



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Toni J. Taber  
David Sykes

**SUBJECT: CHARTER REVIEW COMMISSION  
RESOURCE REQUESTS**

**DATE:** April 23, 2021

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## **SUPPLEMENTAL**

### **REASON FOR SUPPLEMENTAL**

This memorandum identifies budget adjustments in 2020-2021 in response to the Charter Review Commission's request for additional resources. This memorandum also provides a cost estimate for additional resources in 2021-2022 that could be considered for allocation as part of the process to amend the 2021-2022 Proposed Operating Budget.

### **RECOMMENDATION**

- (1) Adopt the following 2020-2021 Appropriation Ordinance amendments in the General Fund:
  - a. Decrease the Office of the City Manager's Personal Services appropriation in the amount of \$110,000; and
  - b. Increase the Office of the City Clerk's Non-Personal/Equipment appropriation in the amount of \$110,000.

### **OUTCOME**

Approval of the recommended action would allocate additional resources to the Charter Review Commission to increase the scope of services for the existing consultant supporting the Commission, providing additional research, analysis, and community outreach. The budget adjustment would also provide additional funding for interpretation services through June 30, 2021.

### **BACKGROUND**

On March 22, 2021, the Charter Review Commission determined that they would need additional financial resources to support the commission's efforts in their review and

determinations of changes to the City's charter. The Charter Review Commission voted to request the following resources:

- 1) Adequate budgetary resources to ensure outside legal counsel can provide support in crafting legislative language and recommendations from the Commission to the Council.
- 2) Adequate budgetary resources to hire a consultant or consultants to provide qualitative research so the Commission can understand best management practices in other municipalities or agencies and consider what Charter changes are best for the City of San Jose.
- 3) Adequate budgetary resources to ensure outreach can be conducted by up ten (10) community-based groups and organizations to ensure that the voices of all residents of San Jose are heard and included as part of the task of updating the Charter.
- 4) As a part of a supplemental request, adequate budgetary resources to ensure that translation of the Commission's documents and interpretation at meetings can be accomplished so that no community is excluded.

## **ANALYSIS**

Cost estimates are provided for each spending category requested by the Commission.

### **Outside Legal Counsel**

In addition to the assigned Senior Deputy City Attorney, the Commission would like to have the services of outside legal counsel.

- **2020-2021 Cost Estimate: \$0.** As the City would need to issue a Request for Proposals, the timeline for the required procurement process would extend beyond June 30, 2021. Therefore, the 2020-2021 budget adjustment action does not include any costs associated with outside legal counsel.
- **2021-2022 Cost Estimate: \$125,000.** While the cost could vary considerably, this preliminary estimate assumes outside counsel presence and the offering of legal opinions for the currently scheduled Commission meetings beginning in August – the estimated date at which the procurement process would be complete – as well as work to document Commission findings and drafting of new charter language for a potential future ballot measure.

### **Qualitative Research Services**

The existing consultant assigned to and facilitating the work of the Commission, CivicMakers, can extend their scope of work to add additional service order hours to conduct the necessary research or consult with experts on specific issues around the Commission's areas of interest, including equity outcomes in municipal governance processes, and comparative analysis regarding Council-Manager, Mayor-Council, and alternative forms of local government, in order to build the foundation of understanding ahead of the recommendations to be formulated by the Commission.

- **2020-2021 Cost Estimate: \$35,000.** With approval of the 2020-2021 budget adjustment action, the City Clerk's Office would encumber the full \$35,000 cost increase, which would provide the requested research services for the remaining four meetings and one public hearing in 2020-2021, and the seven meetings and three public hearings anticipated in 2021-2022.
- **2021-2022 Cost Estimate: \$0.** Work in 2021-2022 will be paid by the funds encumbered in 2020-2021.

### **Community Outreach**

CivicMakers is also available, and qualified, to perform community outreach and engagement work. Their effort would include designing a community engagement plan for building community input in the Charter Review process through public hearings and building working relationships with community-based organizations (CBOs). CivicMakers would separately contract with CBOs for them to identify key stakeholder groups and develop appropriate messaging and coordinate translation of key materials. They will partner with CBOs to promote upcoming public hearings directly to their networks and report back to CBOs to report to their communities about how their input has helped shape the Charter Review recommendations.

- **2020-2021 Cost Estimate: \$63,000.** With approval of the 2020-2021 budget adjustment action, the City Clerk's Office would encumber the full \$63,000 cost increase, which would provide the requested community outreach services for the seven meetings and three public hearings anticipated in 2021-2022.
- **2021-2022 Cost Estimate: \$0.** Work in 2021-2022 will be paid by the funds encumbered in 2020-2021.

### **Interpretation and Translation**

The funding identified below estimates the cost of providing verbal interpretation services for Spanish (\$190 per hour) and Vietnamese (\$280 per hour) during Commission meetings and public hearings. Due to significant cost and extended lead times, written translation of agenda documents is not feasible. Quoted prices for written translation is approximately \$0.15 per word, and vendors need a lead time of 6-10 days to translate documents. The estimates below, however, do include the cost to translate post cards and other outreach materials distributed for public hearings into Chinese, Spanish, Tagalog, and Vietnamese, as aligned with past practices with translated materials for City Elections.

- **2020-2021 Cost Estimate: \$12,000.** Verbal translation for four meetings and one public hearing are estimated at \$10,000. Translation of postcards notifying for one public hearing and other outreach materials is estimated at \$2,000.
- **2021-2022 Cost Estimate: \$20,000.** Verbal translation for seven meetings and three public hearings are estimated at \$14,000. Translation of postcards and other outreach materials notifying for three public hearings and other outreach materials is estimated at \$6,000.

## **CONCLUSION**

The budget adjustment actions included in this supplemental memorandum of \$110,000 would allow for interpretations for approximately four regular meetings and one public hearing and funding for translation of outreach materials through the end of the fiscal year, and would increase the scope of services for the current consultant, CivicMakers, to provide research and community outreach for all the currently planned meetings and public hearings in 2020-2021 and 2021-2022.

To allocate funding for the estimated 2021-2022 cost of \$145,000 – for continued verbal interpretation and translation services and outside legal counsel – the City Council would need to amend the 2021-2022 Proposed Operating Budget as part of the process to approve the Mayor's June Budget Message for Fiscal Year 2021-2022.

## **CLIMATE SMART SAN JOSE**

The recommendation in this memo has no effect on Climate Smart San José energy, water, or mobility goals.

## **PUBLIC OUTREACH**

This memorandum will be posted on the City's Council Agenda website for the April 27, 2021 Council Meeting.

## **COORDINATION**

This memorandum has been coordinated with the Office of the City Attorney.

## **COMMISSION RECOMMENDATION/INPUT**

The Charter Review Commission approved their letter for submission to the Rules and Open Government Committee on this item at their meeting of March 22, 2021.

## **COST SUMMARY/IMPLICATIONS**

1.	AMOUNT OF RECOMMENDATION:	
	Community Outreach	\$63,000
	Research	\$35,000
	Verbal Interpretation	\$10,000
	Written Translation	\$2,000
	TOTAL	<u>\$110,000</u>

2. SOURCE OF FUNDING: 001 – General Fund
3. FISCAL IMPACT: The Office of the City Clerk currently has a Non-Personal/ Equipment modified budget of \$506,086 in the General Fund, including \$108,000 allocated for consultant services for meeting facilitation of the Charter Review Commission, and is unable to absorb additional costs. The Office of the City Manager is tracking to have savings in the Personal Services appropriation in the General Fund attributed to vacancy savings, and can be used to offset the increase to the Office of the City Clerk.

### **BUDGET REFERENCE**

The table below identifies the fund and appropriations recommended to be amended as part of this memorandum.

Fund #	Appn #	Appn. Name	Current Appn	Recommended Budget Action	2020-2021 Adopted Operating Budget Page	Last Budget Action (Date, Ord. No.)
001	0111	Office of the City Manager, Personal Services	\$15,248,577	(\$110,000)	VIII-59	02/09/2021 Ord. No. 30531
001	0452	Office of the City Clerk, Non-Personal/Equipment	\$506,086	\$110,000	VIII-46	02/09/2021 Ord. No. 30531

### **CEQA**

Not a Project, File No. PP17-004, Government Funding Mechanism or Fiscal Activity with no commitment to a specific project which may result in a potentially significant physical impact on the environment.



TONI J. TABER  
City Clerk



DAVID SYKES  
City Manager

For questions, please contact Toni Taber, City Clerk, at (408) 535-1260.