

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

Meeting Details

Date/Time	9/29/2021
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](#), [Linda LeZotte](#), Frank Maitski, Louis Barocio, Maria Fuentes, Elly Matusumura
 - A. Absent: [Barbara Marshman](#), Lan Diep
- II. Brief update from each Commissioner on work since last Subcommittee meeting (5 mins)
- III. Review of public comment received via City Clerk's office (10 mins)
- IV. Review of new potential topics (from Commission assignment or public comment) and revision of topic list (10 mins)
- V. Discussion of topics (45 mins)

Standing Charter Review Commission

- The Chairs comments on the 8-month period and Census were interesting, will follow up with him
- Will include a provision around adding disclosure of financials around the issue of having it a decision-making body and needing a 2/3 supermajority vote from the commission
- Louis - would like to leave the supermajority issue out of the proposal
- Linda - would also like to remove it
- Maria - would like to keep it, includes community participation from the commission
- Elly - Not give the council the authority to block or make charter changes

- Maria - The council at least has the trust of the voters, the commissioners have not been elected
- VOTE - Remove giving the commission the power to put something on the ballot but need supermajority from the council to reject - **3 AGAINST/ 4 IN FAVOR**

Governance Structure

- Good feedback from the community at the public hearing, seems like everyone
- Frank - good questions from Commissioner Percival, did the subcommittee do its due diligence in exploring the two options
- Jeremy -
- Elly - Agree with Jeremy, could make it more robust to address the Mayor-Council arguments
- Christina - Could add more to the memo, but want people to read it, can reference memos from Councilmembers Jones and Jimenez
- Louis - Commissioner Gilman asked a straightforward question regarding the mayor-council system, we should address it
- Elly - There is an intersection regarding the topic of being able to hire/fire police chief, we should leave that topic to the Subcommittee on Policing
- Maria - we should include content related to our subcommittee, even though another subcommittee is studying it, ultimately will come the entire commission. Should go in as one recommendation.
- Elly - Agree that it should go in as one, but should let the Subcommittee on Policing take the lead since they will be proposing a very comprehensive recommendation
- Louis - Our subcommittee can speak to the governance structure and the other subcommittee can speak to the hiring powers for the police chief, very similar to Linda's recommendation
- Linda - Let's just have each subcommittee do their thing,

VI. Next steps (5 mins)

A. Drafting of Recommendation Memos

- Maria will do more research on the topic and come back with a recommendation at a future meeting
- Christina - best that we stay focused on the work we are doing

Expand Mayoral Emergency Powers

- Linda - Make it clear that the mayor will be substituting for the city manager, not given expanded powers. Feel that the public didn't read the memo. The powers that would be given to the mayor already exist, they would just be moved to the mayor from the city manager

- Elly - think there are two asks: substitute mayor from city manager AND give the mayor the power to declare an emergency. No, that would have given the mayor more power, so took it out
- Frank - leaning toward a NO vote on this memo. Think its problematic to have an elected official with emergency powers
- Maria - not sure if we need this memo. Need to focus more on preventing emergencies
- Linda - don't want to discuss what is an emergency or not, the mayor wouldn't be doing this in a vacuum, would get the same training as city manager
- Maria - it was upsetting that during their protest last spring, there were so many cops out when the protest was 100% peaceful. It was overkill in terms of how many officers were out. A better response to the situation is needed and not so much being able to declare an emergency. Maybe when the emergency occurred there was already looting going on, I don't know. I'm not concerned about who that person might be but more how the power is handled and who has the power for prevention. This is my struggle when thinking about this.