

Human Rights Commission

January 15, 2009

DRAFT Minutes

Commissioners Present

Robert Sippel
David Parker
Raji Bains
Raj Bhanot
Vanessa Dao Burbach
Dr. Calvin Gill
Andrae Gonzalez Macapinlac
John M. Marienthal
Mathew Alexander Salcido
Edward Walker
Donald Christopher Young

Commissioners Absent

Karen Elaine Davis (Excused)

Council Liaison

Kathy Duong

Staff

Margarita Mendoza – City Manager's Office
Ed Moran – City Attorney's Office
Larry Esquivel – Police Department, Internal Affairs

a) **Call to Order**

The meeting was called to order at 6:36 p.m. The Chair welcomed new Commissioners and asked everyone in attendance to introduce themselves. Let the record show that Commissioner Bains arrived during this agenda item.

b) **Orders of the Day & Agenda Approval**

By motion of Commissioner Parker, seconded by Commissioner Burbach, the Orders of the Day and Agenda was unanimously approved (Yes: 10; No: 0).

c) **Approval of Minutes**

By motion of Commissioner Parker, seconded by Commissioner Walker the November 20, 2008 minutes were unanimously approved (Yes: 10; No: 0).

d) **Oral Petitions**

A member of the public addressed the Commission. He was interested in learning about the role of the Commission and perhaps asking for guidance on a current judicial case he has filed in Federal Court.

e) **Standing Reports**

1. **Council Liaison Report** – Ms. Duong will no longer staff this Commission due to reorganization in Councilmember Chu's office. Iris Zheng will begin to staff the Commission in February. The Commission thanked her fondly for her service and liaison role to the Councilmember's office
2. **Human Relations Liaison Report** – The County Human Relations Committee did not meet in December, and will reconvene on Tuesday, January 27. The HRC Breakfast is scheduled for Thursday, February 26, invitations will follow as soon as they are available.

3. **San Jose Police Department Liaison Report** – No report. The Chief of Police and other members of SJPD are participating on the Public Intoxication Task Force which is held at concurrently to this meeting of the Human Rights Commission.
4. **Staff Report** – Brief update regarding meeting schedule of the Public Intoxication Task Force.

f) **Discussion and Action Agenda Items**

1. **HRC March 2008 retreat – Progress on Goals set by Commission**

- Commissioner Marienthal reviewed the Committees of the Commission – Public Safety, Outreach and Awards (not active). Police and Fire Chiefs attended this retreat. The Commission broke out into Committees to develop work plans.
- Public Safety Committee: Met with Fire Department on one occasion to discuss hiring and promotional practices. A few Commissioners participated as panelists on the interview board for new Fire Department recruits.
- A meeting with SJPD did not occur due to scheduling conflicts.
- Outreach Committee: Regarding Municipal ID's, some outreach community outreach did occur. San Francisco has now implemented this program and Commissioner Parker would like to follow up and find out how this program is operating. Bank on SJ program has begun which incorporates some of the objectives addressed by the Municipal ID's program. Letter to the Editor was completed. Website was completed by the Office of the City Clerk. Off-site meetings were held in June in East San Jose, July on South San Jose. Did not complete outreach toLaundermats.
- Chair raised the setting of a date for the 2009 retreat and asked staff to agendize this item for the February meeting.

2. **Human Rights Commission and/or Public Safety Outreach**

The Commission did not discuss this item. No action was taken.

3. **Participation in the outreach process to hire an Independent Police Auditor**

Let the record show that Commissioner Bhanot arrived during this portion of the meeting. The Human Rights Commission would like to participate in the selection process. Chair Sippel noted that in previous recruitments, a representative from the Commission was asked to join. Staff reported that the Mayor's Office will be conducting this recruitment (IPA is a Council Appointee). Vice Chair Parker asked if the Mayor's Office will conduct Community meetings as part of the hiring process? Staff will forward this question to the Mayor's Office.

4. **Update on 'Destination Home' a City and County Initiative to End Homelessness**

Commissioner Bains attended this meeting on November 20, 2008 and provided a summary of the meeting to the Commission. This initiative is a City/County/United Way partnership to end homelessness in 10 years. Goal is to go from managing to ending homelessness. Initiative is looking at current emergency shelters and moving to services and provision of permanent housing. Recently, a one-stop center and respite center were opened to alleviate the need for Emergency care and mental care to alleviate the County budget. Goal is to get individuals in permanent Housing.

5. Proposition 8, legal challenge

- Vice Chair Parker is proposing the Human Rights Commission go on record to ask the City Council to take a position and join the lawsuit against Proposition 8 that has already been filed by the City and County of San Francisco.
- City Attorney's Office representative Ed Moran recommended to the Commission that the motion included language that would clarify this intent by stating action by filing an Amicus brief joining the City and County of SF as an Amicus brief.

By a motion of Vice Chair Parker, seconded by Commissioners Macapinlac and Salcido, the Commission voted to submit a recommendation to the City Council "To support and join as amicus in Case No. S168078 in the Supreme Court of the State of California..." (See attached document for full text of the Recommendation). By a unanimous vote (Yes: 11, No: 0), the motion above was approved.

- Staff noted that this recommendation will be forwarded for inclusion in either the January 21 or January 28 Rules Committee. Through an e-mail, staff would notify the Commission of the day this recommendation will be agendaized.
- Chair Sippel reviewed the role of the Rules Committee as a body that places items on the Council Agenda.

6. Discussion and Proposal – Amendments to Bylaws

Vice Chair presented his proposal to move officer elections to the Commission's February meeting and require Offices to be elected by a majority of the Commission- 7 votes. This proposal is a change from the current November election and a simple majority of the votes of the members in attendance.

In accordance with Commission bylaws, this proposal, will be mailed to Commissioners in the February packet and will be agendaized for the February meeting.

7. Assignment of two Commissioners to attend City Clerk's focus group regarding Boards and Commission

The Commission decided to discuss and vote, to select two representatives to attend the above named focus group. Commissioner Marienthal suggested that one new Commissioner and one Commissioner with experience attend the focus group.

- Commissioner Parker would like to attend
- Commissioner Bains will provide input
- Commissioner Burbach would like to attend
- Chair Sippel would like to attend
- Commissioner Marienthal would like to send a new Commissioner
- Commissioner Salcido would like to attend

By a motion of Vice Chair Parker, seconded by Commissioner Walker, Commissioners Salcido and Parker were nominated to attend. (Yes: 5, No: 6). Motion failed.

Commissioner Bains suggested the selected Commissioners should represent both genders.

By motion of Commissioner Gill, seconded by Commissioner Bhanot, Commissioners Burbach and Salcido were selected as the Human Rights Commission representatives to the City Clerk's Focus Group (Yes: 11; No: 0).

Commissioners are encouraged to provide written input to the above Commissioners for inclusion in the City Clerk's report. Per the City Attorney's representative, a discussion between two people is not a violation of the Brown Act.

g) **Standing Committee Reports:** None. However, Commissioner Burbach noted that the next Youth Commission will be January 26.

h) **Commissioner Updates:**

- Chinese New Year event, January 31 at the Center for Performing Arts \$18 and up.
- Commissioner Burbach is on the Board of the County Science Fair – Former Council District 2 Councilmember Williams, donated \$10,000 towards the County Science Fair. International Science Fair will be in San Jose in 2010 at Convention Center.

i) **Community Events:** See above.

Vietnamese New Year- Festival on Sat. at South Hall, Convention Center and Parade on 2/08.

- Vice Chair Parker asked staff for Flyers describing the Commission, for distribution at the event. (English/Vietnamese)
- CM Chu will give Commissioners contact information for the event. City Attorney representative noted that a donation of a table will pertain to Gift Ordinance.

j) **Future Agenda Items**

- Invite a City Attorney representative to provide a brief Brown Act presentation
- Commissioner Gill may send a Police related item
- Police Ridealongs – Mardi Gras, Cinco de Mayo prep (next meeting)
- SJPD Information- policy on uniforms and grooming; in particular pertaining to individuals of Sikh faith.
- Booth and table at June LGBT Festival

k) **Adjournment**

Upon a motion by Commissioner Parker, seconded by Commissioner Marienthal, the meeting was adjourned at 8:06 p.m.

Americans with Disabilities Act: "To request an accommodation or alternative format for City-sponsored meetings, events or printed materials, please call the Human Rights Commission at 408-535-8110 or 408-294-9337 (TTY) as soon as possible, but at least three business days before the meeting/event.