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Commission Structure

The Charter Review Commission is comprised of 23 members - two residents nominated by each Council Member from their District and three at-large members residing anywhere in the City nominated by the Mayor. The Mayor will nominate one of the at-large members to serve as the Chair to preside over meetings and who may vote only to break a tie. The Vice Chair will be elected by the Commission once comprised. Per Council Direction, the Commission is to be facilitated by an Independent Consultant and supported by Staff members of City Attorney and Clerk's Offices

Chair: Frederick Ferrer

Vice-Chair: TBD

Consultant: Lawrence Grodeska, CivicMakers, LLC

Commission Directives

At the recommendation of the City Clerk, the Charter Review Commission will serve as an advisory committee without decision-making authority with responsibilities to provide recommendations to the City Council as outlined in the resolution passed on July 28, 2020 by the San Jose City Council. The areas for those recommendations are as follows (emphasis added):

1. Examine the current governance structure as well as a **governance structure consistent with the "Mayor-Council" government structure** found in other cities in the United States in which the Mayor has executive authority and the Council has legislative authority;
2. Research and solicit community input on strong mayor and other potential charter reforms to improve and update the City's governance structure, including the direction to **"Align mayoral executive authority with residents' and local**

business' reasonable expectations for responsive and accountable democratic governance in a major U.S. city";

3. **Evaluate whether the Mayor elected in 2022 should serve a two (2)-year or six (6)-year term** to transition the mayoral election to the presidential election in 2024 or 2028, respectively;
4. Evaluate transition of the election cycle for **odd-numbered districts to align with the presidential election cycle and the even-numbered districts with the gubernatorial election cycle;** and
5. Consider **additional measures and potential charter amendments, as needed, that will improve accountability, representation, and inclusion** at San José City Hall.

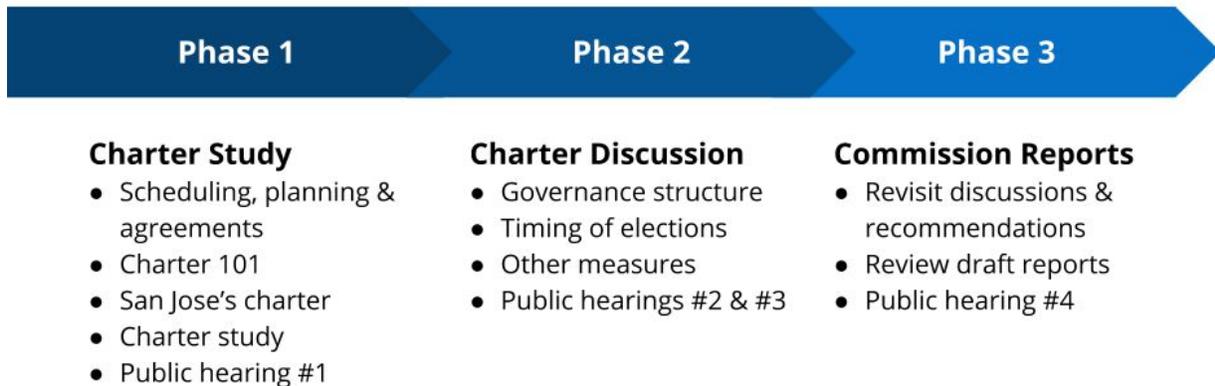
These responsibilities can be fairly grouped into three broad categories:

1. **Governance structure (Nos. 1 & 2)**
 - a. Role of mayoral executive authority in residents' and local business' reasonable expectations for responsive and accountable democratic governance
2. **Timing of elections (Nos. 1 & 2)**
 - a. Mayoral election
 - b. District elections
3. **Additional measures and potential charter amendments**

The Commission has been directed to submit recommendations on the above by December 14, 2021. Based on the Commission's recommendations, Council is to determine further revisions of the Charter, if necessary, to be included as a ballot measure in the 2022 primary and/or statewide general election.

Process / Approach

To address these responsibilities and generate recommendations with the Council, the Commission Chair and Consultant propose the following phased approach.



Meeting Schedule

Commission meetings will be held every other week on Mondays from 6-9pm via Zoom.

The Commission Chair and Consultant propose the following meeting topics, leaving open the possibility of adding additional meetings and topics as necessary.

PHASE 1

- **January 11** - Oath of Office and Kickoff
- **January 25** - Review work plan and charter agreement
- **February 8** - Charter 101 & San Jose
 - Council-Manager (“Weak Mayor”) vs. Mayor-Council (“Strong Mayor”)
 - Review San Jose’s Charter
- **February 22** - Charter Study: San Diego
- **March 8** - Charter Study: Detroit
- **March 22** - *Cancelled for Holiday*
- **April 5** - Charter Discussion
- **TBD** - Public hearing #1

PHASE 2

- **April 9** - Charter Discussion - Governance structure Pt. 1
- **May 3** - Charter Discussion - Governance structure Pt. 2

- **TBD** - Public hearing #2
- **May 17** - Charter Discussion - Election Timing
- **May 31** - *Cancelled for Holiday*
- **June 14** - Charter Discussion - Additional Measures
- **June 28** - Charter Discussion - Additional Measures
- **TBD** - Public hearing #3

PHASE 3

- **July 12** - Review Draft Reports
- **TBD** - Public hearing #4
- **July 26** - Approve Reports

FOOTNOTES

Potential specifics of governance structure discussion:

1. Mayor's authority to appoint, direct and dismiss the City Manager.
2. City Manager authority to appoint, direct and dismiss department heads, with a majority of Council approval required for appointment.
3. Mayor's power to direct (amending Charter Section 411):
 - a. The City Manager;
 - b. all Department heads (a power also shared with the City Manager);
 - c. any member of the Mayoral office staff; but,
 - d. not any other city employee, nor any other Council appointee (City Attorney, City Auditor or Independent Police Auditor).
4. Mayor's and the City Manager's authority to dismiss department heads.
 - a. If a department head is dismissed by the Mayor or City Manager, the Mayor or City Manager will promptly notify the Council, and the dismissal will be agendized at the next Council meeting at least 72 hours following such notification. If a 2/3s supermajority of the Council votes to overturn that dismissal, the department head will be reinstated.
 - b. The changes in the Charter giving the Mayor the authority to dismiss the City Manager and department heads shall not take effect until July 1, 2023.
5. The Office of the City Clerk as a department appointed by the City Manager, directed and subject to dismissal by the Mayor and City Manager.

6. Nothing in these reforms alters the relevant charter sections that govern the appointment, direction and dismissal of the:
 - a. 1. The City Attorney;
 - b. 2. The City Auditor; and,
 - c. The Independent Police Auditor.
7. Executive staff for the City Manager, such as Deputy City Manager, Assistant City Manager(s), Chief of Staff and other positions directly supporting the City Manager shall continue to be appointed, directed and dismissed by the City Manager.
8. Nothing in these reforms alters Charter Section 502(g), in which the Mayor shall continue to have the authority to direct the Public Information Office of the City, which is distinct from regular communications staff and functions that are associated with the mayoral office.
9. Nothing in these reforms alters Charter Section 400, in which the determination of all matters of policy is vested with the Council.

Potential specifics of governance structure discussion:

Shall the City Charter be amended to: 1) change the City's primary and general election dates to June and November of even-numbered years beginning in 2020 so that City elections are held on the same dates as Federal and State elections; 2) provide that, in 2015 and 2017 only, candidates be elected for a term of 5/12 years to transition to the new election dates; 3) adjust vacancy election schedules and allow temporary appointments to fill vacant offices until an election is held; 4) enable initiative and referendum elections to be scheduled at either the next City or next State election; and 5) allow initiative proponents to withdraw their measure prior to scheduling an election?