



Memorandum

TO: RULES AND OPEN
GOVERNMENT COMMITTEE

FROM: Vice Mayor Chappie Jones,
Councilmember Sergio Jimenez

SUBJECT: CHARTER REVIEW COMMISSION
WORKPLAN

DATE: October 27, 2021

Approved

Date *October 21, 2021*

RECOMMENDATION

1. Direct the City Clerk to provide additional guidance to the Charter Review Commission, and amend the resolution (No. 79722) establishing the Charter Review Commission, to prioritize the two major scopes of work assigned per [Council's direction](#) of July 28, 2020:
 - a. Complete all research and recommendations related to the City's governance structure and election cycles for the Mayor and Council Districts by November 29, 2021.
 - b. Have all recommendations related to 1.a submitted to Council by December 14, 2021.
2. Regarding other work being done by Commission:
 - a. Consider additional measures and potential charter amendments as long as they do not duplicate current City efforts and they align with the objective of improving accountability, representation, and inclusion at San José City Hall. As noted in discussion below, duplicative efforts include but are not limited to climate action, public safety and police oversight, housing and land use near the Urban Growth Boundary.
3. Direct the City Clerk to provide additional guidance regarding City resources and funds to support the Charter Review Commission:
 - a. Resources, including assigned staff, are to be prioritized to provide support as it relates to governance structure and election cycles.

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- b. All committee work within the commission shall cease by the end of December 2021 or earlier if deemed appropriate by the Commission. Should additional work be required, it may continue subject to Council's evaluation and approval of additional budget appropriation and extension of the Commission's workplan.
4. Schedule this item to be heard at Council Meeting of November 2, 2021.

BACKGROUND:

We commend the 23-Member Charter Review Commission for their dedication and commitment to diligently considering amendments to the City's Charter as a good faith effort to improve governance, accountability, representation, and inclusion at City Hall. We are fortunate to have such qualified volunteers and we look forward to receiving their recommendations addressing the governance structure of our City and the election cycle for the Mayor and Council Districts.

Vice Mayor Jones provided direction on the workplan of the Charter Review Commission (Commission) when recommending their formation in the memo of July 27, 2020. The intent was flexibility to conduct deliberation, including other items that may be needed to bring about reforms that will improve accountability and representation of our residents. The intent of this memorandum is not to stifle or constrain the Commission's input and thoughts, but provide additional direction to ensure the Commission is focusing on the primary issues assigned and that they are allowed to complete their committee work within a reasonable time. We ask that the work be received by the end of December 2021, given the efforts invested thus far and to ensure timely evaluation and inclusion of recommendations as to potential ballot measures in the June 2022 primary election.

In retrospect, prescribing the scope of work to include "additional measures and potential charter amendments, as needed, that will improve accountability, representation, and inclusion at San José City Hall" may have been too broad of a direction to include in the original parameters proposed for the workplan of the Commission. Further direction should have been provided to ensure duplicated efforts were not undertaken that were already prioritized through Council-approved initiatives and funding resources. For example, topics such as Police Oversight and Climate Action, which were discussed at the Commission meeting of September 13, 2021, are both efforts that the Council has already approved as part of their workplans and are currently underway through various City departments. Other topics addressed at subsequent meetings have included review of housing issues and review of the Charter Article that addresses land use near the Urban Growth Boundary. The City currently has a Housing and Community Development Commission to provide direction on these matters.

The topic of Climate Action is currently being addressed through the City's Climate Smart Action Plan, which was created through the leadership of our Environmental Services Department, cross-departmental work with Department of Transportation and others such as

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Parks, Recreation and Neighborhood Services; Planning, Building and Code Enforcement; and extensive community engagement with various stakeholders and community members. It was adopted by Council in 2018 and continues to provide guidance and direction to ensure the City is doing its part to address climate change, reduce air pollution, save water and improve quality of life.

Regarding the matter of Policing Oversight, this effort has already been approved by Council to be addressed through two initiatives, one of them being the “Reimagining Public Safety” initiative and includes various commendable community stakeholders leading this effort.

We are honored to be part of a City that is made up of dynamic citizens willing to contribute their valuable time and effort to ensure our residents are represented and included. Whether we openly admit to it, we all still may be healing from the past year and are weary about the year ahead. We recognize that we are at a turning-point in which we have the opportunity to make long over-due reforms happen. Whether it’s through the work of the Charter Review Commission, the Reimagine Public Safety Advisory Committee, or the Economic Recovery Task Force, we are confident that we will together continue to change the narrative of San José in a meaningful way.

The signers of this memorandum have not had, and will not have, any private conversation with any other member of the City Council, or that member's staff, concerning any action discussed in the memorandum, and that each signer's staff members have not had, and have been instructed not to have, any such conversation with any other member of the City Council or that member's staff.