



Memorandum

TO: CITY COUNCIL

FROM: Mayor Sam Liccardo

SUBJECT: SEE BELOW

DATE: 04/27/21

APPROVED:

DATE: 04/27/21

SUBJECT: REQUEST FOR ADDITIONAL FINANCIAL RESOURCES ALLOCATED BY THE SAN JOSÉ CITY COUNCIL TO THE CHARTER REVIEW COMMISSION

RECOMMENDATION

Adopt recommendations # 1 & 2 of Councilmember Arenas' April 26, 2021 memorandum, with the following modifications:

1. Retain the amount of \$110,000 in the City Manager's Personal Services budget to:
 - a. Extend the scope of the contract with CivicMakers to conduct additional analysis and/or consult with experts on issues within the Commission's scope.
 - b. Provide interpretation at meetings and translation of the Commission's documents.
 - c. Conduct measurable outreach to underrepresented communities, such that the City Manager:
 - i. Returns to Council through the budget process to describe options for creating more enduring human and operational infrastructure to effectively conduct outreach for initiatives of citywide importance, such as annual budget approval, the General Plan update, redistricting, and weekly policymaking.
 - ii. As needed, contract with community-based organizations to conduct outreach in underrepresented communities with reportable requirements and metrics.
2. Continue to utilize staff from the City Attorney's office to offer legal expertise to the commission and draft the charter language for a potential future ballot measure, until and unless some palpable conflict of interest (or other concern necessitating outside counsel) is brought to Council's attention.

DISCUSSION

The Charter Review Commission has the very important responsibility of examining the City's governance structure, soliciting community input, and making recommendations on potential charter reforms that will improve accountability and representation. We should ensure the

commission has access to resources that will help inform their recommendations and engage San José's diverse community along the way.

The City Manager's office has confirmed they have the capacity to conduct outreach or oversee a contract with community-based organizations that have trusted relationships in San José's underrepresented communities. Should the City Manager's office outsource this work to other organizations, the community engagement should be genuine, unpartisan, and verifiable. Moreover, community outreach and engagement should not be regarded as a "one-off" effort conducted with additional public expenditure whenever one commission or the other raises a concern; it must be a permanent fixture of the City's approach to policymaking. That is, the City must develop the human infrastructure—internally, and when needed, with community partners—to conduct ongoing outreach as a fundamental task of democratic governance. We should not delegate the work of engaging with our community to others as if it's something other than a core function of the City.

The City Attorney's office has indicated that outside legal counsel will not be necessary for FY 21-22 as the CAO has the bandwidth internally to advise the commission and draft new charter language. That office has far greater expertise in matters of municipal law than any private law firm, and there appears little benefit in spending scarce taxpayer dollars on expensive outside counsel, typically charging \$500 or more per hour. No specific conflicts of interest have been raised by the commission to date, but if such a conflict arises, the Council can reconsider this request. Moreover, the effort to conduct a full, public RFP and select a bidder typically consumes at least a couple months, and the commission's work must continue in the meantime.