

# City and County of San Francisco



Gavin Newsom  
Mayor

# Human Rights Commission

Contract Compliance  
Dispute Resolution/Fair Housing  
San Francisco Local Business Enterprise  
Lesbian Gay Bisexual Transgender & HIV Discrimination

Theresa Sparks  
Executive Director

## Lesbian Gay Bisexual Transgender Advisory Committee Minutes of the October 19, 2010 Meeting

**Committee Members Present:** Commissioner Cecilia Chung, Alex Baty, Bart Broome, Corrin Buchanan, Ruby Cymrot-Wu, Mark Dunlop, Elizabeth Labedz, Allison Laureano, Mark Murphy, Joseph Peralta, Bianca Polovina, Poonam, Fayaz Rajani, Ray Rudolph, Donna Sachet, Mark Snyder, Linda Susan Ulrich, Vaughn Villaverde, and Amy Whelan.

**Committee Members Absent:** Samer Danfouara and Amos Lim (excused).

**Staff Present:** Nadia Babella, Erin Jones-Le (intern), and Domenic Viterbo.

**Guests Present:** Alicia Cabrera and Larry Brinkin

### 1) Call to Order and Roll Call:

Allison Laureano called the meeting to order at 5:37pm. Nadia Babella called the roll.

### 2) Public Comment For Items Not on the Agenda:

No public comments were made.

### 3) Approval of the September, 21, 2010 Minutes (Action Item):

Motion was made and seconded to approve with edits.

### 4) Presentation by Alicia Cabrera, Office of the City Attorney, on San Francisco's Sunshine Ordinance and other Rules Pertaining to the Advisory Committee's Powers and Responsibilities (Discussion Item):

City Attorney Alicia Cabrera gave a presentation on the City's Sunshine laws, which exist to give public sufficient notice to come to meetings and know what is being discussed:

- ❖ The state law that requires transparency is referred to as the Brown Act. The local law is referred to as the Sunshine Ordinance and can be found under SF Admin. Code, Chapter 67.
- ❖ The purpose of the laws is to create transparency in government action and promote public participation. Boards and commissions, and advisory committees exist to make important decisions regarding people of San Francisco; public has a right to be present



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- ❖ The laws state that information is open for disclosure unless specific piece of law says protected.
- ❖ The LGBTAC is a Committee created by the Board, so these laws apply to us. All multi-member groups, like boards, commissions, created by charter, ordinance, resolution, etc. are subject to these laws.
- ❖ All meetings must be sufficiently announced. Definition of a *meeting*: whenever a majority of members of a policy body (aka a quorum) come together at same time and place. This includes for example meal gatherings before/during/after a meeting, retreats. Social gatherings and gatherings outside of official business are not covered by the Sunshine/Brown laws and need not be noticed, as long as business is not discussed. Quorum. For example, at conference/local meeting, OK to have a quorum present, as long as don't talk about business.
- ❖ Illegal meetings include "Seriatus meeting" where majority communicates, but are not personally gathered at same time and place. Some examples include email and phone conversations. Commissioner Chung mentioned that the best channel (if this happens) is to talk to Nadia, who will talk to Commissioner Chung. Use blind carbon copy (BCC) to send entire group email so people cannot reply to all. If a quorum replies to all, have to provide notice.
- ❖ Notice and Agendas: For both regular and special meetings, agendas must be posted at least 72 hours before meeting.
  - Requirements for posting of the agenda include, meaningful descriptions of the items and a designation of whether it is an "action" or "discussion" item. If it is not designated, it is assumed that it's a discussion item and no action can be taken. You must reference all explanatory documents. Each item automatically must allow for public comment. Agendas must also include general public comment which allows the public to comment on anything under jurisdiction of that body.
  - Limited Exceptions to items not on the agenda include: making announcements, as long as you do not discuss the announcement, "New Business" which allows Commissioners to introduce new agenda items for future consideration by the Commission, and limited response to general public comment for example to direct staff member to follow up with a public comment or ask clarifying questions.
  - Public Comment may occur at any time during meeting. The public must be treated equally and each person has to be given up to 3 minutes. If there are a lot of people in room, you can give less as long as everyone is given the same amount of time. There is also the right to comment anonymously, right to criticize policy body, its members and its staff. There is no right to get a response to public comment.
- ❖ Recording Requirements: Charter-created policy bodies must keep minutes as described in ordinance. Commissioner Chung mentioned that meeting minutes are digitized back to 2002, and eventually all minutes back to 1979 will be archived.
- ❖ Penalties: There are penalties for violating the Brown Act and the Sunshine Ordinance. There are also penalties for violating the Sunshine Ordinance which can include demotion, firing, appearance before Sunshine Ordinance Task Force, etc.
- ❖ For more information you can check the Good Government Guide  
<http://www.sfcityattorney.org/Modules>ShowDocument.aspx?documentid=686>

or watch the Sunshine Ordinance training <http://www.sfbos.org/index.aspx?page=4459> or call Deputy City Attorney assigned to your policy body.

- ❖ In response to when can a body officially take a position on a subject, Ms. Cabrera responded that it depends. For example, if Board of Supervisors (BOS) has taken a position, the body can take a position that follows, but not one that contradicts. Unless a power has been delegated to you, then that power belongs to BOS. Chartered commissions can only take position taken by BOS, but they can try to encourage BOS to adopt a certain position. An advisory Committee can first ask HRC to adopt position, then forwarded to Mayor's office and/or BOS.

## **5) Presentation by Larry Brinkin on the LGBT Community Partnership (Discussion Item):**

Mr. Brinkin presented information about the LGBT Community Partnership. The partnership discusses ongoing issues faced by LGBT seniors. The group was originally funded by a grant to look at 4 underserved senior communities: 1) Asian/Pacific Islander seniors 2) African American seniors 3) LGBT seniors and 4) Seniors with disabilities. The grant ran out, the group continues to meet monthly at the LGBT Community Center. The group has worked with Open House to help develop curriculum and sensitivity training on LGBT issues.

Problems of LGBT seniors are numerous and mirror the same problems that all seniors have, but can be exacerbated. The biggest problem is isolation, particularly those who are in 70s, 80s, and 90s. LGBT seniors of that age grew up in a time when it was particularly dangerous to reveal sexual orientation; many still fear coming out to institutions.

The community partnership trains mainstream senior organizations on how to be more LGBT friendly. For example, the place should have literature and forms that does not assume everyone has opposite sex partners, have art or films that reflect LGBT inclusion, celebrate holidays like Pride Day, etc. The training also includes a section which Mr. Brinkin provides on the legal responsibility of organizations to not discriminate based on sexual orientation or gender identity.

The community partnership also worked on lunch programs for seniors and worked with Castro Senior Center on programming and work groups. Try to increase work for people with disabilities, and had a public forum on this issue. They also work on addressing ageism within LGBT community. We need to make sure our community is inclusive of those who are older and those with disabilities, i.e. many older individuals not comfortable in Castro. Some ideas include have a Bay Area Reporter column on older issues.

Mr. Brinkin encouraged LGBT Advisory Committee members to attend the Community Partnership meetings which are held the 3<sup>rd</sup> Thursdays of the month, from 3-5pm at LGBT Center. In addition, he announced upcoming events:

- Oct. 28 2:30-5:30: open event on HIV and aging (location TBA)
- Dec. 11 – Holiday Fair at LGBT Center will provide information on services and resources will be there, also a dance.

Questions for Mr. Brinkin:

- ❖ What will happen to the mental health services New Leaf used to provide?

New Leaf's closure was shocking. Funders have been invited to come explain what would happen, and to hear from those who need services. Open House has taken on some of the services. RFPs are out now for some of the psychiatric services that New Leaf was providing.

- ❖ Have you seen any solutions of how differing needs of different generations have been met?

In terms of "young old" and "old old", the LGBT Community Partnership is trying to make sure to address the various needs. But this is something that needs more discussion and work.

- ❖ Is there a definition for "elder"?

Robert Woods Johnson Foundation defines as over 50; there are different answers, depending on which services are being provided (i.e. AARP, senior pass on public transit, etc.).

**6) 7 by 7 Presentation by Mark Dunlop on Housing for Senior with HIV – SF Redevelopment's Experience (Discussion Item):**

Mr. Dunlop explained that when the project opened in 2007, there were only 10 units provided for HIV housing. At the time, the program was first in the country. 30% of people on street right now have HIV/AIDS; of that, 30% are seniors. So the need is great. San Francisco Redevelopment Agency helps direct funding for Housing Opportunities for Persons with AIDS (HOPWA). Large part of the population receiving this funding in housing are the elderly. They are no planning on having an additional number of units. 10-20 more units will be located in Hunter's Point shipyard. It is important for us as individuals to ask for more housing for seniors, especially as development expands. Growing old with AIDS is extremely expensive. There are some limits to this. What is considered as low income is so low that it probably couldn't even get an SRO in San Francisco.

Commissioner Chung commented on a recent article that talked about being a single senior and living in poverty. Adding an HIV-positive diagnosis brings on greater challenges. Most of us and the public health community are not prepared for this. Mr. Dunlop stated that the fact that AIDS was so ignored seems is a human rights issue; now AIDS and elderly is being ignored, thus posing additional human rights issues.

Comment was made that there is a gap in organizing around the issue because a lot of people in the older generations died. Another comment was made that perhaps identity politics, and fighting for resources, have caused us to miss out on other issues like aging. Mark Murphy commented that the Metropolitan Life Study on LGBT Babyboomers, shows percentages about who we are (single, couples, what a couple is, etc.).

[http://sfmail01.sfgov.org/mail/HRC/nbabella.nsf/0/1EA496084491DC3FDCEE3BB0C3B8F4EA/\\$File/mmi-still-out-still-aging.pdf?OpenElement&FileName=mmi-still-out-still-aging.pdf](http://sfmail01.sfgov.org/mail/HRC/nbabella.nsf/0/1EA496084491DC3FDCEE3BB0C3B8F4EA/$File/mmi-still-out-still-aging.pdf?OpenElement&FileName=mmi-still-out-still-aging.pdf)

Lindasusan Ulrich commented that a large percentage of us don't have kids, which is who takes care of a lot of older generations.

## **7) Work Group Reports:**

### LGBT Asylum (Fayez Rajani)

The work group is planning panel for the 11/16 meeting. Media strategy is to do post-panel op-ed to talk about collaborations with asylum hearing office to improve their cultural competency training. The Panel should be educational for the committee and community. There are numerous regional asylum centers throughout US. DC (headquarters) is working with Immigration Equality to develop curriculum. We are hoping to conduct a training or series of trainings in SF. The training can then be exported elsewhere. After that, we can train immigration Judges and detention centers.

### Alternative Families/Senior LGBT (Ray Rudolph and Mark Dunlop)

The group met and generated a lot of ideas to take into next year. One idea is to work with a coalition to get the Bay Area Reporter to have articles on senior issues. Possible features can include having youth interviewing seniors and seniors interviewing youth, to promote intergeneration activity.

### Housing Rights (Alex Baty)

There is enough interest in continuing work group to at least push for resolution on housing right as a human right. The group will meet to discuss next steps. Commissioner Chung, Nadia Babella, Samer Danfoura offered to help draft a resolution.

### Outreach (Poonam)

The outreach work group is reaching out to the Bay Area Reporter about an op-ed on the asylum panel. The group will be meeting on 1<sup>st</sup> Wed. next month. If interested in meeting, let Poonam know.

### Bisexual Invisibility (Lindasusan Ulrich)

Ms. Ulrich is working on the Bisexual Invisibility report and is in editing mode . She aims to have draft for next meeting.

## **8) Member Reports on Activities in the Community (Discussion Item)**

Poonam reported that Horizons is commissioning a historical convening of LGBT people of color organizations to take place March 11-13, 2011 in Minneapolis, Minnesota.

Allison Laureano reported regarding the media publicity surrounding the bullying and high suicide rates and how the issue is currently in the public consciousness. Mark Murphy reported

that tomorrow there is a group action of wearing purple in support of youth who have or are thinking about suicide. The “It gets better” website was mentioned.

Joseph Peralta is part of a coalition of Tagalog speakers seeking to assess Filipino attitudes towards LGBT people and specifically on the issue of marriage, led by Tawal Panyacosit of API Equality. He hopes to present the finding at the committee once its finalized.

Mark Snyder reported that Collage released a guidebook for people with LGBTQ parent with an interactive timeline of LGBTQ family history. Collage and TLC are working with GSAs on a “Make it Better” website.

Commissioner Chung commented that we should use this opportunity to think about how we can create a broader based coalition and think about bullying in general e.g. how it affects immigrants, LGBT and other children. For every 1 suicide, there are 25 unsuccessful attempts.

**9) Staff Report (Discussion Item):**

Nadia said that we have several new complaints, and many are multiple complaints over the same topic and respondent. The Equal Benefits unit will possibly will be able to hire three Contract Compliance officers.

**10) Commissioner Report (Discussion Item):**

Commissioner Chung reported that Commissioner Linda Richardson just got reappointed to Treasure Island Development Authority. The Commission held a hearing on surveillance and profiling of the Arab, Middle Eastern, Muslim, and South Asian communities. It was well-attended and emotional, with a lot of community testimonies. We will circulate the report once completed. Commissioner Chung is working with Commissioner Dajani to look at what is the best way to set up a working group or a task force, and whether it should be housed in the Commission. We want to protect our citizens from religious biases and racism.

**11) Old/New Business:**

No Old/New Business was discussed.

**12) Announcements:**

It is Fayaz’s and Elizabeth’s birthday! This coming Friday, the Transgender Law Center will have its annual fundraising party at EndUp. The following Thursday, the GLBT Historical Center will host its fundraising event at Green Room. Dist 8 Supervisor Forum discussion will take this coming Thursday at 7pm.

**13) Adjournment:**

The meeting was adjourned at 7:46pm.