



Charter Review Commission

City of San José

MINUTES

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

6:00 PM

Monday, June 28, 2021

Present: Chair- Frederick Ferrer; Members- Barbara Marshman, Christina Johnson, Elizabeth Monley, Elly Matsumura, Enrico Callender, Frank Maitiski, Garrick Percival, George Sanchez, Jeremy Barousse, Jose Posadas, Lan Diep , Linda LeZotte, Louis Barocio, Magnolia Segol, Sammy Robledo, Sherry Segura, Thi Tran, Veronica Amador, Yong Zhao

Absent: Huy Tran, Maria Fuentes

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 5:34 p.m.

II. Consent Calendar

a) Approve Charter Review Commission Minutes.

Action: Upon motion by Commissioner Diep and seconded by Commissioner Marshman, the Commission moved to adopt the Charter Review Commission minutes from the meeting dated 6/14/2021. (19-0-2; Absent: H. Tran, Fuentes)

Public Comment: Tessa Woodmansee voiced the need for continued virtual meetings and an email notification system for notification of upcoming Charter Review Commission meetings. A caller with the phone number ending in 5586 asked the Commission if anyone on the Policing and Municipal Law subcommittee has any potential conflicts of interest with the subject matter they are examining, and also asked that the use of artificial intelligence by police be included in that subject matter. Juan E. requested additional clarification on consent calendar procedures for future agendas. Helen Kassa, Policy and Advocacy Coordinator for the African American Community Service Agency, discussed topics for potential Charter revisions, including making the Independent Police Auditor or Police Chief elected positions, and continued her comments during the public hearing.

III. Reports & Information- N/A

III. Public Hearing

a) Public Hearing on Study Session Topics.

Chair Ferrer provided an overview of the public hearing process. The public hearing began promptly at 6:00 p.m. Chair Ferrer described the Charter Review Commission's purpose, work thus far, and plan to ultimately report back to City Council.

Public Comment: Kevin Ma, representing South Bay Progressive Alliance, urged the Commission to pursue electoral reform for increased fairness and transparency by exploring ranked choice voting and by placing the Ethics Commission into the Charter. Ellina Yin would like the Commission to consider adding to the Charter a Bill of Rights including the right to civic education in multiple languages, increased police accountability, and a section on civic engagement. Helen Kassa, Policy and Advocacy Coordinator for the African American Community Service Agency, stated that the community would like to see the Independent Police Auditor and Police Chief become elected positions, increased transparency in Commission and subcommittee work, increased training for prospective Boards and Commission members, an increased City Clerk budget to provide additional translation/interpretation services, and the implementation of a CEQA-like process to ensure that equity is a consideration in actions taken by Council. Blair Beekman expressed concern over having a strong mayor governance system in San José and would prefer more community involvement and accessibility to government. Matt King, on behalf of Sacred Heart Community Service, echoed the comments of Kevin Ma and Ellina Yin, and added that the Commission should consider adding additional City Council districts and a recurring timeline for regular review of the Charter. Jeffrey Buchanan, Director of Public Policy at Working Partnerships USA, supported moving the mayoral election to the presidential cycle in order to promote equity in San José. Tessa Woodmansee emphasized the importance of recognizing the climate crisis through the City's decision-making, starting with maintaining the virtualization of board, commission, and City Council meetings. A caller with the phone number ending in 5586 requested the announcement of any commissioners' potential conflicts of interest with regard to their membership on the Policing and Municipal Law subcommittee. Danny Garza, President of the Plata Arroyo Neighborhood Association, relayed that District 5 would like increased, tangible accountability for Code Enforcement to be added to the Charter. Gabriela Garzon Gupta, Civic Engagement Community Organizer for Asian Law Alliance, echoed the comments of Ellina Yin that San José is in need of increased community engagement for all, added that City services should be accessible in all the spoken languages in San José, that robust outreach should be done to involve various ethnic groups and established CBOs, and that the Commission should explore ranked choice voting. Reginald Swilley, Associate Pastor at Maranatha Christian Center and past Co-Chair of Black Leadership Kitchen Cabinet, spoke of widespread voter suppression, stressing the importance of the Commission's goal to increase democratic practices by fostering voter representation. Brett Bymaster, representing Healing Grove Health Center, described how the slow speed of City Hall affects low-income residents, and in regard to the proposed increase of mayoral powers, the community hopes the Commission will find a balance between providing powerful local representation and efficiency in government processes,. Walter Wilson, community

activist, supported the comments of Reginald Swilley and Jeffrey Buchanan to move the mayoral election to the presidential cycle in order to increase voter representation for people of color.

V. Old Business

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

- a) Report from Chair-** None.
- b) Report from Clerk-** None.
- c) Report from Consultant-** None.

Consultant Lawrence Grodeska outlined the revisions made to the Commission's outreach materials. He reviewed the breadth of items included in the Community Partner Promotional Toolkit and welcomed input from Commissioners. Consultant Grodeska also highlighted changes to the Charter Review Commission webpage in order to improve user accessibility, including the addition of a Google form where the public may sign up for public hearing notifications. He provided an update on the Commission's engagement with community partners and noted that he will be compiling the outreach plans and monthly reports for each of the organizations. Commissioners provided comment and discussion ensued.

Public Comment: Tessa Woodmansee noted that it would be helpful to specify the meaning of acronyms during meetings, to display the Commission's current discussion item in real time over Zoom, to share participant lists from Commission meetings, and to continue the virtualization of meetings. Martha Beatty identified a dichotomous example within the Community Partner Toolkit and was in favor of a solution where the Council, City Manager, and Mayor can work together to find the best possible solutions to community concerns. Matt King hoped for increased community engagement efforts by CivicMakers. Ellina Yin expected a higher turnout for the public hearing, wished for a CBO-led community engagement effort, and would like the Commission to integrate a regular revision of the Charter to occur every two to four years. Roland suggested utilizing the Neighborhood Leadership Commission to conduct outreach to over 50,000 people, noted that he sent an email to the Commission, and also observed that the Mayor held a public hearing at the same time as the Charter Review Commission's hearing. Danny appreciated the comments of Ellina Yin and conveyed that the true voice of the community lies in the neighborhood associations. Juan Estrada appreciated the advocacy for outreach, hoped that the number of outreach organizations will not be limited, and also favors adding additional community-based organizations, the Neighborhood Leadership Commission, and neighborhood associations to the Commission's outreach plan. Blair Beekman spoke of how notifications for Commission meetings and hearings can be improved in order to promote open public policy and peace. Bao Trieu, on behalf of the Vietnamese Voluntary Foundation, appreciated the outreach the Commission has done, pledged to continue to solicit feedback from the Vietnamese community, and stated that he would like to see more involvement of AAPI (Asian American and Pacific Islander) CBOs in the Charter Review process.

VI. New Business

a) Discussion on Bylaws and an Overview of the Commission Process.

Action: Upon motion by Commissioner Johnson and seconded by Commissioner LeZotte, the Commission moved postpone the discussion on bylaws until the next Charter Review Commission meeting on July 26, 2021. (18-0-3; Absent: H. Tran, Barousse, Fuentes)

Consultant Grodeska reviewed and summarized the feedback received during the public hearing. Commissioners provided feedback to revise and finalize the subcommittee topics and assignments list in conjunction with the Chair and Consultant. Senior Deputy City Attorney Mark Vanni responded to the letter from the public.

Public Comment: Blair Beekman expressed concern over the lack of public participation in the subcommittee process and wished for increased community involvement in the Charter Review process. Tessa Woodmansee would like science and public health to be San José's priority in addressing the climate crisis and called for an increase in Councilmembers to achieve adequate representation. Ellina Yin would like section ten of the Charter to be improved by standardizing Boards and Commissions training, ensuring adequate funding is appropriated, and also including a Bill of Rights. Matt King clarified his comment regarding the inclusion of an equity-driven CEQA-like process for consideration by the Accountability and Inclusion subcommittee. Roland stated that the Brown Act applies only to committees created by formal action of the legislative body; he asked if the Charter Review Commission is a legislative body, and also if the Commission formally created subcommittees.

VII. Public Comment/Open Forum

1. Blair Beekman stressed the importance of open public policy and responsible democratic processes, and also encouraged the Commission to explore the ACLU's series on accountability and technology in order to inform the discussion on artificial intelligence.
2. Tessa Woodmansee urged the Commission to increase digital outreach and highlighted the City's need for increasing responsiveness and accountability to the public.
3. Ellina Yin expressed that adding a section on community engagement in the Charter would create legal accountability, and also hoped that future commission chairs could be democratically appointed within each commission instead of by mayoral appointment.

VIII. Meeting Schedule and Agenda Items

The next meeting is scheduled for July 26, 2021.

IX. Adjournment

The Commission adjourned at 9:07 p.m.

× *Megan Roche*
Megan Roche (7/28/2021)
Email: megan.roche@sanjoseca.gov

Prepared by:
Megan Roche, Deputy City Clerk

× *Frederick J. Ferrer*
Frederick J. Ferrer (7/27/2021)
Email: [REDACTED]

Frederick Ferrer
Chair, Charter Review Commission