Lesbian Gay Bisexual Transgender Advisory Committee
Minutes of the October 18, 2011 Meeting

Committee Members Present: Commissioner Cecilia Chung, Diane Alcala, Bill Ambrunn, Alex Baty, Paul Klees, Allison Laureano, Amos Lim, Erik Martinez, Angela Perone, Bianca Polovina, Fayaz Rajani, Ray Rudolph, Mark Snyder, Vaughn Villaverde, Cynthia Yeung

Committee Members Absent: Commissioner Todd Mavis, Bart Broome, Corrin Buchanan, Mark Dunlop, Bonnie Miluso, Jose Romero, Cat Stevans, Amy Whelan

Staff Present: Nadia Babella, Alea Boult, Matthew Valdez

Guests Present: None

1. Call to Order and Roll Call:
Commissioner Chung called the meeting to order at 5:38pm. Nadia Babella called the roll.

2. Public Comments for Items Not on the Agenda:
No public comments were made.

3. Approval of Minutes of September 20, 2011 (Action Item):
Amos pointed out that the repeal of the asylum one-year deadline is a standalone bill, and it is not currently included in the Uniting American Families Act, but has the potential to be included in the comprehensive immigration bill. Allison moved to adopt as amended, which was seconded by Vaughn and approved.

The letter will be signed by Nadia as the staff person of the committee, not to be signed by the commissioners. Ray suggested an edit to the second sentence of the second paragraph of the letter to say “losing their social security.” There was also a discussion about the language of support, with Cecilia making the recommendation to change the wording to say “support your efforts to create a job share...
initiative." Alison moved to adopt the letter as amended, which Vaughn seconded, and the motion was approved.

5. **Update on CA Transgender Rights Laws: The Gender Nondiscrimination Act (AB 887) and The Vital Statistics Modernization Act (AB 433):**

There are two laws for transgender rights that just passed in California. Mark explained that the Gender Nondiscrimination Act clarifies existing law. It enumerates and explains that California does not discriminate based on gender identity. Before, gender identity was folded into the definition of gender, but this law makes it explicit, so schools and government agencies and offices are now required to have gender identity explicitly in their non-discrimination statement. The law will also help people know their own rights. Cecilia added that Gray Davis signed the Fair Employment and Housing Act inclusion of gender identity but, as Mark discussed, it was folded into gender so it wasn’t clear. Even at the Department of Fair Employment and Housing they turned transgender people away because they were unsure about the law, and transgender people in the community didn’t know they were protected.

The second bill, the Vital Statistics Modernization Act, simplifies the process for changing the gender marker on important documents such as birth certificates. In the past, if a person wanted to change the gender on his or her birth certificate, a judge would have to determine that he or she was “worthy” to change it, but now a doctor can make the decision and a judge’s only role is only to say “yes.” Cecilia added that this law aligns itself with the new passport policy. You just have to have a doctor fill out the form rather than petitioning for the change from a court. The gender change form should be downloadable on superior court website and goes into effect in January, and it applies to people born in California but no longer live here. We’re supposed to have reciprocity, so as long as California recognizes your gender change, the law should apply to you, in whatever state you now reside in.

Nadia asked Fayaz and Amos about how this law would apply to immigration and marriage. Fayaz stated that it’s tricky because of the way USCIS requires the original birth certificate, so if you provide a reissued birth certificate, they’ll question you. Cecilia added that it also depends on where you get married and who your immigration officer is. Fayaz pointed out that it goes by state law, but it’s a complicated area, and it’s not very clear.

Mark pointed out that there were a bunch of bills signed into law and recommended everyone check them out online.

Cecilia discussed a bill that affects the HIV community that allows people to purchase a small number of syringes at the pharmacy without prescription to reduce the risk of people sharing needles.

Mark added that Seth’s law was also signed into law, as was a domestic partnership bill that equalized all of the rights and responsibilities of domestic partnerships to be the same as spouses.

6. **Potential Panel or Community Meeting on Repeal of HIV Discrimination Act (H.R. 3053):**

Cecilia talked about HR 3053, a recent bill that was introduced by. Rep Barbara Lee. The bill tasks the Department of Health and Human Services and the Attorney General to look at the 34 different states with current laws that criminalize the transmission and nondisclosure of HIV.

In Minnesota, a guy was convicted of first degree assault after consensual sex that took place after he disclosed his HIV status to his partner and they agreed to have unprotected sex. His partner then tested
positive and filed a complaint, and the jury convicted him for not using a condom. This shows a need to look at how laws can be used to discriminate against people with HIV, and how this creates unnecessary stereotypes about people with HIV.

Cecilia pointed out the need to find a way to have a conversation about this issue as a city. For example, if a sex worker is HIV positive, there is a 3 year sentencing enhancement, should the prosecutor seek to add that. We don’t know if that is a practice here in San Francisco, so now we have a good opportunity to have those conversations in this city. The laws perpetuate stigma around HIV, creating unnecessary stereotypes around people living with HIV.

Cecilia presented an idea for next month’s meeting to invite someone from the AIDS office, the DA’s office, and the Positive Justice Project, a group of different organizations that work in this area, to come have a panel on this issue to educate ourselves and draw some support. We could also have someone from Barbara Lee’s office come to educate us on the specifics of the bill. We can partner with the AIDS Legal Referral Panel so lawyers can get MCLE credit for attending. We can set an example on how to have these types of conversations. The U.S. was the first country to implement laws that criminalize HIV, then other countries followed suit. We should now set an example for reversing these laws.

This meeting will be held during next month’s monthly LGBTAC meeting, venue yet to be determined. The next steps for planning this panel are to make flyers, find panelists, and find other organizations to partner with. Angie, Bianca, and Mark volunteered to help organize the panel, and Mark volunteered to help with the flyers.

7. **Recruitment Efforts:**

Nadia discussed that the B.A.R. had put out the LGBTAC’s recruitment announcement, but what we need more than anything is for current members to send it out to their list serves. The AC is as strong and exciting as its members, so Nadia encouraged the members to help and make it a priority to send out the announcement and include a personalized sentence from you of why you want people to apply.

Cecilia encouraged everyone to share the announcement on Facebook or text some of your friends that would be good to recruit.

Nadia and Cecilia discussed that each current member would need to apply because of the new system, so that we can have a record of all our members. Cynthia asked if there is a minimum age to be on the AC, and Cecilia answered that if they are under 18, their guardian would have to consent to them being here, but that it shouldn’t be a problem. The AC is about diversity, so it would welcome all ages. Cecilia encouraged everyone to think about who would best serve this committee, think about who’s here and how we could have a better more robust committee, what ideas we could come up with.

8. **Workgroup Report Back:**

**Beyond Castro**

Angela talked about the follow up meeting in D10 coming up on Nov. 9th and Beyond the Castro’s own internal planning meeting Nov. 1st. The group is hoping to get interesting and useful insight in the follow-up meeting in D10, which will be at the Black Coalition on AIDS from 6-7:30.
Nadia pointed out to the group that if the whole AC attends, we need to notice the meeting as a quorum, so she asked that people in the AC let her know by the end of the week if they plan to attend. Erik added that if any of the AC members know anyone in D10 that would want to know about this, let us know.

**LGBT Elders**

Ray discussed the status of the two projects that the LGBT Elders are currently working on. The Commission on Aging and Adult Services stakeholder meeting reached consensus and is moving forward with its proposal to add an LGBT Advisory Committee to the Department of Aging and Adult Services.

The second project, the panel at the Commonwealth Club, is also moving forward. The topic will be, “Can they hear us? The voices of LGBT elders,” and will focus on how their voices can be heard more in the community. They have two confirmed panelists so far, Brian DeVries (a professor of dermatology with good statistical data on LGBT elders) and Gustavo Serina (Vice Chair, Commission on Aging and Adult Services). The group will also ask Katherine Dodd, Marci Adderman, Jewel Gomez, Phyllis Lyon. Mark-Jean Sormell is also tentatively confirmed. He was the first openly gay ambassador and worked for the Clinton administration. Cecilia suggested contacting Maggie Rubenstein, a member of bisexual community.

Ray explained that they are looking for a cross-section of panelists to give good background. They want to send invitations to have a lot of people come to engage in the dialogue and ask questions and not necessarily be on the panel. Julian Chang will be the facilitator.

Cynthia asked if they have a threshold age for elderly, to which Ray replied that in San Francisco it’s 62, but Open House uses 55. Mark pointed out that the panelists themselves don’t necessarily have to be elderly, they can just be an expert on the topic.

**LGBT Asylum**

Nadia updated the group that the Resolution that we passed in the last meeting was supposed to go up to Commission last week, but the mayor’s office wants to review it first because the Ref. Act of 2011 is really long, and they want to see how it will interact with city policies before it goes to the Commission.

The group is continuing to work with the SF asylum office on developing training curriculum.

**9. Member Reports on Activities in the Community (Discussion Item):**

Cynthia discussed that Horizons Foundation had a major anniversary a couple weeks ago. Google won an award, as did Bank of America and Morgan Stanley for imputed tax benefits for domestic partners, which resulted in $2,000 tax benefit for folks.

Amos talked about a same sex couple that was excluded from immigration benefits. One of the partners was an Indonesian man, and he was denied a stay of deportation because the court found he had “no special circumstances,” even though the Department of Homeland Security said that LGBT couples classify as family. Over 50 House Representatives sent a letter to the Secretary to specifically include LGBT families as family and put it in writing so there would be no confusion, but apparently the immigration official didn’t get the memo and denied the deportation appeal. He’s not being deported until December, so he has another chance for an appeal.
Other news, today in the Mission, Presente (a Latino Immigrants Group) held a press conference to ask Obama to end S-Comm. Through S-Comm, fingerprints have to be checked with DHS and if the individual is undocumented, he or she must be deported. S-Comm was supposed to only be used for people with criminal histories, but it hasn’t been followed correctly, so people are being deported for things like violating a traffic stop. A documentary on Frontline called Lost in Detention airs tonight about this issue. NCLR and GLTF also stand in support of the removal of S-Comm.

Amos updated the group that his friend was able to raise enough money for her film, Entry Denied, so now they just have to wait to see if it makes it in to Sundance. Amos also asked if anyone had any connection to Tracy Chapman, as they need to ask her for permission to use her song. Cecilia put Amos in touch with Julie Dorff, a friend of Tracy Chapman, who used to work with Horizons.

Bianca also discussed the 25th anniversary gala at Positive Resource Center.

10. Commissioner Report (Discussion Item):

Cecilia reported that the Commission had been focusing on the Committee member application process and the fillable form. They’re trying to have all the committee members fill out these forms to centralize all the data.

Cecilia discussed the Commission meeting in District 8. It was held at the Eureka Valley Recreational Center and there were several presenters. The panels were focusing on hate crimes and the black experience in the Castro. Commissioner Chung asked about victims of hate crimes who are undocumented and their fear of risking deportation if they report the hate crime. In addition to hate violence being prevalent in the LGBT community, it is also a problem in a lot of communities of color, so when hate violence is happening to the immigrant community, the likelihood for those impacted to step forward and file a complaint is questionable.

11. Staff Report (Discussion Item):

Nadia provided an update of the implementation of the Surveillance and Profiling report. She met with officials from airport to discuss “bulk clothing” that affects Sikh men and Muslim women wearing hijab. In addition, they discussed concerns about returning residents and citizens who are subjected to secondary screening and are questioned about religious and political activities. This is federal policy, so SF has no jurisdiction, but HRC is talking to SFO officials about putting up a sign that says if you feel like you have been profiled or discriminated against, call this number, or training the complaint department within the airport to make those referrals.

The second project the HRC Policy Team is working on is PACR, so people with conviction records won’t be discriminated against in employment/housing. Staff has been talking to different Supervisors to educate them on the issue. 1 in 4 Californians has an arrest or conviction record and finding records online has become easier. We’re afraid a large part of our population that needs housing and employment won’t be able to get it.

Another issue the staff is working on is the out-migration of African-Americans from San Francisco. Staff is looking at policies and programs that exist or don’t exist to perpetuate this phenomenon. There will be speakers at the EAC meeting tomorrow night on that issue.
12. **Announcements:**

Allison announced that the Transgender Law Center is kicking off an online fundraising campaign, and to email her if anyone is interested in donating. November will be Allison’s last meeting, so wants to have a get together with the AC members after the November meeting.

Amos announced that the author of the book Torn Apart was holding a book reading in the Castro at 7:30 at Books Inc.

Cynthia said that the other HRC is having their gala next weekend.

Ray told AC members about a city wide forum on October 19th at 5:30pm at the state building with all the mayoral candidates on AIDS.

Mark stated that he’s gone to a couple of the Occupy movements and encouraged everyone to check it out. There’s been lots of LGBT participation. People have been camping out almost nightly and the police have been raiding. The videos online of the police raiding these activities are very concerning.

Nadia announced that Friday, October 21st from 9-3, Hastings was holding a LGBT panel. Linda Susan will be speaking on Bisexual Invisibility report, and Nadia will be doing an asylum panel looking at bisexuality.

Cecilia announced that Jose sent an email that he is resigning from the committee. Nadia is trying to save him from leaving the committee, but we don’t have many meetings left for this year. Nadia will reach out to Jose for the new year. He can come and continue to participate in the November meeting and the Christmas party and get reappointed in January and can still go to the work groups.

13. **Old/New Business:**

No new business was introduced.

14. **Adjournment:**

The meeting was adjourned at 7:24.