

TO: City of San José Charter Review Commission
FROM: Elly Matsumura, Commissioner
SUBJECT: Commission Work Plan (1/25/21 agenda item VII.a.)
DATE: January 24, 2021

RECOMMENDATION

1. Adopt the San Jose Charter Review Commission Work plan with the following amendments:
 - a. Include the submission of a minority report in the summary of the Commission Directives.
 - b. Add the following bullets under Process/Approach - Phase 1:
 - i. "Public engagement approach"
 - ii. "Outcomes, topic areas, and work plan"
 - c. Add the following meeting topics on February 8, 2021:
 - i. Strategies to maximize representation, inclusion, and accountability to the public via community input on all of the Charter Review Commission's activities, including work plan, process and approach. Agenda shall include:
 1. Staff report on
 - a. Evidence-informed best and promising practices for representation, inclusion, and accountability to the public in local government processes like charter reviews, drawing from successes and challenges both in and beyond the City of San José; and
 - b. Practices to date and recommended practices for the Charter Review Commission.
 2. Discussion and possible action by the Commission.
 - ii. Models of local government charters and charter revision processes to study, including
 1. Staff report on
 - a. Topics about which Commission, public, and staff will learn more by conducting charter studies, and that will be covered in the charter studies, which should include illuminating the broad diversity of local government charters and successes and challenges of charter revision processes;
 - b. List of possible study subjects (charters/processes);
 - c. Criteria for assessing possible study subjects; and
 - d. Recommended study subjects.
 2. Discussion and possible action by the Commission, including amending the Phase 1 work plan to specify topics for March 8 charter study meeting.

- iii. Additional Brown Act training from the Office of the City Attorney.
 - d. Adopt work plan parameters as an additional topic for the March 8 meeting.
 - e. Adopt the following topics for the final meeting in Phase 1:
 - i. Preliminary outcomes and topic areas for charter revision
 - ii. Commission work plan
 - f. For the first public hearing,
 - i. Gather input on outcomes and topic areas for charter revision and on Commission work plan, process, and approach; and
 - ii. Schedule and hold the hearing far enough in advance of the final meeting in Phase 1 to give staff and the Commission sufficient time to incorporate public input from the hearing into the outcomes and topic areas for charter revision and Commission work plan.
 - g. To accommodate the above recommendations, amend the items under Meeting Schedule - Phase 1 starting with February 8 as follows:
 - i. February 8 - Public engagement approach and charter models
 - ii. February 22 - Charter 101 & San José
 - 1. Council-Manager ("Weak Mayor") vs. Mayor-Council ("Strong Mayor")
 - 2. Review San José's charter
 - iii. March 8 - Charter Studies: TBD and work plan parameters
 - iv. No later than March 15 - Public hearing #1
 - v. April 5 - Staff presentation of draft/Commission and public feedback on
 - 1. Outcomes and topic areas for charter revision and
 - 2. Commission work plan
 - vi. April 19 - Phase 1 completion - adoption of
 - 1. Outcomes and topic areas for charter revision and
 - 2. Commission work plan
 - h. Note that Phase 2 and 3 Process/Approach and Meeting Schedule are illustrative only and a full work plan for subsequent phases will be adopted at the culmination of Phase 1. Based on Commission discussion and public input, work plan may take longer than originally stated.
- 2. Direct staff to include on the agenda for every Commission meeting
 - a. An item allowing for possible action on future meeting topics and additional public engagement strategies; and
 - b. Discussion of outcomes and topic areas for charter revision and Commission work plan.
- 3. Amend the Commissioner Agreements as follows:
 - a. Under "We Make Room for Everyone to Speak," add "We will ensure that Commissioners are allotted adequate speaking time to make substantive contributions to achieving our complex directives."
 - b. Under "We Strive for Consensus," add language elaborating on the meaning of this statement, what our decision-making processes will be, and the role of the minority report.

BACKGROUND

The consultant supporting the Charter Review Commission has provided a draft work plan and agreements that offer important lead thinking on how the Commission can best fulfill its directives from City Council. I offer the recommendations above to the Commission to seek additional ways to align our work plan and agreements with City Council directives, drawing from insights shared by the public, our Chair, and fellow Commissioners at our January 11 meeting.

1. **Maximizing the effectiveness and impact of public engagement:** Multiple Commissioners emphasized the critical importance of robust public engagement with the work of the Commission, a Commission whose directive is to “improve accountability, representation, and inclusion at San José City Hall.” The two members of the public who spoke at the meeting reinforced this value as well as raising concerns about effective means to achieve this goal. The above recommendations aim to take action on this priority by
 - a. Devoting a portion of the next Commission meeting to discussion and possible action on how to achieve this goal;
 - b. Building the Commission’s approach to public engagement strategies on best and promising practices;
 - c. Ensuring that the Commission’s agendas allow us to be responsive to public input and lessons from our study process by placing key issues that arise on future meeting agendas;
 - d. Adjusting meeting content to create avenues for public and Commissioner input throughout Phase 1 to inform the Commission’s adopted outcomes, topic areas, and work plan by including
 - i. Discussion and possible action on March 8 for the Commission to provide the consultant with parameters for the work plan;
 - ii. An agenda item at all meetings that in effect allows us to continually add to a running list of ideas for the Commission’s outcomes, topic areas, and work plan as they are prompted by learning and public input at each meeting; and
 - iii. Providing for a second meeting if necessary for Commissioner and public feedback on the draft work plan to be incorporated into the final.
 - e. Timing robust public engagement so that it can inform the later phases of the Commission’s work plan; and
 - f. Including references in the work plan to the minority report, which, in addition to being required by City Council resolution, may prove a crucial vehicle for accurately representing the input that we receive.
2. **Basing our full work plan on our desired deliverables:** Multiple Commissioners spoke at our last meeting to the need for our work plan to be designed based on a clear definition of what we ultimately aim to produce (Frank Maitzki: “begin with the end in mind;” Barbara Marshman: “decide what we’d like to address and focus on;” Garrick Percival: “clear set of goals;” Rick Callender: “clearly ID some outcomes and topic areas

to focus on so we know exactly what we're working towards and working on"). The draft work plan envisions a Phase 1 of broad study that culminates in a Charter Discussion. The above recommendations aim to

- a. Target Phase 1 to achieve the specific outcomes of
 - i. Defining our Commission's outcomes and topic areas and
 - ii. Adopting a full work plan designed to achieve these outcomes and topic areas;
 - b. Ensure that the outcomes, topic areas, and work plan are based on robust public engagement and a broad spectrum of initial research informed by Commission and public input (acknowledging that further research will occur in subsequent phases of the Commission's work).
- 3. Incorporating key points from Council directives and the first meeting into agreements:**
- a. The Chair noted that we will extend the time allotments for Commissioners' remarks when we have "bigger conversations on substantive issues."
 - b. In addition to one Commissioner urging us to strive for consensus, three others asked for clarity on our decision-making process, which the agreements can help to provide. The Council's directive to provide a minority report is also relevant here.
- 4. Supporting Commissioner collaboration on complex subject matter:** At the Commission's first meeting, in response to a question from Lan Diep, City Clerk Toni Taber provided initial training on the Brown Act and offered to provide additional training if Commissioners wish to communicate with each other on Commission business outside of meetings - such as to coauthor a memorandum. Magnolia Segol also asked about communication with the public. The above recommendations request additional training to maximize Commissioners' ability to communicate and collaborate with each other and the public beyond given the complex nature of the subject matter.

Cc: Lawrence Grodeska, CivicMakers
Toni Taber, City Clerk
Mark Vanni, Office of the City Attorney