

# PROPOSED AMENDMENT TO THE SAN JOSE CITY CHARTER

Submitted by:      Bob Brownstein  
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## **ARTICLE XX EQUITY**

### **Section 2000. Statement of Values.**

To the extent permitted by law, the people of the City of San José affirm that the decisions, policies, budgets, programs, and practices of the City of San José shall be guided by the principles of racial and social equity, inclusion, and racial and social justice.

### **Section 2001. Definitions.**

For the purposes of this Article, the following definitions shall apply:

- (a) “Racial and social equity” shall mean the condition that would be achieved if one’s group identity – based on categorizations that have experienced discrimination including race, aspects of neurodiversity, and sexual orientation - no longer predicted, in a statistical sense, how one fared.
- (b) “Inclusion” shall mean bringing traditionally excluded individuals and/or groups into processes, activities, and decision/policy making in a way that shares power.
- (c) “Racial and Social Justice” shall mean the systematic and proactive fair treatment of people of all races and all group categorizations that have experienced discrimination, resulting in equitable opportunities and outcomes for all

### **Section 2002. Equity Standards.**

To advance the values in Section 2000, and to the extent permitted by law, the City will endeavor to meet all the following objectives for the residents of the City of San José:

- (a) Safety: Every resident shall be as entitled to live free from harm or threat of harm from other persons, private institutions, or city agencies as every other resident.
- (b) Environmental Health: Every resident is as entitled to live in an environment with clean air, soil, and water as every other resident.
- (c) Water and Sanitation: Every resident is as entitled to have access to clean water supplies for personal and domestic use and adequate sanitation services as every other resident.
- (d) Parks and Recreation: Every resident shall be as entitled to access to parks, recreational opportunities, community centers, and urban green spaces as every other resident.
- (e) Mobility and Transportation: Every resident is as entitled to well-maintained and lighted streets and roadways, signage, and other mechanisms to assure pedestrian and vehicle safety, and the opportunity for walking and biking as every other resident.
- (f) Economic Development: Residents of every part of the city are as entitled to the benefits of public economic development investments as residents of every other part of the city.
- (g) Housing Standards: Every resident is as entitled to the protections provided by city enforcement of housing codes as every other resident.
- (h) Workforce Protection: Every person who is employed within the city is as entitled to protection against injury, discrimination, and wage theft as every other employee.
- (i) Neighborhood Amenities: Residents of every neighborhood are as entitled to amenities provided by the city such as cultural presentations or library services as residents of every other neighborhood.

Nothing in this Section is intended to nor shall be construed to create a binding funding obligation for the City or cause of action against the City.

**Section 2003. Equity Assessment.**

- (a) An equity assessment shall be conducted for the annual operating and capital budgets as contained in the Recommended Budgets generated by the City Manager each fiscal year and for major policies and programs to be decided upon by the City Council. The determination as to whether a policy or program is “major” and will require an assessment shall be made by a majority vote of the City Council or by the submission of petitions with at least 2,500 signatures from residents of the city. The process for determining when a policy or program is major, including the process for the submission of petitions, will be established by the City Council.
- (b) The Assessment shall include the following elements:
  - i. Does the proposed change have any disproportionate impact on racial or ethnic minorities and/or people of low-income and/or other group categorizations that have experienced discrimination?
  - ii. Does the proposed change increase or decrease the level of representation of racial or ethnic minorities and/or people of low-income and/or other group categorizations that have experienced discrimination in city decision-making?
  - iii. Does the proposed change increase or decrease the extent to which city officials and staff are accountable to racial or ethnic minorities and/or low-income people and/or other group categorizations that have experienced discrimination?
  - iv. Does the proposed change increase or decrease the access of ethnic or racial minorities and/or low-income people and/or other group categorizations that have experienced discrimination to city decision-making?
  - v. Does the proposed change increase or decrease the extent to which ethnic or racial minorities and/or low-income people and/or other group categorizations that have experienced discrimination receive a fair share of city services and benefits?
  - vi. Does the proposed change increase or decrease the safety and security of ethnic or racial minorities and/or low-income people and/or other group categorizations that have experienced discrimination?
  - vii. Does the proposed change increase or decrease the ability of the city to meet significant needs of ethnic or racial minorities and/or low-income people and/or other group categorizations that have experienced discrimination?
- (c) Equity Assessments shall be presented at a public hearing. The final draft of the Assessment must be published a minimum of two weeks before the date of that hearing.
- (d) For the purposes of this Section:
  - i. “Access” shall mean the ability to secure information about decision-making and participate in the decision-making process to the extent permitted or authorized by law.

ii. "Accountability" shall mean the ability to lawfully impose positive or negative consequences on decision-makers.

iii. "Preparation of Equity Assessments" must include outreach to, and communication with, constituencies likely to be affected by the proposal being assessed.

iv. "Representation" shall mean the ability to affect who will be making decisions that impact a constituency and what the outcome of a decision-making process will be.