



Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Councilmember Esparza
Councilmember Carrasco

SUBJECT: SEE BELOW

DATE: 07/24/2020

Approved *Maya Esparza* *Magdalena Carrasco* Date: 7/24/2020

**SUBJECT: CONSIDERATION OF A BALLOT MEASURE TO AMEND THE CITY
CHARTER AND IMPLEMENTING ORDINANCE**

RECOMMENDATION

1. Direct Staff to return to Council on August 4th with an ordinance to directly implement the proposed campaign finance reforms and lobbyist restrictions through modification to the Municipal Code.
2. Create a Blue Ribbon Task Force to research and solicit community input on strong mayor and other potential charter reforms to improve and update our governance structure.
3. Approve for placement on the November 2020 ballot a measure aligning the mayoral election with the federal election cycle.

BACKGROUND

The foundation upon which every democratic government is built is the trust that it has earned with those it represents. The residents of San José deserve a nimble, responsive, and accountable government ready to meet the needs of our modern world, which, above all, means having a government in which they can confidently place their trust. That trust requires us to engage with our community thoughtfully when developing proposals to alter our form of government, rather than rushing through a proposal hastily cobbled together in a backroom deal.

The proposed reforms encompass several substantially different categories of government reform. The first, broadly speaking, covers campaign finance reforms and further restrictions on lobbyist involvement in government. None of these changes require a Charter Amendment, and can be adopted by a simple majority vote of Council on any given Tuesday. Therefore, we ask

our colleagues to join us in taking swift action to approve the proposed reforms through a vote of the Council.

The reforms also including the aligning of our mayoral elections with the federal election cycle, through a two-year extension of the current mayor's term. This proposal was first introduced nearly two years ago, and has had an extensive community engagement process, both through Council discussion, as well as grassroots efforts, and represents one of the easiest ways we can increase voter participation in our mayoral races, particularly among our underserved communities.

The remaining set of reforms focus on the authority of the mayor and their authority within our government structure. Specifically, these reforms include granting significant new authority to the mayor with regard to hiring, firing, and directing the City Manager and Department Heads, powers which currently reside in the Council collectively. Make no mistake-this would mark a major change to our current city government structure. To propose to our voters a change of this magnitude without a robust, open, and inclusive process for community review would be unprecedented in our city's history, and deeply detrimental to the cause of building trust in the community. That is why we propose that a Blue Ribbon Task Force be established prior to any ballot measure, to review these potential changes, while conducting their review in an open and inclusive process that solicits community input every step of the way. Such a process is the only way to give our residents a sense of trust in, and ownership over, a government that is supposed to represent them.

Let us briefly review the process so far. On June 19th, Mayor Liccardo released his proposal for these changes, and this was placed on the final Council agenda before the July recess. The one meeting that we have been able to have on this was marked by a deeply troubling lack of clarity around the specifics of this expanded authority and what this would mean from an operational perspective. Furthermore, except for vague sentiments about making the government more nimble and accountable, it remains unclear to us how specifically the proposed changes would result in a better government. It also remains unclear how granting more authority to a mayor who is terming out makes him more accountable to the voters. We are now asked to meet once for a special meeting in July to finalize the ballot language, which needs to be approved at our first regular Council session on August 4th, in order to meet the deadline for the November 2020 ballot.

In total we will have had, at most, three opportunities for public input in crafting this proposal, all of them over Zoom, in the middle of summer when the Council is not normally active, in the midst of a global pandemic and massive social movements throughout the country. Furthermore, Zoom has been unable to easily provide Vietnamese translation services, and no translation services have been available until the July 28th, 2020 City Council Meeting, further limiting community accessibility and input among our minority communities in this crucial discussion. These same communities have long suffered the worst effects of our digital divide, and this current process ensures that these communities will continue to be left out.

Since June 30th, numerous civic organizations from across the political spectrum, including the League of Women Voters, the NAACP, the South Bay Labor Council, and Citizens for Fiscal Responsibility, have come out opposed to this rushed and exclusive process, as have former

County Supervisor and San José Vice Mayor Blanca Alvarado, the first Latina member of our City Council, and developer Charles Davidson, who sat on the committee that gave us our current City Charter in 1965. Our community has spoken loudly and clearly: they demand an inclusive, community-driven process to determine what changes are needed to our current government structure.

Backroom deals crafted by special interests being rushed to the voters might fly in Chicago or New York, but this is not the San José way. That isn't who we are, and is not how we conduct ourselves and our government.

In stark contrast to this rushed process, during the last major comparable change to our governance structure, the passage of Measure J in 1986, the Council created a Charter Review Committee made up of a broad cross-section of residents from throughout the city to evaluate and review the city's governance structure, including exploring the strong mayor form of government, in an inclusive, public process that involved meeting 26 times over more than a year before bringing back their recommendations to the Council to put on the ballot for the voters to consider. The resulting proposal gave the mayor authority over the budget process, as well as the Public Information Office. Similarly, every other major change to our governance structure, including the change from at-large to District Council representation, has involved the convening of a committee of residents and stakeholders to ensure a thorough, open, and public process in crafting proposed changes.

What problem are we trying to solve through reforming the structure of our government? The mayor has mentioned several times the need to align accountability with authority, citing the recent Black Lives Matter protests, and his perception that many residents believe him to have far more authority than he does. Having heard from hundreds of community members over the course of our June Council meetings, including many who acknowledged being active in these protests, the vast majority of the requests we heard involved our budget process, over which the mayor already holds substantial authority. What would the mayor have done differently if he had the expanded authority he seeks? While we are unaware of any Black Lives Matter protestors voicing concern over the mayor's lack of authority, we have heard from many, many constituents the demand for greater community input and a more inclusive and responsive process in our decision making. Ensuring that we have such a process for proposing major changes to our government structure is an obvious and necessary place to start.

The bedrock of our social contract with our residents is trust. That lack of trust, fundamentally, is what has led to the social movements we are seeing around the country. Our residents are demanding to be heard, they are demanding that we not just acknowledge their voices, but that we actively incorporate them into our decision-making. To hastily ram through a poorly-vetted proposal conceived in a backroom by the very special interests it purports to dilute, one which fundamentally alters the balance of power in our government, is the very antithesis of everything that we have heard from our community members demanding a more inclusive government. And we believe that our voters will understand this when they go to the ballot box, or mail in their ballots, this November. We implore our colleagues to join us in moving forward with a truly inclusive process for addressing these changes that will give our residents the confidence that we a government of the people, by the people, and for the people.

The signers of this memorandum have not had, and will not have, any private conversation with any other member of the City Council, or that member's staff, concerning any action discussed in the memorandum, and that each signer's staff members have not had, and have been instructed not to have, any such conversation with any other member of the City Council or that member's staff.