

---

# HUMAN RIGHTS COMMISSION

City and County of San Francisco

*Edwin M. Lee, Mayor*

## ***Regular Meeting Minutes***

Thursday, August 9, 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

A quorum was present for the meeting:

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

Commissioners excused: Vice Chair Douglas Chan and Richard Pio Roda

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

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

Espanola Jackson: Asked for HRC support for the Black Human Rights Leadership Council (“BHRLC”); commented on the history of the HRC.

Francisco Da Costa: Talked about the quality of life issues pertaining to the African American Community; talked about violence and too many killings in the south east sector of San Francisco and the need for jobs.

Robert Woods: Said he had worked with previous mayors; stated that he has traveled across the country to see other urban areas developed, but still sees the Bay View Hunter’s Point ignored. He stated that people are trying to stay in the city but that no one is giving them any help.

Paulette Ohen: Stated that she is “tired of being tired” and as a San Franciscan, she refuses to leave. She wants action taken.

Diane W. Smith: She states that she grew up in San Francisco and has found the best that San Francisco had to offer; supports Black Human Rights Leadership Council.

Clarisa Sanchez: Opts to speak at end of the Public Comment section.

Claude Carpenter: He states he was born in the Bay View Hunter’s Point; mentions the hard-working families of the area and that he has seen the community decline due to lack of economic opportunities, run-down conditions and social problems. In 1980, he started his own firm, BNC Painting and Decorating.

Oscar James: Supports the Black Human Rights Leadership Council; he saw a lot of his relatives laid-off from the Hunter’s Point Shipyard and says that people are stopped from participating due to lack of opportunities.

Ace Washington: Supports Mrs. Jackson in setting up the BHRLC entity; he has been at meetings over 20-years and that he was there for the “Unfinished Agenda.” States that no one called him for advice. He wants everything to cease until they talk to him.

Asha Bahati: Born in San Francisco, she has an issue with housing for seniors; she says you can’t make too much money; she is a retired city employee and on Social Security, but she doesn’t qualify.

Randall Evans: States that he wants to see the former Redevelopment people and the Housing Authority at an HRC meeting. States that the African American Community is in a state of emergency.

Sala Chandler: She states she is in a “state of shock” regarding the African American Community. Talked about the slave mentality and the term “African American.” She states that “brothers are killing each other at 15, 16.” She asks what it will take (to stop this). She states that there have been three murders in 24-hours in the city.

Libah Sheppard: She is the Director of Community Partnerships in the Bay View Hunter’s Point. She has four generations of family in the Bay View Hunter’s Point; she states that she habitually sees disrespect in the health community towards the African American Community; she is tired of not having appropriate access to health care.

Marie Harrison: Bay View Hunter’s Point resident and a great-grandmother who supports Espanola Jackson; she states that young people can’t get work; she mentions that summer jobs only last 2-3 weeks which isn’t long enough.

Clarisa Sanchez: She is an immigration counselor with Catholic Charities CYO's Refugee & Immigrant Services; wanted to make two announcements regarding workshops her group at CCYO is doing on Wednesdays. (Side note: More information can be found at [dreamers@cccyo.org](mailto:dreamers@cccyo.org))

Majeid (sp) Crawford: Spoke in support of BHRLC.

## Approval of Minutes

2. **Adoption of Minutes Dated June 28, 2012 meeting.**  
Motion made; Motion seconded; Motion passes.
3. **Adoption of Minutes Dated July 12, 2012**  
Motion made; second made; Motion passes. Minutes approved.

No Public Comment on either set of Minutes.

## Regular Business

### 4. **Commissioners' Activities in the Community:**

Commissioner Pappas: On 7/13/12 he attended a panel discussion on the Affordable Care Act at St. Mary's Hospital; on 7/26/12 he was invited by City Attorney Dennis Herrera to speak at a press conference in front of Money Mart at 7<sup>th</sup> Street and Market. The focus of the event was to reach out to, and inform, victims of Money Mart's predatory lending about a court-ordered restitution program. Also on 7/26/12, Commissioner Pappas represented the Commission at the LGBT Seniors of Color panel discussion hosted by the HRC and NCLR at the Women's Building. On 8/3/12, he was invited by Mayor Lee to discuss violence and public safety in our city, followed by a press conference on 8/7/12 at Calvary Hill Church in the Bay View Hunter's Point at which the Mayor announced his new targeted policy for interrupting violence in vulnerable San Francisco neighborhoods.

Commissioner Kelleher: Thanked the Bohnett Foundation for a recent fellowship that helped make it possible to participate in a 3-week leadership course at Harvard's Kennedy School. He encouraged other commissioners and senior HRC staff to apply next year and would be happy to discuss the program.

Commissioner Davis: She recently attended the International Association of Human Rights Organizations conference in New Orleans, 8/3 – 8/5, 2012. She stated that it was very rewarding and that many of the issues happening in San Francisco are also occurring across the country.

### 5. **Director's Report:** **-Status of Transition of Contract Monitoring Group** **-Discussion of Transgender Health Initiative**

**Director** gives Commissioners copy of the letter stating that the Contract Monitoring Group has officially transferred to the Office of the City Administrator; all operational functions and reporting functions, including the 29 positions have been transferred to the Office of the City Administrator. All people are still housed at 25 Van Ness, but they will move to 30 Van Ness. Effective August 1, 2012, the HRC does not have jurisdiction over the Contract Monitoring Group. Alaric Degrafinried will chair the new LBE AC and he will inform them that the group will also transfer, but it may take 2-months.

Director talks about a resolution passed by Supervisor Weiner in support of transgender health care, including transition related surgeries. Supervisor's Weiner's resolution is effective immediately, but will take 90-120 days for the Health Department to get this set up, a lot of details to be worked out. This comes from a complaint filed at the SF HRC. Over the past 2-years, preliminary discussions with the Health Department have resulted in this resolution. She mentions an article that the Federal Government stated that transgender people are covered under the Affordable Healthcare Act. The community is very excited about this and happy that San Francisco took a leadership role nationally.

Commissioner Kelleher asks about wrap around services; Director confirms all services that are deemed medically necessary are covered. Commissioner Mavis and Director discuss the fact that this originated through a complaint; Commissioner Mavis asked about time line from complaint to becoming a resolution. Director states that the HRC never provided recommendation to the Supervisor, but HRC staff did work with the Supervisor when there were questions. Discussion follows regarding the time line of HRC involvement and how the resolution evolved. The Board of Supervisors passed this legislation to go citywide. Director states that HRC was involved in the complaint and mediation of the complaint. Commissioner Mavis states that it would be helpful for Commission to have the ability to provide input.

Commissioner Lee asks about the state of the LBE AC. Director states that she is not sure how they move forward, however, the committee is moved to the Office of the City Administrator. Discussion follows about the new LBE AC after the transition. Director states that all functions of the committee and committee will transfer – any decision the committee has will be under the jurisdiction of the City Administrator.

Public Comment:

Espanola Jackson: States she is from Bay View Hunter's Point and that she has concerns; states that San Francisco does not have any certified compliance officer. She wonders what will happen with these (city) contracts when no one is going on the job sites to enforce guidelines (especially Section 3 of the HUD guidelines). She has concerns that local people – people in public housing - are not being hired. She states that human rights are not being followed in this city; she's been fighting for 50-years.

Ace Washington: States that "wings have been clipped." He makes comments about City Hall, HRC, and OEWD. He states that with social media, he will explain what has been happening. States he is the "Czar of the African American Out Migration Report" and says he will talk about what has been happening on his website. He "commands" HRC to cease activities in the area of African American community.

**6. Discussion of recommending to the Mayor and the Board of Supervisors to direct City Departments to discontinue use of the term "illegal" when referring to undocumented individuals.**

Director states that the commissioners have been given a draft resolution, but nothing to vote on this meeting. HRC staff, Zoe Polk, talks about resolution to have all city departments to stop using the "I" word ("illegal") when referring to immigrants. She discusses the role of language in civil rights. She does presentation which includes national references. She explains why this is appropriate for the HRC to be involved. She mentions that when immigrants reach out for some city services (according to 12H, which HRC enforces) their immigration status should not be called into question. She states that we already know that language is very important and that there is a consensus that these words do play a role in hate violence. She presents a list of laws that have been passed against immigrants, singling out people from undocumented communities as being criminal. Ms. Polk states that immigration is a civil matter, not criminal matter. Most of the laws have been passed recently, therefore, it is right that the HRC is positioned to promote some change in language.

Ms. Polk states it is necessary to think about language when creating public policy, and those words have power which can become contentious and can actually create ill-will towards those communities. When we use the words "illegal immigrant" it is incorrect as immigration is civil, not criminal, issue. Gives story of the murder of a family wherein the perpetrators stated they thought it was their "duty" to stop illegal immigration. She continues to give examples of case law. She mentions use of language in politics for different political ends, including that immigrants are here to "steal jobs" or that once they are here, it is "okay to commit crimes against them." She states that even the 1996 Immigration Law itself includes the "I" word. She makes comparison of words like "deadbeat landlord" or "illegitimate child." (Chair Sweet asks if she has a copy of the report for the commissioners.)

She includes comments from other agencies who have stated that they do not use the words, "illegal immigrants." She proposes that the Commission present a resolution stating the San Francisco will not use these words and she proposes that the HRC does information meetings with other departments to explain the effect of the impact of these words. She gives quote which states that human beings cannot be illegal.

Chair Sweet, states that they have the resolution Ms. Polk has prepared, and asks if they should discuss this now or later. Commissioner Mavis asks if there has been input from the EAC (Equity Advisory Committee) or the Office of Civic Engagement and Immigrant Affairs? Ms. Polk states that she has not yet talked to them. Commissioner Mavis asks about the Sanctuary City, and whether it instructs people to use the word "undocumented." Commissioner Davis states that this should move beyond just writing something on paper, but in terms of creating a movement, we should have a conversation about how we share resolutions and have discussions with other cities.

Chair Sweet asks Ms. Polk to talk about other cities having this discussion. Ms. Polk states that she is not aware of another city, but is aware there is a campaign to ask journalists to stop using the "I" word. She shows a mock-up idea for HRC using social media to create a campaign. Commissioner Kelleher asks about alternative words. Commissioner Christian states this is an important idea and good idea to consult with other offices and commissions for more input. Commissioner Lee asks about the Immigration Commission and immigration attorneys being involved. Zoe regularly meets with other groups in terms of outreach for Sanctuary City. Chair Sweet states this is an important concept, that the HRC has been in the forefront on other issues. He states that he thinks it is important to get consensus from other departments and stakeholders. He does not believe it should be done HRC alone or done hastily. He states that EAC can be involved.

Public Comment: Ace Washington: Supports the idea. He states that when African American issues come up it seems there is no comment, no discussion (from commissioners). As "Czar," he wants discussion.

Chair Sweet asks Mr. Washington to stay on the Agenda Item topic. States that he met with the Director and that he will continue to come to meetings.

Commissioner Christian: Asks Chair for clarification on when Commissioners are allowed to speak to give discussion, or directly engage someone in public comment.

Chair Sweet: Under the Brown Act, the commission is required to set and speak to an agenda. The result is that the commissioners cannot discuss items not on the agenda even though the public is invited to speak on items not on the agenda. While commissioners are receptive to public comment, they are prohibited to respond to items not on the agenda.

#### **Item taken out of order:**

#### **8. Update on Friends of the Human Rights Commission including discussion of working group, 501c3 status, business plan, board development plans, website and logo development.**

Commissioner Kelleher, along with Chair Sweet, Director Sparks, Vice Chair Doug Chan and Commission Pappas, called together a working group to resurrect the Friends of the Human Rights Commission. Stated that the Friends of HRC has been relatively dormant for the last 10-years. As we approach the July, 2014, 50<sup>th</sup> Anniversary, and in order to support the HRC, they began meeting late last fall. The working group includes Karen Kai, Don Hesse and Norm Nickens and Allen Jordan. They have confirmed the Friends tax status – that is a valid registered 501(c)(3), can give grants and receive donations. They did extensive evaluation of other groups including Friends of the Commission on the Status of Women. They are developing a new business plan, including a proposed timeline leading up to the anniversary and beyond. An early pre-party is planned in early 2013, and another in fall of 2013, will actually kick-off the Anniversary with a Gala.

Currently, they are focused on recruiting new working group members, including those who can help with community program development, events and fund raising. Three new people have been

identified for the working group/potential board members. They have contracted with a local LBE to help build a website, with a first draft of the website due shortly. They will present the website at an upcoming late September, 2012 meeting. No city funds are being used to develop the group.

Chair Sweet thanks Commissioner Kelleher for his work and states that part of the Friends responsibility will be to help support (financially) the work of the HRC. Commissioner Mavis states that the presentation was great, but it raised his concerns about the HRC budget after the transition (of the Contract Monitoring Group). He asks if a new budget has been presented post-transition. The Director stated this was presented to the commission already, and that the budget is now 100% General Fund, with some work order funding over the next 2-years to help with the transition itself. She states she would be happy to present this information again and that now the entire agency is on general fund. Commissioner Mavis asks that the presentation be distributed again.

Commissioner Mavis states that he was familiar with the budget prior to the LBE transition. Chair Sweet states that this is going off the agenda, however, he states it is appropriate that a presentation and organizational chart be presented at another meeting. Commissioner Kelleher states that the staff is going to be identifying someone to work on grant writing. He states that private funding could go through the Friends. Commissioner Christian thanks Commissioner Kelleher on his work and states this is very important for the future of the HRC. Commissioner Kelleher thanks some of the past board members for sharing their institutional memory of Friends as well as for taking time now to help.

Public Comment: Ace Washington: Commends them for their work on the new Friends of the Human Rights Commission. Makes suggestion that they study the history of the Human Rights Commission; he states that he believes this is the only human rights commission funded by a city.

## **7. Resolution in support of SB 1172 which bans mental health providers from engaging with minors in sexual orientation change efforts (“Reparative Therapy”).**

Director Sparks states that they are being given a draft HRC resolution as well as the state legislation on the topic.

Nadia Babella, HRC staff: States that the San Francisco Youth Commission has also passed a similar resolution. This topic was brought to the LGBT AC by Commissioner Pappas. She introduces Mr. Christopher Stole, Senior Staff Attorney from the National Center for Lesbian Rights. NCLR sponsored the state resolution.

Mr. Stole: States this is one of the most important resolutions that NCLR has supported. This will prohibit therapists from using what has been called “reparative therapy” on youth under 18 years of age, and prohibit use of any therapy to try to alter gender identification by minors. He states that their staff has seen some horrendous results from this type of “therapy,” including suicide. Because this therapy has no basis in science, virtually all pertinent associations have made statements against its use. He states that this bill will reach the Governor’s desk by September, 2012. He gives a list of national and state organizations which have issued statements in support of the resolution; he hopes the SF HRC will join this list of groups in support of the bill.

Commissioner Pappas commends NCLR and Amy Whelan on the LGBT AC who worked so hard on this resolution; he asks for the privilege of making the motion to pass this HRC resolution in support of Senate Bill 1172.

Public Comment: Mark Murphy: On LGBT AC; laughs at the idea of reparative therapy and states he doesn’t need to be repaired as a member of the LGBT community. He urges HC to pass the resolution.

Motion made by Commissioner Pappas to support Senate Bill 1172; motion seconded 7 ayes; Motion passes.

## **9. Discuss possible off site meeting dates and locations.**

Director mentions that the meeting in the Tenderloin was being put together by Commissioner Chung, who is no longer on the commission. Commissioner Lee states that there had been a request to have a meeting in the outer mission at Caesar Chavez or another school. Director states that at this point, there are no plans for offsite meetings; she states it is up to the Commission. Commissioner Lee mentions that she thought the EAC request was for a meeting in October, 2012. Chair Sweet asks Commissioner Christian if she is still doing work in District 6; he asks if she would be willing to put on the meeting in the Tenderloin/south of Market. Director reminds Commission that Commissioner Pappas had mentioned a co-sponsored meeting with Glide (Church). Commissioner Pappas stated that he just met with their pastor who would be happy to work on a meeting together with HRC. Commissioner Christian states she would be happy to work on something in the Tenderloin; there are a lot of issues for families who live there particularly with the services offered to the homeless in the District. Chair Sweet appoints 2 sub-committees: Commissioner Lee to work on the meeting in the Mission and Commissioner Christian to work on the meeting in the Tenderloin/South of Market area.

Commissioner Davis asks that when the Commission does these meetings, that they are interconnected so meetings are not duplicated. She states that District 6 now has the 2<sup>nd</sup> highest population of African Americans in the city behind Bay View Hunter's Point and asks that the commissioners make note of this fact while planning. She knows that the suggested meeting at Caesar Chavez (school) was centered around an education piece. She hopes that the meetings serve a purpose and follow the concerns of the committees. She wants the Equity Advisory Committee to be involved.

Commissioner Davis continues that she has concerns about the technology divide, and how the community feels that with all the new technology in the city, it doesn't seem to trickle down to the community. She mentions Zinga and Twitter. She wants the Commissioners to be mindful of what they are doing in the various communities. Commissioner Mohajer states that a community meeting in Bay View Hunter's Point is important; wants the people to be able to make their concerns known so the Commissioners can respond and question them, and then perhaps come up with some areas where they can be supported, assisted with regards to human rights issues. She at least wants a dialogue to understand the issues. Commissioner Christian asks if there is a schedule yet; she joins Commissioner Davis in her comments about discussing issues. Director states that prior to the meetings, there should be a report to the Commissioners making them aware of what the staff is already doing for the Community. Commissioner Mohajer states, Director agrees, that the meetings are for the people to express their concerns, not for HRC to tell them what HRC is doing.

Commissioner Davis states that it is everyone's responsibility for "the black issue." We can go to those meetings, but after the meeting, it cannot be her sole responsibility to implement and deal with the day-to-day frustration. It is "unfair," so when HRC goes to the meetings, it will not be enough to go to meetings without having a plan of action. Director states that of the 3 people on the Policy Group, 2 are working on the African American issues. Commissioner Davis states that the Commission itself must be very clear about what the request is from the community and whether or not staff can make it happen.

Commissioner Mavis states that they are getting away from figuring the dates and times of the offsite meetings.

Commissioner Davis continues that when they plan meetings, for her it doesn't end after the meeting, but continues into her life. She asks that when they agenzize meetings to realize they are also agenzizing her life. Commissioner Mavis states that this topic is not on the agenda, but can be at a later date. Chair Sweet states that there are no dates chosen for meetings yet. Director states that perhaps we should agenzized community meeting discussion, including how we are going to budget these meetings.

Public Comment: "an educated woman" states she is "part of the people," and that "we don't need any more meetings." "This is a 911 situation; we don't have any more time for meetings." We want to take care of this ourselves.

Espanola Jackson: She is 79-years old and she states she's been meeting with the Human Rights Commission for 50-years. They don't need any more meetings. States there is confusion; African American Leadership Council is different than the Black Human Rights Leadership Council. All they want is HRC support.

Ace Washington: He states that the Commission does put too much on "Sister Davis." States that "we don't need you." Asks that the rest of the year is devoted to African Americans. He states he is "on a mission, and simply doesn't need the Commission."

Robert Woods: He states that they would like the HRC to pull the Unfinished Agenda off the shelf and implement it. He states it would be a good thing for HRC to come to a community meeting. He states that the people here tonight "are" the community, and they have been standing up for the past 40-years. States the community is in need.

Chair Sweet states that this completes Item 9, they are going to pass Item 10 due to fact that the City Attorney has arrived and go right Item 11.

## **Passed: Item 10. Matters of Interest for Possible Inclusion on Future Agendas**

### **Open Session**

Commission Secretary reads:

*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 on whether to enter into closed session:

Ayes: Sweet, Christian, Davis, Mohajer, Lee, Pappas

Vote passes to go to Closed Session

### **Closed Session**

#### **11. PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

Executive Director, Theresa Sparks

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

### **Open Session**

Chair Sweet re-convenes in Open Session; Time is 7:20 pm; Closed Session completed.

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

Ayes: Sweet, Christian, Davis, Mohajer, Lee, and Pappas

Vote passes to disclose discussion.

Chair Sweet discloses that under guidance from the Deputy City Attorney, they will have a subcommittee of the Commission prepare a response to the report received from the Executive Director. The report will be presented at a future meeting.

No Public Comment

### **Adjournment**

- 13. Adjournment** Motion made; motion seconded; meeting adjourned 9:02 p.m. -  
Minutes prepared by Sheryl Cowan.