



**City of Richmond
Human Rights and
Human Relations Commission
MEETING AGENDA**

*Vivien Feyer, Chair
Rock Brown, Vice Chair
Betty Burrus-Wright, PhD, Commissioner
Kathleen Sullivan, Commissioner
Carole Johnson, Commissioner*

*Courtney Cummings, Commissioner
Demetria Saunders, Commissioner
Joyce Harris, Commissioner
Jasmine Jones, Commissioner*

Monday, September 23, 2013 at 6:30 pm
City Council Chambers, Community Services Building
1st Floor, Civic Center Plaza, Richmond, CA 94804

A. CALL TO ORDER

B. ROLL CALL

C. AGENDA REVIEW

At the discretion of the Chair, items on the Agenda may be heard in an order different from that which appears on the Agenda.

D. MEETING PROCEDURES

Members of the public attending a Human Rights and Human Relations Commission meeting for the first time are encouraged to read the "Meeting Procedures" information following the Agenda. Anyone who wishes to address the Commission during OPEN FORUM or on a specific item must file a Speaker's Form with staff.

E. OPEN FORUM #1

Members of the public are invited to address the Commission on topics that are not on the Agenda. Please note: In order to accommodate all members of the public who wish to speak, including those who are unable to arrive early in the meeting, the Commission will hold a second OPEN FORUM at approximately 8:30 PM,. Please file only one OPEN FORUM Speaker's Form with staff, indicating either "OPEN FORUM #1" or "OPEN FORUM #2".

F. APPROVAL OF MINUTES

February 2013, March 18 Special Meeting, June 3 Special, June 24, July 8 Special Meeting, July 22 and August 26.

G. CITY COUNCIL LIAISON REPORT

The City Council member serving as liaison to the Commission may make a report on City Council actions of interest to the Commission.

H. COMMISSIONERS' REPORTS

I. CHAIR'S REPORT

J. STAFF REPORTS

K. DISCUSSION ITEMS

The Commission may take direct action, make recommendations to the City Council or provide direction to staff.

K.1 COMMITTEE REPORT: PLANNING, ADMINISTRATION AND BUDGET (20 minutes)

a) RECEIVE REPORT BACK FROM STAFF RE FOLLOW THROUGH ON COMMISSION ACTIONS:

1. June 3rd: Resolution Supporting the Enactment of the Healthy Workplace Bill in California: Staff was instructed to send Resolution to list of ten legislators.

2. July 8th: Item on the subject of Amending Richmond's Policy against Workplace Harassment : Staff was instructed to send a written invitation by July 12, with copies to all Commissioners, to City Manager Bill Lindsay to attend a future Commission meeting to clarify changes to General Order 33.

3. July 8th: Resolution on the Impact of Workplace Bullying: Staff was instructed to modify as requested, and to deliver completed Resolution to Richmond's Human Resources Department.

4. July 8th: Resolution in Support of the Creation of a Whistleblower Policy: Staff was directed to deliver Resolution to Richmond City Council.

b) HEAR BRIEF PROPOSAL FOR COMMISSION RETREAT

c) APPROVE DRAFT BUDGET FOR 2013/2014

Chairperson Feyer and Commissioner Jones

K.2 COMMITTEE REPORT: EDUCATION AND OUTREACH COMMITTEE (10 minutes)

a) REVIEW AND APPROVE COMMITTEE REPORT ON PLANNING FOR HUMAN RIGHTS AWARDS CEREMONY - December 9, 2013

b) APPROVE THANK YOU LETTERS FOR THE M.C., KRIS WELCH OF KPFA RADIO, AND KEYNOTE SPEAKER, SYLVIA GREENWOOD PH.D., PRINCIPAL OF DEJEAN MIDDLE SCHOOL

Commissioner Burrus-Wright, Commissioner Harris and Vice Chair Brown

K.3 HUMAN RIGHTS AWARDS KEYNOTE SPEAKER (5 minutes)

REVIEW AND CONFIRM KEYNOTE SPEAKER

Commissioner Sullivan

K.4 COMMITTEE REPORT: HUMAN RIGHTS ALLIANCES (10 minutes)

a) ANNOUNCEMENT OF UPCOMING CAHRO CONFERENCE

b) REPORT BACK FROM THE CONVENING OF THE BILL OF RIGHTS DEFENSE

COMMITTEE AND ADDITIONAL REGIONAL MEETINGS

Chairperson Feyer and Commissioner Cummings

- K.5 VERBAL ATTACKS AGAINST THE LGBTQQIS-2 COMMUNITY DURING CITY COUNCIL MEETINGS: DRAWING THE LINE BETWEEN FREEDOM OF SPEECH AND BULLYING (10 minutes)**
HEAR AND APPROVE COMMITTEE REPORT, INCLUDING SUGGESTED PRESS RELEASE AND RECOMMENDATIONS TO CITY COUNCIL
Commissioner Sullivan, Commissioner Harris, Commissioner Jones and Commissioner Johnson
- K.6 FREE SPEECH RIGHTS AND CITY OF RICHMOND EMPLOYEES: CAN ACTION BE TAKEN AGAINST EMPLOYEES BASED ON COMMENTS MADE AT PUBLIC MEETINGS? (15 minutes)**
DISCUSS AND APPROVE RECOMMENDATIONS TO HUMAN RESOURCES DEPARTMENT AND CITY COUNCIL
Chairperson Feyer
- K.7 CREATION OF AN ETHICS COMMISSION (10 minutes)**
HEAR REPORT ON MEETING WITH WHITNEY BARAZOTO, J.D., EXECUTIVE DIRECTOR OF THE CITY OF OAKLAND'S PUBLIC ETHICS COMMISSION
Commissioner Jones
- K.8 RICHMOND PERSONNEL BOARD (5 minutes)**
HEAR UPDATE ON PERSONNEL BOARD ACTIVITY
Chairperson Feyer
- K.9 HRHRC COMMITTEES (5 minutes)**
DISCUSS BUILDING AND RESTRUCTURING COMMITTEES
Commissioner Burrus-Wright
- K.10 TRAININGS – 2013 (5 minutes)**
HEAR REPORT BACK ON CAHRO CONFERENCE - California Association of Human Relations Organizations - APRIL 2013
Chairperson Feyer, Commissioner Sullivan, and Commissioner Cummings
- K.11 BUILDING BRIDGES BETWEEN BLACK AND BROWN COMMUNITIES (5 minutes)**
HEAR REPORT BACK ON SCHEDULING FOR EVENT
Commissioner Sullivan
- K.12 RICHMOND CALIFORNIA: A HUMAN RIGHTS CITY (5 minutes)**
a) DISCUSS WAYS TO INCREASE RECOGNITION AT THE STATE LEVEL
b) DISCUSS SHOWCASING THE HRHRC AT RICHMOND CITY HALL
Commissioner Burrus-Wright and Chairperson Feyer
- K.13 RECRUITMENT OF COMMISSIONERS (5 minutes)**
HEAR RECOMMENDATIONS FOR RECRUITING COMMISSIONERS
Commissioner Burrus-Wright
- K.14 "FREEDOM FROM WORKPLACE BULLIES WEEK" OCTOBER 20 - 26, 2013**
APPROVE PROCLAMATION AND RECOMMENDATION TO CITY COUNCIL (10 MINUTES)
Chairperson Feyer

L. OPEN FORUM #2

M. COMMISSION BUSINESS

- A. CALL FOR AGENDA ITEMS
- B. FOR THE GOOD OF THE COMMISSION

N. ADJOURNMENT

The next regular meeting of the City of Richmond Human Rights and Human Relations Commission is scheduled for Monday, October 28, 2013 at 6:30 p.m. at the City Council Chambers.

PLEASE NOTE THAT THE COMMISSION'S REGULAR NOVEMBER MEETING WILL BE HELD ON MONDAY, NOVEMBER 18, 2013.

O. MEETING PROCEDURES

Speaker Registration

Anyone who wishes to address the Human Rights and Human Relations Commission (HRHRC) on a topic that is not on the Agenda and is relevant to the Commission's purpose may speak once in either of the two OPEN FORUM sessions, but not both. Please file a Speaker Form with staff PRIOR to the announcement of that section of OPEN FORUM.

Persons wishing to speak on a particular Item on the Agenda must file a Speaker's Form with the staff PRIOR to the Commission's consideration of the Item. Once discussion on the Agenda Item begins, only those persons who have previously submitted Speaker's Forms will be permitted to speak on the Item.

Time Limits

Individual public speakers shall have a maximum of two (2) minutes to address the Commission. If all Agenda Items are not completed by 9:30 pm, the Items remaining shall be continued to the next Regular Meeting, unless the Commission votes to extend the meeting.

Cell Phones

Please silence all cell phones, pagers, and other electronic devices during the meeting.

Persons with disabilities, who require auxiliary aids or services in using City facilities, services or programs, or who would like information on the City's compliance with the American with Disabilities Act (ADA) of 1990 may contact (510) 620-6509 for assistance.

MINUTES

1. February 25, 2013 Regular Meeting
2. March 18, 2013 Special Meeting
3. June 3, 2013 Special|
4. June 24, 2013 Regular Meeting
5. July 8 Special Meeting
6. July 22 Regular Meeting
7. August 26 Regular Meeting



**City of Richmond
Human Rights and
Human Relations Commission
MEETING MINUTES**

Monday, February 25, 2013 at 6:30 p.m.
City Council Chambers, Community Services Building
1st Floor, Civic Center Plaza, Richmond, CA 94804

CALL TO ORDER

The Regular Meeting of the Human Rights and Human Relations Commission was called to order at 6:35 pm, by Chairperson Feyer.

ROLL CALL

PRESENT: Chairperson Feyer, Vice-Chair Brown, Commissioner Burrus-Wright, Commissioner Sullivan, Commissioner Cummings, Commissioner Harris, Commissioner Jones, (and Commissioner Saunders arrived after roll call).

ABSENT: None

AGENDA REVIEW

Commissioner Saunders requested that item K. 14 be heard as the first item. Commissioner Burrus-Wright requested to move K.1 immediately after K. 7. Chairperson Feyer used chair's discretion to move K5 directly after K1. A motion was made by Commissioner Saunders, seconded by Commissioner Harris to discuss the agenda items in the following order: K14, K2, K4, K7, K1, K5, K6, K9, K10, K11, K12, K13, K14, K15, K16, K3 & K17. The motion was passed by the unanimous vote of the Commission. A motion was made by Commissioner Burrus-Wright, seconded by Sullivan to move K. 8 to the next meeting of the Commission. This motion was passed the unanimous of the Commission.

(THIS ONLY MAKES SENSE IF THE ITEMS FOR DISCUSSION ARE THEN LISTED BELOW BY ITEM NUMBER AND TITLE, AS THEY APPEAR ON THE AGENDA. Please add the item numbers and item descriptions back in as they appear on the agenda, rather than trying to paraphrase! Thank you!)

OPEN FORUM #1

Angela Moore, Program Director for Center for Human Development, was asked to vacate the building of the Center for Human Development. Ms. Moore

requests assistance and guidance from the Commission.

CITY COUNCIL LIAISON REPORT

Councilmember Beckles was not present.

COMMISSIONERS' REPORTS

Chairperson Feyer welcomed the newest member to the Commission, Jasmine Jones.

Commissioner Jones: Jasmine was born and raised in Richmond, moved briefly to Los Angeles to go to school. Commissioner Jones received her BA in Sociology from the San Francisco State University. Her contributions to her community were recognized and received the John W. Kinch Humanitarian Award. Commissioner Jones was selected as the class graduation student speaker from the Sociology Department. She started community organizing about three years ago. She currently works at the Black Organizing Project in Oakland as the Campaign Coordinator. Commissioner Jones recently graduated from a fellowship program called Urban Habitat for Humanity Institute. She looks forward to working with the Commission.

Vice Chair Brown enjoyed the Special meeting in February and happy how it turned out.

Commissioner Saunders reported about an upcoming event that Sisters in Solidarity is organizing on March 12, 2013.

CHAIR'S REPORT

Chairperson Feyer grieved for two great men whom she lost. She requested that the Commission close the meeting in the memory of Ernesto Xe Acosta, a twenty-three year old man who was shot in the chest in San Francisco two weeks ago. She applauded the Commission for a great program at the last Special Meeting and reminded Commissioners about an action taken by the Commission to send out a series of letters to law makers to create stricter gun control legislations. She also stated that she will be putting stricter gun laws back on the Agenda as a discussion item when the RPD Chief Magnus is in attendance at the next regular meeting. Chairperson Feyer also acknowledged UC Berkeley Professor Steven Fish's initiative called "BANGUNS."

STAFF REPORTS

Mr. Patrick Lynch stated that he will bring five months worth of meeting minutes that he has received to the next HRHRC meeting. The Commission has an office on the second floor of 440 Civic Center Plaza, an email address, and phone number (510) 620-5576.

Sr. Assistant City Attorney Everett Jenkins hoped everyone is having a great Black History Month and wished everyone a Lunar Happy New Year!

DISCUSSION ITEMS

K. 1 “Homeless Person’s Bill of Rights and Fairness Act

In the matter to discuss Commission’s support and recommendation to Richmond City Council regarding the “Homeless Person’s Bill of Rights and Fairness Act.” Jessica Bartholow from the Western Regional Advocacy Project gave an overview of the item. Discussion ensued during which the Commission stated its support of and acknowledgement of the importance of AB 5 in Richmond. The Commission also concluded that the bill is in its beginning stages and needs further research and revisions. Commissioner Harris recommended that the Commission keep its support for AB 5 and follow up on the bill when it goes through the State Legislative committees.

K.2 CONFERENCES - 2013

In the matter to define process for selecting delegates and determine requirements for report back regarding the California Association of Human Relations Organization – CAHRO 2013 Conference. Chairperson Feyer requested CAHRO Board of Director Ann Noel to frame the item. This item is continued to March 25, 2013 .

K. 3 COMMITTEE REPORT: HUMAN RIGHTS ADVOCACY AND ALLIANCES

Continued to March 25, 2013, receive update from Human Rights Advocacy and Alliance Committee .

K. 4 ON THE RIGHTS OF WOMEN

In the matter to discuss and approve letters and policy recommendations from the HRHRC regarding the Rights of Women.. Ad hoc Subcommittee Chair Harris and Commissioner Cummings presented the Commission with the progress they have made on the letter. The Sub Committee at the next meeting will provide a written letter. This item is continued to March 25, 2013 .

K.5 COMMITTEE: REPORT: CULTURE OF PEACE

Continued to March 25, 2013, receive updates on Ceasefire, Re-Entry, and violence prevention in Richmond from Culture of Peace Committee.

K. 6 RICHMOND PERSONAL BOARD – EMPLOYEE AND COMMUNITY CONCERNS

Continued to March 25, 2013, receive update on concerns brought to HRHRC and make recommendations to Richmond Personnel Board.

K.7 COMMITTEE REPORT: COMMUNITY CONCERNS AND EMERGENCY ISSUES

Continued to March 25, 2013, receive update on issues raised by the community from Committee on community concerns and emergency issues.

K.8 HRHRC CALENDAR FOR 2013 AND 2014

Continued to March 25, 2013, receive reports and updates on special events for 2013.

K.9 HRHRC CALENDAR EVENTS FOR 2013: RECEIVE REPORTS AND UPDATES ON SPECIAL EVENTS

Continued to March 25, 2013, discuss City of Richmond events and approve HRHRC participation and representation for the Calendar year for 2013 and 2014.

K.10 ONGOING CONCERNS RE STAFFING NEEDS FOR HRHRC

Continued to March 25, 2013, appointment of intern and ongoing concerns re staffing needs for the HRHRC. Mr. Lynch will be in contact with Jantsan to set up an interview in the week of March 4. The interview will be either on March 12 or 14 @10 a.m. in Richmond.

K.11 COMMITTEE REPORT: EDUCATION AND OUTREACH

In the matter to discuss future plans for "Artistically Write and Speak Aloud" and additional projects. Commissioner Wright extended an invitation to all Commissioners to attend the March 18 event at 6PM. Mr. Lynch has secured the Chambers as the event place. Participant-students will be presented with certificates.

K. 12 TRAININGS

In the matter to determine interest in Stir-Fry seminars and other trainings. Commissioner Cummings and Commissioner Jones will be taking a one-week training course from 3/21/13 – 5/30/13. The Commission will be covering the cost of the training.

K. 13 BOARDS AND COMMISSIONS OF THE CITY OF RICHMOND: ESTABLISHING BETTER COMMUNICATION

Continued to March 25, 2013, receive update from Boards and Commissions of the City of Richmond re establishing better communication.

K. 14 COMMITTEE REPORT: BUDGET

In the matter to review HRHRC budget for FY 2012/2013 and discuss 2013/2014 Budget. The budget committee raised the concern of paying for both transcriptions and interns. Chairperson Feyer reiterated once more the importance of there being a written record of concerns brought to the Commission by members of the public, as well as of the Commission's decisions, actions, instructions, Resolutions and recommendations. The Commission discussed the raised issues and recommended that further discussion should take place in the Budget Committee. The Budget Committee now consists of Chairperson Feyer and Commissioner Sullivan. Chairperson Feyer invited new members on the Commission to join the Budget Committee. Interested Commissioners shall contact either

Chairperson Feyer or Commissioner Sullivan.

K.15 RECOMMENDATION AND ORIENTATION OF NEW COMMISSIONERS

Continued to March 25, 2013, update from City Staff regarding recommendation and orientation of new commissioners.

K.16 HRHRC COMMITTEES

Continued to March 25, 2013, discuss building membership and restructuring HRHRC committees.

K.17 RICHMOND CALIFORNIA: A HUMAN RIGHTS CITY

Continued to March 25, 2013, discuss ways to increase recognition at the State level and discuss showcasing the HRHRC at Richmond City Hall.

OPEN FORUM #2

None.

COMMISSION BUSINESS

a. CALL FOR AGENDA ITEMS

The Commission requests an invitation to:

- Richmond Police Chief Chris Magnus to present at the March Regular Meeting.
- Office of Neighborhood Safety to present at the APRIL MEETING and,
- Sheriff's office to present at the MAY MEETING. □

Commissioners raised a shared concern that there are "too many" items on the Agenda for the Committee to get through.

ADJOURNMENT

There being no further business, the HRHRC's regular meeting in February 2013 was closed in the memory of Ernesto Xe Acosta at 9:54pm and to meet again on Monday, March 18, 2013 for a Special Meeting.



**City of Richmond
Human Rights and
Human Relations Commission
SPECIAL MEETING MINUTES**

Monday, June 3, 2013 at 6:30 pm
City Council Chambers, Community Services Building
1st Floor, Civic Center Plaza, Richmond, CA 94804

CALL TO ORDER

The June 2013 Special Meeting of the Human Rights and Human Relations Commission of the City of Richmond was called to order at 6:35 p.m. by Chairperson Vivien Feyer.

ROLL CALL

Present: Chairperson Feyer, Commissioner Sullivan, Commissioner Harris, Commissioner Jones, and Commissioner Saunders (Commissioner Cummings arrived after Roll Call) **Absent:** Vice Chair Brown and Commissioner Burrus-Wright.

AGENDA REVIEW

Chairperson Feyer requested discussion of time sensitive Items: I. 8, I. 9 and I. 10 at 8:00 p.m. while there is still a quorum.

OPEN FORUM #1

Four members of the public signed up to speak in Open Forum #1.

James Walker spoke in support of Stacie Plummer.

Jackie Thompson requested that the HRHRC recommend that the City Council take on the issue of workplace bullying and provide statistical information of how many people have been impacted by workplace bullying in Richmond.

Vicki Sawicki. spoke regarding ACR129 Bill, ratification of three international treaties: Elimination of All Forms of Racial Discrimination (ICERD), Convention Against Torture (CAT), and the International Covenant on Civil and Political Rights (ICCPR)

Charles Smith spoke against workplace bullying.

CITY COUNCIL LIAISON REPORT

Councilmember Beckles reported about a possible retreat for the Council. Another item on the agenda that might interest the HRHRC is signing onto the Trust Act, a CA bill that seeks to counter the damage done to community policing and public safety by the Secure Communities program.

Chairperson Feyer acknowledged soon-to-be appointed HRHR Commissioner Carole Johnson.

STAFF REPORTS

None for this meeting.

DISCUSSION ITEMS

I. 1 RESOLUTION TO RECOMMEND AMENDING RICHMOND'S POLICY AGAINST WORKPLACE HARASSMENT TO REINSTATE A 15 DAY TIME LIMIT TO CONCLUDE INVESTIGATIONS

REVIEW AND DISCUSS RECOMMENDED RESOLUTION

Chairperson Feyer, Commissioner Sullivan, Commissioner Harris, and Commissioner Saunders

Pamela Hampton expressed her sentiment about workplace bullying in Richmond and shared her experience. She also spoke regarding the ineffective investigation of the independent investigator. Chairperson Feyer acknowledged Stan Fluery to frame the discussion item. Jackie Thompson and Stacie Plummer spoke in support of the time limit to conclude investigations and negative impact of workplace bullying. Following discussion, Commissioner Sullivan recommended Stan Fluery, the author of the resolution, to bring back the Resolution with all suggested edits and terminology to the next HRHRC meeting as an action item. This item is to be continued to July 8, 2013.

I. 2 RESOLUTION SUPPORTING THE ENACTMENT OF THE "HEALTHY WORKPLACE BILL" IN CALIFORNIA

REVIEW AND DISCUSS RECOMMENDED RESOLUTION

Chairperson Feyer, Commissioner Sullivan, Commissioner Harris, and Commissioner Saunders

In the matter to review and discuss recommended Resolution supporting the enactment of the "Healthy Workplace Bill" in California. Chairperson Feyer requested Stacie Plummer to frame this particular discussion item. Jackie Thompson stated that 35% adult Americans experience workplace bullying and spoke in favor of the bill. Following discussion, a motion was made by Commissioner Sullivan, seconded by

Commissioner Harris to adopt the resolution as written and simultaneously send it to Richmond City Council, Senator Hancock, Assembly Member Skinner and Representative Miller. The motion was passed by the following vote: **Ayes:** Commissioners Sullivan, Saunders, Harris, Cummings, Jones and Chairperson Feyer. **Noes:** None. **Abstentions:** None. **Absent:** Commissioner Burrus-Wright and Vice-Chair Brown. (PASSED RESOLUTION ATTACHED: SEE ATTACHMENT)

I. 3 RESOLUTION REGARDING THE IMPACT OF WORKPLACE BULLYING

REVIEW AND DISCUSS RECOMMENDED RESOLUTION

Chairperson Feyer, Commissioner Sullivan, Commissioner Harris, and Commissioner Saunders

Continued to July 8, 2013, review and discuss recommended Resolution regarding the impact of Workplace Bullying.

I. 4 RESOLUTION TO SUPPORT THE CREATION OF A WHISTLEBLOWER POLICY

REVIEW AND DISCUSS RECOMMENDED RESOLUTION

Chairperson Feyer, Commissioner Sullivan, Commissioner Harris, and Commissioner Saunders

Continued to July 8, 2013, review and discuss recommended resolution to support the creation of Whistleblower Policy.

I. 5 CITY OF RICHMOND EMPLOYEE SURVEY TO ASSESS WORKPLACE BULLYING

REVIEW AND DISCUSS RECOMMENDATIONS

Chairperson Feyer, Commissioner Sullivan, Commissioner Harris, and Commissioner Saunders

Continued to July 8, 2013, review and discuss recommendations regarding City of Richmond Employee Survey.

I. 6 CREATION OF AN ETHICS COMMISSION

REVIEW AND DISCUSS RECOMMENDATIONS

Chairperson Feyer, Commissioner Sullivan, Commissioner Harris, and Commissioner Saunders

Stacie Plummer and Sr. Assistant City Attorney Everett Jenkins gave overviews of the item. Rodney Ferguson and Jackie Thompson spoke in support of the creation of an Ethics Commission in Richmond. Following discussion, a motion was made by Chairperson Feyer, seconded by Commissioner Saunders, to direct the legal department to do further research and report back at the next meeting. The motion was passed by the following vote: **Ayes:** Commissioners Sullivan, Saunders, Harris, Cummings, Jones and Chairperson Feyer. **Noes:** None. **Abstentions:** None. **Absent:** Commissioner Burrus-Wright and Vice-Chair Brown. Commissioner Jones volunteered to contact other Ethic

Commissions, including those of the City of Oakland and San Francisco. This item is to be continued to July 8, 2013.

A motion was made by Commissioner Saunders, seconded by Commissioner Sullivan, to extend the meeting five more minutes. The motion was passed by the unanimous vote of the Commission.

I. 7 IMPLEMENTATION OF ANNUAL CITY EMPLOYEE TRAINING ON WORKPLACE BULLYING

REVIEW AND DISCUSS RECOMMENDATIONS

Chairperson Feyer, Commissioner Sullivan, Commissioner Harris, and Commissioner Saunders

Continued to July 8, 2013, review and discuss recommendations regarding implementation of Annual City employee training on Workplace Bullying.

I. 8 HRHRC BROCHURE

REVIEW AND APPROVE UPDATED COMMISSION BROCHURE

Chairperson Feyer

In the matter to review and approve updated Commission brochure. Chairperson Feyer introduced the item. Commissioner Sullivan recommended including Vice Chair Brown's picture. Chairperson Feyer also recommended including the newest Commission member's name. Commissioner Harris requested to remove a picture "in the middle." Following discussion, a motion was made by Chairperson Feyer, seconded by Commissioner Cummings, to approve the brochure, accept recommendations by other Commissioners and print 500 copies. The motion was passed by the following vote: **Ayes:** Commissioners Sullivan, Saunders, Harris, Cummings, Jones and Chairperson Feyer. **Noes:** None. **Abstentions:** None. **Absent:** Commissioner Burrus-Wright and Vice-Chair Brown.

I. 9 COMMITTEE REPORT: EDUCATION AND OUTREACH

APPROVE COMMISSION LETTERS TO SCHOOLS

Committee Chair Burrus-Wright, Commission Vice-Chair Brown, and Commissioner Harri

In the matter to review approve Commission letters to Olinda Elementary School and other partner schools. Chairperson Feyer framed the item. A motion was made by Chairperson Feyer, seconded by Commissioner Harris to direct staff to mail out approved letters to Olinda Elementary School and other partner schools in consultation with Education Committee Chair Burrus-Wright. The motion was passed by the following vote: **Ayes:** Commissioners Sullivan, Saunders, Harris, Cummings, Jones and Chairperson Feyer. **Noes:** None. **Abstentions:** None. **Absent:** Commissioner Burrus-Wright and Vice-Chair Brown.

I. 10 COMMITTEE REPORT: PLANNING, ADMINISTRATION AND BUDGET

a) REVIEW HRHRC EXPENDITURES FOR FISCAL YEAR 2012/2013 AND APPROVE FINAL EXPENDITURES;

b) DISCUSS 2013/2014 and 2014/2015 BUDGET

c) MOVING FROM DECISION TO IMPLEMENTATION: DISCUSS PROCEDURES FOR CARRYING FORWARD HRHRC ACTIONS

Chairperson Feyer and Commissioner Jones and Commissioner Sullivan

Chairperson Feyer gave an overview of the item. With the left over funds from fiscal year 2012/2013, Chairperson Feyer recommended printing 500 HRHRC brochures, purchasing UDHR booklets, transcribing minutes from March, April and May 2012 meetings, purchasing trophies for the Human Rights Awards Ceremony, purchasing a gavel and covering lunch for the next Richmond Boards and Commissions meeting . Commissioner Jones recommended giving honoraria to Commissioners. Commissioner Cummings suggested spending some of the available funds to pay for professional photography of the Commission. Commissioner Sullivan recommended using \$300 to pay for the lunch for the Boards and Commissions meeting. Commissioner Saunders recommended allocating some funds for an appreciation dinner for the Commissioners at the next meeting. Following discussion, a motion was made by Chairperson Feyer, seconded by Commissioner Sullivan, to approve the above expenditures, with the exception of the Commissioners honoraria, using available left over funds from fiscal year 2012/2013 before June 30. The motion was passed by the following vote: **Ayes:** Commissioners Sullivan, Saunders, Harris, Cummings, Jones and Chairperson Feyer. **Noes:** None. **Abstentions:** None. **Absent:** Commissioner Burrus-Wright and Vice-Chair Brown.

I. 11 RICHMOND PERSONNEL BOARD

UPDATE ON PERSONNEL BOARD ACTIVITY AND HRHRC RECOMMENDATIONS

Chairperson Feyer

Continued to July 8, 2013, update on Personnel Board activity and HRHRC recommendations.

OPEN FORUM #2

None.

COMMISSION BUSINESS

At the Chair's discretion, a Special Meeting is called for Monday, July 8, 2013 at 6:30 p.m.

ADJOURNMENT

There being no further business, the Special meeting of the Human Rights and Human Relations Commission was adjourned at 9:34 p.m., to meet again on Monday, June 24, 2013 at 6:30 p.m.



**City of Richmond
Human Rights and
Human Relations Commission
SPECIAL MEETING Minutes**

Monday, March 18, 2013 at 6:00 pm
City Council Chambers, Community Services Building
1st Floor, Civic Center Plaza, Richmond, CA 94804

ROLL CALL

PRESENT: Chairperson Feyer, Vice-Chair Brown, Commissioner Burrus-Wright, Commissioner Sullivan, Commissioner Cummings, Commissioner Harris, and Commissioner Jones

ABSENT: Commissioner Saunders

SPECIAL MEETING TO HEAR ORAL PRESENTATIONS ON HUMAN RIGHTS FROM STUDENTS FROM OLINDA ELEMENTARY SCHOOL, AND TO FORMALLY ACKNOWLEDGE THEM FOR THEIR WORK

1) INTRODUCTION OF STUDENT COUNCILOFFICERS and REPRESENTATIVES

Chairperson Feyer introduced Education Committee Chair Dr. Betty Burrus-Wright, Commissioner Joyce Harris, Commission's Vice-Chair Rock Brown, and Commission Staff Patrick Lynch, Special guests: Officer Julia Combachine, Dr. Rita Maran of the United Nations Association, East Bay Chapter. Chairperson Feyer provided a brief background on the use of the City Council Chambers to those whose first time it was in the Chambers. She also provided information about the HRHRC and extended an invitation to the public to observe and participate in the HRHRC meetings. She invited public comments at the end of the program.

Education Committee Chair Dr. Betty Burrus-Wright welcomed and offered recognition to those who have assisted with the Artistically Write and Speak Aloud Program, especially Teachers Mrs. Heydari, Nora Connors, Mr. and Mrs. Hickerson and Ms. Ajiya, Principal of Olinda Elementary School. She Introduced members of the Education Committee, Commissioner Harris and Vice-Chair Brown.

2) PROGRAM "ARTISTICALLY WRITE AND SPEAK ALOUD"

Chairperson Feyer passed to gavel to Luke Argea, President of Olinda Elementary School Student Council, to call the meeting to order at 6:08 p.m. Luke thanked School Administrators, parents and the Human Rights and Human Relations Commission of the City of Richmond for providing the opportunity to address special concerns of the students and create a culture of peace. Olinda students took the dais to lead in the Pledge of Allegiance and read parts of the Universal Declaration of Human Rights. Following the UDHR, students read "I Know Why The Caged Bird Sings" by Maya Angelou. Students dedicated this poem for International Women's Day.

I Know Why The Caged Bird Sings

The free bird leaps
on the back of the wind
and floats downstream
till the current ends
and dips his wings
in the orange sun rays
and dares to claim the sky.
But a bird that stalks
down his narrow cage
can seldom see through
his bars of rage
his wings are clipped and
his feet are tied
so he opens his throat to sing.

The caged bird sings
with fearful trill
of the things unknown
but longed for still
and his tune is heard
on the distant hill for the caged bird
sings of freedom

The free bird thinks of another breeze
and the trade winds soft through the sighing trees
and the fat worms waiting on a dawn-bright lawn
and he names the sky his own.

But a caged bird stands on the grave of dreams
his shadow shouts on a nightmare scream
his wings are clipped and his feet are tied
so he opens his throat to sing

The caged bird sings

with a fearful trill
of things unknown
but longed for still
and his tune is heard
on the distant hill
□ for the caged bird
sings of freedom.
- Maya Angelou

A student welcomed Olinda Elementary School's Principal Ajayi, and teachers Mrs. Heydari and Ms. Connor to the dais.

Dr. Rita Maran, Prof. of International Human Rights Law and Vice-President of the United Nations Association, East Bay, welcomed and explained entitled human rights when a person is born.

Olinda Elementary School Principal Ajayi, Olinda School teachers Mrs. Heydari and Ms. Connor announced the order in which students would present their Artistically Write and Speak Aloud Projects and receive their Certificates of Recognition and Universal Declaration of Human Rights booklets.

3) ORAL PRESENTATIONS FROM STUDENTS FROM OLINDA ELEMENTARY SCHOOL, and PRESENTATION OF CERTIFICATES AND UNIVERSAL DECLARATION OF HUMAN RIGHTS BOOKLETS

Commissioners appreciated participants, school teachers and administrators, and parents and wished them continued best in advocating for human rights.

ADJOURNMENT

There being no further business, the HRHRC's Special Meeting was adjourned at 7:55 PM and to meet again on Monday, March 25, 2013.



**City of Richmond
Human Rights and
Human Relations Commission
SPECIAL MEETING MINUTES**

Monday, June 3, 2013 at 6:30 pm
City Council Chambers, Community Services Building
1st Floor, Civic Center Plaza, Richmond, CA 94804

CALL TO ORDER

The June 2013 Special Meeting of the Human Rights and Human Relations Commission of the City of Richmond was called to order at 6:35 p.m. by Chairperson Vivien Feyer.

ROLL CALL

Present: Chairperson Feyer, Commissioner Sullivan, Commissioner Harris, Commissioner Jones, and Commissioner Saunders (Commissioner Cummings arrived after Roll Call) **Absent:** Vice Chair Brown and Commissioner Burrus-Wright.

AGENDA REVIEW

Chairperson Feyer requested discussion of time sensitive Items: I. 8, I. 9 and I. 10 at 8:00 p.m. while there is still a quorum.

OPEN FORUM #1

Four members of the public signed up to speak in Open Forum #1.

James Walker spoke in support of Stacie Plummer.

Jackie Thompson requested that the HRHRC recommend that the City Council take on the issue of workplace bullying and provide statistical information of how many people have been impacted by workplace bullying in Richmond.

Vicki Sawicki. spoke regarding ACR129 Bill, ratification of three international treaties: Elimination of All Forms of Racial Discrimination (ICERD), Convention Against Torture (CAT), and the International Covenant on Civil and Political Rights (ICCPR)

Charles Smith spoke against workplace bullying.

CITY COUNCIL LIAISON REPORT

Councilmember Beckles reported about a possible retreat for the Council. Another item on the agenda that might interest the HRHRC is signing onto the Trust Act, a CA bill that seeks to counter the damage done to community policing and public safety by the Secure Communities program.

Chairperson Feyer acknowledged soon-to-be appointed HRHR Commissioner Carole Johnson.

STAFF REPORTS

None for this meeting.

DISCUSSION ITEMS

I. 1 RESOLUTION TO RECOMMEND AMENDING RICHMOND'S POLICY AGAINST WORKPLACE HARASSMENT TO REINSTATE A 15 DAY TIME LIMIT TO CONCLUDE INVESTIGATIONS

REVIEW AND DISCUSS RECOMMENDED RESOLUTION

Chairperson Feyer, Commissioner Sullivan, Commissioner Harris, and Commissioner Saunders

Pamela Hampton expressed her sentiment about workplace bullying in Richmond and shared her experience. She also spoke regarding the ineffective investigation of the independent investigator. Chairperson Feyer acknowledged Stan Fluery to frame the discussion item. Jackie Thompson and Stacie Plummer spoke in support of the time limit to conclude investigations and negative impact of workplace bullying. Following discussion, Commissioner Sullivan recommended Stan Fluery, the author of the resolution, to bring back the Resolution with all suggested edits and terminology to the next HRHRC meeting as an action item. This item is to be continued to July 8, 2013.

I. 2 RESOLUTION SUPPORTING THE ENACTMENT OF THE "HEALTHY WORKPLACE BILL" IN CALIFORNIA

REVIEW AND DISCUSS RECOMMENDED RESOLUTION

Chairperson Feyer, Commissioner Sullivan, Commissioner Harris, and Commissioner Saunders

In the matter to review and discuss recommended Resolution supporting the enactment of the "Healthy Workplace Bill" in California. Chairperson Feyer requested Stacie Plummer to frame this particular discussion item. Jackie Thompson stated that 35% adult Americans experience workplace bullying and spoke in favor of the bill. Following discussion, a motion was made by Commissioner Sullivan, seconded by

Commissioner Harris to adopt the resolution as written and simultaneously send it to Richmond City Council, Senator Hancock, Assembly Member Skinner and Representative Miller. The motion was passed by the following vote: **Ayes:** Commissioners Sullivan, Saunders, Harris, Cummings, Jones and Chairperson Feyer. **Noes:** None. **Abstentions:** None. **Absent:** Commissioner Burrus-Wright and Vice-Chair Brown. (PASSED RESOLUTION ATTACHED: SEE ATTACHMENT)

I. 3 RESOLUTION REGARDING THE IMPACT OF WORKPLACE BULLYING

REVIEW AND DISCUSS RECOMMENDED RESOLUTION

Chairperson Feyer, Commissioner Sullivan, Commissioner Harris, and Commissioner Saunders

Continued to July 8, 2013, review and discuss recommended Resolution regarding the impact of Workplace Bullying.

I. 4 RESOLUTION TO SUPPORT THE CREATION OF A WHISTLEBLOWER POLICY

REVIEW AND DISCUSS RECOMMENDED RESOLUTION

Chairperson Feyer, Commissioner Sullivan, Commissioner Harris, and Commissioner Saunders

Continued to July 8, 2013, review and discuss recommended resolution to support the creation of Whistleblower Policy.

I. 5 CITY OF RICHMOND EMPLOYEE SURVEY TO ASSESS WORKPLACE BULLYING

REVIEW AND DISCUSS RECOMMENDATIONS

Chairperson Feyer, Commissioner Sullivan, Commissioner Harris, and Commissioner Saunders

Continued to July 8, 2013, review and discuss recommendations regarding City of Richmond Employee Survey.

I. 6 CREATION OF AN ETHICS COMMISSION

REVIEW AND DISCUSS RECOMMENDATIONS

Chairperson Feyer, Commissioner Sullivan, Commissioner Harris, and Commissioner Saunders

Stacie Plummer and Sr. Assistant City Attorney Everett Jenkins gave overviews of the item. Rodney Ferguson and Jackie Thompson spoke in support of the creation of an Ethics Commission in Richmond. Following discussion, a motion was made by Chairperson Feyer, seconded by Commissioner Saunders, to direct the legal department to do further research and report back at the next meeting. The motion was passed by the following vote: **Ayes:** Commissioners Sullivan, Saunders, Harris, Cummings, Jones and Chairperson Feyer. **Noes:** None. **Abstentions:** None. **Absent:** Commissioner Burrus-Wright and Vice-Chair Brown. Commissioner Jones volunteered to contact other Ethic

Commissions, including those of the City of Oakland and San Francisco. This item is to be continued to July 8, 2013.

A motion was made by Commissioner Saunders, seconded by Commissioner Sullivan, to extend the meeting five more minutes. The motion was passed by the unanimous vote of the Commission.

I. 7 IMPLEMENTATION OF ANNUAL CITY EMPLOYEE TRAINING ON WORKPLACE BULLYING

REVIEW AND DISCUSS RECOMMENDATIONS

Chairperson Feyer, Commissioner Sullivan, Commissioner Harris, and Commissioner Saunders

Continued to July 8, 2013, review and discuss recommendations regarding implementation of Annual City employee training on Workplace Bullying.

I. 8 HRHRC BROCHURE

REVIEW AND APPROVE UPDATED COMMISSION BROCHURE

Chairperson Feyer

In the matter to review and approve updated Commission brochure. Chairperson Feyer introduced the item. Commissioner Sullivan recommended including Vice Chair Brown's picture. Chairperson Feyer also recommended including the newest Commission member's name. Commissioner Harris requested to remove a picture "in the middle." Following discussion, a motion was made by Chairperson Feyer, seconded by Commissioner Cummings, to approve the brochure, accept recommendations by other Commissioners and print 500 copies. The motion was passed by the following vote: **Ayes:** Commissioners Sullivan, Saunders, Harris, Cummings, Jones and Chairperson Feyer. **Noes:** None. **Abstentions:** None. **Absent:** Commissioner Burrus-Wright and Vice-Chair Brown.

I. 9 COMMITTEE REPORT: EDUCATION AND OUTREACH

APPROVE COMMISSION LETTERS TO SCHOOLS

Committee Chair Burrus-Wright, Commission Vice-Chair Brown, and Commissioner Harri

In the matter to review approve Commission letters to Olinda Elementary School and other partner schools. Chairperson Feyer framed the item. A motion was made by Chairperson Feyer, seconded by Commissioner Harris to direct staff to mail out approved letters to Olinda Elementary School and other partner schools in consultation with Education Committee Chair Burrus-Wright. The motion was passed by the following vote: **Ayes:** Commissioners Sullivan, Saunders, Harris, Cummings, Jones and Chairperson Feyer. **Noes:** None. **Abstentions:** None. **Absent:** Commissioner Burrus-Wright and Vice-Chair Brown.

I. 10 COMMITTEE REPORT: PLANNING, ADMINISTRATION AND BUDGET

a) REVIEW HRHRC EXPENDITURES FOR FISCAL YEAR 2012/2013 AND APPROVE FINAL EXPENDITURES;

b) DISCUSS 2013/2014 and 2014/2015 BUDGET

c) MOVING FROM DECISION TO IMPLEMENTATION: DISCUSS PROCEDURES FOR CARRYING FORWARD HRHRC ACTIONS

Chairperson Feyer and Commissioner Jones and Commissioner Sullivan

Chairperson Feyer gave an overview of the item. With the left over funds from fiscal year 2012/2013, Chairperson Feyer recommended printing 500 HRHRC brochures, purchasing UDHR booklets, transcribing minutes from March, April and May 2012 meetings, purchasing trophies for the Human Rights Awards Ceremony, purchasing a gavel and covering lunch for the next Richmond Boards and Commissions meeting .

Commissioner Jones recommended giving honoraria to Commissioners.

Commissioner Cummings suggested spending some of the available funds to pay for professional photography of the Commission.

Commissioner Sullivan recommended using \$300 to pay for the lunch for the Boards and Commissions meeting. Commissioner Saunders

recommended allocating some funds for an appreciation dinner for the Commissioners at the next meeting. Following discussion, a motion was

made by Chairperson Feyer, seconded by Commissioner Sullivan, to approve the above expenditures, with the exception of the Commissioners

honoraria, using available left over funds from fiscal year 2012/2013 before June 30. The motion was passed by the following vote: **Ayes:**

Commissioners Sullivan, Saunders, Harris, Cummings, Jones and

Chairperson Feyer. **Noes:** None. **Abstentions:** None. **Absent:**

Commissioner Burrus-Wright and Vice-Chair Brown.

I. 11 RICHMOND PERSONNEL BOARD

UPDATE ON PERSONNEL BOARD ACTIVITY AND HRHRC RECOMMENDATIONS

Chairperson Feyer

Continued to July 8, 2013, update on Personnel Board activity and HRHRC recommendations.

OPEN FORUM #2

None.

COMMISSION BUSINESS

At the Chair's discretion, a Special Meeting is called for Monday, July 8, 2013 at 6:30 p.m.

ADJOURNMENT

There being no further business, the Special meeting of the Human Rights and Human Relations Commission was adjourned at 9:34 p.m., to meet again on Monday, June 24, 2013 at 6:30 p.m.

RESOLUTION NO: _____

A RESOLUTION OF THE HUMAN RIGHTS AND HUMAN RELATIONS COMMISSION OF THE CITY OF RICHMOND IN SUPPORT OF THE ENACTMENT OF THE HEALTHY WORKPLACE BILL IN THE STATE OF CALIFORNIA

WHEREAS, the City of Richmond has an interest in promoting the social and economic well-being of its citizens, employees and employers; and

WHEREAS, that well-being depends upon the existence of healthy and productive employees working in safe and abuse-free work environments; and

WHEREAS, research has documented the stress-related health consequences for individuals caused by exposure to abusive work environments; and

WHEREAS, abusive work environments are costly for employers, with consequences including reduced productivity, absenteeism, turnover, and injuries; and

WHEREAS, protection from abusive work environments should apply to every worker in the state of California, and not be limited to legally protected class status based only on race, color, gender, national origin, age, or disability; and

WHEREAS, the Human Rights and Human Relations Commission of the City of Richmond recognizes that California was the first state to introduce the Healthy Workplace Bill; and

THEREFORE BE IT RESOLVED, that the Human Rights and Human Relations Commission of the City of Richmond, California supports the enactment of the Healthy Workplace Bill, authored by David C. Yamada, JD, in the state of California.



**City of Richmond
Human Rights and
Human Relations Commission
MEETING Minutes**

Monday, June 24, 2013 at 6:30 pm
City Council Chambers, Community Services Building
1st Floor, Civic Center Plaza, Richmond, CA 94804

CALL TO ORDER

The July 2013 Regular Meeting of the Human Rights and Human Relations Commission of the City of Richmond was called to order at 6:30 p.m. by Chairperson Vivien Feyer.

ROLL CALL

Present: Chairperson Feyer, Vice Chair Brown, Commissioner Burrum-Wright, Commissioner Sullivan, Commissioner Harris, Commissioner Jones, and Commissioner Johnson (Commissioner Saunders arrived after Roll Call at 7:43 p.m.). **Absent:** Commissioner Jones.

AGENDA REVIEW

Chairperson Feyer used her discretion to move item K-1: RPD Report to be heard immediately after Open Forum #1.

OPEN FORUM #1

Jackie Thompson spoke in support of a resolution on Workplace Bullying.

CITY COUNCIL LIAISON REPORT

Councilmember Beckles was not present.

COMMISSIONERS' REPORT

Chairperson Feyer welcomed Carole Johnson to the Commission. Commissioner Johnson has been active in her community since 2007. She looks forward to working on the HRHRC.

Commissioner Harris stated her support for human rights and shared insights about her grandmother's experience as an African American voter.

Vice Chair Brown applauded Commissioner Harris for standing up for her fellow Commissioner's health.

Commissioner Johnson attended a meeting in San Francisco on healing youth in trauma. She stated that the person who conducted the workshop is willing to come to a future meeting of the Commission.

Commissioner Sullivan acknowledged the issue around rising of the Gay Pride flag front of the City Hall. Jackie Thompson and Commissioner Sullivan are taking efforts to organize the second convening of Boards and Commissions on Wednesday, June 26, 2013 at 5 p.m. She also extended an invitation to members of African American and Latino community to attend the 4th Annual Building Bridges Between Black and Brown Communities Event on June 29th, 2013. This year's focus is on immigration integration; political education, and health improvement.

CHAIR'S REPORT

[Chair's Report was submitted by Chairperson Feyer; see pg. 6]

STAFF REPORTS

Jantsan stated that he has been working with Commissioner Sullivan on Building Bridges Between Black and Brown Communities.

Housing Director Patrick Lynch gave a clarification on the issue around the Gay Pride flag from the staff perspective.

DISCUSSION ITEMS

K. 1 COMMUNITY – POLICE RELATIONS

RECEIVE REPORT FROM RICHMOND POLICE DEPARTMENT

Invited Speakers: Chief Chris Magnus, Deputy Chief Allwyn Brown and Captain Gagan

Chairperson Feyer gave an overview of the item, and appreciated and welcomed Chief Magnus, Deputy Chief Brown and Captain Gagan. Chief Magnus applauded the continued collaboration between the HRHRC and the RPD. The RPD reported on policing the community, working with Richmond youth, procedures of hiring new police officers and promotional process.

K. 2 COMMITTEE REPORT: EDUCATION AND OUTREACH

APPROVE COMMISSION LETTERS TO SCHOOLS

Committee Chair Burrus-Wright, Commission Vice-Chair Brown, and Commissioner Harris

In the matter to approve Commission's letters to four elementary schools: Riverside, Olinda, Stege and Ceasar Chavez. Education Committee Chair Burrus-Wright stated that the Education Committee will be in contact with partner schools in August, after summer break. Commissioners who are present signed letters to each school administrator and teacher.

K. 3 HRHRC INTERN REPORT

**REPORT BACK ON INTERN'S TRIP TO THE UNITED NATIONS
SUMMER PROGRAM**

Chairperson Feyer and Commission Intern Jantsan Damdinsuren

The HRHRC Intern Jantsan Damdinsuren took part in a summer program on the United Nations hosted by the Seton Hall University's Whitehead School of Diplomacy. Jantsan immersed in the political dynamics of the United Nations. The program familiarizes students with the inner workings of the UN by bringing them together with distinguished practitioners working in the field of multilateral diplomacy. Participants attended a meeting of the Security Council, as well as briefings at the United Nations Association of the USA. Jantsan extended his appreciation to all Commissioners for their continued support.

A motion was made by Commissioner Sullivan, seconded by Saunders to extend the meeting for 15 more minutes. The motion was passed by the unanimous vote of the Commission.

K. 4 COMMITTEE REPORT: PLANNING, ADMINISTRATION AND BUDGET

*a) REVIEW HRHRC EXPENDITURES FOR FISCAL YEAR 2012/2013
AND APPROVE FINAL EXPENDITURES;*

b) DISCUSS 2013/2014 and 2014/2015 BUDGET

*c) MOVING FROM DECISION TO IMPLEMENTATION: DISCUSS
PROCEDURES FOR
CARRYING FORWARD HRHRC ACTIONS*

Chairperson Feyer and Commissioner Jones and Commissioner Sullivan

Chairperson Feyer gave an overview of the item. Jackie Thompson spoke regarding HRHRC's reimbursement for travel. Housing Director Patrick Lynch clarified that reimbursement for travel has been suspended for the upcoming Fiscal year. Commissioner Sullivan disclosed that she is no longer a member of the Budget Committee. Following discussion regarding approval of final expenditures for the 2012/2013 Fiscal year, a motion was made by Commissioner Sullivan, seconded by Vice Chair Brown, to approve \$1,000 for travel reimbursement for Jantsan, \$500 for

UDHR booklets, \$500 for HRHRC brochures, \$350 for Human Rights Awards Scrolls; \$100 for HRHRC gavel; \$171 for BBBB tables, \$150 for BBBB electronics. The Commission directed staff to order UDHR booklets in both English and Spanish with any left over funding. Commissioner Sullivan rejected Chairperson Feyer's proposal that a portion of the remaining HRHRC funding be used for the provision of missing minutes. The motion was passed by the following vote: **Ayes:** Commissioners Sullivan, Saunders, Johnson, Harris, Brown, Burrus-Wright. **Noes:** None. **Abstentions:** Chairperson Feyer. **Absent:** Commissioner Jones.

A motion was made by Chairperson Feyer, seconded by Vice Chair Brown to extend the meeting to 10 p.m. The motion was passed by the unanimous vote of the Commission.

- K. 5 HRHRC CALENDAR FOR 2013 AND 2014**
DISCUSS CITY OF RICHMOND EVENTS AND APPROVE HRHRC PARTICIPATION AND REPRESENTATION
Commissioner Burrus-Wright and Commissioner Cummings
Chairperson Feyer stated that the Human Rights Awards Ceremony will be held in December. This item will be continued to July 22, 2013.
- K. 6 HRHRC SPECIAL EVENTS FOR 2013: RECEIVE REPORTS ON PLANNING FOR SPECIAL EVENTS AND APPROVE PLANS**
a) BUILDING BRIDGES BETWEEN BLACK AND BROWN COMMUNITIES
b) HUMAN RIGHTS AWARDS CEREMONY – December 9, 2013.
Continued to July 22, 2013.
- K. 7 TRAININGS – 2013**
REPORT BACK FROM COMMISSIONERS ATTENDING TRAININGS
Commissioner Cummings and Commissioner Jones
Continued to July 22, 2013.
- K. 8 CONFERENCES – 2013**
REPORT BACK ON CAHRO CONFERENCE - California Association of Human Relations Organizations - APRIL 2013
Chairperson Feyer, Commissioner Sullivan, and Commissioner Cummings
Continued to July 22, 2013,...
- K. 9 RICHMOND CALIFORNIA: A HUMAN RIGHTS CITY**
a) DISCUSS WAYS TO INCREASE RECOGNITION AT THE STATE LEVEL
b) DISCUSS SHOWCASING THE HRHRC AT RICHMOND CITY HALL
Commissioner Burrus-Wright and Chairperson Feyer

Continued to July 22, 2013.

K. 10 RICHMOND PERSONNEL BOARD (5 minutes)
UPDATE ON PERSONNEL BOARD ACTIVITY AND HRHRC
RECOMMENDATIONS

Chairperson Feyer

Continued to July 8, 2013.

K.11 COMMITTEE REPORT: HUMAN RIGHTS ALLIANCES
REPORT BACK FROM THE CONVENING OF THE BILL OF RIGHTS
DEFENSE COMMITTEE

Chairperson Feyer and Commissioner Cummings

Continued to July 22, 2013.

OPEN FORUM #2

None.

COMMISSION BUSINESS

Commissioner Johnson stated she would like to itemize a topic regarding youth violence and prevention for discussion at the regular meeting in July.

ADJOURNMENT

There being no further business, the Human Rights and Human Relations Commission's June 2013 Regular Meeting was adjourned at 10:01 p.m., to meet again on Monday, July 8, 2013 at 6:30 p.m. for a Special meeting.

“ON A PERSONAL NOTE, I HAVE A NEW HEALTHY GRANDDAUGHTER, BORN ON JUNE 14TH. I HAVEN'T GOTTEN MUCH SLEEP SINCE THEN, BUT, AS A VERY PROUD GRANDMOTHER, VERY FOCUSED ON THE WELFARE OF FUTURE GENERATIONS, I WILL TRY MY BEST TO CHAIR THIS MEETING. I ASK FOR HELP, AS ALWAYS, FROM EACH OF YOU, IN REMINDING ME OF ANYTHING I FORGET, AND KEEPING YOUR OWN COMMENTS SUCCINCT AND FOCUSED ON THE WORK THAT WE, AS A COMMISSION, CAN ACCOMPLISH TOGETHER.

I MET LAST THURSDAY WITH CITY MANAGER BILL LINDSAY AND PATRICK LYNCH. COUNCILMEMBER BECKLES, COMMISSIONERS SULLIVAN AND SAUNDERS WERE ALSO INVITED TO THIS MEETING BUT DID NOT ATTEND. THE THREE OF US MET FOR ABOUT ONE AND A HALF HOURS AND DISCUSSED SOME OF THE CONCERNS THAT HAVE BEEN COMING BEFORE OUR COMMISSION. PATRICK AND I WERE ABLE TO BRING UP ITEMS THAT WE'VE HEARD BOTH IN OPEN FORUM AND ON OUR AGENDA.

THE CITY MANAGER EXPRESSED HIS OWN WILLINGNESS TO SUPPORT THE COMMISSION, TO ATTEND PUBLIC MEETINGS IF REQUESTED, AND TO APPROVE CITY STAFF TIME IN DOING RESEARCH IN RESPONSE TO QUESTIONS – ALL WITHIN REASONABLE EXPECTATIONS, REASONABLE TIME LIMITS AND WITHIN THE SCOPE OF WHAT THE COMMISSION DOES.

BOTH MR. LINDSAY AND MR. LYNCH MADE A CLEAR COMMITMENT TO SUPPORT THE COMMISSION IN GETTING OUR AGENDAS PREPARED AND OUR MINUTES DONE IN A TIMELY FASHION, AND GETTING US BACK ON TRACK – WITH DRAFT AGENDAS READY 10 DAYS BEFORE EACH MEETING, AND MINUTES WRITTEN WITHIN TWO WEEKS AFTER EACH MEETING, FROM WHICH THOSE AGENDAS CAN BE PREPARED.

WE NEED ALL COMMISSIONERS TO BE SURE THAT ALL ITEMS AND MATERIALS THAT THEY WANT TO SEE ON OUR AGENDAS, WITH THE EXCEPTION OF ANY LAST MINUTE EMERGENCY ITEMS, ARE SUBMITTED TO STAFF TWO WEEKS BEFORE EACH SCHEDULED MEETING TIME.

I WANTED TO JUST BRIEFLY MENTION, AS IT IS SO VERY TIMELY, THE NATIONAL DEBATE SURROUNDING EDWARD SNOWDEN'S REVELATIONS OF THIS COUNTRY'S TOP SECRET MASS SURVEILLANCE PROGRAMS, AND NOW, THE WORLDWIDE MANHUNT FOR HIM.

OUR COMMISSION CONTINUES TO ADDRESS QUESTIONS ABOUT THE PROTECTION OF WHISTLE-BLOWERS. WE ACTUALLY HAVE ITEMS ON BOTH OUR LAST AGENDA AND OUR UPCOMING AGENDA CONCERNING THAT TOPIC.

AS A COMMISSION, WE LOOK AT WHERE CONFLICTS COME UP BETWEEN PROTECTING THE SAFETY OF THE PUBLIC AND PROTECTING INDIVIDUAL RIGHTS. INDEED, OUR COMMISSION EXISTS, IN PART, BECAUSE THESE ISSUES ARE SO VERY COMPLEX – AND WE ARE THE ONES WHO ARE CHARGED WITH CONSISTENTLY BRINGING THE RIGHTS OF INDIVIDUALS INTO THE CONVERSATION.

WE'LL BE HEARING FROM OUR OWN POLICE DEPARTMENT THIS EVENING. IN HOSTING THIS CONVERSATION, IT IS OUR CHARGE TO LISTEN TO AND APPRECIATE THE VERY DIFFICULT AND HEROIC WORK THAT OUR POLICE DEPARTMENT DOES EVERY DAY – AND AT THE SAME TIME TO TAKE THE RESPONSIBILITY FOR ASKING ANY QUESTIONS THAT WE MIGHT HAVE, ALWAYS PUTTING HUMAN RIGHTS AND HUMAN RELATIONS FIRST.

THANK YOU!



**City of Richmond
Human Rights and
Human Relations Commission
SPECIAL MEETING MINUTES**

Monday, July 8, 2013 at 6:30 pm
City Council Chambers, Community Services Building
1st Floor, Civic Center Plaza, Richmond, CA 94804

CALL TO ORDER

The July 2013 Special Meeting of the Human Rights and Human Relations Commission of the City of Richmond was called to order at 6:35 p.m. by Chairperson Vivien Feyer.

ROLL CALL

Present: Chairperson Feyer, Commissioner Cummings, Commissioner Burrus-Wright, Commissioner Sullivan, Commissioner Harris, Commissioner Jones, and Commissioner Johnson (Commissioner Saunders arrived after Roll Call) **Absent:** Vice Chair Brown

AGENDA REVIEW

At the discretion of the Chairperson Feyer, the agenda is adopted as is.

OPEN FORUM #1

Rosanne Ryken spoke in favor of leadership in the City to guide through the issues that the City faces.

Stacie Plummer appreciated the Commission for the reconvening of this special meeting.

CITY COUNCIL LIAISON REPORT

Council Liaison Beckles was not present at this Special Meeting.

STAFF REPORTS

None.

DISCUSSION ITEMS

I. 1 RESOLUTION TO RECOMMEND AMENDING RICHMOND'S POLICY AGAINST WORKPLACE HARASSMENT TO REINSTATE A 15 DAY TIME LIMIT TO CONCLUDE INVESTIGATIONS

REVIEW AND DISCUSS RECOMMENDED RESOLUTION

Chairperson Feyer, Commissioner Sullivan, Commissioner Harris, and Commissioner Saunders

Chairperson Feyer requested Stacie Plummer to give an overview of the item. Loch Sekona spoke against hiring an independent investigator. Following discussion, a motion was made by Chairperson Feyer, seconded by Commissioner Burrus-Wright, to direct staff to invite City Manager Bill Lindsay to the next regular meeting of the Commission to get clarification on General Order 33 and time frame for investigation as well as notification to involved parties. The motion was passed by the following vote: **Ayes:** Commissioners Sullivan, Saunders, Johnson, Harris, Burrus-Wright, Cummings, Jones and Chairperson Feyer. **Noes:** None. **Abstentions:** None. **Absent:** Vice-Chair Brown. Another motion was made by Commissioner Burrus-Wright, seconded by Commissioner Johnson, to direct staff to send an invitation to the City Manager to the next meeting of the Commission by email and send copies to all the Commissioners by Friday, July 12, 2013. The motion was passed by the following vote: **Ayes:** Commissioners Sullivan, Saunders, Johnson, Harris, Burrus-Wright, Cummings, Jones and Chairperson Feyer. **Noes:** None. **Abstentions:** None. **Absent:** Vice-Chair Brown.

(DRAFT RESOLUTION IS ATTACHED: SEE ATTACHMENT)

I. 2 RESOLUTION REGARDING THE IMPACT OF WORKPLACE BULLYING

REVIEW AND DISCUSS RECOMMENDED RESOLUTION

Chairperson Feyer, Commissioner Sullivan, Commissioner Harris, and Commissioner Saunders

Chairperson Feyer requested Stacie Plummer to give an overview of the item to the Commission and members of the public. Loch Sekona spoke regarding the detrimental impact of workplace bullying. Following discussion, a motion was made by Commissioner Sullivan, seconded by Commissioner Harris, to adopt the Resolution with the language corrections (*Line 43 & 44 should read: THEREFORE BE IT RESOLVED, that the Human Rights and Human Relations Commission of the City of*

Richmond condemns this abusive workplace behavior; and) offered by Housing Director Patrick Lynch, Commissioners Harris, Burrus-Wright and Chairperson Feyer and to direct staff to deliver the resolution to the Human Resources Management Department of the City of Richmond. The motion was passed by the following vote: **Ayes:** Commissioners Sullivan, Saunders, Johnson, Harris, Burrus-Wright, Cummings, Jones and Chairperson Feyer. **Noes:** None. **Abstentions:** None. **Absent:** Vice-Chair Brown.

(PASSED RESOLUTION IS ATTACHED: SEE ATTACHMENTS)

I. 3 RESOLUTION TO SUPPORT THE CREATION OF A WHISTLEBLOWER POLICY

REVIEW AND DISCUSS RECOMMENDED RESOLUTION

Chairperson Feyer, Commissioner Sullivan, Commissioner Harris, and Commissioner Saunder

Stacie Plummer was requested by Chairperson Feyer to give an overview of the item. James Walker spoke in support of the recommended Resolution. Following discussion, a motion was made by Commissioner Sullivan, seconded by Commissioner Harris to adopt the recommended resolution to have the City Council to establish a whistleblower policy and direct staff to deliver the resolution to the City Council of Richmond. The motion was passed by the following vote: **Ayes:** Commissioners Sullivan, Saunders, Johnson, Harris, Burrus-Wright, Cummings, Jones and Chairperson Feyer. **Noes:** None. **Abstentions:** None. **Absent:** Vice-Chair Brown.

(PASSED RESOLUTION IS ATTACHED: SEE ATTACHMENT)

I. 4 CITY OF RICHMOND EMPLOYEE SURVEY TO ASSESS WORKPLACE BULLYING

REVIEW AND DISCUSS RECOMMENDATIONS

Chairperson Feyer, Commissioner Sullivan, Commissioner Harris, and Commissioner Saunders

In the matter to review and discuss recommendations regarding City of Richmond Employee Survey to assess workplace bullying. Stacie Plummer gave an overview of the item and requested the Commission to sponsor this Survey. The Commission stated its support of the Survey; however, the Commission recommended further development of the Survey. Chairperson Feyer suggested to pursue this matter in a future meeting of the Commission. Housing Director Patrick Lynch recommended that the Commission contact Josephson Institute and offered to provide details about the cost involved.

I. 5 CREATION OF AN ETHICS COMMISSION

REVIEW AND DISCUSS RECOMMENDATIONS

Chairperson Feyer, Commissioner Sullivan, Commissioner Harris, and Commissioner Saunders

Chairperson Feyer requested Stacie Plummer to give an overview of the item. Members of the public Loch Sekona and Rosanne Ryken spoke in support of the creation of an Ethics Commission. Rodney Ferguson spoke about appointment of Commissioners to the Ethics Commission. Commissioner Jones stated that she will be in communication with Ethics Commissions of City of Oakland and City of San Francisco, and will invite representatives from each city's commissions to future meetings of the HRHRC. Following discussion, a motion was made by Chairperson Feyer, seconded by Commissioner Sullivan to continue to support discussion of the creation of an Ethics Commission and invite individuals with expertise in relevant fields to future meetings of the Commission. The motion was passed by the following vote: **Ayes:** Commissioners Sullivan, Saunders, Johnson, Harris, Burrus-Wright, Cummings, Jones and Chairperson Feyer. **Noes:** None. **Abstentions:** None. **Absent:** Vice-Chair Brown.

I. 6 IMPLEMENTATION OF ANNUAL CITY EMPLOYEE TRAINING ON WORKPLACE BULLYING (15 minutes)

REVIEW AND DISCUSS RECOMMENDATIONS

Chairperson Feyer, Commissioner Sullivan, Commissioner Harris, and Commissioner Saunders

Continued to July 22, 2013 Meeting.

I. 7 RICHMOND PERSONNEL BOARD (5 minutes)

UPDATE ON PERSONNEL BOARD ACTIVITY AND HRHRC RECOMMENDATIONS

Chairperson Feyer

Continued to July 22, 2013 Meeting.

OPEN FORUM #2

Gautam Manadhar shared his personal experience of workplace bullying.

COMMISSION BUSINESS

Commissioners Harris, Johnson, Feyer, and Jones will communicate via email to generate questions for the City Manager at the next meeting.

CALL FOR AGENDA ITEMS

RESOLUTION TO RECOMMEND AMENDING RICHMOND'S POLICY AGAINST WORKPLACE HARASSMENT TO REINSTATE TIME LIMITS FOR CONCLUDING INVESTIGATIONS AND NOTIFICATIONS TO INVOLVED PARTIES (Invitation to City Manager to present at the next HRHRC regular meeting)

CITY OF RICHMOND EMPLOYEE SURVEY TO ASSESS

WORKPLACE BULLYING (Staff to provide more information about Josephson Institute)

CREATION OF AN ETHICS COMMISSION (Depending on available speakers, this item will be discussed at the next meeting)

UPDATE ON RICHMOND PERSONNEL BOARD ACTIVITY

ADJOURNMENT

There being no further business, the Special meeting of the Human Rights and Human Relations Commission was adjourned at 9:31 p.m., to meet again on Monday, July 22, 2013 at 6:30 p.m.

RESOLUTION OF THE HUMAN RIGHTS AND HUMAN RELATIONS COMMISSION TO RECOMMEND AMENDING RICHMOND'S POLICY AGAINST WORKPLACE HARASSMENT GENERAL ORDER NO. 33 TO REINSTATE TIME LIMITS FOR INVESTIGATIONS AND NOTIFICATIONS TO INVOLVED PARTIES.

WHEREAS, lack of closure and uncertainty surrounding workplace harassment investigations has tangible effects on the mental and emotional well-being, job performance, and physical and mental health of participants; and

WHEREAS, workplace harassment investigations at the City of Richmond routinely last far longer than 15 working days; and

WHEREAS, the former version of the City of Richmond's General Order No. 33 specified that investigations be concluded no later than 15 working days of an initial complaint; and

WHEREAS, the most recent version of the City of Richmond's Policy Against Workplace Harassment General Order No. 33, dated February 1, 2007, fails to specify any time limits for investigations ; and

WHEREAS, the most recent version of the City of Richmond's Policy Against Workplace Harassment General Order No. 33, dated February 1, 2007, fails to mention that the City will contact the complainant within three working days of the City being made aware of a complaint; and

WHEREAS, the accused is now not notified that an investigation is concluded;

NOW, THEREFORE, BE IT RESOLVED that the Human Rights and Human Relations Commission of the City of Richmond recommends that General Order No. 33 be amended by the City Manager to include several clauses that were contained in the former version of that General Order, specifying (1) that the City will contact the complainant within 3 working days of the Human Resources department or City Attorney's office being made aware of a complaint, (2) that the City will conclude an investigation no later than 15 working days of being made aware of a complaint, unless key persons essential to a complete investigation are unavailable, and (3) that the City notify the participants that an investigation is concluded no later than 15 working days after initial notification of a complaint.

1 RESOLUTION NO: _____

2
3 **A RESOLUTION OF THE HUMAN RIGHTS AND HUMAN RELATIONS COMMISSION OF THE CITY OF**
4 **RICHMOND REQUESTING THE HUMAN RESOURCES MANAGEMENT DEPARTMENT OF THE CITY OF**
5 **RICHMOND RECOGNIZE THE DETRIMENTAL IMPACT OF WORKPLACE BULLYING ON CREATING A**
6 **SAFE AND PRODUCTIVE WORKPLACE FOR ALL CITY OF RICHMOND EMPLOYEES.**

7
8 WHEREAS, Workplace Bullying may be defined as the repeated, health-harming mistreatment of
9 one or more persons (the targets) by one or more perpetrators that takes one or more of the following
10 common forms: verbal abuse; conduct which is threatening, humiliating or intimidating; work
11 interference, sabotage, which prevents work from getting done; withholding resources and information
12 necessary to the job; behind-the-back sabotage and defamation; use of put-downs, insults, and excessively
13 harsh criticism; unreasonably heavy work demands designed to drive someone out of a job; and

14 WHEREAS, Workplace Bullying is not incivility, simple rudeness, or the routine exercise of
15 acceptable managerial prerogative; when Workplace Bullying becomes routine, the work environment is
16 toxic and quality work and employee engagement are impossible; and

17 WHEREAS, Workplace Bullying is not conflict between two equally-powered individuals who simply
18 disagree over intellectual ideas; and

19 WHEREAS, The Workplace Bullying Institute's national scientific surveys (in 2007 and 2010), 35%
20 of the adult Americans (an estimated 54 million workers) report being bullied at work; an additional
21 15% witness it and vicariously are made miserable by it; and

22 WHEREAS, Workplace Bullying often targets employees whose excellent job performance
23 distinguishes them from colleagues; and

24 WHEREAS, Workplace Bullying directly impacts not only the emotional well-being and physical
25 health of those targeted, but also the productivity of the entire workforce; and

26 WHEREAS, Workplace Bullying can inflict health-impairing physical and psychological harm on
27 targeted employees including, but no limited to: stress disorders of all types; clinical depression; high blood
28 pressure; cardiovascular disease; impaired immune systems; symptoms consistent with Post Traumatic
29 Stress Disorder; severe residual effects on family and personal relationships; life-altering decisions about
30 whether to stay in or leave a job; and

31 WHEREAS, it has been demonstrated that victims of workplace bullying commit suicide at a higher
32 rate; and

1 RESOLUTION NO: _____

2
3 **A RESOLUTION OF THE HUMAN RIGHTS AND HUMAN RELATIONS COMMISSION OF THE CITY OF**
4 **RICHMOND RECOMMENDING THAT THE CITY ESTABLISH AND IMPLEMENT A COMPREHENSIVE**
5 **CITY OF RICHMOND WHISTLEBLOWER POLICY**

6
7 WHEREAS, the City of Richmond has an interest in promoting the social and economic well-
8 being of its citizens, employees and employers; and

9 WHEREAS, it is important that the City foster and maintain a workplace with a high
10 ethical standard of conduct in all activities and conduct its business in a fair, effective,
11 efficient, and transparent manner; and

12 WHEREAS, the City must protect its assets and resources from fraudulent, illegal,
13 and dishonest activities by maintaining effective internal controls and by identifying and
14 investigating any possibility of fraud or other improper activities; and

15 WHEREAS, municipal Whistleblower Policies have been implemented throughout
16 the United States, establishing procedures for city employees and community members to
17 report alleged illegal, fraudulent, and/or improper activity by city employees and assuring
18 that such reports do not result in retaliation; and

19 WHEREAS, City of Richmond employees have the right to working conditions free from
20 retaliation for expressing their opinions or revealing problems with City operations; and

21 WHEREAS, the City of Richmond is committed to protecting City employees and applicants for
22 employment from interference with making a protected disclosure or from retaliation for
23 having made a protected disclosure or for having refused an illegal order,

24 THEREFORE BE IT RESOLVED, that the Human Rights and Human Relations Commission of the
25 City of Richmond hereby recommends that the City establish a Whistleblower Policy, protecting employees
26 from retaliation for disclosing information concerning acts of wrongdoing, misconduct, abuse of authority,
27 malfeasance, illegality, gross waste, mismanagement, substantial and specific danger to public health or
28 safety, or any other activity or behavior ; and

29 BE IT FURTHER RESOLVED, that the City of Richmond's newly established Whistleblower Policy
30 should be derived from and in accordance with the California Whistleblower Protection Act (Government
31 Code Sections 8547-8547.12); and

32 BE IT FURTHER RESOLVED, that the Human Rights and Human Relations Commission of the City of
33 Richmond recommends that, within 60 days of the adoption of this resolution, the City of Richmond

34 establish a comprehensive Whistleblower Policy that includes procedures for reporting and protecting
35 against any harassment and retaliation.

36 -----



**City of Richmond
Human Rights and
Human Relations Commission
MEETING Minutes**

Monday, July 22, 2013 at 6:30 pm
City Council Chambers, Community Services Building
1st Floor, Civic Center Plaza, Richmond, CA 94804

CALL TO ORDER

The July 2013 Regular Meeting of the Human Rights and Human Relations Commission of the City of Richmond was called to order at 6:36 p.m. by Chairperson Vivien Feyer.

ROLL CALL

Present: Chairperson Feyer, Vice Chair Brown, Commissioner Burrum-Wright, Commissioner Saunders, Commissioner Harris, Commissioner Jones, and Commissioner Johnson (Commissioner Sullivan arrived after Roll Call at 6:51 p.m.). **Absent:** Commissioner Cummings.

AGENDA REVIEW

No changes to the order of items.

OPEN FORUM #1

Herk Schusteff shared resources on taking care of physical and mental health and mediating conflict.

Jerome Smith shared a poem that underscores the value and mission of the HRHRC.

Mike Ali addressed the young people of RYSE Center in the audience about the importance of self-esteem and having self-value.

Raymond Landry spoke regarding the legality of same sex marriage.

Philip Menas spoke regarding the expansion of traditional family values and the First Amendment.

Jackie Thompson recommended the Commission to request the City Council to take more action regarding the criminal justice system and verdict on Trayvon Martin case.

LaVern Vaughn shared her concerns regarding meeting conduct of the City Council meetings. She also spoke regarding unemployment in Richmond.

Charles Newsome spoke in support of marriage equality and acceptance of all human relations.

CITY COUNCIL LIAISON REPORT

Council Liaison Councilmember Beckles spoke regarding City Council meeting agenda item J-4, and equity and fairness in hiring.

COMMISSIONERS' REPORTS

Commissioner Jones encouraged and invited members of the Commission and the public to the Black Organizing Project's summer campaign party to support and hear from black youth about "Bettering Our School System" and the criminalization of youth of color. The event is organized in the memory of Trayvon Martin. It is on Friday, July 26th at 6 p.m. at 111 Fairmount Ave, Oakland, CA.

Commissioner Burrus-Wright commended the HRHRC Intern for obtaining 1,500 pamphlets of the Universal Declaration of Human Rights in Spanish. She also reported that a DVD of the Commission's Special Meeting held in February, produced by the Education Committee, will be distributed to members of the Commission and to all three elementary schools in August.

Vice Chair Brown reminded everyone that August 6th is National Night Out Day.

Commissioner Johnson mentioned a march that Ceasefire is holding throughout the City on Friday, July 26th.

Commissioner Sullivan invited members of the audience to the Iron Triangle's picnic on Saturday, July 27th, in celebration of their 20th Anniversary.

CHAIR'S REPORT

Chairperson Feyer reported on her attendance to two meetings/events in the past month. First, the Boards and Commissions meeting organized by Commissioner Sullivan and Jackie Thompson. Second, a community meeting that was convened in response to the shooting of a young man in one of Richmond's summer youth programs.

Chairperson Feyer also followed up on the Resolutions passed by the Commission and recommended a system to archive passed resolutions, and make them available to the public.

STAFF REPORTS

HRHRC Intern, Jantsan is working on minutes from January 2013 to June 2013. He also will have training by the City Clerk Diane Holmes.

Assistant Attorney Jenkins thanked the Commissioners for their prayers and wishes for his health. He also offered background and clarification on the City's Code of Ethics.

DISCUSSION ITEMS

K. 1 VERBAL ATTACKS AGAINST THE LGBTQQIS-2 COMMUNITY DURING CITY COUNCIL MEETINGS - DRAWING THE LINE BETWEEN FREEDOM OF SPEECH AND BULLYING DISCUSS AND SUGGEST RECOMMENDATIONS TO CITY COUNCIL *Chairperson Feyer*

Councilmember Beckles gave an overview of the item. She addressed the HRHRC regarding the importance of understanding the fine line and difference between hate speech and free speech. She stated that hate speech leads to violence. She also condemned the conduct of the City Council meetings. She further encouraged elected leaders to understand the issue at discussion.

Seventeen members of the public requested to speak on this particular Discussion Item – K1; fifteen of them were present to share their views.

Edgar Jimenez spoke against bullying and shared his experience.

Marcos Banals spoke regarding hate speech and behavioral conduct of councilmembers in the City Council meetings.

Mike Ali recommended the Commission to further study and research current state and federal statues, and civil rights cases.

Jerome Smith shared a poem by D.H. Lawrence and a haiku by Jerome Smith.

Linda Newton suggested the Commission to research a concise definition of *hate speech*.

Jackee Archuleta spoke against homophobia and bullying.

Cordell Hindler spoke against bullying in secondary schools.

Herk Schusteff encouraged more tolerance and culture of peace in community meetings.

Najari Smith spoke against verbal abuse and its effects in workplace.

Doria Robinson condemned the conduct of the City Council meetings.

Alfreddie Beulah spoke against bullying and stated support for safe spaces for LGBT youth.

Jackie Thompson spoke regarding protecting everyone's rights.

Brian Villa spoke regarding safe environment in City Council meetings.

Eduardo Martinez spoke about an atmosphere of tolerance and acceptance.

Michael Darkee spoke against hate speech.

Following discussion, Chairperson Feyer appointed Commissioners Harris, Jones, Johnson and Sullivan to an Ad hoc committee to deeper look into the matter and draft an official statement and press release. A motion was made by Commissioner Sullivan, seconded by Commissioner Saunders ,to direct staff to draft and release a quick initial Press Release that includes testimonies from the public. The motion was passed by the following vote: **Ayes:** Commissioners Sullivan, Saunders, Johnson, Harris, Brown, Jones and Chairperson Feyer. **Noes:** None. **Abstentions:** None. **Absent:** Commissioners Burrus-Wright and Cummings.

K. 2 RICHMOND PERSONNEL BOARD
UPDATE ON PERSONNEL BOARD ACTIVITY AND HRHRC
RECOMMENDATIONS

Chairperson Feyer

Continued to August 26, 2013, update on Personnel Board activity and HRHRC recommendations.

K. 3 TRAININGS – 2013
REPORT BACK FROM COMMISSIONERS ATTENDING TRAININGS
Commissioner Cummings and Commissioner Jones

Continued to August 26, 2013, report back from Commissioners attending trainings.

K. 4 CONFERENCES – 2013
REPORT BACK ON CAHRO CONFERENCE - California Association of
Human Relations Organizations - APRIL 2013

Chairperson Feyer, Commissioner Sullivan, and Commissioner Cummings
Continued to August 26, 2013, report back on CAHRO
Conference - California Association of Human Relations Organizations -
April 2013.

- K. 5 COMMITTEE REPORT: HUMAN RIGHTS ALLIANCES
REPORT BACK FROM THE CONVENING OF THE BILL OF RIGHTS
DEFENSE COMMITTEE**
Chairperson Feyer and Commissioner Cummings
Continued to August 26, 2013, report back from the convening for
the Bill of Rights Defense Committee.
- K. 6 COMMITTEE REPORT: PLANNING, ADMINISTRATION AND BUDGET
REVIEW AND DISCUSS EXPENDITURES 2012/2013 AND 2013/2014**
Chairperson Feyer and Commissioner Jones
Continued to August 26, 2013, review and discuss expenditures
2012/2013 and 2013/2014.
- K. 7 HRHRC SPECIAL EVENTS FOR 2013: RECEIVE REPORTS ON
PLANNING FOR SPECIAL EVENTS AND APPROVE PLANS**
a) BUILDING BRIDGES BETWEEN BLACK AND BROWN
COMMUNITIES – September 2013
Commissioner Sullivan
b) HUMAN RIGHTS AWARDS CEREMONY – December 2013
Commissioner Burrus-Wright
Continued to August 26, 2013, receive reports on planning for
special events and approve plans.
- K. 8 HRHRC CALENDAR FOR 2013 AND 2014
DISCUSS CITY OF RICHMOND EVENTS AND APPROVE HRHRC
PARTICIPATION AND REPRESENTATION; CREATION OF ON-LINE
CALENDAR**
Commissioner Burrus-Wright and Commissioner Cummings
Continued to August 26, 2013, discuss City of Richmond events
and approve HRHRC participation and representation; creation of on-line
Calendar.
- K. 9 RICHMOND CALIFORNIA: A HUMAN RIGHTS CITY**
a) DISCUSS WAYS TO INCREASE RECOGNITION AT THE STATE
LEVEL
b) DISCUSS SHOWCASING THE HRHRC AT RICHMOND CITY HALL
Commissioner Burrus-Wright and Chairperson Feyer
Continued to August 26, 2013, discuss ways to increase
recognition at the State level and discuss showcasing the HRHRC at
Richmond City Hall.

OPEN FORUM #2

None.

COMMISSION BUSINESS

None.

ADJOURNMENT

There being no further business, the Human Rights and Human Relations Commission's July 2013 Regular Meetings was adjourned at 9:33 p.m., to meet again on Monday, August 26, 2013 at 6:30 p.m.



**City of Richmond
Human Rights and
Human Relations Commission
MEETING MINUTES**

Monday, August 26, 2013 at 6:30 pm
City Council Chambers, Community Services Building
1st Floor, Civic Center Plaza, Richmond, CA 94804

CALL TO ORDER

The August 2013 Regular Meeting of the Human Rights and Human Relations Commission of the City of Richmond was called to order at 6:38 p.m. by Chairperson Vivien Feyer.

ROLL CALL

Present: Chairperson Feyer, Vice Chair Brown, Commissioner Burrus-Wright, Commissioner Harris, and Commissioner Johnson (Commissioner Sullivan and Cummings arrived after Roll Call)

Absent: Commissioner Jones and Commissioner Saunders

AGENDA REVIEW

No changes to the order of items.

OPEN FORUM #1

Rosanne Ryken thanked Commissioner Johnson for joining the citywide walk with Ceasefire. She further spoke about recognizing and choosing positive actions in Richmond.

Pamela Hampton spoke about inappropriate conduct and tactics used by the City of Richmond to terminate her employment. She also spoke about the detrimental impacts, both mental and physical, of this upsetting outcome and requested the Commission's assistance in obtaining a time extension for her termination hearing.

Joyce Harris spoke on behalf of Stan Fleury. Mr. Fleury thanked and commended the proactive role of the Commission in promoting well being in this community. He also acknowledged that the work of the HRHHC has not done any harm by allowing the public to

speak. As the HRHRC's existence is codified in the Richmond municipal code, the Commission has the right to order any City employee as the Commission sees to fit to appear before the Commission to answer any questions related to the Commission's business. Mr. Fleury applauded the Commission's willingness to allow the public to speak freely and expressed his relief that the Commission understands that his own speech before the Commission is as a member of the public who also happens to be an employee. He suggested that the question of freedom of speech of employees during public meetings be brought to the City Council's attention for discussion. Mr. Fleury authorized the Commission and any of the Commissioners to use the details of his case as an example of what has happened to an employee who spoke in front of Commissions and Boards.

Mark Wassburg spoke about the Constitution of the US and the Universal Declaration of Human Rights. Mr. Wassburg also spoke against the City of Richmond's policies towards non-US citizens.

APPROVAL OF MINUTES

As there were not enough members of the Commission present to approve minutes, Chairperson Feyer continued the approval of submitted meeting minutes for the HRHRC's February 2013 Regular Meeting, March 18 Special Meeting, June 3 Special Meeting, June 24 Regular Meeting, July 8 Special Meeting, and July 22 Regular Meeting to the next regular meeting in September 2013.

CITY COUNCIL LIAISON REPORT

Not Present.

COMMISSIONERS' REPORTS

No reports.

CHAIR'S REPORT

See attached Chair's report.

STAFF REPORTS

Patrick Lynch reported that documents including the audio meeting minutes are posted on the website in timely manners. Mr. Lynch further noted Commissions are instructed to have action minutes by city management..Mr. Lynch also reported that the City Clerk Diane Holmes has trained the Commission intern in producing minutes.

Attorney Jenkins spoke with the Commission about the significance of the workplace

bullying policy of the City of Richmond by referring to a 1995 incident. As a result of this incident, there were two homicides. This is the reason why there is a Workplace Bullying policy. Attorney Jenkins recalled that many of the employees at the time of the incident were deeply impacted.

Attorney Jenkins also reported regarding compliance with the Brown Act and handed out copies of the Brown Act to Commissioners. Attorney Jenkins further noted that this commission does comply with the Code of Ethics and invited the Commission to continue to conduct its meetings in a professional and respectful manner. He also extended an invitation to Commissioners to the Oakland's YMCA's Annual Awards Dinner on October 16th. Attorney Jenkins is West Contra Costa's Volunteer of the Year.

Commissioners congratulated Attorney Jenkins on this accomplishment. Chairperson Feyer kindly requested Attorney Jenkins to send details to the Commission.

Intern Jantsan reported that he has been working on the minutes and produced the minutes for six meetings, with passed resolutions attached. Also he noted that he is starting his Senior year at UC Berkeley and is eager to continue work with the HRHRC. He thanked the staff for being flexible with his schedule and thanked the Commission for allowing him to travel to Washington DC and New York, and reimbursing his travel expenses. He looks forward to working with the Commission in the upcoming year.

DISCUSSION ITEMS

K.1 COMMITTEE REPORT: EDUCATION AND OUTREACH COMMITTEE

REVIEW COMMITTEE ACTIVITY AND PLANNING FOR HUMAN RIGHTS AWARDS CEREMONY -December 9, 2013

Commissioner Burrus-Wright, Commissioner Harris and Vice Chair Brown

Commissioner Burrus-Wright gave an overview of the item. She commended the work of the Committee in the last few months and congratulated members of the Committee. Committee Chair Burrus-Wright presented the Commission with deadlines and timelines. Education Committee requested allocating \$5,000 for the reception for approximately 100 attendees. This would cover food from the Contra Costa College Culinary program. Committee Chair Burrus-Wright announced Charley Ramsey agreed to be the Keynote Speaker. She welcomes any suggestions and advice from the Commission on a possible MC for the Reception. Chairperson Feyer raised concerns about having Charles Ramsey as the Keynote Speaker, as he is running for public office in the upcoming Election. Following discussion, a motion was made by Commissioner Burrus-Wright, seconded by Commissioner Harris, to approve and accept the Education Committee report. A friendly amendment was made by Chairperson Feyer to postpone the reception budget allocation until a recommendation from the Budget Committee is received. Commissioner Burrus-Wright and Commissioner Harris approved the friendly amendment. The motion was passed by the following vote: **Ayes:** Commissioners Sullivan, Johnson, Harris, Cummings, Brown, Burrus-Wright and Chairperson Feyer. **Noes:** None. **Abstentions:** None. **Absent:** Commissioners Saunders and Jones.

Another motion was made by Chairperson Feyer, seconded by Commissioner Johnson, to adopt

the Human Rights Awards Resolution and instruct the legal staff to put the Resolution in legal form, direct staff to post it on the city website, and ask WCCSD Board Member Elaine Merriweather to deliver it to West Contra Costa School Board by Wednesday, August 28, 2013. The motion was passed by the unanimous vote of the Commission: **Ayes:** Commissioners Sullivan, Johnson, Harris, Cummings, Brown, Burrus-Wright and Chairperson Feyer. **Noes:** None. **Abstentions:** None. **Absent:** Commissioners Saunders and Jones.
[The passed Resolution is attached at the end of these minutes]

K.2 VERBAL ATTACKS AGAINST THE LGBTQQIS-2 COMMUNITY DURING CITY COUNCIL MEETINGS - DRAWING THE LINE BETWEEN FREEDOM OF SPEECH AND BULLYING

FOLLOW UP, DISCUSS, AND SUGGEST PRESS RELEASE AND RECOMMENDATIONS TO CITY COUNCIL

Commissioner Sullivan, Commissioner Harris, Commissioner Jones and Commissioner Johnson

Commissioner Sullivan framed the item. The sub-Committee reported that it has not met yet. The sub-Committee will follow up via email and conference call to discuss and suggest recommendations to the City Council regarding this item. Chairperson Feyer described the conduct of the last meeting of the City Council regarding this matter. The following speakers made public comments on this item:

1) Cordell Hindler expressed his support of the flag rising of the Gay Pride Flag and urged people to respect people's rights.

2) Jerome Smith shared a poem, "The Weighing" by Jane Hirshfield.

3) Mark Wassburg spoke regarding drawing the line between freedom of speech and hate speech.

The sub-Committee will meet to discuss and suggest further recommendations regarding this item.

**K.3 MENTAL HEALTH FIRST AID PREPAREDNESS TRAINING PROPOSAL
DISCUSS POSSIBLE TRAINING BY SONIA F. KHAN, MD FAAP**

Commissioner Johnson

Chairperson Feyer asked Commissioner Johnson to frame the item. Commissioner Johnson expressed her support for inviting Sonia F. Khan to the next Commission's meeting to speak about her training proposal. Commissioner Burrus-Wright and Chairperson Feyer acknowledged the importance of the training and the tremendous offering it brings to Richmond youth. Chairperson Feyer recommended that the Commission consider this training for the beginning of next year. Attorney Jenkins recommended that Commissioner Johnson contact the YMCA and Iron Triangle for possible collaborations.

K.4 COMMITTEE REPORT: PLANNING, ADMINISTRATION AND BUDGET

a) DISCUSS RECORDING OF AND FOLLOW THROUGH ON HRHRC ACTIONS

b) REVIEW EXPENDITURES FOR 2012/2013 AND APPROVE EXPENDITURES FOR 2013/2014

Chairperson Feyer and Commissioner Jones

Chairperson Feyer framed the item. She expressed ongoing concerns about the lack of follow through on the Commission's passed Resolutions. Chairperson Feyer named the five recently passed Resolutions by the Commission and requested that staff update the drafts with specific revisions suggested and approved by the Commission and follow through as the Commission had originally requested:

Resolution on June 3: Healthy Workplace Bill in California: instructed to send to CA Legislators,

Resolution on July 8: Invitation to City Manager Bill Lindsay to HRHRC's meeting in writing: email to Commissioners

Resolution on July 8: (Item I. 2) Impact of Workplace Bullying: instructed to deliver to HR department;

Resolution on Whistleblower Policy: directed to deliver to City Council

Resolution on Gun Control

Attorney Jenkins reminded that the Commission that it had already taken action on these items, and made the indicated requests to staff, and that it may reaffirm its action. Chairperson Feyer recommended to make these Resolutions a clear part of the public record by following through with delivery as originally requested, and posting them to the City's website for public access. Chairperson Feyer made a motion that reiterated directions to Staff regarding follow through, once again directing Staff to deliver the listed Resolutions and to make them public record. Since there was no second, the motion failed.

The Commission is budgeted \$15,000 for the fiscal year 2013-2014. Commissioners Burrus-Wright and Sullivan recommended that Chairperson Feyer discuss this matter in the Budget Committee meeting and present a budget proposal at the next regular meeting in September for the Commission's approval. Chairperson Feyer made a motion to pay the Commission's intern for his work in the months of July, August and September 2013. Since there was no second, this motion failed. Commissioner Sullivan made an alternative motion, seconded by Vice Chair Brown, to approve expenditures in the months of July and August only, with the Commission not approving anything more until the Commission approves a budget for the the fiscal year 2013 - 2014. Chairperson Feyer suggested that the Committee look into other ways to raise additional funding and collaborate with community partners to provide food for public events. She expressed her support for the intern to get paid for the month of September. Commissioner Sullivan suggested to use the highly effective volunteer services in Richmond to meet the needs of the Commission. Commissioner Burrus-Wright suggested the possibility of allocating funding that may otherwise have been used for travel expenses to now be used for funding the Commission's intern and/or providing food for public events. Commissioner Burrus-Wright called the question. The motion made by Commissioner Sullivan was passed by the following vote: **Ayes:** Commissioners Sullivan, Johnson, Cummings, Brown, and Burrus-Wright. **Noes:** None. **Abstentions:** Chairperson Feyer. **Absent:** Commissioners Harris, Jones and Saunders. Commissioner Burrus-Wright recommended to have a community member on the budgeting committee. Chairperson Feyer welcomed Commissioner Burrus-Wright's suggestion and encouraged other

Commissioners to join the Budget Committee. Currently, Commissioner Jones and Chairperson Feyer sit on the Budget Committee.

K.5 TRAININGS – 2013

REPORT BACK FROM COMMISSIONERS ATTENDING TRAININGS

Commissioner Cummings and Commissioner Jones

Continued to September 23, 2013,

K.6 CONFERENCES – 2013

REPORT BACK ON CAHRO CONFERENCE - California Association of Human Relations Organizations - APRIL 2013

Chairperson Feyer, Commissioner Sullivan, and Commissioner Cummings

Continued to September 23, 2013.

K.7 RICHMOND PERSONNEL BOARD

UPDATE ON PERSONNEL BOARD ACTIVITY AND HRHRC RECOMMENDATIONS □

Chairperson Feyer

Chairperson Feyer gave updates on the Richmond Personnel Board. Two agendas (August 22 and June 27) of the Personnel Board are attached to this packet. The July meeting of the Personnel Board was cancelled. She also reported that the Personnel Board meeting minutes are transcribed word to word. An example is attached to the agenda packet. In the June 27 meeting, the Personnel Board considered scheduling a possible retreat and began to pay close attention to their charter language and protocols. A major item on the August agenda is the consideration of a Workplace Bullying Policy. Chairperson Feyer will keep updating the Commission about recent developments with the Richmond Personnel Board.

K.8 COMMITTEE REPORT: HUMAN RIGHTS ALLIANCES

a) ANNOUNCEMENT OF UPCOMING CAHRO CONFERENCE

b) REPORT BACK FROM THE CONVENING OF THE BILL OF RIGHTS DEFENSE COMMITTEE AND ADDITIONAL REGIONAL MEETINGS

Chairperson Feyer and Commissioner Cummings

Chairperson Feyer announced and invited all Commissioners to attend the CAHRO Northern California Regional Conference that is taking place on September 27, 2013 from 10:30 a.m. to 3:30 p.m. Chairperson Feyer reminded Commissioners that the Commission is no longer able to reimburse travel expenses. There will be a meal provided free of charge. The Commissioners may register online on the CAHRO's website for this free conference.

Continued to September 23, 2013: a report from the convening of the Bill of Rights Defense Committee .

K.9 BUILDING BRIDGES BETWEEN BLACK AND BROWN COMMUNITIES

DISCUSS PLANNING FOR EVENT - September 2013

Commissioner Sullivan

Commissioner Sullivan offered updates on the event. One of the main partners, Miriam

Wong of the Latina Center, has been hospitalized and is expected to be back sometime in September. By the September HRHRC meeting, Commissioner Sullivan hopes to set a new date and update the Commission on the progress of the event. Commissioner Sullivan clarified that the funding for this event is approved and secured in the 2012 / 2013 budget; therefore, there is no need to allocate funding from the 2013 / 2014 budget for this year's program.

A motion by Vice Chair Brown, seconded by Commissioner Burrus-Wright, was made to extend the meeting for an additional final 10 minutes. The motion was passed by the unanimous vote of the quorum. **Ayes:** Commissioners Sullivan, Johnson, Cummings, Brown, and Burrus-Wright. Chairperson Feyer. **Noes:** None. **Abstentions:** None. **Absent:** Commissioners Harris, Jones and Saunders.

K.10 HRHRC CALENDAR FOR 2013 AND 2014

a) DISCUSS CITY OF RICHMOND EVENTS AND APPROVE HRHRC PARTICIPATION AND REPRESENTATION;

b) DISCUSS CREATION OF ON-LINE CALENDAR

Commissioner Burrus-Wright and Commissioner Cummings

Chairperson Feyer framed the item of creating a shared community calendar for Commissioners. A motion was made Commissioner Sullivan, seconded by Chairperson Feyer, to direct the Commission's intern to create a Google calendar for the Commission. The motion was passed by the following vote: **Ayes:** Commissioners Sullivan, Johnson, Cummings, Brown, Burrus-Wright and Chairperson Feyer. **Noes:** None. **Abstentions:** None. **Absent:** Commissioners Harris, Jones and Saunders.

Another motion was made by Chairperson Feyer, seconded by Commissioner Sullivan, to move the Regular November 2013 meeting from the 25th to the 18th due to Thanksgiving Holiday. The motion was passed by the following vote: **Ayes:** Commissioners Sullivan, Johnson, Cummings, Brown, Burrus-Wright and Chairperson Feyer. **Noes:** None. **Abstentions:** None. **Absent:** Commissioners Harris, Jones and Saunders.

K.11 RICHMOND CALIFORNIA: A HUMAN RIGHTS CITY

a) DISCUSS WAYS TO INCREASE RECOGNITION AT THE STATE LEVEL b) DISCUSS SHOWCASING THE HRHRC AT RICHMOND CITY HALL

Commissioner Burrus-Wright and Chairperson Feyer

Continued to September 23, 2013

OPEN FORUM #2

James Walker spoke about City management's retaliation against its staff.

Cordell Hindler condemned the City Council's meeting conduct. He expressed positivity about the work of the vibrant Richmond communities.

Jerome Smith shared his poem "Glass Tear."

COMMISSION BUSINESS

Chairperson Feyer encouraged all Commissioners to contribute developing the meeting agenda by offering items. The following items were suggested by Commissioners for the next meeting: Commissioner Recruitment, follow up on Pamela Hampton's case and supporting her request, follow up on the invitation to the City Manager and report back from the Ad-hoc committee on generating questions to ask, report back on the creation of an Ethics Commission, report back from the sub-Committee on LGBTQ matters, and report and follow up on possible collaboration with the YMCA and Iron Triangle Neighborhood Association (Commissioner Johnson).

For the good of the Commission: Look for possible collaboration with KCRT to televise the Human Rights Awards and Reception.

ADJOURNMENT

There being no further business, the HRHRC's August 2013 Regular Meeting was adjourned at 9:40 p.m, and to meet again on Monday, September 23, 2013 at 6:30 p.m. in the City Council Chambers.

HUMAN RIGHTS AND HUMAN RELATIONS COMMISSION
CITY OF RICHMOND, CA
REPORT OF THE COMMISSION CHAIR
AUGUST 2013

I have several serious concerns that I would like to share with everyone here this evening, all of which pertain to the effective functioning of the Commission, and our ability to address community complaints. I'd like you to know that I have also shared these concerns with the press.

I'm deeply worried about the Commission's ability to provide a safe space for public comment, and I am troubled that the careful work of the Commission simply disappears without the follow through that is requested and expected of staff.

Our Commission has been doing extraordinary work with students in the area of Human Rights Education.

We are also charged with hearing and investigating complaints from the community, and providing assistance to parties requesting help.

We've agreed as a Commission to take on the topic of "Workplace Bullying." This is very sensitive issue right now among City of Richmond employees.

I AM EXTREMELY TROUBLED TO HAVE HEARD FROM MANY CITY STAFF MEMBERS THAT THEY WILL NOT BE HERE TO SPEAK TONIGHT BECAUSE THEY ARE CONCERNED ABOUT THE POSSIBLE REPERCUSSIONS OF SPEAKING BEFORE THE HRHRC.

Of the employees who have spoken most frequently before this commission on the issue of "Workplace Bullying," one has been put on unpaid leave. A primary cause for that action involved comments made before this Commission.

If I understand it correctly, the problem was not what Mr. Stan Fleury said around a possible conflict of interest on the part of an attorney. It was not what he said to us about possible bullying on the part of city administration. But, rather, it is what he said before this commission about the possible difficulty, in the present job market, of a disabled person finding employment.

I find this extremely worrisome.

A letter from Mr. Fleury was read to the Commission this evening.

I WOULD LIKE TO FEEL THAT OUR PUBLIC COMMISSION MEETINGS ARE A FORUM WHERE PEOPLE CAN SPEAK FREELY – AND CERTAINLY SPEAK OF POSSIBLE DISCRIMINATION - WITHOUT PENALTY.

Another of the employees who has frequently addressed this Commission on this topic has now received a letter of termination.

Ms. Pamela Hampton told her story tonight.

Perhaps this is simply a co-incidence. But perhaps not.

As chair of this Commission, I feel a responsibility for holding a safe space for public comment.

I need to say, that personally, it does not feel inappropriate to me that someone might address a Human Rights Commission and speak of the possibility that a disabled person could face discrimination in hiring. It concerns me deeply that this action, in a public meeting, should be cited as a primary cause for punitive action.

The Commission has taken on the issue of free speech vs. "hate speech," which I feel is an important one. I am personally in full support of banning hateful speech at public meetings. At the same time, I believe that there can, and should, be full freedom to discuss the possible existence of discrimination - of all sorts. I see no contradiction here - and it feels important that we maintain spaces where residents and employees can freely and safely and respectfully voice their concerns, without fear of punishment.

I hope that everyone here will take this very seriously as we move forward. We might discuss how we, as a Commission, could choose to address this when the time comes to submit agenda items for our next meeting. I see no reason why each commissioner cannot speak publicly about their own personal feelings about this, should they choose to do so.

My other concern, which you have heard from me repeatedly, is about what happens to the Commission's actions, instructions, decisions and Resolutions after our meetings.

It came to my attention over this past month that many of the Commissions actions have fallen between the cracks. At our early July meeting, after extensive discussion of employee concerns, we requested that staff send a written invitation to the City Manager to address the Commission. As of this date, that letter has never been written. The multiple Resolutions that we carefully revised and unanimously approved around workplace bullying were never delivered – either to state legislators, to our City Council or to our Human Resources department.

(These Resolutions included a Resolution in support of the enactment of the California Healthy Workplace Bill, a Resolution recommending that the City of Richmond establish and implement a Comprehensive Whistleblower Policy, and a Resolution requesting that the City's Human Resources Management Department of the City recognize the detrimental impact of Workplace Bullying, and include this in its policies covering Workplace Harassment.*)

I didn't hear back from staff on my many inquiries about this, and went directly to our Attorney, who began to draft official copies of the Resolutions that the Commission had made, including those with specified time limits already expired.

I was quite troubled that the City Attorney's office could not obtain a complete and accurate record of these actions, and that I was asked to provide my own recollection of what it was that the Commission resolved. I'd like to share some of what I wrote in response:

"If I recall correctly, the City Manager has continued to support my request that the HRHRC be provided regularly with minutes, within approximately two weeks after each Commission meeting, so that they may be reviewed, acted upon, and attached to the next Commission meeting's agenda for approval, and then published on the City's website.

"This simple process, were it to be followed, would eliminate the necessity for guesswork. As far as I can see, there is no written record, in any form, available to you, to me, or to the public, of the last seven Commission meetings.

(The only exception to this is a word-for-word transcript of the one public comment which is given as cause for disciplinary action against the person who made that comment before the Commission.)

Only two sets of the minutes that the Commission has approved since January of the year 2012 have been posted to the City's website, despite the Commission's instructions, and innumerable meetings, conversations and reassurances by city management.

"It was announced at our last public meeting that auditory recordings have disappeared.

"I would like to feel that, with the City providing both staffing and legal support for the Commission's meetings, there would be no ambiguity about what the Commission discussed, which Resolutions were approved, the wording that the Commissioners asked to be changed from the initial draft Resolutions, OR the instructions for the delivery of those Resolutions.

"I have been assured by Mr. Lynch (the Commission's assigned Staff Liaison), in the presence of Mr. Lindsay (the City Manager), that there also should be a full auditory recording of each meeting made available to the public.

"I'm not sure, Attorney Jenkins, that your memory serves you correctly....

"It feels inappropriate to me, however, that either your memory, or mine, or that of the Commission's intern, should be used as the basis for moving forward on Resolutions approved in public meetings with City staff present. It has been my experience that our Staff Liaison CORRECTLY asks for clarity on every motion and every amendment before a vote of the Commission. It is the Commission's action as a whole which I believe should be recorded, and on which there should be follow through in a timely manner.

"It appears that the City is not providing the staff support necessary to recognize the work of the Commission - or to move forward with the actions that Commissioners have been repeatedly reassured would be taken on their behalf.

“Please clarify for us the process around what to do from here to assure that the Resolutions that were indeed acted upon by the Commission are recorded, the drafts modified as instructed by the Commission as a whole, and delivered as requested by the Commission, and as publicly agreed to, by our City staff.

I’m deeply grateful to our intern for doing a phenomenal job of producing and editing very basic meeting minutes, all since last Wednesday afternoon, when I first began discussing this with the press. I thank our City Clerk for providing training and guidance, and for clarifying the fact that our Commission does need a record of all motions made, including EVEN the ones that are not accepted.

I also want to thank the office of the City Attorney, the IT department, and the Finance Department for their support of the Commission.

I truly hope that we will have written records moving forward, that they will be accurately posted in a timely manner, and that, as our City Clerk recommends, our resolutions will not only be delivered as requested but also placed on the City’s website in a way that they are clearly visible to the public.

Thank you.

*Draft copies of the following Resolutions are available:

1) RESOLUTION OF THE HUMAN RIGHTS AND HUMAN RELATIONS COMMISSION OF THE CITY OF RICHMOND, CALIFORNIA, REQUESTING THAT THE HUMAN RESOURCES MANAGEMENT DEPARTMENT OF THE CITY OF RICHMOND RECOGNIZE THE DETRIMENTAL IMPACT OF WORKPLACE BULLYING ON CREATING A SAFE AND PRODUCTIVE WORKPLACE FOR ALL CITY OF RICHMOND EMPLOYEES

2) RESOLUTION OF THE HUMAN RIGHTS AND HUMAN RELATIONS COMMISSION OF THE CITY OF RICHMOND, CALIFORNIA, RECOMMENDING THAT THE CITY ESTABLISH AND IMPLEMENT A COMPREHENSIVE CITY OF RICHMOND WHISTLEBLOWER POLICY

3) RESOLUTION OF THE HUMAN RIGHTS AND HUMAN RELATIONS COMMISSION OF THE CITY OF RICHMOND, CALIFORNIA, SUPPORTING THE ENACTMENT OF THE HEALTHY WORKPLACE BILL IN THE STATE OF CALIFORNIA

RESOLUTION NO. 05-13

**RESOLUTION OF THE HUMAN RIGHTS AND HUMAN RELATIONS COMMISSION
OF THE CITY OF RICHMOND, CALIFORNIA, REGARDING THE CITY OF
RICHMOND HUMAN RIGHTS AWARDS 2012-2013**

WHEREAS, the City of Richmond's government unanimously voted to become a Human Rights city in 2009; and

WHEREAS, the City has an interest in promoting Human Rights education, and social and economic justice and equality for all its citizens; and

WHEREAS, December 10 is universally celebrated as International Human Rights Day; and

WHEREAS, Richmond's Human Rights and Human Relations Commission works collaboratively with the City to insure that the rights of residents are a priority in any and all deliberations; and

WHEREAS, we plan to honor persons of diverse persuasions who have made outstanding contributions in the area of human rights, and those who have played significant role in cultivating and expanding a culture of peace in Richmond; and

WHEREAS, we encourage community based organizations, nonprofits, and individuals to nominate persons and groups whose work exemplifies the spirit of Human Rights; and

WHEREAS, the HRHRC will honor the recipients at a reception on December 09, 2013.

NOW, THEREFORE, BE IT RESOLVED THAT, the Human Rights and Human Relations Commission of the City of Richmond hereby requests that the West Contra Costa Unified School District Board of Education support the Commission in its outreach, advertising, and nominations for this important event.

I hereby certify that the foregoing resolution of the Human Rights and Human Relations Commission of the City of Richmond was duly passed and adopted at a meeting thereof held on August 26, 2013, by the following vote:

AYES:	Commissioners Rock Brown, Betty Burrus-Wright, Courtney Cummings, Joyce Harris, Carole Johnson, Kathleen Sullivan, and Chairperson Vivien Feyer
NOES:	None
ABSENT:	Commissioners Jasmine Jones and Demetria Saunders
BSTENTION:	None

Vivien Feyer
Chair of the Human Rights and
Human Relations Commission of the
City of Richmond

K. 1

COMMITTEE REPORT: PLANNING, ADMINISTRATION AND BUDGET

Attachments

1.1 – Draft Budget Proposal: FY 2013/2014

1.2 – HRHRC Expenditures – July 1, 2012 – June 30, 2013

KI: attachment 1.1

HUMAN RIGHTS AND HUMAN RELATIONS COMMISSION

DRAFT BUDGET ALLOCATIONS

FISCAL YEAR 2013/2014

EDUCATION AND OUTREACH COMMITTEE:

HUMAN RIGHTS AWARDS	\$1,000
EARLY 2014 STUDENT PRESENTATIONS/ ARTISTICALLY WRITE AND SPEAK ALOUD	\$ 500
EDUCATIONAL MATERIALS	\$ 500
ADDITIONAL COMMITTEE BUDGET- EDUCATIONAL EVENTS	\$ 500

COMMISSION ADMINISTRATION:

INTERN HOURS: \$15.08/ hour - 10 hours/ week \$151/ week - 52 weeks:	\$7,850
PRINTING AND MISCELLANEOUS ADMINISTRATIVE COSTS:	\$750
ANNUAL MEMBERSHIPS:	\$400
CAHRO: \$150	
IAOHRA: \$250	
COMMISSION GOAL-SETTING RETREAT/ FACILITATION	\$1,200
CITY EVENTS:	
FEEES FOR PARTICIPATION/ INFORMATION TABLES	\$300
BROCHURES/HANDOUTS/PHOTOGRAPHY	\$500
ADDITIONAL EVENTS, TRANINGS, AND EXPENSES - OCT 2013 THROUGH JUNE 2014	\$1,500

TOTAL BUDGET: \$15,000

**Human Rights Human Relations Commission
City of Richmond
Expenditures**

JULY 1, 2012 - JUNE 30, 2013

Leftside Printing (school event, banners, "Student Presentation")	\$451.31
Catering "Natural Healing Tree" Celebration of Human Rights Day	\$407.83
Documents Printing for Commissioners and Public Meetings	\$300
Speak Out-Loud Meeting (Feb 18, 2013)	\$16.21
	\$22.45
	\$38.66
	\$20.76
Speak Out-Loud Meeting (March 18, 2013)	\$420.00
Scroll for Human Rights Award Ceremony	\$112.90
Gavel	\$36.10
HRHRC Brochure (500)	\$144.42
HRHRC Brochure (2,000)	
Agenda Minutes Contract - 12 months	
February, 2012	\$337.50
June, 2012	\$360
July, 2012	\$360
August, 2012	\$258.75
September, 2012	\$247.50
October, 2012	NO MEETING
November, 2012	\$360
December, 2012	\$326.25
Center for Human Rights Development (Pleasant Hill)	\$600
Stir Fry (Berkeley)	???

Building Bridges Between Black and Brown Communities
Building Bridges : (Extra Cost for Tables)

\$1,500
\$171

California Association of Human Relations Organizations (CAHRO)

Vivien Feyer \$100
Kathleen Sullivan \$100
Courtney Cummings \$100

Southwest Airlines

Vivien Feyer \$277.30
Kathleen Sullivan \$327.80
Courtney Cummings \$261.80

Miyako Hotel - LA

Vivien Feyer \$165.28
Kathleen Sullivan \$165.28
Courtney Cummings \$165.28

Conference (per diem)

Vivien Feyer (\$60 per/day) \$120
Kathleen Sullivan (\$60 per/day) \$120
Courtney Cummings (\$60 per/day) \$120
Conference Incidental (shuttle service \$34 per per/person) \$102

International Association of Human Rights Conference

Vivien Feyer
PerDiem \$200
Registration \$475
Airline Costs \$690
Hotel \$465

Education Committee

UDHR Booklets (Human Rights & Peace Store, Univ. Minnesota)	\$293.92
UDHR Booklets (Human Rights & Peace Store, Univ. Minnesota) - 500	\$145.82
UDHR Spanish Pamphlets (World Service Authority) - 1,500 copies	\$154.65

HRHRC Intern

\$ 15.08 per/hour (15 hours per/week) \$226.20	\$3,000
Trip to the United Nations (UN Summer Intensive Program)	\$931.80

Approved City Council Budget for Fiscal 2012 - 13

\$15,000

Expenditures to Date

\$14,972.17

Current Balance

\$27.83

K. 2

COMMITTEE REPORT: EDUCATION AND OUTREACH COMMITTEE?

Attachments

2.1 – Wording for Plaque

2.2 – Letter Proposal to Kris Welch and Dr. Sylvia Greenwood



City of Richmond
Human Rights and
Human Relations Commission

Human Rights Day Celebration and Awards Reception

1st Annual Human Rights Awards for accomplishment to fulfill
the Universal Declaration of Human Rights



KEYNOTE SPEAKER: DR. SYLVIA GREENWOOD
Principle of LoVonya DeJean Middle School
MISTRESS OF CEREMONIES: KRIS WELCH, KPFA

Monday, December 9, 2013
6:00 – 9:00 PM

Reception 6:00 – 7:00 PM
Ceremony 7:00 – 9:00 PM

Richmond City Council Chambers
440 Civic Center Plaza
Richmond, CA 94804

City of Pride, Purpose & Human Rights

For more information call Dr. Betty (510) 385-5663
Request for nomination form please email hrtrc.intern@gmail.com or call (510) 620-5576

HR, LOGO

City logo

City of Richmond, Ca.

The City of Richmond California's Human Rights, Human Relations Commission gratefully recognize and acknowledge your energy, tremendous efforts, and outstanding service in enacting many of the Articles in the Universal Declaration of Human Rights.

We salute you and know that Richmond and the World are better place(s) by virtue of your unabashed willingness and commitment to Education, Justice, and Equality.

RECIPIENT-----

Mayor-Gayle McLaughlin-----City Manager-----

Chair; HRHRC.- -----

Chair Ed. Committee-----

Vivian Feyer

Betty Burrus-Wright, PH.D

CITY SEAL

Date, December 09, 2013

attachment 2.2

Mistress of Ceremony Kris Welch

August 30,2013

Kris Welch c/o KPFA radio station

Berkeley, CA.

Ms. Welch , A special thank you for agreeing to participate in the city of Richmond, CA. Inaugural Human Rights Award ceremony Dec.09,2013.

After the September meeting of the Human Rights and Human Relations Commission, You will receive a formal invite and thank you letter.

Attachment 2.2

August 30,2013

Sylvia Green Wood, PH.D

L.DeJean Middle school

3400 MacDonald Ave. Rich, CA. 94804

Dr. Greenwood,

Special thanks to you for agreeing to participate in the City of Richmond, CA. inaugural Human Rights Award Ceremony on Dec. 09,2013. The Theme is Education, Image and Justice.

After the September meeting of the Human Rights and Human Relations Commission you will receive a formal invitation and thank you letter.

K. 4

COMMITTEE REPORT: HUMAN RIGHTS ALLIANCES

Attachments

a) ANNOUNCEMENT OF UPCOMING CAHRO CONFERENCE

4.1 – CAHRO NorCal Regional Conference Announcement – 9/27

4.2 – NorCal Regional Conf Agenda

b) REPORT BACK FROM THE CONVENING OF THE BILL OF RIGHTS DEFENSE COMMITTEE AND ADDITIONAL REGIONAL MEETINGS

4.3 – Bill of Rights Defense Committee Overview



California Association of Human Relations Organizations

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CAHRO: 2013 Northern California Regional Conference

Please join us for our 2013 Northern California convening on **Friday, Sept. 27, from 10:30 a.m. to 3:30 p.m.**

We will discuss how to increase and build upon CAHRO’s capacity to support human rights work in Northern California. Other discussion topics will include current issues in human trafficking and challenges faced by boys and men of color. Coffee service and a light lunch provided.

Guest Speakers:

SF District Attorney, George Gascón

CAHRO President, Danell Scarborough

SF HRC Executive Director, Theresa Sparks

Meeting to be followed by the San Francisco Human Rights Commission’s 50th Anniversary Gala Kick-off Party featuring live music and hosted by the Friends of SFHRC at Lush Life Gallery / SF Jazz Heritage Center @ 1320 Fillmore Street, San Francisco, CA 94115.

To register, [click here](#).

[Click here](#) to see the agenda.

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CAHRO Northern California Regional Conference

Friday, September 27, 2013

10:30 a.m. – 3:30 p.m.

Sterling Bank Conference Room

Transamerica Pyramid, San Francisco, CA

Agenda

- 10:30 a.m. Danell Scarborough, CAHRO President
Welcome, Opening Remarks and Discussion of CAHRO's recent work.
- 10:50 a.m. Theresa Sparks, Executive Director, San Francisco Human Rights Commission
Welcome to the Northern California Regional Conference.
- 11:00 - 11:30 a.m. Honored Guest Speaker:
George Gascón, San Francisco District Attorney
Communities working together on civil rights issues.
- 11:30 a.m. – 1:00 p.m. Hosted Lunch including round table sharing of work from each human relations commission.
- 1:00 – 1:30 p.m. Sonoma County HRC, Union City HRC, and others
Combatting Human Trafficking (including Sex Trafficking)
- 1:30 – 2:00 p.m. *Capacity Building for HRCs - a skill-building workshop*
- 2:00 – 2:30 p.m. Examples presented by different HRCs
Engaging Youth in human rights work.
- 2:30 – 3:00 p.m. *Future Work of CAHRO involving Northern California HRCs*

BORDC *BILL of RIGHTS* DEFENSE COMMITTEE

Are you concerned that the government's "war on terror" policies undermine our civil rights and liberties?

Join the Bill of Rights Defense Committee's national network of people taking meaningful action to restore protections guaranteed under the Bill of Rights and the U.S. Constitution.

Our History

Founded in November 2001, the Bill of Rights Defense Committee (BORDC) is helping hundreds of communities across the country participate in an ongoing national debate about civil liberties and antiterrorism legislation that threaten liberties, such as the USA PATRIOT Act and Homeland Security Act. Recognizing the need to educate people about new threats to civil liberties and to take action, we launched a national movement of cities and towns educating their communities and passing resolutions to protect the rights and liberties of their residents. To date, eight states and more than 400 cities, towns, and counties have passed resolutions.

In 2008, with public anger over executive lawlessness growing, BORDC launched a new initiative: the People's Campaign for the Constitution (PCC). The PCC is a nonpartisan grassroots approach to restoring civil liberties and protections by holding congressional representatives accountable to protect and defend the Constitution. Find out more at www.constitutioncampaign.org.

Our Mission

To promote, organize, and support a diverse, effective, national grassroots movement to restore and protect civil rights and liberties guaranteed by the Bill of Rights. Our purpose is to educate people about the significance of those rights in our lives; to encourage widespread civic participation; and to cultivate and share the organizing tools and strategies needed for people to convert their concern, outrage, and fear into debate and action to restore Bill of Rights protections.

Our Initiative for the New Congress



The People's Campaign for the Constitution is a non-partisan grassroots movement to take back our constitutional rights. Join the PCC today and work with a coalition in your community or district to hold your legislators accountable to their oaths to protect and defend the Constitution.

Find more information and resources or to find a coalition in your area at our website: www.constitutioncampaign.org.

Our Vision and Values

BORDC is guided by the Bill of Rights, which were adopted to limit the power of the state over individuals and to preserve basic human and individual rights for every person under U.S. jurisdiction or control, even in times of war and national crisis, and regardless of who holds elected power. The standards of the Bill of Rights define the fundamental protections for every person in our society, namely:

- First Amendment rights of freedom of speech and religion, freedom of the press, freedom of assembly, and freedom to dissent;
- Liberty from unwarranted government intrusion;
- Nondiscrimination and equal protection of the law;
- The expectation of privacy, and protection from unreasonable search and seizure;
- Due process of law and freedom from arbitrary imprisonment via habeas corpus;
- A speedy and public trial by an impartial jury; and
- Protection from cruel and unusual punishment.

K. 5

VERBAL ATTACKS AGAINST THE LGBTQQIS-2 COMMUNITY DURING CITY COUNCIL MEETINGS: DRAWING THE LINE BETWEEN FREEDOM OF SPEECH AND BULLYING

Attachments

5.1 – Handout from RPD – July 2013 City Council Meeting

K. 6

FREE SPEECH RIGHTS AND CITY OF RICHMOND EMPLOYEES: CAN ACTION BE TAKEN AGAINST EMPLOYEES BASED ON COMMENTS MADE AT PUBLIC MEETINGS?

Attachments

6.1 – Stan Fleury’s Case

6.2 – Free Speech Rights of Public Employees –by Alison Berry Wilkinson Rains, Lucia & Wilkinson LLP – Attorneys & Counselors at Law

6.3 – Free Speech Rights of Public Employees CASES:

- Pickering v. Bd. Of Education (1968)
- Mt. Healthy School District v. Doyle (1977)
- Connick v. Myers (1983)
- Rankin v. McPherson (1987)
- Garcetti v. Ceballos (2006)
- Branti v. Finkel (1980)

6.4 – ARTICLE: Police Whistle-Blower Case Returns by Bob Egelko, August 21, 2013. **SF Gate**

Handouts:

6.5 – Balancing Act: Public Employees and Free Speech – by David L. Hudson Jr., First Amendment Center (**41 pages**)



July 25, 2013

SENT VIA E-MAIL & INTEROFFICE MAIL

Mr. Stan Fleury
c/o Information Technology Department

RE: Notice of Proposed Action (Skelly Notice)

Dear Mr. Fleury:

Pursuant to the City of Richmond Personnel Rule IX, Section 3, before taking action to demote, suspend, reduce in pay or dismiss an employee, the City must first give written notice of proposed action. This notice is to inform you that the City's proposal is to take the following action:

Suspend you for two (2) weeks without pay.

The following constitutes the charges or grounds for action:

CHARGE ONE

On March 25, 2013, you made negative comments regarding Bruce Soublet's disability to the City's Human Rights Human Relations Commission ("HRHRC"). In particular, you stated that Bruce Soublet has "physical disabilities" and some "medical problems" that make it hard for him to find another job. Your comments are indisputable – you were audio-recorded during the HRHRC meeting, and you confirmed saying them in your interview with a neutral, independent investigator on April 9, 2013.

You attended the HRHRC meeting on March 25, 2013 and made public comments under Agenda Item K-12. In particular, you stated the following:

And one of the facts that I would like to make you aware of tonight that we have counsel to the Personnel Board, Bruce Soublet. Bruce Soublet is a victim of bullying himself at the City of Richmond, as there are other attorneys in that office who are the same victim. Bruce Soublet, he has physical disabilities, he has some medical problems, and I am sure it would be hard for him – he has school-aged children – it would be hard for him to get another job. They know that. So they pressure Bruce Soublet to violate the law and the rules....

These comments were made in a work-related setting, were based on negative stereotypes of Mr. Soublet, and were disrespectful to a co-worker. Furthermore, your comments had no purpose other than to negatively characterize Mr. Soublet as someone who is vulnerable to being bullied into improperly advising the Personnel Board because of his disability.

The day after you made inappropriate remarks about Mr. Soublet's disability, Senior City Attorney, Everett Jenkins, sent you an email stating that you had "crossed the line in talking about [Mr. Soublet's] disability and his being vulnerable to bullying because he could not find another job anywhere." Your response to Mr. Jenkins' email was that you were attempting to illustrate your belief that Mr. Soublet was being taken advantage of by former Assistant City Manager/Human Resources Management Director, Leslie Knight, because she thinks that other companies may shy away from hiring people who have preexisting conditions.

Your response to Mr. Jenkins illustrates your lack of remorse about making derogatory, discourteous and disrespectful comments about another City of Richmond employee. In addition, your email response to Everett Jenkins further illustrates your unawareness of how discussing Mr. Soublet's disability was derogatory and undermines any working relationship you may have in the future with Mr. Soublet. Moreover, you did not have any factual basis for your belief that Mr. Soublet could not find another job and were expressing a biased opinion that a disabled employee is unemployable and vulnerable to being bullied.

Your negative comments regarding Mr. Soublet's disability violates the following City rules: (1) Personnel Rule X, Section 2(a) conduct unbecoming of an employee of the City Service; (2) Personnel Rule X, Section 2(e) immoral or disorderly conduct; (3) Personnel Rule XII, Section 1, which states that [e]mployees are required at all times to conduct themselves in such a manner as to reflect no embarrassment or discredit upon the City of Richmond; (4) General Order No. 33-Policy Against Workplace Harassment; and (5) the City's Code of Ethics.

Free Speech Rights of Public Employees

**MAY A PUBLIC ENTITY DISCHARGE OR OTHERWISE DISCIPLINE
AN EMPLOYEE BASED ON HIS/HER SPEECH?**

by:
Alison Berry Wilkinson

“Can they discipline me? What about my First Amendment Rights?” Those are common refrains that I hear whenever a public employer uses an employee’s speech as the ground for discharge, discipline, or denying a promotion.

At one time, the United States Supreme Court’s answer to this question was a simple “Yes.” Justice Oliver Wendell Holmes wrote in 1892 that:

There may be a constitutional right to talk politics, but there is no constitutional right to be a policeman.

McAuliffe v. New Bedford, 155 Mass. 216, 29 N.E. 517 (1892).

As late as 1952, the Supreme Court in *Adler v. Board of Education*, said:

You have a constitutional right to say and think as you will, but you have no constitutional right to work for the government.

342 U.S. 485

However, by 1967, that premise had been rejected, and was replaced with the fundamental principle that public employment cannot be conditioned on a surrender of constitutional rights.

But that current philosophy is not without limitation. Although two of the fundamental maxims underlying the First Amendment are the right to criticize the government, and the right to express freely a viewpoint, due to the fact that public employers must maintain the efficient operation of the people’s business, the courts have found it acceptable for government employers to discipline employees for speech that undermines the integrity of the office or disrupts morale.

This creates a dilemma. While the Supreme Court recognizes that government employers must protect business efficiency, it also has said that “the threat of dismissal of public employment is ... a potent means of inhibiting speech.” *Pickering v. Board of Education*, 391 U.S. 563, 574 (1969).

Because both public employers and employees have important interests at stake in free speech cases, the courts have taken to managing these competing interests by balancing the

government's interest in maintaining an efficient workplace against the individual employee's interest in free expression.

What has resulted is a precarious balance which holds that while the constitutional right to free speech in public employment is not surrendered, is still severely limited.

The Free Speech Test

The test for First Amendment protection of government employees' speech rights was outlined by the United States Supreme Court in *Pickering v. Board of Education*, 391 U.S. 563 (1968). In that case, the court found that public employees must clear two hurdles in order to show that they have been disciplined in violation of the First Amendment:

- The employee must show that his or her speech addresses a matter of public concern
- The employee must show that his or her free-speech interest outweighs the employer's interest in business efficiency.

"Whether an employee's speech addresses a matter of public concern must be determined by the content, form, and context of a given statement..." *Connick v. Myers*, 461 U.S. 138, 147-148 (1983).

The Public Concern Hurdle

The first hurdle an employee must jump to show that his or her speech is protected is that the speech was on a matter of "public concern."

Applying the public concern test has revealed a fundamental problem – no one knows what it is. Suddenly, determining matters of public concern has been analogized to determining pornography – "I know it when I see it."

In the recent decision of the porn-selling police officer, the United States Supreme Court defined the "public concern" test by emphasizing that to be protected the speech must be of "legitimate news interest", and "of value and concern to the public" at the time of publication to be protected. *City of San Diego v. Roe* (2004) ___ U.S. ___ ; 125 S. Ct. 521.

Speech touching on corruption or discrimination in the workplace have been generally viewed by the courts as matters of public concern.

But, speech about personnel or internal disputes are considered unprotected because they involve personal grievances rather than matters of public interest.

The Balancing Act

Once the "public concern" hurdle is cleared, the courts will then balance the employee's interest in speaking out against the employer's interest in maintaining an efficient workplace. The courts generally weigh whether the speech in question:

- Impairs discipline or harmony among co-workers
- Has a detrimental impact on close working relationships for which personal loyalty and confidence are necessary

- Interferes with the normal operation of the employer's business.

Courts will often defer to employers' judgments about the potential disruptiveness of employee speech. For example, one federal appeals court in 1990 ruled that Illinois prison officials could terminate a corrections officer for his membership in the Ku Klux Klan and his expression of a white-supremacist viewpoint. *Weicherding v. Riegel*, 160 F.3d 1139 (7th Cir. 1998). The parties agreed that the officer's association with the Klan and advocacy of white supremacy touched on matters of public concern. But, while the officer argued that the prison could not discipline him for off-duty activities, the prison countered that his conduct was undermining discipline and creating a danger in the workplace.

In *Weicherding*, the appeals court wrote that the balance "weighed heavily" in favor of the prison, which had an important interest in maintaining safety and avoiding racial violence. The court also found that the employee's position as a sergeant weighed against him as well, because supervisory and managerial employees set examples for subordinates, and because the views of supervisory and managerial employees are more likely to be considered reflective of the employer's views.

Similarly, in 2000, the Massachusetts Supreme Court held that the state could fire an investigator for telling a racist joke at a dinner honoring retiring members of a city council. *Pereira v. Commissioner of Social Services*,

432 Mass. 251 (2000). The court noted that "a public employee has a strong interest in speaking her mind free from government sanction." However, the court reasoned that in this instance the employee's racist speech had the "clear potential" to undermine the agency's relations with its clients and the community.

On the other hand, in *Rankin v. McPherson*, (1987) 483 U.S. 378, the U.S. Supreme Court ruled in favor of a clerical employee who had been discharged from a Texas constable's office for making a disparaging remark about then-President Reagan. Ardith McPherson, a data entry employee, told a co-worker after John Hinckley, Jr. shot Reagan: "If they go for him [Reagan] again, I hope they get him."

In *Rankin*, the court first determined that McPherson's comment "plainly dealt with a matter of public concern." Then it proceeded to the balancing test and noted that the comment was not heard by any member of the public and was "unrelated to the functioning of the office." The majority also focused on the fact that McPherson did not have a high-ranking job. "Where, as here, an employee serves no confidential, policymaking, or public contact role, the danger to the agency's successful functioning from that employee's private speech is minimal."

Conclusion

The First Amendment is not an absolute shield to disciplinary actions, as its protections are somewhat limited. Personal disputes and grievances are not protected, whereas discussions on matters of public concern are

somewhat protected. The balancing test is unpredictable. Consequently, you are best advised to “think before you speak.”

Free Speech Rights of Public Employees

The issue: May the government use the speech of a public employee as the basis for discharge or denying promotion?

<http://law2.umkc.edu/faculty/projects/ftrials/conlaw/publicemployees.htm>

Does the First Amendment allow the government to use a public employee's speech as the ground for discharge or denying a promotion? The Supreme Court's answer to this question was at one time a simple "Yes." Justice Oliver Wendell Holmes wrote in 1892, "There may be a constitutional right to talk politics, but there is no constitutional right to be a policeman." The so-called right/privilege distinction was maintained even as late as 1952 when, in *Adler v Board of Education*, the Court said, "You have a constitutional right to say and think as you will, but you have no constitutional right to work for the government."

By 1967, however, the Court would note that "the major premise of *Adler* has been rejected." In its place was a new premise: that the government ought not to be able to do indirectly what it cannot do directly. The Court took the position that public employment cannot be conditioned on a surrender of constitutional rights. The problem for the Court then became how to balance the government's interest in maintaining an efficient public workplace against the individual employee's interest in free expression.

Pickering v Board of Education considered the case of a public school teacher fired for writing a letter to a newspaper critical of the local school board. In ordering the teacher reinstated, the Court found that a public employee's statements on a matter of public concern could not be the basis for discharge unless the statement contained knowing or reckless falsehoods, or the statements were of the sort to cause a substantial interference with the ability of the employee to continue to do his job.

Mt. Healthy v Doyle also involved a fired school teacher. Doyle lost his job after calling a radio station disc jockey to complain about a memo sent to school teachers concerning a new teacher dress code. Because Doyle had given the district other reasons for terminating him (such as giving "the finger" to two students), the Court remanded the case for a determination as to whether Doyle would have been fired even if he hadn't engaged in the protected expressive activity of calling the radio station. If he would have been fired anyway, the termination could stand, the Court said.

Connick (1983) and *McPherson* (1987) both discuss the important issue of what constitutes speech "of public concern." The issue is important because, as the Court says in *Connick*, if speech does not relate to a matter of public concern, "absent the most unusual circumstances" the discharge will not present a First Amendment question for court review. In *Connick*, a 5 to 4 majority of the court concluded that speech about the internal operation of a district attorney's office is generally not of "public concern." Moreover, the Court held, distribution of a questionnaire by the discharged employee raising questions about management of the office could be reasonably seen as sufficiently damaging to close working relationships to justify discharge. In *Rankin*, on the other hand, a 5 to 4 majority concluded that the statement "If they go for him again, I hope they get him," made immediately following news of Hinckley's attempt to assassinate President Reagan, was speech on a matter of public concern. The Court ordered the deputy constable's reinstatement, noting that the remark--made only to a fellow employee--was not likely to affect either her ability to perform her largely clerical duties in the constable's office or public confidence in the office.

Branti* (1980)** is one of a series of cases in which the Court has prevented discharges based on the political beliefs of employees. ***Branti was one of six assistant public defenders fired from a county defender's office simply because they were Republicans and the newly appointed County Defender was a Democrat. The Court noted that sometimes may be permissible to use political affiliation as a basis for hiring and discharge decisions (for example, no one would doubt the right of the President to hire only Cabinet officers or speechwriters that share his or her political affiliation), but said that assistant county defenders did not hold the type of decisionmaking power that made political affiliation an appropriate consideration. Ten years later, in ***Rutan v Republican Party of Illinois*** (a case involving the staffing of Illinois prisons), the Court extended protection for political beliefs to initial hiring decisions, as well as decisions relating to promotions and transfers.

In 2006, in ***Garcetti v Ceballos***, the Court considered the First Amendment claim brought by a deputy district attorney in the Los Angeles DA's office who had been transferred and denied a promotion because of his statements to supervisors criticizing the credibility of statements made in an affidavit prepared by a deputy sheriff. The Court, 5 to 4, rejected the employee's claim, holding that the First Amendment does not protect public employees for "statements made pursuant to their official duties." According to Justice Kennedy, the critical fact in the case was that "his expressions were made pursuant to his duties as a calendar deputy. That consideration—the fact that Ceballos spoke as a prosecutor fulfilling his responsibility to advise his supervisor about how to proceed with a pending case—distinguishes Ceballos' case from those in which the First Amendment provides protection against discipline."

Cases:

Pickering v Bd. of Education (1968)

Mt. Healthy School District v Doyle (1977)

Connick v Myers (1983)

Rankin v McPherson (1987)

Garcetti v Ceballos (2006)

Branti v Finkel (1980)

Police whistle-blower case returns

Bob Egelko

Published 4:40 pm, Wednesday, August 21, 2013

Police departments can't punish officers for reporting beatings, corruption and other misconduct to outside agencies or the news media, a federal appeals court ruled Wednesday, reversing its previous decision on an issue that may be headed for the U.S. Supreme Court.

The Ninth U.S. Circuit Court of Appeals reinstated a lawsuit by a former Burbank police detective who said he was suspended after reporting - first to superiors, then to Internal Affairs and to outside investigators from the Sheriff's Office - that fellow officers had beaten criminal suspects and ordered him to keep quiet about it.

"The First Amendment generally protects public employee whistle-blowers from government retaliation," Judge Richard Paez wrote for a 9-2 majority that allowed the former officer, Angelo Dahlia, to try to prove the city violated his freedom of speech.

Other federal courts have been divided on the issue, and it could return to the Supreme Court, which limited government employees' free-speech rights in a 2006 ruling. In that case, the court said public employees can speak freely as private citizens but have no First Amendment protection for speech that is part of their job duties.

The Ninth Circuit relied on that ruling when it decided in 2009, in a case from Pittsburg, that police officers' job duties include uncovering and reporting official wrongdoing, so they have no constitutional protection against retaliation.

The court overturned much of that decision Wednesday and said an officer like Dahlia acts as a private citizen, with constitutional protection, when he goes outside his chain of command to report misconduct after being ignored or threatened by supervisors.

Dissenting Judge Diarmuid O'Scannlain, joined by Chief Judge Alex Kozinski, said police whistle-blowers have some protections against retaliation under California law but are not entitled to a constitutional shield when they do their job by reporting official wrongdoing.

Dahlia said a supervisor told him to "stop his sniveling" when he reported officers threatening and beating suspects in 2007, and he was later threatened with jail unless he kept silent. He said he was suspended for four days after talking to a sheriff's investigator in 2009.

In Wednesday's ruling, Paez said Dahlia's initial reports to his supervisors were part of his job duties, and thus were not constitutionally protected, but he had the right to speak to outside investigators without retaliation.

For the ruling: <http://1.usa.gov/12pxYjx>

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K. 7

CREATION OF AN ETHICS COMMISSION

Attachments

7.1 – Public Ethics Commission Enabling Authorities - City of Oakland

7.2 – Public Ethics Commission Annual Report 2012 - City of Oakland

Handouts:

7.3 – Ethics Resource Guide – City of Oakland (**25 pages**)

**Public Ethics Commission
Enabling Authorities
As of July 2013**

**Charter of the City of Oakland
Article II. – The Council**

Section 202. Public Ethics Commission; Council Salaries. (a) There is hereby established a Public Ethics Commission which shall be responsible for responding to issues with regard to compliance by the City of Oakland, its elected officials, officers, employees, boards and commissions with regard to compliance with City regulations and policies intended to assure fairness, openness, honesty and integrity in City government including, Oakland's Campaign Finance Reform Ordinance, conflict of interest code, code of ethics and any ordinance intended to supplement the Brown Act, and to make recommendations to the City Council on matters relating thereto, and it shall set City Councilmember compensation, as set forth herein.

(b) The members of the Public Ethics Commission shall consist of seven (7) members who shall be Oakland residents.

(1) Initial appointments. The first seven members of the Commission shall be appointed as follows: Three (3) members who represent local civic organizations with a demonstrated history of involvement in local governance issues shall be nominated for appointment by the Mayor and confirmed by the City Council; and four (4) members shall be appointed following a public recruitment and application following a public recruitment and application process, by the unanimous vote of the three (3) representatives appointed by the City Council. The four (4) members so appointed shall reflect the interest of the greater Oakland neighborhood and business communities.

(2) Subsequent Mayoral appointments. A vacancy in any of the three (3) positions nominated for appointment by the Mayor and confirmed by the City Council shall be filled in the same manner and upon consideration of the same criteria as for the initial Mayoral appointments.

(3) Subsequent Non-Mayoral appointments. A vacancy in any of the four (4) positions initially selected by the unanimous vote of the three (3) Mayoral appointments shall be filled, following a public recruitment and application process, by a candidate who receives the affirmative vote of at least four (4) members of the Commission. Any member so appointed shall reflect the interests of the greater Oakland neighborhood and business communities.

(4) Staggered Terms. Both categories of member shall be appointed to staggered terms.

(5) Functions, duties, powers, jurisdiction and terms. The City shall by ordinance prescribe the function, duties, powers, jurisdiction and the terms of members of the Commission, in accordance with this Article.

(c) Beginning with Fiscal Year 2003-2004, the Public Ethics Commission shall annually adjust the salary for the office of Councilmember by the increase in the consumer price index over the preceding year. The Commission may adjust salaries beyond the increase in the consumer price index up to a total of five percent. Any portion of an increase in compensation for the office of Councilmember that would result in an overall increase for that year in excess of five percent must be approved by the voters.

**Oakland Municipal Code of Ordinances
Chapter 2.24 – Public Ethics Commission**

2.24.010 - Creation.

Oakland City Charter Section 202 has established the Public Ethics Commission.

2.24.020 - Functions and duties.

It shall be the function and duty of the Public Ethics Commission, for and on behalf of the city, its elected officials, officers, employees, boards and commissions:

- A. Oversee compliance with the city Campaign Reform Ordinance.
- B. Oversee compliance with the city Code of Ethics.
- C. Oversee compliance with conflict of interest regulations as they pertain to city elected officials, officers, employees, and members of boards and commissions.
- D. Oversee the registration of lobbyists in the city should the City Council adopt legislation requiring the registration of lobbyists.
- E. Oversee compliance with any ordinance intended to supplement the Brown Act or Public Records Act.
- F. Review all policies and programs which relate to elections and campaigns in Oakland, and report to the City Council regarding the impact of such policies and programs on city elections and campaigns.
- G. Make recommendations to the City Council regarding amendments to the city Code of Ethics, Campaign Reform Ordinance, Conflict of Interest Code, any ordinance intended to supplement the Brown Act or Public Records Act, and lobbyist registration requirements should the City Council adopt lobbyist registration legislation, and submit a formal report to the City Council every two years concerning the effectiveness of all local regulations and local ordinances related to campaign financing, conflict of interest, lobbying, the Brown Act, the Public Records Act, and public ethics.
- H. Set compensation for the office of City Councilmember which shall be reviewed by the Commission and adjusted as appropriate, in odd-numbered years. In 1997, the Commission shall first establish a base salary for the Office of Councilmember at a level which shall be the same or greater than that which is currently received. Thereafter, the Commission shall fix City Councilmember compensation at a level not to exceed ten percent above the base salary as adjusted.
- I. Each year, and within the time period for submission of such information for the timely completion of the city's annual budget, provide the City Council with an assessment of the Commission's staffing and budgetary needs.
- J. Make recommendations to the City Council regarding the imposition of fees to administer and enforce local ordinances and local regulations related to campaign financing, conflict of interest, registration of lobbyists, supplementation of the Brown Act and Public Records Act and public ethics.
- K. Make recommendations to the City Council regarding the adoption of additional penalty provisions for violation of local ordinances and local regulations related to campaign financing, conflict of interest, registration of lobbyists, and public ethics.
- L. Issue oral advice and formal written opinions, in consultation with the City Attorney when necessary, with respect to a person's duties pursuant to applicable campaign financing, conflict of interest, lobbying, and public ethics laws.

M. Prescribe forms for reports, statements, notices, and other documents related to campaign financing, conflict of interest, lobbying, and public ethics.

N. Develop campaign financing, conflict of interest, lobbying, Brown Act, Public Records Act and public ethics informational and training programs, including but not limited to:

1. Seminars, when appropriate, to familiarize newly elected and appointed officers and employees, candidates for elective office and their campaign treasurers, lobbyists, and government officials, with city, state and federal laws related to campaign financing, conflicts of interest, the Public Records Act, the Brown Act, lobbying, and public ethics.

2. Preparation and distribution of manuals to include summaries of ethics laws and reporting requirements applicable to city officers, members of boards and commissions, and city employees, methods of bookkeeping and records retention, instructions for completing required forms, questions and answers regarding common problems and situations, and information regarding sources of assistance in resolving questions. The manual shall be updated when necessary to reflect changes in applicable city, state and federal laws related to campaign financing, conflicts of interest, lobbying, and public ethics.

O. Perform such other functions and duties as may be prescribed by the Oakland Code of Ethics, conflict of interest regulations, ordinances as they may be adopted to supplement the Brown Act and the Public Records Act or to require the registration of lobbyists in the city and Campaign Reform Ordinance.

In prescribing the above duties and functions of the Commission, it is not the intent of the Council to duplicate or overlap the functions, duties, or responsibilities heretofore or hereafter assigned to any other city board or commission or to a city department. As to such functions or responsibilities of another board or commission or of a department of the city, the Commission will render assistance and advice to such board, commission or department as may be necessary. Nothing in this section shall be construed to prevent city officers, employees, and elected or appointed officials from seeking advice directly from the City Attorney, or, when appropriate, the Fair Political Practices Commission, concerning regulations and ordinances related to campaign financing, conflicts of interest, lobbying, and public ethics.

2.24.030 - Authority.

In furtherance of the above enumerated duties and functions, the Oakland Public Ethics Commission is authorized to:

A. Conduct investigations, audits and public hearings.

B. Issue subpoenas to compel the production of books, papers and documents and take testimony on any matter pending before the Commission. The Commission may find a person in contempt as provided by the general law of the state for failure or refusal to appear, testify, or to produce required books, papers and documents.

C. Impose penalties and fines as provided for by ordinance. The Commission's decision to impose penalties and fines for violation of any regulation or ordinance over which the Commission has authority shall be appealable to a mutually agreed upon arbitrator whose decision shall be final. The decision of the arbitrator is not appealable to the City Council.

2.24.040 - Composition—Terms of office.

A. The Oakland Public Ethics Commission shall consist of seven members. The Commission shall be appointed as follows: Three members who represent local civic organizations with a demonstrated history of involvement in local governance issues shall be nominated for appointment by the Mayor, with confirmation by the City Council, pursuant to Section 601 of the City Charter. Four members shall be appointed, following a public recruitment and application process by the unanimous vote of the three representatives appointed by the Mayor with confirmation by the City Council. The four members so appointed shall reflect the interests of the greater Oakland neighborhood and business communities. Commissioners shall serve without compensation. Prior to appointment of a Commission member or members, by the Mayor, each member of the City Council may provide the Mayor with a list of up to three individuals qualified by experience and background to serve on the Commission. In appointing members to the Commission, the Mayor shall consider the recommendations of the City Council.

B. Four members shall constitute a quorum.

C. Members of the Commission shall be appointed to overlapping terms, to commence upon date of appointment, except that an appointment to fill a vacancy shall be for the unexpired term only. Members of the Commission shall serve for a term of three years, except that for terms commencing immediately preceding adoption of the ordinance codified in this chapter, two members shall be appointed for a one-year term, two members shall be appointed for a two-year term, and three members shall be appointed for a three-year term. No member may serve more than one consecutive three-year term.

D. A vacancy on the Commission will exist whenever a member dies, resigns, or is removed, or whenever an appointee fails to be confirmed by the Council within fourteen (14) days of appointment. A vacancy shall be filled no sooner than thirty (30) days and no later than sixty (60) days from the date that such vacancy occurs. Any member of the City Council who chooses to recommend a person or persons to fill a vacancy of a position appointed by the Mayor and confirmed by the City Council pursuant to subsection A of this section shall forward such recommendation to the Mayor for consideration no later than thirty (30) days from the date that a vacancy occurs.

E. A member appointed by the Mayor may be removed pursuant to Section 601 of the Charter. A member appointed by the unanimous vote of the three members appointed by the Mayor and confirmed by the Council may be removed by the unanimous vote of the three members appointed by the Mayor and confirmed by the Council. Among other things, conviction of a felony, misconduct, incompetence, inattention to or inability to perform duties, or absence from three consecutive regular meetings except on account of illness or when absent from the city by permission of the Commission, shall constitute cause for removal.

2.24.050 - Qualifications.

Each member of the Commission shall be a resident of Oakland and registered to vote in Oakland elections. During his or her tenure, and for one year thereafter, no member of the Commission shall:

A. Be employed by the city or have any direct and substantial financial interest in any work or business or official action by the city.

B. Seek election to any other public office, or participate in or contribute to an Oakland municipal campaign.

C. Endorse, support, oppose, or work on behalf of any candidate or measure in an Oakland election.

2.24.060 - Election of chairperson and meetings.

At the first regular meeting of each year the members shall elect a chairperson and a vice-chairperson. The Commission shall hold regular meetings at an established time and place suitable for its purpose. Other meetings scheduled for a time or place other than for regular meetings shall be designated special meetings. Written notice of special meetings shall be provided the members, the Council, and the public press at least seventy-two (72) hours before the meeting is scheduled to convene.

2.24.070 - Rules, regulations and procedures.

The Commission shall establish rules, regulations and procedures for the conduct of its business by a majority vote of the members present. The Commission must vote to adopt any motion or resolution. The Commission shall transmit to the City Council any rules, regulations and procedures adopted by the Commission within seven calendar days of adoption. A rule, regulation or procedure adopted by the Commission shall become effective sixty (60) days after the date of adoption by the Commission unless before the expiration of this sixty (60) day period two-thirds of all the members of the City Council vote to veto the rule, regulation or procedure.

2.24.080 - Staff assistance.

The City Manager, or designees thereof, shall provide the Commission with staff assistance as necessary to permit the Commission to fulfill the functions and duties as set forth above.

2.24.090 - Legal assistance.

The City Attorney is the Commission's legal advisor. The City Attorney shall provide the Commission with legal assistance, to the extent such assistance does not constitute a conflict. In the event of a conflict, the City Attorney shall retain outside counsel.

2.24.100 - Protection against retaliation.

A. No officer or employee of the city shall use or threaten to use any official authority or influence to effect any action as a reprisal against a city officer or employee for acting in good faith to report or otherwise bring to the attention of the Commission or other appropriate agency, office or department, information regarding the violation of any regulation or ordinance over which the Commission has authority.

B. No officer or employee of the city shall use or threaten to use any official authority or influence to discourage, restrain or interfere with any other person for the purpose of preventing such person from acting in good faith to report or otherwise bring to the attention of the Commission or other appropriate agency, office or department, information regarding the violation of any regulation or ordinance over which the Commission has authority.

City of Oakland Public Ethics Commission



ANNUAL REPORT 2012



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BUILDING CAPACITY

The Public Ethics Commission is charged with ensuring fairness, openness, honesty and integrity in City government and is equipped with the authority to oversee compliance with certain local ordinances aimed to achieve these broad goals. In April 2012, after not operating for almost a year due to budget reductions and the retirement of the one remaining staff, the Commission hired an executive director and began to lay the foundation for new and collaborative approaches toward enhancing integrity in City government. The Commission's initial work in 2012 shows the beginning of what is to come, and this report seeks to highlight that work as the Commission continues to build its capacity to effectively fulfill its mission.

After stepping into 2012 with no staff and a displaced office, the Commission devoted considerable attention to rebuilding Commission staffing and moving into new office space while also working to establish priorities and determine how best to carry out its duty to ensure compliance with ethics-related laws. The Commission's priorities, adopted in August, 2012, reflect a desire to focus on ensuring compliance through outreach, enforcement, and systems reform.

Highlights from 2012 include providing political candidates, public officials, and City employees with information about campaign finance laws, ethics concepts, and restrictions on the use of public funds for campaign or personal purposes. The Commission began to update its website and publications as part of a broad project to transform the Commission's web-based information to better share information and engage candidates, officials and employees around ethics and transparency issues. The Commission also reached out through social media, and its entry onto Facebook and Twitter are just a glimpse of how the Commission will incorporate broader social media into its communications and public information strategy. The Commission closed a total of 19 cases alleging violations of various campaign finance, conflict of interest, and open government laws; and on the staffing front, the Commission is pleased to report that it began 2013 with a full 7-member board, one full-time director, a part-time employee, and four interns.

The Public Ethics Commission continued to face significant challenges in 2012 in meeting expectations set by law and accomplishing the goals for which it was established. Staff conducted a comprehensive analysis of the Commission's responsibilities under the law and determined that a total of 5 staff are needed to fulfill the legal mandate. The Commission is heading into the 2013-14 budget cycle with only one full-time position; the part-time position that was in place during the second half of 2012 will no longer exist by July, 2013. The Commission will need the additional position in order to continue the intern support and momentum that developed by the end of 2012 and has carried into 2013.

While the Commission's energy and focus continues to swell, much work remains. Staff and Commissioners want to revamp the Commission's website to serve as a hub for information and links about all things ethics and campaign-related, and to be a forum for City staff, public

officials, citizens, and others to engage with each other around these issues. The Commission needs to enforce the law through routine audit reviews and investigations of campaign finance laws, and it needs a complaint process that facilitates streamlined and effective enforcement. The Commission must work with City staff to ensure appropriate policies and systems are in place to achieve greater compliance with Sunshine and other laws. And the Commission needs to communicate with the City and the public in a way that reinforces and bolsters the attention given to ensuring that all stakeholders comply with government integrity laws. As a practical matter, at least one full-time position is needed in each of these separate areas, yet the Commission has only one staff. Despite the shortage, the Commission will continue to prioritize goals and complete projects that seek to make the greatest impact for the City of Oakland and its citizens.

ENSURING COMPLIANCE

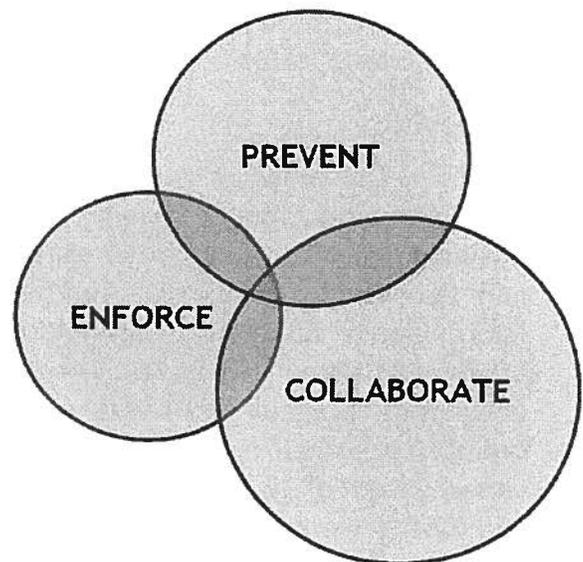
The Public Ethics Commission fosters transparency, promotes open government, and ensures compliance with ethics laws through a comprehensive approach that emphasizes prevention, enforcement, and collaboration.

PREVENTION

Prevention activities consist of education, outreach, and information to help Commission clients comply with government integrity laws. Commission clients include candidates for local elective office, elected officials, public officials, City staff, Lobbyists, contractors doing business with Oakland, City residents, businesses, and organizations.

In summer 2012, the Commission published its first-ever **Local Candidate Information Packet**, with comprehensive information about state and local laws governing campaign finance activities and conflicts of interest rules for candidates. The packet was published on the Commission's website, and a summary overview of the laws, along with website hyperlinks for more information, was included in the election packet distributed to each candidate by the City Clerk's office.

The Commission joined **Facebook** and **Twitter** to enhance its outreach capacity and made some initial improvements to its **Website** to make it easier to find information about Commissioners, meetings, agendas, subcommittee activities and documents, and lobbyist registration and activities. These improvements will continue into 2013. The Commission also acquired a



shorter URL/Website address, now consisting of www.oaklandnet.com/pec, to allow for easier sharing. The Website continues to offer the following **Commission publications**:

- How To Notice A Public Meeting And Respond To Requests For Public Information
- Handling Public Records Requests
- A Guide To Lobbyist Registration (updated in 2012)
- How To Apply For Public Financing
- A Guide To Oakland's Campaign Reform Act
- A Handbook For Members Of Oakland Boards And Commissions

During the second half of 2012, Commission staff assisted roughly two-dozen individuals seeking **advice** on campaign finance, conflicts of interest, and lobbyist registration laws. The Commission compiled and distributed an introductory packet of **Ethics and Transparency materials for incoming City Council Members** and provided them with an overview of the Commission and its laws in December 2012 as they prepared to take office.

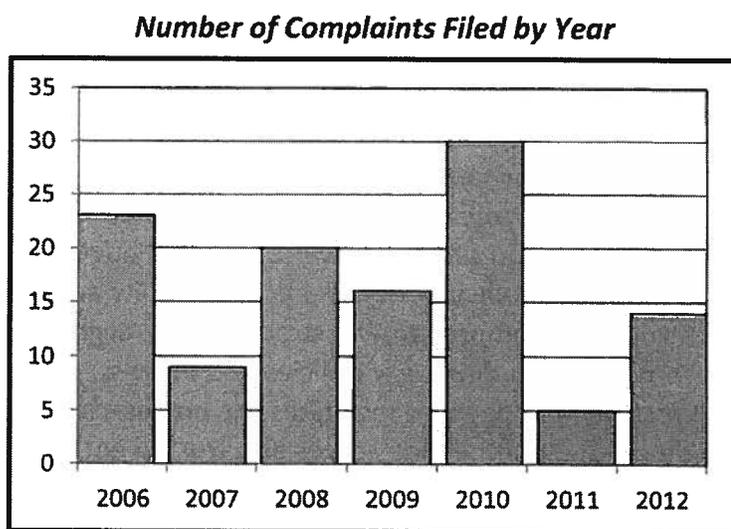
ENFORCEMENT

The Public Ethics Commission has the authority to conduct investigations, perform audits, hold public hearings, issue subpoenas, and impose fines and penalties for certain types of violations. The Commission also ensures compliance through alternative enforcement strategies, such as sharing information publicly and referring issues to another enforcement entity where appropriate.

The Commission received a total of **14 complaints in 2012** alleging violations of campaigns finance, conflicts of interest, open meetings, public records, and other ethics-related laws. This is up from 5 complaints in 2011, and compares to 30 complaints in 2010, 16 in 2009, 20 in 2008, 9 in 2007, and 23 in 2006.

During 2012, the Commission **closed 19 cases**, 11 of which had been filed in 2011 or earlier. Of these 19 cases, 8 complaints alleged violations of the

Oakland Sunshine Ordinance, 3 complaints alleged violations of state laws regarding misuse of public resources, 1 complaint alleged a conflict of interest violation, 1 complaint alleged a ballot measure misidentification of a person's title, 1 alleged violation of campaign sign placement rules, and the rest consisted of allegations on issues wholly outside of the Commission's reach, such as real estate fraud and City government mismanagement.



Given its limited resources, the Commission focused its efforts on assessing its enforcement abilities, prioritizing cases based on level of importance and staff work required, closing the highest priority cases, and identifying ways to streamline the process. Nevertheless, the Commission ended 2012 with a total of 16 open cases, only 6 of which were opened in 2012. The remaining 10 cases were filed in 2011 or earlier, including 6 cases that were filed in 2010 and 2 that were filed in 2009.

In addition to the 3 complaints mentioned above regarding misuse of public resources, Commission staff was contacted informally by City staff and public officials on multiple occasions about the rules restricting the use of public funds for campaign or personal purposes. In response to the number of inquiries on this issue, the Commission hosted an **informational hearing on the misuse of public funds laws** in December to review and highlight the state laws restricting the use of City funds.

To ensure compliance with lobbyist reporting rules and to share information about lobbyist activities, the Commission publishes **lobbyist registration and reports of activities** on its Web site. The Oakland Lobbyist Registration Act requires all professional lobbyists to register with the City before attempting to influence a local governmental action on behalf of another person. It requires paid, professional lobbyists to file initial and quarterly reports with the City Clerk disclosing the lobbyist's clients or employer, as well as the subject of any lobbying. The Commission publishes these reports online to disclose the lobbyists' clients, the subject of governmental action lobbied upon, who was lobbied, the client's position on the item being lobbied, campaign contributions solicited by a lobbyist, and employment opportunities arranged by a lobbyist.

COLLABORATION

Beyond prevention and enforcement, the Public Ethics Commission enhances government integrity through collaborative approaches that leverage the efforts of City and community partners working on similar or overlapping initiatives. A collaborative approach recognizes that lasting results in transparency and accountability are achieved not through enforcement alone, but through a comprehensive strategy that aligns all points in the administration of City government – including clear policies and process, effective management and provision of staff resources, technology that facilitates the process, and an understanding of citizen expectations. In addition, the Commission serves as a trusted entity to take the lead on certain issues, such as setting the salary for City Council Members and distributing public funds to candidates under the City's campaign financing law.

As part of the Commission's responsibility to oversee compliance with the Oakland Sunshine Ordinance, Commission staff in 2012 conducted an initial **assessment of the City's access to public records system** and began to suggest changes that would lead to greater public access to City records. The Commission **co-sponsored and participated in CityCamp Oakland**, hosted by OpenOakland, to discuss open government and technology with City and community members.

citycampoak gov 2.0 in the town

The Commission revved up the project going into 2013 by creating a Commission subcommittee on access to public records and teaming with City staff on specific systems changes that will lead to greater accessibility of public records.

For the 2012 election, the Commission administered the **Oakland Limited Public Financing program**, in which candidates for district City Council seats could apply for and receive public money to assist them in their campaigns. Commission staff **distributed roughly \$60,000 in public funds** to eligible candidates. Staff also made significant changes to the tracking and administrative oversight of the processing of Limited Public Financing program payments, resolving all of the City Auditor’s concerns in an audit of the program as it had been administered in 2010.

Pursuant to Measure P, adopted by Oakland voters in 2004, the **Oakland City Charter requires the Public Ethics Commission to annually adjust City Council salaries** by the increase in the consumer price index over the preceding year. In June, 2012, the Commission approved a 2.8 percent salary increase – the minimum required by law – for City Council Members, putting the total salary at \$76,172.62 effective for FY 2012-13.

Commission staff **consulted with City officials on issues** such as City Council non-interference in City administration, use of public funds for campaign or personal purposes, electronic filing of campaign statements, City administrative management review, and the Zero-Waste contract procurement process integrity measures.

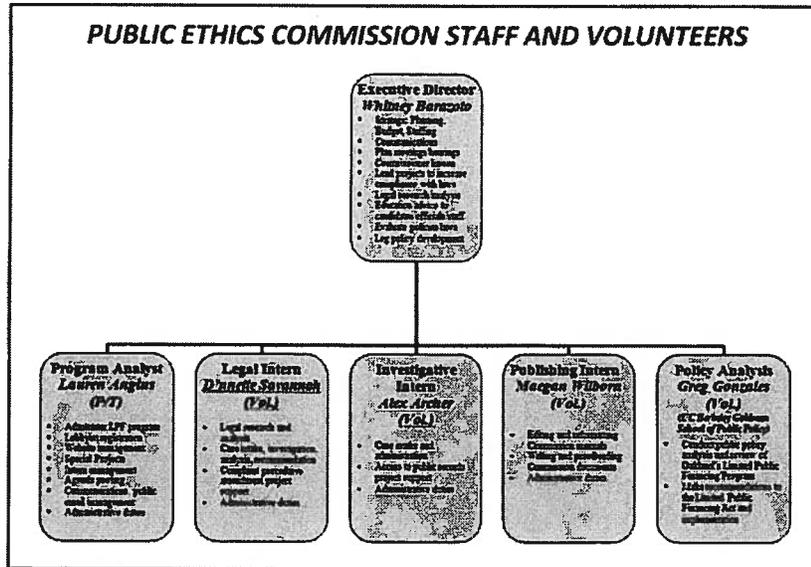
Staff also conducted a **seminar on Oakland’s government integrity laws and institutions** for a visiting delegation from China in late 2012.



STAFFING UP

At the beginning of 2012, the Commission had no staff and had not been operating since June 2011, when it was last staffed by an Executive Director and an Administrative Assistant with a total budget of \$265,750 for FY 2010-11. In FY 2011-12, the City eliminated one FTE (full-time equivalent) position and reduced Commission funding by 43%, leaving only \$152,724 for the year. Budget amendments in January 2012 provided an increase to the Commission’s budget, resulting in a total budget of \$186,336 for FY 2011-12, but still only one FTE position. The Commission’s budget for FY 2012-13 was the same, with an increase of roughly \$9700 from the Election Campaign fund to cover administrative costs of the Limited Public Financing program as it was administered in 2012.

The Commission currently has one full-time position, filled by an Executive Director who joined the Commission in April 2012. City administrators provided the Commission with a part-time Program Analyst to assist the Commission, along with the ability to request some administrative assistance from staff that support other City programs. Given these limited resources, the Commission assessed needs and established a list of priorities in summer 2012 to accomplish the duties it deemed most important and valuable to the City. Commission staff worked to streamline assignments, partner with other City programs, and recruit part-time and volunteer workers. The Commission now retains four volunteers, in addition to one part-time employee, to support the work of the Executive Director and the Commission.



In December 2012, the Commission conducted a comprehensive analysis of its mandated duties and determined which activities could not be completed within existing resources. The assessment made clear that the Commission cannot meet its full mandate with only one FTE; rather, 5 staff are needed to accomplish all that is required under the law. The Commission communicated its staffing and budgetary needs to the City Administrator in advance of the 2013-15 budget process, specifically requesting two additional positions – a program analyst and an investigator – for FY 2013-14.

CURRENT COMMISSIONERS

Lloyd Farnham, Chair

Lloyd Farnham has served as an attorney with the Enforcement Division of the U.S. Securities and Exchange Commission since 2003. During his time with the SEC, Mr. Farnham has investigated and litigated cases involving securities fraud, insider trading, and violations of corporate disclosure rules.

Mr. Farnham earned his undergraduate degree from Occidental College, and his law degree from the UC Berkeley School of Law. Prior to joining the staff of the SEC, Mr. Farnham clerked for a federal district judge and spent four years practicing law at a San Francisco law firm. He and his family have lived in Oakland since 2004. Mr. Farnham is a Commission appointee serving his term from 1/22/2011 – 1/21/2014.



Aspen Baker, Vice-Chair

Aspen Baker is the founder and executive director of Exhale, an award-winning, national, nonprofit organization that has been operating out of downtown Oakland since its founding in 2000. An Oakland resident for over ten years, Ms. Baker was named a "Local Hero" by San Francisco's KQED for Women's History Month in 2009 and "Young Executive Director of the Year" by the Bay Area's Young Non-Profit Professional Network in 2005. She is a 2011 Emerge California Fellow, a former member of the Women's Health Leadership Network of the Center for American Progress, and a 2004 Fellow with the Women's Policy Institute of the Women's Foundation of California. Ms. Baker, who has been featured on T.V., radio, blogs and in print media, including *CNN Headline News*, *Fox National News*, *Ladies Home Journal*, *New York Times Magazine*, *National Public Radio*, *Oakland Local*, *Oakland Magazine*, and the *Oakland Tribune*, among many others.

Born in a trailer on the beach in Southern California, this U.C. Berkeley graduate holds a degree in Peace and Conflict Studies, is a former bartender and a one-time Alaska resident who can land a bush plane on a glacier. Ms. Baker is a Mayoral appointee for the term from 1/22/11 – 1/21/2014.



Ben Kimberley

Ben Kimberley is an attorney at the law firm of Winston & Strawn LLP. Over the last four years, Mr. Kimberley has investigated and litigated a number of cases involving relationships of trust and confidence. He has chaired the Ethics Subcommittee and Alternative Dispute Resolution Subcommittee of the American Bar Association's Litigation Section's Commercial & Business Litigation Committee. Mr. Kimberley currently serves on the Executive Board of the Young Lawyers Association and previously served as the American Bar Association's Young Lawyers Division's Northern California District Representative, where he was responsible for coordinating with the Federal Emergency Management Agency to provide legal services to victims of disaster in northern California. Mr. Kimberley has provided pro bono legal service to senior citizens, veterans, and the wrongly incarcerated, and he has lived in the Bay Area since 2005.

Mr. Kimberley received a B.A. in Political Science and International Studies from Northwestern University and a J.D. from the University of California, Boalt School of Law. Mr. Kimberley is a Commission appointee for the term from 6/11/2012 – 1/21/2015.



Roberta Ann Johnson

Roberta Ann Johnson was Professor of Politics at the University of San Francisco from 1985 to 2008. Specializing in American politics she also raised ethical issues particularly related to corruption, whistleblowing, and social justice. Dr. Johnson has published numerous journal articles and authored three books, *The Struggle Against Corruption: A Comparative Study*, *Puerto Rico: Commonwealth or Colony?*, and *Whistleblowing: When It Works – And Why*. Traveling extensively to lecture and present papers at international ethics conferences during her tenure, Dr. Johnson also served as a Fulbright Professor in Jakarta, Indonesia in 1992 and a Fulbright Senior Specialist in São Paulo, Brazil in 2008. Dr. Johnson's academic achievements and contributions to education have been recognized by awards from the California State Senate, the San Francisco Bay Area Federal Executive Board and the University of San Francisco.



Dr. Johnson earned her undergraduate degree from Brooklyn College and her Masters and PhD in political science from Harvard University. Dr. Johnson has climbed Mt. Kilimanjaro, has been a competitive open water Masters swimmer with the Oakland Temescal Aquatic Masters, and has competed in, and continues to win, hula hoop contests. Dr. Johnson is a Commission appointee for the term from 6/11/2012 – 1/21/2014.

Monique Rivera

Monique Rivera is a community activist and currently manages complex projects for Kaiser Permanente. She is a former business manager for Mustang Engineers & Constructors and has extensive financial and project management experience in the construction industry. Ms. Rivera is active in the Oakland Community Action Program, Big Brothers Big Sisters, the Hispanic Employee Association, and the Hispanic Chamber of Commerce. In addition, she served as the City of Oakland Mayor's Ambassador Coordinator. Ms. Rivera also is a member of the Professional Women in Construction and Construction Management Association of America.



Ms. Rivera earned her undergraduate degree from University of California, Berkeley, in Ethnic Studies and Biology. Currently, she is completing her Masters of Business Administration at Golden Gate University. Ms. Rivera is a Mayoral appointee for the term from 1/22/2012 – 1/21/2015.

Jenna Whitman

Jenna Whitman is a legal research attorney at the Alameda County Superior Court, where she advises judges on law and motion matters in civil litigation, serving one of the court's two complex litigation departments that handle class actions and other lawsuits requiring exceptional judicial management. Before that, Ms. Whitman represented both corporate clients and class action plaintiffs in a wide variety of complex civil disputes. She has provided pro bono representation to low-income clients, and for three years served on the board of the AIDS Legal Referral Panel, a non-profit legal services organization. While in law school, Ms. Whitman clerked in the U.S. Department of Justice, Criminal Division, Economic Crimes Unit, and participated in the U.S. Department of Defense, General Counsel's Office Summer Honors Program, where she provided analysis and counsel on issues relating to ethics and conflicts of interest.



Ms. Whitman is a bay area native who earned her undergraduate degree at Yale College (where she majored in American Studies, studied Russian, and competed for the varsity swimming squad) and her law degree at Georgetown University Law Center. Ms. Whitman is a Commission appointee for the term from 1/22/2013 – 1/21/2016.

Eddie Tejada

Eddie Tejada is a self-described civic technologist who has devoted his career to building technologies to help civic institutions become more transparent, ethical, and efficient. Mr. Tejada recently co-founded OpenOakland, a group of developers, designers, and organizers working to bring innovative solutions to Oakland governance. Serving as a 2012 Code for America fellow in New Orleans, his focus as a fellow was on building tools that encouraged civic participation. His team most recently lead a successful collaboration with the City of New Orleans to develop and launch BlightStatus. Previously, Mr. Tejada co-founded Digress.IT, a paragraph-level commenting system used by local governments and universities around the world. He also lead the development of Regulation Room, a project lead by Cornell University in collaboration with the Department of Transportation, aimed at increasing public participation in federal rule making. Mr. Tejada worked at the Institute for the Future of the Book, a small publishing think-tank working on innovative publishing projects and developed LittleSis.org, a free database detailing the connections between powerful people and organizations.



Mr. Tejada earned his B.A. from Hampshire College with a focus on the digital divide and wrote his senior thesis on power efficient microprocessors. He is a Mayoral appointee for the term from 1/22/2013 - 1/21/2016.

PREVIOUS COMMISSIONERS WHO SERVED IN 2012

Richard Unger

Richard Unger has lived in the Bay Area since 1966. He has been a home owner and with his wife has raised a family in Oakland since 1978. Dr. Unger practices psychiatry with an emphasis on psychotherapy and consultation to non-medical practitioners and their patients about psychopharmacological treatment. He has worked in both public and private sectors and is a founding member of Bay Psychiatric Associates, a group practice in the East Bay providing inpatient psychiatric care. He is a member of the Board of Directors and has been the CFO of that organization for 14 years. He has been a consultant for psychiatric patient advocacy organizations.

Dr. Unger has an undergraduate degree from the University of Pennsylvania, a Master's degree in Bacteriology from the University of Wisconsin, a Ph.D. in Molecular Biology from the University of California at Berkeley, and an M.D. at the University of California, San Francisco. Dr. Unger was a Commission appointee for the term from 1/22/10 – 1/21/13 and was Chair of the Commission in 2011 and 2012.

Amy Dunning

Amy Dunning serves as the Regional Director/Chief Administrative Judge of the Western Regional Office of the U.S. Merit Systems Protection Board. She previously served as Counsel to the Commander, U.S. Naval Forces Europe, in London, United Kingdom. As the senior Navy Office of the General Counsel attorney in Europe, she provided legal services throughout Europe as well as in Bahrain. Prior to working in London, Ms. Dunning served on the legal staff of the Deputy Assistant Secretary of the Navy, as Counsel to the Director, Human Resources Operations Center. Ms. Dunning served 8 years on active duty as a Judge Advocate with the U.S. Marine Corps, including time spent mobilized for Operation Enduring Freedom. She retired as a Colonel from the U.S. Marine Corps Reserve in January 2009.

Ms. Dunning has an undergraduate degree in Political Science from the University of Missouri, a J.D. from Southern Illinois University, and an L.L.M in Labor Law from Georgetown University. She is admitted to practice law in California, Illinois, and the District of Columbia. Ms. Dunning was a Mayoral appointee for the term 1/22/10 – 1/21/13.

COMMISSION CHARGE

The Public Ethics Commission is a **seven-member board of Oakland residents** who volunteer their time to participate on the Commission. Three members are appointed by the Mayor and confirmed by the City Council, and four members are recruited and selected by the Commission itself. Each Commissioner may serve no more than one consecutive **three-year term**. During the tenure and for one year thereafter, no member of the Commission may do the following:

- Be employed by the City or have any direct and substantial financial interest in any work or business or official action by the City;
- Seek election to any other public office; participate in, or contribute to, an Oakland municipal campaign; or
- Endorse, support, oppose or work on behalf of any candidate or measure in an Oakland election.

The Commission was created in 1996 with the goal of ensuring "**fairness, openness, honesty and integrity**" in City government and specifically charged with overseeing compliance with the following laws and policies:

- Oakland's Campaign Reform Act (OCRA)
- Conflict of Interest Code
- City Council Code of Conduct
- Sunshine Ordinance
- Limited Public Financing Act
- Lobbyist Registration Act
- Oakland's False Endorsement in Campaign Literature Act

Some of these ordinances grant the Commission specific powers of administration and enforcement. The citizens of Oakland have also entrusted the Commission with the authority to set the salary for Oakland City Council Members and the duty to adjust the salary by the Consumer Price Index annually. The Commission administers compliance programs, educates citizens and City staff on ethics-related issues, and works with City staff to ensure policies are in place and are being followed. The Commission also is authorized to conduct investigations, audits and public hearings, issue subpoenas, and impose fines and penalties to assist with its compliance responsibilities.

The Commission meets on the first Monday of every month at 6:30 p.m. in City Hall, and meetings are open to the public and broadcast locally by KTOP, Oakland's cable television station.

PUBLIC ETHICS COMMISSION RESPONSIBILITIES

Oakland Municipal Code section 2.24.020 enumerates the following functions and duties of the Public Ethics Commission:

- A. Oversee compliance with the city Campaign Reform Ordinance.
- B. Oversee compliance with the city Code of Ethics.
- C. Oversee compliance with conflict of interest regulations as they pertain to city elected officials, officers, employees, and members of boards and commissions.
- D. Oversee the registration of lobbyists in the city should the City Council adopt legislation requiring the registration of lobbyists.
- E. Oversee compliance with any ordinance intended to supplement the Brown Act or Public Records Act.
- F. Review all policies and programs which relate to elections and campaigns in Oakland, and report to the City Council regarding the impact of such policies and programs on city elections and campaigns.
- G. Make recommendations to the City Council regarding amendments to the city Code of Ethics, Campaign Reform Ordinance, Conflict of Interest Code, any ordinance intended to supplement the Brown Act or Public Records Act, and lobbyist registration requirements should the City Council adopt lobbyist registration legislation, and submit a formal report to the City Council every two years concerning the effectiveness of all local regulations and local ordinances related to campaign financing, conflict of interest, lobbying, the Brown Act, the Public Records Act, and public ethics.
- H. Set compensation for the office of City Councilmember which shall be reviewed by the Commission and adjusted as appropriate, in odd-numbered years. In 1997, the Commission shall first establish a base salary for the Office of Councilmember at a level which shall be the same or greater than that which is currently received. Thereafter, the Commission shall fix City Councilmember compensation at a level not to exceed ten percent above the base salary as adjusted.
 - i. Each year, and within the time period for submission of such information for the timely completion of the city's annual budget, provide the City Council with an assessment of the Commission's staffing and budgetary needs.
- J. Make recommendations to the City Council regarding the imposition of fees to administer and enforce local ordinances and local regulations related to campaign financing, conflict of interest, registration of lobbyists, supplementation of the Brown Act and Public Records Act and public ethics.
- K. Make recommendations to the City Council regarding the adoption of additional penalty provisions for violation of local ordinances and local regulations related to campaign financing, conflict of interest, registration of lobbyists, and public ethics.
- L. Issue oral advice and formal written opinions, in consultation with the City Attorney when necessary, with respect to a person's duties pursuant to applicable campaign financing, conflict of interest, lobbying, and public ethics laws.
- M. Prescribe forms for reports, statements, notices, and other documents related to campaign financing, conflict of interest, lobbying, and public ethics.
- N. Develop campaign financing, conflict of interest, lobbying, Brown Act, Public Records Act and public ethics informational and training programs, including but not limited to:
 1. Seminars, when appropriate, to familiarize newly elected and appointed officers and employees, candidates for elective office and their campaign treasurers, lobbyists, and government officials, with city, state and federal laws related to campaign financing, conflicts of interest, the Public Records Act, the Brown Act, lobbying, and public ethics.
 2. Preparation and distribution of manuals to include summaries of ethics laws and reporting requirements applicable to city officers, members of boards and commissions, and city employees, methods of bookkeeping and records retention, instructions for completing required forms, questions and answers regarding common problems and situations, and information regarding sources of assistance in resolving questions. The manual shall be updated when necessary to reflect changes in applicable city, state and federal laws related to campaign financing, conflicts of interest, lobbying, and public ethics.
- O. Perform such other functions and duties as may be prescribed by the Oakland Code of Ethics, conflict of interest regulations, ordinances as they may be adopted to supplement the Brown Act and the Public Records Act or to require the registration of lobbyists in the city and Campaign Reform Ordinance.

Public Ethics Commission

At a Glance

Commission Meetings

The Commission meets regularly on the first Monday of every month at 6:30 p.m. and may hold additional meetings as necessary throughout the year. Meetings generally are held in Hearing Room 1 of City Hall.

Commission Office

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Current Commissioners

Lloyd Farnham (Chair)

Aspen Baker (Vice-Chair)

Roberta Johnson

Benjamin Kimberley

Monique Rivera

Jenna Whitman

Eddie Tejada

Commission Staff

Whitney Barazoto, Executive Director

Lauren Angius, Program Analyst (P/T)

Subscribe for Information

To receive meeting notices and other Commission announcements, please email the Commission at ethicscommission@oaklandnet.com or subscribe on the Commission's Web page at www.oaklandnet.com/pec.

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RICHMOND PERSONNEL BOARD

Attachments

8.1 – PB September 26, 2013 Agenda

8.2 – PB June 27, 2013 Meeting Minutes



HUMAN RESOURCES MANAGEMENT DEPARTMENT

PERSONNEL BOARD

REGULAR MEETING

Thursday, September 26, 2013

5:00 p.m.

@ 440 Civic Center Plaza – Council Chambers



AGENDA

Chair: Elaine Merriweather

Vice Chair: David Brown

Personnel Board Members

Yvonne Nair

McKinley Williams

Vicki Winston

- 1. ROLL CALL**
- 2. APPROVAL OF MINUTES**
 - a. Regular meeting of August 22, 2013
- 3. PUBLIC COMMENT**
- 4. COMMUNICATIONS:**
 - a. City Charter Article XIII discussion
 - b. Reconsideration of hearing on SEIU grievance
 - c. Subcommittee for bullying in the workplace
- 5. UNFINISHED BUSINESS:**
 - a. Consideration of Workplace Bullying Policy
- 6. CONSIDERATION OF PROBLEMS AND REPORTS:**
 - a. None
- 7. REPORTS OF BOARD MEMBERS**
- 8. ADJOURNMENT**

NOTE: Copies of items to be distributed from the Public to the Personnel Board must also include 2 copies; 1 for the Secretary to the Board and 1 for Board Counsel.

COMMUNICATION ACCESS INFORMATION This meeting is being held in a wheelchair accessible location. To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact Bruce Soublet, ADA Coordinator at (510) 620-6509 at least three business days before the meeting date.

**CITY OF RICHMOND, CA
HUMAN RESOURCES MANAGEMENT DEPT.**

**PERSONNEL BOARD
REGULAR MEETING**

**CITY COUNCIL CHAMBERS
440 CIVIC CENTER PLAZA
RICHMOND, CA 94804**

**JUNE 27, 2013
MINUTES**

The meeting was called to order by Vice Chairperson Brown at 5:03 p.m.

1. ROLL CALL:

Present: Elaine Merriweather, Chair
David A. Brown, Vice Chair
Vicki Winston
McKinley Williams
Yvonne Nair

Absent: None

2. APPROVAL OF MINUTES: None

3. PUBLIC COMMENT:

Stacie Plummer: Referred to the Charter and the Human Resources Director's duties which include control of expenditures, and spoke of the expensive hiring of outside attorneys that she feels is excessive and should be impartial.

Jackie Thompson: Stated Kathleen Sullivan and herself, along with the co-partnership with the HRHRC would like to invite the Personnel Board to join them in a Commission, Board and Committee Leadership Workshop. The next workshop will be held the second Wednesday in August and participants asked that it be extended from 5 to 8pm.

4. COMMUNICATIONS:

- a) Discussion and clarification of charter language Article XIII Sec. 6, 7, and 8 (Chair member Merriweather)

Pamela Hampton: Said she previously submitted her concerns and is grateful to see progress. The word "shall" as applicable to rules and laws indicate that something

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must happen or occur or an obligation. She asked when discussing Item 4 to keep the definition of “shall” close and in mind.

Stacie Plummer: The City Charter grants supreme authority over municipal affairs, and voters exercise a greater degree of local control. Violations of the Charter are a misdemeanor subject to fines and imprisonment. The City’s Charter creates the City Council and Personnel Board. She asked the Board to exercise the powers and duties granted by the Charter.

Chair Merriweather suggested holding discussion under Section 7 because of concerns that the Board may have violated the Charter. On March 11th they held two hearings. Under Article XIII, Section 7f, it talks about the entire Board should have voted on the appeal and this was the concern. She asked what constitutes an entire Board. Also, there is nothing in the Charter that addresses a split vote and the Board should hold discussion on this. They are all new members of the Board and were not given any training about the process and protocols.

Lisa Stephenson, Acting Human Resources Management Director, said since her tenure, when it states a majority vote of the entire Board, this is 5 members and a majority is 3. There is nothing that requires that all 5 members hear the hearing but that 3 must vote the same for the matter to be acted on. There were several different grievance hearings with less than 5 members present. Boardmember Winston stated that in order for action to be taken, 3 of 5 members must be present. Lisa clarified that if it is a disciplinary matter the burden is on the employer to prove its case. Therefore they must prevail by a vote of 3-0 or better. If the grievance is a contract interpretation case, the burden is on the union. Therefore, the union must prevail by a vote of 3-0. At the hearing, 2 votes were received and this is why they did not prevail. This is a standard practice.

Bruce Soublet, Assistant City Attorney, noted that often the Council will start a meeting with less than 7 members as long as 4 members are present. As long as they have a majority of the Council all 4 would have to vote to move an item, despite the fact that the other 3 members were not present. The fact that 5 members were not present does not stop the Board from conducting its business. If the vote had been 3-1 or 3-0, the employee would have carried her burden, but because it was 2-2 and the burden was on the union, the union did not prevail.

Mr. Soublet referred to Section 7; the first sentence which states, “to hear the employee in the classified service upon his/her request who has been demoted, suspended, dismissed or reduced in pay.” He said these are the sorts of things the Board would be hearing under 7a.

Boardmember Winston said under Section 7, the reason she asked for Item C and D is because she did not find a vehicle to get these questions addressed because she asked for things to be put on and she was told she could not unless it was an item staff had brought to the Board. She would like to discuss B and C as well, and the entire issue of whether they can request a new investigation for staff to look into and report back to the Board. In her reading of this, it states “The Personnel Board shall have power and it shall be its duty to make such inquiries and

PERSONNEL BOARD MINUTES

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investigations as it may deem warranted regarding the administration and effective provision...and to make such recommendations that the City Manager or the Council as is directed and as may be indicated by the circumstances” which she said is very broad. Mr. Soublet reminded Ms. Winston that the limiting section of this Article is the first sentence, and Section 7A is the overriding principle for the entire Article.

Vice Chair Brown disagreed and said Section 7 contains a variety of different sources of jurisdiction of the Personnel Board ranging through G. H is an empowering section, but “to advise the City Manager on all matters of policy regarding administration of the personnel system” may have nothing to do with a request, demotion, suspension or dismissal. So with all due respect, he said he thinks Mr. Soublet is reading the section narrowly.

Boardmember Winston said one of the reasons the Board has public comment is to hear from citizens and employees to talk about personnel-related issues as it impacts them or others. She does not want to discuss it at the time when they bring it up, but if it becomes a pattern or the Board is hearing the same thing over and over again, to ignore it and not be able to ask or direct staff to look into whether it is a problem, goes against Section 7. She feels that in reading the language, she sees each one as not under A as an umbrella. If it were, it would be Section 7 and under it, all the other things would fall. She does not agree with Mr. Soublet’s interpretation and the Board has a duty to make inquiries and investigations on all matters of policy regarding the administration of the personnel system, which may be indicated by circumstances. There have been many circumstances and she is frustrated that there is nowhere for her to ask staff to place something on an agenda regarding a matter. Now that she sees that Communications is the area, she knows where she can place her concerns and questions.

Chair Merriweather said she agrees and said the Board is in place to do its duty. Several times they have been told they cannot ask questions and she wanted to clarify that while the Brown Act does not allow discussion or action on items not on the agenda, it does allow members of this body or its staff to briefly respond to comments or questions from members of the public. Boardmember Winston said under public comment this is separate and this has happened which is allowable.

Ms. Stephenson added that the Personnel Board can take the Brown Act training and she will follow up with the City Clerk on the status of this. Boardmember Winston understood that the Brown Act is in place for all public bodies, including the Personnel Board, and while serving on other boards if she did not understand what somebody said in public comment, she could ask a clarifying question unlike current practice with the Personnel Board.

Vice Chair Brown said some members of the Board are telling Ms. Stephenson and Mr. Soublet that they view their obligation to be independent; to take into consideration staff’s advice and recommendations but to make independent judgment about the matters brought to the Board and about affirmatively reaching out and making inquiry or investigation into matters that cause the Board concern. He thinks perhaps the most productive thing to do would be to take from this discussion that this Board will be an independent Board and will make such inquiry and

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investigation as under the City Charter, as they are empowered or required to do. He does not know what the history of this Board's conduct has been, but he is not now nor has he ever been a rubber stamp for anybody. If matters come to his attention and seem to fall within the subsection of Section 7, they will bear looking into. As a matter of policy, it might be productive for staff to understand where the direction of this board is going under the Charter.

Chair Merriweather asked members if they had anything else under Section 7.

Vice Chair Brown said Section 8 is directed to the Director of Personnel and not the Board. His opinion would be to move on. Boardmember Winston agreed and said her concerns have been voiced by the Vice Chair.

Boardmember Williams questioned section K about the annual reports to the Personnel Board. He asked if these are public record and does the Board have access to those. Ms. Stephenson said she has never seen such a report. It does say they will be issued at the request of the Personnel Board. It is possible that the previous Board has never requested them and she can check back in the history of what has been done. Mr. Soublet said there are two parts of that section and since the first part deals with the duties of the Personnel Director, it states "as such recommendation that he may deem desirable." It may be that the prior director has never made those reports. It also does say that if such reports are made, they will be public records. Vice Chair Brown said it also authorizes the Personnel Board to make a request. Boardmember Winston said if they start to see a pattern or concerns about something going on in the City, the Board can ask for such a report on the number of promotions, re-classifications, etc. and Ms. Stephenson agreed.

b) Consider Scheduling of a Personnel Board Retreat (Chair member Merriweather)

Chair Merriweather noted that staff is attempting to schedule Brown Act training, and Ms. Stephenson noted that the City Clerk is working on this and she will follow-up.

Chair Merriweather said there is a new Boardmember and she asked if other orientation training could be included in addition to the Brown Act, and Ms. Stephenson said this could be done and she agreed to coordinate this with the Chair.

Chair Merriweather questioned Boardmembers as to their preferred schedule for training and all members indicated they preferred early November and that it be done as a special meeting.

c) Consider Amending Personnel Board Protocols to Add Standing Agenda Item Labeled "Good of the Order" (Board member Winston)

Angela Cox: Thanked the Board for their service and diligent efforts to provide quality service to residents and employees. Regarding interpretation of policies and procedures, and she noted that staff acts in the interests of the City and employees act in their interests along with the union. Therefore, she

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believed it to be worthy for the Board to consider having an independent legal person make the Board's interpretations for them.

Jacqueline McBride: Said she has worked for Richmond over 24 years and she thanked the Board for its service. She asked the Board to bear with employees when they show passion about their concerns.

- d) Consider Creating a Subcommittee to Review and Make Recommendations to Board Protocols (Board member Winston)

Stacie Plummer: She suggested that the first order of business for the subcommittee should be to pursue fair and impartial Board counsel. She noted there were previously clear violations of the City Charter, noted the differences between Board and City representation, and currently there is no one to advise and support the perspective of residents and taxpayers, and the Board itself. The City Attorney's office represents City administration only despite of what is reported in public. She reviewed documentation she submitted relating to court cases and representation of legal counsel on Board appeals and she asked that this material be considered.

Vice Chair Brown said he thinks it might be advisable for members of the public to at least consider the possibility that members of the Personnel Board are not easily swayed into any particular position. In fact, members may on occasion ask the City Attorney to withhold his comment so the Board can discuss its issues and opinions.

Boardmember Winston added that the necessity for separate legal counsel might also be part of a discussion at the Board's Retreat, to which Chair Merriweather agreed.

- e) Discuss Personnel Board Attendance (Board member Nair)

Boardmember Nair asked for the procedure for a Boardmember to be absent from a meeting. Chair Merriweather replied that the Charter allows for 3 unexcused absences; however, if a Boardmember cannot be present for a meeting, they should email Ms. Stephenson and alert her to this fact. Ms. Stephenson concurred that this is the procedure and it is not considered as an unexcused absence.

Vice Chair Brown added that page 47 of the Charter contains a process whereby a member has up to 30 days after an absence to submit a request in writing that the absence be deemed excused, and upon the vote of 3 members in the affirmative of the Board, it can be deemed excused.

Mr. Soublet said in each instance of recent absences, staff was notified in advance that members had reasons not to be present.

Boardmember Nair said for the January meeting, she questioned how other Boardmembers know

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not to show up for a meeting. Boardmember Winston replied that staff is to notify the Board. Ms. Stephenson said for that particular meeting, staff did not know until the last moment there would be no quorum.

Chair Merriweather asked the Board to consider future meeting dates and whether or not they will be requesting excused absences.

- f) Consider Establishing a Procedure for Self- Evaluation of Personnel Board Members (Board member Nair)

Boardmember Nair said the Board has been criticized in the past in how it is not functioning. She thinks the Board works hard and has changed a lot to meet regularly and hear comments from the public. She asked if the Board has items to work on and suggested it conduct a self-evaluation at the end of the year if the Board is interested in doing something like this for the retreat. Ms. Stephenson stated that any training for the Personnel Board should include the grievance process.

Chair Merriweather supported self-evaluation to be added to the retreat. Boardmember Winston echoed Boardmember Nair's suggestion, spoke about her experiences on other commissions and boards, agreed that self-evaluation is important, and liked the idea of having some process for understanding the personnel systems better.

- g) Consider Establishing of Policy Addressing Workplace Bullying (Board member Nair)

Stacie Plummer: Said she belongs to the Stop Workplace Bullying group which is a silent epidemic and affects organization's bottom lines. The HRHRC has been reviewing information on this subject and she included information in the Board's packet regarding their efforts to assist the Board. She also included an article about human resources' role in fostering an ethical workplace and she asked the Board to assist in holding the HR department to such standards.

Jackie Thompson: Said the City of Richmond has and protects many bullies in its organization, cited stress-related and anger issues, and said workplace bullying is a City liability. She asked that the Board consider its overall impact and asked for zero tolerance.

Boardmember Nair said she has heard about the effects of workplace bullying from employees and noted they are afraid to speak up about it. She asked Ms. Stephenson what the HR Department is working on regarding this policy.

Ms. Stephenson said the City currently has a "Violence in the Workplace" policy which was created following the tragic Housing Authority incident, and they are now working to create a new policy that would also address the bullying issue. Because the new policy will be a change

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in working conditions, prior to its finalization, the policy will be sent to all six unions. The unions have the opportunity to meet and confer. Staff is also in the process of updating all of its policies, but this is not something that can be done quickly.

Boardmember Winston asked about the Council's role in policy updates. Ms. Stephenson said the general orders are signed by the City Manager and they are very outdated, and the Council is generally not involved in formulating the policies. Mr. Soublet added that because the City Manager is appointed by the Council and the policies deal with the day-to-day policies of the City, he would be responsible for their final approval.

Vice Chair Brown said he sees Item g as having the potential of being perhaps an example for this Board in exercising its independence. The Board must approve classifications, hear appeals, grievance, etc., but under the more general jurisdiction under paragraph 7, there are some broader areas. He believes it is good to have a focus on bullying, but where he sees the value in Item g is giving this Board a concise and focused goal of working on a specific policy that is not so general that they lose the focus. It is specific, and it would give this Board a vehicle to begin to exercise its independence by making independent investigations. He thinks it would be within the purview of this Board to direct the Personnel Director to acquire, between now and the next meeting, examples of any other city policies against bullying. He noted the Board is new and has new membership and he sees the need for reinventing the Board in a focused, positive fashion to be successful and accomplished. He asked that the Board set a goal of six months to adopt a policy addressing workplace bullying and suggested the Chair appoint a liaison with the Personnel Department or other method to move forward.

Boardmember Winston said she thinks at times policies need additional definitions. Bullying has not been properly defined and included in the City's current policies, and she supported Vice Chair Brown's suggestions. Ms. Stephenson noted that the AP policies are available on-line and she offered to scan the general orders and send them to the Board.

Boardmember Williams asked if the City had a code of conduct where employees would have to adhere to, and Ms. Stephenson replied that all employees receive an Employee Handbook which includes the Code of Conduct and more pertinent policies. They acknowledge and sign that they receive the policies. Boardmember Winston noted that the Board is looking for consistency with policies, and Ms. Stephenson agreed to forward the Board the Employee Handbook and all related documents.

Boardmember Nair indicated that those interested in learning more about workplace bullying can visit www.workplacebullying.org which she found useful. Vice Chair Brown noted that Steve Seskin, a resident in Richmond wrote a fairly well-known song called, "Don't Laugh at Me" which has developed into a nation-wide training program for kids in schools.

Chair Merriweather also suggested staff provide the Board with examples of grievances that were filed relating to bullying in the workplace. Ms. Stephenson said there has only been one official grievance in eight years which had bullying involved.

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Vice Chair Brown made a motion that the Board direct the Personnel Department to conduct a review of current City policies and a survey of policies in other jurisdictions that could relate to the concept of bullying, workplace harassment, violence in the workplace, and to report back results to the Personnel Board within a reasonable time; Boardmember Nair seconded the motion, Item was approved by the following vote: AYES: Ms. Nair, Mr. Williams, and Ms. Winston, Mr. Brown and Ms. Merriweather. NOES: None.

5. UNFINISHED BUSINESS: None

6. CONSIDERATION OF PROBLEMS AND REPORTS: None

7. ADJOURNMENT:

The meeting was adjourned at 6:15 p.m.

Respectfully submitted,

LISA STEPHENSON
ACTING HUMAN RESOURCES MGMT.
DIRECTOR

K. 14

"FREEDOM FROM WORKPLACE BULLIES WEEK" OCTOBER 20 - 26, 2013

Attachments

14.1 – Proclamation of the City of Richmond

14.2 – Freedom From Workplace Bullies Week FLYER

PROCLAMATION OF THE CITY OF RICHMOND

DECLARING OCTOBER 20 – 26, 2013 “FREEDOM FROM WORKPLACE BULLIES WEEK”

WHEREAS, the City of Richmond has an interest in promoting the social and economic well-being of its employees and citizens; and

WHEREAS, that well-being depends upon the existence of healthy and productive employees working in safe and abuse-free environments; and

WHEREAS, research has documented the stress-related health consequences for individuals caused by exposure to abusive work environments; and

WHEREAS, abusive work environments are costly to employers with consequences including reduced productivity, absenteeism, turnover, employee dissatisfaction, and injuries; and

WHEREAS, protection from abusive work environments should apply to every worker, and not limited to legally protected class status based only on race, color, gender, national origin, age, or disability;

NOW, THEREFORE, the Mayor and Council of the City of Richmond hereby proclaim October 20-26, 2013

“Freedom From Workplace Bullies Week”

And commends the California Healthy Workplace Advocates and the Workplace Bullying Institute, which raise awareness of the impacts of, and solutions for, workplace bullying in California and the U.S.; and encourage citizens to mark this week with special activities and programs to break through the shame and silence enshrouding adult bullying at work.

Mayor

Attest:

City Clerk (City Seal)

A WEEK FOR SUPPORT, INSPIRATION, PEACE, AND HEALTH



FREEDOM
FROM WORKPLACE BULLIES
WEEK OCT 20 - 26, 2013
WORKPLACEBULLYING.ORG

Bullying is a systematic campaign of interpersonal destruction that jeopardizes employee health, careers, and strains families. Bullying is non-physical, non-lethal workplace violence. It is abusive, causing psychological injuries and stress-related diseases.

The destructive power of workplace bullying comes from secrecy.

The Workplace Bullying Institute announces the 6th annual **FREEDOM FROM WORKPLACE BULLIES WEEK**

The week is a chance to break through the silence and secrecy. It is a week to be daring and bold.

Everyone deserves a safe, healthy, and dignified workplace.

Find advice, tips, and activities at freedomfrombullies.org for:

WORKPLACE
BULLYING
INSTITUTE

- Employers
- Coworkers
- Family
- Friends
- Unions
- Mental Health Professionals
- School Administrators
- Legislators
- Community Leaders
- Medical Professionals