

San José Charter Review Commission

1) Proposal Name

Proposal Name:	Future Charter Review Commissions
Submitted by:	Frank Maitski
Date submitted:	October 14, 2021

2) Proposal Details

<p>1) What problem(s) are you trying to address? <i>Before suggesting a solution, it is important to be clear about the problem you aim to solve.</i></p>	<p>The current Charter Review Commission was established by the Mayor and City Council as a singular event. The previous San Jose Charter Review Commission, similarly established, completed its final report in 1985. Hence, over 35 years have passed since San Jose’s charter was thoroughly reviewed. San Jose experienced significant change during that time. An earlier review of the charter may have been more appropriate.</p> <p>Historically in San Jose, the charter has only been reviewed when requested by the Mayor and/or City Council, usually from public concern over a specific issue. Considering the dynamic change of the San Jose community, a periodic review of the city charter is more appropriate to determine if any changes are needed, rather than waiting for a specific issue or problem to initiate the review.</p>
<p>2) How has this problem possibly benefited or burdened people, especially</p>	<p>This proposal benefits the San Jose community at large by providing a requirement for residents to review the City Charter at least every 10 years.</p>

BIPOC, low-income, undocumented and immigrant, those experiencing houselessness, etc.?

Is there data that speaks to the impact of this problem? What does the disaggregated data tell us?

3) What change are you proposing?

Describe the revision to [San José's Charter](#) that you are proposing. Include relevant Charter section numbers.

Add the following section to the City Charter:

Section 1002.1 Charter Review Commission

A Charter Review Commission shall be appointed at the second regular meeting of council in the year 2028 and of each succeeding tenth year thereafter, and at any time council may call for such a commission, to review and recommend amendments to this Charter. The Charter Review Commission shall be reflective of the City in terms of its racial and ethnic diversity, age and geography. The mayor shall nominate three (3) Charter Review Commission members, and each member of the Council shall nominate two (2) Charter Review Commission members from their District, who shall all be subject to confirmation by the Council. The term of the Charter Review Commission shall be no more than two years unless extended by the City Council. The Charter Review Commission shall determine its own rules of procedure. No member of the Charter Review Commission shall serve as an elective officer of the City during the member's service on the Charter Review Commission. The City Council may establish, by ordinance, criteria for eligibility on the Charter Review Commission. The Mayor or Council may request that the Charter Review Commission review specific sections of the Charter, but the work and recommendations of the Charter Review Commission shall not be limited to

	<p>such specific sections. The Charter Review Commission shall be provided all reasonable resources it identifies are needed to complete its review. The Commission shall provide a written report of its findings to the City Council.</p> <p>Nothing in this section shall limit the authority of council to submit any proposed charter amendment to a vote of the people unless otherwise provided for in this charter.</p> <p>A vacancy exists on the Charter Review Commission upon a member’s resignation, death, inability to serve or failure of a member without cause to attend three successive regular meetings. If there is a vacancy on the Charter Commission, the Mayor or Council member who made the original nomination, or that member’s successor in office, shall nominate a person to fill the unexpired term of office, subject to confirmation by Council.</p>
<p>4) Is this change feasible? <i>Think through the revision you are proposing. Is it legally possible? Is it practical? If there are questions you cannot answer, list them here.</i></p>	<p>Yes, similar sections in other city charters exist that establish charter review commissions on a regular basis.</p>
<p>5) Who might benefit from or be burdened by this change? <i>Is there data that speaks to the potential impact of this</i></p>	<p>The general San Jose community benefits the most with this proposal since it establishes a mechanism in the City Charter for the residents to review it on a regular basis.</p>

change? What are the potential unintended consequences of this change?

6) What are the arguments against this proposal?

Summarize the arguments you expect or data you have found in opposition to this recommendation.

The Charter is the foundation of San Jose’s government and sets forth guiding principles for its governance. As such, the Charter should be kept as general as possible to allow the Mayor and Council flexibility to address the needs of the community through policy. The Charter should not be used to directly set policy, address the “issue of the day,” or advance a political agenda of any person.

A mandated periodic review of the Charter provides an opportunity for the Charter amendment process to be used inappropriately. Limiting review of the Charter minimizes this risk and focuses future reviews on charter issues identified by the Mayor and/or Council, presumably by input from the community.

The Mayor and City Council are the elected representatives of the community with a full time focus on its needs. As such, they are closer to issues that may require an amendment to the charter, and are in a better position to determine when a Charter Review Commission is needed.

7) Must this be a Charter revision?

Can this problem be addressed without changing the charter (e.g., Council action, cultural

No, a City Ordinance could be enacted that establishes the same requirement for a periodic Charter Review Commission, with the same terms. However, a City Ordinance is much easier to repeal than a Charter amendment providing more assurance that periodic Charter reviews will continue.

<p><i>change)? If not, should this be a policy recommendation to be included in the Commission's report?</i></p>	
<p>8) Are there other examples of this change? <i>If you have found other examples of this change, please share them and any outcomes that have been observed.</i></p>	<p>The charters for the cities of Portland, Oregon, and Columbus, Ohio, include sections that require a periodic Charter Review Commission.</p>

3) Proposal Research & Citations

List below the results of any research conducted to inform this memo.

Questions	Recommending Person Response to Questions	Subcommittee Notes (i.e. Agreements, questions, additions, concerns, next step, etc.)
<p>List of citations <i>All data must be cited so that Commissioners</i></p>	<p><i>"Guide for Charter Commissions," Sixth Edition; National Civic League.</i></p> <p>City Charter of Portland, Oregon</p>	

<p><i>who are not part of the Subcommittee in question may locate the source of information as needed.</i></p>	<p>City Charter of Columbus, Ohio</p>	
<p>Any speakers who presented to the subcommittee must be listed. <i>Include name, title, affiliations, etc., along with a brief summary of the information presented by them.</i></p>		
<p>Relevant Links <i>Provide links or locations of the information in this research as much as possible,</i></p>	<p>https://www.nationalcivicleague.org/resources/guide-charter-commissions-2011/guide-to-charter-commissions/</p> <p>https://www.portland.gov/charter</p> <p>https://library.municode.com/oh/columbus/codes/code_of_ordinances</p>	

*otherwise
provide
attachments.*