

# San José Charter Review Commission Work Plan DRAFT

*Approved March 8th, 2021; Updated March 15th, 2021*

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## Commission Structure

The Charter Review Commission is composed of 23 members - two residents nominated by each Council Member from their District and three at-large members residing anywhere in the City nominated by the Mayor. The Mayor will nominate one of the at-large members to serve as the Chair to preside over meetings and who may vote only to break a tie. Per Council Direction, the Commission is to be facilitated by an Independent Consultant and supported by Staff members of City Attorney and Clerk's Offices.

**Chair:** Frederick Ferrer

**Vice-Chair:** Christina Johnson

**Consultant:** Lawrence Grodeska, CivicMakers, LLC

**Commission roster** available at:

<https://www.sanjoseca.gov/your-government/appointees/city-clerk/charter-review-commission>.

## Commission Directives

At the recommendation of the City Clerk, the Charter Review Commission will serve as an advisory committee without decision-making authority with responsibilities to provide recommendations to the City Council as outlined in the resolution passed on July 28, 2020 by the San Jose City Council. The areas for those recommendations are as follows (emphasis added):

1. Examine the current governance structure as well as a **governance structure consistent with the “Mayor-Council” government structure** found in other cities in the United States in which the Mayor has executive authority and the Council has legislative authority;
2. Research and solicit community input on strong mayor and other potential charter reforms to improve and update the City’s governance structure, including the direction to **“Align mayoral executive authority with residents’ and local business’ reasonable expectations for responsive and accountable democratic governance in a major U.S. city”**;
3. **Evaluate whether the Mayor elected in 2022 should serve a two (2)-year or six (6)-year term** to transition the mayoral election to the presidential election in 2024 or 2028, respectively;
4. Evaluate transition of the election cycle for **odd-numbered districts to align with the presidential election cycle and the even-numbered districts with the gubernatorial election cycle**; and
5. Consider **additional measures and potential charter amendments, as needed, that will improve accountability, representation, and inclusion** at San José City Hall.

These responsibilities can be fairly grouped into three broad categories:

1. **Governance structure (Nos. 1 & 2)**
  - a. Role of mayoral executive authority in residents’ and local business’ reasonable expectations for responsive and accountable democratic governance
2. **Timing of elections (Nos. 3 & 4)**
  - a. Mayoral election

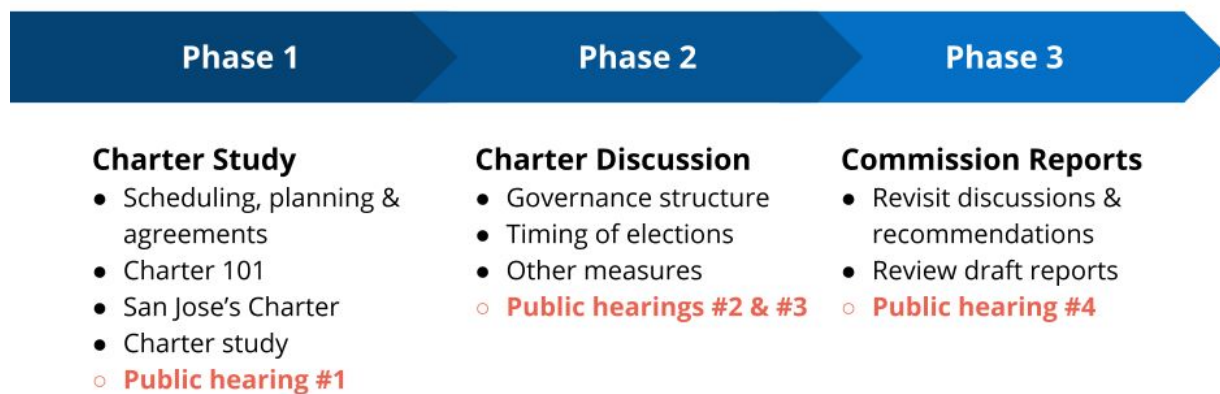
b. District elections

**3. Additional measures and potential charter amendments that will improve accountability, representation, and inclusion (No. 5)**

The Commission has been directed to submit recommendations on the above by December 14, 2021. Based on the Commission's recommendations, Council is to determine further revisions of the Charter, if necessary, to be included as a ballot measure in the 2022 primary and/or statewide general election.

## Approach

To address these responsibilities and generate recommendations for the Council, the Commission Chair and Consultant propose the following phased approach.



\* Currently planned public engagement activities indicated by **red bold**.

## Meeting Schedule

Commission meetings will be held every other week on Mondays from 6-9pm via Zoom.

The Commission Chair and Consultant propose the following meeting topics, leaving open the possibility of adding additional meetings and topics as necessary.

PHASE 1 - CHARTER STUDY	
January 11	Oath of Office and Kickoff
January 25	<ul style="list-style-type: none"> <li>Review Work Plan and Commissioner Agreements</li> </ul>

	Charter 101 & Intro to San Jose's Charter
<b>February 8</b>	<ul style="list-style-type: none"> <li>Review Work Plan and revised Commissioner Agreements;</li> <li>Discussion of community engagement</li> </ul> <p><b>Guests:</b> Camille Fontanilla and Poncho Guevara</p>
<b>March 8</b>	<ul style="list-style-type: none"> <li>History of previous Charter review processes in San Jose.</li> <li>Historical context of the current Commission.</li> </ul> <p><b>Guests:</b> Past Charter Review Commissioners - <del>Blanca Alvarado (1975-1976)</del>, John Marshall Collins (1985), Bob Brownstein (1985)</p>
<b>March 22</b>	<ul style="list-style-type: none"> <li>Review of the nuances between Council-Manager and Mayor-Council forms of governance</li> <li>Research on effectiveness of different models</li> </ul> <p><b>Guest:</b> Professor Kimberly Nelson, The University of North Carolina at Chapel Hill School of Government</p> <ul style="list-style-type: none"> <li>Public comment on</li> </ul>
<b>April 5</b>	<ul style="list-style-type: none"> <li>Review of San Jose's current system of governance and its practical implications             <ul style="list-style-type: none"> <li>Section 411: The Council; Interference With Administrative Matters</li> <li>Article VIII: Administrative Organization</li> <li>Article IX: Officers and Employees.</li> <li>Article X: Boards and Commissioners</li> </ul> </li> </ul> <p><b>Guests:</b> Former City Manager Debra Figone, Former Mayor Ron Gonzales</p>
<b>April 19</b>	<ul style="list-style-type: none"> <li>The role of districts, how Council Members are elected, and their role relative to a Mayor with more consolidated power.</li> <li>Examples from comparative cities across the country that have gone through similar processes of Charter review (<i>include one alternative form</i>).</li> </ul> <p><b>Guests:</b> TBD</p>
<b>May 3</b>	<ul style="list-style-type: none"> <li>Power and accountability metrics and mechanisms for the various governance roles (e.g., Mayor, Council, Appointed Commissions).</li> </ul> <p><b>Guests:</b> TBD</p>
<b>May 17</b>	<ul style="list-style-type: none"> <li>Prep for Public Hearing #1</li> <li>Discuss "Additional Measures" for consideration and deliberation</li> </ul>
<b>PHASE 2 - CHARTER DISCUSSION</b>	
<b>???</b>	Public Hearing #1 - Public Comment on Study Session Topics
<b>June 14</b>	Governance structure Pt. 1

<b>June 28</b>	Governance structure Pt. 2
<b>July 12</b>	CITY CLERK'S OFFICE OOO; Proposed Commission Break
<b>July 26</b>	Election Timing
<b>TBD</b>	<i>Public hearing #2</i>
<b>August 9</b>	Additional Measures
<b>August 23</b>	Additional Measures
<b>September 6</b>	Additional Measures
<b>TBD</b>	<i>Public hearing #3</i>
<b>PHASE 3 - Commission Reports</b>	
<b>September 20</b>	Review Draft Reports
<b>October 4</b>	Review Draft Reports
<b>TBD</b>	<i>Public hearing #4</i>
<b>October 18</b>	Approve Reports

\* Calendar will be extended and new topics added as directed by the Commission.

## Community Engagement Approach

### Community Touchpoints

The Charter Review Commission will host the following touchpoints for community input:

- Commission Website
  - Flyer with overview of the Charter Review Commission along with public hearing dates (to be created and translated once public hearing dates are finalized)
- Commission Meetings
- Public Hearings on major questions or proposals (with interpretation)
  - Preferred meeting times: Mon-Fri 6-8pm, Sat 11am-1pm

## Outreach Asks & Activities

### OUTREACH ASKS

The Commission will develop a specific set of questions for community engagement based on their ongoing deliberations. For outreach and engagement to be effective and respectful of community participants, asks should be focussed and specific, such as:

- Attend an upcoming meeting
- Share information about upcoming meetings with your networks
- Leave a comment on Commission website or via printed form about a specific topic

### OUTREACH ACTIVITIES

#### City Channels

Currently, the agendas for the CRC are posted on the City's inSite Page with all other agendas, and the agenda link is sent to the City Council and other Commissioners for their information and promotion. The City Clerk's Twitter account also posts a link to the agenda. Commission Meetings are live streamed via Youtube.

#### Commissioner Outreach

Each Commissioner is invited to promote Commission meetings and public hearings to their networks. This would include notices of upcoming meetings and materials from past meetings. See Appendix A for Community Outreach List.

#### Community Partners

Commissioners will investigate the possibility of engaging community organizations to support the Commission's community engagement efforts, such as promotion, translation and interpretation services.

## Charter Review Public Messaging

The authority and responsibilities of San José's elected officials and staff are outlined in the City's Charter. The Charter details how the power of the Mayor is balanced with that of the City Council as it relates to governing tasks such as hiring staff leadership and proposing an annual budget. The current Charter was adopted in 1965, and has been amended throughout the years to reflect the changing dynamics of the City and its residents.

In the Fall of 2020, the City Council created a new Charter Review Commission to research and discuss a number of issues related to the balance of power in San José's government. These issues include how much power should be concentrated in the hands of the Mayor

versus shared with Council, when Mayoral and District elections should be held, and other ideas for improving equity, transparency and accountability in San José.

You can learn more about the Charter Review Commission, including the public meeting schedule, at <https://www.sanjoseca.gov/your-government/appointees/city-clerk/charter-review-commission>.

## Appendix A - Community Outreach List

The following organizations have been suggested by Commissioners as important individuals, networks and organizations for their ongoing outreach. *General items that require more detail indicated by italics.*

Organization	Commissioner
<b>Advocacy Organizations</b>	
Amigos de Guadalupe -Center for Justice & Empowerment	Commissioner Barousse
Asian Americans for Community Involvement	Commissioner Matsumura
Asian Law Alliance	Commissioner Matsumura
Black Leadership Kitchen Cabinet	Commissioner Matsumura
Latino Historical Society	Commissioner Posadas
NAACP	Commissioner Matsumura
Race Equity Action Leadership (REAL) Network	Commissioner Matsumura
Si Se Puede Collective	Commissioner Amador
SOMOS Mayfair	Commissioner Matsumura Commissioner Amador
South Bay Labor Council	Commissioner Matsumura
Working Partnerships USA	Commissioner Matsumura
<b>Housing / Real Estate</b>	
San Jose Real Estate professionals	Commissioner Monley
San Jose Realtists	Commissioner Matsumura
Santa Clara County Association of Realtors	Commissioner Monley
Realtor network at Compass (SJ office)	Commissioner Monley
SCCAOR	Commissioner Monley
<i>local housing entities</i>	Commissioner Segura
<i>vietnamese groups</i>	Commissioner Posadas

<i>Vietnamese residents citywide</i>	Commissioner Diep
<b>Community Organizations</b>	
District 9 Leadership Group	Commissioner Percival
District 1 leadership group	Commissioner Zhao
D5 United	Commissioner Barocio
People Acting in Community Together	Commissioner Matsumura
Sacred Heart Community Service	Commissioner Matsumura
Viet Unity	Commissioner Matsumura
Vietnamese American Roundtable	Commissioner Johnson
<b>Neighborhood Associations</b>	
East Foothills Social Media Group	Commissioner Barocio
Cambrian Community Council	Commissioner Percival
College Park Neighborhood Association	Commissioner Monley
District 1 Neighborhood Associations	Commissioner Zhao
District 4 Neighborhood Groups	Commissioner Diep
District 6 Neighborhood Associations	Commissioner Monley
District 8 Neighborhood Associations: Brahms/Edgeview NA, Evergreen Leadership NA, Norwood NA, Silver Oak NA, District 8 Community Roundtable, Meadowfair NA, and Welch Park NA,	Commissioner Barousse
Alum Rock Village Action Committee (ARVAC)	Commissioner Barocio
Neighborhood planning groups within District 10	Commissioner Maitski
President of Rosegarden Preservation Association	Commissioner Monley
President of Shasta-Hanchett Neighborhood Association	Commissioner Monley
We and Our Neighbors	Commissioner Percival
<i>Downtown neighborhood</i>	Commissioner Posadas
<i>Neighborhood associations</i>	Commissioner Amador
<b>Elected Officials</b>	
Council member Jimenez	Commissioner Johnson
Councilmembers in D9	Commissioner J LeZotte
Councilmembers in D10	Commissioner J LeZotte
Current and former City staff	Commissioner Matsumura
Past Council member Ken Yeager	Commissioner Monley
Past Councilmember Pier Luigi	Commissioner Monley
<i>local politicians</i>	Commissioner Segura
<b>Community Leaders + Members</b>	
Chava Bustamante	Commissioner Barousse, Commissioner Matsumura



Jake Tonkel	Commissioner Matsumura
Ellina Yin	Commissioner Matsumura
Chris Luebcke	Commissioner Matsumura
Mira Karthik	Commissioner Matsumura
Lam Nguyen,	Commissioner Matsumura
Rosie Zepeda,	Commissioner Matsumura
Jenny Higgins Bradanini	Commissioner Matsumura
Kevin Ma	Commissioner Matsumura
Brenda Zendejas	Commissioner Matsumura
Dr. Terry Christensen	Commissioner Matsumura
Bob Brownstein	Commissioner Matsumura
Patricia Gardner	Commissioner Matsumura
Bob Staedler	Commissioner Matsumura
<i>leadership groups</i>	Commissioner LeZotte
<i>neighborhood community organizers</i>	Commissioner Segura
<b>Political Organizations</b>	
Bay Area Municipal Elections Committee (BAYMEC)	Commissioner Matsumura
Council on American Islamic Relations	Commissioner Matsumura
League of Women Voters	Commissioner Matsumura
<b>Parent + School Networks</b>	
SJSU networks	Commissioner Posadas
<i>school districts</i>	Commissioner Amador
<i>Educational Organization</i>	Commissioner Segura
<b>Media</b>	
NextDoor	Commissioner Zhao
Silicon Valley De-Bug	Commissioner Matsumura Commissioner Barousse
<b>City Unions</b>	
<i>union networks</i>	Commissioner Posadas
<i>City Unions</i>	Commissioner Matsumura
<b>Business Interests</b>	
Latino Business Foundation	Commissioner Matsumura
Silicon Valley Council of Nonprofits	Commissioner Matsumura
<i>local businesses, etc.</i>	Commissioner Segura
<b>Suggested</b>	
senior commission and all other existing city boards and commissioners	<i>Suggested</i>
Neighborhood leaders throughout the city.	<i>Suggested</i>

Latino Leadership Alliance	<i>Suggested</i>
Latina Coalition	<i>Suggested</i>
ICAN	<i>Suggested</i>

## FOOTNOTES

### **Potential specifics for governance structure discussion (from "Replacement Memorandum from Jones - 6/26/20"):**

1. Mayor's authority to appoint, direct and dismiss the City Manager.
2. City Manager authority to appoint, direct and dismiss department heads, with a majority of Council approval required for appointment.
3. Mayor's power to direct (amending Charter Section 411):
  - a. The City Manager;
  - b. all Department heads (a power also shared with the City Manager);
  - c. any member of the Mayoral office staff; but,
  - d. not any other city employee, nor any other Council appointee (City Attorney, City Auditor or Independent Police Auditor).
4. Mayor's and the City Manager's authority to dismiss department heads.
  - a. If a department head is dismissed by the Mayor or City Manager, the Mayor or City Manager will promptly notify the Council, and the dismissal will be agendized at the next Council meeting at least 72 hours following such notification. If a 2/3s supermajority of the Council votes to overturn that dismissal, the department head will be reinstated.
  - b. The changes in the Charter giving the Mayor the authority to dismiss the City Manager and department heads shall not take effect until July 1, 2023.
5. The Office of the City Clerk as a department appointed by the City Manager, directed and subject to dismissal by the Mayor and City Manager.
6. Nothing in these reforms alters the relevant charter sections that govern the appointment, direction and dismissal of the:
  - a. 1. The City Attorney;
  - b. 2. The City Auditor; and,
  - c. The Independent Police Auditor.
7. Executive staff for the City Manager, such as Deputy City Manager, Assistant City Manager(s), Chief of Staff and other positions directly supporting the City Manager shall continue to be appointed, directed and dismissed by the City Manager.
8. Nothing in these reforms alters Charter Section 502(g), in which the Mayor shall continue to have the authority to direct the Public Information Office of the City, which is distinct from regular communications staff and functions that are associated with the mayoral office.
9. Nothing in these reforms alters Charter Section 400, in which the determination of all matters of policy is vested with the Council.

**Potential specifics of governance structure discussion "City of Los Angeles New City Election Dates and Schedules Charter Amendment, Measure 1 (March 2015)":**

Shall the City Charter be amended to: 1) change the City's primary and general election dates to June and November of even-numbered years beginning in 2020 so that City elections are held on the same dates as Federal and State elections; 2) provide that, in 2015 and 2017 only, candidates be elected for a term of 5/12 years to transition to the new election dates; 3) adjust vacancy election schedules and allow temporary appointments to fill vacant offices until an election is held; 4) enable initiative and referendum elections to be scheduled at either the next City or next State election; and 5) allow initiative proponents to withdraw their measure prior to scheduling an election?