

# San José Charter Review Commission

## Work Plan

*Approved March 8th, 2021; Updated April 30th, 2021*

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## Commission Structure

The Charter Review Commission is composed 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. 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:** Christina Johnson

**Consultant:** Lawrence Grodeska, CivicMakers, LLC

**Commission Secretary:** Megan Roche (City Staff)

**Commission roster** available at:

<https://www.sanjoseca.gov/your-government/appointees/city-clerk/charter-review-commission>.

## 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. 3 & 4)**
  - a. Mayoral election

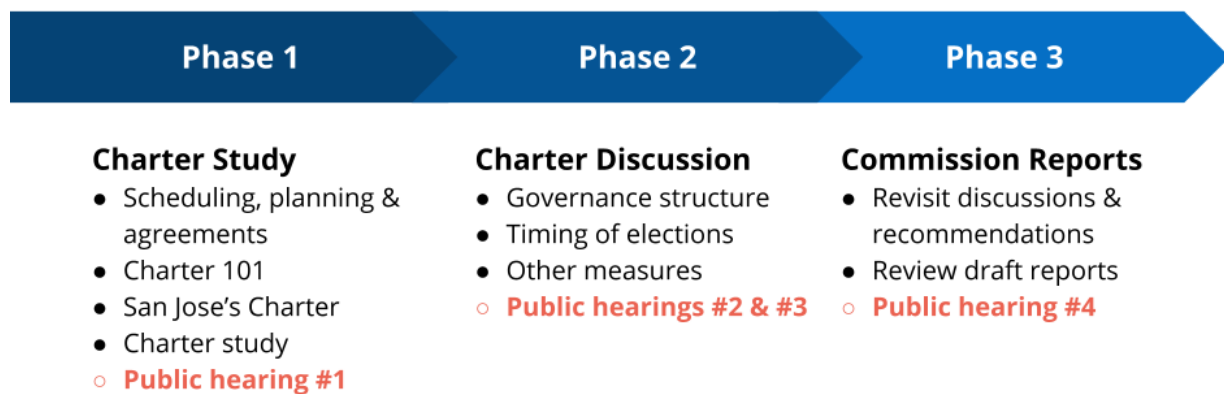
b. District elections

### **3. Additional measures and potential charter amendments that will improve accountability, representation, and inclusion (No. 5)**

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.

## **Approach**

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



\* Currently planned public engagement activities indicated by **red bold**.

## **Subcommittees and Recommendations Process**

To facilitate the development of potential recommendations by the Commission, Commissioners will meet in subcommittees to discuss, research, and vet ideas before bringing back to the full group for evaluation and further research, as necessary.

### **Subcommittees**

Subcommittees will be formed to reflect the three categories the Commission has been tasked with evaluating. We anticipate forming multiple Subcommittees per category (potential number indicated in parenthesis).

1. Governance Structure (2)

2. Timing of Elections (1)
3. ADDITIONAL / Accountability, Representation, and Inclusion (3)

## Subcommittee Roles

- **Lead** - scheduling, leading meetings, coordination with Chair and Consultant
- **Notetaker** - responsible for taking notes during meeting, compiling reports for full Commission, final revision of recommendation memos
- **Researcher(s)** - conduct additional research
- **Consultant / Facilitator**

**In order to avoid Brown Act issues, we request that Commissioners only join one Subcommittee and not attend other Subcommittee meetings.** If they wish to change Subcommittees, those requests will be considered.

## Meeting Process

Subcommittees can meet as often as they like, but recommend once a week at most. Initial meetings will be facilitated by Consultant, Chair, Vice Chair or Commission Secretary.

A recommended 90 minute agenda is as follows.

- Roll call (5 mins)
- Update from each Commissioner on work since last Subcommittee meeting
- Review and discussion of any recommendation memos (if any)
- Discussion of new potential topics
- Assignment of “homework,” including research and drafting of potential recommendations (using provided memo template)

## Communication rules

- Commissioners are asked to use (or at the very least CC) their official Commission email addresses for all communications.
- Email threads must ONLY include those Commissioners assigned to the specific Subcommittee.
- Subcommittees must avoid communicating with each other to avoid a potential “serial meeting” violation of the Brown Act.

## Reporting Back to Commission

It is requested that each Subcommittee provide brief, regular, written reports for the full Commission with the following information:

- Current list of topics under consideration, indicating:
- Any questions Subcommittee would like to bring back to group
- List of attached draft recommendation memos for Commission

## Recommendations Process

In order to ensure the Commission uses meeting time most effectively, Commissioners will be asked to vet ideas before bringing them forward for consideration to the Commission. Suggestions heard from members of the public during Commission meetings or public hearings will be similarly developed by Subcommittees into full proposals for further consideration. This process includes considering the following criteria (as outlined in the Proposed Recommendations Template):

1. What problem(s) are you trying to address?
2. What change are you proposing?
3. Is this change feasible?
4. What are the equity implications?
5. Must this be a Charter revision?
6. Are there other examples of this change?

Recommendation memos (from Subcommittees or otherwise) shall be shared with the full Commission according to the discussion timelines outlined below (calendar subject to change).

## 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 - CHARTER STUDY	
<b>January 11</b>	Oath of Office and Kickoff
<b>January 25</b>	<ul style="list-style-type: none"> <li>• Review Work Plan and Commissioner Agreements</li> <li>• Charter 101 &amp; Intro to San Jose's Charter</li> </ul>
<b>February 8</b>	<ul style="list-style-type: none"> <li>• Review Work Plan and revised Commissioner Agreements;</li> <li>• Discussion of community engagement</li> </ul>

	<b>Guests:</b> Camille Fontanilla and Poncho Guevara
<b>March 8</b>	<ul style="list-style-type: none"> <li>History of previous Charter review processes in San Jose.</li> <li>Historical context of the current Commission.</li> </ul> <b>Guests:</b> Past Charter Review Commissioners - <del>Blanca Alvarado (1975-1976)</del> , John Marshall Collins (1985), Bob Brownstein (1985)
<b>March 22</b>	<ul style="list-style-type: none"> <li>Review of the nuances between Council-Manager and Mayor-Council forms of governance</li> <li>Research on effectiveness of different models</li> </ul> <b>Guest:</b> Professor Kimberly Nelson, The University of North Carolina at Chapel Hill School of Government
<b>April 5</b>	<ul style="list-style-type: none"> <li>Review of San Jose's current system of governance and its practical implications               <ul style="list-style-type: none"> <li>Section 411: The Council; Interference With Administrative Matters</li> <li>Article VIII: Administrative Organization</li> <li>Article IX: Officers and Employees</li> <li>Article X: Boards and Commissioners</li> </ul> </li> </ul> <b>Guests:</b> Former City Manager Norberto Duenas <del>Debra Figone</del> , Former Mayor Ron Gonzales
<b>April 19</b>	<ul style="list-style-type: none"> <li>The role of districts, how Council Members are elected, and their role relative to a Mayor with more consolidated power.</li> <li>Timing of elections and impact on governance.</li> </ul> <b>Guests:</b> Terry Christensen, Professor Emeritus San Jose State University; Mary Currin-Percival, Professor Emeritus San Jose State University
<b>May 3</b>	<ul style="list-style-type: none"> <li>Power and accountability metrics and mechanisms for the various governance roles (e.g., Mayor, Council, Appointed Commissions).</li> <li>Analysis of potential levers for influence on accountability, equity, inclusion.</li> <li>Examples from comparative cities across the country that have gone through similar processes of Charter review (include one alternative form).</li> </ul> <b>Guests:</b> Denzel McCampbell, Carol Weaver, Lamont Satchel, Detroit Charter Commission; Stephanie Jayne & Sabrina Parra-Garcia, San Jose Office of Racial Equity
<b>May 17</b>	<ul style="list-style-type: none"> <li>Examples from comparative cities across the country (continued).</li> <li>Review existing proposals from last summer (Mayor/Council memos) and identify "Additional Measures" for consideration and deliberation to inform "Phase 2" discussion sessions.</li> <li>Finalize Subcommittee process and organization.</li> <li>Prep for Public Hearing #1</li> </ul>

	<b>Guests:</b> Aimee Faucett, Chief Of Staff, Former San Diego Mayor Kevin Faulconer
<b>PHASE 2 - CHARTER DISCUSSION</b>	
???	Public Hearing #1 - Public Comment on Study Session Topics
<b>June 14</b>	Governance structure Pt. 1
<b>June 28</b>	Governance structure Pt. 2
<b>July 12</b>	CITY CLERK'S OFFICE OOO; Proposed Commission Break
<b>July 26</b>	Election Timing
<b>TBD</b>	<i>Public hearing #2 - Feedback on specific recommendations</i>
<b>August 9</b>	Additional Measures
<b>August 23</b>	Additional Measures
<b>September 6</b>	Additional Measures
<b>TBD</b>	<i>Public hearing #3 - Feedback on specific recommendations</i>
<b>PHASE 3 - Commission Reports</b>	
<b>September 20</b>	Review Draft Reports
<b>October 4</b>	Review Draft Reports
<b>TBD</b>	<i>Public hearing #4 - Feedback on draft reports</i>
<b>October 18</b>	Approve Reports

\* Calendar will be extended and new topics added as directed by the Commission.

## Community Engagement Approach

### Community Touchpoints

The Charter Review Commission will host the following touchpoints for community input:

- Commission Website

- Flyer with overview of the Charter Review Commission along with public hearing dates (to be created and translated once public hearing dates are finalized)
- Commission Meetings
- Public Hearings on major questions or proposals (with interpretation)
  - Preferred meeting times: Mon-Fri 6-8pm, Sat 11am-1pm

## Outreach Asks & Activities

### OUTREACH ASKS

The Commission will develop a specific set of questions for community engagement based on their ongoing deliberations. For outreach and engagement to be effective and respectful of community participants, asks should be focussed and specific, such as:

- Attend an upcoming meeting
- Share information about upcoming meetings with your networks
- Leave a comment on Commission website or via printed form about a specific topic

### OUTREACH ACTIVITIES

#### City Channels

Currently, the agendas for the CRC are posted on the City's inSite Page with all other agendas, and the agenda link is sent to the City Council and other Commissioners for their information and promotion. The City Clerk's Twitter account also posts a link to the agenda. Commission Meetings are live streamed via Youtube.

#### Commissioner Outreach

Each Commissioner is invited to promote Commission meetings and public hearings to their networks. This would include notices of upcoming meetings and materials from past meetings. See Appendix A for Community Outreach List.

#### Community Partners

Commissioners will investigate the possibility of engaging community organizations to support the Commission's community engagement efforts, such as promotion, translation and interpretation services.

## Charter Review Public Messaging

The authority and responsibilities of San José's elected officials and staff are outlined in the City's Charter. The Charter details how the power of the Mayor is balanced with that of the



City Council as it relates to governing tasks such as hiring staff leadership and proposing an annual budget. The current Charter was adopted in 1965, and has been amended throughout the years to reflect the changing dynamics of the City and its residents.

In the Fall of 2020, the City Council created a new Charter Review Commission to research and discuss a number of issues related to the balance of power in San José's government. These issues include how much power should be concentrated in the hands of the Mayor versus shared with Council, when Mayoral and District elections should be held, and other ideas for improving equity, transparency and accountability in San José.

You can learn more about the Charter Review Commission, including the public meeting schedule, at <https://www.sanjoseca.gov/your-government/appointees/city-clerk/charter-review-commission>.

## Appendix A - Community Outreach List

The following organizations have been suggested by Commissioners as important individuals, networks and organizations for their ongoing outreach. *General items that require more detail indicated by italics.*

Organization	Commissioner
<b>Advocacy Organizations</b>	
Amigos de Guadalupe -Center for Justice & Empowerment	Commissioner Barousse
Asian Americans for Community Involvement	Commissioner Matsumura
Asian Law Alliance	Commissioner Matsumura
Black Leadership Kitchen Cabinet	Commissioner Matsumura
Latino Historical Society	Commissioner Posadas
NAACP	Commissioner Matsumura
Race Equity Action Leadership (REAL) Network	Commissioner Matsumura
Si Se Puede Collective	Commissioner Amador
SOMOS Mayfair	Commissioner Matsumura Commissioner Amador
South Bay Labor Council	Commissioner Matsumura
Working Partnerships USA	Commissioner Matsumura
<b>Housing / Real Estate</b>	
San Jose Real Estate professionals	Commissioner Monley

San Jose Realtists	Commissioner Matsumura
Santa Clara County Association of Realtors	Commissioner Monley
Realtor network at Compass (SJ office)	Commissioner Monley
SCCAOR	Commissioner Monley
<i>local housing entities</i>	Commissioner Segura
<i>vietnamese groups</i>	Commissioner Posadas
<i>Vietnamese residents citywide</i>	Commissioner Diep
<b>Community Organizations</b>	
District 9 Leadership Group	Commissioner Percival
District 1 leadership group	Commissioner Zhao
D5 United	Commissioner Barocio
People Acting in Community Together	Commissioner Matsumura
Sacred Heart Community Service	Commissioner Matsumura
Viet Unity	Commissioner Matsumura
Vietnamese American Roundtable	Commissioner Johnson
<b>Neighborhood Associations</b>	
East Foothills Social Media Group	Commissioner Barocio
Cambrian Community Council	Commissioner Percival
College Park Neighborhood Association	Commissioner Monley
District 1 Neighborhood Associations	Commissioner Zhao
District 4 Neighborhood Groups	Commissioner Diep
District 6 Neighborhood Associations	Commissioner Monley
District 8 Neighborhood Associations: Brahms/Edgeview NA, Evergreen Leadership NA, Norwood NA, Silver Oak NA, District 8 Community Roundtable, Meadowfair NA, and Welch Park NA,	Commissioner Barousse
Alum Rock Village Action Committee (ARVAC)	Commissioner Barocio
Neighborhood planning groups within District 10	Commissioner Maitski
President of Rosegarden Preservation Association	Commissioner Monley
President of Shasta-Hanchett Neighborhood Association	Commissioner Monley
We and Our Neighbors	Commissioner Percival
<i>Downtown neighborhood</i>	Commissioner Posadas
<i>Neighborhood associations</i>	Commissioner Amador
<b>Elected Officials</b>	
Council member Jimenez	Commissioner Johnson
Councilmembers in D9	Commissioner J LeZotte
Councilmembers in D10	Commissioner J LeZotte
Current and former City staff	Commissioner Matsumura

Past Council member Ken Yeager	Commissioner Monley
Past Councilmember Pierluigi Oliverio	Commissioner Monley
<i>local politicians</i>	Commissioner Segura
<b>Community Leaders + Members</b>	
Chava Bustamante	Commissioner Barousse, Commissioner Matsumura
Jake Tonkel	Commissioner Matsumura
Ellina Yin	Commissioner Matsumura
Chris Luebcke	Commissioner Matsumura
Mira Karthik	Commissioner Matsumura
Lam Nguyen,	Commissioner Matsumura
Rosie Zepeda,	Commissioner Matsumura
Jenny Higgins Bradanini	Commissioner Matsumura
Kevin Ma	Commissioner Matsumura
Brenda Zendejas	Commissioner Matsumura
Dr. Terry Christensen	Commissioner Matsumura
Bob Brownstein	Commissioner Matsumura
Patricia Gardner	Commissioner Matsumura
Bob Staedler	Commissioner Matsumura
<i>leadership groups</i>	Commissioner LeZotte
<i>neighborhood community organizers</i>	Commissioner Segura
<b>Political Organizations</b>	
Bay Area Municipal Elections Committee (BAYMEC)	Commissioner Matsumura
Council on American Islamic Relations	Commissioner Matsumura
League of Women Voters	Commissioner Matsumura
<b>Parent + School Networks</b>	
SJSU networks	Commissioner Posadas
<i>school districts</i>	Commissioner Amador
<i>Educational Organization</i>	Commissioner Segura
<b>Media</b>	
NextDoor	Commissioner Zhao
Silicon Valley De-Bug	Commissioner Matsumura Commissioner Barousse
<b>City Unions</b>	
<i>union networks</i>	Commissioner Posadas
<i>City Unions</i>	Commissioner Matsumura
<b>Business Interests</b>	
Latino Business Foundation	Commissioner Matsumura

Silicon Valley Council of Nonprofits	Commissioner Matsumura
<i>local businesses, etc.</i>	Commissioner Segura
<b>Suggested</b>	
senior commission and all other existing city boards and commissioners	<i>Suggested</i>
Neighborhood leaders throughout the city.	<i>Suggested</i>
Latino Leadership Alliance	<i>Suggested</i>
Latina Coalition	<i>Suggested</i>
ICAN	<i>Suggested</i>