



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Zulma Maciel

**SUBJECT:** SEE BELOW

**DATE:** April 22, 2024

Approved

Date

4/30/24

**SUBJECT: AMENDMENT TO CHAPTER 2.04 OF TITLE 2 OF THE SAN JOSÉ MUNICIPAL CODE FOR THE OFFICE OF RACIAL AND SOCIAL EQUITY AND AMENDMENT TO THE COUNCIL POLICY TO ADD EQUITY VALUES AND STANDARDS POLICY**

## RECOMMENDATION

- a) Approve an ordinance amending Chapter 2.04 of Title 2 of the San José Municipal Code to add a new Part 43 establishing the Office of Racial and Social Equity.
- b) Adopt a resolution approving the proposed Equity Values and Standards Policy that establishes a framework for advancing racial and social equity.

## SUMMARY AND OUTCOME

Following voter approval of Measure I in November 2022, the Administration engaged both City of San José staff and community representatives to inform the development of a statement of values promoting racial and social equity and a framework to advance those values reflected in the proposed ordinance and policy. This memorandum describes the process and summarizes the proposed ordinance and policy.

Adoption of the draft Racial and Social Equity Ordinance and Equity Values and Standards Policy will honor the voter approved measure and reinforce the City of San José's commitment to advancing an environment in which all people can thrive and no racial and social disparities exist.

## BACKGROUND

In the spring of 2022, the Charter Review Commission recommended revisions and additional amendments to the City of San José Charter. On June 7, 2022, the City Council approved a

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Council Resolution to include a ballot measure for the General Election on November 8, 2022, a statewide general election, to amend the San José City Charter to: (1) add the City's Ethics and Elections Commission (Board of Fair Campaign and Political Practices) to the City Charter; (2) remove requirements that members of the Planning, Civil Service, and Salary Setting Commissions be electors and/or citizens; (3) remove gender specific language in the City Charter; and (4) require the City Council to adopt equity values, standards and assessments in making certain decisions. This memorandum focuses on the fourth item.

Measure I was put before voters in November 2022 and was approved by 58.03% of the voters. Below is the text for item four noted above.

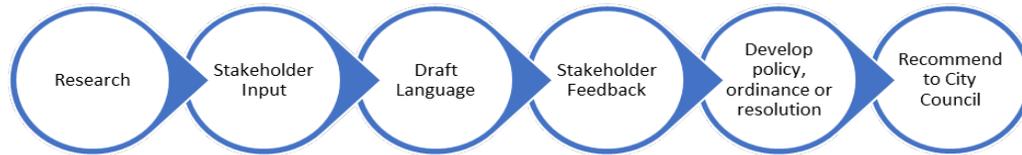
*The Mayor and City Council shall adopt and maintain a statement of values regarding racial and social equity, inclusion, and racial and social justice to provide guidance to City officers and employees in their conduct while discharging their public responsibilities, including development and implementation of decisions, policies, budgets, programs, standards, assessments, and practices of the City of San José.*

Accordingly, the City Administration researched other cities' legislative files that referenced equity work, facilitated a series of discussions, synthesized the information, and considered the City's racial equity framework to establish a set of principles, values, and standards that the City of San José would commit to and reinforce. This memorandum outlines the process and summarizes the proposed Racial and Social Equity Ordinance and Equity Values and Standards Policy.

The City has benefited from having an Office of Racial Equity since 2020, whereby a framework has been adopted by the Administration, along with shared equity leadership principles, a set of standards, and progressively implemented actions by all departments. The stakeholders' understanding of the Office's approach to the work and progress made so far served as a positive foundation for further discussions.

The Office of Racial Equity was responsible for developing a proposal to put before the City Council to codify an implementation mechanism associated with Measure I. Staff was committed to an approach that fulfilled the spirit of the voters that passed the measure and balanced the preferences of the community, City Council, City Administration.

To arrive at such a proposal, staff conducted a multi-month process (May 2023 to March 2024), as illustrated below, to engage a variety of stakeholders and carefully consider the best vehicle to codify the intent of Measure I.



As part of this process, City staff met with numerous external partners, such as the Race Equity Action Leadership Coalition and the San José for All Community Advisory Group, as well as City leadership and racial equity practitioners from multiple departments. In addition, staff met with the Mayor and City Council in the fall of 2023 to share the process (as described above), the themes that resulted from the various meetings, and collect their feedback.

Stakeholder meetings and subsequent conversations were conducted employing the following approach.

1. **Provided foundational information**, including Measure I language and explanations of the various policy mechanisms (ordinance, Council policy, resolution, and administrative policy).
2. Shared findings from **comparable policies from other jurisdictions**.
3. Shared a synopsis of the **City's *Blueprint for Advancing Racial Equity***, which includes values, standards, and a theory of change.
4. **Invited reflection** on what concrete changes would ideally result from implementation, the pros and cons of each policy approach, and input on what seemed most appropriate for the desired outcomes identified.
5. Summarized and reported back **cross-cutting findings** across various stakeholder groups.
6. Circulated draft language for review and feedback.

There were clear commonalities and overlaps about which characteristics and practices the stakeholder groups hoped would be included in, and result from, codifying Measure I into City practice. The cross-cutting themes that rang true for all stakeholder groups were the following:

- Ensure implementation and enforcement of equity values and standards by all departments and decision-makers, both elected officials and City Administration;
- Agree that an ordinance or policy would be the mechanism to ensure accountability;
- Commit to annual public reporting of progress at a departmental level and Citywide;
- Develop and strengthen City staff skills and promote innovation; and,
- Agree that the efforts toward equity are constantly changing, language evolves, and it is crucial for the work to endure over time.

In addition, external groups emphasized the need for expansion of opportunities for community input on priority areas and the budget process, a dedicated assessment function, and clear lines of accountability.

## **ANALYSIS**

After careful analysis and consultation with the City Manager's Office and City Attorney's Office, staff recommends both an ordinance and companion Council Policy. The proposed ordinance would formalize the establishment of an Office of Racial and Social Equity within the City Manager's Office. The Office of Racial Equity was originally established through City Council approval of the Mayor's June Budget Message for Fiscal Year 2020-2021; the proposed ordinance would update the title of the Office to provide a more inclusive and intersectional name and ensure that the Office's functions, powers, and duties are enshrined in the San José Municipal Code. Furthermore, a Council Policy would delineate equity, values, and standards and a framework for how the organization will approach, implement, and demonstrate accountability. This policy meets the desire of the voters and stakeholders to codify value statements and equity-centered work so that it is maintained and sustained, and to ensure it applies to the conduct of all members of the City Council, City Boards, City Commissions, and City employees.

### **Highlights of the Proposed Ordinance**

- States the City's obligation and commitment to equity and the City Council-approved efforts that are underway.
- Formalizes the establishment of the Office of Racial and Social Equity (formerly the Office of Racial Equity).
- Outlines the functions, powers, and duties of the Office.

### **Highlights of the Proposed Council Policy**

- Establishes an Equity Statement of Values to inform and guide decision-making.
- Provides a set of standards, via a general framework, to support consistent adoption across the organization and in driving decision-making towards measurable outcomes wherever possible.
- Outlines the outcomes the City will be driving towards.
- Lays out the duties of the City workforce in advancing racial and social equity.
- Provides mechanisms by which the City will demonstrate transparency, progress in its equity practices, and ensure accountability.

## **EVALUATION AND FOLLOW-UP**

A progress report will be presented to the Mayor and City Council on an annual basis.

## **COORDINATION**

This memorandum has been coordinated with the City Attorney's Office and the City Manager's Budget Office.

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### **PUBLIC OUTREACH**

This memorandum will be posted on the City's Council Agenda website for the May 14, 2024 City Council meeting.

As described in the Analysis section, the Office of Racial Equity engaged both external and internal stakeholders and appreciates the input and deliberation.

### **COMMISSION RECOMMENDATION AND INPUT**

No commission recommendation or input is associated with this action.

### **CEQA**

Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment.

### **PUBLIC SUBSIDY REPORTING**

This item does not include a public subsidy as defined in section 53083 or 53083.1 of the California Government Code or the City's Open Government Resolution.

/s/

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For questions, please contact Zulma Maciel, Director, at [zulma.maciel@sanjoseca.gov](mailto:zulma.maciel@sanjoseca.gov) or (408) 535-8146.