

I served on the 2021 SJC Charter Review Commission (CRC) and I applaud the SJC Council for remaining true to the language in the charter. We don't believe that the 2021 CRC has any authority to transmit additional amendments to be placed on any subsequent ballots after its year in office, which was 2021 - last year. The current charter is clear on when the term of office is and when the final recommendations must happen. On July 13, 2021 – last year- The CRC presented the six recommendations that made it on the 2021 ballot. The SJC Council, in their July 20, 2021, meeting, voted to receive them and forward to the elections office, as prescribed by the charter. These four “new” recommendations timing doesn't abide by the language in the current charter.

The questions that lingered during the CRC deliberations, were: When does the term of office end, and does “final” refer to when the CRC membership decides what final means or to the individual final proposal when presented to the county council to forward to the elections department.

I and others on the 2021 CRC and some of the members of previous CRCs with whom we talked, believe that the term of office ends when the CRC submits to the council, one or more proposals in final form and ready to be placed on the next November ballot of their year in office. In our view that would be SJC July 13, 2021, meeting for the November 2021 election.

This is not about the contents of the four proposals; they may be supportable by the voters, but it is about the correct way to follow the current charter (SJC Constitution) as some have said, and the correct procedure in a democracy to place ballot propositions. The public and the SJC Council can still garner support and present these to the voters in any November election that they choose.

So, this angst, in my humble opinion, that is directed at the SJC Council is misplaced and ought to be directed elsewhere.

Below please find some references to consider.

Section 9.30 – Charter Amendment – General Provisions

Charter amendments may be proposed by the CRC, the County Council or by the public.

Section 9.20 – Election Procedures and Period of Office

(1) The County Council shall cause an election of a CRC in 2020 and at least every ten (10) years thereafter provided that the CRC election is held in an even numbered year.

(e) The term of office shall be the shorter of one (1) year or when final recommendations are submitted to the Legislative Body [County Council] for referral to the voters.

Below is the action of the SJC Council in their July 20, 2021 meeting, where they voted in accordance with sun-section (e) above on all 6 final 2021 CRC proposals.

101 Prosecuting Attorney Randall Gaylord also addressed the Proposals and answered Council's questions.

102 Commissioner Tom Starr presented the minority report.

103 After discussion, the Council took the following actions:

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105 1. MOVED by Mr. Stephens, seconded by Ms. Wolf that the Council deliver to the
106 Auditor the amendment concerning the Climate and Environment Commission for
107 the November 2021 Ballot. ALL AYES; MOTION CARRIED.

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109 2. MOVED by Ms. Wolf, seconded by Mr. Stephens to deliver to the Auditor the
110 second proposition on the subject of Initiatives and Referendums for the
111 November 2021 Ballot. ALL AYES; MOTION CARRIED.

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113 3. MOVED by Mr. Stephens, seconded by Ms. Wolf to deliver to the Auditor the
114 Introduction to the Charter, the Acknowledgement, the Preamble and Declaration
115 of Community Values for the November 2021 Ballot. ALL AYES; MOTION
116 CARRIED.

117

118 4. MOVED by Ms. Wolf, seconded by Mr. Stephens to deliver to the Auditor
119 proposition four concerning Non-Discrimination in the Exercise of County
120 Powers and Performances of its Duties to be placed on the November 2021 Ballot.
121 ALL AYES; MOTION CARRIED.

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123 5. MOVED by Mr. Stephens, seconded by Ms. Wolf to deliver to the Auditor the
124 proposition concerning term limits for Council Members to be placed on the
125 November 2021 Ballot. ALL AYES; MOTION CARRIED.

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127 6. MOVED by Ms. Wolf, seconded by Mr. Stephens to forward the sixth proposition
128 regarding Justice, Equity and Inclusion Commission to the Auditor for the
129 November 2021 Ballot. ALL AYES; MOTION CARRIED.

Section 9.32 – Amendments by the Charter Review Commission

The CRC may propose amendments to the Charter by filing such proposed amendments with the County Council who shall submit the amendment to the voters at the next November general election at least ninety (90) days after the filing and registration of the amendments

Section 9.33 – Amendments by the Public

The public may propose amendments to the Charter by:

(a) Registering with the County Auditor an initiative petition bearing the signatures of registered voters of the County equal in number to at least fifteen (15) percent of the number of votes cast in the County in the last gubernatorial election.

(b) Signatures shall be registered not more than one hundred twenty (120) days following filing of the petition with the County Auditor, who shall submit the amendments to the voters.

(i) The one hundred and twenty (120) day period shall begin upon receipt of official notification to petitioner(s) by the Prosecuting Attorney's Office either by certified mail or messenger.

(ii) If the last day for collecting signatures falls on a weekend or legal holiday, then the one hundred and twenty (120) day period shall extend to the end of the next business day.

Section 9.34 – Amendments by the County Council

(1) The County Council may propose amendments to the Charter by enacting an ordinance to submit a proposed amendment to the voters at the next November general election occurring at least ninety (90) days after enactment.

(2) The County Council by unanimous vote of the entire County Council may effect amendments to the language of the Charter where the passage of time has rendered language moot or obsolete. Such changes shall be made by ordinance, and have a public hearing