

San José Charter Review Commission Recommendation Memo Template

Drafted April 19th, 2021; Revised July 2nd, 2021

1) Proposal Name

Proposal Name:	EQUITY AND INCLUSION IN CITY PROGRAMMING AND BUDGETING
Submitted by:	Commissioner Maria Fuentes
Date submitted:	Oct. 29, 2021 (Revised Nov. 1, 2021)

2) Proposal Details

<p>1) What problem(s) are you trying to address?</p> <p><i>Before suggesting a solution, it is important to be clear about the problem you aim to solve.</i></p>	<p>In San Jose disparities among its residents impact their economic and emotional lives. The 2021 Silicon Valley Poll, produced by Joint Ventures Silicon Valley (JVSV) studied this. Russell Hancock, JVSV President and Chief Executive Officer states, “The 2021 Silicon Valley poll—our first—finds us in a darker mood. We’ve long been a high-stress region. Staggering housing prices, rising homelessness, a stark income divide and a host of sustainability challenges have had us on edge for some time. But when you toss a highly infectious disease into the mix you get a smothering amount of anxiety: 60 percent of respondents say their lives have become more stressful since the pandemic set in; 52 percent feel more isolated and alone, and 66 percent are genuinely worried about the future....Altogether, the impact on work and employment appear to have hit hardest among those who were already in precarious positons: renters, non-white respondents, low-income families, and service-sector workers who are struck hardest by high cost of living and housing.”</p> <p>In order to study if inequities exist within the City of San Jose Budget, Civic Makers, consultants to the Charter Review Commission, was invited to study: How can a city measure equitable financial distribution of public services across the city? With these metrics in mind, how equitable is the distribution of public services across the City of San Jose's? And how do they compare to two other cities?</p> <p>Civic Makers involved the City of San Jose Office of Racial Equity. Civic Makers state, “...Since its creation in 2020, ORE has started to collect data on questions of equitable policies and distribution of resources. They are working with departments to collect equity data and assess existing policies. Currently, ORE is developing trainings for city departments to better collect and</p>
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report on equity data. While ORE is working towards building a shared understanding across departments, there is no set definition of what equity means within the City. ORE is in start-up mode and ramping up capacity to take on this work in the coming years. ORE is eager to learn from the CRC’s research and inquiries and has provided information, guidance, and resources to support the effort.”

Civic Makers recommend the following process quoted here:

Based on the limitations around equity data for service areas, it is recommended that a geographic analysis be conducted based on community indicators (ie: race, income, language, education, etc.) and allocation of city funds (capital projects, such as new facilities, street improvements, park development, or resource allocations to police and fire stations, schools, parks, etc.).

Through a geospatial analysis, we would identify the districts that receive the most amount of funding (given budget allocation data that is available geographically) and cross reference these findings with the districts with a high density of people with specific socioeconomic characteristics. This analysis would shed some initial light on whether certain funding allocation is evenly distributed across the city and how a district’s socioeconomic makeup correlates with the amount of funding received. This type of analysis would also provide insight into the distribution of certain funds across districts and how that distribution correlates to the population of San Jose.

Next steps would be to collect census data on these three indicators and map capital and operational financial data (for expenditures that are geographic by nature, ie: physical projects, location of services and resources).

The distribution of City of San Jose resources equitably among all residents, throughout all areas of San Jose is not required per the City Charter. Policies that guarantee residents of San Jose shall receive equal access to City Resources do not exist.

2) How has this problem possibly benefited or burdened people, especially BIPOC, low-income, undocumented and immigrant, those

The purpose of this recommendation is to guarantee San Jose residents are included in the benefits of City services and have the benefit of equal access to City services. We recognize historical patterns of redlining, and what today appear to be overt and covert practices which disfavor the poor, persons of color who are often geographically segregated in certain neighborhoods, although home communities have been aggressively gentrified and taken away over the years.

The Mayor, City Council and the City Manager need to promote equity and inclusion among all residents and further to determine if there are violations of the Civil Rights Act of 1964 that occur and must be remedied. The data that documents the historical impact of City policies and practice on the most disadvantaged neighborhoods is long overdue and would provide the data that the community’s life experience already know, and the eye can tell what is undeniable injustice.

The absence of this requirement in the Charter has and may continue to cause inequities. Thus the Charter does not prevent inequities by ensuring equity for ALL City residents. The goal of this

experiencing houselessness, etc.?

Is there data that speaks to the impact of this problem? What does the disaggregated data tell us?

recommendation is to create Equity and Inclusion.

Residents of all ages who live in crowded homes due to the high cost of housing need access to equitable City parks, libraries and community centers as do other residents. For poorer San Joseans these City resources represent significant health, wellbeing and educational opportunities – in these areas where they experience many disparities, illustrating these individuals may have a greater need to these City resources. City resources that are engaging, easily available and completely assessable to all persons regardless of physical or mental ability is vital to the lives of children, teens, adult and older adults.

3) What change are you proposing?

Describe the revision to [San José's Charter](#) that you are proposing. Include relevant Charter section numbers.

The City Charter ARTICLE IV THE COUNCIL, ARTICLE V THE MAYOR, and ARTICLE VI CITY MANAGER do not address Equity. Therefore, it is recommended that the following languages be added to the Charter as illustrated here in italics.

ARTICLE IV THE COUNCIL

SECTION 411.1 Department heads; Policy Objectives; Consent to Hire

The Council shall adopt a written Statement of Policy for each City Department which is under the administration of the City Manager. Said Statement of Policy shall set forth the board goals, objectives and aspirations to be accomplished by that Department. *The Statement of Policy shall adhere and follow specific criteria as set forth in the CRC proposed Article VI Sections 610 Statement of Values.*

ARTICLE V THE MAYOR

SECTION 502. The Mayor; Powers and Duties

The Mayor shall have the following duties:

(d) If the Mayor recommends any increases in the City budget The Mayor shall recommend the method of financing such expenditures *and ensure these recommendations adhere to the CRC proposed Article VI Sections 610, 611, 612, and in particular 613 Equity Assessment*. If the Mayor proposed the curtailment of any services, the Mayor shall provide specific recommendations and the reasons for the proposal. *If the Mayor, upon receiving an Equity Assessment, as set forth in Article VI. Section 613 Equity Assessment, which results in portions of the budget do not adhere to Article VI 610, 611, 612, 613 the Mayor shall recommend remedial action.*

ARTICLE VII CITY MANAGER

SECTION 701. City Manager; Power and Duties

(e) The City Manager shall prepare and submit the annual budget to the Council in accordance with the provisions in Section 1204. *Each section of the budget will be evaluated in accordance with Article VI Section 613 Equity Assessment and adjusted to adhere with Article VI Section 612 Equity Standards.*

(f) The City Manager shall submit a complete report on the finances and administrative activities of the City as of the end of the preceding fiscal year...*The annual report will address in detail to the provisions in Article VI Sections 610, 611, 612, 613 .*

This change is feasible per these conditions:

- It appears not to contradict existing Charter language or policies.

- It will require extra work on the part of the Mayor, City Council and the City Manager, however this work maybe in conjunction with the work of the Office of Equity and Inclusion.
- Legal research will be required to ensure there are no legal barriers to implementing this.

REFERENCE

The Article VI Section 610 Statement of Values, Section 611 Definitions, Section 612 Equity Standards, Section 613 Equity Assessment pending recommendation by the Charter Review Commission.

This change is feasible per these conditions:

- It appears not to contradict existing Charter language or policies.
- It will require extra work on the part of the Mayor, City Council and the City Manager, however this work maybe in conjunction with the work of the Office of Equity and Inclusion.
- Legal research will be required to ensure there are no legal barriers to implementing this.

5) Who might benefit from or be burdened by this change?

*Is there data that speaks to the potential impact of this change?
What are the potential unintended consequences of this change?*

All residents of San Jose will benefit. Living in a city that respects and treats all of its residents equitability creates a safer and more prosperous community. This helps business and creates more opportunities for those in need.

The consequences may be that those who have received unfair advantages may need to receive less City services.

<p>6) What are the arguments against this proposal? <i>Summarize the arguments you expect or data you have found in opposition to this recommendation.</i></p>	<p>The status quo is the current process of budgeting and expenditures which does not have formal way of addressing equity and inclusion. The current and recent Mayors, City Council Members and City Managers appear to collaborate well in their service, so equity and inclusion are considered and promoted in preparing the City’s budget and allocating resources. For this reason, some will argue that this good work occurs without the recommended City Charter language. However, all success in this area of equity and inclusion is the very reason to add this language. The goal should be to maintain equity and to guarantee it will always be the way the City of San Jose conducts its business.</p>
<p>7) Must this be a Charter revision? <i>Can this problem be addressed without changing the charter (e.g., Council action, cultural change)? If not, should this be a policy recommendation to be included in the Commission’s report?</i></p>	<p>Yes, because the Charter gives the Mayor, City Manager certain duties and responsibilities with respect to the City finances. However, equity is not addressed. This will require the Mayor, City Manager and City Council to address equity within the context of their existing responsibilities.</p>
<p>8) Are there other examples of this change? <i>If you have found other examples of this change, please share them and any outcomes that have been observed.</i></p>	<p>Research to determine if other cities have adopted similar charter amendments is necessary.</p>

3) Proposal Research & Citations

List below the results of any research conducted to inform this memo.

Questions	Recommending Person Response to Questions	Subcommittee Notes (i.e. Agreements, questions, additions, concerns, next step, etc.)
<p>List of citations <i>All data must be cited so that Commissioners who are not part of the Subcommittee in question may locate the source of information as needed.</i></p>		
<p>Any speakers who presented to the subcommittee must be listed. <i>Include name, title, affiliations, etc., along with a brief summary of the information presented by them.</i></p>	<p>N/A</p>	
<p>Relevant Links <i>Provide links or locations of the information in</i></p>	<p><u>2021 Silicon Valley Poll</u> <u>2021 Silicon Valley Index</u> Joint Venture Silicon Valley 84 W. Santa Clara St. San Jose, CA 95113 www.jointventure.org</p>	



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*this research as
much as
possible,
otherwise
provide
attachments.*

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