

REPLACEMENT MEMO



# Memorandum

**TO: RULES AND OPEN GOVERNMENT COMMITTEE**

**FROM:** Vice Mayor Chappie Jones

**SUBJECT: POTENTIAL BALLOT MEASURE TO AMEND THE CITY CHARTER**

**DATE:** June 26, 2020

**APPROVED:**

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## RECOMMENDATION

I support a potential November 2020 ballot measure to amend the city charter with common sense structural reforms that will enable greater transparency and accountability through campaign finance reforms and clearer alignment of mayor authority and responsibilities. I recommend the following:

A. The following package of reforms as the proposed ballot measure:

**Inclusion, Accountability, and Better Government Reforms**  
(Reforms Take Effect January 1, 2021 Unless Otherwise Noted)

**1. Campaign Finance & Conflict of Interest Reforms**

- A. Adopt and apply to the Mayor and City Council the provisions laid out in California Government Code Section 84308 that governs members to the VTA and other regional boards, members, requiring recusal where a matter involves a person or entity that has made a contribution in the prior 12 months, and prohibiting such contributions for three months following a decision on that matter.
- B. Mayor, Councilmembers, and Senior City management may not receive gifts of any value from any registered lobbyist, City contractor, nor any direct beneficiary of a City contract.
- C. Lobbyists and City contractors shall not serve on City boards or commissions within two years of any work involving the City. This provision will apply prospectively from the date of passage to any City board or commission.
- D. Prohibit individuals who are registered City lobbyists from making campaign contributions to the Mayor and City Councilmembers.

**2. Accountable Mayor**

- A. Section 300 of the City Charter is amended to define the government form as “Mayor-Council.”
- B. The Mayor shall have the authority to appoint, direct and dismiss the City Manager.

- C. The City Manager shall continue to appoint, direct and dismiss department heads, with a majority of Council approval required for appointment.
- D. The Mayor shall have the power to direct (amending Charter Section 411):
  - 1. The City Manager;
  - 2. all Department heads (a power also shared with the City Manager);
  - 3. any member of the Mayoral office staff; but,
  - 4. not any other city employee, nor any other Council appointee (City Attorney, City Auditor or Independent Police Auditor).
- E. Both the Mayor and the City Manager have the authority to dismiss department heads.
  - 1. 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.
  - 2. 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.
- F. The Office of the City Clerk shall become a department appointed by the City Manager, directed and subject to dismissal by the Mayor and City Manager.
- G. Nothing in these reforms alters the relevant charter sections that govern the appointment, direction and dismissal of the:
  - 1. The City Attorney;
  - 2. The City Auditor; and,
  - 3. The Independent Police Auditor.
- H. 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.
- I. 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.
- J. Nothing in these reforms alters Charter Section 400, in which the determination of all matters of policy is vested with the Council.

### **3. Inclusive Government**

- A. Amend the City Charter in the manner of the March, 2015 Measure 1 in the City of Los Angeles and move the next mayoral election to the November 2024 general election, and extend the term of the current mayor to December 31, 2024.

### **4. Blue Ribbon Commission on Better Government**

- A. A Commission shall be established to study the effectiveness of these reforms, and to report on the effectiveness or need for modifications to these changes by March of 2022, to enable further revision of the Charter—if necessary—in that year or a subsequent year, to enable a more accountable, inclusive City Government. Such changes the Commission shall consider shall include, among others, provisions consistent with “strong mayor/strong council” structures found in other major U.S. cities in which the executive responsibility of the city resides in the Mayor, and the Council has legislative authority.

- B. Direct City Clerk to place an item on the June 30th City Council meeting agenda for consideration of a potential November 2020 ballot measure, to amend the Charter to enhance Inclusion, Accountability, and Better Government Reforms at City Hall and with the community.
  
- C. Direct City Clerk to establish an additional meeting date(s) in the final week of July and/or first week of August, if necessary, for public discussion and input of this measure.

## **DISCUSSION**

In an effort to ensure inclusion, accountability, and transparency, I commend the Mayor's leadership and proposal for commonsense structure reforms. In support of his effort, I have joined Council Member Jimenez in bringing forward this package of reforms for better government at City Hall and with our community members.

Just as the pandemic has shed light on the inequities and injustices across our society, it has also highlighted the need to move San Jose to a "21<sup>st</sup> century governance model" that allows nimble decisions and accountable actions in times of urgency and non-urgency. Increasing voter engagement and participation has been a longtime priority citywide. In that spirit, an "all-of-the-above" strategy is crucial in creating a more inclusive government and thus the proposed package includes moving the next mayoral election to the November 2024 general election. In addition to this proposed change, it is important to continue city efforts dedicated to increasing voter engagement and participation for all election cycles. Also included and long overdue are provisions ensuring transparency and preventing undue influence on Councilmembers and the Mayor by specific organizations and special interest groups. Though this package of reforms is a great step forward to enhance accountability and inclusiveness, more may be needed. In an effort to evaluate and further outcomes of the proposed measures, I look forward to the Blue Ribbon Commission on Better Government to consider additional measures and potential charter amendments that, among other options, may enable the City of San Jose to transition to the type of government of other California large cities.