



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Lee Wilcox

SUBJECT: NEIGHBORHOODS COMMISSION
2018 CAUCUS PROCESS

DATE: March 28, 2018

Approved

Date

3-29-18

COUNCIL DISTRICT: 1, 3, 5, 7, 9

RECOMMENDATION

Approve the 2018 Caucus Process recommended by the Neighborhoods Commission to select Neighborhood Commissioners in Districts 1, 3, 5, 7, and 9.

OUTCOME

If the City Council approves the Caucus Process recommended by the Neighborhoods Commission, the Caucus Process will begin on April 12 for selection of Commissioners in Districts 1, 3, 5, 7, and 9 so that they will be seated by June 2018.

BACKGROUND

The City Council created the Neighborhoods Commission on September 25, 2007 as a pilot, building on the 2002 work done by the Strong Neighborhoods Initiative (SNI) and its Project Area Committee. Funding and staffing for SNI came from the former Redevelopment Agency.

The Neighborhoods Commission is the only commission using a caucus process to select Commissioners. (SJMC § 2.08.3440.) The majority of the City of San José commissions are 11-member commissions nominated by the City Council, with each Councilmember and the Mayor, nominating one commissioner and the nominations being submitted to the City Council for formal appointment. For certain commissions and boards, such as the Appeals Hearing Board and Planning Commission, the City Council selects members after an application and public interview process.

When vacancies occur on the Neighborhoods Commission outside of the scheduled caucus process timeline, the City Clerk conducts a recruitment effort for new commissioners who are screened by the City Manager, City Attorney, and Code Enforcement, proceed to the Council Advisory Appointment Commission for review and recommendations, and appointed by the City

Council (as outlined in Council Policy 0-4, p. 10). A commissioner appointed in this manner serves until the next scheduled caucus process for that district. On August 27, 2013, the City Council adopted an ordinance making the Neighborhoods Commission a permanent commission and requiring that commissioners would be nominated through a caucus process, held in the same year in which City Council elections are held, 2016 for even-numbered districts and 2018 for odd-numbered districts. Term limits were set at two four-year terms to match other commissions.

The ordinance also requires the Commission to adopt a caucus process prior to each selection cycle and submit the process to the City Council for approval. (SJMC § 2.08.3440.) This allows the Commission to recommend changes to the selection process without having to amend the Municipal Code.

The Commission's proposed 2018 Neighborhoods Commission Caucus Process is outlined in Attachment A. It follows the model used to nominate commissioners in 2016 with the change that each neighborhood group is allowed only one delegate to vote at the district caucus and Council staff should attend their caucus in order to help approve neighborhood groups who are allowed to have a delegate. Candidates have applied in advance and submitted a written statement explaining their candidacy, skills, experience, and prior community service.

At the caucus, candidates would provide opening and closing statements, answer questions from delegates and audience members, and participate in one-on-one or small group conversations during an official "interview time." At the conclusions, each delegate would vote for up to two candidates. If necessary, multiple rounds of voting would be held to arrive at a clear plurality to select the top two candidates.

The names of the top two candidates in each district would then be forwarded to the City Council. The City Council would take the caucus nominations under consideration and vote to appoint two commissioners to represent each district on the Commission.

ANALYSIS

In 2016, there were 30 applicants for the ten even-numbered district seats (an average of 3 candidates per seat or 6 candidates per district). Ten commissioners were appointed by Council.

This year there are 26 applicants for the ten odd-numbered district seats (an average of 2.6 candidates per seat or 5.2 candidates per district).

In the 18 months since the 2016 caucus process, two commissioners from even-numbered and five of the odd-numbered districts have resigned due to job, family, or other conflicts. All but one of those seats were recently filled by the City Council. This means that 35 percent of all seats, 20 percent of the even-district seats, and 50 percent of the odd-numbered districts will have been filled using the application and appointment process used to fill seats on Council-nominated commissions.

Conducting outreach, planning, and implementing successful caucuses requires a significant investment of time from commissioners and staff. However, the Commission took much more of a lead in this caucus process, doing a great deal of the recruitment themselves and working with neighborhood groups to determine caucus dates and generate interest in participation in the caucus. This change is due to Council recommendations in their August 22, 2017 deliberations on the size and processes of the Neighborhoods Commission to create new procedures to more efficiently support the work of the Commission.

EVALUATION AND FOLLOW-UP

Should the City Council approve the Neighborhoods Commission recommendations for the 2018 caucus process, staff will return to Council in June for approval of the caucus-selected candidates and, as directed by Council in August 2017, to the Neighborhoods Services and Education Committee in August with a report on the staffing and operation of the commission.

Staff will also continue to track turnover on the Commission and the number of appointments made due to vacancies.

POLICY ALTERNATIVES

Alternative #1: Appoint Neighborhoods Commissioners using the process for Council-nominated commissions. Potential Neighborhoods Commissioners would submit an application and be nominated by the Councilmember representing their district, with approval by the whole Council.

Pros: Using this process would be more efficient, both in time and resources. It is the process used to appoint Neighborhoods Commissioners when a vacancy occurs mid-term. In the case of the districts where the caucus process has been used, fully 35 percent of all seats, 20 percent of the even-numbered district seats, and 50 percent of the odd-numbered district seats have since turned over, meaning that this process is already being used.

Cons: The caucus process is designed to engage neighborhoods around the nomination of commissioners who represent them on the commission. Using the City Council nomination process would take away that grassroots engagement. When the City Council created the Neighborhoods Commission, it specified that caucuses would be held every two years, so there is an expectation that the caucuses will take place this year.

Reason for not recommending: Outreach has not been conducted around this alternative. The Neighborhoods Commission has not reviewed this alternative.

Alternative #2: Appoint Neighborhoods Commissioners using the application and interview process used for commissions such as the Planning Commission. Following the public interviews, Councilmembers would vote to appoint two commissioners per district.

Pros: Providing a public interview process allows additional vetting of prospective commissioners beyond the application and appointment process.

Cons: Interviewing candidates for multiple districts would be challenging and time-consuming for the City Council.

Reason for not recommending: Outreach has not been conducted around this alternative. The Neighborhoods Commission has not reviewed this alternative.

PUBLIC OUTREACH

An ad hoc committee of the Neighborhoods Commission developed the proposed 2018 Neighborhoods Commission Caucus Process. The committee was initiated on December 13, 2017, and materials regarding the previous caucus process were posted online.

The full Neighborhoods Commission reviewed and approved the changes to the caucus process at their February 14 and March 14, 2018 meetings. Those meetings were publicly noticed in accordance with the Brown Act and San José Open Government requirements. The committee's draft was posted online.

Individual commissioners shared the proposal with their neighborhoods prior to the meeting.

This memorandum will be posted on the City's Council Agenda website for the April 10, 2018 Council Meeting.

COORDINATION

This memo was coordinated with the City Attorney's Office and the City Clerk's Office.

COMMISSION RECOMMENDATION/INPUT

The Neighborhoods Commission approved the proposed process for conducting the 2018 Caucuses to select Neighborhoods Commissioners in Districts 1, 3, 5, 7, and 9.

CEQA

Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment.

/s/
LEE WILCOX
Chief of Staff, Office of the City Manager

For questions, please contact Sabrina Parra-García, Executive Analyst, at (408) 535-8171.

ATTACHMENT A

City of San José Neighborhoods Commission

2018 Caucus Processes

Neighborhoods Commission Caucus Processes

Appendix I: City Policy 0-4 (Appointment Process)

2018 Caucus Schedule

District	Currently Planned Caucus Date	Time	Location	Candidate Statements Due	# of Candidates, Approximate Time*
D1	5/12/18	10:00am	West Valley Branch Library	4/28/18	5, 65 min.
D3	4/18/18	7:30pm	City Hall, 18th Floor	4/4/18	5, 65 min.
D5	4/25/18	6:30pm	Alum Rock Branch Library	4/11/18	6, 75 min
D7	4/26 or 12/18	6:00pm	Tully Community Branch Library	4/3/18	4, 55 min
D9	5/1/18	6:30pm	Camden Community Center	4/22/18	7, 85 min

* Two minute open and closing statements, five questions with one minute to ask and one minute each to answer, five minutes to caucus plus ten minutes for greeting and goodbye.

A. The Recruitment and Application Process

1. Candidates for the Commission will be recruited at least one month before their selection caucus and provided with a job description and a timeline of significant events.
2. Candidates must reside in the Council District for which they are applying, and must meet the City's requirements to serve on a Board or Commission.
3. Candidates will submit their applications through the City Clerk's office. Email to cityclerk@sanjoseca.gov or call 408-535-1260 for details. Candidates will be recruited by their Council Office, their District Leadership Groups and Neighborhoods Commissioners. Commissioners from districts not holding caucuses will be assigned to coordinate and facilitate the meeting as follows:

Caucusing District	1	2	3	4	5	6	7	8	9	10
Assigned District	2	1	4	3	6	5	8	7	10	9

B. Caucus Preparations Process

1. Candidates should submit a written statement of up to 250 words explaining their candidacy, skills, experience and prior service to the community. The statements are due two weeks before the caucus meeting. Candidate statements and background information should be emailed to ncstaff@sanjoseca.gov and will be posted on the City's Neighborhoods Commission website.
2. Commission Staff and Council District Staffs will secure locations and schedule the caucus meetings.
3. Each Neighborhood Group¹ must register in advance with Council District Staff and select a delegate that will vote at the meeting. Delegates will register with the Secretary/Recorder when they arrive at the meeting.
4. No delegate shall cast a ballot on behalf of more than one Neighborhood Group.
5. The Facilitator will recruit the Support Staff needed for the caucus meeting, with preference being given to Neighborhoods Commissioners who are not standing as Candidates.
6. Commission Staff will gather and prepare all support materials needed for the caucus meeting. See Appendix G.

C. Caucus Participants and Their Roles

1. **Delegates** represent their Neighborhood Group and vote for the Candidates. Delegates must reside in the District in which they are voting.
2. **Candidates** wish to represent their Council Districts on the Neighborhoods Commission. Candidates are encouraged to be present at the caucus and may not have "stand-ins" speak on their behalf.
3. A neutral **Facilitator** controls all aspects of the meeting, observes the vote counting process and reports the results of each ballot. The Facilitator is a commissioner from another District as defined in the "District Assigns" above. The Facilitator is responsible for training the Support Staff and establishing the rotating order of the Candidates for statements and to answer questions.
4. **Commission Staff** prepares all the necessary materials and supports the Facilitator. Commission Staff has no official duties at the caucus meeting.
 - a. The **Support Staff** provide the services needed to operate the meeting. The support staff is four to six individuals. **Required positions below are marked with asterisks.**

¹ A neighborhood group is defined by City of San Jose Planning Outreach Policy 6-30 as: "a group or organization that is representative of its specific neighborhood, and whose primary purpose is the improvement of that neighborhood."

Neighborhoods Commission Caucus Processes

- b. The **Secretary/Recorder*** manages the sign-in sheet and registers the Delegates. The Secretary/Recorder distributes the ballots and counts the votes under the observation of the Facilitator. If multiple votes are needed, the Secretary/Recorder will amend the ballots. The Secretary/Recorder is also responsible for documenting the process, giving special attention to any issues that arise which can be prevented in future caucus meetings.
 - c. Up to three neutral **Coordinators** select one of themselves to act as the **Lead Coordinator***. Coordinators distribute cards for questions to any person in attendance, with no limits. Coordinators collect the question cards, combine similar questions and eliminate questions that they consider unnecessary. In conjunction with the Facilitator, Coordinators may limit the number of questions based on the number of Candidates to prevent the meeting from running too long. The Facilitator has final say in all matters.²
 - d. A **Time Manager*** uses a timing device to ensure that Candidate opening and closing statements do not run long. The Time Manager holds signs indicate that 30 seconds remain, ten seconds remain and that the Candidate's time has ended. The Facilitator ensures that the Candidates honor the time limits. The Time Manager also tracks the Interview Time periods, verbally announcing when two minutes remain, 30 seconds remain and "Time is Up!"
 - e. A **Council Staffer*** must be present to make decisions regarding Neighborhood Groups and Delegates, using their intimate knowledge of the Council District. Situations might include substitute Delegates, Neighborhood Groups that are unknown or didn't register and residency boundaries.
5. **Other Interested Parties** observe the process. Anyone from the Council District can attend the meeting, submit questions and participate in the Interview Time. Only Delegates can vote.
 6. **City Councilmembers** may not endorse individual candidates or take steps to influence the outcome of the Neighborhood Caucus. Councilmembers are welcome to attend to show support of the commission and the process.

D. The Caucus Meeting

1. **Pre-Meeting:** (:30 before caucus start) The Support Staff sets up the room. The Facilitator briefs the Candidates on the process and picks names from a hat to establish the initial order for opening statements. Candidates will be seated in the order chosen. The Facilitator reviews expectations with each Support Staff member.
2. **Sign In:** All caucus meeting attendees sign in, including Delegates, Candidates, the Facilitator and Staff.
3. **Call to Order:** The Facilitator will welcome the Caucus Participants, introduce the Candidates and Support Staff, review the ground rules and explain the process. The Facilitator will also immediately solicit questions for the Candidates.
4. **Opening Statements:** Each Candidate will be given two minutes for opening remarks. The ordering of the Candidates will be established before the meeting convenes and will be announced by the Facilitator.
5. **Questions and Answers:** The Facilitator will read the submitted questions one at a time. Each Candidate will have one minute to answer the question. The ordering of the Candidates will shift one name forward for each round so that the first response comes from a different Candidate.

² The 2006 Caucus in D6 sported 16 candidates. Two minute opening and closing statements took more than an hour (2x16 plus 2x16). Each question from the public took 16 minutes for responses. So only four questions moved the caucus well past the two hour mark.

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6. **Interview Time:** Candidates will disperse around the room to be interviewed by the Delegates and Other Interested Parties. The initial Interview Time will be five minutes and can be extended in five minute increments, as deemed necessary by the Facilitator. The Time Manager will announce when time is expiring.
7. **Closing Statements:** Each Candidate will be given one minute to summarize their candidacy. The ordering of the Candidates will shift one name forward from the last Question and Answer round.
8. **First Ballot:** Each Delegate will be given a paper Ballot with the names of all Candidates. A Delegate can vote for up to two Candidates. The Secretary/Recorder will count the votes and announce the totals under the supervision of the Facilitator. A plurality of the Delegates' votes (most votes) is needed to elect a Candidate. Ties are resolved by Subsequent Ballots.
9. **Subsequent Ballots:** If both seats are not filled on the first round, the voting process continues with a reduced list of Candidates. The name of any elected Candidate OR the Candidate receiving the lowest number of votes in the previous round is removed from the Ballot. Subsequent rounds operate the same as the First Ballot.

E. Post Caucus Process

1. **Appointment:** Candidates elected by the Caucus Process must be subsequently appointed by the City Council. The ordinance governing the Commission states, "Members shall be appointed by the City Council, after taking into consideration nominations provided by Neighborhood Groups in each Council District following a caucus process."
2. **Post Caucus Meeting:** The Commission Staff and the Support Staff will meet as needed within one month of the Caucus meeting to discuss the process, suggest changes to future caucuses and to update this documentation.
3. **District Assigns After Caucus Review:** An after caucus review will be conducted as needed to assess the effectivity of having Neighborhood Commissioners assigned to support caucuses.
4. **Orientation of Elected Commissioners:** An orientation will be held for elected commissioners. The orientation should be conducted prior to the swearing in of the commissioners.

Neighborhoods Commission Caucus Processes

Appendix I: City Policy 0-4 (Appointment Process)

These pages are from the City's Policy 0-4 "Consolidated Policy Governing Boards and Commissions." The full document can be found at: <http://www.sanjoseca.gov/documentcenter/view/3811>

City of San José, California

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10. Appointment Process for Neighborhoods Commission

a. Regularly Scheduled Vacancies for Seats Nominated by Neighborhood Groups:

The following appointment process applies to all regularly scheduled vacancies for seats for Neighborhoods Commission.

- i. The Department staff liaison to the Commission shall obtain approval from the City Council of the rules developed by the Commission for the caucus process, in accordance with Section 2.08.3440.A of the Municipal Code.
- ii. The City Clerk shall post a vacancy notice on the City Clerk's website, San José Public Libraries, and City community centers.
- iii. Upon close of the vacancy notice period, the City Clerk shall forward a copy of the applications to the Department staff liaison to the Commission for a preliminary review of applicants, including, but not limited to, District residency verification and identification, and application completeness. Within 7 days of receipt, the Department staff liaison shall submit the results of its review as a Department staff liaison memo to the City Clerk's Office.
- iv. The City Clerk shall then forward a copy of the applications and Department staff liaison memo to the City Attorney for a conflicts review and Department of Planning, Building, and Code Enforcement for review of code actions. The City Attorney and Department of Planning, Building, and Code Enforcement will prepare and provide the City Clerk with respective memos regarding the applicants within 14 days after receipt of the applications and memo.
- v. After receipt of the conflicts of interest and code review memos, the City Clerk will provide full application packages to the Department staff liaison to the Commission, to provide to the neighborhood groups during their caucus process. The full application packages will contain the following documents: Commission applications, City Attorney memo, Department of Planning, Building, and Code Enforcement memo, Department staff liaison memo, and any other information as necessary.
- vi. After receipt of the full application package, and in accordance with the caucus process in Section 2.08.3440.A-C of the Municipal Code, the Department staff liaison shall submit the nominations of the neighborhood groups for approval by the City Council.
- vii. After Council makes an appointment to the Commission, the City Clerk's Office shall notify the appointee and the Commission Secretary of the appointment and make arrangements for an Oath of Office, Code of Ethics Agreement, and any additional requirements to be signed and completed. The Commission Secretary shall notify the appointee that he/she shall not act in their capacity as a Board Member or Commissioner until an Oath of Office and Code of Ethics Agreement have been signed.

b. Unanticipated Vacancies Nominated By Council Appointment Advisory Commission: The following appointment process applies to unanticipated vacancies for seats on the Neighborhoods Commission:

*A

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- i. Upon receipt of a resignation, the City Clerk shall post a vacancy notice on the City Clerk's website, San José Public Libraries, and City community centers.
- ii. Upon close of the vacancy notice period, the City Clerk shall forward a copy of the applications to the Department staff liaison to the Commission for a preliminary review of applicants, including, but not limited to, District residency verification and identification, and application completeness. Within 7 days of receipt, the Department staff liaison shall submit the results of its review as a Department staff liaison memo to the City Clerk's Office.
- iii. The City Clerk shall then forward a copy of the applications and Department staff liaison memo to the City Attorney for a conflicts review and Department of Planning, Building, and Code Enforcement for review of code actions. The City Attorney and Department of Planning, Building, and Code Enforcement will prepare and provide the City Clerk with respective memos regarding the applicants within 14 days after receipt of the applications and memo.
- iv. After receipt of the conflicts of interest and code review memos, and in accordance with the appointment process in Section 2.08.3440.D of the Municipal Code, the City Clerk will provide full application packages to the Council Advisory Appointment Commission for review. The full application packages will contain the following documents: Commission applications, City Attorney memo, Department of Planning, Building, and Code Enforcement memo, Department staff liaison memo, and any other information as necessary.
- v. After receipt of the full application package, the Council Advisory Appointment Commission will interview applicants, select their nominee and submit their nomination to the City Council for final approval.
- vi. After Council makes an appointment to the Commission, the City Clerk's Office shall notify the appointee and the Commission Secretary of the appointment and make arrangements for an Oath of Office, Code of Ethics Agreement, and any additional requirements to be signed and completed. The Commission Secretary shall notify the appointee that he/she shall not act in their capacity as a Board Member or Commissioner until an Oath of Office and Code of Ethics Agreement have been signed.

11. Resignations:

- a. Voluntary Resignation: Voluntary resignations from Boards and Commissions shall be submitted in writing to the City Clerk and Commission Secretary. Resignations are effective on the date submitted to the City Clerk or Commission Secretary, unless a different date is noted on the resignation. Resignations cannot be rescinded or revoked.
- b. Automatic Resignation: Commission Secretaries will notify the City Clerk of vacancies occurring due to absences pursuant to the provision of the San José Municipal Code Section 2.08.060 that automatically deem a seat vacant.