

San José Charter Review Commission: Governance Structure Subcommittee Meeting Agenda & Notes

Drafted June 11, 2021

Instructions

- Revise agenda as necessary and take notes in Notes section
- Before closing meeting, capture next steps and update “Topics Covered” and “Notices or Questions for Commission” sections
- Delete this Instructions section and [TEMPLATE] in document title above
- Rename document accordingly and share this report with Commission Secretary Megan Roche (megan.roche@sanjoseca.gov) by noon on the Friday before the next Commission meeting.

Meeting Details

Date/Time	9/15/2021
Topics Covered	Governance Structure, Hiring and Dismissing Department Heads
Notices or Questions for Commission	

Meeting Agenda (90 mins)

- I. Roll call - [Christina Johnson](#), [Jeremy Barousse](#), Frank Maitski, Louis Barocio, Maria Fuentes, Lan Diep, Barbara Marshman, Ely Matsumura
 - A. Absent: Linda LeZotte
- II. Brief update from each Commissioner on work since last Subcommittee meeting (5 mins)
N/A

- III. Review of public comment received via City Clerk's office (10 mins)N/A
- IV. Review of new potential topics (from Commission assignment or public comment) and revision of topic list (10 mins)N/A

- V. Discussion of topics (45 mins)

Expanding Council Districts - [Barbara Marshman](#)

- The notion that having well designed districts is core to our ability to make democracy authentic and have a quality of representation. This is a well established premise.
- Not so much about customer service but more about the quality of political representation.
- We are recommending that not something that people look carefully right now but for the next commission to evaluate. Some cities have increased but NY and LA have 50 but most have not increased to this amount.
- How are we addressing inequity in expanding council districts?
- In making an argument for expanding council districts, it would be important to demonstrate how it leads to better representation
- Use data for next Charter Review Commission to review how adding council districts expands democracy, and not how people feel about their representation
- Barbara will address issue around notion that having well designed districts is core to our ability to have our democracy authentic or create representation
- Since the commission did not study this issue, we should make it clear in our recommendation for the next Charter Review Commission that we are recommending no more than 2 additional council districts
- *Subcommittee Voted 80 to approve this recommendation to the Charter Review Commission at its next meeting*

Charter Review Commission Issues - Frank Maitski

- Have a mechanism for the council to extend the term for commissioners to more than 2 years, look at how many years other cities like Portland and Detroit took to have robust review of charter review commission
- Important to specify a specific level of staffing and funding to support research and policy provisions for the charter

- Must have a safety mechanism in place to check power of commission to put recommendations on the ballot, like a supermajority of the council to veto or reject the recommendations
- We need to be sensitive to the framing of things. It is forcing councilmembers to vote against what they know of city and community at large.
- *Subcommittee voted 5-3 in favor of recommendation of proposing charter review every 10 years with a supermajority of commissioners with the authority to make charter review amendments on the ballot with a veto for the supermajority of voters, and adding adequate staff and resources from the commission*

Expanding Mayoral Powers

- By giving the mayor emergency powers, it could be turned into a political issue and mayor could not react to an emergency in timely fashion
- The way that it's written it says that it's just a judgement call whether it is an emergency. No requirement for city council to play role until after 72 hours. Who deems when it is practiceable and this means that there is no sunset on the Mayor having this power. This is open ended Power can be abused by the Mayor.
- Concerned about the broadness and the roles of staff being suspended during an emergency. We could have a Mayor who could want to abuse this power. We need folks in the roles to stay in their roles and stay coordinated.
- The reason for these recommendations is because city manager acted too late during the floods, and too early during the civil disobedience last summer, so this brings more balance to the issue.
- If this was to approve this power would be included in a huge emergency response plan. From my experience with the County, this type of thing there is a person that makes the decision but it activates a whole system. I support this memo but a lot of questions that Elly brings up need to be clarified in the recommendation. I don't think it's necessary to mention the George Floyd protest. For the flood, there wasn't a good plan in place to be activated.
- *The subcommittee voted 6-0 to not move the recommendation to the commission*

Government Structure

- Propose not to take away the Mayor's power to submit a nominee for a city manager since it is already inclusive. Council members promoting a favorite might politicize it more. It is important that City Mayor and Manager feel supported by one

another. If council elected a City Manager that is totally opposed by the Mayor then it might be a city issue.

- Part of the solution to our problem is getting inclusiveness in our city process and this is one way to advance it and I like that. I understand Barbara's concern about the politics of it but this gets more people involved in the city manager process.
- Expanding the piece on City Manager I think is great when we are recommending the city manager system.
- Adding more voice to participation at the level is what would be appreciated across the city.

- *Subcommittee vote 5-0 to move the recommendation to the commission*

Budget Equity and Inclusion

- Flesh out how budget could really make an impact without having adverse effects
- Include language in the charter to ensure resources are being distributed equally throughout the city
- Is the community policing, equity, and inclusion subcommittee also looking at expanding inclusion and equity through the budget?

No action taken on this memo

VI. Next steps *(5 mins)*

- A. Is the community policing, equity, and inclusion subcommittee also looking at expanding inclusion and equity through the budget?