



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Lee Wilcox

SUBJECT: SEE BELOW

DATE: April 6, 2022

Approved

Date

4/6/2022

SUPPLEMENTAL

**SUBJECT: RECOMMENDATIONS FROM THE 2021 SAN JOSE CHARTER
REVIEW COMMISSION**

REASON FOR SUPPLEMENTAL

This supplemental memorandum outlines the process for the City Council to determine next steps for the recommendations from the 2021 San José Charter Review Commission.

BACKGROUND

On January 11, 2022, the City Council accepted the [2021 Charter Review Commission's Final Report](#) and gave direction to the City Manager, City Clerk, and City Attorney to hold a special meeting to review and discuss the Charter Review Commission's recommendations. The [three memoranda](#) released on April 1, 2022 respond to Council's direction to provide analysis of implementation costs, policy considerations, and other issues.

This memorandum responds to direction to facilitate Council prioritization of the recommendations.

On [April 11, 2022](#), the City Council will discuss 15 recommendations from the 2021 San José Charter Review Commission at a Special Meeting. These recommendations concern City governance, voting, inclusion and accountability, and other policy recommendations that do not require Charter amendments. *(Note: The Commission's recommendations regarding reimagining public safety and police oversight will be discussed at a separate, future meeting. The Council will discuss expanding municipal voting in City elections to all residents at 9 a.m. on Friday, April 29, 2022.)*

ANALYSIS

This memorandum outlines a process for the City Council to determine next steps for each of the 15 recommendations to be discussed at the April 11 meeting.

As discussed in the [three memoranda](#) from the Council Appointees, some recommendations from the Charter Review Commission have policy alternatives, others overlap or build on existing work from the Citywide Roadmap, while others would be new or greatly expanded efforts requiring dedicated staff time or substantial resources.

Over the past several years, Council has worked diligently to prioritize significant or emerging projects, strategies, and policy work within the context of limited resources. This effort aims to ensure that the City can both tackle critical emerging needs of the City and urgent problems, without neglecting the vital day-to-day work of serving the people of San José. The City Council provides direction on budgetary priorities through the approval of the Mayor's March Budget Message, which results in the City Manager's Proposed Budget. For 2022-2023, the recommended budgetary resources will inform the development of the [City Roadmap](#) that aligns the budget with the implementation of City Council priorities, and will be discussed and approved as part of the adoption of the 2022-2023 Budget.

Given existing workloads and simultaneous work related to recovery efforts, staff recommends Council determine which of the 15 recommendations are urgent, which should be considered during the next prioritization process, which have complexity or timing issues (for example, to allow time for existing related efforts to be completed) and should therefore be referred to a future City Charter Review Commission, and which items the Council does not wish to move forward.

Presentation from Council Appointees

At the April 11 meeting, Council Appointees and staff will provide a brief overview of each of the 15 recommendations from the Charter Review Commission, including:

- Whether a Charter amendment is required or if there is an alternative path to meeting the goal;
- Policy considerations; and
- Budget and staffing implications.

Presentation and Q&A

Following the presentation, staff will be available to respond to Council questions regarding the 15 recommendations. Before proceeding to voting, the City Council will hear public comment.

Categorization Process

Staff recommends that Council use the following framework for categorizing the 15 recommendations from the Charter Review Commission.

Framework for Categorizing Recommendations

Category	Definition	Next Steps + Timeline
A. Now	<ul style="list-style-type: none"> ▪ Urgent issue or minimal work impacts. ▪ Requires a Charter amendment. 	<p>Recommendation will be included in draft Charter amendment for November 8, 2022 election.</p> <p><i>Amendment to Council by June 30, 2022.</i></p>
B. Next	<ul style="list-style-type: none"> ▪ Requires staffing, consultant help, additional policy work, additional resources, or significant community engagement. ▪ May or may not require a Charter Amendment. 	<p>Recommendation will be placed on the list for consideration during the upcoming Citywide Roadmap exercise. In some cases, additional budget analysis may be required.</p> <p><i>To be discussed in the May-June budget process. If prioritized and resourced, work would begin in FY 2022-2023.</i></p>
C. Later	<ul style="list-style-type: none"> ▪ Significant complexity or timing issues. 	<p>Refer to future Charter Review Commission or other future date.</p> <p><i>Depends on future Council action.</i></p>
D. Decline	<ul style="list-style-type: none"> ▪ Council does not recommend moving forward. 	<p>Recommendation will not move forward.</p>

Categorization Process for April 11 – Round 1

In Round 1, each Councilmember will receive a ballot listing the 15 recommendations and the categories of A. Now, B. Next, C. Later, and D. Decline. A sample ballot is provided in Attachment A.

Each Councilmember will assign one category to each of the 15 recommendations. However, a Councilmember may abstain from categorizing a recommendation.

Any recommendation receiving a clear preference (five or more votes) will be placed in that category. Recommendations not receiving a clear preference or receiving five votes in two categories will move on to Round 2.

Prioritization Process for April 11 – Round 2

In Round 2, Council will discuss any recommendation items that either:

- Did not receive a five-vote preference in Round 1, or
- Were evenly split with five votes in two categories.

Council will consider each of these remaining recommendations and vote to place it in one of the four categories (A. Now, B. Next, C. Later, D. Decline).

Any recommendations that receive no clear categorization from Council will automatically be placed in the D. Decline category.

NEXT STEPS

Following the April 11 Special Meeting, staff will take the following actions to implement Council direction regarding the 15 recommendations of the Charter Review Commission:

- Items categorized as *A. Now*:
Staff will return to City Council by June 30, 2022 with a draft ballot measure to amend the City Charter. (*Note: The final statutory deadline to place an item on the November 8, 2022 ballot is August 11, 2022.*)
- Items categorized as *B. Next*:
City Council will consider placing these recommendations on the FY 2022-2023 Citywide Roadmap during the upcoming Roadmap exercise tentatively scheduled for the 2022-2023 Proposed Budget Study Session on May 16, 2022.
- Items categorized as *C. Later*:
These recommendations will be referred to the next Charter Review Commission.
- Items categorized as *D. Decline*:
These recommendations will not move forward.

HONORABLE MAYOR AND CITY COUNCIL

April 6, 2022

Subject: Recommendations from the Charter Review Commission

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COORDINATION

This memorandum was coordinated with the City Auditor's Office, City Manager's Budget Office, Office of Civic Innovation, Office of Racial Equity, and Office of Administration, Policy, and Intergovernmental Relations.



LEE WILCOX

Assistant City Manager

The principal author of this memorandum is Michelle McGurk, Assistant to the City Manager, City Manager's Office of Administration, Policy, and Intergovernmental Relations.

For questions, please contact Lee Wilcox, Assistant City Manager at 408-535-8100 or leland.wilcox@sanjoseca.gov.

Attachments:

A: Sample Ballot – Round 1

Round 1 Vote: Recommendations from the Charter Review Commission

For each of the following recommendations, please vote to place the item in one of the following categories:

- A) Now - include in Charter Amendment measure for November 2022.
- B) Next - include in Citywide Roadmap exercise for FY 2022-2023.
- C) Later - refer to future Charter Review Commission.
- D) Decline - take no further action.

* Required

* This form will record your name, please fill your name.

1. Recommendation 1: Maintain a "Council-Manager" government structure and allow councilmembers to make nominations for City Manager candidates. *

- Now
- Next
- Later
- Decline

2. Recommendation 2: Establish future Charter Review Commissions (every 10 years). *

- Now
- Next
- Later
- Decline

3. Recommendation 3: Expand the City Council to 14 Council Districts. *

- Now
- Next
- Later
- Decline

4. Recommendation 4: Implement ranked-choice voting. *

- Now
- Next
- Later
- Decline

5. Recommendation 5: Elevate the Board of Fair Campaigns and Political Practices to the City Charter. *

- Now
- Next
- Later
- Decline

6. Recommendation 6: Reform Boards and Commissions, including A. Remove citizenship requirement for all applicable Boards and Commissions as permitted by Senate Bill 225, which revised membership requirements to all California government boards and commissions;
B. Ensure all Board and Commissions a) receive training in ethics, civics, and diversity, equity and inclusion, b) elect their chairs and vice-chairs democratically, and c) incorporate racial and social equity analysis to promote the use of an "equity lens" for decision-making;
C. Provide a stipend to all members of Boards and Commissions. *

- Now
- Next
- Later
- Decline

7. Recommendation 7: Add a Native Land Acknowledgement to the City Charter. *

- Now
- Next
- Later
- Decline

8. Recommendation 8: Use gender-inclusive language in the City Charter and City documents. *

- Now
- Next
- Later
- Decline

9. Recommendation 9: Establish Equity Values, Equity Standards, and Equity Assessments.

A. Add a statement of values to the Charter that defines social equity, inclusion, and racial and social justice as guiding principles for the decisions, policies, budgets, programs, and practices of the City;

B. Outline objectives intended to advance the aforementioned values through the areas of safety, environmental health, water and sanitation, parks and recreation, mobility and transportation, economic development, housing standards, workforce protection and housing amenities;

C. Conduct an equity assessment for the annual operating and capital budgets as contained in the Recommended Budgets generated by the City Manager each fiscal year and for major policies and programs to be decided upon by the City Council.

*

- Now
- Next
- Later
- Decline

10. Recommendation 10: Address equity and inclusion in City programming and budgeting.

*

- Now
- Next
- Later
- Decline

11. Recommendation 11: Establish regular department-level audits. *

- Now
- Next
- Later
- Decline

12. Recommendation 12 (non-Charter): Create a Climate Action Commission. *

- Now
- Next
- Later
- Decline

13. Recommendation 13 (non-Charter): Explore a Community Opportunity to Purchase Act. *

- Now
- Next
- Later
- Decline

14. Recommendation 14 (non-Charter): Promote home-ownership opportunities for low-income residents of San José. *

- Now
- Next
- Later
- Decline

15. Recommendation 15 (non-Charter): Strengthen community input to the Smart City Advisory and Innovation and Technology Advisory Boards. *

- Now
- Next
- Later
- Decline

16. Councilmember - Name *