Human Relations Commission 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).

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. Commission 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 will 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

Regular scheduled meetings of the Human Relations Commission are conducted at 3300 Capitol Avenue in City Council Chambers. Meetings are held at 7:00pm on the third Monday of the month. Meetings may be tape recorded at the discretion of the Chair.

Copies of the Agenda are available at the Human Services Department at 3300 Capitol Avenue three days preceding the regularly scheduled meeting.

Assistance will be provided to those requiring accommodations for disabilities in compliance with the American Disabilities Act of 1990. Interested persons must request the accommodation at least 2 working days in advance of the meeting by contacting Human Services Department at (510) 574-2050.



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

Suzanne Shenfil, Director Human Services Department 3300 Capitol Ave Fremont, CA 94538 (510) 574-2051 Arquimides Caldera, Deputy Director Human Services Department 3300 Capitol Ave. Fremont, CA 94538 (510) 574-2056

Your interest in the conduct of your City's business is appreciated.

Human Relations Commission

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

City Staff

Suzanne Shenfil, Human Services Director Arquimides Caldera, Deputy Human Services Director Laurie Flores, 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 REGULAR MEETING MONDAY, JULY 15, 2019 TRAINING ROOM 3300 CAPITOL AVE., BUILDING B FREMONT, CALIFORNIA 7:00 P.M.

- 1. <u>SECRETARY CALL FOR QUORUM</u>
- 2. CALL TO ORDER
- 3. ROLL CALL
- **4. APPROVAL OF MINUTES** of June 17, 2019
- 5. ORAL COMMUNICATIONS
- 6. WRITTEN COMMUNICATIONS
- 7. <u>ANNOUNCEMENTS</u>
- 8. <u>CONSENT ITEMS</u>
 - 8.1 HRC August Recess

BACKGROUND: In alignment with the City Council's schedule, the HRC typically goes on recess for the month of August. Staff is requesting the Commission confirm the cancellation of its August meeting.

Enclosure: None.

RECOMMENDATION: Adopt a motion for the HRC to recess for the month of August 2019.

8.2 Social Service Grant Recommendations

BACKGROUND: On April 15, 2019, the Human Relations Commission (HRC) completed its review of twenty (20) FY 2019-22 Social Service Grant proposals, and recommended two funding scenarios:

- Funding Scenario #1 assumed a 3% increase in the City's General Fund support for Human Services Grants, which would result in a total of \$676,487 available for FY 19/20. Under this scenario, the HRC recommended funding for 14 agencies for funding.
- Funding Scenario #2 assumed a 5.8% increase in the City's General Fund support for Human Services Grants, which would result in a total \$694,281 available for FY 19/20. Under this scenario, the HRC recommended an

addition agency, Daily Bowl, for \$15,000 in funding, plus \$2,794 in additional funding for Tri-City Volunteers.

FY 2019/20 Funding: Pending City Council approval, of recently completed labor negotiations, staff anticipates the City will provide a 4% Cost of Living Adjustment (COLA) in General Fund support for the Human Services grants. This funding would allow the HRC to fully implement Scenario #1, with approximately \$6,294 remaining un-allocated.

In addition to implementing HRC Scenario #1, staff is recommending the HRC allocate the remaining \$6,294 to Daily Bowl, which would represent approximately 42% of the HRC's recommended funding (\$15,000) under Scenario #2. Staff recognizes that this amount is less than the \$15,000 minimum grant amount stated in the RFP, but proposes to work with Daily Bowl to reduce the administrative burden on both the agency and City.

RECOMMENDATION: Approve allocating \$6,294 in FY 2019/20 funding to Daily Bowl.

Enclosure: 8.2.1 Table of Agency Funding Scenarios and Recommendation

8.3 Attendance and Teleconferencing to Meetings

BACKGROUND: At the June 17, 2019 HRC meeting, the Commission requested that an item is added to the July 2019 agenda, to clarify attendance policies.

All legislative bodies, elected or appointed are subject to the Brown Act regulations and the Fremont Municipal Code. The Attendance policy for Commissions, outlined in the Fremont Municipal Code, is such that Commissioners must discontinue their membership of the HRC if they have two unexcused absences in a row in a one year time frame or three unexcused absences in a 6 month time period, January - June or July – December. The Chair determines if an absence is excused, the following are excusable absences:

- (1) The member's hospitalization;
- (2) The member's observance of a religious holiday;
- (3) Death in the member's immediate family:
- (4) The member's illness, including recovery from a medical procedure;
- (5) Illness of the member's immediate family member; or
- (6) The member conducting official business of the subject body.
- (F.M.C. 2.20.030.)

As explained in the Brown Act, teleconferencing to meetings is allowable at the discretion of the legislative body (Commission). If telecommuting is permitted and a Commissioner calls into a meeting, the following is required:

1) Location of call must be published in the notice and accessible to public

- 2) Intent to teleconference and location must be provided at least 72 hours before meeting so that the location can be published in the agenda
- 3) Agenda must be published where teleconference is taking place
- 4) The location must be set up in a way so that the public can participate at the teleconference location
- 5) Quorum is required in Body's jurisdiction

RECOMMENDATION: Staff recommends that the Commission continue to use teleconferencing as an attendance option, with the understanding that the rules above must be followed.

Enclosure: 8.3.1 Fremont Municipal Code Attendance Policy

8.3.2 Brown Act Teleconference Policy

9 **OLD BUSINESS**

9.1 Homeless/Navigation Center Updates

BACKGROUND: At the June 18, 2019 City Council Study Session on Homelessness, Council accepted Staff's proposed site selection criteria for Navigation Centers, omitting park land. On July 9, 2019, Staff returned to Council for another Study Session to present the sites that rated closest to the approved criteria. Of the 11 sites reviewed by Staff, City Council directed staff to further explore the surplus lot by Reagan's Nursery on Decoto Rd and the back parking lot of City Hall on Capitol Ave and Liberty St.

On July 11, 2019 the HRC's ad committee on the Navigation Center met to discuss the selected sites. They recommended to support the City Council's decision to move forward with a Navigation Center, and, to demonstrate that support, as a Commission, via social media. One suggestion was a 30-second video message to be posted on individual accounts.

RECOMMENDATION: Review Ad Hoc Committee recommendation

Enclosure: None

<u>NEW BUSINESS</u> (Items on which the Commission has not yet had an agendized discussion or taken action)

10.1 2020 Census

10

BACKGROUND: The U.S. Constitution mandates that every ten years we take a census count of America's population to get an accurate total that includes every adult, child, and infant in a household. The data from this count

are used for two very important reasons: to determine political representation and to distribute federal funding.

In July of 2018, the City of Fremont filed an amicus brief with the U.S. District Court of Northern California, joining cities and counties throughout California and the United States who challenged the Federal Administration's decision to add a citizenship question to the 2020 Census. A citizenship question was argued to result in an undercount of the population, as those with varying citizenship statuses would be discouraged and intimidated from participating in the Census. On July 2, 2019 the Supreme Court ruled in favor of Plaintiffs that there would be no citizenship question, as the Federal Administration did not provide a justification for the purpose of adding the question. The President did not agree with the Court's decision and initially tried to create a new legal team and develop a new rationale to justify adding the question. As of July 11, it was reported that the President is no longer seeking to add a citizenship question to the Census. The questionnaires were sent to the printer last week without the question.

Alameda County receives \$76 billion from the federal government for essential services—healthcare, school programs, housing, transportation, social services, and more—based solely on the Census count. For every person not counted, our entire community loses approximately \$2,000 in funding per year for ten years which results in fewer resources for more people. For example, if we undercount by just 3%, our community loses one billion dollars.

The Census 2020 presents some unique challenges that have not been faced in census counts before, such as the first-ever digital questionnaire, rising distrust in government, fear about a proposed citizenship question, and skepticism about data security.

To help ensure a complete count, the City of Fremont has been partnering with the Alameda County Complete Count Committee to conduct outreach to hard-to-count populations, such as people with limited English proficiency and people with disabilities. City representatives have offered their ideas at census solutions workshops, provided meeting spaces like the Fremont Family Resource Center for outreach events, and worked to spread the word about the importance of Census 2020 to local organizations in Fremont. Before the Census begins counting in March 2020, Fremont will be coordinating Questionnaire Assistance Centers at local libraries and senior centers and cohosting events where residents can learn more, ask questions, or receive help filling out Census 2020 forms.

Amanda Gallo, Management Analyst within, the City Manager's Office, is coordinating the city-wide Census plan that includes: a Resolution to support Census efforts which will be presented at the July 16, 2019 Council meeting.

The GIS division has already updated addresses, community contacts, the Communications Team is working on media and awareness.

To help in the Census effort, the Human Services Department has applied for funding, from both the Silicon Valley Community Foundation (SVCF) and the United Way Bay Area, to address the issue of reaching hard to count populations. Highlights of the plan to reach these populations about the importance of the Census include: leveraging the CAPS Ambassadors to educate the populations they serve; training volunteers to educate individuals accessing the VITA program; and engaging the organizations within the FRC to assist with translation. If awarded, we will appropriate some funds from the SVCF to organizations with close ties to specific hard to count populations, as they will know best way to reach them. To reinforce these efforts, banners printed in multiple languages, encouraging everyone to be counted, will be printed and hung on major thoroughfare's.

RECOMMENDATION: Receive update and determine if there are areas where HRC can be of assistance.

Enclosure: None

10.2 Vacant Property/Parcel Tax as Funding Source for Services

BACKGROUND: In November 2018, Oakland voters passed Measure W – Vacant Property Tax. The Measure intended to establish an ordinance and implement a tax on vacant properties at a maximum rate of \$6,000 per parcel and unoccupied condominiums would be taxed at a maximum rate of \$3,000 per parcel. Parcels that allow ground-floor commercial activity and have a vacant ground floor would also be taxed at \$3,000 per parcel. There are exemptions for property owners who may be vulnerable or who would face a financial hardship. It was estimated that the tax would generate between \$6 million to \$10 million annually. At least 85 percent of the funds would be used to create affordable housing, provide services to assist homeless individuals and those at risk of becoming homeless, and address illegal dumping. The other 15 percent of the funds would be used for tax administration. A ninemember Commission on Homelessness would be established to oversee appropriations of the funds.

An article with the background on Measure W is enclosed.

Currently the City of Oakland is working through implementing the administration of the tax which includes, defining "in use" for properties that may be exempt, clarifying all 10 exemptions outlined in the ordinance, developing software to administer the program and forming a commission on homelessness to recommend how the revenue should be spent. Their Finance Department is considering developing an implementation ordinance for the

measure. (As with any tax measure, such as a vacancy tax, a jurisdiction must weigh the amount of revenue the measure will generate, versus the cost to collect and administer such a tax)

In March of 2019, San Francisco's Board of Supervisors passed an ordinance requiring owners of vacant or abandoned commercial storefront property to pay an annual fee of \$711. This ordinance was intended to get an accurate measure of abandoned or vacant storefront properties, it is unclear what the revenue from registration fees will be used for. Owners are required to maintain the properties. San Francisco may have a vacant parcel tax on the November 2019 ballot.

RECOMMENDATION: Receive information and determine if an Ad Hoc Committee should be created to investigate what this might mean for Fremont.

Enclosure: 10.2.1 SPUR Article: What Would Measure W Do?

10.2.2 SF Chronicle Article: Oakland's vacant-property tax takes

effect, sparking hope — and alarm

11. <u>COMMISSION REFERRALS</u> (Referrals from the City Council to the Commission)

12. <u>COMMITTEE REPORTS</u>

12.1 Financial Resources Committee to fund HRC sponsored events

COMMITTEE BACKGROUND: Chair Moore, and Commissioners Dewan, and Ramamurthi work to create and implement a sustainable fundraising strategy, for three HRC sponsored events which include the SF Pride Parade, the COF 4th of July Parade and Make a Difference Day.

Donors	Amount Received	Amount Outstanding	Event(s)
FUSD	\$500		Parades and MADD
Supervisor Haggerty	\$500		Parades and MADD
Assemblymember Quirk	\$250		Parades only
Assemblymember Chu	\$500		Parades and MADD
Supervisor Valle	\$250		Parades only
Councilmember Bacon	\$250		Parades only
Councilmember Kassan	\$250		Parades only
Councilmember Keng	\$500		Parades and MADD
Mayor Mei		\$250	Parades only
Vice Mayor Salwan		\$500	Parades and MADD

Nurture Kids		\$250	Parades only
	\$3,000	\$1,000	

2019 Parades Expenses	\$1,453.81
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RECOMMENDATION: Receive update on event sponsorships.

12.2 LGBTQ Committee

The HRC's Pride Parade Contingent marched in the Parade on June 30, 2019 in San Francisco. For the first time, the HRC's contingent was joined by representatives from the Fremont Fire Department (including the Chief and Deputy Chief) and the City Manager who rode on their newest fire engine. The HRC's float also participated in the 4th of July parade. There were many issues during planning and preparation of the parade entries which should be addressed if we plan to continue participate, particularly in the Pride Parade. Staff submitted the Pride Month proclamation and Parade participation information to the Human Rights Campaign to augment the 2019 MEI score, all supplemental documents are due July 27, 2019. For the first time the City flew the Pride Flag above City Hall and the Fremont Family Resource Center

RECOMMENDATION: Review purpose for participating in parades and if the HRC should continue.

12.3 Ad Hoc Committee Reports

None.

12.4 Liaison Reports

12.4.1 Union City HRC

RECOMMENDATION: Receive update

12.4.2 FRC CAEB

RECOMMENDATION: Receive update

12.4.3 FUSD Student Support Services Department

RECOMMENDATION: Receive update

11 <u>STAFF REPORTS</u>

11.1 Attendance Summary (Attachment 13.1)

11.2 Calendar (Attachment 13.2) of HRC regular/special meetings and events.

11.3 Proposed TRL Ordinance

On July 16, 2019 staff will be returning to Council with an update on outreach conducted throughout June and an overview of the comments received from residents and the business community since the HRC first looked at this item in May 2018. The draft ordinance will also be presented for a first reading to the Council.

Staff also submitted a grant application to the Department of Justice for tobacco programming. If the ordinance is passed by Council, the City would engage in the following strategies to utilize potential grant funding: outreach to retailers, 2 compliance checks per year per retailer, implementation of an online portal for licenses, Alternatives to Suspension education for youth, presentations to parents in multiple languages, a media campaign for awareness of harmful tobacco products, and, if the staffing allows in future years, Police youth decoy operations.

- 11.4 Changes in staffing which may impact MADD preparation this year.
- **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).
- 15. ADJOURNMENT

HRC April 15 Social Service Grant Funding Recommendations

		\$ 671,446	\$ 676,487	\$ 694,281	\$ 682,781
Agency	Amount Requested	Current Funding	Scenario 1 +3%	Scenario 2 +5.8%	Recommendation +4%
TC Free Breakfast	\$15,000	\$15,450	\$15,000	\$15,000	\$15,000
Community Resources for Independent Living	\$15,144	\$15,450	\$20,000	\$20,000	\$20,000
TC Volunteers	\$125,000	\$77,250	\$101,474	\$104,268	\$101,474
SAVE	\$90,000	\$77,250	\$80,000	\$80,000	\$80,000
CALICO Center	\$25,000	\$23,175	\$25,000	\$25,000	\$25,000
Family Paths	\$35,347	\$21,915	\$30,000	\$30,000	\$30,000
DCARA	\$25,000	\$15,450	\$20,000	\$20,000	\$20,000
Bay Area Legal Aid	\$41,439	\$20,600	\$41,439	\$41,439	\$41,439
Abode Services	\$200,000	\$139,681	\$150,000	\$150,000	\$150,000
Afghan Coalition	\$30,000	\$25,750	\$30,000	\$30,000	\$30,000
Eden I&R	\$53,738	\$53,738	\$53,738	\$53,738	\$53,738
East Bay Agency for Children	\$50,000	\$20,600	\$35,000	\$35,000	\$35,000
Kidango	\$59,836	\$56,987	\$59,836	\$59,836	\$59,836
Mid-Pen	\$50,000				
TC Health Center	\$45,000				
Daily Bowl	\$60,160			\$15,000	\$6,294
Mental Health Assoc for Chinese Communities	\$49,278		\$15,000	\$15,000	\$15,000
Narika	\$40,000				
Boldly Me	\$25,000				
NAMI ACS	\$50,000				
Total	\$ 1,084,942	\$ 563,296	\$ 676,487	\$ 694,281	\$ 682,781
	Amount Remaining	\$ 108,150	\$ -	\$ -	\$ -

BAWAR \$ 46,350 CURA \$ 61,800

\$ 671,446

Fremont Municipal Code Section

2.20.030 Regulations for subject bodies.

- (a) The members of each subject body shall be appointed and shall be subject to removal by the mayor with the approval of the city council.
- (b) No person shall be eligible to be or to continue to be a member of a subject body unless he or she is a resident of the city.
- (c) Except as otherwise provided in this chapter, no person shall be eligible to serve as a member of a single subject body for more than two full terms.
- (d) No officer or employee of the city shall be eligible to be a member of a subject body, except for the sister city committee and the youth advisory commission. Members of the youth advisory commission may accept part-time employment with the city.
- (e) The members of the subject bodies shall receive no compensation for the performance of their official duties unless compensation is expressly provided by action of the city council.
- (f) The term of office of a member of a subject body shall be four years, commencing on the first day of January of the initial year of such term, and concluding on the thirty-first day of December of the fourth year. Each member shall hold office until his or her resignation, death, removal from office, ineligibility to hold office, or disqualification for noncompliance with the attendance requirements of this section, or, in other cases, until his or her successor has been appointed and qualified.
- (g) The city manager shall designate a city employee to act as secretary to each subject body. The secretary shall have no vote and shall not be deemed to be a member of the subject body for purposes of subsection (f) of this section.
- (h) Consecutive Unexcused Absences. A member of any subject body shall be ineligible to continue his or her membership if at any time during his or her term of office he or she has the following number of consecutive unexcused absences. If a member has the following number of consecutive unexcused absences during his or her term of office, he or she shall be automatically disqualified from continuing membership on the subject body.

Number of Regular Meetings per Month	Number of Consecutive Unexcused Absences
Less than 2	2
2	3

As used in this subsection, "regular meeting" shall include all meetings regularly scheduled in accordance with the rules of the subject body; provided, however, that a meeting at which no business was transacted due to the lack of a quorum shall not be deemed to constitute a "regular meeting." The secretary of the subject body shall review the attendance records of such body after each regular meeting, and if he or she finds that any member has become ineligible for continued membership due to lack of attendance pursuant to this subsection, he or she shall promptly notify the chairman of the subject body and the city clerk of such fact in writing. The city clerk shall advise the city council of such fact so that the vacancy may be filled promptly.

(i) Unexcused Absences During Six-Month Period. If a member of a subject body has the following number of unexcused absences during the first or last six months of a calendar year, he or she shall be automatically disqualified from continuing membership on the subject body:

Number of Regular Meetings of Subject Body per Month	Number of Unexcused Absences in Six-Month Period Triggering Disqualification		
Less than 1	2		
1	3		
2 or more meetings	4		

As used herein, "regular meeting" shall have the same meaning as specified in subsection (h) of this section. The secretary of the subject body shall review the attendance records of such body after each regular meeting, and if he or she finds that any member has become ineligible for continued membership due to lack of attendance pursuant to this subsection, he or she shall promptly notify the chairman of the subject body and the city clerk of such fact in writing. The city clerk shall advise the city council of such fact so that the vacancy may be filled promptly.

- (j) The attendance of a member of a subject body at a meeting shall be determined by the chair of the subject body. If a member attends over three-quarters of the meeting, the chair of the subject body shall determine that he or she attended the meeting. If a member fails to attend over three-quarters of the meeting, the chair of the subject body shall determine that he or she was absent from the meeting.
- (k) The absence of a member of a subject body from a regular meeting of such subject body shall be excused pursuant to this subsection. The chair of the subject body shall determine if an absence is excused pursuant to this chapter. If the chair determines that an absence is not excused, the absence will be treated as unexcused for purposes of this chapter. The secretary of the subject body shall record a member's absence as excused or unexcused. An absence shall be considered excused if, and only if, the absence is caused by any of the following:
 - (1) The member's hospitalization;
 - (2) The member's observance of a religious holiday;
 - (3) Death in the member's immediate family;
 - (4) The member's illness, including recovery from a medical procedure;
 - (5) Illness of the member's immediate family member; or
 - (6) The member conducting official business of the subject body.
- (I) The secretary of the subject body shall report member attendance at the subject body for the first and last six months of a calendar year to the city clerk. The report shall include, for each member of the subject body, their name, number of excused absences in the six-month period, and number of unexcused absences in the six-month period.
- (m) If a member of a subject body is removed therefrom for failure to comply with the attendance requirements of this chapter, such person may apply for reinstatement before the city council. After examining the evidence, the city council may reinstate such person as a member of the subject body. This subsection shall not be construed to require the city council to give any person who has been removed from a subject body

for insufficient attendance any priority or preference in appointment to such body over other persons who may desire to be appointed to such body.

- (n) When an office of a subject body becomes vacant, the mayor with the approval of the city council shall appoint a qualified person to such office for the remainder of the unexpired term.
- (o) Each subject body shall, at its first regular meeting held for the transaction of business during a calendar year, elect a chairman and a vice-chairman for such calendar year. When a vacancy exists in the office of chairman or vice-chairman, the subject body shall elect a member to serve in such capacity for the remainder of the calendar year.
- (p) Each subject body shall establish rules as to the time, place, and dates of its regular meetings, and shall adopt such rules and regulations as it deems necessary to conduct its operations, including rules of procedure. Such rules and regulations shall not be inconsistent with the ordinances and regulations of the city or with the laws of the state. Upon adoption or amendment, such rules and regulations shall be submitted to the city council for review, and the city council shall have the power to approve, disapprove, or modify them as it deems necessary.
- (q) Each subject body shall prepare reports of its activities to the city council when the city council directs such subject body to do so. Each report shall be filed with the city clerk. (Ord. 974 § 2, 2-5-74; Ord. 1164 § 1, 4-12-77; Ord. 1184 § 1, 7-12-77; Ord. 1587 § 1, 2-21-84; Ord. 1741 §§ 1, 2, 9-16-86; Ord. 1749 §§ 1, 2, 10-28-86; Ord. 1809 § 1, 1-5-88; Ord. 1947 § 1, 12-4-90; Ord. 1911 § 1, 2-20-90; Ord. 2114 § 1, 3-7-95; Ord. 2134 § 1, 10-3-95; Ord. 2225 § 2, 3-4-97; Ord. 2274 § 1, 1-27-98; Ord. 2351 §§ 1 3, 9-7-99; Ord. 2421 § 1, 3-27-01; Ord. 2-2008 § 1, 2-12-08. 1990 Code § 2-3102.)

54952.6. As used in this chapter, "action taken" means a collective decision made by a majority of the members of a legislative body, a collective commitment or promise by a majority of the members of a legislative body to make a positive or a negative decision, or an actual vote by a majority of the members of a legislative body when sitting as a body or entity, upon a motion, proposal, resolution, order or ordinance.

54952.7. A legislative body of a local agency may require that a copy of this chapter be given to each member of the legislative body and any person elected to serve as a member of the legislative body who has not assumed the duties of office. An elected legislative body of a local agency may require that a copy of this chapter be given to each member of each legislative body all or a majority of whose members are appointed by or under the authority of the elected legislative body.

54953. (a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided in this chapter. (b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding. (2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by rollcall. (3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivision (d). The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location. (4) For the purposes of this section, "teleconference" means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both. Nothing in this section shall prohibit a local agency from providing the public with additional teleconference locations. (c) No legislative body shall take action by secret ballot, whether preliminary or final. (d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), when a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and that number and access codes are identified in the notice and agenda of the meeting. (2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference

locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section. (3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county sponsored health plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members. (4) This subdivision shall remain in effect only until January 1, 2018.

54953.1. The provisions of this chapter shall not be construed to prohibit the members of the legislative body of a local agency from giving testimony in private before a grand jury, either as individuals or as a body.

54953.2. All meetings of a legislative body of a local agency that are open and public shall meet the protections and prohibitions contained in Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof.

54953.3. A member of the public shall not be required, as a condition to attendance at a meeting of a legislative body of a local agency, to register his or her name, to provide other information, to complete a questionnaire, or otherwise to fulfill any condition precedent to his or her attendance. If an attendance list, register, questionnaire, or other similar document is posted at or near the entrance to the room where the meeting is to be held, or is circulated to the persons present during the meeting, it shall state clearly that the signing, registering, or completion of the document is voluntary, and that all persons may attend the meeting regardless of whether a person signs, registers, or completes the document.

54953.5. (a) Any person attending an open and public meeting of a legislative body of a local agency shall have the right to record the proceedings with an audio or video recorder or a still or motion picture camera in the absence of a reasonable finding by the legislative body of the local agency that the recording cannot continue without noise, illumination, or obstruction of view that constitutes, or would constitute, a persistent disruption of the proceedings. (b) Any audio or video recording of an open and public meeting made for whatever purpose by or at the direction of the local agency shall be subject to inspection pursuant to the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1), but, notwithstanding Section 34090, may be erased or destroyed 30 days after the recording. Any inspection of an audio or video recording shall be provided without charge on equipment made available by the local agency.

54953.6. No legislative body of a local agency shall prohibit or otherwise restrict the broadcast of its open and public meetings in the absence of a reasonable finding that the broadcast cannot be accomplished without noise, illumination, or obstruction of view that would constitute a persistent disruption of the proceedings.

Encl. 10.2.1

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OAK Measure W Vacant Property Tax

PARCEL TAX

×

A Special Parcel Tax on Vacant Properties

Taxes vacant lots and unoccupied condominiums to raise funds to combat homelessness and illegal dumping.

Vote NO

Jump to SPUR's Recommendation ✓

Read Oakland City Councilmember Rebecca Kaplan's comments on Measure W > (https://www.spur.org/news/2018-10-29/working-together-help-solve-our-regions-problems)

What the Measure Would Do

This proposed ordinance would establish an annual tax on vacant land and buildings. Vacant lots would be taxed at a maximum rate of \$6,000 per parcel and unoccupied condominiums would be taxed at a maximum rate of \$3,000 per parcel. Parcels that allow ground-floor commercial activity and have a vacant ground floor would also be taxed at \$3,000 per parcel. The ordinance authorizes the Oakland City Council to set the tax rates at amounts lower than the maximum rate without having to go back to the voters.

Vacancy is defined as a parcel of land or a condominium that is in use less than 50 days during a calendar year. A vacant parcel that is in use 50 days a year for a farmer's market or other weekly event would not be considered vacant.

City Council would need to pass implementing legislation to establish the method for identifying the use and vacancy status of each parcel. Owners of vacant properties would then be required to self-register their properties.

Parcel's owned by the following types of owners would be exempt from the tax:

- non-profit organizations
- public agencies
- very low-income owners
- low-income senior owners
- · disabled owners
- owners for whom paying the tax would constitute a financial hardship
- owners who are unable develop their parcel due to a demonstrable hardship that is not financial
- owners who can't develop their property due to an exceptional circumstance, such as damage by a natural disaster or other physical condition
- owners who have submitted a project for planning approvals or who have a project under active
 construction; owners with entitlement approvals who need more time to complete their project can
 apply for a two-year exemption

The city finance director would establish the procedures for granting exemptions. The City Council would have the authority to establish other exemptions as needed.

The city administrator's office estimates that the tax would generate between \$6.5 million and \$10.5 million annually, although the ultimate define in the tax would generate between \$6.5 million annually, although the ultimate define in the tax would generate cannot be known until the registry is established and the exemptions are processed. renew-give/donate)

A maximum of 15 percent of funds in any given year may be used to administer the tax. However, the full cost to the city of creating and administering the program must be covered. The city administrator estimates that one-time costs (including the creation of web portal needed to establish and maintain the registry) would be \$100,000. Ongoing administrative costs would be \$450,000 annually for the three new employees needed to implement this measure.

At least 85 percent of the funds would be used to create affordable housing, provide services to assist homeless individuals and those at risk of becoming homeless, and address illegal dumping. Allowable uses related to addressing homelessness could include job training, housing assistance, sanitation and cleaning services for homeless encampments, navigation centers and displacement prevention. Funding could also be used for code enforcement, the remedying of illegal dumping and the clean-up of blighted properties.

A nine-member Commission on Homelessness would be established to advise on the expenditure of funds.

The tax expires after 20 years.

The Backstory

Vacant land and blight have been a challenge for Oakland for many years. In 2012, the City Council voted to create a registry for vacant and foreclosed residential properties, which was then expanded to include defaulted properties as well as investor-purchased (REO or real estate owned) properties.

In 2014, the council directed staff to prepare a plan to create a registry of vacant lots and vacant ground-floor commercial storefronts.² The costs of developing such a registry were found to be prohibitively expensive given that state law limits the city's ability to charge a fee to cover these costs. As a result, a registry has not yet been created.

Several months ago, a councilmember revived the discussion by putting forward a proposal to tax vacant properties and to use the funds to address homelessness and illegal dumping. Estimates suggest that the revenue from the tax would be sufficient to cover the expense of creating and maintaining the registry and provide resources to combat homelessness and illegal dumping.

The Oakland City Council placed Measure W on the ballot. A two-thirds vote in support is required to pass the measure.

Pros

- This measure provides funds to address two very important issues facing Oakland right now: homelessness and illegal dumping. As of last year, homelessness in Alameda County increased 39 percent and impacted 5,629 people, roughly half of whom live in Oakland.³ Funds are needed to address this crisis.
- This measure is the best opportunity to date to establish a registry of vacant parcels. Having a registry would help the City of Oakland understand where these parcels are and why they are vacant, increasing its ability to make good land use decisions in the future. Other legislative attempts over the years have been unsuccessful, largely due to the cost of establishing the registry. Only a tax will generate sufficient funds needed to establish and manage a registry.
- This measure has the potential to encourage property owners to develop their parcels and put them
 into active use. This is a policy goal that SPUR has supported in our report A Downtown for Everyone
 and elsewhere.
- Low-income and other vulnerable owners would not be unduly burdened by this tax because they
 would qualify for the exemptions outlined in the measure.

Cons

- This measure could be சிவிசேறுந்த ந்விற்றின்றவர். The definition of vacancy as a parcer that is in use less than 50 days in during the tale to be the contribute to SPUR use" means. It may be difficult for the city to monitor whether parcels are actually wigness maken owners claim they are.
- The exemptions called out in this measure are very broad and may be difficult for the city to apply fairly. Additionally, the exemptions are so broad that not many parcels may ultimately end up paying the tax.
- Because this is a flat tax for every parcel regardless of size or value, this measure would impact small
 property owners more than owners of larger properties. Small property owners may lack the expertise
 needed to navigate the development process, creating the unintended consequence of forcing small
 property owners to sell their properties.
- While this measure would generate funding for homelessness, it would not be nearly enough funding to effectively address the problem.

SPUR's Recommendation

There is a lot to like about Measure W. SPUR supports the concept of a vacant parcel tax, a tool that has been used in cities both around the country (Washington, D.C., Harrisburg, Pennsylvania⁴) and around the world (Seoul, Korea, Marikina City, Philippines⁵) to help move vacant land into active use and eliminate blight. Vacant parcel taxes, particularly in hot market cities, can help propel land owners to develop their properties. Some cities, such as Hartford, Connecticut,⁶ have experimented with raising taxes on vacant land while lowering them for new development. It makes sense for cities to tax the behavior they want to discourage (allowing parcels to remain vacant), while rewarding behavior they want to promote (building new housing, adding businesses).

However, we remain concerned about the city's ability to effectively implement this measure. The definition of what constitutes vacancy is very broad, and as such it may be difficult to determine when a parcel is "in use" or not. The exemptions are also very broadly defined, such as an owner being unable to develop a parcel due to a "demonstrable hardship that is not financial" or to an "exceptional circumstance." This vague language would make it very difficult for staff to implement the tax fairly. Lastly, we have concerns that this measure may have disproportionate impacts on small property owners because it is a flat tax.

Vote NO on OAK Measure W - Vacant Property Tax

FOOTNOTES

- 1 "Special Tax on Vacant Properties to Fund Affordable Housing and Support Programs for Homeless People," Katano Kasaine, Director of Finance, May 2, 2018.
- **2** "Informational Report on Vacant Property Registry", June 22, 2015. Heard in Community and Economic Development Committee on July 14, 2015.
- 3 https://www.eastbaytimes.com/2017/06/02/survey-confirms-oakland-homeless-crisis-growing-worse/ (https://www.eastbaytimes.com/2017/06/02/survey-confirms-oakland-homeless-crisis-growing-worse/) and https://www.kqed.org/news/11477036/alameda-countys-homeless-population-climbs-dramatically-over-two-years (https://www.kqed.org/news/11477036/alameda-countys-homeless-population-climbs-dramatically-over-two-years), accessed on May 21, 2018.
- **4** "Progressive Taxation of Urban Land" https://urban-regeneration.worldbank.org/node/38 (https://urban-regeneration.worldbank.org/node/38); accessed on April 18, 2018
- 5 lbid. This report notes that taxation of vacant land has also been used to deter land speculation.
- **6** "Can Extra Taxes on Vacant Land Cure City Blight? http://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2017/03/07/can-extra-taxes-on-vacant-land-cure-city-blight (http://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2017/03/07/can-extra-taxes-on-vacant-land-cure-city-blight); accessed on April 18, 2018

Encl. 10.2.1

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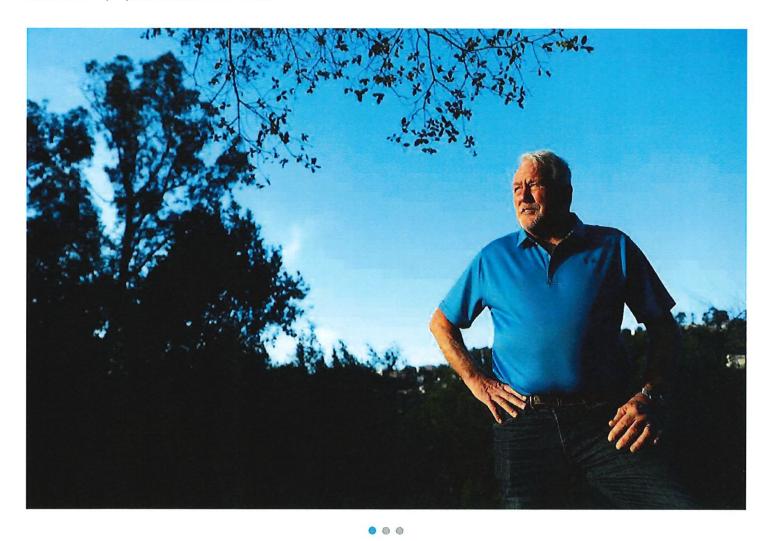
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hope — and alarm

Kathleen Pender

Jan. 26, 2019 Updated: Jan. 26, 2019 4 a.m.



Oakland real estate agent Mel Copland owns one of several empty lots on Oakwood Court in the Montclair neighborhood. He said it's too expensive to bring infrastructure to the property and the value of the land has dropped 50 percent since the last recession.

Photo: Yalonda M. James / The Chronicle

As San Francisco supervisors consider putting a vacant-property tax on the November ballot, Oakland is struggling with the reality of implementing one.

Local Sporting Green Politics Biz+Tech US & World Opinion Datebook Food Lifestyle Vault: Al ground-floor commercial space is \$3,000 per year. There are 10 possible exemptions.

The tax will be added to annual property tax bills starting with the one that goes out next year. It will continue for 20 years.

Oakland's City Council put Measure W on the ballot, saying it would raise \$10 million annually, which can only be used for homeless services, affordable housing, programs to fight blight and illegal dumping, administer the tax and defend any possible lawsuits. Measure W passed with 70 percent of the vote.

Among the many issues now facing the city: defining "in use," identifying vacant properties, clarifying the 10 exemptions, developing software to administer the program and forming a commission on homelessness to recommend how the revenue should be spent.

The City Council could, by ordinance, restrict the tax to certain zones within the city, but has not done so.

In December, the city's Finance Department sent a letter to owners of 25,000 non-owner-occupied properties warning them about the tax should their property be deemed vacant. The letter set off alarm bells for some owners.

"I thought it was only on vacant homes, not vacant property," said James Liu, who lives in Fremont and owns five steep lots on Ascot Drive in the Oakland hills. Liu bought the adjacent parcels in 2012 and 2013, thinking — naively, he admits — that he could develop them, despite their 50 percent slope. But architects and engineers told him it wouldn't be possible. He put them on the market twice, with no takers. Meanwhile he's paying \$3,000 per year in property taxes on each lot, plus another \$3,000 per year to have them cleared of debris.

He said the the additional \$6,000 per parcel tax is not just about money. "It's about fairness. It's not something I realized could happen in America."

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Another provision that merits clarification says, "for parcels with multiple units, whether residential or non-residential, the parcel is not vacant if any unit on it is not vacant. A condominium, duplex, or town house unit under separate ownership is treated as a separate parcel ..."

The Finance Department will probably bring an implementing ordinance to the City Council in April, but it could take "a number of meetings" before it's adopted, said Karen Boyd, a spokeswoman for the city.

Vacancy-tax exemptions

These are 10 exemptions to Oakland's new vacant-property tax, as described in Measure W. The Finance Department will clarify them in an implementing ordinance, which must be approved by the City Council.

- (1) Owner is "very low income," as defined by the U.S. Department of Housing and Urban Development. The city wouldn't define it. But HUD's website says that the income limit in Oakland is \$40,700 per year for a one-person household and goes up with family size.
- (2) Owner is 65 or older and "low income," as defined by HUD. That limit is \$62,750 for one person.
- (3) Owner of any age receives Supplemental Security Income for a disability or Social Security Disability Insurance benefits and has income that does not exceed 250 percent of the 2012 federal poverty guidelines issued by the U.S. Department of Health and Human Services. That limit is \$11,170 for one person and goes up with family size.
- (4) The tax would create a "financial hardship due to specific factual circumstances."
- (5) The property is vacant because of a "demonstrable hardship that is unrelated to the owner's personal finances."
- (6) The property is under active construction.

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- (9) The owner can prove that "exceptional specific circumstances prevent the use or development of the property."
- (10) The owner is or is controlled by a nonprofit organization.

In its letter to property owners, the Finance Department said it would "be difficult to answer questions" until the ordinance is adopted. It strongly urged them, in a bold and underlined comment, to "not make any inquiries regarding this letter or the tax at this time."

It did give them an email address, VacantPropertyTaxInquiry@oaklandca.gov, but said it could take up to 30 days to get their questions answered.

The city's finance director, Katano Kasaine, urged the council in a May letter to delay implementation for one year, citing "the aggressive timetable required for the implementation of the tax." The City Council could delay implementation, but there's no sign it plans to.

The Finance Department estimated it would cost \$425,000 per year to administer the tax, plus a one-time startup cost of at least \$100,000. Boyd said the city has received a legal challenge to the tax but provided no details.

Oakland Mayor Libby Schaaf supports the tax, her spokesman Justin Berton said in an email. "It's a novel idea that will generate new resources to address some of Oakland's biggest challenges, such as homelessness," Berton said. It also "taxes people who are failing to utilize their property during a housing shortage, which damages overall community vitality."

Nobody is sure how many vacant properties there are and how many will get an exemption.

Using data from the county assessor, Hayley Raetz, a researcher at the Terner Center for Housing Innovation at UC Berkeley, estimated that there are about 4,000 undeveloped,

Local Sporting Green Politics Biz+Tech US & World Opinion Datebook Food Lifestyle Vault: Alfor housing," Raetz wrote in a report. She did not look at lots with homes or businesses on them, because there's no methodical way to determine whether they're vacant.

Looking just at an estimated 4,000 vacant lots, the Finance Department said that the tax could bring in \$6 million to \$10.5 million a year, depending on how many got exemptions.

Building a home or apartment building on raw land is not easy or cheap, and some vacant lots are in areas prone to landslides and wildfires.

Oakland real estate agent Mel Copland owns one of several empty lots on Oakwood Court in the Montclair neighborhood. "The infrastructure is so expensive, to bring, solar, gas and water to the property, plus a private road," he said, adding that the value of that land has dropped 50 percent since the last recession. "What's going to happen, people are not going to pay the tax, and you are going to have a lot of defaulted lots."

Dragos Badeamic, a structural engineer and contractor who lives outside Sacramento, owns three vacant properties on Woodrow Avenue in Oakland., "I was planning to build some houses there, but for family reasons, I could not do that," he said.

He's paying about \$1,900 per year in property tax on each of the three lots; the vacancy tax would be nearly three times that per lot.

Badeamic grew up in Romania, where the communists imprisoned his grandfather and seized the family's property, forcing them to flee the country. He said the tax reminds him of what went on in the early days of the communist regime there. "I never thought I was going to see this here, in the bastion of capitalism," he said.

SPUR, a Bay Area urban planning think tank, said in its voter guide that it supports the idea of a vacant parcel tax, as a way "to help move vacant land into active use and eliminate blight," but it opposed Measure W because it would be very difficult to implement fairly. "The definition of what constitutes vacancy is very broad," it said, and "the exemptions are also very broadly defined," such as a "demonstrable hardship that is not financial." It also said a flat tax may disproportionately affect small property owners.

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Candice Elder, director of the East Oakland Collective, a Millennial-focused nonprofit, said that "once everything gets ironed out, (the tax) has the potential to help address some of the issues in homelessness and the housing crisis." She said it won't overcome all of the obstacles, but "it's one component of the solution."

She hopes the tax will spur landowners "with a challenging piece of property, or low-income owners who can't afford to develop, to work with the city or with nonprofit agencies to reimagine the use of the land."

James Vann, co-founder of the Homeless Advocacy Working Group, which campaigned for Measure W, said the tax "will probably deplete itself" as vacant lots, homes and buildings are put to use.

Meanwhile in San Francisco, Supervisor Aaron Peskin said in a news conference Wednesday that he wants the Board of Supervisors to put a vacancy tax on the November ballot. The \$250-per-day tax would apply to some commercial and multifamily residential properties that are "intentionally" kept vacant for more than six months of the year. Peskin has been talking about a vacancy tax since 2017 but hasn't introduced any legislation.

Before crafting a tax, San Francisco might want to consider the challenges facing Oakland.

Kathleen Pender is a San Francisco Chronicle columnist. Email: kpender@sfchronicle.com Twitter: @kathpender

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Boards, Commissions, and Committees Attendance Record

HUMAN RELATIONS COMMISSION

Suzanne Shenfil

Member	Meeting Dates							
	01/28/2019	02/25/2019		04/15/2019		05/20/2019	06/17/2019	
MEETING TYPE	R	R	R	R	S	R	R	R
Feda Almaliti	-	-	Р	Р	Α	Е	Р	
Dr. Sonia Khan	Р	P	Р	Р	Р	Р	P	
Dr. Oonia Krian	•	•	•	•	•	•	•	
Dharminder Dewan	Р	Р	Р	Р	Р	Р	Р	
Shobana Ramamurthi	Р	Р	Р	Р	Α	Р	Р	
Lance Kwan	Р	Р	Α	Α	Р	Р	Р	
Patricia Montejano	Р	Р	Р	Р	Р	Р	Р	
Tejinder "TJ" Dhami	Р	Р	Р	Р	Р	Р	Р	
,								
Julie Moore	Р	Р	Р	Р	Р	Р	Р	
Cullen Tiernan	Р	Р	Р	Р	Α	Р	Р	
	•	•	•	•	,,	•	•	

Attendance Codes

P - Present A - Absent E - Excused Absence

Meeting Codes

R - Regular Meeting S - Special Meeting L - Lack of Quorum C - Cancelled Meeting for lack of business

* Due to lack of Quorum, absence does not affect eligibility.

Commissioners can not have two unexcused meetings in a row in a one year time frame AND Commissioners can not have three unexcused meetings in a 6 month time period. Jan - June and July - December

Attachment 13.1

2019 HRC Calendar

January 28, 2019	Regular Meeting	7:00 PM –HR Training Room
February 25, 2019	Regular Meeting	7:00 PM –HR Training Room
March 11, 2019	Special Meeting	6:30 PM - HR Training Room
March 13, 2019	Special Meeting	6:30 PM – HR Training Room
March 18, 2019	Regular Meeting	7:00 PM –HR Training Room
April 15, 2019	Regular Meeting	7:00 PM - City Council Chambers
April 29, 2019	Special Meeting	7:00 PM -HR Training Room
May 7, 2019	City Council Public Hearing: SSG	7:00 PM — City Council Chambers
May 20, 2019	Regular Meeting	7:00 PM –HR Training Room
May 21, 2019	City Council Public Hearing: Tobacco Item Referral	7:00 PM — City Council Chambers
June 17, 2019	Regular Meeting	7:00 PM -HR Training Room
June 29, 2019	Float Decoration	
June 30, 2019	SF Pride Parade	
July 4, 2019	Fourth of July Parade	
July 15, 2019	Regular Meeting	7:00 PM –HR Training Room
July 16, 2019	City Council Meeting: TRL Ordinance First Reading	7:00 PM – City Council Chambers
August 19, 2019	Regular Meeting	7:00 PM –HR Training Room
September 16, 2019	Regular Meeting	7:00 PM –HR Training Room
October 19, 2019	MADD	
October 21, 2019	Regular Meeting	7:00 PM –HR Training Room
November 18, 2019	Regular Meeting	7:00 PM –HR Training Room
December 16, 2019	Regular Meeting	7:00 PM –HR Training Room