



Charter Review Commission

City of San José

MINUTES

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

5:30 PM

Monday, November 1, 2021

Present: Chair- Frederick Ferrer; Members- Barbara Marshman, Christina Johnson, Elizabeth Monley, Elly Matsumura, Enrico Callender, Frank Maitiski, Garrick Percival, George Sanchez, Huy Tran (5:34 p.m.), Jeremy Barousse, Jose Posadas (6:05 p.m.), Louis Barocio, Magnolia Segol, Maria Fuentes, Sammy Robledo, Sherry Segura (5:34 p.m.), Thi Tran, Veronica Amador, Yong Zhao

Absent: Lan Diep, Linda LeZotte, Tobin Gilman

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. Public Record- N/A

III. Consent Calendar

a) Receive and File Letters from the Public.

Public Comment: The following members of the public provided comments: Tessa Woodmansee, Blair Beekman, Ellina Yin, and Tarab Ansari.

Action: Upon motion by Commissioner H. Tran and seconded by Commissioner Fuentes, the Commission moved to receive and file the letters from the public. (18-0-4; Absent: Diep, Gilman, LeZotte, Posadas)

IV. Reports & Information- N/A

V. Public Hearing- N/A

VI. New Business

a) Final Voting on the Voting and Elections Subcommittee's Policy Recommendations Regarding the Board of Fair Campaign and Political Practices.

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

Action: Commissioner T. Tran made a motion, which was seconded by Commissioner Marshman, to move the two proposals as outlined in attached memorandum from T. Tran. These proposals would elevate the Board of Fair Campaign and Political Practices from the Municipal Code to the Charter, and to also recommend the following three policy recommendations for further analysis: (a) Revamp of City webpage pertaining to Council and Mayoral Elections (City Clerk's Office); (b) Assessing the feasibility of implementing a Small-Donor Matching Funds system (Board of Fair Campaign and Political Practices); and (c) Assessing and recommending strategies that address historical disenfranchisement (Board of Fair Campaign and Political Practices).

Final Action: Commissioner Matsumura proposed a friendly amendment to move Commissioner T. Tran's memorandum, with the elimination of the phrase located under section (e)(3), "These include --- but are not limited to --- addressing matters on campaign finance reform and historical disenfranchisement." This friendly amendment was accepted by Commissioners T. Tran and Marshman. (5-14-3; Noes: Amador, Barocio, Barousse, Callender, Fuentes, Johnson, Monley, Percival, Robledo, Sanchez, Segol, Segura, H. Tran, Zhao; Absent: Diep, Gilman, LeZotte) This amended motion did not pass.

Public Comment: The following members of the public provided comments: Tessa Woodmansee, Blair Beekman, Call-In User_1, Tarab Ansari, and Ellina Yin.

Final Action: Commissioner H. Tran made a substitute motion, which was seconded by Commissioner Barocio, to move the two proposals as written in attached memorandum from T. Tran. (9-10-3; Noes: Amador, Barousse, Callender, Fuentes, Johnson, Matsumura, Sanchez, Segol, Segura, Zhao; Absent: Diep, Gilman, LeZotte) This substitute motion did not pass.

Commissioner Percival described data which was collected and reviewed by the Voting and Elections subcommittee, regarding voter turnout in odd versus even-numbered Council districts. After deliberation, the subcommittee decided to not move a recommendation forward.

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

b) Policing, Municipal Law, Accountability, and Inclusion Subcommittee Recommendations.

Chair Ferrer stated for the record that the Mercury News misrepresented his position with regard to the PMLAI subcommittee recommendations in a recent article.

Members from the PMLAI subcommittee presented their eleven recommendations individually. Commissioners asked questions and discussion ensued.

Draft Recommendation #1: Article X - Boards and Commission Reform

Commissioner Amador presented the Policing, Municipal Law, Accountability, and Inclusion Subcommittee's Draft Recommendation #1 regarding Article X - boards and commission reform. Discussion amongst commissioners ensued.

Public Comment: The following members of the public provided comments: Call-In User_1, Tessa Woodmansee, and Blair Beekman.

Draft Recommendation #3: Native Land Acknowledgement

Commissioner Segura presented the Policing, Municipal Law, Accountability, and Inclusion Subcommittee's Draft Recommendation #3 regarding a native land acknowledgement. Discussion amongst commissioners ensued.

Public Comment: The following members of the public provided comments: Tessa Woodmansee, Call-In User_1, Ellina, and Blair Beekman.

Draft Recommendation #2: Use of Gender-Inclusive Language on All of the City of San José Documents

Commissioner Amador presented the Policing, Municipal Law, Accountability, and Inclusion Subcommittee's Draft Recommendation #2 regarding the use of gender-inclusive language on all of the City of San José documents. Discussion amongst commissioners ensued.

Public Comment: The following members of the public provided comments: Call-In User_1, Tarab Ansari, Blair Beekman, and Tessa Woodmansee.

Draft Recommendation #4: 1. Creating and adding a Police Commission to the City Charter; 2. Converting the Independent Police Auditor Office to the Independent Investigations Department, with powers of subpoena, and full and unredacted access to all documents in the possession of the San José Police Department; 3. Creating an Office of the Inspector General to assist the Police Oversight Commission in conducting reviews of patterns, practice, trends, systems, and policies at the Police Department

Commissioners Callender, Segura, Amador, and Segol presented the Policing, Municipal Law, Accountability, and Inclusion Subcommittee's Draft Recommendation #4 regarding (1) creating and adding a Police Commission to the City Charter; (2) converting the Independent Police Auditor Office to the Independent Investigations Department, with powers of subpoena, and full and unredacted access to all documents in the possession of the San José Police Department; and (3) creating an Office of the Inspector General to assist the Police Oversight Commission in conducting reviews of patterns, practice, trends, systems, and policies at the Police Department. Discussion amongst

commissioners ensued.

Public Comment: The following members of the public provided comments: Tarab Ansari, Call-In User_1, Tessa Woodmansee, Blair Beekman, and Ellina Yin.

Draft Recommendation #5: Equity Values, Equity Standards, Equity Assessment

Commissioner Callender presented the Policing, Municipal Law, Accountability, and Inclusion Subcommittee's Draft Recommendation #5 regarding equity values, equity standards, and equity assessment. Discussion amongst commissioners ensued.

Public Comment: The following members of the public provided comments: Robert Brownstein, Blair Beekman, Ellina Yin, Call-In User_1, and Tessa Woodmansee.

Draft Recommendation #9: Equity and Inclusion in City Programming and Budgeting

Commissioner Fuentes presented the Policing, Municipal Law, Accountability, and Inclusion Subcommittee's Draft Recommendation #9 regarding equity and inclusion in City programming and budgeting. Discussion amongst commissioners ensued.

Public Comment: The following members of the public provided comments: Blair Beekman and Call-In User_1.

Draft Recommendation #6: Department Audits

Commissioner Zhao presented the Policing, Municipal Law, Accountability, and Inclusion Subcommittee's Draft Recommendation #6 regarding department audits. Discussion amongst commissioners ensued.

Public Comment: The following members of the public provided comments: Tessa Woodmansee, Blair Beekman, Call-In User_1, and Ellina Yin.

Draft Recommendation #8: Amend San José City Charter to address climate change impacts through establishing a Climate Crisis Action Commission in the City Charter

Commissioner Segol presented the Policing, Municipal Law, Accountability, and Inclusion Subcommittee's Draft Recommendation #8 regarding amending the San José City Charter to address climate change impacts through establishing a Climate Crisis Action Commission in the City Charter. Discussion amongst commissioners ensued.

Public Comment: The following members of the public provided comments: Call-In User_1, Roland, Tessa Woodmansee, Ellina Yin, and Blair Beekman.

Draft Recommendation #10: Article XX The Promotion of Home Ownership

Opportunities for Low Income Residents of San José

Commissioner Fuentes presented the Policing, Municipal Law, Accountability, and Inclusion Subcommittee's Draft Recommendation #10 regarding Article XX, the promotion of home ownership opportunities for low-income residents of San José. Discussion amongst commissioners ensued.

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

Draft Recommendation #11: The Community to Purchase Act (COPA)

Commissioner Amador presented the Policing, Municipal Law, Accountability, and Inclusion Subcommittee's Draft Recommendation #10 regarding the Community to Purchase Act (COPA). Discussion amongst commissioners ensued.

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

Draft Recommendation #7: Alter appointments to San Jose's Smart City Advisory Board and the Innovation and Technology Advisory Board with the goal of strengthening community input on the effects and consequences of technological change

Commissioner Percival presented the Policing, Municipal Law, Accountability, and Inclusion Subcommittee's Draft Recommendation #7 regarding altering appointments to San Jose's Smart City Advisory Board and the Innovation and Technology Advisory Board with the goal of strengthening community input on the effects and consequences of technological change. Discussion amongst commissioners ensued.

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

VII. Old Business

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

a) Report from Chair

b) Report from Clerk

City Clerk Toni Taber reported on the Rules and Open Government Committee's discussion regarding the Charter Review Commission work plan.

c) Report from Consultant

This item was deferred until the next regular Charter Review Commission meeting on November 15, 2022.

VIII. Public Comment/Open Forum

1. Tessa Woodmansee encouraged the Commission to put forth a recommendation regarding the climate crisis regardless of whether it may pass or fail.
2. Blair Beekman discussed how smart City technology and public accessibility ideas could be applied to police oversight, that the Commission might be able to extend their meeting schedule, and that legal language issues may require attention.
3. Roland warned of Tesla's relocation to Texas and Elon Musk's planned Texas Institute of Technology and Science.
4. Ellina Yin thanked the commissioners and the PMLAI Subcommittee for their proposals.

IX. Meeting Schedule and Agenda Items

The next meeting is scheduled for November 3, 2021 at 5:30 p.m.

X. Adjournment

The Commission adjourned at 12:07 a.m.

Megan Roche

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Frederick J. Ferrer

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Prepared by:
Megan Roche, Deputy City Clerk

Frederick Ferrer
Chair, Charter Review Commission