

# Charter Review Commission Report

*City of San José*

Title

City of San José  
Charter Review Commission Report



# Membership

1. Sammy Robledo and Yong Zhao
2. Christina Johnson and Sherry Segura
3. Elly Matsumura and José Posadas
4. Huy Tran and Thi Tran
5. Louis Barocio and Veronica Amador
6. Elizabeth Monley and Magnolia Segol
7. Enrico Callender and George Sanchez

# Membership

8. Jeremy Barousse and Maria Fuentes

9. Garrick Percival and Linda LaZotte

10. Frank Maitski and Tobin Gilman

Citywide: Lan Diep and Barbara Marshman

Chair: Fred Ferrer

# Mission

1. “Mayor-Council” government structure
2. Strong Mayor/Council Manager
3. 2 or 6 year term to transition Mayoral election to presidential cycle
4. Transition of odd and even districts
5. Additional amendments as needed, that will improve accountability, representation, and inclusion

# Focus areas

- Governance Structure (1 & 2)
  - Role of mayoral executive authority in residents' and local business' reasonable expectations for responsive and accountable democratic governance
- Timing of Elections (3 & 4)
  - Mayoral and District elections
- Additional measures

# Public Outreach

- 33 meetings including study sessions and public hearings.
- Community partnerships
- Social media
- Messaging and outreach materials for the Charter Review Commission (including translations in Spanish and Vietnamese) were made available in a Community Partner Promotional Toolkit.

# Community Partners

- African American Community Services Agency (AACSA)
- Amigos de Guadalupe Center for Justice and Empowerment
- Asian Law Alliance
- Friends of Hue Foundation
- Latinos United for a New America
- LGBTQ Wellness, a program of Caminar
- Madre-A-Madre, a program of Healing Grove
- Plata Arroyo Neighborhood Association & Eastgate N.A.C.
- Vietnamese Voluntary Foundation (VIVO)
- YouthHype

# Recommendations

- **Recommendation One:** Maintain a “Council-Manager” Government Structure and Allow Council Members to Make Nominations for City Manager Candidates (19 aye, 2 nay, 1 absent)
- **Recommendation Two:** Appoint Charter Review Commissions at the second regular meeting of Council in the year 2028, and of each succeeding tenth year thereafter, and at any time council may call for such a commission, to review and recommend amendments to this Charter. (21 aye, 0 nay, 1 absent)



# Recommendations

- **Recommendation three:** Expand the number of council districts from 10 to 14 to bring the ratio of residents to representatives more in line with what they were in 1978, when the ten districts were originally established. Future Redistricting Commissions may recommend further expansion if appropriate. (14 aye, 7 nay, 1 absent)
- **Recommendation four:** Move San José Mayoral Elections from Gubernatorial to Presidential Election Years and have first term elected in 2022 be for 2 years with subsequent elections beginning in 2024 to have 4 year terms allowing person elected in 2022 to also run for reelection in 2024 and 2028 (17 aye, 1 nay, 4 absent)

# Recommendations

- **Recommendation five:** Consolidate Primary and General Elections for candidates and allow voters to rank multiple candidates in San José elections via Ranked Choice Voting, an election system in which voters rank the candidates for office in order of preference. The ballots are counted in rounds that simulate a series of runoffs until one candidate receives a majority of votes. [ranked choice voting] (18 aye, 3 nay, 1 absent)
- **Recommendation six:** Elevate the San José Board of Fair Campaign and Political Practices from the Municipal Code to the City Charter. (20 aye, 1 nay, 1 absent)

# Recommendations

- **Recommendation seven:** Remove citizenship requirement for all applicable Boards and Commissions as permitted by Senate Bill 225, which revised membership requirements to all 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 members of all Boards and Commissions (22 ayes, 0 nays, 0 absent)

# Recommendations

- **Recommendation eight:** Formally include a Native Land Acknowledgement of the Muwekma Ohlone Tribe in San José's Charter. (22 aye, 0 nay, 0 absent)
- **Recommendation nine:** Update gendered language in the Charter and official City documents (e.g., ordinances, resolutions, and City policies) to be gender inclusive or gender neutral. (22 aye, 0 nay, 0 absent)

# Recommendations

- **Recommendation ten:** A. Create and add a Police Commission to the Charter that conducts regular (e.g. monthly) public hearings on San Jose Police Department policies, rules, practices, customs, and General Orders, as well as address the public's concerns regarding problems with the Office of the Independent Investigations Department, the Office of the Inspector General, and the San Jose Police Department. The Police Commission shall have subpoena authority and full unfettered and unredacted access to the documents contained by any City department or any employee relating to SJPD;

# Recommendations

- **Recommendation ten:** B. Convert the Independent Police Auditor's Office to the Independent Investigations Department, with subpoena authority and full unfettered and unredacted access to the documents contained by any City department or any employee relating to SJPD; C. Create an Office of the Inspector General, with subpoena authority and full unfettered and unredacted access to the documents contained by any City department or any employee relating to SJPD, to assist the Police Oversight Commission in conducting reviews of patterns, practice, trends, systems, and policies at the Police Department. (20 aye, 1 nay, 1 absent)

# Recommendations

- **Recommendation eleven:** 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. (21 aye, 0 nay, 1 absent)

# Recommendations

- **Recommendation twelve:** Guarantee San José residents are equitably included in the benefits of City services and have the benefit of equal access to City services by aligning Department Statements of Policy and City budgeting processes with the proposed Equity Values, Equity Standards, and Equity Assessments. (20 aye, 1 nay, 0 absent)



# Recommendations

- **Recommendation thirteen:** Ensure that department-wide performance audits are conducted for all city departments, to assess key performance against their mission, goals and objectives in order to ensure accountability and fiscal responsibility, as well as to identify theft, fraud, embezzlement, campaign finance violations, or other crimes. Constituent-facing departments shall get a department-wide performance audit at least every 6 years, while remaining departments shall get a department-wide performance audit at least every 12 years (18 aye, 3 nay, 1 absent)

# Recommendations

- **Recommendation fourteen:** Create a “Climate Action Commission” (CAC) in the municipal code, composed of a combination of 17 community members and Special Eligibility Seats to study, create reports, and recommend policy and programs that help to identify, mitigate and prepare for the impacts of climate change and global heating as it may manifest in San José, and to support and give feedback on the Climate Smart San José program. (16 aye, 5 nay, 1 absent)

# Recommendations

- **Recommendation fifteen:** Explore policies that will prioritize establishing and continuing to support a Community Opportunity to Purchase Program (COPA) and creating new sources of funding for affordable housing community ownership models and anti-displacement and the continuation of tenant protections. (16 aye, 5 nay, 1 absent)
- **Recommendation sixteen:** Explore new policies to support the purchase of affordable housing by low-income San José residents while not impacting existing policies or resources available to support affordable rental housing for its residents. (12 aye, 9 nay, 1 absent)

# Recommendations

- **Recommendation seventeen:** Alter appointments to San José's Smart City Advisory Board and the Innovation and Technology Advisory Board with the goal of strengthening community input on the effects and consequences of technological change. (21 aye, 0 nay, 1 absent)

# Deadlines

Deadline for measures is March 11, 2022 for the June 7, 2022 election. The last regular council meeting to approve a resolution to add a measure to the ballot for June is March 8, 2022.

Deadlines for November 8, 2022 is August 12, 2022 with August 9, 2022 being the final regular Council meeting to approve a resolution to add measures to the ballot.