



City Council Special Meeting MINUTES

General Charter Review Commission Recommendations

Monday, April 11, 2022

1:30 PM

**Hybrid Meeting - Council Chambers and Virtually
<https://sanjoseca.zoom.us/j/99346843938>**

SAM LICCARDO, MAYOR
CHAPPIE JONES, VICE MAYOR, DISTRICT 1
SERGIO JIMENEZ, DISTRICT 2
RAUL PERALEZ, DISTRICT 3
DAVID COHEN, DISTRICT 4
MAGDALENA CARRASCO, DISTRICT 5
DEV DAVIS, DISTRICT 6
MAYA ESPARZA, DISTRICT 7
SYLVIA ARENAS, DISTRICT 8
PAM FOLEY, DISTRICT 9
MATT MAHAN, DISTRICT 10

- **Call to Order and Roll Call**

1:34 p.m. – Special Meeting Session

Councilmembers Absent: Liccardo.

Councilmembers Present at Council Chambers: Cohen, Davis, Jimenez, Jones.

Councilmembers Present Virtually: Arenas (1:43 p.m.), Carrasco (1:37 p.m.), Esparza, Foley, Mahan, Peralez.

- **Orders of the Day**

No changes were made.

3. STRATEGIC SUPPORT

3.1 [22-504](#) Special Meeting of the City Council on General Charter Review Commission Recommendations.

(a) Discuss and consider the following recommendations from the San José Charter Review Commission:

Governance Structure

(1) Maintain a “Council-Manager” government structure and allow councilmembers to make nominations for City Manager candidates.

(2) Establish future Charter Review Commissions.

(3) Expand the City Council to 14 council districts.

Voting

(4) Implement ranked-choice voting.

(5) Elevate the Board of Fair Campaigns and Political Practices to the City Charter.

Inclusion and Accountability

(6) Reform Boards and Commissions.

(7) Add a Native Land Acknowledgement to the City Charter.

(8) Use gender-inclusive language in the City Charter and City documents.

(9) Establish Equity Values, Equity Standards, and Equity Assessments.

(10) Address equity and inclusion in City programming and budgeting.

(11) Establish regular department-level audits.

Other Recommendations (not recommended as amendments to the City Charter)

(12) Create a Climate Action Commission.

(13) Explore a Community Opportunity to Purchase Act.

(14) Promote home-ownership opportunities for low-income residents of San José.

(15) Strengthen community input to the Smart City Advisory and

Innovation and Technology Advisory Boards.

(b) Discuss and consider whether any of the recommendations requiring amendments to the City Charter should be placed before the voters in November 2022.

(c) Refer recommendations requiring further fiscal and/or staffing analysis to the 2022-2023 Budget process and next Citywide Roadmap prioritization process.

(d) Consistent with Rules and Open Government Committee approval, refer the recommendations of the Charter Review Commission related to public safety and police oversight to a future meeting of the City Council.

Assistant City Manager, Lee Wilcox, and Director of the City Manager's Office, Sarah Zarate, provided a presentation regarding the recommendations submitted to City Council by the 2021 Charter Review Commission.

Vice Mayor Chappie Jones opened the floor for public comment.

Public Comments: The following members of the public provided comments: Tessa Woodmansee, Call-In User_2, David A. Holtzman, Robert Brownstein, Rebeca Gallardo, Maria Fuentes, Corina Herrera-Loera, Ellina, Elizabeth, Blair Beekman, Huy Tran, Nassim Nouri, Sandra, a caller with the phone number ending in 9196, Steven Michael Crane, Carol Watts, Jeremy Barousse, Heidi Rielly, Gloria Gomez, Cat Woodmansee, Gabriela Chavez-Lopez, Kyle Jordan, Gerardo Loera, Monica V. Arellano, Steve Chessin, Jonathan Diaz, Carmen B., Mira Karthik, Hiwad, Julie Dominguez, Chris Logan, Charlene Nijmeh.

The chair of the 2021 Charter Review Commission, Frederick Ferrer, addressed the Council and provided an overview of the Commission's work.

Action: Councilmember David Cohen made a motion, which was seconded by Councilmember Sergio Jimenez, to approve the joint memorandum written by Councilmembers Cohen and Jimenez, with an addition to item 5 on the joint memorandum to decline the first Charter Review Commission recommendation. The motion was comprised of the following six recommendations: (1) Place on the November 2022 ballot a measure instituting ranked choice voting in San José. (2) Move forward with a ballot measure to elevate the Board of Fair Campaigns and Political Practices to the City Charter, with the year to be determined by Council. (3) Consolidate any Charter revisions adopted by the Council from recommendations six through ten into one ballot measure for the November 2022 election. (4) Return to Council by 2025 for a discussion about the appropriate size of the City Council in advance of the 2030 Census. (5) Decline to adopt recommendations one, two, and eleven from the Charter Review Commission. (6) Refer those components of the Charter Review Commission's recommendations that do not require a ballot measure and can be implemented by Council action to the City Roadmap prioritization process.

Councilmember Maya Esparza requested a friendly amendment to item (1) of Councilmember David Cohen's motion to bring the topic back to City Council in order to discuss placement on the November 2024 Mayoral election ballot. This friendly amendment was not accepted.

Action: Vice Mayor Chappie Jones requested bifurcation of item (1) from Councilmember David Cohen's motion. The request to bifurcate Councilmember Cohen's original motion was accepted by Councilmembers Cohen and Jimenez.

Action: Councilmember Pam Foley requested a friendly amendment to item (3) from Councilmember Cohen's motion, to allow immediate implementation for both training and investigation into the stipend, without inclusion of those topics in the ballot measure. Councilmember Pam Foley's friendly amendment was accepted by Councilmembers Cohen and Jimenez.

Action: Councilmember David Cohen amended his motion to direct the creation of a Manager's Budget Addendum for the implementation of training and investigation into the stipend.

Councilmember Magdalena Carrasco requested a friendly amendment to include her memo in Councilmember Cohen's motion. This friendly amendment was not accepted.

Action: Councilmember Magdalena Carrasco proposed a substitute motion, which was seconded by Councilmember Maya Esparza, to approve her memo, along with Councilmember David Cohen's motion on the floor, which included the following recommendations: (2) Move forward with a ballot measure to elevate the Board of Fair Campaigns and Political Practices to the City Charter, with the year to be determined by Council. (3) Consolidate any Charter revisions adopted by the Council from recommendations six through ten into one ballot measure for the November 2022 election. The topics of training and investigation into the stipend are not to be in the ballot measure. The creation of a Manager's Budget Addendum for the implementation of training and investigation into the stipend is recommended. (4) Return to Council by 2025 for a discussion about the appropriate size of the City Council in advance of the 2030 Census. (5) Decline to adopt recommendations one, two, and eleven from the Charter Review Commission. (6) Refer those components of the Charter Review Commission's recommendations that do not require a ballot measure and can be implemented by Council action to the City Roadmap prioritization process.

Action: Councilmember Raul Peralez requested a friendly amendment to Councilmember Magdalena Carrasco's motion, for the establishment of future Charter Review Commissions to be included in recommendation (4) of the motion, and to be added to a future ballot. Councilmember Raul Peralez' friendly amendment was accepted by Councilmembers Carrasco and Esparza. Recommendation (4) of the motion was amended as follows: Return to Council by 2025 for a discussion about both the establishment of future Charter Review Commissions and the appropriate size of the City Council in advance of the 2030 Census. The establishment of future Charter Review Commissions is directed to be placed on a future ballot.

Vice Mayor Jones informed the Council that the City Attorney advised that Councilmember Magdalena Carrasco's memo on the Planning Commission was not closely related to the Charter Review Commission report, which was agendaized, and thus would need to be referred to the Rules and Open Government Committee for their action.

Final Action: Councilmember Magdalena Carrasco amended her motion, which was seconded

by Councilmember Maya Esparza, to move her own memo to the Rules and Open Government Committee and to also approve the remainder of the recommendations from the amended motion on the table, including the following recommendations: (2) Move forward with a ballot measure to elevate the Board of Fair Campaigns and Political Practices to the City Charter, with the year to be determined by Council. (3) Consolidate any Charter revisions adopted by the Council from recommendations six through ten into one ballot measure for the November 2022 election. The topics of training and investigation into the stipend are not to be in the ballot measure. The creation of a Manager's Budget Addendum for the implementation of training and investigation into the stipend is recommended. (4) Return to Council by 2025 for a discussion about both the establishment of future Charter Review Commissions and the appropriate size of the City Council in advance of the 2030 Census. The establishment of future Charter Review Commissions is directed to be placed on a future ballot. (5) Decline to adopt recommendations one, two, and eleven from the Charter Review Commission. (6) Refer those components of the Charter Review Commission's recommendations that do not require a ballot measure and can be implemented by Council action to the City Roadmap prioritization process. (8-2-1; Noes: Davis, Mahan; Absent: Liccardo)

Action: Councilmember David Cohen proposed an amendment the bifurcated portion of his original motion to recommend moving item (1) of the memorandum submitted by Councilmembers Cohen and Jimenez for Council discussion in 2024 instead of direct placement on a ballot. The amended bifurcated motion's recommendation is as follows: to return to Council in 2024 for discussion on a potential ballot measure for instituting ranked choice voting in San José.

City Attorney Nora Frimann clarified that the bifurcated portion of Councilmember David Cohen's original motion was included in Councilmember Magdalena Carrasco's substitute motion.

Final Action: Councilmember Magdalena Carrasco's motion, which was seconded by Councilmember Maya Esparza, to return to Council in 2024 for discussion on a potential ballot measure for instituting ranked choice voting in San José, did not pass. (3-7-1; Noes: Arenas, Carrasco, Davis, Esparza, Foley, Jones, Mahan; Absent: Liccardo)

• **Open Forum**

1. Blair Beekman emphasized the importance of working towards a future of peace in San José communities, noted that full community efforts with public oversight create a future of sustainability, and expressed hope for the future racial equity special study session.
2. Tessa Woodmansee recommended the ending of fossil fuel dependence in order to survive amidst the climate crisis.

• **Adjournment**

The Council of the City of San José adjourned at 5:22 p.m.

Chappie Jones

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Vice Mayor Chappie Jones
San José City Council

CJ/mr:cmin20220411