

MEASURE U

CITY ATTORNEY'S IMPARTIAL ANALYSIS OF MEASURE U

Measure U, which was placed on the ballot by the City Council, would amend the San Jose City Charter to change the way City Council salaries are set and allow the City Council to submit any ordinance that competes with a citizen initiative at the same election.

Salary Setting

Every two years, the Salary Setting Commission recommends to the City Council what the City Council's salaries should be. The recommended salary for all Councilmembers must be the same except the Mayor's may be higher. The City Council may, by ordinance, adopt the Commission's recommendations or a lesser amount but cannot increase the Commission's recommendations. The City Council may also vote to reduce their salaries at any time.

Measure U would amend the City Charter to authorize the Commission to set the base salaries for the City Council instead of recommending salaries. Measure U would still require that the base salary for all Councilmembers be the same with a higher salary permitted for the Mayor. The City Council would also continue to be able to reduce their salaries at any time.

The first salary setting process would occur between March 1 and April 30, 2019, and every five years thereafter. Before setting the salaries, the Commission would need to conduct at least one public hearing and submit its determination and reasons for the base salaries to the City Manager by May 1. Once set, the Mayor and Councilmember salaries would be effective July 1. If the Commission does not set the base salary when required, then there would be no change to the base salary or adjustment for inflation in that year.

In the intervening 5-year period, beginning July 1, 2020, City Council salaries would increase annually by a percentage equal to the increase from the prior year's annual average of the Consumer Price Index for the San Francisco Area. No increase may exceed 5% per year.

Competing Ordinances

California law allows a city council to submit any ordinance to the voters, including one that competes with a citizen initiative. However, the City Charter currently prevents the City Council from placing such a competing ordinance on the ballot.

Measure U would amend the City Charter to allow the City Council to place one or more ordinances on the ballot to compete with a citizen initiative if it is submitted by a two-thirds vote of the City Council. If all pass, the ordinance receiving the most "yes" votes controls.

In addition, before submitting any competing ordinance, the City Council must refer the citizen initiative for a report on: its accuracy; economic impact on the public, as well as proponents and major donors if known; and whether it would create a benefit or entitlement that would be difficult to reverse.

The report must be prepared independently from the City, which may be a consultant retained by the City. It may not include arguments for or against the initiative, rationales for an alternative ordinance, or judgments from the findings. Finally, the City Council must accept the report by majority vote.

CITY ATTORNEY'S IMPARTIAL ANALYSIS OF MEASURE U-Continued

A "Yes" vote would amend the City Charter to implement the changes described above.

A "No" vote would not make these changes.

/s/ Richard Doyle

City Attorney, City of San Jose

The above statement is an impartial analysis of Measure U. If you would like to read the full text of the measure, see <http://www.sanjoseca.gov/index.aspx?nid=5694> or call 408-535-1260 and a copy will be sent at no cost to you.

ARGUMENT IN FAVOR OF MEASURE U

Measure U removes the Mayor and City Council's ability to approve their own salaries. Please vote Yes on U.

Currently, the San Jose City Council votes to set its own salaries based on the recommendation of the Council Salary Setting Commission. The law mandates that Council get the opportunity to vote to adjust its own pay every two years.

How does Measure U remove the Council's ability to vote pay raises for themselves every two years? By:

- Empowering the Salary Setting Commission, not politicians, to determine Council salaries;
- Allowing the Commission to adjust the base salary for the Council once every five years;
- Limiting base salary increases after each five-year adjustment only to adjustments for inflation.

San Jose's leaders should focus on community priorities, not on approving their own pay. The potential for the Council to be distracted by fights over their own salaries is real and should be avoided by taking this question out of their hands. Vote Yes on U to make this happen.

Measure U also enables the Council to fight special interests by placing a competing measure on the ballot, if approved by 2/3s of the Council.

All too often, well-funded special interests spend huge sums for professional signature gatherers to create ballot measures to avoid the regular public policy process. The latest example in San Jose was in June 2018, when out-of-town billionaires tried to rig the City's land use regulations to exempt themselves from the same rules that apply to everybody else, and give themselves fantastic profits in the process.

Measure U will give San Jose the same ability that other cities in California have—to submit any ordinance to the voters, including as an alternative to measures sponsored by special interests, with a 2/3s vote of the Council and thereby allow the people to decide any conflicts between the two.

Please vote Yes on U. SanJoseforYesonU.org

/s/ Carl Guardino
President & CEO, Silicon Valley Leadership Group

/s/ Alma Castillo
Bookkeeper/Financial Compliance Consultant

/s/ Tom McEnery
Mayor, 1983-1990, City of San Jose

/s/ Larry Stone
Assessor, Santa Clara County

/s/ VanTeresa Nguyen
Small Business Owner

NO ARGUMENT AGAINST MEASURE U WAS SUBMITTED