



Charter Review Commission

City of San José

MINUTES

<https://sanjoseca.zoom.us/j/94141759036>

5:30 PM

Monday, July 26, 2021

Present: Chair- Frederick Ferrer; Members- Christina Johnson, Elizabeth Monley, Elly Matsumura (6:04 p.m.), Frank Maitiski (5:38 p.m.), Garrick Percival, George Sanchez, Huy Tran, Jeremy Barousse, Jose Posadas, Lan Diep (6:12 p.m.), Linda LeZotte, Louis Barocio, Magnolia Segol, Maria Fuentes, Sammy Robledo (5:40 p.m.), Sherry Segura (6:07 p.m.), Veronica Amador, Yong Zhao

Absent: Barbara Marshman, Enrico Callender, Thi Tran

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 5:31 p.m.

II. Consent Calendar

a) Approve Charter Review Commission Minutes.

Action: Upon motion by Commissioner Monley and seconded by Commissioner Sanchez, the Commission moved to adopt the Charter Review Commission minutes from the meeting dated 6/28/2021, and to also receive and file the letters from the public. (12-0-8-1; Absent: Marshman, Matsumura, Callender, Maitiski, Diep, Robledo, Segura, T. Tran; Abstention: Fuentes)

Public Comment: Blair Beekman appreciated the Charter Review Commission's practice of providing the opportunity for public comment on the Consent Calendar.

III. Reports & Information- N/A

III. Public Hearing- N/A

V. Old Business

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

- a) Report from Chair- None.
- b) Report from Clerk

City Clerk Toni Taber reviewed the items emailed to commissioners on June 30, 2021. She highlighted the new email address for the Commission, Charter Review@sanjoseca.gov, and also noted CivicMakers' and the City Clerk's office's capacity for providing research. Ms. Taber also outlined the outreach roles of the Clerk and Consultant and described the current outreach being done for the Charter Review Commission. She announced that more translations are in the process of being added to the website and that the Charter Review Commission will be using a new permanent Zoom link for all future meetings:
<https://sanjoseca.zoom.us/j/94141759036>.

c) Report from Consultant- None.

Public Comment: Mollie Mcleod urged the Commission to adhere to best practices for accessibility in every social media post, asked what outreach will be done to the wide range of individuals with disabilities, and reminded the Commission that the Americans with Disabilities Act does apply to the City of San José.

Consultant Lawrence Grodeska provided an update on the Commission's outreach and engagement activities and highlighted the role of community-based organizations. Commissioners provided comment and discussion ensued.

Public Comment: Roland wished for more outreach to the public, starting with distribution of outreach materials to the Neighborhood Leadership Council which informs neighborhood associations across the city. Mollie Mcleod reminded the Commission to have accessible commission materials and wished to see outreach done to organizations representing those with disabilities, including for example: DCARA (Deaf Counseling Advocacy & Referral Agency), Vista Center for the Blind and Visually Impaired, and Silicon Valley Independent Living Center. Ellina questioned how much of a focus there is on accessing hard to reach community members and also hoped to see additional transparency provided on each individual activity the Commission's budget is spent on to help gauge the success of the additional budget allocated.

VI. New Business

a) Voting and Elections Subcommittee Recommendations.

Chair Ferrer outlined the process of preliminarily reviewing recommendations brought forth by subcommittees. The Voting and Elections subcommittee presented each of their four draft recommendations separately. Commissioners asked questions and discussed the recommendations.

Draft Recommendation #1: Shifting Mayoral Elections

Public Comment: Jeffrey Buchanan, on behalf of Working Partnerships USA and Silicon Valley Rising, encouraged the support of draft recommendation #1 to promote equity and participation in democracy, noting that this topic already has widespread support amongst the residents of San José. Scott Reese, a business agent speaking on behalf of UA Local

Union 393, strongly supported the fair elections initiative, citing statistics of increased voter turnout. Roland supported the recommendation and suggested incorporating an exception which would permit Mayor Liccardo to run for an additional two years. Robert Aguirre spoke against accepting the first recommendation because it would decrease attention around the gubernatorial election of five councilmembers. Sandy Perry, President of the Affordable Housing Network and speaking as an individual, supported draft recommendation #1 to empower low income and minority voters. Dominic Torrealano, business agent for Sheet Metal Workers Local Union 104, spoke on behalf of his union to support draft recommendation #1 as it would allow San José's diverse electorate to significantly impact its local elections. Mary Helen Doherty supported draft recommendation #1 because of the increased diversity in representation that it would create in San José's election. Alex Caraballo, Political Director of the International Brotherhood of Electrical Workers Local 332, supported the fair elections initiative because of the increased and more representative diverse participation it will create in San José's mayoral election. Brian Wheatley, San José Unified School District President, spoke in support of moving the mayoral election to presidential years because of the expected greater representation of Latinx and Black voters, tenants, women, and low-income residents. Brian O'Neill, an SEIU 521 retiree, favored a charter amendment to move the mayoral election to presidential years for the expected increase in voter turnout and representation of the diversity in San José. Huascar Castro, representing International Machinists Local 393, supported draft recommendation #1 to rectify the current low voter turnout and underrepresentation of diversity within the electorate. Jethroe Moore supported changing the mayoral election to coincide with the presidential election for its direct positive impact on increasing voter turnout. Jake Tonkel, representing himself and South Bay Progressive Alliance, supported draft recommendation #1 and believed that the adoption of this recommendation would drastically increase voter representation and turnout. Krista, on behalf of the South Bay Labor Council, supported the fair elections initiative as it will strengthen the bonds between people and their elected representatives, while increasing voter participation. Chava Bustamante, member of Latinos United for a New America, supported the draft recommendation #1 because the current system results in low voter turnout in majority elections, giving undo power to voters who are not representative of the diversity of San Jose. Helen Chapman supported the draft recommendation #1 as it would encourage the community to exercise the right to fully participate in the governance of San José. Gabriela Garzon Gupta, Civic Engagement Community Organizer for the Asian Law Alliance, urged the Commission to accept draft recommendation #1 because any step taken to make voting more accessible will ensure the City of San José represents all of its constituents. Shiloh Ballard supported draft recommendation #1 with the belief that San José must be doing as much as it can to make sure that as many people as possible can be participating in its elections. Brenda Zendejas supported draft recommendation #1 because of increased voter turnout and more representation for people of color. Susan Price, community volunteer, supported draft recommendation #1 because it will allow San José to achieve maximum voter participation, which will ensure the most diverse and the greatest turnout possible for a mayoral election. Hiwad Haider, California Democratic Party delegate from Assembly District 28 and Steering Committee member of the South Bay Progressive Alliance, expressed support for draft recommendation #1 and for a two-year transitional mayoral

term because would increase turnout for the mayoral election and be the most democratic of all proposed choices. Mayra, on behalf of LUNA, supported the fair elections initiative because it will increase voter turnout, and allow the participation of voters who are more representative of San José's diversity. Walter Wilson spoke in support of draft recommendation #1, highlighting the need to rectify vote suppression and encourage voter turnout for people of color.

Draft Recommendation #2: Ranked Choice Voting

Public Comment: Ellina supported draft recommendation #2 because it is consensus-oriented, fiscally responsible, and promotes representation. Roland strongly opposed ranked choice voting and provided an example of how it could be potentially used to "rig" elections. Tessa Woodmansee supported draft recommendation #2 because it allows the true preferences of each voter to be expressed without the danger of creating a split vote. Robert Brownstein was undecided about ranked choice voting and posed a scenario to the Commission when more selection seemingly would not work in favor of voters, contingent on the diversity of candidates. Kevin Ma, on behalf of South Bay Progressive Alliance, spoke in favor of ranked choice voting because it encourages more candidates to run for office and also allows voters to express their true preferences. Sam Gordon, volunteer for Californians for Electoral Reform, expressed support for ranked choice voting and described a projected \$225,000 in annual savings for the City of San José if implemented. Mira Karthik, member of the South Bay Progressive Alliance Electoral Reform Action Team, spoke in favor of draft recommendation #2 as it would help ensure San José's elected officials reflect the city's diversity and would promote representation of historically underrepresented groups. Hiwad Haider strongly supported ranked choice voting for its increased voter representation and because it is also fiscally pragmatic and responsible. Lam Nguyen supported ranked choice voting because it will ensure that there is significantly more participation from both the electorate as well as the candidates themselves

Draft Recommendation #3: Expanding City Council

Public Comment: Roland opposed draft recommendation #3, with concerns relating to efficiency of City Council deliberation. Tessa Woodmansee spoke in support of expanding City Council, citing a current lack of responsiveness from councilmembers. Robert Aguirre spoke in favor of draft recommendation #3 and noted that necessary adjustments could be made to spatially accommodate more councilmembers. Ellina expressed support of draft recommendation #3, urging the commission to adopt an equity lens to find solutions in pursuit of diverse representation and equity instead of merely considering cost. Hiwad Haider supported expanding the size of City Council, because it would increase representation and contribute to a better-run and more democratic City of San José. Kevin Ma supported draft recommendation #3 as it would better represent the individual communities of interest within San José. Matt King from Sacred Heart Community Service supported the draft recommendation #3 and stated that deliberations of this recommendation should center around the promotion of equity over considerations of the potential costs. Lam Nguyen supported draft recommendation #3 because dilution of the public's political voice occurs as councilmember constituencies grow too large. Kiana Simmons, on behalf of Hero Tent, supported draft recommendation #3 because it

would yield more of a democratic system, where San José residents would have increased access to and communication with their elected officials. Mira Karthik supported draft recommendation #3 because the needs of many resident in her district have historically not been met due to the large size of Council districts.

Draft Recommendation #4: Elevating BFCPP

Public Comment: Adrian Gonzales, Chair of the Board of Fair Campaign and Political Practices, supported draft recommendation #4 to protect the underfunded Board and guarantee sufficient budget to fulfill its duties, as it currently has no allocated staff or appropriated City funding. Tessa Woodmansee supported draft recommendation #4 with the belief that public financing of campaigns would benefit the election process by eliminating quid pro quo politics. Jeffrey Buchanan, on behalf of Working Partnerships USA, supported draft recommendation #4 to elevate the BFCPP, suggested the Commission to examine the proposals within the framework of the Municipal Code to maintain flexibility, and also encouraged the Commission to support the proposals first put forward by Councilmember Jimenez regarding campaign finance limitations. Robert Brownstein posed the question if BFCPP staff, with their expanded role, would be the appropriate entity to be charged with the task of increasing the public's political access to City decision-making. Roland had no objections to the first, second, and fourth proposals within draft recommendation #4, but opposed the third proposal as he is against using tax dollars to support political campaigning. Kevin Ma supported draft recommendation #4 with the reasoning that the City should provide enough political independence so it can undertake its work and providing public financing would limit barriers to political participation. Ellina spoke in favor of draft recommendation #4 to recognize the BFCPP in the charter, thereby protecting its name and the Board's jurisdiction from political interference, and also guaranteeing its sufficient budget. Hiwad Haider supported draft recommendation #4 as it would create a resident agency that could focus on campaign finance and historical disenfranchisement, directly impacting the quality of representation for San José residents. Blair Beekman was thankful for the thoughtful discussion and remained hopeful for the future of political campaign processes.

b) Subcommittee Reports.

Commissioners had no questions for fellow subcommittees. Consultant Grodeska reminded subcommittees to share their notes ahead of time to provide an opportunity for questions and deliberation

Public Comment: None

c) Discussion on Final Recommendations Format.

Consultant Grodeska reviewed options for formatting the Commission's final recommendation report. Commissioners provided preliminary feedback.

Public Comment: Ellina stated that proposals should be prepared as a multilingual infographic with links to the full report, which should also be accessible to the public in

multiple languages. Blair Beekman encouraged the mentioning of ideas within the report that may not be able to be fully recommended but are nonetheless still worth noting.

d) Discussion on Bylaws.

Senior Deputy City Attorney Mark Vanni shared a draft copy of potential bylaws for the Commission based on Council Policy 0-4. The discussion on potential bylaws was postponed for the next Charter Review Commission meeting on August 9, 2021.

Public Comment: Roland asked how conflicts of interest are being handled, specifically those conflicts which might attract the FPCC's attention.

VII. Public Comment/Open Forum

1. Roland noted that he had tried to contact Commissioner Segol, at her request, but had received no response.
2. Blair Beekman stressed the importance of open public policy and responsible democratic processes in order to create more room for the everyday person to participate in community processes.
3. Lam Nguyen expressed his gratitude for the precise work of the Commission which made the meeting concise and informative.
4. Tessa Woodmansee expressed the critical importance of addressing global warming and listening to scientists in order to achieve the goal of zero emissions.
5. Ellina echoed the comments of Lam Nguyen, thanking the Commissioners for their service, and also suggested conducting outreach to San José high school students in order to solicit their feedback.

VIII. Meeting Schedule and Agenda Items

The next meeting is scheduled for August 9, 2021.

IX. Adjournment

The Commission adjourned at 9:30 p.m.

× *Megan Roche*
Megan Roche (8/18/2021)
Email: megan.roche@sanjoseca.gov

× *Frederick J. Ferrer*
Frederick J. Ferrer (8/18/2021)
Email: [REDACTED]

Prepared by:
Megan Roche, Deputy City Clerk

Frederick Ferrer
Chair, Charter Review Commission