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**City of Oakland
Agenda Report**

To: Chairperson Henry Chang
and Members of the Life Enrichment Committee
From: Councilmembers Pat Kernighan and Nancy Nadel
Date: March 20, 2007

Re: AN ORDINANCE RE-ESTABLISHING A HUMAN RELATIONS
COMMISSION INTRODUCED BY COUNCILMEMBERS
PAT KERNIGHAN AND NANCY NADEL

Summary

At the request of Councilmembers Pat Kernighan and Nancy Nadel, an ordinance has been prepared re-establishing an Oakland Human Relations Commission. The re-establishment of a Human Relations Commission has also been recommended by two of Mayor Dellums' Task Forces. The purpose of the Commission is to provide a forum that fosters mutual understanding, respect and good will among Oakland's diverse racial, ethnic, economic, religious, sexual minority and immigrant groups irrespective of status, gender, age, or physical disabilities. The ordinance delineates the duties of the Commission, requires members to receive mediation training through the Commission and sets a minimum level of staffing for the Commission that ensures its viability and effectiveness.

The City Council is requested to approve the ordinance and an appropriation of \$366,231 from the General Purpose Fund in the 2007/2009 Budget for personnel and operations cost of the HRC.

Fiscal Impact

The yearly cost of personnel and operations, including personnel overhead charges, is estimated at \$356,231.00. The proposed budget includes the following items:

Executive Director	\$ 70,000
Administrative Assistant	\$ 45,696
Operations	\$ 20,000
Training and Promotions	\$150,000
Personnel Overhead Costs	\$ 70,535

Funding from the General Purpose Fund for personnel and operations of the Human Relations Commission has not been allocated. Upon adoption of the ordinance, the City Council will have to make an appropriation during the 07/09 budget development process.

Background

Pursuant to Ordinance No. 11595 C.M.S., the City Council established a Human Relations Commission on June 8, 1993. At its inception, Oakland’s Sharing the Vision provided staff support. In October 1995, the Office of the City Manager’s Equal Opportunity Programs Division (EOPD) was recommended as the staffing agent. This action was based on the EOPD’s organizational placement in the City Manager’s office. Historically, the HRC received \$5,000 for operations per fiscal year and limited in-kind support.

In 1999 the members of the first HRC voted to disband the Commission in large part because the Commission had no resources and staff to help it carry out its mission. The HRC was unanimously suspended by the City Council on December 7, 1999 and a Task Force was convened to review and make recommendations regarding the future purpose, direction and composition of the Commission. On November 9, 2000, the HRC Review Task Force submitted its report to the City Council. The report recommended a new mission, direction and membership composition for the HRC. Foremost in the proposal was a *recommendation for dedicated staffing and funding for operations*. The City Council accepted the report, but no financing mechanism was adopted to implement the HRC Task Force recommendations.

Key Issues and Impacts

It is the intent of the ordinance sponsors to establish a citizen body that can effectively respond to conflicts affecting human relations in the community as well as provide education to our citizens that will promote harmony, understanding and mutual respect among our diverse communities.

Oakland prides itself in its openness to diversity and the generally good relations among different groups. However, misunderstandings and conflicts sometimes do arise due to differing cultural beliefs or perceived economic competition. The city has experienced situations that require immediate intervention to resolve inter-group conflicts affecting its communities. For instance, this past summer, a concert was booked in Oakland for a very popular Reggae performer who was infamous for a song that advocates attacking and killing gay people. Though the Oakland concert was eventually cancelled due to a permit technicality, there remained a lot of anger and tension between Reggae fans and the LGBT community. It would have been very helpful to have a Human Relations Commission which could have convened a dialogue among the groups, both to deal with the immediate situation as well as to facilitate dialogue and better long-term understanding among the affected groups.

The proposed ordinance utilizes some of the recommendations made by the HRC Review Task Force. Most notable is the requirement for a minimum staffing level and sufficient funding for operations. The viability of the Commission rests on a commitment to fully fund adequate support for the work of the Commission. Members of San Francisco's very successful Human Relations Commission have advised us that without adequate funding for staff and operations, that such a Commission is doomed to fail. They suggested a minimum of \$500,000 annually. Indeed, Oakland's original Human Relations Commission disbanded mainly due to a lack of staff support for its activities.

Equally important is the recruitment of a Director with a combination of experience and personal qualities that will engage and support the HRC to do more of their work in the community and less in the Hearing Room. At a minimum, a qualified Director would have training and experience in conflict resolution and mediation as well as some experience community organizing.

Moreover, the ordinance also requires a commitment from members to become trained in mediation through the Commission and to actively participate in the Commission by utilizing those skills in the community when the Commission responds to conflicts.

Members:

The Ordinance calls for a 15 member Commission appointed by the Mayor, with a goal that its members reflect as broadly as possible the diversity of Oakland's many communities, including diversity based on race, ethnicity, national origin, religious belief, age, sexual orientation and gender identity. It is suggested that the Mayor solicit nominations to be considered for the Commission from organizations representing the various communities of interest as well as from Councilmembers. Appointments are for a three year term and individuals with three consecutive unexcused absences will be automatically removed.

Duties:

Rather than vaguely establishing duties for the HRC, as was the case in the original ordinance, the proposed ordinance specifically charges the HRC with the following duties:

- Receive complaints related to human relations conflicts. At the discretion of the Commission, and in light of available resources, the Commission and its staff will decide whether to take action on such complaints, whether by mediation, public hearing, educational forums, referral to other agencies for legal enforcement, or other means described below, as appropriate.
- Resolve conflicts through mediation, arrive at voluntary solutions designed to discourage and prevent any and all discriminations based upon race, ethnicity, religion, national origin, immigrant status, age, actual or perceived sexual orientation or gender identify, and mental or physical disabilities.
- Conduct educational workshops and hearings in the greater community to promote cultural awareness and understanding of Oakland's diverse groups or to learn about potential conflicts in Oakland's neighborhoods and schools.
- Identify potential areas of friction that might erupt into a breach of peace, and consult and advise with groups and public officials who can assist in a resolution of the issues.
- Develop a comprehensive network of people, public and private agencies that includes police, schools, churches, neighborhood and community-based organizations, to prevent and respond to prejudice, discrimination or inter-group tensions.
- Analyze the human relations implications of City policies and programs. This may include recommending measures to ensure that Oakland's programs are accessible to all eligible residents or making recommendations for City staff training to ensure culturally sensitive and efficient delivery of City services to residents with special needs.
- Develop and promote programs or activities honoring citizens who contribute to improving human relations in Oakland.
- Make recommendations regarding legislation in the area of human relations to the Council and to other governmental agencies.
- Submit an annual report of its activity to the City Council
- Become trained in mediation and conflict resolution. In addition to dedicated staffing for the commission, the members' commitment to fully participate in the Commission by receiving training is most important to the viability of the Commission.

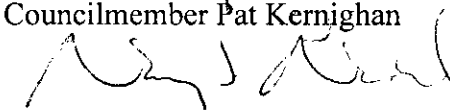
ACTION REQUESTED OF THE CITY COUNCIL

The City Council is requested to adopt the ordinance re-establishing a Human Relations Commission and appropriate \$356,231.00 in the 2007/2009 General Fund Budget for the personnel and operations cost of the HRC Commission.

Respectfully submitted,



Councilmember Pat Kernighan



Councilmember Nancy Nadel

10/1/08

CITY OF OAKLAND CITY COUNCIL

ORDINANCE NO. _____ C.M.S.

07 MAR 10 10 11 AM '08
INTRODUCED BY COUNCILMEMBERS Kernighan and Nadel

**AN ORDINANCE RE-ESTABLISHING THE HUMAN RELATIONS
COMMISSION, PROVIDING FOR THE APPOINTMENT OF MEMBERS
THEREOF, AND DEFINING THE DUTIES OF SAID COMMISSION AND
SUPERSEDING ORDINANCES NO. 11595, 11867, and 12191**

WHEREAS, one of Oakland's strongest assets is the diversity of its residents; and

WHEREAS, residents respectfully communicating with and educating each other about the differences and similarities of our cultures, religious beliefs, and sexual orientation promotes understanding and respect among all citizens and improves relationships among groups; and

WHEREAS, the City of Oakland should be institutionally prepared to efficiently and effectively respond and intervene against acts of hate targeted at any resident or groups of residents because of race, religion, national origin, disability, sexual orientation, gender identity, or immigration or economic status; and

WHEREAS, the City Council wishes to re-establish a Human Relations Commission with adequate resources to ensure the viability of the Commission and the essential work required to create harmony amongst our diverse populations; and

WHEREAS, the City Council desires to utilize the wealth of experience, energy and dedication of its residents by seeking out individuals who want to contribute time and energy to the work of the Human Relations Commission and to the service of spreading good will amongst our citizens by promoting tolerance and understanding; now therefore

BE IT ORDAINED by the City Council of the City of Oakland as follows:

Section 1. Pursuant to Section 601 of the Charter of the City of Oakland, there is hereby re-establishing a Human Relations Commission.

Section 2. It shall be the function and duty of the Human Relations Commission to:

- a. Provide a forum that fosters mutual understanding, respect, and good will among Oakland's diverse communities, including racial, ethnic, economic, religious, cultural,, sexual minority and immigrant groups, irrespective of status, gender, age, sexual orientation, gender identity, and/or disability.

b. Receive and record complaints related to human relations conflicts and violations of human rights. At the discretion of the Commission, and in light of available resources, the Commission and its staff will decide whether to take action on such complaints, whether by mediation, public hearing, educational forums, referral to other agencies for legal enforcement, or other means described below, as appropriate.

c. Through mediation, arrive at voluntary solutions designed to discourage and prevent any and all discrimination based upon race, ethnicity, religion, national origin, immigration or economic status, gender, age, sexual orientation, gender identity, and/or disability.

d. Conduct educational workshops and fact finding hearings.

e. Identify potential areas of friction that might erupt into a breach of peace, and consult and advise with groups and public officials who can assist in resolving the issues.

f. Develop a comprehensive network of people and public and private agencies that include police, schools, churches, neighborhood and community based organizations, to prevent and respond to prejudice, discrimination or inter-group tensions.

g. Analyze human relations implications of City policies and programs such as program accessibility to all eligible or staff training needs.

h. Develop and promote programs or activities honoring citizens who contribute to improving human relations in Oakland.

i. Make recommendations regarding human relations to the Council and to other governmental agencies

j. Submit an annual report of its activity to the City Council.

Section 3. Because the Human Relations Commission will actively work to prevent and resolve conflicts in the community, it is imperative that Commissioners complete mediation and conflict resolution training provided to the Commission.

Section 4. The viability of the Human Relations Commission rests on the support of dedicated staffing and appropriate resources. At a minimum, the Commission shall be served by an Executive Director and an Administrative Assistant.

Section 5. The Commission shall consist of 15 members. Pursuant to Section 601 of the Charter, the Mayor shall appoint these 15 members, which shall reflect as broadly as possible the diversity of Oakland's many communities, including diversity based on race, ethnicity, national origin, religious belief, age, sexual orientation, gender identity, economic status, and disability. The members shall serve on the commission without compensation. Members shall be appointed for staggered three (3) year terms. A majority of the members appointed for the said terms shall commence upon the day of appointment. An appointment to fill a vacancy shall be filled in the same manner and for the same term as the original appointment.

Section 6. Appointment.

a. Staggered Terms. Commission members shall be appointed to staggered terms, said terms to commence upon the date of appointment, except that an appointment to fill a vacancy shall be for the unexpired portion of the term only.

b. Length of Terms. Except for the initial appointments made immediately following passage of this Ordinance which may be for lesser terms in order to establish staggered terms pursuant to subsection (a), all appointments shall be for a period of three (3) years.

Section 7. Any member who misses three consecutive meetings of the Human Relations Commission without being excused will be deemed to have resigned his or her position and the Mayor may appoint a new member to serve in the place of such absent member.

Section 8. The Mayor will appoint the Chair of the Commission. The Commission shall meet at least once a month.

Section 9. This ordinance supersedes Ordinances No. 11595, 11867, and 12191.

IN COUNCIL, OAKLAND, CALIFORNIA, _____,
20 _____

PASSED BY THE FOLLOWING VOTE:

AYES – BROOKS, BRUNNER, CHANG, DE LA FUENTE, KERNIGHAN, NADEL,
QUAN, REID,

NOES-

ABSENT-

ABSTENTION-

ATTEST:

LATONDA SIMMONS
City Clerk and Clerk of the Council
Of the City of Oakland, California