

Legislation Text

File #: 20-828, **Version:** 1

Actions Related to Potential Ballot Measure(s) for the November 3, 2020 Election to Amend the City Charter to Expand the Review Authority for the Independent Police Auditor, Change the Size and Composition of the Planning Commission, and/or Change the Timelines to Conduct Redistricting.

(a) Review and discuss the proposed ballot measure for the November 3, 2020 statewide general election to amend the City Charter to expand the review authority for the Independent Police Auditor (IPA) in accordance with the Amended Side Letter Agreement between the City of San Jose and the San Jose Police Officers' Association.

(b) Review and discuss the proposed ballot measure for the November 3, 2020 statewide general election to amend the City Charter to change the size and composition of the Planning Commission and to change the timelines to conduct redistricting.

(c) Determine whether the proposed ballot measures should be submitted to the voters separately or consolidated into one measure.

(d) If the City Council decides that the proposed ballot measures should be submitted to the voters separately or consolidated with the IPA measure:

(1) Adopt a resolution of the City Council:

(i) Calling and giving notice, on its own motion, for a Special Municipal Election to be consolidated with the Statewide General Election on November 3, 2020, to submit to the electors of the City of San Jose, the following measure:

Shall the San Jose City Charter be amended to expand the Independent Police Auditor's oversight to include unredacted review of officer-involved shootings and incidents where an officer used force in a manner that caused death or great bodily injury, as well as review of department-initiated investigations against police officers, and other technical amendments, as agreed to by the San Jose Police Officers' Association? [Separate]

(ii) Directing the City Clerk to, pursuant to Elections Code Section 12111, cause a synopsis of the proposed measure to be published at least one time not later than one week before the election in the Mercury News, a newspaper of general circulation within the City of San Jose, instead of printing the full text of the measure in the Sample Ballot;

(iii) Authorizing the City Council or any member or members of the City Council to submit a ballot argument in favor of the measure, pursuant to Elections Code Section 9282;

(iv) Authorizing the submittal of rebuttal arguments pursuant to Elections Code Section 9285;

(v) Directing the City Attorney to prepare an Impartial Analysis of the measure pursuant to Elections Code Section 9280; and

(vi) Directing the City Clerk to take all other actions necessary to place this measure on the November 3, 2020 ballot.

(2) Adopt a resolution of the City Council:

(i) Calling and giving notice, on its own motion, for a Special Municipal Election to be consolidated with the Statewide General Election on November 3, 2020, to submit to the electors of the City of San José, the following measure:

[Separate]: Shall the San José City Charter be amended to change the size and composition of the Planning Commission from 7 to 11 members with Council appointing one member from each Council District and one “at-large” member, and to allow the Council by ordinance to establish timelines to conduct redistricting when Census results are late?

OR

[Consolidated]: Shall the City Charter be amended to: expand the Independent Police Auditor’s oversight, including unredacted review of officer-involved shootings and use of force incidents causing death or great bodily injury, review of department-initiated investigations against officers, and other technical amendments; increase the Planning Commission to 11 members with Council appointing one member from each Council District and one “at-large” member; and allow the Council to establish timelines for redistricting when Census results are late?

(ii) Directing the City Clerk to, pursuant to Elections Code Section 12111, cause a synopsis of the proposed measure to be published at least one time not later than one week before the election in the Mercury News, a newspaper of general circulation within the City of San José, instead of printing the full text of the measure in the Sample Ballot;

(iii) Authorizing the City Council or any member or members of the City Council to submit a ballot argument in favor of the measure, pursuant to Elections Code Section 9282;

(iv) Authorizing the submittal of rebuttal arguments pursuant to Elections Code Section 9285;

(v) Directing the City Attorney to prepare an Impartial Analysis of the measure pursuant to Elections Code Section 9280; and

(vi) Directing the City Clerk to take all other actions necessary to place this measure on the November 3, 2020 ballot.

CEQA: Not a Project, File No PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (City Manager)