

Commissioner Memorandum

TO: CHARTER REVIEW COMMISSION

FROM: Christina Johnson, Vice Chair
Rick Callender, Commissioner
Elly Matsumura, Commissioner

**SUBJECT: MAY 3 AGENDA ITEM IV (OLD
BUSINESS): CONSIDERATIONS FOR
SUBCOMMITTEE STRUCTURE FOR THE
CHARTER REVIEW COMMISSION**

DATE: May 2, 2021

RECOMMENDATION

1. Establish the following ad hoc subcommittees as noted:
 - a. Subcommittee on Governance Structure
 - b. Subcommittee on Timing of Elections
 - c. Subcommittee on Commission Effectiveness: Provides recommendations to the Commission to maximize the effectiveness and equity-orientation of its operations and process; recommendations should include but not be limited to
 - i. Commission funding and budget oversight, including responding to City Council's questions about the value of outside counsel for the Commission;
 - ii. Public engagement and communications, including the approaches public hearings and to outreach and engagement partnerships with community based organizations;
 - iii. Getting a researcher with expertise complementary to that of current Commission staff;
 - iv. Adjustments to Commission work plan, including but not limited to subcommittee deliverables, structure and operations.
2. Direct staff to prepare for the May 17 meeting a revised Commission work plan that accomplishes the following, with all staff and Chair recommendations/materials posted by Friday, May 14:
 - a. Adjust Phase 1 to include
 - i. The Commission's adoption of
 1. A set of topics setting the scope of the Commission's work on Commission Directive #5, "additional measures and potential charter amendments, as needed, that will improve accountability, representation, and inclusion at San José City Hall;" and
 2. Additional subcommittee or subcommittees as needed to deliver recommendations on the topics under this scope; and

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- ii. Adequate study and public engagement to ensure that these Commission decisions are well-informed.
 - b. Adjust Phase 2 to
 - i. Move discussion of elections timing to the first meeting;
 - ii. Include study by the full Commission of each topic adopted in Phase 1 under the scope of Commission Directive #5 (high-level study that would be complementary to work of subcommittee[s] conducting deeper analysis and recommendations);
 - iii. Ensure that discussions and decisions on form of governance/governance structure are informed by the Commission's and subcommittee(s)'s work on additional measures; and
 - iv. Accommodate changes to Phase 1.
- 3. Direct staff and Chair to prepare recommendations on the following items for the May 17 Commission meeting, with all staff and Chair recommendations/materials posted by Friday, May 14:
 - a. Methods to allow members of the Subcommittee on Commission Effectiveness to sit on other Subcommittees while remaining in compliance with the Brown Act;
 - b. Membership and lead for each Subcommittee; and
 - c. Subcommittee operations/operational agreements that make efficient use of the Commission's limited staffing while providing adequate access for engagement by the public, including the following operational principles:
 - i. Public access for participation:
 - 1. Set frequency / dates of meeting
 - 2. Avoid overlapping dates when possible
 - 3. Adequate notice about meeting schedules
 - 4. Access to meeting materials
 - 5. Ability to submit written materials, listen and comment in meetings
 - ii. Subcommittee Work/Accountability Structure
 - 1. Subcommittee Work Plan - Each subcommittee with the facilitation of their respective lead will use the template provided by the consultant to create a work plan (start now, complete during Phase 2)
 - 2. Structure of Meetings
 - a. Each subcommittee will utilize operational agreements as referenced above
 - b. Adequate time for public engagement
 - 3. Subcommittee Report Out / Submitted in writing in time for posting on Fridays before the next Commission meeting
 - a. Include Agenda/Meeting Notes
 - b. Next Meeting Topics
 - 4. Agendize subcommittee reports for each meeting

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DISCUSSION

The City Council charged the Charter Review Commission with a highly complex task, which the Commission must accomplish as effectively and efficiently as possible with limited time and resources. The establishment of subcommittees allows the Commission to scale up the volume and breadth of work that it produces within those constraints and devote full Commission meetings only to those topics that require the attention of the full Commission. The above recommendations aim to ensure that subcommittees operate with maximum effectiveness, including the public engagement needed for both them and the full Commission to meet Council directives.

1. Establishing a Subcommittee on Commission Effectiveness (SCE): The City Council has provided additional funding for the Commission and we need to use it to maximum effect. A significant proportion of full Commission meetings to date have been devoted to discussing Commission process, which has provided a strong foundation. Now is the time to delegate this detailed work to a subcommittee.
 - a. This would not prevent the staff, consultant, Chair, or individual Commissioners from continuing to provide leadership on Commission process as they have been at full meetings but would provide additional capacity from Commissioners now that the workload for Commission process is growing.
 - b. The subject matter at hand in the scope of the SCE does not overlap with the subject matter at hand in the scope of other subcommittees, which would allow Commissioners to serve on the SCE and another subcommittee in compliance with the Brown Act.
 - c. As an ad hoc committee, the SCE will need to complete its work by early November, at which time any remaining SCE responsibilities will transfer back to the full Commission.
2. Defining the scope of Commission Directive #5 on additional measures: The Commission is only beginning at tonight's meeting to define the scope of topics under this Directive and has conducted no study on any such topics. The list of possible topics is incredibly broad, as the "List of Possible Recommendations DRAFT" begins to indicate. Commissioners Diep and LeZotte have warned of the risk of mission creep given the broad nature of this directive. The Commission must define it. A subcommittee tasked with defining and narrowing this scope and studying topics under the scope - all with support/resourcing than has been provided to the full Commission's study relating to Directives #1-4 - cannot efficiently produce focused, well-researched, meaningful recommendations to the full Commission. Furthermore, without adequate study and public engagement, the full Commission will not be equipped to evaluate and make decisions on the subcommittee recommendations. The full Commission must
 - a. Define the scope of topics under additional measures, informed by adequate study and public engagement;
 - b. Establish a subcommittee approach to work on additional measures that makes sense according to this scope. Topics such as ranked choice voting, police accountability,

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housing, and equity and inclusion in City Commissions are vastly different and likely do not belong in a single committee; and

- c. Conduct adequate study and public engagement on topics within the scope to ensure that, when the subcommittee(s) deeply analyzing each topic bring back recommendations to the full Commission, the full Commission is sufficiently educated about these topics to be able to evaluate subcommittee recommendations in an informed manner.
3. The topic of elections timing is important and potentially controversial but significantly less complicated than the other topics, as Commissioner Marshman intimated at the April 19 meeting. Bringing this item back for discussion first in Phase 2 will allow this subcommittee to complete its work and free up its members to join subcommittees working on additional measures, which would be established around the same time.
4. Recommendations for the subcommittee structures also include intentional efforts to engage and listen to considerations from the general public in accordance with the Commissioners' Agreements, which states Commissioners' commitment to elevate and center community voice in this process. By setting up a process for public engagement within the subcommittee structure, community members have a clearer idea of what they can expect from subcommittee meetings and how to engage with commissioners.
 - a. The subcommittees' role in ensuring adequate public access is defined.
 - b. Giving the community access to meeting materials further emphasizes how the Commission is seeking meaningful engagement with the members of the public by providing accessible ways for them to be involved in accordance with the Commissioners' Agreements.
 - c. Principles for how the subcommittee will communicate with the full Commission are laid out

Illustration: Recommended Timing of Subcommittees and of Commission Work on Additional Measures

	Phase 1		Phase 2	
	<i>May</i>	<i>June</i>	<i>Early</i>	<i>Later</i>
Form of governance	Subcommittee analysis	Subcommittee analysis	Subcommittee analysis	Present recommendations
Elections timing	Subcommittee analysis	Subcommittee analysis	Present recommendations	
Additional measures	Study potential topics	- Adopt list of topics - Establish subcommittee(s)	- Full Commission study of each topic - Subcommittee analysis	Present recommendations