
HUMAN RIGHTS COMMISSION

City and County of San Francisco

Edwin M. Lee, Mayor

Regular Meeting Minutes

Thursday February 24, 2011

4:30 pm

City Hall Room #416

1 Dr. Carlton B. Goodlett Place

ROSTER OF COMMISSIONERS

Michael Sweet, *Chair*

Douglas Chan, *Vice Chair*

Shirley Breyer Black

Cecilia Chung

Mark Kelleher

Faye Woo Lee

Todd Mavis

Nazly Mohajer

Thomas Pier

Victoria Ruiz

Julius Turman

Theresa Sparks, Executive Director

1. ORDER OF BUSINESS

A. Call to Order and Roll Call

Commissioner Sweet called the meeting to order at 4:35 p.m. A quorum was present.

Commissioners Present:

Shirley Breyer-Black
Douglas Chan
Mark Kelleher
Faye Woo Lee
Todd Mavis
Victoria Ruiz
Michael Sweet

Commissioners Not Present:

Cecilia Chung - Excused
Nazly Mohajer
Thomas Pier
Julius Turman

Staff Present:

Nadia Babella, Alaric Degrafinried, Theresa Sparks, Janel Wong

Public Comment on Items Not on the Agenda

An individual named Ronnie addressed the Commission. Director Sparks noted that Ronnie came by the HRC today and is working with HRC staff Emil DeGuzman to address his housing concerns.

2. CHAIR'S REPORT

A. Commissioners' Activities in the Community

There were no updates from Commissioners regarding their activities in the community.

Public Comment on the Report of the Chair.

There were no public comments on this agenda item.

3. DIRECTOR'S REPORT

A. Report of Current Activities of the Director

See below.

B. Update on Meeting with Insurance Commissioner David Jones and Assemblyman Tom Ammiano

Director Sparks updated the Commission that last week she, along with HRC staff, traveled to Sacramento to meet with Assemblyman Tom Ammiano and Insurance Commissioner David Jones to discuss transgender healthcare state-wide and whether the Assemblyman and Commissioner could help the HRC put pressure on major insurance companies in the state to consider covering transgender healthcare. Director Sparks reported that the meeting went well and that the Insurance Commissioner agreed to assist the HRC to plan further discussions.

C. Update on FY 2011-2012 Budget

Director Sparks also mentioned that the other item that a couple of HRC staff have begun spending time on is the budget and added that she is pleased to report that the HRC has come to an agreement with most of the City departments that we work with regarding the amount of money we will be charging those departments for our work in the next fiscal year. She added that, in other words, HRC staff successfully negotiated approximately 14 or 15 work orders.

Public Comment on the Report of the Director

There were no public comments on this agenda item.

4. REGULAR BUSINESS/STAFF REPORTS

A. Local Business Enterprise Division

1. Update on Local Hiring Legislation

Presenter: Alaric Degrafinried

HRC staff Alaric Degrafinried updated the Commission that the LBE legislation that passed last year will be going into effect on March 25th, giving the HRC and the other interested contracting departments a relatively short time-frame to create an implementation plan. He reminded the Commission that the legislation requires that 20% of labor hours of City-funded constructions projects must be completed by San Francisco residents. This requirement will go up annually approximately 5%, topping off at 50% in 7 years. After the 3rd year, however, there will be an evaluation to determine whether the rate should continue to increase steadily by 5% or whether it should flatten out. He added that there have been some “off ramps” to the legislation, for example if the project involves a specialty trade there will be a slight modification of requirements to the legislation. Off ramps will also be granted for projects that will allow project managers to “bank” hours and there will be off ramps for creating apprenticeship opportunities. Alaric also noted that two groups of stakeholders have been created by Naomi Kelly around this legislation – a policy group and a working group, which the HRC has been involved with.

Regarding next steps, Alaric mentioned that Supervisors Avalos and Mirkarimi have asked for a series of hearings in the coming weeks to get an update about the Rules and Regs and other accompanying forms regarding the status of the legislations. Supervisor Mirkarimi is also starting to begin discussing expanding this program beyond just construction projects. In addition to these hearings, there will also be stakeholder meetings in the coming months that the HRC will be involved in.

In response to a few questions posed by Commissioner Chan, Director Sparks remarked that the HRC has currently been asked to implement the Ordinance as written and that we are working with the 2 other City agencies that are responsible for monitoring City contracts - OLSE, and the Mayor's Office of Economic and Workforce Development – to determine who is going to do what. The HRC has been assured that there is no intention that HRC's LBE program will be combined with any other organization, but what the authors of the legislation are looking for, is for the HRC to work with the other agencies to ensure that there is no duplications of efforts. With that, she added that we'd likely be able to answer Commissioner Chan's questions better in the coming month.

B. Non Discrimination Division

1. Presentation on September 23, 2010 Commission Hearing

Presenter: Nadia Babella

Next, HRC staff Nadia Babella came before the Commission to give an update about the work done after the September public hearing. She began by showing a 5 minute video of the hearing. Next, Director Sparks reminded the Commissioners of the events that led to this hearing. Nadia stated that approximately 150 people attended the hearing, including 6 Supervisors, 2 Police Commissioners, 3 Immigrants' Right Commissioners, representatives from the Mayor's Office, members of the community, clergy, scholars and many others. She added that the report captures 25 pages of testimony and on page 37 there are findings and on page 40 there are 16 recommendations. Nadia also added that recommendation # 10 was being changed and Nadia proceeded to hand out the amendment to the recommendation to the Commissioners. Nadia then thanked a series of individuals and organizations who made the hearing such a success.

Commissioner Chan commended Nadia on the report, and added that he was struck by findings # 18, 19 and 20, stating that he was surprised by the conduct of law enforcement and security personnel at SFO and that the HRC should work to do a better job with matters that are within our jurisdiction with respect to this conduct. Commissioner Chan then asked about the recommendation regarding where the Ombudsman would be housed, to which Nadia and Director Sparks responded that such a position could be housed in a number of different agencies. Commissioner Chan also made a suggestion regarding recommendation #13 – he asked whether an MOU existed that adjudicated inter-jurisdictional activity that might exist between the City, Police Department and TSA and suggested that we might make a public records request to find out. He added that when he served on the Police Commission he was made aware of video footage at points of entry – like the airport – and that we might consider scrutinizing this footage to determine what exactly happens at airport security screening points.

Commissioner Mavis recommended that we consider hearing from the Police Department what their response is to the report. Nadia agreed and stated that the HRC is considering organizing a hearing with the Police Department for that very purpose.

Public Comment on Regular Business

- Zahra Billou: The Executive Director of the Bay Area Office of the Council on Islamic Relations thanked the Commission for hosting the hearing and urged the Commission to approve the accompanying report.
- Nour Chammas: An immigration attorney working at the Arab Resource and Organizing Center also urged the Commission to approve the report.
- Lochar Inshalli: A member of the National Association of Yemeni Immigrants based in San Francisco wanted to express that he believed that his community wanted to be a part of the solution, not the problem. He also asked the Commission why, whenever he traveled, is he questioned at airports. He ended with a quote from the Qur'an that emphasized peaceful coexistence.
- Mokhtar Alkhanshali: A Yemeni-American college student stressed that he didn't want to live in a society where he is singled out because of his nationality or faith. He also urged the Commission to adopt the report.
- Nicky More: An Iranian-American attorney interning at the Asian Law Caucus asked the Commission to imagine an example of an Iranian-American who believes that their country – the USA – turns their back on them.
- Marc Van Der Hoot: Came representing the National Lawyers' Guild and spoke of a few cases he took on behalf of the NLG prior to 9/11 and post 9/11 and also urged the Commission to adopt the report.
- Summer Hararah: Presented a joint statement from herself and Veena Dubal from the Asian Law Caucus, both of whom also urged the Commission to adopt the report.
- Aballa Menahat: Is an individual who has lived in the US for 29 years, and is a Muslim who has never committed a crime, asked and urged the Commission to make him and other Muslims feel equal and free from discrimination.
- Abor Samahat: An Arab-American who has lived in this country for over 15 years and feels as though he's been mistreated by US law enforcement authorities came before the Commission to share his experience and to ask the Commission to pass the report.
- Karen Korematsu: Co-founder of the Fred T. Korematsu Institute for Civil Rights and Education at the Asian Law Caucus. She reminded the Commission that it took her father 40 years to get justice after his internment. She also reminded the Commission that her father first spoke of the dangers of surveillance and urged the Commission to take action and to take the steps to implement the report and to not allow it to sit on a shelf – thereby setting an example for the rest of the nation.
- Abdul Nasser: A local business owner and resident who came to share what is in his heart and on his mind. He stressed that he wanted to observe the law, but also to have protections from the law.
- Paul Degan: A Sicilian American who agreed with previous speakers about the dangers of surveillance and also commented about his feelings about the War on Terror and also asked the Commission to adopt the report.

Director Sparks stated that the HRC sees the issues covered by the report as some of the most important civil rights struggles in the country and strongly urged the Commission to pass the report.

Commission Chair Sweet thanked the staff for their work on the hearing and report and also thanked those individuals who testified at the hearing and today for their support for the passage of the report.

A motion to adopt the report as written was moved (Commissioner Lee), seconded (Commissioner Black) and approved by the following Commissioners who were present:

Commissioner Black
Commissioner Chan
Commissioner Kelleher
Commissioner Lee
Commissioner Mavis
Commissioner Ruiz
Commissioner Sweet

5. Matters of Interest for Possible Inclusion on Future Agendas

Commissioner Chan requested an update from Mr. Degrafinried in approximately 1 month regarding the status of the local hire legislation and the progress of interagency talks regarding the legislation's implementation. Commissioner Chan also requested to have an update about whether HRC could be involved in the coordination of the re-examination of DGO 8.1, which is currently being undertaken by the Police Department

6. Adjournment

At 6:40pm, a motion to adjourn the meeting was made (Commissioner Chan) and seconded (Commissioner Mavis).