



Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Councilmember Jimenez
Councilmember Cohen
Councilmember Foley

SUBJECT: SEE BELOW

DATE: June 2, 2022

Approved

Date: 6/2/2022

Sergio Jimenez David Cohen Pam Foley

SUBJECT: Proposed Ballot Measure on City Charter Amendment for the November 8, 2022 General Election

RECOMMENDATION

That the City Council approve placing on the November 2022 ballot a charter amendment with the following text:

Section 608. Equity Values

The Mayor and City Council shall adopt and maintain a statement of values promoting racial and social equity, inclusion, and racial and social justice which shall provide guidance to City officers and employees in their conduct while discharging their public responsibilities, including development and implementation of decisions, policies, budgets, programs, standards, assessments, and practices of the City of San Jose.

BACKGROUND/ANALYSIS

The proposed amendment on equity values, standards, and assessments from the Charter Review Commission includes a highly detailed set of directions regarding actions to be taken to assure that the City of San Jose acts in accordance with the principles of equity, inclusion, and racial and social justice. That language and those directions would be of significant value if adopted today. But the City Charter is a document that should be useful well into the future. In reality, these principles are evolving. In fact, the City recently adopting a new definition of racial equity to replace the one originally used when the Office of Racial Equity was first established.

In light of the importance of maintaining the potential for improving our definitions, standards, and practices without requiring additional elections, we believe the “hybrid” approach proposed by staff has merit. However, we suggest two amendments to the staff language that will emphasize our city’s commitment to these principles:

- 1) In the clause "...a statement of values regarding racial and social equity...," replace the word "regarding" with the word "promoting." "Regarding" is too passive a term for a principle of this importance.
- 2) In the clause "...to provide guidance to City officers...," replace the word "to" with the words "which shall." Our clear intent is that these values shall guide the behavior of city staff, not simply be intended to guide them.

These changes are underlined in our recommendation.

We appreciate the creative efforts made by staff to combine the strong values of the Charter Review Commission with a strategy that may be better able to stand the test of time.