITY OF SAN DIEGO

(This Measure will appear on the ballot in the following form.)

MEASURE I

CHARTER AMENDMENT REGARDING BALBOA PARK AND SAN DIEGO HIGH SCHOOL. Shall City Charter section 55 be amended to authorize the City Council to lease the dedicated park property in Balboa Park currently occupied by San Diego High School, to the San Diego Unified School District for educational, cultural, recreational, and civic programs and activities, provided that the property is used for a public high school?

This measure requires approval by a simple majority (over 50%) of the voters voting on the measure.

Full text of this measure follows the argument.

OFFICIAL TITLE AND SUMMARY

BALLOT TITLE

Charter Amendment Regarding Balboa Park and San Diego High School

BALLOT SUMMARY

This measure would amend the San Diego Charter to allow the City Council to approve a lease of dedicated park property in Balboa Park to the San Diego Unified School District for as long as the property is used for a public high school. The San Diego Unified School District's use of the property would be limited to educational, cultural, recreational, and civic programs and activities. The property that the City could lease to the San Diego Unified School District would be limited to the area in Balboa Park that is currently used by San Diego High School, as described in the ordinance approved by the City Council on August 2, 2016, Ordinance O-20721.

CITY ATTORNEY'S IMPARTIAL ANALYSIS

San Diego Charter section 55 governs the City's use of dedicated parkland. Dedicated parkland is City-owned property that the City Council or California Legislature has formally set aside for park or recreation purposes forever, either by adopting a Council ordinance or State statute. Balboa Park is dedicated parkland. The City formally set aside and dedicated it as a public park in 1868. The California Legislature approved the dedication in 1870.

Once City-owned property is dedicated as parkland, Charter section 55 requires the City to use that parkland for park or recreation purposes forever. The Charter provides that the City may use dedicated parkland for another purpose that is not park or recreation if that use is approved by two-thirds of the City's voters. A school is not a park or recreation use.

CITY ATTORNEY'S IMPARTIAL ANALYSIS (CONTINUED)

In the 1880s, a school began operating in Balboa Park. Over time, that school became San Diego High School. In 1974, the San Diego Unified School District and the City settled a lawsuit between them concerning San Diego High School. As a result of this settlement, the City leased the property where San Diego High School is located to the San Diego Unified School District for fifty years. The school use in Balboa Park was allowed to continue during the lease. The lease will expire in 2024.

After the lease expires, the City may not lease the property in Balboa Park for a school use again unless one of two things occurs: (1) the school use is approved by two-thirds of the City's voters, under the current language in the Charter, or (2) the Charter is amended by a majority of the City's voters to allow the school use.

This ballot measure follows the second option. If approved by a majority of the City's voters, the measure would amend Charter section 55 by allowing, but not requiring, the City Council to approve a new lease with the San Diego Unified School District for a public high school in Balboa Park. The measure would allow the City to lease the property to the San Diego Unified School District for educational, cultural, recreational, and civic programs and activities, but the property must be used for a public high school. If approved, the property that could be leased would be limited to the property where San Diego High School is currently located, as described in the 1974 lease and City Council Ordinance O-20721, adopted August 2, 2016.

The City Council initiated this ballot measure and voted to place it on the ballot. If approved, the Charter amendment would become effective after it is chaptered by the California Secretary of State.

FISCAL IMPACT STATEMENT

This measure would allow the City to authorize a continued lease with the San Diego Unified School District (SDUSD) that would allow San Diego High School to remain in its current location on dedicated parkland in Balboa Park.

There is no expected immediate fiscal impact to this measure, though there may be potential future revenues associated with ongoing rent payments from SDUSD for use of the land, subject to negotiations between the City and SDUSD.

ARGUMENT IN FAVOR OF MEASURE I

PROTECT SAN DIEGO HIGH SCHOOL

San Diego High is one of California's oldest schools and has been educating students for more than 130 years. It is San Diego's longest-standing high school and is a cherished part of the city's history.

This measure will ensure the school can continue serving students for generations to come, building on the long history of partnership between the City and San Diego Unified School District (SDUSD).

VOTE YES! SAVE SAN DIEGO HIGH

- Ensure San Diego High School remains on the site it has occupied since 1882.
- Allow students to continue learning without disrupting their education.
- Maintain public access to campus recreational facilities for local youth sports and community organizations such as Veterans Village of San Diego. San Diego High School's stadium hosts more than 1,000 events annually with nearly 40,000 attendees.
- Continue the maintenance of community facilities by SDUSD at no additional cost to the City of San Diego.

A NO VOTE WILL LEAVE TAXPAYERS AND OUR KIDS ON THE HOOK!

- Displaces over 2,000 students who would be forced to leave their neighborhood school, resulting in crowded campuses, uncertainty for local families, and larger class sizes in other district high schools.
- Costs taxpayers hundreds of millions of dollars to construct an alternative high school. Given the scarcity of nearby land, SDUSD may be required to condemn homes to acquire land and build a new high school.
- Requires the costly demolition of this century-old facility at taxpayer expense.

VOTE YES ON MEASURE "I"

www.savesandiegohigh.com

SUPPORTERS

Assembly Speaker Emeritus Toni Atkins
State Senator Joel Anderson
Councilmember Todd Gloria
Councilmember Scott Sherman
San Diego Unified School Board & Superintendent Cindy Marten
Scott Barnett, President TaxpayersAdvocate.org
7000 San Diego Teachers - SDEA
San Diego-Imperial Labor Council
San Diego High School ASB, Alumni Association & Foundation

DAVID ALVAREZ, Councilmember
City of San Diego

KEVIN FAULCONER, Mayor
City of San Diego

WILLIAM A. KOWBA, Rear Admiral, USN (ret)
Chairman, Veterans Village of San Diego Board of Directors

GABRIELA CONTRERAS-MISIRLIOGLU
President, San Diego High School
PTSA

LIVIA BORAK
President, League of Conservation
Voters San Diego

ARGUMENT AGAINST MEASURE I

City Politicians and the School District propose a scheme to give away dedicated Park Lands, reward a Lease breach, and eliminate Charter protections for dedicated Park Lands.

In 1974, competing claims to 34 acres of dedicated Balboa Park Lands were resolved. A Lease and Court Order permitted the District to remain for 50 years, paying a \$200 annual rent. Most importantly the District agreed to vacate Park Lands in 2024, restoring them to park use. The District promised to acquire a non-Park site and build a new campus. In 42 years, the District has breached that obligation, doing nothing to create a new campus.

This Measure eliminates City Charter protections for dedicated Park Lands.

This Measure creates a Land Rush by every for-profit, charter and private school demanding “free land” in Balboa Park. Commercial development could follow.

This Measure gives away 34 acres of dedicated Park Lands, perhaps permanently.

This Measure forces Park users and taxpayers to bail out the wealthy District, reward a Lease breach, and deny future generations use of dedicated Park Lands.

This Measure discloses no details. Is this an absolute gift of priceless dedicated Park Lands to the wealthy School District ? Or will this be a brief lease, with significant rents, with income going to a fund earmarked to benefit Balboa Park? The politicians don't disclose any details. They say “Trust Us”. That means trouble.

The District has two great sites for a High School, but prefers a gift of your Park Lands. That gift would come at enormous cost to the Park, its future, and the next generations of Park users.

Vote “NO” on the Politician’s dangerous give-away scheme.

[SOHO did not co-author this Statement but joins in opposing Measure “I” as it sets a dangerous precedent weakening Park Land Charter Protections.]

BRUCE D. COONS, Executive Director, Save Our Heritage Organisation [“SOHO”]

DAVID E. LUNDIN, President, Balboa Park Heritage Association

HAROLD VALDERHAUG, Assistant Chief City Attorney, City of San Diego [Retired]

FULL TEXT OF MEASURE I

ARTICLE V

EXECUTIVE AND ADMINISTRATIVE SERVICE

SECTION 55: PARK AND RECREATION

The City Manager shall have the control and management of parks, parkways, plazas, beaches, cemeteries, street trees, landscaping of City-owned property, golf courses, playgrounds, recreation centers, recreation camps and recreation activities held on any City playgrounds, parks, beaches and piers, which may be owned, controlled or operated by the City. The City Council shall by ordinance adopt regulations for the proper use and protection of said park property, cemeteries, playgrounds and recreation facilities, and provide penalties for violations thereof. The Manager is charged with the enforcement of such regulations.

All real property owned in fee by the City heretofore or hereafter formally dedicated in perpetuity by ordinance of the Council or by statute of the State Legislature for park, recreation or cemetery purposes shall not be used for any but park, recreation or cemetery purposes without such changed use or purpose having been first authorized or later ratified by a vote of two-thirds of the qualified electors of the City voting at an election for such purpose. However, real property which has been heretofore or which may hereafter be set aside without the formality of an ordinance or statute dedicating such lands for park, recreation or cemetery purposes may be used for any public purpose deemed necessary by the Council.

Whenever the City Manager recommends it, and the City Council finds that the public interest demands it, the City Council may, without a vote of the people, authorize the opening and maintenance of streets and highways over, through and across City fee-owned land which has heretofore or hereafter been formally dedicated in perpetuity by ordinance or statute for park, recreation and cemetery purposes.

The City Council may, without a vote of the people, authorize a lease of the property occupied by San Diego High School to the San Diego Unified School District for educational, cultural, recreational, and civic programs and activities, provided that the property is used for a public high school. The property occupied by San Diego High School means the area used by the San Diego Unified School District for San Diego High School as of the date this amendment is effective, and further described in the legal description on file with the City Clerk as Document No. OO-20721.

The City Manager shall also have charge of the management, control, preservation, regulation, improvement and embellishment of all public burial grounds and cemeteries belonging to the City, and the sale of lots therein. At least twenty percent of the net proceeds from the sale of all cemetery lots shall be deposited with the City Treasurer and be kept in a fund to be known as the Cemetery Perpetuity Fund. This fund shall be administered by the Funds Commission and shall be invested in such income-producing securities as the Funds Commission may decide. The principal of the perpetuity fund (subject to such accretion or diminution as may result from investing the same) shall not be available for meeting expenses for maintenance or upkeep of the cemeteries in any manner whatsoever. All income derived from the investment of the moneys in said perpetuity fund, together with the balance of the sale price of said lots not placed in the perpetuity fund, shall be expended in the maintenance and upkeep of the cemeteries and the perpetual care and upkeep of all graves and lots in said cemeteries; provided, however, that if in any one year such income is more than needed for the purpose of such maintenance, upkeep and perpetual care the Council may direct that the excess over and above that needed as above provided may be used for any other municipal purpose. If the income from said investments of said perpetuity fund and the balance of the sale price of said lots each year are not sufficient to maintain the cemeteries and to provide perpetual care and upkeep of all graves and lots in said cemeteries the Council shall annually appropriate from other revenues an amount sufficient to enable the City to provide perpetual care and upkeep of all graves and lots in the cemeteries.

END OF MEASURE