



# City of San José Charter Review Commission

## Options for Final Report Format

*Prepared July 23rd, 2021 by CivicMakers, LLC*

# Outline

- Considerations for Format of Report
- San Jose (1975 & 1985)
- San Diego (2007)
- Austin (2018)
- Detroit (2021)

# Considerations for Format of Report

- Format for individual recommendations
- How to present Majority vs Minority opinions
- Consideration of public presentation
- Timeliness of recommendations (e.g., short term, mid-term, long term)
- Charter revision recommendations vs policy recommendations
- Appendices

# San Jose (1975)

- I. **General Recommendations**
  - A. Background
  - B. Areas of considerations with recommendations
  - C. Conclusion
- II. **Municipal Elections**
  - A. Recommendation
  - B. Background
  - C. Methodology
  - D. Conclusion
- III. **District elections**
  - A. Summary of recommendations
    - 1. Principal recommendations
    - 2. Principal arguments
  - B. Drafting of prototype district maps
  - C. Bases for recommendations

# San Jose (1985)

- I. **Cover Letter**
  - A. Intro
  - B. Summary of Findings
  - C. Recommended Charter Changes
  - D. Minor Changes
  - E. Conclusion
- II. **Current Charter Sections with Proposed Amendments**
- III. **Minority Reports submitted in the form of bundled letters from Commissioners**

# San Diego (2007)

## Introduction & Summary of Charter Recommendations

- I. **Charter Recommendations for the 2008 Ballot**
  - A. **Category A** – Interim Strong Mayor and Legislative Tightening
    - 1. *List of recommendations*
  - B. **Category B** – Financial Reform and the Kroll Report 5. Chief Financial Officer 6. Audit Committee
    - 1. *List of recommendations*
  - C. **Category C** – Duties of Elected Officials
    - 1. *List of recommendations*
- II. **Charter Recommendations for a Later Ballot**
  - A. *List of recommendations*
- III. **Municipal Code Proposals**
  - A. List of proposals (if public approves 2008 Charter Amendment)
- IV. **Items Researched, but Needing Further Study by a Future Charter Committee or Commission**
  - A. *List of items researched*
- V. **APPENDIX ONE** - PUBLIC COMMENT LIST , INVITED SPEAKERS LIST, RESEARCH RESOURCES
- VI. **APPENDIX TWO** - PROPOSED CHARTER LANGUAGE FOR RECOMMENDED CHANGES & ADDITIONS TO THE MUNICIPAL CODE
- VII. **APPENDIX THREE** - SUPPORTING MATERIALS

# Austin (2018)

- I. 2018 Charter Review Executive Summary**
- II. 2018 Charter Review Commission Overview**
- III. Recommendation No. N: XYZ**
  - A. Overview**
    - 1. “This recommendation passed by a vote of X to Y.”
  - B. Background and Policy Reasons for the Recommendation**
  - C. Substance of the Proposed Amendments, Revisions or Repeals to the Charter**
  - D. Estimated Fiscal Budgetary Impact for the Recommendation**
  - E. Impact of the Recommendation on Existing City Laws, Rules, Practices and Procedures**
  - F. Proposed Ballot Language**
- IV. Appendix A: Meeting Dates**
- V. Appendix B: Proposed Democracy Dollars Amendment**
- VI. Appendix C: VIEWPOINTS: Independent ethics panel has benefits, but don’t rush it**
- VII. Appendix D: Proposed Independent Ethics Commission Amendment**
- VIII. Appendix E: Backup Materials Supporting Fiscal Impact**

# King County (2019)

- I. Letter to Council
- II. Executive Summary
- III. Introduction
- IV. King County Charter Review Commission Members
- V. Proposed Amendments
  - A. **Includes Minority Report comment**
- VI. **Topics Encouraged for Further Consideration by Council**
- VII. Conclusion
- VIII. Attachments
- IX. Appendices

## 5. Proposed Charter Amendments

### Preamble:

The Preamble to the County Charter serves as an introduction to the document itself. While the rest of the document is largely aimed at outlining the structure and layout of county government, the Preamble provides an opportunity for the voters to identify the activities, goals, and objectives of county government. In fact, it is an opportunity for the voters to tell everyone what exactly it is they believe in and want their county government to be pursuing. As such, it is a powerful tool to make policy objectives very clear. This CRC has proposed several changes to the Preamble. The proposed amendment would modify the Preamble to read as follows:

We, the people of King County, Washington, in order to form a more just, equitable and orderly government for all, establish separate legislative and executive branches, ~~((insure))~~ ensure responsibility and accountability for local and regional county governance and services, enable effective ~~((citizen))~~ public participation, preserve, protect, and enhance a healthy rural and urban environment and economy, promote a superior quality of life and secure the benefits of home rule and self-government, in accordance with the Constitution of the State of Washington, do adopt this charter.

The first two changes—the addition of “for all” and “equitable”—note that county government should be a resource and provide service to all residents of the county in an equitable manner. This involves not just providing services equally but actually finding out what different communities might need, facilitating their different needs, and helping them to access county services. This will likely require the county to “go meet the people where they are” as opposed to just making services available through the internet or in person. It will require significant work on the part of the county to be seen as providing access in an equitable manner.

The change of “insure” to “ensure” is a grammatical change.

The change of the word “citizen” to “public” in the Preamble is also recommended in a separate charter amendment that replaces almost all references to citizenship in the charter. The Commission views this as an important change to make it very clear that county government and its institutions and services are available to all residents irrespective of citizenship status. The Commission is unaware of any instances (except running for office) where citizenship is actually used as a test for accessing county services.

Finally, we believe that the county has a role in promoting a superior quality of life and in protecting healthy urban and rural environments. There was a great deal of discussion amongst the commission members regarding the appropriate role of the county in areas such as economic development, education, arts, and cultural, heritage, and recreational activities. The county has a direct role through service provision in some areas and does not provide services directly in other areas. However, even in areas where the county might not currently provide direct services, like economic development or education, the county can still serve as a leader, convener, or facilitator of improvements in these areas.

**MINORITY REPORT:** This Preamble change is the only one of the amendments where the Commission has included a minority report. A minority of the Commission does not feel that this change goes far enough in highlighting the areas where the county should be investing time and resources. The minority of commissioners believe that direct references to these additional services—specifically arts, culture and recreation—should be included directly in the Preamble. These commissioners believe the phrase, at a minimum, should read:



# Detroit (2021)

- I. Transmittal Letter
- II. **Charter with Preliminary Commentary**
  - A. *Entire charter version*
  - B. *Proposed changes only version*

**13. Sec. 3-102. Election Commission; Composition; Term; Vacancy; Selection of Officers.**

The Department of Elections is headed by the Election Commission composed of the City Clerk and five (5) voting members, three (3) of whom shall be elected from the at-large district and two (2) of whom shall be appointed by the elected members. The appointed members must have demonstrable experience in election law and/or the administration of elections. Elected and appointed commissioners shall serve a term of (4) years. Vacant elected seats shall be filled in accordance with the applicable procedure set forth in section 3-105. Vacancies in appointed seats shall be filled in the same manner as the initial appointment.

City employees, other city elected officials, candidates for elective office, and city contractors and their employees shall be ineligible to serve as members of the Election Commission.

The Chairperson of the Commission shall be the person receiving the highest number of votes in each election, unless that person declines the position, in which case the elected Commissioners shall select the Chairperson by majority vote. The Vice-Chairperson shall be selected by the voting members of the Election Commission. The Vice-Chairperson shall perform the duties of the Chairperson in her absence. The City Clerk is a non-voting member of the Election Commission and shall be present at each official Commission meeting. The City Clerk is responsible for recording the minutes of all Commission meetings.

**COMMENTARY:** *The present unelected Election Commission is made up of the City Clerk, Corporation Counsel and City Council President. This section has been revised to allow for a five-person Election Commission, with three elected city-wide and two members, with specified qualification, appointed by elected members. The revision attempts to assure the Election Commission is free from potential conflicts of interest by excluding from candidacy individuals with obvious ties to, or interests with the City of Detroit. Of course, incumbent Commissioners are not prohibited from seeking reelection. The City Clerk is retained as a non-voting member of the Election Commission and also serves as the official recorder of the proceedings of the Election Commission. The selection process for Election Commission officers is set forth with the Chairperson being the highest vote recipient and voting members selecting the Vice-Chairperson.*

**14. Sec. 3-103. Powers and Duties of Election Commission.**

It shall be the obligation of the Election Commission to ensure fair, open and legal elections, increase the number of voters through providing every opportunity and means for all eligible residents to participate in the process of voting, and educate residents regarding its statutory operations, functions and mission and that of the Department of Elections.

The Election Commission has general supervision of all elections in the City and may hire assistants, inspectors, and other election personnel. Precinct election officers and temporary employees may be appointed for no more than six (6) months, exempt from Article 6, Chapter 4, of this Charter. Subject to the requirement of state law, the Election Commission shall first recruit assistants, inspectors and other election personnel, including precinct election officers and temporary employees, from within the City of Detroit before engaging in recruitment efforts outside of the City of Detroit.

Except as otherwise provided by this Charter or ordinance, the Election Commission shall perform all duties required of election commissions by law. The Commission may subpoena witnesses, administer oaths, take testimony and require the production of evidence. To enforce a subpoena or order for