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# HUMAN RIGHTS COMMISSION

City and County of San Francisco

*Edwin M. Lee, Mayor*

**Approved 11-8-12**

## ***Regular Meeting Minutes***

**Thursday, October 11, 2012**

**5:30 pm**

**City Hall Room #416**

**1 Dr. Carlton B. Goodlett Place**

### **ROSTER OF COMMISSIONERS**

Michael Sweet, *Chair*

Douglas Chan, *Vice Chair*

Susan Christian

Sheryl Evans Davis

Mark Kelleher

Nazly Mohajer

Faye Woo Lee

Todd Mavis

Michael Pappas

Richard Pio Roda

Theresa Sparks, Executive Director

## Order of Business

### 1. Call to Order and Roll Call; meeting starts at 5:39 p.m.

A quorum was present for the meeting:

Commission Chair Michael Sweet  
Commission Vice-Chair Douglas Chan  
Commissioner Susan Christian  
Commissioner Sheryl Evans Davis  
Commissioner Mark Kelleher  
Commissioner Todd Mavis  
Commissioner Nazly Mohajer  
Commissioner Faye Woo Lee  
Commissioner Michael Pappas

Commissioner excused: Richard Pio Roda

Staff Present: Director Theresa Sparks, Zoe Polk, Nadia Babella and Sheryl Cowan

#### **PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA:**

Isaac Jackson, of the SF Drug Users Union, spoke in support of HRC doing report on the "War on Drugs."

## Approval of Minutes

### 2. Adoption of Minutes Dated September 27, 2012.

Motion made; Motion seconded;

Vote 7 ayes: Sweet, Chan, Davis, Kelleher, Mohajer, Mavis, and Pappas

Motion passes.

There was no public comment.

## Regular Business

### 3. Commissioners' Activities in the Community:

Commissioner Davis attended the Select City and School District Committee Hearing; she stated a work group is being formed as a result of the hearing; HRC will participate.

Commissioner Kelleher stated that he co-chaired the Horizons Foundation Gala and states that Horizons helps various LGBT organizations.

### 4. Update on the activities of HRC Advisory Committees, their work groups and upcoming events:

**-LGBT Advisory Committee:** HRC Staff, Nadia Babella gives update on the LGBT AC Work Plan and presented a list of highlights (attached).

Discussion followed regarding a video to stop bullying. Commissioner Davis asked about using the video for other groups; Ms. Babella answered that the model can be used for other groups. Director Sparks stated that there is a 15-18 minute training model but that in November they will be presenting the full module with the Department of Health; she noted the project was funded by a grant from Public Health for \$60,000, but the project ended up costing \$75,000.

Commissioner Pappas asks about the committee (member) application process. Ms. Babella stated that the applications are on the HRC website now; they hope to finalize roster by 1/13/13. Chair Sweet asks about term limits. Answer: Two members termed out and actually resigned early.

**-Equity Advisory Committee:** HRC Staff, Zoe Polk presents overview of EAC work (attached). Some of the work highlighted pertains to re-entry, education as a human right and the elder population in San Francisco as well as the EAC work on the upcoming October 25<sup>th</sup> meeting in the Mission. She mentions that Boalt School of Law intern, Briana Abrams, is helping. She mentions John O'Connell Best Practices Club. Also states that EAC is on the same recruiting track as the LGBT AC.

**5. Director's Report on recent activities of the Human Rights Commission.**

Director Sparks presents a list of meetings that HRC staff has or will attend (attached), Most of the meetings are open to the public. She will present at the upcoming seminar in Seattle (December 13<sup>th</sup> - 14<sup>th</sup>, 2012), "Governing for Racial Equality 2012"; Commissioner Sheryl Evans Davis and HRC staff Zoe Polk will also attend to participate in panel discussion, "How does the (SF) HRC follow United Nations Declaration on Human Rights?"

Commissioner Kelleher asks for an updated list every month in the meeting binder. Chair Sweet agrees this would be a good practice and a great tool. Chair also mentions that this advance notice gives Commissioners opportunity to attend other meetings.

Director mentions that there will be a reception for the Advisory Committee members and Commissioners at an art gallery on Fillmore. HRC will submit request to Friends of HRC to fund the event. Chair Sweet asks that the annual staff holiday lunch be included on the calendar to give more notice to Commissioners to attend.

**6. Discussion regarding the language staff should use in Press Releases when referring to the Charter Commission as opposed to the Department.**

Chair Sweet mentions that there was discussion at a previous meeting about what policies and safeguards are in place, and how things are vetted, especially when press releases are issued on "weighty topics." He states there is a lack of clarity as to whether it is the commission or the agency speaking. Director states it is an excellent topic; she mentions that per recommendations from the HRC Retreat 2012, staff has made effort to be more responsive to human rights issues. She also agrees that since the Human Rights Commission/Charter Commission and the Department/Agency have the same name, there is confusion. She noted that other agencies have two different names for agency and the commission. She states she is looking for guidance as to how to handle this situation. She mentions David Miree is very conversant on how to construct these releases.

Commissioner Chan states that it is good for the agency to elevate its press profile but he has concerns there are inadequacies of language or terminology when referring to the HRC in press releases. He states concern that lead sentences (for press releases) implicate the Commission as acting on an issue (rather than the department). A recent release might appear on its face that the commission was commending supervisors themselves while they were in the midst of re-election. He is concerned that the commission might be indicating favor when releases are in done in close proximity to electoral events. Director Sparks mentions that sometimes there is a delicate balance relating to Supervisors. Commissioner Chan suggests that HRC should create styles which clearly state when "staff" is acting and when "Commission" is acting on an issue. Staff needs to use care to distinguish formal commissioner actions, or actions of a subcommittee of commissioners. Commissioner Chan acknowledges the need to accommodate immediacy the staff faces on a day-to-day basis with releases. He mentions using care with the words "agency" or "staff" to deliberately differentiate from the Commission.

Chair Sweet asks if the Director approved the last press release (re: HRC Press Release on Special City and School District Hearing). Commissioner Davis mentions that the release in question was re-issued from an earlier release from June, 2012 that came out of the work of the (African American) Leadership Council when a hearing was postponed pertaining to disparity in education. She states that the community had been trying to do this hearing for years and they were lucky to have the supervisors agree to meet to discuss the subject matter. She states that they checked with Naomi Kelly and members of the Mayor's office to make sure it was okay to do the hearing. Due to the touchy nature of the subject matter, she states there was a lot of outreach on the front end of the hearing and this was a repeat press release. Director Sparks states that she and Commissioner Davis also checked-in with

Naomi Kelly and others in the Mayor's office on this specific topic and other activities pertaining to the African American Empowerment Initiative.

Director states that staff can come up with a draft policy for press releases and present it for discussion. Commissioner Chan also suggests having a commissioner "on call" to review releases.

Commissioner Christian mentioned that to avoid the perception of favoritism, a general rule might be that we acknowledge and identify people in their specific capacity as they are acting for that moment. She also lends support for at least one commissioner – perhaps the Chair – to vet anything that is sent out under the name of the Commission. Director Sparks believes this is something that can be done.

Commissioner Kelleher states that HRC could make distinction in types of press releases, either "general" or "specific" press releases which may need vetting. He also states that almost always in other organizations, the Chair or another designated member of the board, reviews press releases before distribution.

Commissioner Pappas suggests checking with the Mayor's office, or other agencies, to see how they handle this issue. Commissioner Davis mentions using the City Attorney's office.

Chair Sweet does think that it is best practice to have someone on the commission to review releases, but as a general rule, there should be some level of review. He also wants to see a policy created to provide guidelines for the staff. Over the next week, he will take volunteers from the Commission to develop 6-8 bullet point guidelines to help put together a media policy. He mentions perhaps Commissioner Christian may lead this effort.

## **7. Matters of Interest for Possible Inclusion on Future Agendas**

Commissioner Pappas recently attended (with Commissioner Davis, Director Sparks and David Miree) a summit held by the US Attorney's Office on Bullying; he was stunned to learn that there is no universal definition of bullying nor "hate crime." He wants the HRC to investigate this and perhaps come up with what this means in San Francisco. Director states that they have done legal research into the past case law (Federal, State and Local); she would happy to distribute this information; she too notes that there is no universal definition of "hate crime."

Commissioner Kelleher asks if future agenda if Policy staff could present particularly in the area of LGBT work. He notes that policy staff works on other issues than the LGBT and Equity ACs. He mentioned that LGBT and Equity could be distinguished from each other on a future report back to the commission.

Public Comment:

William Armalini (San Jose State University): He states he contributed on the Report: *Human Rights Impact of the War on Drug* and that he is in support on the report and commends the Commission for taking on the issue.

Lydia Heather Bloomberg: Wants to see some follow-up on the "drug-user rights" piece of the Report and she asks about where to find a copy of the report.

Director clarifies that the Report has originally been on the agenda for this meeting, however, it had been removed. She notes the report is not available to the public at this time; she notes the report will most likely be reviewed and distributed in January, 2013.

Ms. Bloomberg states that she is not in favor of SFPD implementing use of tasers and she asks the HRC to take up this discussion.

*Commission Secretary reads the following:*

*The San Francisco Administrative Code and the Brown Act allow for the following discussion to be held in closed session. If the Commission votes to convene in closed session, all members of the public will be excused from the Commission Meeting Room, with the exception of the Deputy City Attorney and Commission Secretary, no other staff members shall be present.*

- i) Public Comment on all matters pertaining to closed session
- ii) Vote on whether to enter into closed session

No Public Comment.

Vote to go to Closed Session

Ayes: Commissioners Sweet, Chan, Christian, Davis, Kelleher, Lee, Mavis, and Pappas

**Enter Closed Session 6:50 p.m.**

## **Closed Session**

### **8. PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

**Executive Director, Theresa Sparks**

**Pursuant to Govt. Code § 54957(b)(1); Admin. Code § 67.10(b).**

**Meeting reconvenes in open session 7:33 p.m.**

## **Open Session**

### **9. Vote on whether to disclose discussions held in Closed Session per Administrative Code §67.12(a).**

City Attorney Jill Figg confirms that there shall be a vote to disclose discussion.

Vote: Ayes: Commissioners Sweet, Chan, Christian, Davis, Kelleher, and Lee.

Motion Passes to disclose discussions during Closed Session.

Note: Commissioners Pappas and Mavis left during closed session.

Chair Sweet states that they discussed the Director's evaluation and an evolving document during closed session and that they will continue at another meeting.

### **10. Adjournment**

**PLEASE NOTE: On October 25, 2012 the Human Rights Commission will hold a Mission District Community Meeting which is currently scheduled to take place at John O'Connell High School, 2355 Folsom Street, San Francisco, CA 94110. As with all community meetings, the location may be subject to change due to unforeseen circumstances. Please be sure to check our website at www.sf-hrc.org or call 415-252-2500.**