



Charter Review Commission

City of San José

MINUTES

<https://sanjoseca.zoom.us/j/94141759036>

5:30 PM

Monday, August 23, 2021

Present: Barbara Marshman, Christina Johnson, Elizabeth Monley (5:58 p.m.), Elly Matsumura (5:58 p.m.), Enrico Callender, Frank Maitski, Garrick Percival, George Sanchez, Huy Tran, Jeremy Barousse (5:40 p.m.), Jose Posadas (5:40 p.m.), Lan Diep, Louis Barocio, Magnolia Segol, Maria Fuentes, Sammy Robledo (5:50 p.m.), Sherry Segura (5:40 p.m.), Thi Tran (5:35 p.m.), Tobin Gilman, Veronica Amador, Yong Zhao (5:40 p.m.)

Absent: Chair- Frederick Ferrer; Members- Linda LeZotte

Staff: Lawrence Grodeska, Consultant; Megan Roche, Legislative Secretary; Toni J. Taber, City Clerk; Mark Vanni, Senior Deputy City Attorney

I. Call to Order & Orders of the Day

The meeting was called to order at 5:30 p.m.

II. Public Record- N/A

III. Consent Calendar

- a) Approve Charter Review Commission Minutes.**
- b) Receive and File Letters from the Public.**

Action: Upon motion by Commissioner Tran and seconded by Commissioner Marshman, the Commission moved to adopt the Charter Review Commission minutes from the public hearing dated 7/29/2021, and to also receive and file the letters from the public. (18-0-4; Absent: Monley, Matsumura, LeZotte, Robledo)

Public Comment: Tessa Woodmansee wished for the Commission to address the climate crisis in their review of the charter. Blair Beekman wished for subcommittee meeting minutes to be available to the public. Jeffrey Buchanan of Working Partnerships USA encouraged the Commission to take the suggestion of Commissioner Maitski to move forward early the recommendation of moving the mayoral election to presidential years. Paul Soto discussed racial equity within the City from the unique perspectives of various ethnic groups.

IV. Reports & Information- N/A

V. Study Session – To Be Heard at 6:00 p.m.

Study Session on Policing, Municipal Law, Accountability, and Inclusion.

[This item was heard at 6:00 p.m.]

The Commission held a study session on the topic of policing. Guest speakers included Brian Corr, Immediate Past President, National Association for Civilian Oversight of Law Enforcement; Aaron Zisser, former San Jose Independent Police Auditor, and current Chief of Staff at the Oakland Community Police Review Agency; Paul R. Parker III, Executive Officer, San Diego County Citizens' Law Enforcement Review Board (CLERB); and Michael Gennaco, Principal of OIR Group and City of Davis Independent Police Auditor.

Public Comment: Tessa Woodmansee appreciated the comments of Aaron Zisser and spoke on the importance of increasing community oversight over the police. A speaker with the phone number ending in 5140 discussed accountability of the police response at protest events within San José. Paul Soto discussed police accountability in the context of Chicano history within San Jose, citing the murder of Danny Trevino. Jesilyn Faust appreciated that the topic of policing is being discussed by the Commission, commented on Commissioner meeting conduct, and reminded Commissioners that they were appointed to represent their community's interests and not their own. Blair Beekman appreciated the comments of Aaron Zisser and posed the question if the Reimagine Task Force Committee might be able to extend their work beyond six months. A speaker named "Police Accountability NOW" thanked Aaron Zisser for his comments, stated that accountability should come with a degree of objectivity, and wished for accountability efforts to not be clouded with police propaganda.

VI. Old Business

1. Discussion and possible action on Charter Review Commission Work Plan.

[This item was heard before item V. Item V was heard at 6:00 p.m., and item VI resumed afterwards.]

a) Report from Chair

b) Report from Clerk

City Clerk Toni Taber noted that currently the Commission plans to switch to hybrid meetings at the beginning of October, where Commissioners will meet in person and the public may attend either in person or virtually by Zoom. This plan is subject to change based on the State Governor's orders.

c) Report from Consultant

Consultant Lawrence Grodeska noted new revisions to the Commission's Work Plan

and upcoming schedule. Commissioners asked questions and discussion ensued.

Public Comment: Tessa Woodmansee appreciated that the topic of climate change will be discussed during the Commission's study session on September 13, 2021 and wishes to see additional education time dedicated to that topic. Paul Soto discussed the importance of specifically defining equity when the Commission evaluates equity in their deliberations. Blair Beekman wished for more public involvement in the subcommittee process.

Action: Upon motion by Commissioner Matsumura and seconded by Commissioner Callender, the Commission moved to direct the Consultant and Senior Deputy City Attorney to prepare options for the next Commission meeting which detail how the Commission may move recommendations forward to City Council before a final report is prepared. (21-0-1; Absent: LeZotte)

2. Discussion on Bylaws--Deferred to September 20, 2021.

VII. New Business

a) Governance Structure Subcommittee Recommendations--Deferred to September 20, 2021.

b) Subcommittee Reports.

By request of Commissioner Segol, Commissioner Percival defined the term "incumbent mayor" and clarified it as it pertains to the Voting and Elections Subcommittee's recommendation to change the mayoral election to presidential years. Senior Deputy City Attorney Mark Vanni provided insight, and discussion amongst Commissioners ensued.

Public Comment: Paul Soto discussed the legitimacy of Somos Mayfair's influence on the Commission's democratic process. Tessa Woodmansee wished for subcommittee meetings to be open to the public. A speaker with the phone number ending in 5140 believed that a strong mayor is not needed, and that the mayor's powers should not be increased. Blair Beekman reminded the Commission of the importance of maintaining good, open democratic processes which involve the public as much as possible.

VIII. Public Comment/Open Forum

1. Paul Soto commented on the way in which Commissioner Matsumura's motion was discussed, in relation to the motivations of both the Commissioners and the public.
2. Tessa Woodmansee urged the Commission to discuss the climate crisis because of the critical impact it has on democracy.
3. A speaker with the phone number ending in 5140 expressed the belief that San José needs new management, citing taxation and police department spending.
4. Blair Beekman spoke of the need for good practices and open democracy with regard to police oversight and the future mayoral election.

IX. Meeting Schedule and Agenda Items

The next meeting is scheduled for September 9, 2021.

X. Adjournment

The Commission adjourned at 10:08 p.m.

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Prepared by:
Megan Roche, Deputy City Clerk

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Frederick Ferrer
Chair, Charter Review Commission