

## Charter Review Commission Recommendations

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

*City Council Item 3.7*  
*June 14, 2022*

### Presenters

**Sarah Zárate** Director, Office of Administration,  
Policy, and Intergovernmental Relations  
**Michelle McGurk** Assistant to the City Manager

**Toni Taber** City Clerk  
**Zulma Maciel** Director, Office of  
Racial Equity



# Charter Review Commission Recommendations

## Summary of Previous Action

### PREVIOUS COUNCIL ACTION

- Jan. 11: Accepted Final Report of 2021 Charter Review Commission
- Feb. 15: Placed measure on June 7, 2022 ballot to change date of Mayoral elections
- April 11: Discussed and provided direction regarding 15 non-public safety recommendations from the Commission, including today's items:
  - **Return in June with a ballot measure (or measures) to amend the Charter, including Recommendations 6a and 7-10 from the Charter Review Commission, and potentially Recommendation 5.**
  - **For Recommendation 7 (Native Land Acknowledgment), conduct additional outreach with tribal representatives prior to returning to Council in June.**

TODAY

# Charter Review Commission Recommendations

## Summary of 4-11-22 Council Direction

Category	Number	Recommendation	Pathway
Governance	1	Maintain a “Council-Manager” Government Structure and Allow Council Members to Make Nominations for City Manager Candidates	<b>Declined.</b> Develop Council Policy on process.
Governance	2	Establish Future Charter Review Commissions	<b>Declined</b>
Governance	3	Expand Council to 14 Districts	Return in 2025
Voting	4	Implement Ranked Choice Voting	<b>Declined</b>
Voting	5	Elevate the Board of Fair Campaigns and Political Practices to the City Charter	Add to Ballot Measure in future
Inclusion & Accountability	6	Reform Boards and Commissions (Article X)	Add to Ballot Measure for November 2022
Inclusion & Accountability	7	Add a Native Land Acknowledgement to the Charter	Add to Ballot Measure for November 2022; conduct outreach before June
Inclusion & Accountability	8	Use Gender-Inclusive Language in the Charter and City Documents	Add to Ballot Measure for November 2022
Inclusion & Accountability	9	Establish Equity Values, Equity Standards, and Equity Assessments	Add to Ballot Measure for November 2022
Inclusion & Accountability	10	Address Equity and Inclusion in City Programming and Budgeting	Add to Ballot Measure for November 2022
Inclusion & Accountability	11	Establish Regular Department-Level Audits	<b>Declined</b>
Other Policy	12	Climate Action Commission	City Roadmap Exercise 2022
Other Policy	13	Community Opportunity to Purchase Act	In Housing Dept workplan already
Other Policy	14	Homeownership for Low-Income Residents	In Housing Dept workplan already
Other Policy	15	Smart City Advisory Board: Community Input	City Roadmap Exercise 2022

# Charter Review Commission Recommendations

## Potential Charter Amendment Ballot Measure for November 2022

### DRAFT BALLOT LANGUAGE

*Shall the City Charter be amended to add the City's ethics and elections commission (Board of Fair Campaign and Political Practices) to the Charter; remove requirements that members of the Planning, Civil Service, and Salary Setting Commissions be electors and/or citizens; remove gender-specific language; and require the City Council to adopt equity values, standards, and assessments in making certain decisions?*

## Charter Review Commission Recommendation

### Recommendation 5

Elevate the Board of Fair  
Campaigns and Political Practices  
to the City Charter

### Recommendation 6

Reform Boards and Commissions  
(Article X)

### Recommendation 8

Use Gender-Inclusive Language in  
the Charter and City Documents

**Categories:**  
**Voting +**  
**Inclusion &**  
**Accountability**



**All items included in  
proposed ballot  
measure**

*Shall the City Charter be amended to **add the City's ethics and elections commission (Board of Fair Campaign and Political Practices) to the Charter; remove requirements that members of the Planning, Civil Service, and Salary Setting Commissions be electors and/or citizens; remove gender-specific language; and require the City Council to adopt equity values, standards, and assessments in making certain decisions?***

## Recommendation 7

Add a Native Land  
Acknowledgement to  
the Charter

**Category:**  
**Inclusion &  
Accountability**

## OUTREACH UPDATE

- Invited leadership and representatives from Muwekma Ohlone Tribe & Tamien Nation
- May 13th Convening
  - Purpose: To reflect on and provide input into proposed Land Acknowledgement
  - Result: No agreement

## STAFF RECOMMENDATION

Do not recommend moving forward with Recommendation 7 for the November 2022 ballot.

## Recommendations 9

Establish Equity Values,  
Equity Standards, and  
Equity Assessments

## Recommendation 10

Address Equity and  
Inclusion in City  
Programming and  
Budgeting

**Category:**  
**Inclusion &  
Accountability**

## POLICY OPTION 1

Adopt Charter language similar to that used for Ethics provisions (Section 607):

### *SECTION 608. Equity Values*

*The Mayor and City Council shall adopt and maintain a statement of values regarding racial and social equity, inclusion, and racial and social justice to 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 José.*

## POLICY OPTION 2

Adopt Charter language proposed by Charter Review Commission (Attachment B in staff report).

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## Charter Requirements

Category	#	Recommendation	Requires Charter Amendment	Policy/Programmatic Alternative
Voting	5	Elevate the Board of Fair Campaigns and Political Practices to the City Charter	Yes	Yes - Keep in Municipal Code.
Inclusion & Accountability	6	Reform Boards and Commissions (Article X)	Yes to change 3 charter commissions	Yes - Most non-Charter commissions do not have citizenship requirements.
Inclusion & Accountability	7	Add a Native Land Acknowledgement to the Charter	Yes if placed in the Charter	Yes - Council Policy or Resolution. Add to City website, agendas.
Inclusion & Accountability	8	Use Gender-Inclusive Language in the Charter and City Documents	Yes	Yes for City Documents - In Process for City documents going forward
Inclusion & Accountability	9	Establish Equity Values, Equity Standards, and Equity Assessments	Yes if placed in the Charter	Yes - Council Policy or Resolution. Work is in process.
Inclusion & Accountability	10	Address Equity and Inclusion in City Programming and Budgeting	Yes if placed in the Charter	Yes - Council Policy or Resolution. Work is in process.



# Charter Review Commission Recommendations

## Potential Charter Amendment Ballot Measure

### TODAY'S ACTION (SYNOPSIS)

- a) Consider options for a proposed ballot measure
- b) Consider staff's update on outreach regarding adding a Native Land Acknowledgment to the Charter
- c) Adopt a resolution:
  - 1. Calling and giving notice of election
  - 2. Directing the City Clerk to publish synopsis in the San José Mercury News
  - 3. Authorizing City Councilmembers to submit arguments in favor
  - 4. Authorizing submittal of rebuttal arguments
  - 5. Directing City Attorney to prepare impartial analysis
  - 6. Directing City Clerk to take all other actions necessary to place on the Nov. 8, 2022 ballot