



# **Charter Review Commission**

## **City of San José**

### **MINUTES**

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

**5:30 PM**

**Monday, November 15, 2021**

Present: Chair- Frederick Ferrer; Members- Barbara Marshman, Christina Johnson, Elizabeth Monley, Elly Matsumura, Enrico Callender, Frank Maitiski, Garrick Percival, George Sanchez, Huy Tran, Jeremy Barousse, Jose Posadas, Lan Diep (5:48 p.m.), Linda LeZotte, Louis Barocio, Magnolia Segol, Maria Fuentes, Sammy Robledo, Sherry Segura, Thi Tran, Tobin Gilman, Veronica Amador (5:34 p.m.), Yong Zhao (5:40 p.m.)

Absent: None

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. The Chair moved the Open Forum section (Item VIII) to occur first in the Orders of the Day. The Voting and Elections subcommittee read a statement for the record (see below).

#### **VIII. Public Comment/Open Forum**

1. Commissioners Elizabeth Monley and Thi Tran provided a statement on behalf of the entire Voting and Elections Subcommittee to address a San José Spotlight article published on November 11, 2022, with regard to the Voting and Elections Subcommittee's recommendation on the Board of Fair Campaign and Political Practices. The Commissioners stated the San José Spotlight article unfairly characterized the actions of the Voting and Elections Subcommittee.
2. Tessa Woodmansee discussed the creation of the Charter Review Commission's schedule and priorities and suggested that the subcommittee process be more open to the public.
3. Paul Soto discussed the legitimization of Commission processes and the circumvention of conversations.
4. Call-In User\_1 discussed ethnic classification and suggested police department reform.
5. Ellina Yin discussed management of the meeting schedule and work plan with regard to the Charter Review Commission meeting where a recommendation on the Board of Fair Campaign and Political Practices and PMLAI recommendations were both heard.
6. Commissioner Magnolia Segol apologized to the Voting and Elections Subcommittee, noted that she contacted San José Spotlight in response to their article, and described difficulties in controlling the Commission's agendas.

**II. Public Record- N/A**

**III. Consent Calendar- N/A**

**IV. Reports & Information**

**a. Report from Chair- N/A**

**b. Report from Clerk**

The City Clerk outlined the next steps for the submission of the Commission's final report. Commissioners asked questions and discussed the process for the submission and compilation of the final report. Consultant Lawrence Grodeska provided clarification on the compilation process for the final report. Commissioner Fuentes recommended that the lead Commissioners from each subcommittee write an executive summary for inclusion in the final report.

**c. Report from Consultant- N/A**

Public Comment: None

**V. Public Hearing- N/A**

**VI. Old Business- N/A**

**VII. New Business**

**a) Provisional Voting on Policing, Municipal Law, Accountability, and Inclusion Subcommittee Recommendations.**

Members from the PMLAI subcommittee presented their eleven recommendations individually and highlighted the revisions made since the recommendations were last brought forth to the Commission. 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.

Public Comment: The following members of the public provided comments: Call-In User\_1, Paul Soto, Luc Gnamien, Tessa Woodmansee, and Blair Beekman.

Action: Upon motion by Commissioner Amador and seconded by Commissioner Barousse, the Commission voted to move forward the first draft recommendation from the PMLAI subcommittee regarding boards and commission reform. (22-0-0)

### **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: Paul Soto, Call-In User\_1, Blair Beekman, and Tessa Woodmansee.

Action: Commissioner Segura proposed a motion, which was seconded by Commissioner Barousse, to move forward the third draft recommendation from the PMLAI subcommittee regarding a native land acknowledgement. (22-0-0)

Final Action: Commissioner Segura amended her motion to include the "Short Version" of the Native Land Acknowledgement document; this amendment was accepted by Commissioner Barousse. Upon motion by Commissioner Segura and seconded by Commissioner Barousse, the Commission voted to move forward the third draft recommendation from the PMLAI subcommittee regarding a native land acknowledgement and "Short Version" of the Native Land Acknowledgement document. (22-0-0)

### **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.

Public Comment: The following members of the public provided comments: Paul Soto, Tessa Woodmansee, and Call-In User\_1.

Action: Upon motion by Commissioner Amador and seconded by Commissioner Callender, the Commission voted to move forward the second draft recommendation from the PMLAI subcommittee regarding the use of gender-inclusive language on all of the City of San José documents. (22-0-0)

### **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**

Commissioner 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: Roland, Tessa Woodmansee, Sandra Asher, Blair Beekman, Laverie Foster, Ellina, and Call-In User\_1.

Action: Upon motion by Commissioner Segol and seconded by Commissioner Callender, the Commission voted to move forward the fourth draft recommendation from the PMLAI subcommittee, as amended, 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. (20-2-0; Noes: Maitiski, Gilman)

#### **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.

Public Comment: The following members of the public provided comments: Blair Beekman, Call-In User\_1, and Tessa Woodmansee.

Action: Upon motion by Commissioner Callender and seconded by Commissioner Amador, the Commission voted to move forward the fifth draft recommendation from the PMLAI subcommittee regarding equity values, equity standards, and equity assessment. (21-1-0; Noes: Gilman)

#### **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, Tessa Woodmansee, Call-In User\_1, and Paul Soto.

Action: Upon motion by Commissioner Fuentes and seconded by Commissioner H. Tran,

the Commission voted to move forward the ninth draft recommendation from the PMLAI subcommittee regarding equity and inclusion in City programming and budgeting. (21-1-0; Noes: Gilman)

#### **Draft Recommendation #6: Department Audits**

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

Public Comment: The following members of the public provided comments: Tessa Woodmansee, Paul Soto, and Call-In User\_1.

Action: Upon motion by Commissioner Zhao and seconded by Commissioner Segol, the Commission voted to move forward the sixth draft recommendation from the PMLAI subcommittee regarding department audits. (20-2-0; Noes: LeZotte, Matsumura)

#### **Draft Recommendation #8: Create a Climate Action Commission**

Commissioner Segol presented the Policing, Municipal Law, Accountability, and Inclusion Subcommittee's Draft Recommendation #8 regarding the creation of a Climate Action Commission. Discussion amongst commissioners ensued.

Public Comment: The following members of the public provided comments: Call-In User\_1, Tessa Woodmansee, Paul Soto, Blair Beekman, and Ellina.

Action: A motion was made by Commissioner Segol, and seconded by Commissioner Fuentes, to move the eighth draft recommendation from the PMLAI subcommittee regarding the creation of a Climate Action Commission forward as a Charter change, with the addition of the sentence "Additions to the scope can be done by the municipal code" in Section 2, below Item 7. (9-13-0; Noes: Diep, Gilman, Johnson, LeZotte, Maitski, Marshman, Matsumura, Monley, Percival, Robledo, Sanchez, H. Tran, T. Tran) This motion did not pass.

Final Action: A motion made by Commissioner Segol, and seconded by Commissioner Callender, was passed to move the eighth draft recommendation from the PMLAI subcommittee regarding the creation of a Climate Action Commission forward as a policy recommendation, with the addition of the sentence "Additions to the scope can be done by the Municipal Code" in Section 2, below Item 7. (19-3-0; Noes: Gilman, LeZotte, Robledo)

#### **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 members of the public provided comments: Paul Soto, Tessa Woodmansee, Blair Beekman, and Call-In User\_1.

Action: A motion was made by Commissioner Fuentes, and seconded by Commissioner Zhao, to move the tenth draft recommendation from the PMLAI subcommittee regarding Article XX, the promotion of home ownership opportunities for low-income residents of San José forward as a Charter amendment. (10-12-0; Noes: Diep, Gilman, Johnson, LeZotte, Maitski, Marshman, Matsumura, Monley, Percival, Posadas, H. Tran, T. Tran) This motion did not pass.

Final Action: A motion made by Commissioner Fuentes, and seconded by Commissioner Amador, was passed to move the tenth draft recommendation from the PMLAI subcommittee regarding Article XX, the promotion of home ownership opportunities for low-income residents of San José forward as a policy recommendation. (14-8-0; Noes: Diep, Gilman, LeZotte, Maitski, Marshman, Monley, Percival, T. Tran)

### **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: Paul Soto, Tessa Woodmansee, Sandra, Ellina, and Tim Espinoza.

Action: A motion made by Commissioner Amador, and seconded by Commissioner Callender, was passed to move the eleventh draft recommendation from the PMLAI subcommittee regarding the Community to Purchase Act (COPA) forward, with the replacement of the word "support" to "explore" in all instances within Section 3 of the recommendation. (19-3-0; Noes: Gilman, Monley, Zhao)

### **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: Ellina, Tessa Woodmansee, and Paul Soto.

Action: Upon motion by Commissioner Percival and seconded by Commissioner Segol, the Commission voted to move forward the seventh draft recommendation from the PMLAI subcommittee 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. (22-0-0)

## **VIII. Public Comment/Open Forum**

Item VIII (Public Comment/Open Forum) was taken first, as Chair Ferrer designated during the Orders of the Day (Item I).

## **IX. Adjournment**

The Commission adjourned at 12:11 a.m.

*Megan Roche*

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Prepared by:  
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Frederick Ferrer  
Chair, Charter Review Commission