



City Hall
3300 Capitol Ave, PO Box 5006, Fremont, CA 94537-5006
www.fremont.gov

Human Relations Commission Special Meeting Agenda

The Human Relations Commission (HRC) is a citizen commission appointed by the Fremont City Council. Human Relations Commission business is conducted in a public forum and operates within the provisions of the Brown Act. Information on the Brown Act may be obtained from the City Clerk's office at 3300 Capitol Avenue (phone 284-4060).

Pursuant to State of California Executive Order N-29-20 dated March 17, 2020, regarding the COVID-19 pandemic, the Human Resources Conference Room will not be open for the **December 7, 2020** meeting of the Human Relations Commission. The meeting will be conducted remotely via Zoom.

The Public may watch and/or participate in the public meeting by joining the meeting through the Zoom Videoconference link provided below. The public may also join the meeting by calling the below listed teleconference phone number. Further instructions on how to make public comments throughout the videoconference or teleconference will be provided at the meeting.

If you are an individual with a disability and need a reasonable modification or accommodation pursuant to the Americans with Disabilities Act (ADA), please contact the Recording Secretary at sjeyakumar@fremont.gov or 510-574-2061 at least 24 hours prior to this meeting for assistance.

HOW TO JOIN OR MAKE A PUBLIC COMMENT ONLINE OR BY PHONE: The meeting will begin at 7:00pm PST. Whether you participate online or by phone, you may wish to "arrive" early so that you can address any technology questions prior to the start of the meeting.

ONLINE: <https://zoom.us/j/94660561777?pwd=cStCTWxOcnViaC9heE1BYlk3enY5Zz09>
Password: **774013**

When prompted, download and run the Zoom software on your computer. If you have not used Zoom on your computer before you may want to join the call 15 minutes early to test your configuration. Someone will be in the conference at that time to help you.

BY PHONE: US: +1 669 900 9128 Webinar ID: 946 6056 1777
Passcode: **774013**
International numbers available: <https://zoom.us/j/94660561777>

General Order of Business

- | | | |
|-------------------------------|---------------------------|--------------------------|
| 1. Secretary Check for Quorum | 6. Written Communications | 11. Commission Referrals |
| 2. Call to order – 7:00 p.m. | 7. Announcements | 12. Committee Reports |
| 3. Roll call | 8. Consent Items | 13. Staff Reports |
| 4. Approval of Minutes | 9. Old Business | 14. Referral to Staff |
| 5. Oral Communications | 10. New Business | 15. Adjournment |

Order of Discussion

Generally, the order of discussion after introduction of an item by the Chair will include comments and information by staff followed by Human Relations Commissions questions, inquiries or discussion. The applicant, authorized representative, or interested citizens may then speak on the item. At the close of public discussion, the item will be considered by the Commission and action taken.

Oral Communications

Any person desiring to speak on a matter which is not scheduled on this agenda may do so under Oral Communications. The Human Relations Commission will take no action on an item which does not appear on the agenda. The item may be agendized for the next regular meeting or at a special meeting called in accordance with the terms of the Brown Act. The Human Relations Commission may establish time limits of presentations.

Information about the City or items scheduled on the Agenda may be referred to:



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Human Services Department
3300 Capitol Ave
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(510) 574-2051

Arquimides Caldera, Deputy Director
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Your interest in the conduct of your City's business is appreciated.

Human Relations Commission

Dharminder Dewan - Vice Chair
Tejinder Dhami
Dr. Sonia Khan
Patricia Montejano
Julie Moore - Chair
Shobana Ramamurthi
Cullen Tiernan

City Staff

Suzanne Shenfil, Human Services Director
Arquimides Caldera, Deputy Human Services
Director
Shanti Jeyakumar, Recording Secretary

Mission Statement

The City of Fremont's Human Relations Commission (HRC) strives to prevent discrimination and ensure that the rights of all individuals and groups in Fremont are protected under the law. The HRC promotes, supports, and helps create a compassionate community environment where diversity is honored and respected, neighbors reach out and support each other, and the most vulnerable receive services; to allow all a high quality of life in a community where we live, learn, work, and play in peace and harmony.

AGENDA
HUMAN RELATIONS COMMISSION
SPECIAL MEETING
MONDAY, DECEMBER 7, 2020
7:00 P.M.

1. **SECRETARY CALL FOR QUORUM**
2. **CALL TO ORDER**
3. **ROLL CALL**
4. **APPROVAL OF MINUTES**
5. **ORAL COMMUNICATIONS**
6. **WRITTEN COMMUNICATIONS**
7. **ANNOUNCEMENTS**
8. **CONSENT ITEMS**
9. **OLD BUSINESS**

9.1 Appointment of Nominating Committee for 2021 HRC Chairperson and Vice-Chair

BACKGROUND: This item was first discussed at the November 16, 2020 HRC meeting (Item 10.2) and tabled to this special meeting to allow staff to provide legal clarification of the first sentence of Article II of the HRC’s rules and regulations, which states that

“No Chairperson shall be eligible for election as such for more than two consecutive full terms.”

Specifically, staff is clarifying how this rule applies to the current commissioners and their eligibility for nomination and election to each of the HRC’s two 2021 officer positions. Staff is not providing an analysis of hypothetical eligibility scenarios that may occur in the future. Should the Commission choose to do so, they may revisit their rules for the Election of Officers at a future meeting.

Table 1: History of HRC Officers (2003 – 2020)

<u>Calender</u> <u>Year</u>	<u>Chairperson</u>	<u>Vice Chairperson</u>
2003	Vijaya Aasuri	Irene Koehler
2004	Vijaya Aasuri	Irene Koehler
2005	Irene Koehler	Moina Shaiq
2006	Irene Koehler	Moina Shaiq
2007	Moina Shaiq	Irene Koehler
2008	Moina Shaiq	Raj Salwan
2009	Raj Salwan	Beth Hoffman
2010	Raj Salwan	Beth Hoffman
2011	Beth Hoffman	Joe Smith
2012	Beth Hoffman	Joe Smith
2013	Debra Watanuki	Veeru Vuppala
2014	Debra Watanuki	Veeru Vuppala
2015	John Nguyen-Cleary	Dharminder Dewan
2016	John Nguyen-Cleary	Dharminder Dewan
2017	John Smith	Julie Moore
2018	John Smith	Julie Moore
2019	Julie Moore	Sonia Khan
2020	Julie Moore	Dharminder Dewan

Eligible Candidates for 2021 HRC Chairperson

Chairperson Moore is completing her second consecutive term in her current position. The City Attorney’s Office has confirmed that, according to Article II, Chairperson Moore is ineligible to serve as Chairperson in 2021.

Therefore, all current commissioners, with the exception of Chairperson Moore, are eligible to be nominated and elected the HRC’s 2021 Chairperson.

Eligible Candidates for 2021 Vice Chairperson

Vice Chairperson Dewan is completing a term in his current position as Vice Chairperson. Vice Chairperson Dewan previously served as Vice Chairperson in 2015 and 2016.

The City Attorney’s Office has determined that the first sentence of Article II applies solely to the office of Chairperson. Also, no other section of the HRC’s Rules and Regulations contain any language limiting the number of terms, consecutive or otherwise, that a Commissioner may serve as Vice Chairperson.

This determination is consistent with HRC’s previous elections. According to the Table 1, two Commissioner have previously served a total of 3 terms as

Vice Chairperson: Irene Koehler in 2003, 2004 and 2007; and Dharminder Dewan in 2015, 2016 and 2020.

Therefore, all current commissioners are eligible to be nominated and elected the HRC's 2021 Vice Chair.

Nominating Committee

The rules also state that the Commission shall appoint three of its members as a Nominating Committee for new officers. The Nominating Committee shall obtain consent of nominees, and then notify staff of its recommendations prior to the following meeting. Staff will then include the recommendations on the agenda of the first regular meeting of January 2021. Persons other than those recommended by the Nominating Committee may be nominated from the floor. The entire Commission may vote on nominees for each officer position.

Enclosure: 9.1.1 – HRC Rules adopted 3-22-06

RECOMMENDATION: Appoint three (3) members to the Nominating Committee to nominate 2021 officers.

10. **REFERRALS TO STAFF** (a request to have items placed on a future Commission agenda as an item of new business. A vote against means it will be dropped without consideration).
11. **ADJOURNMENT**

RULES AND REGULATIONS
OF THE HUMAN RELATIONS COMMISSION
OF THE CITY OF FREMONT

ARTICLE I - GENERAL

The Commission is established pursuant to Article 1 (Sections 2—3100 - 2-3104) and Article 5 (Sections 2-3500 et seq.), Chapter 3, Title II of the Fremont Municipal Code, and reference is made thereto for statements of policies and purposes of the Commission, and for provisions relating to Functions and Powers of the Commission, appointments, qualifications and terms of office of Commissioners, removal and termination of membership of Commissioners, and terms of office and times of election of the Chairperson and Vice Chairperson of the Commission.

ARTICLE II ELECTION OF OFFICERS

No Chairperson shall be eligible for election as such for more than two consecutive full terms. At the last regular meeting of each calendar year, the Commission shall appoint three (3) of its members as a Nominating Committee. The incumbent Chair and Vice-Chair may be members of the Nominating Committee. The Nominating Committee shall recommend to the Commission persons to fill the offices of the Commission. The Nominating Committee shall obtain consent of nominees, and shall then notify staff of its recommendations. Staff will then include the recommendations on the agenda of the first regular meeting of the calendar year. Persons other than those recommended by the Nominating Committee may be nominated from the floor.

ARTICLE III — DUTIES OF OFFICERS

A. CHAIRPERSON

1. It shall be the duty of the Chairperson to preside at all meetings of the Commission.
2. The Chairperson shall decide all points of order and, unless a majority of votes dissent therefrom, that decision shall stand.
3. The Chairperson shall appoint the Chairperson of all committees, except the Chairperson of the Nominating Committee. Appointments to every committee shall be ratified by the Commission. The Chairperson shall be an ex-officio member of all committees, except the Nominating Committee.
4. The Chairperson, or that person's designated appointee, shall represent the Commission at appropriate public functions.

B. VICE CHAIRPERSON

The Vice Chairperson shall perform all duties that may be assigned to that office. The Vice Chairperson shall perform the duties of the Chairperson in the absence of that officer.

ARTICLE IV

INDIVIDUAL AUTHORITY AND ATTENDANCE OBLIGATIONS OF COMMISSIONERS

- A. No action shall be taken by any Commission member on behalf of or in the name of the Commission unless that member is specifically authorized by the Commission so to do.
- B. Attendance rules are found in the Fremont Municipal Code Section 2-3102.

ARTICLE V - COMMITTEES

The Commission may, at its discretion, establish standing and ad hoc committees composed of less than a majority of the members of the Commission. The purpose of said committees may be to investigate, study, consider, and report back to the Commission at a regular or special meeting with respect to a particular matter of concern. The reports and recommendations of a committee shall be made publicly to the Commission at a regular or special meeting and discussion and deliberation with respect thereto shall be held publicly by the Commission before final action thereon is taken.

ARTICLE VI - MEETINGS

Meetings of the Commission are governed by the Brown Act (Govt. §§ 54950 et seq). To the extent that these rules are inconsistent with the Brown Act, the latter shall govern.

A. REGULAR MEETINGS

Regular meetings of the Commission shall be held monthly on the third Monday of each month at 7:15 P.M. If a regular meeting falls on a holiday, it shall be deemed canceled unless the Commission has, at a prior meeting rescheduled it to a date which is not a holiday.

Agendas of all Commission regular meetings shall be published a minimum of 72 hours in advance of the meeting and posted for public viewing.

B. SPECIAL MEETINGS

1. Special meetings of the Commission may be held on call of the Chairperson, or by a quorum of the members of the Commission. The call shall be by written notice delivered to each Commission member and to each local newspaper of general circulation, radio or television station which has in writing requested notice of such meetings. Any such call and notice must be delivered personally or by mail at least twenty-four (24) hours prior to the time set for such meeting.
2. The call for a special meeting shall specify the time, date and place of such meeting and the business to be transacted at such meeting. The notice provided for herein may be dispensed with as to any member who is actually present at the meeting at the time it convenes or who, at or prior to the time the meeting convenes files with the Secretary a written waiver of notice.

C. ADJOURNED MEETINGS

The Commission may adjourn any regular, adjourned regular, special or adjourned special meeting to a time and place specified in the order of adjournment. Less than a quorum may so adjourn from time to time. If all members are absent from any regular or adjourned regular meeting, the Secretary may declare the meeting adjourned to a stated time and place and shall cause a written notice of the adjournment to be given in the same manner as provided in B above for special meetings, unless such notice is waived as provided for special meetings. A copy of the order or notice of adjournment shall be conspicuously posted on or near the door of the place where the regular, adjourned regular, special or adjourned special meeting was held within 24 hours after the time of the adjournment. When a regular or adjourned regular meeting is adjourned as provided in this section, the resulting adjourned regular meeting is a regular meeting for all purposes. When an order of adjournment of any meeting fails to state the hour at which the adjourned meeting is to be held, it shall be held at the hour specified for regular meetings herein.



D. QUORUM

A quorum of the Commission at any given time shall be deemed to be a majority of the number of members at that time duly and currently holding active appointment to and membership on the Commission.

E. OPEN MEETINGS

All meetings of the Commission shall be open to the public.

ARTICLE VII — CONDUCT OF BUSINESS

A. ORDER OF BUSINESS

The business of each meeting of the Commission shall be transacted as far as possible in the following order:

1. Check for quorum by Secretary
2. Call to Order
3. Roll Call
4. Approval or correction of minutes
5. Oral Communications
6. Written Communications
7. Old business.
8. New business
9. Reports of Commission members
10. Committee reports
11. Reports from Staff
12. Commission Referrals
13. Adjournment

B. ROLL CALL NOT REQUIRED

The roll call need not be called in voting upon a motion except when requested by a member. If the roll is not called, in the absence of objection, the Chairperson may declare the motion unanimously approved.

C. AGENDA PROCESS

Items may be placed on the Commission agenda in the following manner:

- 1) Referrals to the Commission from the City Council
- 2) Requests from individual Commissioners (these items will be handled as Commission referrals, so the entire Commission can determine whether the item should be an action item at a subsequent meeting)
- 3) Annual items requiring Commission action/input, for example social service grants
- 4) Items that in staff's and Chair's judgment require timely consideration by the Commission (e.g. complaints of discriminatory actions)
- 5) Staff will consult with the Chair prior to finalizing the agenda regarding the inclusion of other items that in their judgment are consistent with the Commission's mission and/or provide important information that assists the Commission in fulfilling its role.

REQUEST TO BE HEARD

Requirements for persons wishing to appear and be heard at regular meetings on matters germane to the jurisdiction of the Commission, and at special meetings on matters germane to the special business to be transacted at such meetings are as follows:

1. Regular Meetings. Interested parties may approach the Chair or staff at least ten (10) days before a scheduled meeting requesting that an item be placed on the agenda. Requests will be evaluated in accordance with the "Agenda Process" described above. Persons wishing to speak on any topic not scheduled on the Agenda may do so during oral Communications.
2. Special Meetings. At special meetings, no communications shall be received except as the same are germane to items specified in the call for the special meeting. As to such items, the Chairperson may allow communications from parties having made formal request to be heard, prior to the time the meeting convened.

Other Ground Rules. At all times, the Chairperson shall decide the order of appearance, time limits, and other ground rules for hearing persons wishing to be heard, subject to action by a majority of the Commission. In making such decisions, the Chair shall take into consideration the number of speakers and the number of other items on the agenda.

E. RULES OF DEBATE

The following shall be used by the Chairperson and members of the Commission as the general rules of debate. However, the Chairperson may at any time declare that the said rules are suspended, until such time as the Chairperson declares them in effect once again. Such declaration may be made upon the Chairperson's own volition, or at the suggestion of any member of the Commission. Such declaration, however, is subject to action by a majority of the Commission.

1. Chairperson May Debate and Vote, etc. The Chairperson may move, second and debate from the chair, subject only to such limitations of debate as are by these rules imposed on all members and shall not be deprived of any of the rights and privileges of a Commissioner by reason of that member's acting as the Chairperson.
2. Getting the Floor - Decorum. Every member desiring to speak shall address the chair, and, upon recognition by the Chairperson, shall confine remarks to the question under debate. Commissioners shall accord the utmost courtesy to each other, City employees and the public appearing before the Human Relations Commission, and shall refrain at all times from rude and derogatory remarks, public criticism of staff, remarks as to integrity, abusive comments and statements as to motives and personalities.
3. Interruptions. A member, once recognized, shall not be interrupted when speaking unless it be to call him to order, or as herein otherwise provided. If a member, while speaking, be called to order, that member shall cease speaking until the question of order be determined, and, if in order, that member shall be permitted to proceed.
4. Privilege of Closing Debate. The Commissioner moving the adoption of any motion shall have the privilege of closing the debate.
5. Motion to Reconsider. A motion to reconsider any action taken by the Commission may be made only on the day such actions was taken. It may be made either immediately during the same session, or at a recessed or adjourned session thereof, Such motion must be made by one of the prevailing side, but may be seconded by any member, and may be made at any time and have precedence over all other motions or while a member has the floor; it shall be debatable. Nothing herein shall be construed to prevent any member of

the Commission from making or remaking the same or any other motion at a subsequent meeting of the Commission.

6. Remarks of Commissioner When Entered in Minutes. A Commissioner may request, through the Presiding Officer, the privilege of having an abstract of that Commissioner's statement on any subject under consideration by the Commission entered in the minutes. If the Commission consents thereto, such statement shall be entered in the minutes,
7. Summary Minutes. The Secretary will prepare summary minutes, which represent the Secretary's best effort to give a brief summary of the discussion on each agenda item, and which also record all motions and votes. Commissioners will generally defer to staff's discretion regarding the summary, unless the summary contains incorrect information.
8. Rules of Order. Except as otherwise provided in these rules, the most current edition of "Robert's Rules of Order, shall be used as a guide to the conduct of the meetings of the Commission, provided, however, that the failure of the Commission to conform to any rule of order shall not, in any instance, be deemed to invalidate the action taken.

ARTICLE VIII - COMPLAINTS

A. COMPLAINTS, DEFINITION OF

The word complaint, as used in these rules and regulations, means any letter, petition, referral, or other communication regardless of form, concerning any alleged or reported situation involving racial, religious or nationality group tensions, prejudice or disorder occasioned thereby in the City of Fremont, and any problem in inter-personal relations or situation involving racial, religious sex, age, disability, sexual preference, or nationality discrimination against any person, group of persons, organization or business entity in the City of Fremont.

B. COMPLAINTS, AGENDIZING

Upon receipt of a complaint (as defined above), the Secretary shall include the complaint as an agenda item at the next regular Commission meeting, in accordance with the "Agenda Process" described above.

C. COMPLAINTS, ACTION BY COMMISSION

Upon receipt of a complaint, the Commission may take such action as necessary to fulfill its human relations role as defined in the Fremont Municipal Code. Such actions might include consultation with groups and individuals, using persuasion and conference to arrive at voluntary solutions, and providing advice and recommendations to the City Council.

ARTICLE IX - AMENDMENTS

Subject to Section 2-3102 of the Fremont Municipal Code concerning City Council approval, these Rules and Regulations may be amended by a majority vote of the total membership of the Commission at any regular meeting of the Commission, provided, however, that no amendment shall be adopted by the Commission unless a notice of intention to consider the particular amendment, with a copy of the proposed amendment or a reasonably accurate summary thereof, has been sent to all members of the Commission not less than five (5) days prior to the meeting at which any such amendment is considered.