



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

Monday, October 28, 2013 at 6:30 pm
City Council Chambers, Community Services Building
1st Floor, Civic Center Plaza, Richmond, CA 94804

CALL TO ORDER

The October 2013 Regular Meeting of the Human Rights and Human Relations Commission of the City of Richmond was called to order at 6:33 p.m. by Chairperson Vivien Feyer.

ROLL CALL

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

Absent: Commissioner Cummings and Commissioner Jones.

AGENDA REVIEW

No changes to the order of items.

OPEN FORUM #1

Ms. Texanita Bluit shared her concern about effective use of city resources.
Ms. Stacie Plummer thanked the Commission for supporting and recommending that City Council proclaim the week of October 20 – 26 as “Freedom from Workplace Bullying Week.”

Mr. Stan Fluery spoke in support of the Commission’s work of the past months.

Mr. Andres Soto spoke about the effects of Chevron refinery and invited the Commission to attend the City Council meeting on November 5, 2013.

Ms. Jackie Thompson spoke regarding the works of the Commission in the past months.

APPROVAL OF MINUTES

Vice Chair Brown moved to approve the September 23, 2013 Regular Meeting minutes as presented, seconded by Commissioner Sullivan. The September 2013 meeting minutes were approved by unanimous vote of the Commission.

CITY COUNCIL LIAISON REPORT

Councilmember Beckles was not present. Margaret Jordan, Volunteer Assistant, reported on behalf of Councilmember Beckles. Ms. Jordan conveyed that the city staff should be able to exercise freedom of speech at public meetings and spoke against hostile work environments and workplace bullying.

COMMISSIONERS' REPORTS

Commissioner Saunders, Commissioner Sullivan and Commissioner Johnson acknowledged and applauded the leadership of Chairperson Feyer for representing the HRHRC at City Council meetings.

Commissioner Harris sought apologies for her previous behavior at the last meeting of the HRHRC and ensured that such incidents will not happen in the future. Commissioner Harris also recognized that the HRHRC has taken on a number of important issues that are affecting the City of Richmond residents and employees and urged the Commission to outreach to volunteers. Commissioner Harris pointed out that the HRHRC's purpose is not to resolve all issues brought to the Commission but to listen to the unrest of the public and recommend further actions.

CHAIR'S REPORT

Chair's report is attached at the end of the minutes.

STAFF REPORTS

Attorney Everett Jenkins applauded Commissioner Harris for her Commissioners report. Mr. Jenkins was awarded *the Volunteer of the Year Award* by the Oakland YMCA. He reported to share the list of awardees that have done work in Richmond.

DISCUSSION ITEMS

K.1 APPROVE RESOLUTION TO RECOMMEND AMENDING RICHMOND'S POLICY AGAINST WORKPLACE HARASSMENT TO A) REINSTATE A 15 DAY TIME LIMIT TO CONCLUDE INVESTIGATIONS, AND B) PROVIDE FOR NOTIFICATION TO ALL INVOLVED PARTIES

DISCUSS AND APPROVE RESOLUTION, WITH INPUT FROM CITY
MANAGER BILL LINDSAY

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

Chairperson Feyer framed the discussion item and explained that the Commission had put this item on the agenda after hearing multiple concerns and suggestions from employees. The Commission invited City Manager Mr. Bill Lindsay in order to gain an understanding of the original intent of issuing the General Order 33 and the reasons for excluding the 15-day investigation from the General Order 33 when it was revised in 2007. City Manager Mr. Bill Lindsay clarified that the 2007 revision to the General Order was to update and expand it to include both sexual harassment and workplace bullying, which is broader than the 1992 version. Mr. Lindsay further went on to say that the reason for excluding the 15 day limit on investigation is that it did not allow enough time for comprehensive and thorough investigation.

Following Mr. Lindsay's report to the Commission, the following public speakers made comments:

Mr. Cordell Hindler spoke regarding the narrow approach of the 1992 version.

Ms. Stacie Plummer spoke against employee retaliation in the workplace and spoke in support of the creation of a Whistleblower Policy and compliance with the City's Code of Ethics.

Ms. Tarnel Abbott spoke against ongoing retaliation in the workplace and shared her experience as a City employee.

Mr. Stan Fleury spoke regarding General Order 33 and advocated for an efficient process of investigation.

Ms. Texanita Bluitt spoke in support of transparency in the investigation process and spoke against the detrimental impacts of workplace bullying.

Ms. Stacey Wilborn sought clarification on the investigation process and shared her experience as a City employee.

Ms. Rosanne Ryken spoke in support of freedom of expression and shared her experience as a City employee.

Ms. Jackie Thompson spoke in support of an effective and efficient process of investigation and advocated for some form of closure on ongoing cases.

Ms. Pamela Hampton shared her experience as a City employee and spoke regarding both physical and mental impacts of her own long lasting investigation.

Following the public comments, Mr. Lindsay thanked for each of the comments and addressed them separately. He addressed both the possibility of notifying all participants in an investigation – and suggested that time limits might be set up, not so much for the conclusion of investigations, but for the initiation of each step of the process.

Following discussion, a motion was made by Chairperson Feyer, seconded by Commissioner Sullivan, to begin with recommending a strong initial revision to General Order 33 that includes a process in which all parties in the investigation are promptly notified of decisions. The motion was approved by the following vote of the Commission:

Ayes: Chairperson Feyer, Vice Chair Brown, Commissioner Burrus-Wright, Commissioner Johnson, Commissioner Sullivan, and Commissioner Saunders. **Noes:** Commissioner Harris. **Abstentions:** None. **Absent:** Commissioner Cummings and Commissioner Jones.

Commissioner Harris explained her opposition. She advised that the Commission should take time to work on this with the public, and address the various areas where this policy might be strengthened and revised all at one time. Chairperson Feyer clarified that the initial recommendation already made by the Commission might help to start some change immediately, but does not preclude further work on this.

A motion was made by Commissioner Harris, seconded by Commissioner Saunders, to establish a working group to draft a resolution that would include no more than four Commissioners and unlimited number of community members. Commissioner Harris moved to recant her motion. Commissioner Saunders agreed to Commissioner Harris's recantation.

An alternative motion was made by Commissioner Sullivan, seconded by Vice Chair Brown, to recommend that City Manager Mr. Bill Lindsay bring back a proposal to the HRHRC for revising General Order 33 and present a status report at the next meeting of the HRHRC. The motion was passed by the unanimous vote of the Commission. **Ayes:** Chairperson Feyer, Vice Chair Brown, Commissioner Burrus-Wright, Commissioner Harris, Commissioner Johnson, Commissioner Sullivan, and Commissioner Saunders. **Noes:** None. **Abstentions:** None. **Absent:** Commissioner Cummings and Commissioner Jones.

K.2 ADOPT A RESOLUTION RECOMMENDING THAT THE RICHMOND CITY COUNCIL ESTABLISH A GOVERNMENT INTEGRITY BOARD TO MAINTAIN THE PUBLIC TRUST

RECEIVE COMMITTEE REPORT, REVIEW AND APPROVE RESOLUTION

Commissioner Jones

In agreement with the committee, Chairperson Feyer moved this item to the next regular meeting of the Commission. Ms. Jackie Thompson spoke regarding the need for comprehensive staff ethics training. Mr. Everett Jenkins and Mr. Patrick Lynch clarified that all City employees are required to complete an Ethics Training course under California Assembly Bill 1234 (2005).

K.3 FREE SPEECH RIGHTS AND CITY OF RICHMOND EMPLOYEES: CAN ACTION BE TAKEN AGAINST EMPLOYEES BASED ON COMMENTS MADE AT PUBLIC MEETINGS?

DISCUSS CITY COUNCIL ACTION AND MAKE FURTHER

RECOMMENDATIONS *Chairperson Feyer, Commissioners Sullivan, Jones and Harris*

Chairperson Feyer framed the discussion item. Chairperson Feyer and Commissioners Sullivan, Harris, and Johnson attended the October 15th meeting of the City Council to speak on an item that was put on the City Council's Agenda at the

request of the HRHRC regarding free speech rights of City Employees at public meetings and in public spaces. Commissioner Jones submitted a written letter which was read aloud at the meeting. The concern arose after the Commission learned of disciplinary actions taken against employees, directly related to their comments at Commission meetings.]

Commissioner Sullivan raised concerns about the City Council meeting procedures regarding framing items.

The following speakers signed up to speak on this item:

Mr. Stan Fleury spoke against retaliation and shared his experience as a City employee.

Mr. Cordell Hindler quoted Malcolm X and spoke against workplace bullying.

Ms. Jackie Thompson spoke regarding the use of power and spoke against bullying.

Following discussion, the Commission sought legal advice from staff on further actions that the HRHRC can take. Mr. Jenkins clarified that his own role as City Attorney is to represent the City, and thus defend against any claims made against the City's actions. The HRHRC's budget is provided by the City, so the Commission would need to obtain outside funding in order to obtain independent legal advice. The Commission gathered consensus to take no further action on this item at the present time.

K.4 RICHMOND PERSONNEL BOARD

HEAR UPDATE ON PERSONNEL BOARD ACTIVITY, REVIEW DRAFT OF WORKPLACE BULLYING POLICY, AND CONSIDER FURTHER RECOMMENDATIONS

Chairperson Feyer and Commissioner Sullivan

Chairperson Feyer framed that item. The Personnel Board has planned to have a retreat on November 14th that is open to the public. An important part of the retreat will be training on the Brown Act. Continued to November 18th regular meeting of the HRHRC.

K.5 VERBAL ATTACKS AGAINST THE LGBTQQIS-2 COMMUNITY DURING CITY COUNCIL MEETINGS: DRAWING THE LINE BETWEEN FREEDOM OF SPEECH AND BULLYING

HEAR AND APPROVE SUBCOMMITTEE REPORT, INCLUDING SUGGESTED PRESS RELEASE AND RECOMMENDATIONS TO CITY COUNCIL

Commissioner Sullivan, Commissioner Harris, Commissioner Jones and Commissioner Johnson

Continued to November 18th regular meeting of the HRHRC.

K.6 COMMITTEE REPORT: EDUCATION AND OUTREACH COMMITTEE REVIEW AND APPROVE UPDATES TO COMMITTEE'S PLAN FOR HUMAN RIGHTS AWARDS CEREMONY - December 9, 2013

Commissioner Burrus-Wright, Commissioner Harris and Vice Chair Brown

Committee Chair Burrus-Wright provided an update on the progress of the event. She recommends having a flag raising ceremony of the United Nations Flag at the beginning of the program.

A motion was made by Chairperson Feyer, seconded by Commissioner Sullivan, to direct staff look further into city policies and procedures for raising the UN flag. The motion was approved by the following vote of the Commission. **Ayes:** Chairperson Feyer, Vice Chair Brown, Commissioner Burrus-Wright, Commissioner Harris, Commissioner Johnson, Commissioner Sullivan, and Commissioner Saunders. **Noes:** None. **Abstentions:** None. **Absent:** Commissioner Cummings and Commissioner Jones.

Staff also was directed to print two big posters and to make additional 200 copies of the flyer announcing the event.

K.7 COMMITTEE REPORT: PLANNING, ADMINISTRATION AND BUDGET REVIEW AND APPROVE PROPOSAL FOR COMMISSION RETREAT
Chairperson Feyer and Commissioner Jones

Chairperson Feyer framed the item. She also appointed Commissioner Johnson to the planning committee for the Commission Retreat, along with Commissioner Jones. Continued to November 18th regular meeting of the HRHRC.

K.8 SHOWCASING RICHMOND CALIFORNIA: A HUMAN RIGHTS CITY
a) DISCUSS SHOWCASING THE HRHRC AT RICHMOND CITY HALL AND MAKE RECOMMENDATIONS TO STAFF
b) DISCUSS WAYS TO INCREASE RECOGNITION AT THE STATE LEVEL
Commissioner Burrus-Wright and Chairperson Feyer

Continued to November 18th regular meeting of the HRHRC.

K.9 RECRUITMENT OF APPLICANTS FOR COMMISSION SEATS
HEAR AND DISCUSS RECOMMENDATIONS FOR RECRUITING APPLICANTS FOR HUMAN RIGHTS AND HUMAN RELATIONS COMMISSION SEATS
Commissioner Burrus-Wright

Continued to November 18th regular meeting of the HRHRC.

K.10 HRHRC COMMITTEES
HEAR AND DISCUSS RECOMMENDATION ON BUILDING AND RESTRUCTURING COMMITTEES
Commissioner Burrus-Wright

Continued to November 18th regular meeting of the HRHRC.

K.11 APPOINTMENT OF A NOMINATING COMMITTEE
PURSUANT TO ARTICLE III, SECTION 2 OF THE HRHRC BYLAWS, "THE CHAIRPERSON OF THE HRHRC SHALL APPOINT A NOMINATING

COMMITTEE CONSISTING OF THREE COMMISSIONERS. SAID COMMITTEE SHALL MEET AND BRING BEFORE THE HRHRC, IN NOVEMBER, THE NAMES OF THE COMMISSIONERS AS NOMINEES FOR THE OFFICES OF CHAIRPERSON AND VICE-CHAIRPERSON.”

Chairperson Feyer

Chairperson Feyer clarified that, according to her understanding of the Brown Act, the election of the Chair and Vice Chair of the Commission must be by Role Call Vote to be in compliance with that Act, although the Commission’s by-laws specify a vote by written ballot.

Chairperson Feyer also appointed Commissioner Burrus-Wright, Commissioner Harris and Commissioner Cummings to the Nominating Committee.

The names of Nominees will be presented at the November 18th regular meeting of the HRHRC.

L. REPORTS

L.1 BUILDING BRIDGES BETWEEN BLACK AND BROWN COMMUNITIES REPORT ON SCHEDULING FOR EVENT

Commissioner Sullivan

Continued to November 18th regular meeting of the HRHRC.

L.2 CONFERENCES – 2013

a) REPORT BACK ON CAHRO STATEWIDE CONFERENCE - California Association of Human Relations Organizations – APRIL 2013

b) REPORT BACK ON CAHRO REGIONAL CONFERENCE - SEPTEMBER 2013

Chairperson Feyer, Commissioner Sullivan, Commissioner Cummings and Intern Jantsan Damdinsuren

Continued to November 18th regular meeting of the HRHRC.

L.3 TRAININGS – 2013

REPORT BACK FROM COMMISSIONERS ATTENDING TRAININGS

Commissioner Cummings and Commissioner Jones

Continued to November 18th regular meeting of the HRHRC.

L.4 COMMITTEE REPORT: HUMAN RIGHTS ALLIANCES

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

Chairperson Feyer and Commissioner Cummings

Continued to November 18th regular meeting of the HRHRC.

M. OPEN FORUM #2

Mr. Cordell Hindler shared a poem called "Bells in love."

N. COMMISSION BUSINESS

CALL FOR AGENDA ITEMS

- Status Report From City Manager Mr. Bill Lindsay
- Discuss Framing At City Council Meetings (Commissioner Sullivan)
- Commission Retreat
- Adopt A Resolution Recommending That The Richmond City Council Establish A Government Integrity Board To Maintain The Public Trust
- Richmond Personnel Board
- Verbal Attacks Against The Lgbtqqis-2 Community During City Council Meetings: Drawing The Line Between Freedom Of Speech And Bullying
- Showcasing Richmond California: A Human Rights City
- Recruitment Of Applicants For Commission Seats
- Restructuring Committees
- Nominating Committee Report
- Education Committee Report

FOR THE GOOD OF THE COMMISSION

Reports under Item L shall be in writing.

O. ADJOURNMENT

There being no further business, the HRHRC's October 2013 Regular Meeting was adjourned at 10:05 p.m, and to meet again on **Monday, November 18, 2013 at 6:30 p.m.** in City Council Chambers. Please note that this regular meeting has been shifted from the fourth to the third Monday of November.

OCTOBER 28, 2013 CHAIR'S REPORT

A few things –

I've been busy this month. In addition to attending weekly meetings of the CEASEFIRE working group, and the meeting of the Personnel Board, I spoke at three City Council meetings as chair of this Commission, and attended the daylong retreat of the City Council and City Management.

I also attended a daylong regional meeting of the California Association of Human Relations Organizations, along with our intern and two other commissioners, as well as the 30th anniversary celebration of the SEEDS Community Resolution Center, and the annual Bioneers conference. I also had quite a bit of discussion with City employees, members of the public, members of the press, individual Commissioners, City Councilmembers and City staff.

At the council meetings, I accepted the City's Proclamation of "Freedom from Workplace Bullies week," on behalf of the Commission, I spoke on that item and on the item that we put on the October 15th agenda around Employees and Freedom of Speech at Public Meetings. I spoke about our Human Rights Day event last year and shared my excitement around our upcoming December 9th event. I handed out flyers and brochures and booklets in Spanish and English – I shared the mission of our Commission. And I felt called upon to reassure the City Council and the public of the fact that our volunteer commissioners do not use our commission meetings as an area for the practice of discriminatory behavior.

I hope that we'll be able to continue to hear from the public, and be trusted and respected enough to hold a safe space where there will be no risk of punishment for respectful, if challenging and thought-provoking, comments.

During this meeting, I will do my best to keep the conversation on track.

I've added a new section to our agenda this month. My hope, with the new format, is to separate out action items from simple reports. I want to address the concern of Commissioners around not getting to the end of our agendas - and I'll share some more suggestions when we get to the "reports" section of our agenda.

Ideally, we are here to hear from the public, and to take action together on items, to discuss issues when necessary as an entire body before taking action.

There is much preparation that can be done in advance, on the committee level, to make this run as smoothly as possible.

Reports can, as much as possible, be done in writing and attached to our agendas for review, rather than being read during our meeting time. This can include

everything from reports back from conferences and trainings, which can be done in writing, to regular reports from the Office of Neighborhood Safety and Police Department. We can then use our time together more effectively to hear from the public, and to ask pertinent questions after having taken the time to review the documents.

Finally, I've been spending a lot of time with the Brown Act, reading about how it is the work of our Commissions, Boards and Councils to do the people's business. As Chair of this Commission, I feel deeply responsible about being responsive to the concerns that come to us from the public, about making certain that the tapes, the minutes, and the Resolutions from our meetings are no longer lost, and making this information accessible to the public,

It has been a great concern to me that this has become such a difficult process, and I am grateful to the Commission, to City staff and to our extraordinary intern, Jantsan Damdinsuren, for beginning to get our minutes recorded and posted once again.

I hope that, by the end of the year, the public will be able to see quite easily everything that has come before this Commission in the past months.

Again, my thanks to all of you!