DATE: August 18, 2020

TO: Honorable Mayor and City Council

FROM: Denise Menchaca, Mayor
Jason Pu, Councilmember
Mark Lazzaretto, City Manager

SUBJECT: Status Report from the Ad Hoc Sub-committee and Recommendation to Create a Commission on Human Equity, Access and Relations (the “HEAR Commission”)

SUMMARY

In the wake of the killing of George Floyd and the civil unrest that followed, the City Council adopted a resolution committing to a process of examination and engagement with the community to review the City’s current policies and practices to ensure the fair, even and equal administration and enforcement of its laws, and to eliminate racism and discrimination in the City of San Gabriel’s policies and practices. To start the process, the City Council appointed an ad hoc sub-committee (the “Subcommittee”) to hold community conversations and begin to formulate a plan for achieving the mandates in the resolution. This report presents a summary of the work of the Subcommittee and a recommendation to create a Commission on Human Equity, Access and Relations (the “HEAR Commission” or the “Commission”) to thoroughly review the practices and policies of the City of San Gabriel.

Background

On May 25, 2020, George Floyd was killed while in the custody of police officers in Minneapolis, Minnesota. Our nation expressed outrage and sadness at the senseless death of George Floyd and too many others, and several weeks of protests, demonstrations, and calls for immediate reform followed. In the wake of the protests, the City Council adopted Resolution No. 20-31 (attached) that condemned the killing of George Floyd and committed to a thorough process of engaging the community for input and reviewing the City’s policies and practices to ensure that racism, discrimination or inequity do not exist in the ways that the City delivers services to the community.

The first step of the process occurred on June 16, 2020, when the City Council created an ad hoc Subcommittee and appointed Mayor Denise Menchaca and Councilman Jason Pu to the Subcommittee to hold conversations with various stakeholder groups in the community and determine ways that the City could implement the goals of Resolution No. 20-31. The City Council directed the Subcommittee to report back to the full City Council within two months. The
Subcommittee has been busy since that time and what follows is a summary of what was accomplished and the resulting recommendations, and is intended to be the formal report to the City Council as directed.

Analysis

Initial meetings of the Subcommittee were held to discuss goals and lay out a workplan. It was decided that the Subcommittee would meet with as many stakeholder groups as possible in the approximately two month timeframe that the City Council had given. The goal of meeting with the groups was to hear their thoughts and feelings on the issues stemming from George Floyd’s killing, and to learn about any concerns or ideas that the groups had about the culture in the City and the City’s policies and practices. Over the course of the past two months, the Subcommittee has been able to meet with several stakeholder groups, including the Executive Team, a group of community advocates, a group of business owners and representatives, and a group of interfaith leaders, in addition to several smaller conversations.

Executive Team

The Subcommittee met on July 15, 2020 with members of the City’s Executive Team. The department heads were asked to reflect on how George Floyd’s killing personally affected them, brainstorm on how the Subcommittee could engage the community to learn about issues of racial inequity and division, and talk about how the City could identify any policies or practices that they felt could be improved. The idea of a commission that would be empaneled to look at the City’s policies and practices was also presented to the Executive Team to receive feedback and thoughts about how such a commission could work in our organization.

After meeting with the Executive Team, it was clear that our team is made up of diverse, intelligent, caring individuals who are all committed to not only doing their jobs to the best of their abilities, but also committed to ensuring that our residents and community members are treated fairly and equitably. The team was very open to have outside individuals look into the organization and provide suggestions for improvements in our service delivery in all departments. The team was eager to help in any way they could, and eager to learn of any ways to better serve the community and provide the City’s services.

Community Advocates

Over the course of the past two months, the Subcommittee has had several meetings and conversations with various members of the community representing a diverse cross-section of the San Gabriel community. The requests of these community advocates have ranged from diverting funds away from law enforcement, providing more social services (including for the formerly incarcerated, those experiencing homelessness and those experiencing mental illness) and a strong desire to see immediate and ongoing action on the part of the City and the City Council to address these issues. One idea that had the universal support of these community advocates from the beginning of this process was the creation of a new City commission that would address issues of racial and social equity and equality, diversity and inclusion on an ongoing basis.
Several of the community advocates circulated at least two petitions to garner support for their requests, including for the creation of such a commission. The petition calling for the creation of a commission reads in relevant part:

“On June 9, 2020, Resolution 20-31 was passed unanimously by the City Council. The resolution states: ... ‘The City of San Gabriel hereby commits to an ongoing process of self-reflection, examination, active listening and engagement with the community to review our current policies and practices, including policies and practices within the San Gabriel Police Department, to ensure the fair, even and equal administration and enforcement of its laws, to eliminate racism and discrimination based on race, color, ethnicity, ancestry, national origin or other protected status in the City of San Gabriel’s policies and practices, to hold the entire organization accountable to these standards, and to adopt any reforms necessary to do so.’

The process of improving the lives of San Gabriel residents by addressing racism and discrimination in our city and city government will not be completed in weeks or months. Resolution 20-31 acknowledges that institutional and systemic racism has resulted in social inequalities. These have been present for generations and will require generations to eliminate. The City Council has to set up a means of continuing this commitment beyond the current climate that is demanding change and beyond the current council members’ terms.”

The Subcommittee met on a couple of occasions with some of the community advocates involved with the petition to discuss the desired purpose, scope, powers and role of such a commission and the recommended action of establishing the HEAR Commission is a direct result of those discussions. At the end of this initial outreach, the community advocates expressed gratitude for the Subcommittee’s efforts and the progress being made towards resolving the challenges identified in the resolution.

Business Owners and Representatives
On July 31, 2020, the Subcommittee met with a cross-section of business owners to listen to their concerns and ideas about diversity and equity in the city. Representatives from hotels, restaurants, grocery stores, small businesses, real estate agents, and sole practitioners were in attendance at the virtual meeting. The group was asked about their personal experience working in San Gabriel, and any suggestions they had to address diversity and equity issues in the city or in supporting local businesses.

The overall feeling from the business community was that the City was doing a good job of supporting them. They were all struggling due to the economic impacts of COVID-19, and some felt that focusing on security and recovery from the recession was equally as important as addressing the inequity issues. Many stories from the racially-diverse group were shared about their own personal experiences with racism and injustice and discussed ways in which things could be made better. Several creative suggestions came out of the meeting for outreach and marketing campaigns designed to spread information and messages about creating a more inclusive and embracing community. Discussion also centered on needing to work on long-term solutions to longstanding difficult issues, such as how to address homelessness and issues of those
experiencing homelessness in San Gabriel, how to address security concerns in various parts of the City and how to help recent immigrants and first-generation Americans feel more comfortable about calling public safety for assistance.

Overall, the meeting was very productive and is likely to be the first of many discussions that the City facilitates in the future with the business community.

**Interfaith Leaders**

On August 7, 2020, the Subcommittee met with two members of religious organizations in the City. Though the meeting was originally scheduled with more members who ended up having scheduling conflicts, the small group meeting turned out to be very productive. With one member of a predominantly Chinese American Christian church and another member from a Muslim mosque, the differing viewpoints were helpful, insightful, and fascinating.

The representatives indicated a desire to have their congregations become more involved in the City. They talked about the differences between generations and the difficulties in communicating effectively with the different age groups. They touched upon issues of racism that both groups have witnessed and received, but also about the commonalities between groups, no matter the religious background.

Two notable ideas that were suggested by the group were to host moderated discussions for the younger generations to be able to discuss concerns and issues in a safe space, and a community-wide town hall meeting where people of different denominations could gather to learn about the similarities and differences between people. Both of the suggestions are ones that can be implemented over the next few months as the City and the proposed Commission further engage the community.

At the conclusion of the meeting, everyone expressed a desire to start a regular meeting of interfaith leaders from as many institutions in San Gabriel as possible. To that end, a follow-up meeting is scheduled for August 14, 2020, with several more representatives scheduled to attend.

**Meetings with Members of the San Gabriel Police Department**

Multiple meetings were held with the leadership team of the San Gabriel Police Officers’ Association (POA) and San Gabriel Police Management Group (PMG). In addition, several productive discussions were held with San Gabriel Police Chief Eugene Harris and one meeting was also facilitated between community advocates, Chief Harris and San Gabriel Police Captain Fabian Valdez.

Overall, Chief Harris and other members of the SGPD were very open to having discussions on how the SGPD can be involved in better addressing issues of inequity and inequality in the San Gabriel community and were very cooperative in providing data and information requested by community members. The Police unions want to be involved with conversations regarding suggestions and strategies for improving relationships between police and the community they
serve and recognize that special efforts should be made to engage and communicate with all stakeholders in this ongoing process.

Commission

During the Subcommittee’s engagement process, it became clear that the best approach to reviewing the City’s policies, processes, and procedures and to identify areas where inequities and racism could exist would be to empanel a permanent commission that would report to the City Council. During several of the stakeholder group meetings, ideas were discussed for how such a commission could function, what the duties and powers would be, and what the ideal membership would be for such a commission. For background information, the Subcommittee also reviewed the scope and duties of existing commissions in several cities, including Los Angeles, Culver City, Glendale and Monrovia.

The Subcommittee is recommending to the City Council that a commission, called the Human Equity, Access and Relations Commission (the “HEAR Commission”) be created. The Commission would report directly to the City Council and have the same access to data, information and materials with respect to City policies, practices and programs as the City Council. In addition, it is proposed that the HEAR Commission will work with the City’s administration, departments and other commissions, but also be as independent from the City’s administration, departments and other commissions as possible. The HEAR Commission would not be an oversight board nor a body whose primary purpose is to receive or investigate individual complaints. Rather, the HEAR Commission would be proactive in nature and review and provide recommendations for changes and improvements in policies, laws, practices, and procedures where the potential for inequity or injustice exists.

Mission

To advance and advocate for equity, diversity, social justice, safety and mutual appreciation and respect for all members of the San Gabriel community.

Duties and Responsibilities

The proposed duties and responsibilities of the HEAR Commission would be:

1. The Commission shall serve as an advisory body and report directly to the City Council to assess and recommend programs, policies, procedures and activities in the city government to (a) advance equity and ensure equality of rights and opportunities for all in relation to race, ancestry, religion, age, disability, gender, sexual orientation, immigration status or other protected status and (b) promote equitable outcomes and opportunities, increased cultural competency and positive inter-group relations for all members of the San Gabriel community.

2. The Commission shall review current City of San Gabriel policies and practices throughout the organization and may recommend City Council agenda items or changes
in City policies, practices and activities to ensure the fair, even and equal administration and enforcement of its laws.

3. The Commission shall have access to all data, information or materials with respect to City policies, practices or programs as necessary to carry out its purposes. This information shall be provided by staff in a timely and thorough manner. This information shall not include personnel files, confidential information, or other information protected by City codes and policies, or state or federal laws, unless expressly so directed by the City Council after consultation with the City Attorney.

4. The Commission may, as necessary and with City Council approval, hold public meetings or forums to educate the public, provide access to resources and information or to promote any issues related to its mission.

5. The Commission may, as it deems necessary, establish and maintain active liaisons with the City Council, other City commissions and departments and other community agencies (e.g., the San Gabriel Unified School District, LA County departments, etc.), partners, groups, organizations and individuals in connection with its mission.

6. The Commission may, as it deems necessary, assist the general public by providing information regarding the appropriate process to file a complaint concerning actual or perceived discriminatory interactions with the City or other responsible entities.

7. The Commission shall prepare and submit to the City Council an annual report that summarizes the progress towards achieving its mission including, without limitation, an update of current and future projects or programs of the Commission.

**Commission Membership, Meeting Frequency, and Staffing**

The Subcommittee recommends that the Commission have seven members appointed by a majority of the City Council. It would be incumbent upon the City Council to select members with a diversity in several areas, including: economic status; education; race, ancestry, religion, age, disability, gender, sexual orientation, immigration status or other protected status; and geographic area of the City. The members would be appointed to staggered two-year terms. The Commission would have regular monthly meetings and would be a public body subject to the Ralph M. Brown Act Open Meetings law.

Though an independent body reporting directly to the City Council, the Commission would be assisted by a staff member appointed by the City Manager. It is undetermined at this time which department the staff member would come from, but ideally it would be in the City Manager’s office since the Commission would deal with all departments and not one specific department as with other commissions. For now, the duties will be assigned to an existing staff member, though the workload will need to be reviewed in the future to determine if a new staff member would be required to adequately handle the amount of work required by the Commission. Should the workload require additional staff, the City Council will be apprised and formal action will be brought for consideration.

**Conclusion**
Though the Subcommittee was busy and was able to complete a lot in a short amount of time, there is much more engagement and outreach to be done, including, without limitation, (a) developing recruitment and outreach plans for the Commission to ensure a large, diverse pool of applicants, (b) continued engagement with stakeholder groups to obtain ongoing feedback and input, and (c) working with staff on the potential establishment and implementation of the Commission. Therefore, the members are recommending to the City Council that the Subcommittee be extended for another four months to continue this work. It is anticipated that there will be several more conversations with the stakeholder groups and others to ensure that as much of the community as possible is represented in the conversation. One of the key tasks to be undertaken is to decide how best to advertise and recruit for the seven members of the proposed commission so that a true cross-section of the community can be represented.

**Fiscal Impact**

There is no fiscal impact associated with this report or with the recommended actions. Should the City Council approve the staff recommendation to bring back a proposed ordinance to create a commission, the fiscal impact of any work associated with the commission will be analyzed at that time.

**Recommendation**

Staff is recommending that the City Council:

1. Direct staff to prepare an ordinance that amends the San Gabriel Municipal Code to create a Commission on Human Equity, Access and Relations (HEAR Commission), and
2. Extend the ad hoc sub-committee and continue the appointment of Mayor Menchaca and Councilman Pu for an additional four months, with a report to the City Council on the actions of the sub-committee due at that time.

**Attachments:**

Attachment A – Resolution No. 20-31
ATTACHMENT A

RESOLUTION NO. 20-31

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN GABRIEL, CALIFORNIA, RESPONDING TO THE HOMICIDE OF GEORGE FLOYD AND SUPPORTING (A) FIRST AMENDMENT RIGHTS TO PEACEFULLY ASSEMBLE AND PROTEST AND (B) THE ONGOING REVIEW OF PRACTICES AND POLICIES OF LAW ENFORCEMENT

WHEREAS, on May 25, 2020, George Floyd, an African American, was brutally killed by former police officers in Minneapolis, Minnesota while in the custody of said former police officers; and

WHEREAS, widespread protests and calls for reform have arisen throughout the United States of America and around the world in the wake of George Floyd’s homicide, the horrific manner in which George Floyd was detained and killed, and the homicides of many other African American men and women across the country over many decades at the hands of law enforcement; and

WHEREAS, these protests and calls for reform have brought national and international focus to our country’s continuing issues with respect to the differential use of force by police, institutional and systemic racism, differences in levels of privilege and structural inequalities in our society, particularly with respect to policing activities; and

WHEREAS, San Gabriel is a diverse community that stands firmly for the equal protection of all individuals under the law and the fair and equitable provision of services and enforcement of the laws, regardless of any individual’s race, color, ethnicity, ancestry, national origin or other protected status; and

WHEREAS, the City of San Gabriel recognizes that institutional and systemic racism and oppression, differences in levels of privilege and inequalities and inequities in our society do exist and that we all have a responsibility to be engaged and informed on these issues and to address these issues where we can; and

WHEREAS, the San Gabriel Police Department has and will continue to stand with the community to provide equal protection under the law, hold itself accountable to the highest standards of equal protection under the law, and supports the public’s right to peacefully and lawfully assemble and protest.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN GABRIEL, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The City of San Gabriel hereby condemns the excessive and unnecessary use of force by the former police officers of the Minneapolis Police Department that led to the homicide of George Floyd.

SECTION 2. The City of San Gabriel reaffirms its support of the public’s right to peacefully and lawfully assemble and protest for the expression of political and social viewpoints, particularly on matters of paramount importance such as the personal safety of its diverse residents, and their legitimate and constitutionally guaranteed right to equal treatment under the laws.

SECTION 3. The City of San Gabriel reaffirms its commitment to the fair, even, and equal administration and enforcement of its laws, including in the front line enforcement of the laws by its police officers, and condemns any conduct that might lead to a differentiation in the safety, respect, courtesy, and confidence its residents and businesses

8
are entitled to have in the provision of police services, based on race, color, ethnicity, ancestry, national origin or other protected status.

SECTION 4. The City of San Gabriel hereby commits to an ongoing process of self-reflection, examination, active listening and engagement with the community to review our current policies and practices, including policies and practices within the San Gabriel Police Department, to ensure the fair, even and equal administration and enforcement of its laws, to eliminate racism and discrimination based on race, color, ethnicity, ancestry, national origin or other protected status in the City of San Gabriel's policies and practices, to hold the entire organization accountable to these standards, and to adopt reforms necessary to do so.

SECTION 5. The City Clerk shall certify to the adoption of this resolution and hereafter the same shall be in full force and effect.

APPROVED and PASSED this 9th day of June, 2020

City of San Gabriel, California

BY: ______________________________

DENISE MENCHACA, Mayor

ATTEST:

SHARON F. CLARK, Chief City Clerk

APPROVED AS TO FORM:

KEITH LEMIEUX, City Attorney
CERTIFICATION

I, Sharon F. Clark, Chief City Clerk of the City of San Gabriel, do hereby certify that Resolution No. 20-31 was duly adopted by the City Council of the City of San Gabriel at a special meeting held on the 9th day of June, 2020, by the following vote:

AYES: DING, HARRINGTON, PU, LIAO, MENCHACA
NOES: NONE
ABSTAIN: NONE
ABSENT: NONE

Dated: June 10, 2020

[Signature]
SHARON F. CLARK, Chief City Clerk