



Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Councilmember Sylvia Arenas

SUBJECT: SEE BELOW

DATE: August 7, 2018

APPROVE:

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SUBJECT: CHARTER AMENDMENT ON SALARY SETTING AND COMPETING BALLOT MEASURES.

RECOMMENDATION

Accept Mayor's memo and additionally require the following steps before the Council places a competing ballot measure on the ballot:

1. An independent analyst be secured to bring back findings of fact on the community sponsored initiative. The analyst would review objective data from unbiased sources and return with findings tightly focused on this objective data, including:
 - a. The accuracy of the information provided in the initiative
 - b. The economic effects of the initiative for the public at large, and additionally for the proponents and major donors to the initiative.
 - c. Whether the initiative would create a benefit or entitlement that would be legally difficult or impossible to reverse.
2. This report would not include arguments in support or opposition, rationales for a countermeasure, nor value judgements extrapolated from the findings.
3. These findings of fact be reported back to City Council and the initiative's sponsors.
4. Council accept this report by a supermajority of two-thirds before proceeding to consider a competing ballot measure, which could then be adopted by a simple majority.

BACKGROUND

San Jose residents have seen first-hand in 2018 potential harm that special interests can cause by using their vast resources at the ballot box. From this experience we know that the San Jose City Council needs the tools to respond that are available to virtually every other city in California.

However – when we ask voters for these additional tools, it's vital that we establish procedures that show that we'll use these tools only in good-faith efforts to protect our community from policies designed to place special interest goals over the public good. We should not be using this new tool to interfere in each measure that members of our community place on the ballot.

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Toward that goal, this memo offers a proposed safeguard. I would suggest that we add an independent analysis of the measure that the community members have brought forward. This would accomplish several things: First, it would ensure that Council is not interjecting itself into the initiative's democratic process without sufficient information to fully understand the ramifications of the measure. Second, it would ensure that this analysis is done in a truly independent and unbiased manor. Third, it would require a two-thirds supermajority on accepting the report – which serves to ensure that there is a consensus on the council that agrees that they have been provided sufficiently thorough and objective information to proceed.

I cannot support the idea brought forward by some of my colleagues to remove this entire portion of the proposed charter amendment, but I also would strongly prefer to see safeguards added to the charter amendment today. I hope my colleagues will entertain the suggestion above or consider what kinds of safeguards they would propose and support.

San Jose's City Council put Measure C on the June ballot with a 9 to 1 vote. This council has consistently worked to build consensus as we work on placing bonds and charter amendments on the ballot – and we have specifically tried to avoid close votes that would have the potential to fracture community support.

This memo presents a suggestion on how we can continue working together and placing the public good as the highest goal.