

# San José Charter Review Commission Recommendation Memo

*Drafted April 19th, 2021; Revised July 2nd, 2021*

San Jose Climate Crisis Action Commission

## 1) Proposal Name

<b>Proposal Name:</b>	<i>Amend San Jose City Charter to address climate change impacts through establishing a <b>Climate Crisis Action Commission</b> in the City Charter.</i>
<b>Submitted by:</b>	Magnolia Segol, Veronica Amador, Rick Callender, and Sherry Segura.
<b>Date submitted:</b>	<i>Oct 29, 2021</i>

## 3) Proposal Details

<p><b>1) What problem(s) are you trying to address?</b> <i>Before suggesting a solution, it is important to be clear about the problem you aim to solve.</i></p>	<p>San Jose needs to take coordinated actions to prepare city services and citizens for major, ongoing impacts from climate change, impacts that will take decades to resolve, if ever. There is currently not nearly enough focus on evaluating the problems that could occur, and on outreach to citizens and input from citizens regarding climate mitigation for our over one million residents and our city government.</p> <p>Greater <b>accountability</b> in reporting fossil fuel use and in mitigating the effects of climate change in San Jose is needed. Residents should have an organized, city supported platform for making proposals to the City Manager and to the City Council. This is to say, <b>residents are asking for greater inclusion in the creation of climate change mitigation strategies on a city level.</b></p>
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<p><b>2) How has this problem possibly benefited or burdened people, especially BIPOC, low-income, undocumented and immigrant, those experiencing houselessness, etc.?</b></p> <p><i>Is there data that speaks to the impact of this problem? What does the disaggregated data tell us?</i></p>	<p>Local climate change is expected to impact underserved communities first, and most. San Jose has already experienced flood events that had a disproportionate effect on poor communities left to dwell in low-lying flood-prone areas. Sea level rise will soon force Alviso residents to leave their homes. Extreme heat events could happen any day and most poorer neighborhoods have neither home air conditioning nor local cooling centers.</p> <p><b>Impacts from global heating and resulting climate changes will be felt locally and quickly</b>, while binding legislation and treaties will only come nationally and globally if at all, and even then only slowly.</p>
<p><b>3) What change are you proposing?</b></p> <p><i>Describe the revision to <a href="#">San José's Charter</a> that you are proposing. Include relevant Charter section numbers.</i></p>	<p>Whereas, the Earth's Climate System is changing according to science. We know this is a global event.</p> <p>Whereas, the anticipated global changes in Earth's dynamics will impact local habitability in San Jose.</p> <p>Whereas, it is difficult to impossible to predict what those local impacts will be.</p> <p>Therefore, the Charter Review Commission recommends:</p> <p>1. Creating a "<b>Climate Crisis Action Commission</b>" in the City Charter comprised of both community members and scientists to further distance the climate change mitigation decision process from the political process. In order to be evergreen, this commission shall have a broad scope to bring forth climate change mitigation proposals to the city council.</p> <p>The Climate Crisis Action Commission would be comprised of 3 volunteer scientists, chosen by a majority vote of the Climate Crisis Action Commission once it is established, two members of the Muwekme Ohlone tribe (because this indigenous tribe has the lived experience of working with local lands through floods, fires, and natural disasters), two community members from each council district, and two appointees of the Mayor (27 total commissioners). A quorum shall be 14 Commissioners. This commission shall select its own chair once established. The chair may be removed by 14 votes and a different chair may be elected by 14 votes.</p>

Although City of San Jose employees are welcome to participate by giving information to the Climate Crisis Action Commission at each of its meetings, they would not be eligible to be Commissioners because as employees, they are paid to bring solutions to the City Manager, City Council and the Mayor already. This is their day job, and this is what they do day in and day out. There is already an established route for City employees and departments to give information to the City Manager and elected representatives. **We do not want an echo chamber with the same ideas manifesting in different places in government.** Due to the existential crisis we are presented with, this Commission would serve as an independent community sourced channel for ideas to flow to the City Council, Mayor, and City Manager.

The **Climate Crisis Action Commission shall** make recommendations a **minimum of once a year** to the City Council and Mayor, and the City Council and Mayor shall vote on these recommendations within 90 days of their submission. If the City Council does not vote on the recommendations within 90 days, then the recommendations shall become policy and shall be adopted by the City Council, subject to any applicable law. A declaration of an emergency stays the 90 days allotted time for a vote.

It would be unacceptable for a Climate Crisis Action Commission to work for a year and prepare recommendations simply to have city council not vote on them at all. The intent is not for city council to get a report and then put it aside. **The intent is to give city council actionable items intended to help mitigate the risks of climate change on a local level, within our city.** This is the reason for the requirement that city council votes on the recommendations within 90 days of receiving them. The 90 days is warranted because **climate change is rapid and the markers that indicate whether we are at the “tipping point” are passing us by at a rapid rate, as indicated by United Nations IPCC report of August 9, 2021.**

2. Add Charter language that directs City government to continually (1) identify current and proposed efforts to mitigate climate change risks, and (2) to educate the people on those risks in each neighborhood and to each City of San Jose department.

3. This Commission shall have a broad scope which could include, but not be limited to:

1. Ideas to protect our rural interface lands from fire (hemp building materials which do not burn, non-burning perimeter plants, large water tanks).
2. Canopy trees over large concrete areas thus cleaning our air.
3. The organisms in healthy soil biology will sequester carbon and improve our current claypan soil.
4. Vertical trees and foundation plants along tall buildings will reduce the heat, chemicals, and glare of these buildings.
5. Roof top gardens.
6. Large Rainwater holding tanks on tall buildings.
7. Healthy soil biology which would sequester carbon.
8. Operable windows on buildings to get fresh air and reduce air conditioning use.
9. Balconies with plants to bring healthy green clean air into rooms.
10. Create more natural areas for birds, bees, and butterflies thus creating healthier air, more healing spaces, and happier citizens.
11. A place to educate citizens such as a botanical garden with plant examples, speakers, and a library.
12. Suggestions for new climate smart businesses in San Jose which will help the Western U.S. and bring income and jobs to San Jose.
13. An analysis of data collected from San Jose city departments and services concerning fossil consumption, greenhouse gas emissions and mitigations, as reported by departments or in the aggregate, the final scope to be determined as the need is recognized. "The reason for the Charter Change identified in this third change is that in order to analyze or reduce the City of San Jose's contribution to climate change, it is important to recognize vulnerability to fossil fuel restrictions. Only then can we identify vulnerabilities. If we do not know that the vulnerability exists, then we can't prepare for it, or get in front of it.

The point of the Commission's broad scope is to get ahead of the crisis, not to scramble when the arrives. The authors, the speakers to this Charter Review Commission, and the environmental activists all think this is important. We could revisit these recommendations after something bad happens, or we could start

	<p>the mitigation process in a serious manner now to protect as many people as possible from where we sit today.</p> <p>We encourage City staff to fully participate in the Climate Crisis Action Commission, but not as voting Commissioners, since they already have a path by which they can provide their input and recommendations to the City Council, City Manager, and the Mayor.</p>
<p><b>4) Is this change feasible?</b> <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>The revision is both legally possible and practical. It should have broad support from the public and organizations interested in preventing climate change.</p> <p>While we are not going to solve climate change in San Jose alone, we do need to address climate change for tactical reasons, including floods and fires. We need to know which services rely on fossil fuels, because we, the residents of San Jose, may not be able to get those services if fossil fuels are in short supply or we are priced out of purchasing them.</p>
<p><b>5) Who might benefit from or be burdened by this change?</b> <i>Is there data that speaks to the potential impact of this change? What are the potential unintended consequences of this change?</i></p>	<p>All people living or working in San Jose will benefit from the positive environmental impacts that a Climate Crisis Action Commission would have. San Jose residents will surely benefit from having an opportunity to bring climate change discussions into a broader light, closer to policy. They will also benefit from understanding how their lives and neighborhoods will be impacted so there might be some time to prepare, potentially reducing losses. Actual impacts to business might be negligible.</p> <p>An unintended consequence of having San Jose joining a Climate Crisis Commission is that the very smart engineers, computer scientist, other scientists, and environmentally conscious residents would contribute significantly to mitigating local climate change impacts for San Jose. There are three major universities close to San Jose, so there is a wealth of technical resources the City could tap into by opening a Climate Crisis Action Commission up to both local residents and climate scientists.</p> <p>The City of San Jose employees and agencies that are working on the climate crisis may benefit from a Climate Crisis Action Commission because there may be recommendations that they want to make but cannot make for political or employment reasons, but this Commission could support those efforts by being the ones to make the beneficial recommendations.</p>

	<p>For example, while municipal greenhouse gas emissions are less than 1% of community-wide emission, employee commute is the 2nd largest component of the City's <a href="#">most recent municipal greenhouse gas inventory</a> (approx. 22%). The City already pledged in 2020 to join the Bay Area Air Quality Management District's <i>Cut the Commute Campaign</i> - committing to extending remote work options of at least 25% (or at least 1-2 days) to employees whose jobs allow for it in accordance with the City's Administrative Policy 4.2.14 on Flexible Workplace. However, a Climate Crisis Action Commission could recommend to City Council something that an employee might have trouble asking a boss: "May I have a 4-day option to work from home given that I have a desk job and have already been working from home full time due to Covid-19?"</p> <p>Suggesting alternative business models to nudge the process of getting to zero carbon may not be a comfortable recommendation for a department of the city to make. The City Council and the City Manager may be more comfortable making such recommendations if they came from the direction of the public. For example, mandating that next year, a particular percentage of cars available for sale in San Jose be electric or hybrid.</p>
<p><b>6) What are the arguments against this proposal?</b> <i>Summarize the arguments you expect or data you have found in opposition to this recommendation.</i></p>	<ol style="list-style-type: none"> <li>1. Some will argue that the climate change issue is best addressed through traditional political means and behind-closed-doors negotiations, and that an external citizen commission is not needed. Some will argue that only the City's employees should get an organized, official platform to give ideas to the City Manager and City Council, and that two minutes to speak at meetings is enough time for community input.</li> <li>2. Some may want this commission to merge with the <i>San Jose's Clean Energy Community Advisory Commission</i>. We do not recommend this because the clean energy is just one part of the solution space we are addressing. We have other problems that impact our local resilience like food insecurity, water insecurity, energy cost and availability (not just electricity), political inaction, sacrifice zones, crushing economic disparities, and the list goes on. We will have problems that are unknown to us right now, like how supply chain fragility has popped up recently. We need a separate citizen commission set up to address the broad and unanticipated threats that will result from global heating and regional climate change. These threats will only get worse with time, they will never go away (except on geological time scales)</li> </ol>



and we are currently nowhere near ready to cope with the problems ahead.

Furthermore, clean energy is a highly important and very technical subject that requires commissioners to have a particular interest in energy, so we think this commission is more useful as a stand-alone commission with its somewhat narrow focus. Finally, we don't prefer merging the *San Jose's Clean Energy Community Advisory Commission* with this *Climate Crisis Action Commission* because clean energy might become an Ad Hoc subcommittee of our proposed commission and then the public will have no idea what is being developed around clean energy and will not be able to give input about this. Blocking public participation is the opposite of the spirit of this proposed Commission. What we learned as Commissioners is that the public hates secretive Ad Hoc commissions. Also, letting energy dominate the public meeting time of this proposed commission would thwart its purpose of extracting a broad idea base to mitigate local climate change impacts in San Jose.

3. Some may say that because San Jose has a *Climate Smart* program that sits at a policy level that this proposal is redundant. We know it's not. Most major cities and many small cities have a Climate Smart Program, sometimes with a different name. These sit at a policy level and reflect current government programs run by employees of the government. This is not the gold standard. The gold standard would be to solicit ideas from the residents of the City of San Jose, with their lived experience, professional education, intellectual resources, and powerful desire to not suffer in natural and man-made disasters. Our proposed *Climate Crisis Action Commission* would do just that.

Furthermore, this *Climate Crisis Action Commission* would support the work of the Climate Smart Program by getting the word out, neighbor to neighbor about those programs. Currently, our Climate Smart program has low public participation in its public facing programs. Does it matter how great a public facing program is if most people don't know about it or participate in it? No. We think **the lack of community engagement and empowerment to participate in finding solutions** and presenting those solutions to City Council, City Manager, and the mayor **is what is causing the apathy in participating in the public facing Climate Smart programs**. This proposal works to resolve this problem with Climate Smart, and thus would support and enhance Climate Smart by providing it with public feedback and additional proposed solutions.

**7) Must this be a Charter revision?**

*Can this problem be addressed without changing the charter (e.g., Council action, cultural change)? If not, should this be a policy recommendation to be included in the Commission's report?*

The climate crisis' impacts represent an existential crisis that will create long-lasting problems for neighborhoods and in time could result in dislocations, refugees, and regular fatality events. Having Charter language that requires the City to receive and respond to community input on climate change and possible mitigations, and creating a community commission that is made up mostly of residents, would remove climate change mitigation strategies from politics to some extent, because newly elected officials could not dissolve the commission due to political pressures in the way that they could if it only existed on a policy level.

An example of the dire urgency is that in June of this year (2021) an extreme heat event in Western Canada actually cooked to death over 1 billion clams, mussels, and other marine animals that lived on a beach. An FLIR thermal imaging camera found surface temperatures topping 125 degrees Fahrenheit, hotter than reported by weather stations. Lytton, British Columbia, broke Canada's all-time record reported by weather stations on June 30 when the temperature topped 121 degrees. The town was all but destroyed in a deadly wildfire. As a result, **there were 719 deaths reported to the province's coroners between June 25 and July 1, 2021.**

San Jose is known to be warmer than Western Canada. Most homes in San Jose do not have air conditioning. If your home does, can it cool your house down from a temperature of 125 degrees Fahrenheit to 85 degrees Fahrenheit? Definitely not. Air conditioning units are not manufactured to handle this kind of temperature reduction, and not in a timely manner. Our city is not building mass cooling centers capable of hosting half a million daytime workers, with desks, electric plugs and internet connections so that the economy could continue during extreme heat events or norms (this could become our summer temperature). All schools will need dedicated portions of giant cooling centers so that education could continue during extreme heat events, or norms.

There is nothing more worthy of being added to the City Charter than a resident-led, city supported, official commission that presents solutions to mitigate the harm and extinction coming for our species due to climate change.



8) Are there other examples of this change?

*If you have found other examples of this change, please share them and any outcomes that have been observed.*

The City and County of Honolulu has voter-approved Charter language that created a **Climate Change Commission which sits in their City Charter.**

Citizen-oriented climate change commissions are now operating in many cities across the state of California, the country, and the world. There are plenty of examples of Climate Change Commissions that sit on a policy level, such as Vermont, Virginia, Los Angeles, San Francisco, Oakland, Alameda, Berkeley, Chico, Solono Beach, Petaluma and San Anselmo. These are only a few examples and there too many to list here. Many nations in Europe have climate action commissions, particularly those who are part of the EU.

### 3) Proposal Research & Citations

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

#### List of citations

*All data must be cited so that Commissioners who are not part of the Subcommittee in question may locate the source of information as needed.*

#### **Climate Change 2021: The Physical Science Basis (Working Group I)**

The Working Group I contribution to the Sixth Assessment Report addresses the most up-to-date physical understanding of the climate system and climate change, bringing together the latest advances in climate science, and combining multiple lines of evidence from paleoclimate, observations, process understanding, and global and regional climate simulations. Note that there are two additional Working Groups who are in the process of drafting reports (“Impacts, Adaptation and Vulnerability” and “Mitigation of Climate Change”). All three reports make up the full Sixth Assessment Report.

#### **Summary documents for The Physical Science Basis report**

1. [Climate Change 2021: The Physical Science Basis - Summary for Policymakers](#)

*The IPCC’s 42-page summary, which is less technical and geared towards policymakers.*

2. [Headline Statements from the Summary for Policymakers](#)  
*A 2-page bullet-point summary of the report headlines and main points. Published by the IPCC.*

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2. [Headline Statements from the Summary for Policymakers](#)

*A 2-page bullet-point summary of the report headlines and main points. Published by the IPCC.*

- [World Resources Institute’s “5 Big Findings from the IPCC’s 2021 Climate Report”](#)
- [New York Time’s “A Hotter Future Is Certain, Climate Panel Warns. But How Hot Is Up to Us.”](#)
- [NPR’s A Major Report Warns Climate Change Is Accelerating And Humans Must Cut Emissions Now](#)

### **Bay Area impacts and projects, based on IPCC’s The Physical Science Basis report**

[Regional fact-sheet for North and Central America](#)

*IPCC’s summary of regionalized anticipated impacts.*

[ABC7 News: UN climate report puts focus on sea level rise threat to San Francisco Bay](#)

*Recent news report from ABC discussing more local impacts on the SF Bay Area.*

[California’s Fourth Climate Change Assessment: San Francisco Bay Area Region Report \(2019\)](#)

*Not in response to the recent IPCC report, but a helpful resource focusing on Regional Climate Science, Social Systems and Built Environment, and Natural and Managed Resource Systems.*

**Any speakers who presented to the subcommittee must be listed.**

*Include name, title, affiliations, etc., along with a brief summary of the information presented by them.*

**With gratitude to our 10 educational speakers:**

**Michael Mastrandrea** is an interdisciplinary scientist focused on managing climate risks and the design and implementation of energy and climate policy in California and beyond. He is Research Director of the Climate and Energy Policy Program and a Senior Research Scholar at the Stanford Woods Institute for the Environment. He also serves as Chief Advisor for Energy and Climate Research at the California Energy Commission. Prior to joining Woods, he was Director of Near Zero and a Senior Research Associate at the Carnegie Institution for Science. He was part of the leadership team for the Intergovernmental Panel on Climate Change Fifth Assessment Report, where he helped lead the development of two international scientific assessments of climate change science and policy options. He has also served as an author for the Fourth U.S. National Climate Assessment and as an associate editor for the California Fourth Climate Change Assessment. Mastrandrea sits on the Editorial Board and is a Managing Editor for the journal *Climatic Change*. He holds a Ph.D. from Stanford's Emmett Interdisciplinary Program in Environment and Resources, and a B.S. in Biological Sciences from Stanford. Mr. Mastrandrea spoke to the entire Commission on 9/13/21.

**Matthew Gonser**, AICP, CFM  
Chief Resilience Officer | Executive Director  
Office of Climate Change, Sustainability and Resiliency  
City and County of Honolulu

**Cat Woodmansee** has worked as a field biologist, a computer scientist, and currently is an environmental activist. Mr. Woodmansee spoke to our subcommittee

about the topics he spoke to the entire commission about on 9/13/21.

The following speakers spoke to our subcommittee on 9/24/21 about San Jose's Climate Action Plan and some environmental programs:

**Kerry Romanow**

Environmental Services Department, Administrative Assistant

Kerrie Romanow, ESD Director

Napp Fukuda, ESD Assistant Director

City of San Jose

200 East Santa Clara Street, 10th Floor

**Julie Benabente**

Deputy Director, Climate Smart

Environmental Services Department

San José City Hall | 200 E. Santa Clara Street

**Yael Kisel**

Climate Smart Analytics Lead & Projects Coordinator

City of San José | Environmental Services Department

200 East Santa Clara Street, 10th Floor | San José, CA 95113

**Lori Mitchell**, Director of the San Jose Clean Energy Program.

**Jessica Zenk** is Acting Deputy Director for the City of San Jose Department of Transportation, working on planning, designing and building a more accessible and sustainable transportation for the City of San Jose.

The following speakers spoke to the entire commission on 10/25/21 in addition to being interviewed at a subcommittee level:

### **Meredith Muller**

Meredith is a middle school science and math teacher. She is a permaculturalist who is deeply concerned about our climate's future and takes on the labor of carbon reduction as best she can. As a person born and raised in San José, she has enjoyed watching the city change in the past 30 years and is interested in making sure the future of the city can nurture the next generation with resiliency. She described how she fights climate change on a personal level with best practices that she has set for herself in her own life. Meredith is a second generation San Jose resident.

### **Kathryn Mathewson**

1. Master's Degree from UC Berkeley in Landscape Architecture and Environmental Planning and undergraduate degree in Biology.
2. K-12 graduate of San Jose Unified Schools. Her family has lived in the same Shasta Hanchett one quarter acre San Jose home since 1951. Kathryn currently resides in this home which is of San Jose's few "Certified Wildlife Habitats". Kathryn often gives tours of her "Certified Wildlife Habitat Garden" since San Jose has no similar place to educate its citizens about nature.
3. Some of Kathryn's professional experiences which address global warming issues include: university professor in landscape architecture, helped Singapore develop their Garden City of Asia by working one department at a time inside their governmental structure, construction coordinator for Pier 39 which has a waterfront park and marina and the best display of spring bulbs in the Bay Area and is visited by over 5 million people a year, first woman president of the oldest U.S. green industry organization, owner of her 43 year old Bay business (Secret Gardens) which has

	<p>received many national and local awards for its garden design work.</p> <p>5. In 1979 Kathryn named her company Secret Gardens after the theme of the book “The Secret Gardens”. This book’s theme is that nature heals. Everyone in the book’s story was healed of their mental or physical problems by being and/or working in the garden. In these Pandemic times and especially living in the heart of technology the San Jose community needs to know about the many articles written and research done on the “Nature Healing” theme. Visit Secret Gardens website for more details: <a href="http://www.secretgardens.com">www.secretgardens.com</a>. It has before and after pictures on the internet.</p>
<p><b>Relevant Links</b> <i>Provide links or locations of the information in this research as much as possible, otherwise provide attachments.</i></p>	<p>Honolulu 2016 Charter Amendments, see #7, p.6: <a href="https://www.honolulu.gov/rep/site/clk/clk_docs/2016_Charter_Amendments_Brochure-FINAL.pdf">https://www.honolulu.gov/rep/site/clk/clk_docs/2016 Charter Amendments Brochure-FINAL.pdf</a></p> <p>League of Women Voters Pros/Cons Guide (direct link to proposal #7): <a href="https://www.lwv-hawaii.com/procon2016.pdf#page=4">https://www.lwv-hawaii.com/procon2016.pdf#page=4</a></p> <p>Honolulu Charter was amended to include Section 6-107. Office of Climate Change, Sustainability and Resiliency and established the Climate Change Commission (direct link to charter section): <a href="https://www.honolulu.gov/rep/site/cor/rch/Charter_2017_Ed_01.04.21_Clean_01.15.21.pdf#page=50">https://www.honolulu.gov/rep/site/cor/rch/Charter_2017 Ed 01.04.21 Clean 01.15.21.pdf#page=50</a></p> <p>Additional Honolulu Commission details added in 2020: <a href="https://hnlidoc.ehawaii.gov/hnlidoc/document-download?id=9213">https://hnlidoc.ehawaii.gov/hnlidoc/document-download?id=9213</a>"</p>