



Charter Review Commission

City of San José

MINUTES

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

5:30 PM

Monday, October 18, 2021

Present: Chair- Frederick Ferrer; Members- Barbara Marshman, Christina Johnson, Elly Matsumura, Enrico Callender (5:37 p.m.), Frank Maitski, Garrick Percival, George Sanchez, Huy Tran, Jeremy Barousse, Jose Posadas, Lan Diep, Linda LeZotte, Louis Barocio, Magnolia Segol, Maria Fuentes, Sammy Robledo, Sherry Segura (5:46 p.m.), Thi Tran, Tobin Gilman, Veronica Amador, Yong Zhao

Absent: Elizabeth Monley

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 5:32 p.m.

II. Public Record- N/A

III. Consent Calendar- N/A

IV. Reports & Information- N/A

V. Public Hearing- N/A

VI. New Business

a) Overview of the Redistricting Commission.

City Clerk Toni Taber presented an overview of the Redistricting Commission. Commissioners asked questions and discussion ensued.

Public Comment: The following members of the public provided comments: Tessa Woodmansee, Blair Beekman, Ellina Yin, Roland, and a caller with the phone number ending in 5140.

b) Discussion and Final Voting on Recommendations from the Governance Structure and Voting and Elections Subcommittees.

The Voting and Elections subcommittee presented their two remaining draft

recommendations, Draft Recommendations 2 and 4. Recommendation 3 was regarding expansion of City Council; this topic was forwarded to the Gov Structure subcommittee. The Governance Structure subcommittee presented each of their four draft recommendations as well. Commissioners asked questions and discussed the recommendations.

Voting and Elections Draft Recommendation #2: Ranked Choice Voting

Public Comment: The following members of the public provided comments: Roland, Jake Tonkel, Blair Beekman, Michael Hunter, Jonathan Diaz, Sam Gordon, and Tessa Woodmansee.

Action: Upon motion by Commissioner H. Tran and seconded by Commissioner Barousse, the Commission voted to approve the second draft recommendation from the Voting and Elections subcommittee regarding ranked choice voting. (18-3-1; Noes: Diep, Gilman, Zhao; Absent: Monley)

Voting and Elections Draft Recommendation #4: Elevating the Board for Fair Campaign and Political Practices

Public Comment: The following member of the public provided comments: Blair Beekman and Adrian Gonzales.

Action: Commissioner T. Tran proposed a motion, which was seconded by Commissioner H. Tran, to approve the fourth draft recommendation from the Voting and Elections subcommittee regarding elevating the Board for Fair Campaign and Political Practices.

Action: Commissioner T. Tran amended his motion to recommend that the Board of Fair Campaign and Political Practices be elevated to the Charter level, that the City Clerk's office be directed to revamp the City webpage with regard to donor disclosure (as a policy recommendation), for the Board of Fair Campaign and Political Practices to study historical disenfranchisement (as a future policy recommendation), and for both the Board of Fair Campaign and Political Practices and City Council to study the idea of a small donor matching (as a policy recommendation).

Action: Commissioner Percival proposed a friendly amendment to revise the motion to only elevate the Board of Fair Campaign and Political Practices to the Charter level.

Commissioner T. Tran accepted the friendly amendment, as did Commissioner H. Tran, the seconder of the original motion. (20-1-1; Noes: Gilman; Absent: Monley)

Commissioner Matsumura suggested that the Voting and Elections subcommittee consult the members of the Board of Fair Campaign and Political Practices regarding the policy recommendations that were not included in the final motion.

Governance Structure Draft Recommendation #1: Future Charter Review Commissions

Public Comment: The following members of the public provided comments: Tessa Woodmansee and Blair Beekman.

Action: Upon motion by Commissioner Maitski and seconded by Commissioner Marshman, the Commission voted to approve the first draft recommendation from the Governance Structure subcommittee regarding future Charter Review Commissions. (21-0-1; Absent: Monley)

Governance Structure Draft Recommendation #2: Adding Council Districts

Public Comment: The following members of the public provided comments: Jeffrey Buchanan, Blair Beekman, and Ellina Yin.

Action: Commissioner Marshman made a motion, which was seconded by Commissioner LeZotte, to approve the second draft recommendation from the Governance Structure subcommittee regarding the addition of Council districts.

Action: Commissioner Sanchez made a substitute motion, which was seconded by Commissioner Callender, to move to 14 Council districts.

Action: Commissioner Matsumura proposed a friendly amendment to Commissioner Sanchez' motion, to include a recommendation for a Charter change to direct the City Council to designate a commission every ten years (with adequate time before the Redistricting process) to study number of Council districts and recommend any changes to the number of districts. Commissioner Sanchez did not accept the friendly amendment.

Vote: The Commission voted on the substitute motion to recommend a transition to 14 Council districts. (14-7-1; Noes: Diep, Gilman, LeZotte, Marshman, Maitski, T. Tran, Zhao; Absent: Monley)

Governance Structure Draft Recommendation #3: Expansion of Mayoral Powers

Public Comment: The following members of the public provided comments: a caller with the phone number ending in 5140 and Blair Beekman.

Action: Upon motion by Vice Chair Johnson and seconded by Commissioner Barousse, the Commission voted to approve the third draft recommendation from the Governance Structure subcommittee regarding the expansion of mayoral powers. (19-2-1; Noes: Diep, Gilman; Absent: Monley)

Governance Structure Draft Recommendation #4: Emergency Powers of the Mayor

Public Comment: The following members of the public provided comments: Ellina Yin, Blair Beekman, Robert Brownstein, Jeffrey Buchanan, and a caller with the phone number ending in 5140.

Action: Commissioner LeZotte proposed a motion, which was seconded by Commissioner Marshman, for the Commission to approve the fourth draft recommendation from the Governance Structure subcommittee regarding the emergency powers of the Mayor.

Action: Commissioner LeZotte amended her motion, with amendments seconded by Commissioner Marshman, to approve the fourth draft recommendation from the Governance Structure subcommittee regarding the emergency powers of the Mayor, with the title of Section 501 changed to “Proclamation of a ‘Local’ Emergency.” (6-15-1; Noes: Amador, Barocio, Barousse, Callender, Fuentes, Johnson, Maitski, Matsumura, Percival, Posadas, Robledo, Sanchez, Segol, Segura, Zhao; Absent: Monley) This motion did not pass.

c) Presentation of Remaining Governance Structure Recommendations.

Commissioner Fuentes presented her recommendation regarding equity and inclusion in City programming and budgeting. Commissioners asked questions and discussion ensued.

Public Comment: The following members of the public provided comments: Peter Ortiz, Ellina Yin, a caller with the phone number ending in 5140, and Blair Beekman.

Action: Upon motion by Commissioner Amador and seconded by Commissioner Segura, the Commission voted to schedule a Study Session on November 3, 2021 regarding housing and City Charter Article XIX. (16-5-1; Noes: Gilman, LeZotte, Maitski, Marshman, Percival; Absent: Monley)

VII. Old Business

1. Discussion and possible action on Charter Review Commission Work Plan- N/A

a) Report from Chair

The Chair noted that a community engagement/outreach update was shared with the Commission via email.

b) Report from Clerk- N/A

c) Report from Consultant

Consultant Grodeska noted that he will meet with the community-based organizations in the following week to ensure they are prepared and conducting outreach for the Commission’s final public hearing.

VIII. Public Comment/Open Forum

1. Blair Beekman warned of a possible earthquake in the year 2023 and described a potential system of checks and balances that would be the responsibility of City Council.
2. A caller with the phone number ending in 5140 requested that there be a focus on paving roads, putting out fires, solving crimes, and maintaining downtown businesses.
3. Ellina Yin discussed the need to address accountability in times of natural disasters.

IX. Meeting Schedule and Agenda Items

The next meeting is scheduled for October 25, 2021 at 5:30 p.m.

X. Adjournment

The Commission adjourned at 10:46 p.m.

Megan Roche

Email: megan.roche@sanjoseca.gov

Frederick J. Ferrer

Email: [REDACTED]

Prepared by:
Megan Roche, Deputy City Clerk

Frederick Ferrer
Chair, Charter Review Commission