



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Toni J. Taber, CMC  
City Clerk

**SUBJECT:** CHARTER REVIEW COMMISSION      **DATE:** September 11, 2020

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## **RECOMMENDATION**

Adopt a resolution establishing the size, composition, and responsibilities of the Charter Review Commission as directed by the City Council on July 28, 2020.

## **OUTCOME**

This action establishes the Charter Review Commission, identifies the scope of its duties, and sets forth the meeting requirement and process to report back to the City Council.

## **BACKGROUND**

On July 28, 2020, the City Council provided direction to establish a Charter Review Commission to consider potential charter changes related to the following:

- Examine the current governance structure as well as a governance structure consistent with the “Mayor-Council” government structure found in other cities in the United States in which the Mayor has executive authority and the Council has legislative authority;
- Research and solicit community input on strong mayor and other potential charter reforms to improve and update our governance structure, including the direction to “Align mayoral executive authority with residents’ and local business’ reasonable expectations for responsive and accountable democratic governance in a major U.S. city”;
- Evaluate whether the Mayor elected in 2022 should serve a 2-year or 6-year term to transition the mayoral election to the presidential election in 2024 or 2028, respectively;
- Evaluate transition of the election cycle for odd-numbered districts to align with the presidential election cycle and the even-numbered districts with the gubernatorial election cycle;
- Consider additional measures and potential charter amendments, as needed, that will improve accountability, representation, and inclusion at San Jose City Hall.

## **ANALYSIS**

Per Council direction, the City Clerk recommends the Charter Review Commission be comprised of 23 members. Each Councilmember will nominate two residents from their District, and the Mayor will nominate three at-large members residing anywhere in the City. The Mayor will nominate one of the at-large members to serve as the Chair to preside over meetings and who may vote only to break a tie. The Vice Chair will be elected by the Commission once comprised.

In addition, per Council direction, the composition of the Commission is to represent a cross-section of backgrounds and professions including, but not limited to: labor/union, business and development, academia, legal, and government. The Clerk recommends that each person nominated go to the full Council for formal appointment in accordance with San Jose Municipal Code section 2.08.180 and that each Commissioner may serve for the duration of the Commission. Further, in the event of a vacancy on the Commission, the Clerk recommends that such a vacancy be filled in accordance with Section 2.08.180.

Once comprised, the Commission will determine the number of meetings, number of public hearings, and schedule of meetings in order to provide recommendations to the Council. The 2022 statewide primary election is presently scheduled for March 8, 2022. However, SB 970, which proposes to move the 2022 primary to June, was passed by the Legislature and has been presented to the Governor for signature. But as of September 10, 2020 the Governor has not acted on the bill. If the statewide primary election remains on March 8, 2022, the Clerk recommends that the Commission submit its recommendations by October 19, 2021. However, if the statewide primary election is moved to June 7, 2022, the Clerk recommends that the Commission submit its recommendations by December 14, 2021. Based on Commission's recommendations, Council is to determine further revisions of the Charter, if necessary, to be included as a ballot measure in the 2022 primary and/or statewide general election.

Per Council Direction, the Commission is to be facilitated by an Independent Consultant and supported by Staff members of City Attorney and Clerk's Offices.

The City Clerk recommends the Charter Review Commission serve as an advisory committee without decision-making authority with responsibilities to provide recommendations to the City Council as outlined above.

## **EVALUATION AND FOLLOW-UP**

The Administration proposes that the nomination process start in October 2020 with the appointment of the Committee members scheduled for a Council meeting in December 2020 and the first meeting to be held at the beginning of 2021.

## **CLIMATE SMART SAN JOSE**

The recommendation in this memo has no effect on Climate Smart San José energy, water, or mobility goals.

## **PUBLIC OUTREACH**

This memorandum will be posted on the City Council's Agenda website for the September 22, 2020 City Council meeting.

## **COORDINATION**

This memorandum was coordinated with the City Attorney's Office and the City Manager's Budget Office.

## **COMMISSION RECOMMENDATION/INPUT**

No commission recommendation is associated with this action.

## **FISCAL/POLICY ALIGNMENT**

This action is consistent with the following General Budget Principles: San José must focus on protecting its vital core city services for both the short and long-term and San José must continue to streamline, innovate, and simplify its operations so that the City can deliver services at a higher quality level and with better flexibility

## **CEQA**

Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment - Appointments to boards, commissions, task forces and committees.

## **COST SUMMARY/IMPLICATIONS**

The preliminary estimated cost for the consultant services is \$150,000. The final cost of the independent facilitator will be determined through the RFP process. The Office of the City Clerk will work with the City Manager's Budget Office to identify eligible funding sources as part of a future budget process.

HONORABLE MAYOR AND CITY COUNCIL

August 28, 2020

**Subject: Charter Review Commission**

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City Clerk

For questions, please contact Toni Taber, City Clerk, at (408) 535-1260.