



Charter Review Commission

City of San José

MINUTES

<https://sanJoseca.zoom.us/j/91220304185>

6:00 PM

Monday, January 25, 2021

Present: Chair- Frederick Ferrer; Members- Barbara Marshman, Christina Johnson, Elizabeth Monley, Elly Matsumura, Enrico Callender, Frank Maitski, Garrick Percival, Jeremy Avila, Jeremy Barousse, José Posadas, Lan Diep, Linda Lezotte, Louis Barocio, Magnolia Segol, Maria Fuentes, Sammy Robledo, Sherry Segura, Thi Tran, Veronica Amador, Yong Zhao

Absent: Dan Bozutto, Roshni Saxena

Staff: Lawrence Grodeska, Consultant; Megan Roche, Legislative Secretary; Toni J. Taber, City Clerk

I. Call to Order & Orders of the Days

The meeting was called to order at 6:04 p.m.

a) Election of Vice Chair

Commissioner Callender nominated Commissioner Johnson for Vice Chair; Commissioner Johnson accepted the nomination. Commissioner Matsumura was nominated by Commissioners Segol, Amador, and Barocio but did not accept as she was in favor of supporting Commissioner Johnson's nomination. Commissioner Johnson's nomination was seconded by Commissioners Matsumura, Amador, and Barocio.

Public Comments: Tessa Woodmansee spoke of her appreciation for the ability to participate in the new Zoom meeting format. Marie Arnold wished to nominate Commissioner Marshman.

Action: The Commission voted unanimously to elect Commissioner Johnson as Vice Chair. (16-0-6)

II. Public Record- None

III. Consent Calendar- None

IV. Reports & Information

a) Report from the Chair- None

b) Report from the Clerk

[This item was taken out of order and discussed after item 7a, New Business.] The City Clerk announced that immediately after the adjournment of the meeting, she would provide a tutorial via Zoom instructing how to access the Charter Review Commission webpage. This would include access of the agenda, agenda attachments, and all other commission-related documents.

c) Report from Consultant

[This item was taken out of order and discussed after item 7a, New Business.] Consultant Grodeska reviewed the Commissioner Agreements and took feedback from Commissioners to edit the document.

Public Comment: Tessa Woodmansee expressed concern for the process of public comment not receiving a response back directly. Ellina Yin expressed disbelief that public comment was being accounted for during the Commission meetings and asked for more incorporation of accountability in the Commissioner Agreements. Blair Beekman agreed that fielding ideas from the public is important to incorporate into the Commissioner Agreements.

Consultant Grodeska provided a “Charter 101” PowerPoint presentation outlining the history and purpose of City Charters, along with San José’s mayoral organization and 1965 City Charter. Commissioners provided comments.

Public Comment: Ellina Yin expressed concern that the Charter 101 presentation was moved ahead of schedule without giving the public time to prepare for meaningful dialogue; she also suggested that the cities used as examples in the presentation might not be successful examples of what should be modeled in San José. Blair Beekman urged the Commission to consider many variations of systems to adopt, not just the historical formats implemented before. Tessa Woodmansee expressed concern over strong mayor systems with business influence. Carol Watts spoke about the League of Women Voters’ current study of local governance in San José and encouraged public outreach.

V. Public Hearing- None

VI. Old Business- None

VII. New Business

a) Discussion and possible action on Charter Review Topics and scheduling topics.

[This item was taken out of order and discussed before item 4a, the Report from City Clerk.] Chair Ferrer provided an overview of the proposed Commission workplan. Each member provided comments.

Public comment: Ellina Yin expressed her concern that the workplan did not mention “community engagement” and offered her own charter participation guide to be distributed to the community to spur diverse, intergenerational participation. Tessa Woodmansee voiced concern for a lack of access to participant lists and lack of chat function on Zoom. Jake Tonkel stated that an analysis of public opinion would be necessary to fulfill the purpose of the Commission and wishes to see the revised workplan center around the public engagement process instead of specific topics.

Action: Upon motion by Commissioner Matsumura, seconded by Commissioner Barousse, and carried unanimously, Commissioner Matsumura’s memorandum was moved, with the exception of item 1c and also adding the possibility of two charter study sessions in the meeting scheduled for 2/8/2021: “1. Adopt the San José Charter Review Commission Work plan with the following amendments: a. Include the submission of a minority report in the summary of the Commission Directives. b. Add the following bullets under Process/Approach - Phase 1: i. “Public engagement approach” ii. “Outcomes, topic areas, and work plan” e. Add the following meeting topics on February 8, 2021: i. Strategies to maximize representation, inclusion, and accountability to the public via community input on all of the Charter Review Commission’s activities, including work plan, process and approach. Agenda shall include: 1. Staff report on a. Evidence informed best and promising practices for representation, inclusion, and accountability to the public in local government processes like charter reviews, drawing from successes and challenges both in and beyond the City of San José; and b. Practices to date and recommended practices for the Charter Review Commission. 2. Discussion and possible action by the Commission. ii. Models of local government charters and charter revision processes to study, including 1. Staff report on a. Topics about which Commission, public, and staff will learn more by conducting charter studies, and that will be covered in the charter studies, which should include illuminating the broad diversity of local government charters and successes and challenges of charter revision processes; b. List of possible study subjects (charters/processes); c. Criteria for assessing possible study subjects; and d. Recommended study subjects. 2. Discussion and possible action by the Commission, including amending the Phase 1 work plan to specify topics for March 8 charter study meeting. 1 iii. Additional Brown Act training from the Office of the City Attorney. d. Adopt work plan parameters as an additional topic for the March 8 meeting. e. Adopt the following topics for the final meeting in Phase 1: i. Preliminary outcomes and topic areas for charter revision ii. Commission work plan f. For the first public hearing, i. Gather input on outcomes and topic areas for charter revision and on Commission work plan, process, and approach; and ii. Schedule and hold the hearing far enough in advance of the final meeting in Phase 1 to give staff and the Commission sufficient time to incorporate public input from the hearing into the outcomes and topic areas for charter revision and Commission work plan. g. To accommodate the above recommendations, amend the items under Meeting Schedule - Phase 1 starting with February 8 as follows: i. February 8 - Public engagement approach and charter models ii. February 22 - Charter 101 & San José 1. Council-Manager (“Weak Mayor”) vs. Mayor-Council (“Strong Mayor”) 2. Review San José’s charter iii. March 8 - Charter Studies: TBD and work plan parameters iv. No later than March 15 - Public hearing #1 v. April 5 - Staff presentation of draft/Commission and public feedback on 1. Outcomes and topic areas for charter revision and 2. Commission work plan vi. April 19 - Phase 1 completion - adoption of 1. Outcomes and topic areas for charter

revision and 2. Commission work plan h. Note that Phase 2 and 3 Process/Approach and Meeting Schedule are illustrative only and a full work plan for subsequent phases will be adopted at the culmination of Phase 1. Based on Commission discussion and public input, work plan may take longer than originally stated. 2. Direct staff to include on the agenda for every Commission meeting a. An item allowing for possible action on future meeting topics and additional public engagement strategies; and b. Discussion of outcomes and topic areas for charter revision and Commission work plan. 3. Amend the Commissioner Agreements as follows: a. Under “We Make Room for Everyone to Speak,” add “We will ensure that Commissioners are allotted adequate speaking time to make substantive contributions to achieving our complex directives.” b. Under “We Strive for Consensus,” add language elaborating on the meaning of this statement, what our decision-making processes will be, and the role of the minority report.” (20-0-2)

VIII. Public Comment

1. Tessa Woodmansee expressed concern over a lack of a participant list for meetings and a need for protocol improving response to the public.
2. Blair Beekman spoke in favor of providing Spanish, Vietnamese, and other translations for commission and council processes.

IX. Meeting Schedule and Agenda Items- None

X. Adjournment

The Commission adjourned at 8:58 p.m.

Megan Roche

Megan Roche (Mar 1, 2021 16:44 PST)

Prepared by:
Megan Roche, Deputy City Clerk

Frederick J. Ferrer

Frederick J. Ferrer (Mar 1, 2021 16:38 PST)

Frederick Ferrer
Chair, Charter Review Commission