

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE CALLING AND GIVING NOTICE OF, ON ITS OWN MOTION, THE SUBMISSION TO THE ELECTORS OF THE CITY OF SAN JOSE AT A SPECIAL MUNICIPAL ELECTION, TO BE CONSOLIDATED WITH THE GENERAL ELECTION ON NOVEMBER 3, 2020, A BALLOT MEASURE PROPOSAL TO AMEND VARIOUS SECTIONS OF THE SAN JOSE CITY CHARTER AND TO ENACT A NEW ARTICLE XX, ENTITLED "CAMPAIGN FINANCE AND CONFLICT OF INTEREST"**

**WHEREAS**, San José City Charter Section 1600 authorizes the City Council to set the date for a Special Municipal Election; and

**WHEREAS**, the City Council desires to submit to the electors of the City of San José at a Special Municipal Election a ballot measure proposal to amend various sections of the San José City Charter and to enact a new Article XX, entitled "Campaign Finance and Conflict of Interest";

**NOW, THEREFORE**, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE THAT:

**SECTION 1.** A Special Municipal Election is hereby called and ordered to be held in the City of San José on November 3, 2020 for the purpose of voting on a ballot measure to amend various sections of the San José City Charter and to enact a new Article XX, entitled "Campaign Finance and Conflict of Interest", which shall be deemed ratified, pursuant to Government Code Section 34459, if a majority of the electors voting on the measure vote to approve the measure. The full text of the proposed City Charter amendment is attached to this Resolution as Exhibit A and incorporated by reference in this Resolution.

**SECTION 2.** The ballot measure will be placed on the ballot for the November 3, 2020 election in the following form:

**MEASURE \_\_\_\_**

|  |     |  |
|--|-----|--|
|  | YES |  |
|  | NO  |  |

**SECTION 3.** The City Council hereby requests the Board of Supervisors of the County of Santa Clara, California to permit the Registrar of Voters of Santa Clara County (“Registrar of Voters”) to render to the City of San José such services as the City Clerk of the City of San José may request relating to the conduct of the above-described Special Municipal Election with respect to the following matters:

Coordination of election precincts, polling places, voting booths, voting systems and election officers; Printing and mailing of voter pamphlets; Preparation of tabulation of result of votes cast; and all other services necessary to conduct an election.

**SECTION 4.** The City Council hereby requests that the Registrar of Voters consolidate the Special Municipal Election called and ordered to be held on November 3, 2020 with any other election that may be held on that date.

**SECTION 5.** The City Council hereby authorizes the Board of Supervisors of Santa Clara County, California to canvass the returns of the Special Municipal Election.

**SECTION 6.** The City Council hereby directs the City Clerk to reimburse the County of Santa Clara in full for any of the above-mentioned services which may be performed by the Registrar of Voters, upon presentation of a bill to the City, with funds already appropriated to the City Clerk for election purposes.

**SECTION 7.** The City Council hereby directs the City Clerk to take all actions necessary to submit the measure to the Registrar of Voters for placement on the November 3, 2020 ballot and facilitate the Special Municipal Election in the time frame specified herein and comply with provisions of the Elections Code of the State of California, City Charter, Ordinances, Resolutions and Policies regarding the conduct of the Special Municipal Election.

***ALTERNATE 1 (FULL TEXT PUBLICATION)***

**SECTION 8.** Pursuant to Section 12111 of the California Elections Code, the City Council hereby directs the City Clerk to: (a) cause a synopsis of the proposed measure to be published at least one time not later than one week before the election in the San José Mercury News, a newspaper of general circulation within the City of San José; (b) consolidate the Notice of Measure to be Voted with the Notice of Election into a single notice; (c) cause copies of the full text of the proposed measure set forth in the attached Exhibit A to be printed in the Voter Information Portion of the Sample Ballot; (d) cause copies of the Sample Ballot to be mailed to each of the qualified electors of the City of San José; and (e) do all other things required by law to submit the specified measure above to the electors of the City of San José at the Special Municipal Election, including

causing the full text of the proposed measure to be made available in the Office of the City Clerk at no cost and posted on the City Clerk's website.

***ALTERNATE 2 (FULL TEXT NOT PUBLISHED)***

**SECTION 8.** Pursuant to Section 12111 of the California Elections Code, the City Council hereby directs the City Clerk to: (a) cause a synopsis of the proposed measure to be published at least one time not later than one week before the election in the San José Mercury News, a newspaper of general circulation within the City of San José; (b) consolidate the Notice of Measure to be Voted with the Notice of Election into a single notice; (c) cause the following statement to be printed in the impartial analysis to be prepared by the City Attorney: "If you would like to read the full text of the measure, see <http://www.sanjoseca.gov/index.aspx?nid=5694> or call 408-535-1260 and a copy will be sent at no cost to you."; and (d) do all other things required by law to submit the specified measure above to the electors of the City of San José at the Special Municipal Election, including causing the full text of the proposed measure to be made available in the Office of the City Clerk at no cost and posted on the City Clerk's website.

**SECTION 9.** Pursuant to Sections 9282 and 9285 of the California Elections Code, the City Council hereby approves the submittal of direct arguments for and against the ballot measure, if any, [and authorizes the City Council or any member or members of the Council to author and submit a ballot measure argument in favor of the ballot measure] [but determines that rebuttal arguments will not be allowed] OR [and approves the submittal of rebuttal arguments in response to arguments for and against the ballot measure and authorizes the City Council or any member or members of the City Council to author and submit a rebuttal, if any.]

**SECTION 10.** The City Council hereby directs the City Clerk to transmit a copy of the measure qualifying for placement on the ballot to the City Attorney for preparation of an impartial analysis in accordance with Section 9280 of the California Elections Code.

**SECTION 11.** The City Council hereby acknowledges that the consolidated election will be held and conducted in the manner prescribed in California Elections Code Section 10418.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2020, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

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SAM LICCARDO  
Mayor

ATTEST:

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TONI J. TABER, CMC  
City Clerk

**EXHIBIT A TO RESOLUTION NO. \_\_\_\_\_ OF THE CITY OF SAN JOSE**

That the citizens of the City of San José do hereby enact the following amendments to the City Charter and the provision directing the City Council to establish a Blue Ribbon Commission on Better Government:

Section 1. That Section 300 of the City Charter be amended to read as follows:

**SECTION 300. Form of Government.**

The municipal government established by this Charter shall be known as the "Mayor-Council-Manager" form of government.

Section 2. That Section 402 of the City Charter be amended to read as follows:

**SECTION 402. Mayor and Council Member Term Limits.**

The regular term of office of each member of the Council shall be four (4) years. The Mayor and Council members shall be subject to the following term limits:

- (a) MAYOR. No person who has been elected to the office of Mayor for two (2) successive four-year terms shall be eligible to run for election to the office of Mayor, nor to serve as such, for any additional successive term; but the above shall not disqualify any person from running for election to the office of Mayor, nor from further service as Mayor, for any term or terms which are not successive; nor for any parts of terms which are not successive. Notwithstanding any other provision of the Charter, to transition the election of the office of Mayor to the same year as the presidential election beginning in 2024, the term for the office of Mayor beginning on January 1, 2019 shall be extended for two (2) additional years and the person holding the office of Mayor as the incumbent, whose term would have expired on December 31, 2022, may continue to serve until December 31, 2024.
- (b) COUNCIL MEMBER. No person who has been elected to the City Council as a Council member in any Council District in the City for two (2) successive four-year terms, after the effective date of this Section, shall be eligible to run for election as a member of the Council in any Council District, nor appointed to serve as a Council member for any additional successive term. Any person appointed or elected to the City Council as a City Council member to fill an unexpired term of two years or less in length shall be eligible to serve two successive four-year terms upon the

expiration of the unexpired term for which that person was appointed or elected. Any person appointed or elected to the City Council as a City Council member to fill an unexpired term of more than two years in length shall only be eligible to serve one successive four-year term. The above shall not disqualify any person from running for election to the Office of Mayor or for any term or terms which are not successive. The effective date of this Section shall be January 1, 1991.

Section 3. That Section 403 of the City Charter be amended to read as follows:

**SECTION 403. Elections by Districts.**

For the purpose of electing members of the Council, excepting the Mayor, the City shall be divided into ten (10) numbered Districts as nearly equal in population as practicable. The boundaries of the ten Districts shall be established initially by reference to that certain map of the City of San José, entitled "Election Districts of the City of San José", filed and displayed in the office of the City Clerk, and drafted according to data contained in the official census of the City as taken in 1975 and certified by the City Clerk. Thereafter the boundaries of such Districts shall be subject to alteration and change under the provisions of this Section.

Following the taking of each federal decennial census, commencing with the 1980 federal decennial census, the Council shall, by ordinance, redistrict the City into ten (10) numbered Districts. If time permits, such ordinance shall be enacted no earlier than ~~three (3) month and no later than eight (8) months~~ ninety (90) days following receipt by the City Clerk of data containing an enumeration of population by blocks derived from such census. In no event shall such ordinance be enacted later than ~~October 31 in the year following the decennial census~~ two hundred and thirteen (213) days from the last date the redistricting count is legally required to be transmitted to the States or two hundred and thirteen (213) days from the date the redistricting count is actually transmitted to the States, whichever is later.

The redistricting ordinance shall be adopted according to the provisions of Article VI, Section 604 of this Charter and shall become effective at the expiration of thirty (30) days after adoption of the ordinance; provided, however, that if the redistricting ordinance becomes effective on or after the first day on which nomination papers may be filed for an election to the office of member of the Council, excepting the Mayor, then the ordinance shall not apply, or be deemed to apply, to that election or to the person elected to the office of member at such election.

By no later than February 1 in the year following the decennial census, the Council shall appoint an Advisory Commission whose purpose shall be to study and make appropriate recommendations with respect to such redistricting. This Advisory Commission shall consist of one (1) member from each District, who shall be appointed

by the Council member from that District, and a Chairperson chosen from the City at large, who shall be appointed by the Mayor. The membership of the Commission shall be representative of the ethnic make-up of the City at large, to the extent practicable.

The Advisory Commission shall conduct at least three public hearings, at various locations in the City, concerning its recommendations regarding District boundaries, and shall submit its report and recommendations to the Council ~~within one hundred twenty (120) days following its appointment~~ within sixty-one (61) days from the last date the redistricting count is legally required to be transmitted to the States or sixty-one (61) days from the date the redistricting count is actually transmitted to the States, whichever is later.

The Council shall duly consider the report and recommendations of the Advisory Commission and in adopting any redistricting ordinance. However, the Council is required to adopt an ordinance within the period of time required under this Section even if the Advisory Commission fails to provide recommendations or reports as specified in this Section.

Except as provided hereinabove, such Districts shall be used for all elections of members of the Council, including their recall, and for filling any vacancy in the office of member of the Council, subsequent to the effective date of such ordinance and until new Districts are established.

Any territory which is annexed to or consolidated with the City but not included within a District shall, prior to or concurrently with completion of the proceedings therefor, be added to an adjacent District or Districts by the Council by ordinance, which shall become effective at the expiration of thirty (30) days after adoption and shall apply to all elections held on and after its effective date.

Any ordinance adopted by the Council and establishing, changing, or altering the boundaries of any District shall describe the new boundaries by reference to a map on file in the office of the City Clerk and/or by a metes-and-bounds description. In any redistricting, the Council shall make the Districts as nearly equal in population as may be practicable, and may, in establishing the boundaries of the Districts, give consideration to (a) natural boundaries, street lines and/or City boundaries; (b) geography; (c) cohesiveness, contiguity, integrity and compactness of territory; and (d) community of interests within each District.

Upon any redistricting pursuant to the provisions of this Charter, each incumbent member of the Council will continue, during the remainder of the member's term, to hold office and to represent the District by which the member was elected prior to such

redistricting, notwithstanding any provision of Section 404 requiring a member to be a resident of the District represented by such member.

Section 4. That Section 411 of the City Charter be amended to read as follows:

**SECTION 411. The Council; Interference With Administrative Matters.**

- (a) Neither the Council nor any of its members ~~nor~~, except for the Mayor as authorized under Section 502, shall interfere with the execution by the City Manager of his or her powers and duties, nor in any manner dictate the appointment or removal of any City officers or employees whom the City Manager is empowered to appoint except as expressly provided in Section 411.1. Except for the Mayor as authorized under Section 502, the Council and any of its members, shall deal with City officers and employees who are subject to the direction and supervision of the City Manager, solely through the City Manager. However, the Council may express its views and fully and freely discuss with the City Manager anything pertaining to the appointment and removal of such officers and employees. The provisions of this subsection 411(a) do not apply to inquiries and investigations under Section 416.
- (b) Except for the purpose of inquiries and investigations under Section 416, the Council, its members and the Mayor shall deal with City officers and employees who are subject to the direction and supervision of the ~~City Manager~~, City Attorney, City Auditor, or Independent Police Auditor ~~or City Clerk~~, solely through the ~~City Manager~~, City Attorney, City Auditor, or Independent Police Auditor ~~or City Clerk~~, respectively, and neither the Council nor its members nor the Mayor shall give orders, either publicly or privately, to any subordinate officer or employee, ~~either publicly or privately~~.

Section 5. That Section 411.1 of the City Charter be amended to read as follows:

**SECTION 411.1 Department Heads; Policy Objectives; Consent to Hire.**

- (a) The Council shall adopt a written Statement of Policy for each City Department which is under the administration of the City Manager. Said Statement of Policy shall set forth the broad goals, objectives and aspirations to be accomplished by that Department.
- (b) When the position of head of each Department becomes vacant, the Council shall review and, if necessary, amend the previously approved Statement of Policy. The Council also shall adopt a set of questions which

are intended to elicit responses from each prospective appointee concerning the goals, objectives and aspirations in the Statement of Policy.

For purposes of this section, the term “department” shall mean any department specified in Charter Section 804, 806, and 807 as well as any department created by ordinance pursuant to Charter Section 800.

Prior to appointing any Department head, the City Manager shall submit to the Council, for its review, the responses to the Council’s questions submitted by the proposed appointee, and shall seek the Council’s advice and consent. The appointment shall be made only if the Council, by the affirmative vote of a majority of its members, advises the City Manager that it concurs with the proposed appointment. This section shall not apply to the appointment of any “acting” department head to serve in an interim capacity.

Section 6. That Section 500 of the City Charter be amended to read as follows:

**SECTION 500. Mayor.**

There shall be a Mayor of the City of San José, elected at large, who shall be the eleventh member of the Council. Except as otherwise provided elsewhere in the Charter, the Mayor shall be elected by a majority of the votes cast citywide at a Regular Municipal Election, for a term of four (4) years from and after the first day of January following the year of the election. Notwithstanding any other provision of this Charter, to transition the election of Mayor to the same year as the presidential election beginning in 2024, the term for the office of the Mayor beginning on January 1, 2019 shall be extended for two (2) additional years and the person holding the office of Mayor as the incumbent, whose term would have expired on December 31, 2022, may continue to serve until December 31, 2024.

The office of each member of the Council, including the office of the member who is Mayor, is a separate office to be separately filled. Any incumbent member of the Council may run for the seat of Mayor, and the Mayor may run for the seat of Mayor or for any other seat on the Council for which the Mayor is otherwise eligible; however, no member of the Council shall hold more than one seat, and no person may be a candidate for more than one seat.

Section 7. That Section 502 of the City Charter be amended to read as follows:

**SECTION 502. The Mayor; Powers and Duties.**

The Mayor shall have the following powers and duties:

- (a) Beginning January 1, 2021, the Mayor shall have the power to appoint the City Manager. However, before the appointment of a City Manager will take effect, the Mayor must present the appointment to the other members of the Council at the next regularly scheduled closed session meeting, held in accordance with the provisions of California Government Code Section 54950 et seq., in which the other members of the Council may reject the appointment by a vote of seven members of the Council. If the Council does not reject the Mayor's appointment of the City Manager, the appointment will take effect and the Mayor shall announce the appointment on the same day during the regular meeting of the Council.
- (b) Beginning January 1, 2021, the Mayor shall have the power to direct the City Manager, all Department Heads, and any staff member of the Mayor's Office. For purposes of this Charter Section 502, the term "department" means any department specified in Charter Section 804, 806 and 807 as well as any department created by ordinance pursuant to Charter Section 800. Except for the purpose of inquiries and investigations under Section 416 as a member of the Council, the Mayor shall deal with any other subordinate officer or employee under the direction and supervision of the City Manager through the City Manager or respective Department Head and may not give direct orders, either publicly or privately, to any such subordinate officer or employee. In addition, the Mayor may not direct the City Manager or any Department Head to withhold material information from members of the Council unless required by law; direct the City Manager or Department Heads from minimizing the importance of material information shared with members of the Council; or direct or otherwise use the City Manager or Department Head to inquire about or solicit the vote of another member of the Council outside of an open and public meeting that is held in accordance with California Government Code Section 54950 et seq.
- (c) Beginning July 1, 2023, the Mayor shall have the power to dismiss the City Manager. However, before the dismissal of a City Manager can take effect, the Mayor shall promptly notify the other members of the Council of the proposed dismissal and cause the matter to be heard at the next regularly scheduled closed session meeting of the Council, to be held in accordance with California Government Code Section 54950 et seq., at least 72 hours following notification of the dismissal to the other members

of the Council. [The Council may reject the proposed dismissal of the City Manager by a vote of seven members of the Council. If the other members of the Council reject the proposed dismissal of the City Manager, the City Manager will not be dismissed.]

- (d) Beginning July 1, 2023, the Mayor shall have the power to dismiss Department Heads. The Mayor's power to direct and dismiss Departments heads under this Charter Section 502 is concurrent with any authority the City Manager may have to direct and dismiss Department Heads under the Charter. However, before the dismissal of a Department Head can take effect, the Mayor or City Manager shall promptly notify the other members of the Council of the proposed dismissal and cause the matter to be heard at the next regularly scheduled closed session meeting of the Council, to be held in accordance with California Government Code Section 54950 et seq., at least 72 hours following notification of the dismissal to the other members of the Council, in which the Council may reject the proposed dismissal of a Department Head by a vote of seven members of the Council. If the Council rejects the proposed dismissal of a Department Head, the Department Head will not be dismissed.
- (e) ~~(a)~~ The Mayor shall have the power to make recommendations to the Council on matters of policy and program which require Council decision.
- (f) ~~(b)~~ Not less than annually, the Mayor shall address the citizens of the City concerning the current status of City affairs and articulating the policy plans which the Mayor proposes for the City during the ensuing year.
- (g) ~~(c)~~ In addition, the Mayor, at other times during the year, may inform the citizens concerning any matters of policy or program which the Mayor believes are for the welfare of the community.
- (h) ~~(d)~~ If the Mayor recommends any increases in the City budget, the Mayor shall recommend the method of financing such expenditures. If the Mayor proposes the curtailment of any service, the Mayor shall provide specific recommendations and the reasons for the proposal.
- (i) ~~(e)~~ The Mayor shall preside at meetings of the Council and shall have a vote as a member of the Council. The Mayor shall have no veto powers;
- (j) ~~(f)~~ The Mayor shall have authority to preserve order at all Council meetings, to remove or cause the removal of any person from any meeting of the Council for disorderly conduct, to enforce the rules of the Council and to determine the order of business under the rules of the Council;

- (k) ~~(g)~~ The Mayor shall have the power to direct and supervise the Public Information Office of the City.
- (l) ~~(h)~~ The Mayor shall exercise such other powers and perform such other duties as may be prescribed by the Council, provided the same are not inconsistent with this Charter.

~~Nothing in this Section shall be construed in any way as an infringement or limitation on the powers and duties of the City Manager as Chief Administrative Officer and head of the administrative branch of the City government as prescribed in other sections of this Charter. Except as otherwise provided in this Charter, the Mayor shall possess only such authority over the City Manager and the administrative branch as he or she possesses as one member of the Council.~~

Section 8. That Section 503 of the City Charter be amended to read as follows:

### **SECTION 503. Vice-Mayor.**

At the second meeting of the Council following the end of each even-numbered year within which a Regular Municipal Election is required to be held, the Council shall elect one of its members as Vice-Mayor who, until a person is appointed to succeed him or her, or until his or her office otherwise becomes vacant, shall serve as Vice-Mayor during the temporary absence or inability of the Mayor to discharge the duties of his or her office, except the Vice-Mayor shall not have the power to appoint, direct, or dismiss the City Manager or Department Heads as set forth in Charter Section 502.

In case of the temporary absence or disability of both the Mayor and Vice-Mayor, the Council shall elect one of its members to act as Mayor Pro Tempore to discharge the duties of the Mayor, except the Mayor Pro Tempore shall not have the power to appoint, direct, or dismiss the City Manager or Department Heads as set forth in Charter Section 502.

Section 9. That Section 700 of the City Charter be amended to read as follows:

### **SECTION 700. Appointment, Term and Compensation.**

There shall be a City Manager. ~~The Beginning January 1, 2021, the Mayor shall nominate one or more candidates for Council consideration for appointment to the position of City Manager~~ have the power to appoint the City Manager subject to any limitation under Charter Section 502. The City Manager shall be appointed ~~by the~~

~~Council~~ for an indefinite term. The Council shall fix the compensation of the City Manager.

Section 10. That Section 701 of the City Charter be amended to read as follows:

**SECTION 701. City Manager; Powers and Duties.**

The City Manager shall be the chief administrative officer of the City. He or she shall be responsible ~~to the Council~~ for the administration of City affairs placed in his or her charge by or under this Charter. Without limiting the foregoing general grant of powers, responsibilities and duties, the City Manager shall have the following powers and duties:

- (a) Subject to the Civil Service provisions of this Charter and of any Civil Service Rules adopted pursuant thereto, and except as otherwise provided elsewhere in this Charter, the City Manager shall appoint all officers and employees of the City; and, when he or she deems it necessary for the good of the service, the City Manager may, subject to the above-mentioned limitations, suspend without pay, demote, discharge, remove or discipline any City officer or employee who under this Charter is appointed by the City Manager;
- (b) Except as otherwise provided elsewhere by this Charter, the City Manager shall direct and supervise the administration of all departments, offices and agencies of the City;
- (c) The City Manager shall have the right to attend all meetings of the Council, other than closed executive sessions where the City Manager or another Council appointee is the subject of discussion, and to take part in its discussions, but not to vote. The City Manager shall attend all regular and special meetings of the Council unless prevented by illness or physical incapacity or unless his or her absence has been authorized by the Council;
- (d) The City Manager shall be responsible for the faithful execution of all laws, provisions of this Charter, and acts of the Council which are subject to enforcement by the City Manager or by officers who are under the City Manager's direction and supervision;
- (e) The City Manager shall prepare and submit the annual budget to the Council in accordance with the provisions of Section 1204.

- (f) The City Manager shall submit a complete report on the finances and administrative activities of the City as of the end of the preceding fiscal year to the Council at a public meeting to be held within three (3) calendar months following the close of each preceding fiscal year. The annual report, which shall be personally certified by the City Manager to be accurate and complete shall contain a statement indicating:
- (1) Whether the revenues budgeted for the preceding fiscal year were actually received, and an explanation concerning any material differences between the total revenues budgeted and the revenues actually received;
  - (2) The extent to which expenditures budgeted were actually incurred, and an explanation for any material variance between budgeted expenditures and actual expenditures;
  - (3) The amount of the financial reserves of the city;
  - (4) All other information which, in the opinion of the City Manager, is necessary to provide an accurate and complete picture of the fiscal status and condition of the city.

The report shall be in a form which is susceptible to confirmation by audit. It shall be made available to the public in the Office of the City Clerk.

- (g) The City Manager shall make such other reports as the Council from time to time may request concerning the operations of City departments, offices and agencies subject to his or her direction and supervision; shall keep the Council fully advised as to the financial condition and future needs of the City; and make such recommendations to the Council concerning the affairs of the City as he or she deems desirable or as requested by Council.
- (h) The City Manager shall exercise such other powers, and shall perform such other duties, as are specified in this Charter or may be authorized or required by the Council.

Section 11. That Section 702 of the City Charter be amended to read as follows:

**SECTION 702. Removal by Council.**

The Council may remove the City Manager from office at any time until June 30, 2023. Beginning July 1, 2023, the Mayor shall have the sole authority to remove the City Manager subject to any requirements under subsection (c) of Charter Section 502.

Section 12. That Section 704 of the City Charter be amended to read as follows:

**SECTION 704. Acting City Manager.**

The City Manager may appoint, ~~subject to approval of the Council, or if he or she fails to do so the Council may appoint,~~ an officer of the City as Acting City Manager to exercise and perform the powers and duties of the City Manager during the temporary absence or disability of the City Manager. In the event the City Manager fails to appoint an Acting City Manager, the Mayor shall have the authority to appoint an Acting City Manager.

Section 13. That Section 800 of the City Charter be amended to read as follows:

**SECTION 800. Administrative Organization; General Provisions.**

Subject to the limitations hereinafter specified in this section, the Council shall have the following powers and duties:

- (a) The Council, in its discretion, may at any time establish such City offices, departments and agencies, in addition to those established by this Charter, as it may desire; and shall prescribe the respective functions, powers and duties of such additional offices, departments and agencies. The Council shall also prescribe the respective functions, powers and duties of those departments which are established by Section 804 and Section 807 of this Charter. The Council may at any time add to, take away, reduce or otherwise change the respective functions, powers and duties of any of the above mentioned offices, departments and agencies. The Council may at any time abolish or discontinue any office, department or agency other than those established by this Charter. The Council may also, at any time, prescribe additional functions, powers or duties for those offices and departments specified in Sections 803 to 807, inclusive, and may at any time take away, reduce or otherwise change all or any of such additional functions, powers or duties;

- (b) Subject to the limitations hereinafter specified in subsection (c) of this Section, the Council may:
- (1) Contract with any “public agency” for the exercise or performance by a “public agency” for or on behalf of the City, of any of the powers, duties or functions of any office, department or agency of the City established by or pursuant to the provisions of this article;
  - (2) Contract with any “public agency” for the exercise or performance by the City, for or on behalf of any “public agency” of any of the powers, duties or functions of any “public agency”;
  - (3) Contract with any “public agency” for the joint exercise or performance by such “public agency” and the City, for or on behalf of any “public agency” and/or the City, of any of the powers, duties or functions of any office, department or agency of the City established by or pursuant to the provisions of this article and/or of any of the powers, duties or functions of any “public agency”;
  - (4) Contract with any “private agency” for the exercise or performance by a “private agency” or jointly by a “private agency” and the City for or on behalf of the City, of any of the powers, duties or functions of any office, department or agency established by or pursuant to the provisions of this article;
  - (5) Contract with any “public agency” for the purchase or acquisition by a “public agency” by the City, or jointly by both, for or on behalf of the City, a “public agency” or both, of any real or personal property, or for the construction or making by a “public agency,” by the City, or jointly by both, for or on behalf of the City, a “public agency” or both, of any public works project or public improvement.

Each such contract, excepting contracts for specific improvements or projects, and also excepting contracts for specific studies or reports to be completed within five years, shall be terminable by the City at any time following the expiration of one (1) year from and after the date of such contract or at any time following the expiration of such shorter period of time as may be specified in the contract.

In case of and during the term of any such contract, any provisions of this Charter, or of any ordinance, resolution or other City regulation, providing for the exercise or performance of said powers, duties or functions by a City office, department or agency established by or pursuant to the provisions of this article, or specifying a procedure for or otherwise

controlling or regulating the manner in which such powers, duties or functions may be exercised or performed by any City office, department or agency established by or pursuant to this article, shall be deemed suspended to the extent that they are inconsistent with the performance or exercise by a “public agency” or “private agency” of any of such powers, duties or functions pursuant to or as provided by such contract. Also, the provisions of Section 1217 of this Charter, and of any City ordinance, resolution or other regulation relating to the matters mentioned in said Section 1217, shall not apply to any acquisitions or purchases of property, nor to any public works projects or improvements, made, constructed or done by a “public agency” for or on behalf of the City pursuant to any contract above mentioned in sub-paragraph (5) of this sub-section (b), provided that the “public agency,” in doing such things for or on behalf of the City, complies with such procedural requirements as would be applicable to it if it were to do such things for or on behalf of itself.

As used in this sub-paragraph (b), “public agency” means the United States of America, the State of California, any division, department, office, agency or political or administrative subdivision of the United States or of the State of California, or any county, municipal corporation (other than the City of San José), district, authority or other governmental body or organization; and, as used in this sub-section (b), “private agency” means any private corporation, firm, association, organization or person.

- (c) Anything hereinabove in this section to the contrary notwithstanding, unless authorized by other sections of this Charter, no power, duty or function assigned by this Charter to the office of City Clerk, City Attorney, City Auditor, Independent Police Auditor or to the Finance Department, shall be discontinued or assigned or transferred to any other office, department or agency of the City nor to any “public agency” or “private agency” as said terms are hereinabove defined; excepting, however, that the Council may provide for the furnishing or performance of special services by another office, department or agency or by a “public agency” or a “private agency” to assist the office of City Clerk, City Attorney, City Auditor, Independent Police Auditor or the Department of Finance in the exercise or performance by them of those powers, duties and functions which are assigned to them by this Charter if and when such assistance or service is requested or recommended by the head of such office or department.

Section 14. That Section 804 of the City Charter be amended to read as follows:

**SECTION 804. Office of City Clerk.**

The Effective January 1, 2021, the office of City Clerk is hereby established as a department of the City. As of January 1, 2021, the City Clerk shall be appointed by the City Manager in accordance with Charter Section 411 and 411.1. Except as may be otherwise provided herein, the City Clerk shall be under the direction of the Mayor or City Manager as a Department Head and may be dismissed by the Mayor or City Manager subject to any requirement in Charter Section 502.

The City Clerk shall have the following powers and duties:

- (a) Attend all regular and special meetings of the Council, unless prevented by illness or physical incapacity or unless his or her absence has been authorized by the Council; and keep an accurate record of the proceedings of the Council;
- (b) Keep a record of all ordinances of the City, and of all written resolutions adopted by the Council, in such manner that the information contained therein will be readily accessible to the public. To each ordinance contained in such record he or she shall annex or attach his or her certificate stating (1) that it is the original copy of such ordinance or, if the ordinance contained in his or her record is not the original copy, that it is a true and correct copy of the ordinance, and (2) if the ordinance was one required by law to be published, that it has been published pursuant to law;
- (c) Keep all other records of Council proceedings and of his or her office in such manner that the information contained therein will be readily accessible to the public until such time as any of them are destroyed in accordance with State law;
- (d) Be custodian of the seal of the City;
- (e) Administer oaths or affirmations and take affidavits and depositions in connection with or pertaining to City affairs or business; and certify copies of official records of his or her office;
- (f) Have charge of all City elections;
- (g) Be responsible for the publication of all official advertising of the City; and

- (h) Perform such other duties consistent with this Charter as may be required of him or her by the Council.

~~Except as may be otherwise provided by the Council, the City Clerk shall be under the direction and supervision of the Council.~~

Section 15. That Section 806 of the City Charter be amended to read as follows:

**SECTION 806. Finance Department.**

A Finance Department is hereby established. A Director of Finance shall be the head of such department. The functions of such department and the powers and duties of the Director of Finance shall be as follows:

- (a) Regularly, at least once each month, and at the end of each fiscal year, prepare and submit to the City Manager a monthly statement indicating the financial condition of the City;
- (b) Except as otherwise provided in Article XII of this Charter, receive or collect all monies or revenues due the City; maintain custody of all public funds and securities belonging to or under the control of the City, and deposit and invest funds in accordance with principles of sound treasury management and in accordance with the applicable laws or ordinances;
- (c) Maintain a general accounting system for the City; and supervise and control disbursements and expenditures to assure that unexhausted and unencumbered appropriations exist therefor or that payment has been otherwise legally authorized, and that money is available therefor in the City Treasury with which to make payment;
- (d) Verify cash receipts, the distribution of revenues to the appropriate funds, and certify as to the legality and correctness of all bills, invoices, payrolls, demands and charges against the City, and sign warrants or checks in payment of such claims;
- (e) Unless and except as may be otherwise provided by the Council, procure materials, supplies and general services for the City, and prepare and maintain a current inventory of all materials and supplies and an inventory of general assets belonging to the City;
- (f) Unless and except as may be otherwise provided by the Council, provide general services to other departments of the City as may be determined appropriate;

- (g) Perform such other functions, consistent with this Charter, as may be required by the Council.

Subject to the direction and supervision of the Mayor or City Manager, the Director of Finance shall be responsible for the conduct of all of the functions of the Finance Department and, except as otherwise provided elsewhere in this Charter, shall have for such purpose the duties and powers imposed by the general laws of the State of California upon City Treasurers, City Assessors and City Tax Collectors.

Section 16. That Section 901 of the City Charter be amended to read as follows:

**SECTION 901. Officers and Employees; Appointment and Removal.**

~~The City Manager, the City Attorney, and the City Clerk~~ City Auditor, and Independent Police Auditor shall be appointed and may at any time be removed by the Council subject to any requirements in this Charter. Except as otherwise provided by this Charter, all other officers, department heads and employees of the City, except members of boards and commissions, shall be appointed by the City Manager and, except as otherwise provided elsewhere in this Charter, shall serve at his or her pleasure.

The Council shall appoint, and may at any time remove, ~~an Acting City Manager, an Acting City Attorney, Acting City Clerk, Acting City Auditor and Acting Independent Police Auditor~~ to perform the functions and duties of the respective offices in the case of absence or disability.

The Mayor and each member of the Council shall appoint any assistants to serve in his or her office.

The City Manager shall, subject to the provisions of Section 411.1, appoint a person to act as the head of a department or office, other than the office of ~~City Clerk, City Attorney, City Auditor, Independent Police Auditor and Public Information Officer~~ in the case of absence or disability of the head of such department or office.

Section 17. That Section 1000 of the City Charter be amended to read as follows:

**SECTION 1000. Planning Commission.**

There shall be, and there is hereby established, a Planning Commission to consist of ~~seven (7)~~ eleven (11) members appointed by the Council. There shall be one member appointed from each Council District and one member appointed as an "at-large"

member. It shall be deemed to be a continuation of the Planning Commission established by and pursuant to this Section as it read immediately prior to the effective date of this Section as it now reads. A person shall not be eligible to take or hold office as a member of the Planning Commission unless he or she satisfies all of the following conditions:

- (a) He or she must have been a citizen of the United States for at least one year immediately preceding the commencement of the four-year term or lesser period of time for which he or she is appointed, and he or she must be a citizen of the United States during his or her incumbency;
- (b) He or she must have been a resident of the City of San José for at least one year immediately preceding the commencement of the four-year term or lesser period of time for which he or she is appointed, and he or she must be a resident of the City of San José during his or her incumbency;
- (c) He or she must have been a registered elector of the City of San José at the time of his or her appointment and thereafter to and including the date of commencement of the four-year term or lesser period of time for which he or she is appointed.

The City Manager, the City Attorney and such other officers as the Council may designate, or their representatives, may meet with the Planning Commission and may participate in its discussions but shall not have a vote.

Those persons who immediately prior to the effective date of this Section (as it now reads) were members of the Planning Commission established by and pursuant to this Section as it read immediately prior to the effective date of this Section (as it now reads) shall continue to be members of this Planning Commission and, subject to other provisions of this Charter, shall hold such offices until the expiration of the terms for which they were appointed, to wit: the three members appointed for terms expiring on June 30, ~~1970~~ 2022, shall continue in office until the end of June 30, ~~1970~~ 2022, and the four members appointed for terms expiring on June 30, ~~1972~~ 2024, shall continue in office until the end of June 30, ~~1972~~ 2024. The Council shall appoint an eighth and ninth member for a term expiring on June 30, 2022, and a tenth and eleventh member shall be appointed for a term expiring on June 30, 2024. Thereafter, the Council shall appoint commissioners for four-year terms commencing on the first day of July of each even-numbered year to fill the offices of those members whose terms expire as of the end of the 30th day of June of such year.

The office of a member shall become vacant if during his or her term of office he or she ceases to be a resident of the City of San José or ceases to be a citizen of the United States. Also, the office of a member shall become vacant upon the happening before the expiration of his or her term of any of the events set forth in subsections (a), (b), (c), (e), (g), (h), (i), (j), (k), and (l) of Section 409 of this Charter, or upon such member's absence from five (5) consecutive regular meetings other than adjourned regular

meetings, of the Commission, unless excused by resolution of Council. Also, the Council may remove a member from office at any time for misconduct, inefficiency or willful neglect in the performance of the duties of his or her office providing it first states in writing the reasons for such removal and gives such member an opportunity to be heard before the Council in his or her own defense. If a vacancy occurs before the expiration of a member's term, the Council shall appoint a qualified person from that same Council District to fill such vacancy for the remainder of the unexpired term of such member.

The Planning Commission shall have the following powers and duties:

- (a) Make recommendations to the Council respecting the adoption, amendment, or repeal of master, general, comprehensive, precise or specific plans for future physical development of the City or any part thereof, and periodically review the same;
- (b) Make recommendations to the Council respecting the adoption, amendment or repeal of land use and development regulations, including but not limited to zoning and subdivision regulations;
- (c) Make recommendations to the Council respecting the adoption, amendment or repeal of plans or programs for the redevelopment, rehabilitation or renewal of any areas of the City;
- (d) Make recommendations to the Council respecting capital improvement programs; and
- (e) Exercise such other powers and perform such other functions and duties as may be expressly given to it by other provisions of this Charter, or exercise such other powers or perform such other functions as may be prescribed by the Council not inconsistent with the provisions of this Charter.

Section 18. That Section 1215 of the City Charter be amended to read as follows:

### **SECTION 1213. Emergency Reserve Fund.**

A fund, to be known as the "Emergency Reserve Fund," is hereby created for the purpose of meeting any public emergency involving or threatening the lives, property or welfare of the people of the City or property of the City. A reserve shall be built up in said fund from any available sources, other than restricted sources, in an amount which the Council deems desirable. Except as otherwise hereinafter provided, money in said fund shall be expended pursuant to appropriations made therefrom by ordinance.

In case of a public emergency involving or threatening the lives, property or welfare of the people of the City or the property of the City, the City Manager, as may be directed by the Mayor, shall have the power, until the next meeting of the Council, subject to the

availability of funds therefor and, subject to such conditions, restrictions and limitations as the Council may impose, to summon, organize and direct the forces of any department of the City in any needed service, to summon, marshal, deputize or otherwise employ other persons, or to do whatever else he or she may deem necessary for the purpose of meeting the emergency; and for such purpose, to the extent that other monies have not been appropriated or are otherwise unavailable therefor, he or she may expend any unencumbered monies in the Emergency Reserve Fund notwithstanding the fact that such monies may not have been appropriated for such purpose. At the first meeting of the Council following any such action, the Mayor and City Manager shall present to the Council a full report of what ~~he or she~~ was done to meet the emergency.

Section 19. That Section 1600 of the City Charter be amended to read as follows:

**SECTION 1600. Municipal Elections.**

All municipal elections shall be held in accordance with the following:

- (a) **REGULAR MUNICIPAL ELECTIONS.** A Regular Municipal Election is either a regularly scheduled Primary or Run-off Municipal Election. Such elections shall be held every two years, with the election for Mayor and for the odd numbered Council Districts being every four (4) years beginning with 1994, and the election for the even numbered Council Districts being every four (4) years beginning in 1996. Notwithstanding the foregoing provision, a regularly scheduled Primary or Run-off Municipal Election for Mayor shall not occur in 2022 and beginning in 2024 such elections for Mayor shall be held every four (4) years. Each member's term shall commence on the first day of January next following, and end on the last day of December in the fourth calendar year succeeding, the date of the member's election, except, as set forth in Section 402 of Article IV and 500 of Article V, the member of the Office of Mayor whose term began January 1, 2019 and whose term will end December 31, 2024. A regularly scheduled Primary Election shall be held on the same date that the State of California holds its Direct Primary Election. A Run-off Municipal Election shall be held on the same date the State of California holds its Statewide General Election.
- (b) **GENERAL ELECTIONS.** Elections which are held simultaneously in all districts of the City, whether municipal, county or state elections are referred to as General Elections.
- (c) **SPECIAL MUNICIPAL ELECTIONS.** Special Municipal Elections are elections scheduled pursuant to Section 1601. The dates of any Special Municipal Election shall be set by resolution.

- (d) **RUN-OFF QUALIFICATION.** The two candidates who poll the greatest number of votes for office in the Primary Municipal Election shall be the only candidates whose names shall appear on the ballot as candidates for such office at the following Run-off Municipal Election.
- (e) **TIES.** Anything elsewhere to the contrary notwithstanding, all ties in any municipal election shall be decided by lot during open meeting of the Council, under the direction of the Council.
- (f) **DEATH OF A CANDIDATE.** If a candidate dies after the filing of nomination papers for the primary election, the deceased candidate is treated as a candidate for all election purposes. If the deceased candidate is elected, the office will be declared vacant as of the beginning of the term of office for which the election was held. The position shall be filled in accordance with Section 410.
- (g) **MAJORITY OF VOTES.** No person shall be declared elected to the office of the Mayor or Council member at any municipal election unless the person receives a majority of the votes cast for such office.

Section 20. That Section 1604 of the City Charter be amended to read as follows:

**SECTION 1604. Removal of City Manager.**

The electors of the City do hereby reserve the power to remove from his or her office the person holding the position of City Manager. The provisions of the Elections Code of the State of California governing the recall of holders of elective offices of cities, as they now exist or may hereafter be amended, shall be applicable, insofar as the same are not in conflict with this Charter, to the removal from his or her office of the person holding the position of City Manager, the same as if the position of City Manager were an elective office; provided, however, that:

- (a) To initiate proceedings for the exercise of said power, the petition shall be signed by duly qualified electors of the City equal in number to at least the same percentage of the number of persons eligible to vote according to the last report of registration filed by the County Registrar of Voters with the Secretary of State, which is in effect at the time the notice of intent to circulate the petition is published, as is required for recall petitions under the provisions of sub-section (c) of Section 1603 of this Charter.
- (b) If a vacancy occurs in the office of City Manager after a removal petition has been filed, no election need be held;

- (c) There shall be no nomination of candidates to succeed the incumbent in the event the incumbent is removed from office. If the incumbent is removed from his or her office pursuant to the provisions of this Section, a successor shall be appointed by the ~~Council~~ Mayor pursuant to the provisions of Sections 502 and 700.

No person who has been removed from the office of City Manager pursuant to the provisions of this Section shall be reappointed thereto within a period of four (4) years from and after date of such removal.

Section 21. That Section 1704 of the City Charter be amended to read as follows:

**SECTION 1704. Definitions.**

Unless the provisions of the context otherwise require, as used in this Charter:

- (a) "Shall" is mandatory and "may" is permissive;
- (b) "City" is the City of San José and "department," "board," "commission," "agency," "officer," or "employee" is a department, board, commission, agency, officer or employee, as the case may be, of the City of San José;
- (c) "Council" is the Council of the City of San José;
- (d) A "member of the Council" means any one of the members of the Council, including the Mayor;
- (e) "County" is the County of Santa Clara;
- (f) "State" is the State of California;
- (g) "Newspaper of general circulation within the City" is defined by Section 6000 of the Government Code of the State of California;
- (h) The masculine gender includes the feminine and neuter.
- (i) "Council Appointees" are ~~the City Manager, the City Attorney, the City Clerk, the Independent Police Auditor and the City Auditor.~~
- (j) "Department Head" means the head of the departments specified in Charter Section 804, 806, and 807 as well as any department created by

ordinance pursuant to Charter Section 800.

Section 22. That Article XX to the Charter be enacted as follows:

**ARTICLE XX  
CAMPAIGN FINANCE AND CONFLICT OF INTEREST**

**SECTION 2000. PURPOSE AND DECLARATIONS.**

The People of the City of San Jose declare that the purpose of this Article is to avoid corruption or the appearance of corruption in the decision making of the Mayor and Council and to protect the integrity of City processes by:

- (a) placing reasonable limits on the amount a party, or financially interested participant, with a license, permit, or other entitlement for use pending before the City may contribute to the campaign of a members of the Council;
- (b) requiring members of the Council to recuse themselves from participating in such matters where a member of Council received a contribution from a person or participant with a license, permit, or other entitlement for use pending before the City within the preceding 12 months;
- (c) prohibiting the receipt of campaign contributions from lobbyists; and
- (d) prohibiting gifts from lobbyists, contractors with the City, and direct beneficiaries of such contracts.

**SECTION 2001. CAMPAIGN CONTRIBUTIONS WHILE PROCEEDING IS PENDING.**

No member of the Council shall accept, solicit, or direct a contribution in an amount to be prescribed by the Council from any party or from any participant while a proceeding involving a license, permit, or other entitlement for use is pending before the City and for three months following the date a final decision is rendered in the proceeding if the member of the Council knows or has reason to know that the participant has a financial interest, as that term is described with respect to public officials in Article 1 (commencing with Section 87100) of Chapter 7 of the California Government Code. This prohibition shall apply regardless of whether the member of the Council accepts, solicits, or directs the contribution for himself or herself, or on behalf of any other member of the Council, or on behalf of any candidate for office or on behalf of any committee.

## **SECTION 2002. CONFLICT OF INTEREST.**

- (a) No member of the Council shall make, participate in making, or in any way attempt to use his or her official position to influence the decision in a proceeding involving a license, permit, or other entitlement for use pending before the City if the member of the Council has willfully or knowingly received a contribution within a period of time and in an amount to be prescribed by Council from a party or from any participant if the member of the Council knows or has reason to know that the participant has a financial interest in the decision, as that term is described with respect to public officials in Article 1 (commencing with Section 87100) of Chapter 7 of the California Government Code.
- (b) If a member of the Council receives a contribution which would otherwise require disqualification under this Article, returns the contribution to the party or participant within a period of time prescribed by the Council, he or she shall be permitted to participate in the proceeding.
- (c) This Section does not prevent any member of the Council from making or participating in the making of a decision to the extent his or her participation is legally required for the action or decision to be made. The fact that a member of Council's vote is needed to break a tie does not make his or her participation legally required for purposes of this Section.
- (d) The failure of any member of the Council to comply with this Article shall have no effect on the validity of any action taken by the City and may not support an allegation of or serve as a basis for a claim of potential or actual bias or conflict in any matter. However, any member of the Council who willfully or knowingly fails to comply in accordance with this Article may be subject to other penalties as determined by Council.
- (e) Nothing in this Section shall be construed to imply that any contribution subject to being reported as required by law shall not be so reported.

## **SECTION 2003. ADJUSTMENT OF LIMITS.**

The Council may enact an ordinance to provide for a cost of living adjustment of the amounts to be specified in Charter Section 2001 and subsection (a) of Charter Section 2002.

## **SECTION 2004. PROHIBITED CONTRIBUTIONS FROM LOBBYISTS.**

No candidate for City office shall accept or solicit any contribution from a lobbyist subject to any registration requirements of the City. Nothing in this Section shall be

construed to limit a candidate for City office, otherwise subject to the prohibition in this Section, from contributing personal funds on his or her own behalf for his or her own election for City office.

#### **SECTION 2005. GIFTS PROHIBITED**

- (a) No member of the Council, Council appointee, or such other officers or employees as the Council may identify by ordinance, may accept, directly or indirectly, any gift from any lobbyist subject to any registration requirements of the City; contractor with the City, excluding nonprofit organization with tax exempt status under Section 501(c)(3) of Title 26 the Internal Revenue Code; or a direct beneficiary of a City contract.
- (b) For the purposes of this Article, "gift" has the same meaning as under of Chapter 2 (commencing with Section 82000) of Title 9 of the California Government Code.
- (c) Nothing in this Section shall be construed to imply that any gift subject to being reported as required by law should not be so reported.

#### **SECTION 2006. PROHIBITED MEMBERS ON BOARDS AND COMMISSIONS.**

No lobbyist of the City, as defined by ordinance, may serve on a Board or Commission within two (2) years of any lobbying activity with the City. No person with a contract with the City, as defined by ordinance, may serve on a Board or Commission within two years of expiration or termination of the contract. This provision shall apply prospectively and any member of a Board or Commission serving as of November 3, 2020, who would otherwise be prohibited from serving under this Section, may continue to serve until the expiration of his or her appointed term.

#### **SECTION 2007. IMPLEMENTING LEGISLATION.**

The Council is authorized to adopt, amend, or rescind implementing ordinances or resolutions to interpret the provisions of this Article, to further the purposes of this Article, to facilitate the effective operation of the Council or City government, or to comply with a lawful court order. Except when necessary to comply with a lawful court order, any implementing ordinance or resolution, and amendment or change thereto, that lessens an ethical standard must be adopted by a two-thirds vote of the Council.

#### **SECTION 2008. INTERPRETATION AND SEVERABILITY**

This Article shall be interpreted so as to be consistent with federal and State law, and the provisions of this Article are severable. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, part, or portion ("portion") of this Article is held

to be invalid or unconstitutional by a final judgment of a court, such decision shall not affect the validity of the remaining portions of this Article. The voters hereby declare that this Article, and each portion thereof, would have been adopted or passed even if one or more portions of the Article were declared invalid or unconstitutional. If any portion of this Article is held invalid as applied to any person or circumstance, such invalidity shall not affect any application of this Article which can be given effect without the invalid application.

Section 23. That a Blue Ribbon Commission be established as follows:

The Council shall appoint a Blue Ribbon Commission to study the effectiveness of the amendments to the Charter as set forth in this Exhibit A.

The Blue Ribbon Commission shall submit a report for Council consideration by March 2022 on the effectiveness of these amendments and issue recommendations on the need, if any, for further modification or revision to the Charter for a more accountable, inclusive City government. The Blue Ribbon Commission shall also consider the City's governance structure and provisions consistent with the "Mayor-Council" form of government found in other cities in the United States in which the Mayor has executive authority and the Council has legislative authority.

The Council shall duly consider the report and recommendations of the Blue Ribbon Commission and may take any action it deems appropriate.

*NOTE: Additions to the text are underlined and deletions are shown in ~~strikethrough~~.*