

ORDINANCE NO. 670

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN GABRIEL, CALIFORNIA, ESTABLISHING THE HUMAN EQUITY, ACCESS AND RELATIONS (HEAR) COMMISSION AND CODIFYING THE SAME UNDER CHAPTER 33 (COMMISSIONS) OF TITLE III (ADMINISTRATION) OF THE SAN GABRIEL MUNICIPAL CODE

WHEREAS, in the wake of the social justice and racial equity movement that occurred during the summer of 2020, the City Council of the City of San Gabriel ("City") adopted Resolution No. 20-31 and committed to an ongoing process of self-reflection, examination, active listening 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; to eliminate racism and discrimination based on race, color, ethnicity, ancestry, national origin or other protected status in the City's policies and practices; to hold the entire organization accountable to these standards, and to adopt reforms necessary to do so; and

WHEREAS, the City met with a diverse cross-section of community members including community advocates, business owners, interfaith leaders, representatives of the San Gabriel Police Department and the City's Executive Team; and

WHEREAS, as a result of this engagement process, the City Council now wishes to create a new advisory commission to be called the Human Equity, Access and Relations Commission (the "HEAR Commission") that would report to the City Council; advance the City's commitments as stated in the first recital above; and address issues of equity, diversity, social justice, safety, mutual appreciation and respect on an ongoing basis.

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

SECTION 1. Chapter 33 (Commissions) of Title III (Administration) of the San Gabriel Municipal Code is hereby amended to add new sections 33.50 through 33.57 which shall appear under the heading "Human, Equity, Access and Relations (HEAR) Commission" and which shall read as follows:

"HEAR Commission

33.50. CREATED. *There is hereby created a Human, Equity, Access and Relations (HEAR) Commission for the City, consisting of seven members, to be known as HEAR Commissioners, who shall serve without compensation.*

33.51. PURPOSE AND SCOPE.

- A. *Purpose. The purpose of the HEAR Commission is to advance and advocate for equity, access, diversity, social justice, safety, mutual appreciation, increased cultural competency, positive inter-group relations and respect for all members of the San Gabriel community (the "Purpose").*
- B. *Scope. The HEAR Commission shall serve as an advisory body to the City Council and report directly to the City Council to assess and recommend policies, procedures and activities in the City government to advance the Commission's purpose. It is not intended for the HEAR Commission to be a quasi-judicial body, an oversight board nor a body whose primary function is to receive or*

investigate individual incidents or complaints. The HEAR Commission may request and obtain information with respect to individual incidents or complaints, but only to the extent necessary to make policy, procedure or activity recommendations to the City Council.

33.52. MEMBERSHIP; QUALIFICATIONS; TERMS OF OFFICE.

- A. *Composition. Seven (7) members shall be appointed for staggered terms of two (2) years. Each HEAR Commissioner shall be appointed by a minimum of three (3) affirmative votes of the City Council. Members of the Commission may be appointed for additional two-year terms. Following expiration of his or her term of office, an appointed member shall continue to serve until a successor is appointed and takes office; however, if no successor is appointed and takes office within 30 days, the extended period shall terminate and the office shall be deemed vacant.*
- B. *Residency. At least five (5) of the appointed members shall be residents of the City at the time of their appointment and during the duration of their respective terms ("Resident Commissioners"). In addition, the City Council may appoint up to two (2) HEAR Commissioners who are not residents of the City ("Non-Resident Commissioners").*
 - (1) *Resident Commissioners. If a Resident Commissioner intends to resign or ceases to be a resident of the City, such Resident Commissioner shall provide notice to the City Council of such resignation or non-residency as soon as reasonably practicable and his or her term shall terminate 30 days from the date such notice is received, or at the conclusion of his or her term, whichever is sooner.*
 - (2) *Non-Resident Commissioners. If the City Council chooses to appoint any Non-Resident Commissioners, the City Council shall appoint such Non-Resident Commissioner(s) on the basis of their qualifications as set forth in Section 33.52.C. The City Council may consider potential Non-Resident Commissioners with backgrounds in academia; faith-based institutions or groups; nonprofit or community organizations; other government agencies, committees or commissions; or other fields or industries as may be directed by the City Council from time to time. If a Non-Resident Commissioner intends to resign, such Non-Resident Commissioner shall provide notice to the City Council of such resignation as soon as reasonably practicable and his or her term shall terminate 30 days from the date such notice is received, or at the conclusion of his or her term, whichever is sooner.*
- C. *Qualifications. All members shall have an expressed interest and/or demonstrated leadership, education, experience, expertise, training, skills or knowledge related to the HEAR Commission's Purpose. The City Council shall undertake reasonable efforts to ensure members who serve on the Commission (1) are fair-minded, reasonable individuals who are committed to the Purpose and are able to work with others in a meaningful, open, productive, professional, tolerant, cordial and collaborative manner and (2) represent a cross-section of the city including, but not limited to, diversity of economic status, race, ancestry, religion, age, ability, gender, sexual orientation, other protected status, immigration status and geographic area within the city.*
- D. *Removal. Any member of the Commission may be removed by a majority of the City Council when, in the discretion of the City Council, the best interests of the*

City will be served.

33.53. MEETINGS.

- A. *Time.* The Commission shall meet at least monthly at such time and date established by written resolution of the City Council.
- B. *Place.* Regular meetings shall be held in the Council Chamber in the City Hall, located at 425 South Mission Drive.
- C. *Open to the Public.* All meetings of the Commission shall be open to the public and be noticed and held in compliance with the provisions of the Ralph M. Brown Act.
- D. *Quorum.* A majority of the appointive members of the Commission shall constitute a quorum for the transaction of business.

33.54. COMMISSION OFFICERS AND PROCEEDINGS.

- A. *Officers.* Members of the Commission shall select a chair from among the appointive members to serve for a one-year term as presiding officer. The members shall also appoint a vice-chair. In the absence of the chair and vice-chair, the appointive members of the Commission shall select one member present to preside as chair pro tem.
- B. *Absences.* If a member of the Commission fails to attend three consecutive regular meetings of the Commission, or fails to attend 50% or more of the regular meetings of the Commission during a calendar year, unless excused by the chair, the Council may declare such member's seat vacant and appoint a new member to serve the balance of the unexpired term.
- C. *Minutes.* The Commission shall cause a proper record to be kept of its proceedings.
- D. *Policies.* The Commission shall establish written policies to ensure efficient organization and management of its affairs, which policies shall be subject to review and approval by the City Council.

33.55. EXPENDITURES; AUTHORIZATION BY COUNCIL. No expense of any kind shall be incurred by the Commission unless first authorized and approved by the City Council.

33.56. POWERS AND DUTIES. The HEAR Commission shall have the following powers and duties:

- A. The HEAR Commission shall develop and submit to the City Council for its approval an annual workplan (the "Annual Workplan") to further its Purpose. Upon inception and prior to the beginning of each calendar year, the HEAR Commission shall develop and submit its Annual Workplan prior to commencing any work for the upcoming or remainder of the then-current calendar year. The City Council shall consult with the HEAR Commission to discuss each Annual Workplan but may approve or revise any Annual Workplan in its sole discretion.
- B. The HEAR Commission shall review current City policies, practices and activities and may recommend, as it deems necessary in furtherance of its Purpose, City

Council agenda items or changes in City policies, practices and activities to ensure the fair, even, equitable and equal administration and enforcement of its laws.

- C. The HEAR Commission shall have access to all data, information or materials with respect to City policies, practices or activities as it deems necessary to further its Purpose. This information shall be provided by staff in a timely and thorough manner but 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.*
- D. The HEAR Commission may, as it deems necessary and with City Council approval, hold public meetings and forums to educate the public, disseminate information, provide access to resources or promote any issues related to its Purpose.*
- E. The HEAR Commission may, as it deems necessary to further its Purpose, establish and maintain active liaisons with City Council; City commissions and departments; other governmental or public entities; or community agencies, partners, groups, organizations and individuals.*
- F. The HEAR Commission may, as it deems necessary to further its Purpose, assist the general public by providing information regarding the appropriate process to file a complaint concerning actual or perceived discriminatory interactions between City employees and the public.*
- G. The HEAR Commission shall prepare and submit to the City Council an annual report (the "Annual Report") that summarizes its progress toward achieving its Purpose to include, without limitation, an update of current and future projects, programs and activities and an update on its performance and implementation of its Annual Workplan for the immediately-preceding calendar year. The HEAR Commission shall use its best efforts to prepare and submit each Annual Report prior to the end of each calendar year and in conjunction with its Annual Workplan for the next calendar year.*
- H. The HEAR Commission shall perform such other tasks as may at any time be designated by resolution or action of the City Council.*

33.57. COOPERATION WITH CITY OFFICIALS.

- A. The City Manager shall assign such staff support to the Commission as may be required for the Commission to fulfill its obligations.*
- B. The staff shall serve as support and advisory personnel to the Commission. Staff shall have the duty to advise, but not the right to vote.*
- C. Staff shall provide reasonable and necessary data, information and materials in a timely and fair manner, as may be required for the Commission to carry out its purpose to the extent permitted by law."*

SECTION 2. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unenforceable by a court of competent jurisdiction, the remaining portions of this Ordinance shall nonetheless remain in full force and effect. The City Council hereby declares that it would have adopted each section, subsection, sentence, clause, phrase, or portion of this Ordinance, irrespective of the fact

that any one or more sections, subsections, sentences, clauses, phrases, or portions of this Ordinance be declared invalid or unenforceable.

SECTION 3. The City Clerk shall certify to the passage of this ordinance and shall cause the same to be entered in the book of original ordinances of said City; shall make a minute passage and adoption thereof in the records of the meeting at which time the same is passed and adopted; and shall, within fifteen (15) days after the passage and adoption thereof, cause the same to be published as required by law, in a local weekly newspaper of general circulation and which is hereby designated for that purpose.

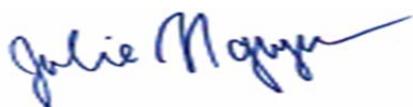
SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect thirty (30) days after its adoption.

PASSED, APPROVED and ADOPTED this 20th day of October, 2020

City of San Gabriel, California

BY: 
DENISE MENCHACA, Mayor

ATTEST:



JULIE NGUYEN, City Clerk

APPROVED AS TO FORM:



KEITH LEMIEUX, City Attorney

CERTIFICATION

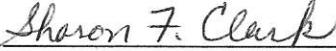
I, Sharon F. Clark, Chief City Clerk of the City of San Gabriel, do hereby certify that Ordinance No. 670 was introduced for first reading at a regular meeting on the 6th day of October, 2020, by the following vote:

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

Thereafter, said Ordinance was approved and adopted at a regular meeting of said City Council on the 20th day of October, 2020, by the following vote:

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

Dated: October 21, 2020


SHARON F. CLARK, Chief City Clerk