



Memorandum

TO: Honorable Mayor and City Council**FROM:** Councilmembers Sergio Jimenez
and Don Rocha**SUBJECT:** See Below**DATE:** August 3, 2018**APPROVED****DATE**

8/3/18

SUBJECT: POTENTIAL CITY CHARTER AMENDMENTS – MAYOR AND CITY COUNCIL SALARY SETTING AND THE PLACEMENT OF COMPETING ORDINANCES ON THE SAME BALLOT IN MUNICIPAL ELECTIONS

Recommendations

1. Accept staff recommendation to place a Charter Amendment on the November 2018 ballot amending the process in which Mayor and Council salaries are set under the City Charter; and
2. That the City Council decline to put forward a charter amendment that would give the Council the power to place competing ordinances on the ballot.

Analysis

The San José City Charter uniquely protects the will of voters by preventing the City Council from competing directly with citizen-initiated ballot measures. This restriction in the City Charter has allowed for voters to pass initiatives without interference from the Council, which otherwise may vote to place a competing measure intended to undermine a citizen-initiated measure.

For example, in 2012, voters approved Measure D, which raised the City's minimum wage to \$10 per hour. Measure D passed overwhelmingly with 59% of the vote. Though the measure was strongly supported by the voters, many elected officials, including then Mayor Reed, opposed it. Had the City been permitted to place a competing measure on the ballot in 2012, the results may have been different. Setting a precedent for expending City resources on competing ballot measures may have the unintended consequence of obstructing popular initiatives with wide voter support.

This past election we saw billionaire developers attempt to circumvent our general plan through the ballot box with Measure B, "the Evergreen Senior Homes Initiative." The full City Council along with the Mayor strongly opposed this initiative, as did the voters. 59% of San José's electorate voted against Measure B. This was due to a strong educational campaign as well as very public opposition from our City's elected officials.

During this same primary election cycle the City placed Measure C on the ballot which was established with the intent to mitigate the harm proposed by the Evergreen development. Measure C was successful and passed with 60% voter approval. Measure C was not a competing ballot measure, but a result of good policy created by government and community stakeholders.

Though our City is currently restricted from placing competing ballot measures within the same municipal election, there are other ways to oppose initiatives that are deemed harmful or conflict with established policy -- and at no expense to the City. Individual Councilmembers and the Mayor have the discretion to publicly support or oppose ballot initiatives as they see fit, as was done against Measure B. This leads us to the conclusion that the proposed charter amendment is unnecessary and may do more harm than good.

In 2016, the Mountain View City Council placed a measure on the ballot intended to compete with a citizen-initiated rent stabilization measure. It was a political maneuver on the part of the council, the overwhelming majority of which opposed the citizen initiative. The competing measure came at great expense to the city. The voters rejected the competing Council-backed measure and approved the citizen-initiated measure.

The examples above clearly demonstrate that the voters are the ultimate decision makers in our electoral process and that the status quo does not "tie the hands" of City government, but instead establishes balance. Our City already has the tools and resources needed to combat egregious ballot measures without suppressing the will and priorities of the citizens who have elected us to serve. We urge our colleagues to reject this Charter Amendment and preserve our democratic and citizen led process.
