
MEMORANDUM SUBMITTED BY
COMMISSIONERS FUENTES AND SEGOL
OF THE ACCOUNTABILITY, INCLUSION,
POLICING&MUNICIPAL LAW SUBCOMMITTEE

November 29, 2021

Dear Chair Ferrer and Volunteer Commissioners of the Charter Review Commission,

We ask that the Toni Taber, the City Clerk, distribute this Memorandum to the Charter Review Commission.

When Commissioner Fuentes looked at the San Jose City website last night, Sunday, November 28, 2021, no final report had been posted.

On Wednesday at about 10:30 pm, we sent Civic Makers a final draft of the corrections. Commissioner Fuentes made her own in a separate email and went them to Civic Makers. It now seems that either most of our or most of Commissioner Fuentes' corrections were not added to the final report. We will need time to review this and ask for a further date.

Additionally, Civic Makers sent us an email that Lawrence is on vacation over the holiday weekend. Thus, not all of us checked our emails over the Thanksgiving break holiday.

Request #1: The Brown Act Requires Additional Notice of the Final Report:

Many Commissioners work and need time to view the report and to check it for material omissions and mistakes. Already, the draft report contained material mistakes, such as stating that this Commission had voted to give land rights to the Muwekma Ohlone tribe. This mistake would likely have cost the vote by City Council. We found also many material omissions in the draft report.

We ask this out of equity to the people of San Jose, who have waited 36 years for a charter review, to add an additional day for discussion and vote on the final report.

Request #2: City Council Has Given Us Until December 14, 2021 To Submit Our Recommendations

The Charter Review Commission has been until December 14, 2021 by the city council to submit final our recommendations. As such, we ask that the meeting tonight be for receipt of the final report, and that we meet again to discuss and vote on the final report.

Equity-Based Request For Extra Meeting Day.

Request #3: Fairness of Process Requires The Chair To Push The Agenda Back

It's unfair to ask the volunteer Commissioners, who have spent 11 months volunteering their time to our city, to not see or give feedback on the material omissions and mistakes that the final report may contain. It is also unfair not to tell us who, other than employees from Civic Makers, is or will be giving input to Civic Makers to draft or change the language of the final report. We would like to know which city council members, specifically, are working with individuals, such as the City Clerk, to make or recommend changes to the draft recommendations. We are represented by 10 city council members and the Mayor. It is important for us to know, and for other city council members to know, if one or two of these elected representatives are giving instructions for material changes or omissions that might make the final report read in a way that might, arguable, favor a no vote, then we, the Commissioners, ask to know that. Already, the City Clerk Toni Taber has indicated that she is helping to write the report, when she asked us, during our last meeting, words to the effect of "why would I make changes that are not what you wrote? You could go to my boss and tell them that I had written something other than what you wrote." We would like to confirm that the City Clerk is recommending changes to Civic Makers to the final report, as well as who else is doing that outside of Civic Makers.

Also, the public is working today and may not know they have to take time off to read this report today.

Respectfully Submitted By:

Commissioners Fuentes and Segol