

San José Charter Review Commission
Recommendation Memo
Drafted April 19th, 2021; Revised July 2nd, 2021

1) Proposal Name

Proposal Name:	<i>Article X - Boards and Commission Reform</i>
Submitted by:	<i>Commissioner Veronica Amador, Magnolia Segol, Rick Callender, Sherry Segura, Jenny Zhao</i>
Date submitted:	<i>Submitted 10/29/2021, Revised 11/18/2021(see yellow highlights)</i>

2) Proposal Details

<p>1) What problem(s) are you trying to address? <i>Before suggesting a solution, it is important to be clear about the problem you aim to solve.</i></p>	<p>This proposal seeks to improve accountability, representation, and inclusion under a racial equity lens within Boards and Commissions at the City of San José. Per Council, the Charter Review Commission has been tasked with the following directives, specifically the following directives pertain to the Commission’s work:</p> <p style="padding-left: 40px;">“(5) Consider additional measures and potential charter amendments, as needed, that will improve accountability, representation and inclusion at San José City Hall.”</p> <p>Additionally, this proposal aligns with the City of San José’s newly created Office of Racial Equity in advancing systems change through a citywide racial equity framework that will examine and improve San José’s internal policies, programs, and practices to eradicate any structural and/or institutional racism in the City of San José.</p> <p style="padding-left: 40px;">“This includes a focus on enabling the organization, at all levels and in all departments, to identify ways to improve outcomes for Black, Indigenous, LatinX, and People of Color.”</p> <p>Lastly, these proposals also align with our Commissioner Agreement(s): We Value Diversity:</p> <p style="padding-left: 40px;">“We believe that bringing together a broad range of ideas, experience and backgrounds will result in the best outcomes for San Jose. We keep an open mind and seek to learn from others.”</p>
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2) How has this problem possibly benefited or burdened people, especially BIPOC, low-income, undocumented and immigrant, those experiencing houselessness, etc.?

Is there data that speaks to the impact of this problem? What does the disaggregated data tell us?

According to data gathered from the last three years by the City Clerk’s Office of San Jose, the representation across Boards & Commissions are [not representative of the population demographic of the City of San Jose](#).

What this data clearly indicates is the racial disparities in representation (see Pg 8 Data/Sources) on government Boards and Commissions. How this impacts BIPOC, low-income, undocumented, and those experiencing houselessness can be seen by focusing on the [Plannning Commission](#) a very powerful commission that up until recently did not have diverse representation for communities of color. The impact of the lack of diversity can be felt in historically redlined communities. For example, the Flea Market Redevelopment and Rezoning in the early 2000s (Resolution No. [73956](#), [71362](#)), that is felt very vividly today by many vendors and their families.

“Today plans for the proposed urban village [would shut out two-thirds of vendors](#) because of the market’s reduced size. Without plans to protect or relocate the flea market, vendors who depend on it as a main source of income would be displaced and left without employment.” - San Jose Spotlight

What would this have looked like if there was more representation on Boards and Commission from our historically marginalized communities such as our immigrant and/or undocumented community members?

Representation by those with the lived experiences and hardships, for example of displacement and gentrification means that those individuals would be able to spot policy decisions that could have unintended/negative impacts, that could otherwise go unnoticed or settled by those who do not face any impact, with what is less than acceptable to what is needed to survive in one of the most expensive places to live in the country. While we cannot undo the past, now is the time to course correct to prevent further community harm to our historically underrepresented communities.

3) What change are you proposing?

Describe the revision to [San José's Charter](#) that you are proposing. Include relevant Charter section numbers.

Revision Added 11/11/2021:

On October 12, 2019, the Governor of the State of California signed the California Inclusion Act (Senate Bill 225 (SB 225) amending section 1020 of the California Government Code. California Inclusion Act SB 225 granted non-citizen residents, regardless of immigration statutes, access to service in appointment to civil office, including state/local boards and commissions.

1) Remove Citizenship Requirement for all applicable Boards and Commissions per Senate Bill 225 updated State guidelines on equity and inclusion for government boards and commission.

- a) Section 1000. Planning Commission
Remove item (a) and (c) to align with Senate Bill 225 (SB 225)
- b) Section 1001 Civil Service Commission
Membership. (Delete, members should be qualified electors of the City at all times during their term of office)
- c) Section 1001.1. Salary Setting Commission
(Delete, members should be qualified electors of the City at all times during their term of office)

2) Add Section 1004. Guidelines for Boards and Commissions

All Boards and Commissions shall follow these guidelines:

a) Training and Education.
All Board and Commission members are subject to training that address gender, racial and social equity, **conflicts of interests, and code of ethics** and related civic education as required such as the Brown Act, Rosenberg/Robert's Rules of Order, etc.

b) Chair and Vice Chair Selection.
All Board, Commission, and Committee(s) shall have a Chair and Vice Chair, democratically selected through a vote of the majority of members of said Board, Commission, or Committee.

c) Incorporate racial and social equity analysis to promote the use of an "equity lens" for decision-making. An equity lens is a tool used to improve planning, decision-making, and resource allocation leading to more racially equitable policies and programs. For any policy or project, decision makers could consider:

	<p>(i) Structural Equity: What historic advantages or disadvantages have affected residents in the given community?</p> <p>(ii) Procedural Equity: How are residents who have been historically excluded from planning processes being authentically included in the planning, implementation, and evaluation of the proposed policy or project?</p> <p>(iii) Distributional Equity: Does the distribution of civic resources and investment explicitly account for potential racially disparate outcomes?</p> <p>(iv) Transgenerational Equity: Does the policy or project result in unfair burdens on future generations?</p> <p>3) Section 1003. Reimbursement for Expenses Amend to add: "All" Members of Boards, commissions and committees shall receive reimbursement, to the extent such is authorized by the Council, for expenses incurred in the performance of their duties or functions of office.</p> <p>All members of boards, commissions and committees shall receive a stipend, to the extent such is authorized by the Council and does not conflict with rules and regulations for city employees that serve on a commission (<i>a phased timeline should be decided in collaboration with appropriate departments and budget capacities</i>).</p>
<p>4) Is this change feasible? <i>Think through the revision you are proposing. Is it legally possible? Is it practical? If there are questions you cannot answer, list them here.</i></p>	<p>1) On membership requirements for Boards & Commissions: YES, there are examples of these changes across the Country and the State of California. For example most recently the City of Santa Ana and Costa Mesa have updated their Board and Commission membership requirements to meet with new Senate Bill 225, which revised membership requirements to all government boards and commissions.</p> <p>2) Section 1002. Other Boards and Commissions <i>On (a) Training and education.</i> YES, this one would be a one time curriculum development that could be watched via video. Content can be adapted from presentations given to the Charter Commission on May 3rd by the San Jose Office of Racial Equity and Sept 9th presentation by the Santa Clara County Office of LGBTQ</p>

Affairs part of the Division of Equity & Social Justice, for Rosenberg's or Robert's Rules of Order that one-time content can be developed by the City Attorney or City Clerk's Office.

On (b) Chair and Vice Chair Selection.

YES, most commissions unless otherwise stipulated democratically nominate and select a Chair and Vice Chair through a majority vote of members on said Boards, Commissions, and Committees. This is a procedural amendment with no fiscal or staff impact.

On (c) Incorporating an equity lens into decision-making.

YES, in partnership with a phased approach with appropriate departments such as but not limited to the Office of Racial Equity. Also, following GARE, the American Planning Association which has 40,000 members from 90 countries released a Planning for Equity Guide in 2019 supporting these practices and the City of Baltimore practices of incorporating a racial equity lens into their entire planning department.

3) Section 1003. Reimbursement for Expenses

YES, currently ~39 members receive a stipend/reimbursement, which is roughly 11% of commissioners. Through a continued phased approach, some members of Boards and Commissions could be moved to reimbursement and eventually stipend as appropriately determined via budget considerations. [City of San Jose of Stipend Boards and Commissions](#):

\$100/Per Mtg - Appeals Hearing Board
\$250/Mo - Planning Commission
\$450-250/Mo - Civil Service Commission
\$250/Mo - Federated City Employees' Retirement System*
\$250/Mo - Police and Fire Retirement Plan Board

*Deferred Compensation Advisory Committee, Voluntary Employees Beneficiary Association Advisory Committee are reimbursed only.

<p>5) Who might benefit from or be burdened by this change? <i>Is there data that speaks to the potential impact of this change? What are the potential unintended consequences of this change?</i></p>	<p>BENEFIT: People of San José (EVERYONE) “Equity is defined as, just and fair inclusion into a society in which all can participate, prosper, and reach their full potential. Unlocking the promise of the nation by unleashing the promise in us all.” - The American Planning Association</p> <p>These changes will benefit all of the people of San Jose, not right away or all at once but over time.</p> <p>BURDEN: The burden of change weighs on <u>EVERYONE</u>, all participants, both those on the city staff and residents stepping into unfamiliar environments and roles to create sustainable and long lasting change for our City and Communities that improves social and racial equity, accountability, and inclusion.</p> <p>We are all human and deserving of life, joy, safety, shelter and sustenance. As a member of this community we are all responsible for the care that goes into building community and meaningful connection now and for future generations.</p> <p>Some people are more privileged than others, so while the less privileged are overburdened with surviving unfair and inequitable systems, those that are privileged, like every person here that has made it “enough” to volunteer over 100 hours for free. It is our civic duty and responsibility to relieve every burden possible that is within our ability to do so.</p>
<p>6) What are the arguments against this proposal? <i>Summarize the arguments you expect or data you have found in opposition to this recommendation.</i></p>	<p>1) Argument 1: There is no budget available to support this work, it will cost taxpayers too much money. Improving social and racial equity will require some equity to be invested into our community. This investment is also supported by the most recent Mayor’s Budget Message, on Spending Proposals Section A Equity and Racial Justice</p> <p><i>On items 1:</i> Removing item (a) and (b) There is no fiscal impact as it is a change in membership requirement and does not impact staff or resources.</p> <p><i>On items 2-3:</i> The City of San José already allocates time and budget to support the work of Boards, Commissions, and Committees, through a phased approach it is fiscally feasible to create these incremental changes over time in partnership with other City Departments</p> <p>2) Argument 2: The City of San José does not have a diversity and/or racial equity problem. As the data gathered and collected by the City Clerk’s Office</p>

	<p>on Boards and Commission, there is clear evidence of lack of diversity and representation, and direct impact to BIPOC, low-income, undocumented, and those experiencing houselessness as a result.</p> <p>3) Argument 3: There is not enough data available that can ensure equitable outcomes.</p> <p>While there is <i>not as much</i> data documenting long term impacts that ensure more equitable outcomes, there is plenty of data such as gathered and collected by the City Clerk’s Office on Boards and Commission, that there is clear evidence of lack of diversity and representation, and direct impact to BIPOC, low-income, undocumented, and those experiencing houselessness as a result. Additionally, equitable data collection is not widely practiced at the City of San Jose yet.</p> <p>However, the formation of the Office of Racial Equity is a step towards better practices. Our first most significant step that we can take is “Equitable Inclusion” through removing barriers to participation.</p>
<p>7) Must this be a Charter revision?</p> <p><i>Can this problem be addressed without changing the charter (e.g., Council action, cultural change)? If not, should this be a policy recommendation to be included in the Commission’s report?</i></p>	<p>YES, all these changes directly impact and fall under current sections of Article X Boards and Commissions.</p>
<p>8) Are there other examples of this change?</p> <p><i>If you have found other examples of this change, please share them and any outcomes that have been observed.</i></p>	<p>1) On membership requirements:</p> <p>YES, there are examples of these changes across the Country and the State of California. For example most recently the City of Santa Ana and Costa Mesa have updated their Board and Commission membership requirements to remove these barriers to participation.</p> <p>“The California Legislature finds and declares all of the following:</p> <p>(a) The State of California is the largest and most diverse state in the nation, with a total population of almost 40 million people, and a total immigrant population of about 10 million people from over 60 different countries.</p>

(b) California prides itself on its great racial, ethnic, and cultural diversity, and acknowledges that diverse backgrounds benefit the state through providing a diversity of experiences and expertise, and this diversity is especially beneficial in creating public policy that supports and protects all people." - [Senate Bill 225 Text](#)

2) Section 1002. Other Boards and Commissions

(a) Training and Education

YES, currently training and education is provided on Ethics and Sexual Harassment and the Brown Act and Sunshine rules, via video.

(b) Chair and Vice Chair Selection

YES, most commissions unless otherwise stipulated democratically nominate and select a Chair and Vice Chair through a majority vote of members on said Boards, Commissions, and Committees.

(c) Incorporating an equity lens into decision-making.

YES, in partnership with a phased approach with appropriate departments such as but not limited to the Office of Racial Equity. Also, following GARE, the American Planning Association which has 40,000 members from 90 countries released a Planning for Equity Guide in 2019 supporting these practices and the City of Baltimore practices of incorporating a racial equity lens into their entire planning department.

3) Section 1003. Reimbursement for Expenses

YES, there are examples of with the [City of San Jose of Stipends](#)

\$100/Per Mtg - Appeals Hearing Board

\$250/Mo - Planning Commission

\$450-250/Mo - Civil Service Commission

\$250/Mo - Federated City Employees' Retirement System

\$250/Mo - Police and Fire Retirement Plan Board

*Deferred Compensation Advisory Committee, Voluntary Employees Beneficiary Association Advisory Committee are reimbursed only.

3) Proposal Research & Citations

List below the results of any research conducted to inform this memo.

List of citations

All data must be cited so that Commissioners who are not part of the Subcommittee in question may locate the source of information as needed.

On Diversity, Social and Racial Equity and Justice:

- 1) <https://sanjosespotlight.com/how-diverse-are-san-joses-commissioners-diversity/>
- 2) <https://sanjosespotlight.com/san-jose-commission-criticized-for-lack-of-diversity-now-led-by-latinx-leaders/>
- 3) <https://records.sanjoseca.gov/Resolutions/RES73956.PDF>
- 4) <https://records.sanjoseca.gov/Resolutions/RES71362.PDF>
- 5) <https://sanjosespotlight.com/san-jose-flea-market-vendors-demand-lawmakers-reject-development-plans/>
- 6) https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=2019202005B225
- 7) <https://www.racialequityalliance.org/jurisdictions/san-jose-california/>
- 8) <https://www.sanjoseca.gov/your-government/departments-offices/city-council/members/mayor-s-office/mayor-s-budget-office>

On Civic Education on Boards and Commissions

- 9) <https://cmo.smcgov.org/civics-101-academy>
- 10) <https://urbanhabitat.org/leadership/replication>

On Stipend Boards, Commissions at the City of San Jose

- 11) <https://sanjose.granicus.com/boards/w/923860ac785826ef/boards/2013>

On Planning with an Equity Lens

- 12) <https://planning.baltimorecity.gov/Equity#Defining%20Equity>
- 13) https://planning-org-uploaded-media.s3.amazonaws.com/publication/download_pdf/Planning-for-Equity-Policy-Guide-rev.pdf

On expanding membership requirements to board and commission

- 14) <https://www.latimes.com/california/story/2021-08-06/should-residents-be-u-s-voters-to-serve-on-city-commissions-costa-mesa-council-narrowly-decides-no>
- 15) <https://www.latimes.com/socal/daily-pilot/entertainment/story/2021-03-17/santa-ana>

Tools and Resources on Improving Equity

- 16) <https://www.esri.com/en-us/racial-equity/local-government/overview>
- 17) <https://medium.com/changelab-solutions/equitable-community-engagement-34d2542f68fd>

	<p>18) https://www.civicplus.com/news/promoting-citizen-engagem-ent-and-equity-using-civicplus-solutions</p>
<p>Any speakers who presented to the subcommittee must be listed. <i>Include name, title, affiliations, etc., along with a brief summary of the information presented by them.</i></p>	<ol style="list-style-type: none"> 1) Ellina Yin, San Jose Resident presented data on Boards and Commissions 2) Robert Brownstein, San Jose Resident presented on Equity best practices 3) Stephanie Jayne & Sabrina Parra-Garcia, San Jose Office of Racial Equity
<p>Relevant Links <i>Provide links or locations of the information in this research as much as possible, otherwise provide attachments.</i></p>	<p>DATA/SOURCES: https://sanjose.granicus.com/boards/w/923860ac785826ef/boards/2013</p> <p>Current Stipend Commissions \$100/Per Mtg - Appeals Hearing Board \$250/Mo - Planning Commission \$450-250/Mo - Civil Service Commission \$250/Mo - Federated City Employees' Retirement System \$250/Mo - Police and Fire Retirement Plan Board (7 Appeals, 11 Planning, 5 Civil Service, 7 Federated, 9 Police & Fire = 39 seats)</p> <p>*Deferred Compensation Advisory Committee, Voluntary Employees Beneficiary Association Advisory Committee are reimbursed only.</p> <p>\$250 x 12 Months = \$3,000 Yearly per Commissioner</p> <p>\$250 x 287 (326 - 39 Currently Stipend Commissioners) = \$861,000/Annually + overhead related costs</p> <p>Data provided by City Clerk's Office: 276 Filled / 326 Total (50 Vacant)</p>

