



## HUMAN RELATIONS COMMISSION

Thursday, May 9, 2019

Community Meeting Room

Palo Alto Civic Center

250 Hamilton Avenue

7:00 PM

REGULAR MEETING

### ROLL CALL:

**Commissioners Present:** Brahmhatt, Kralik, Lee, Stinger, Smith, Xue

**Absent:** O’Nan

**Council Liaison:** Council Member DuBois

**Staff:** Minka van der Zwaag, Mary Constantino

### I. ROLL CALL

Chair Kralik: Ok, we’ll go ahead and bring the Human Relations Commission regular meeting of May 9<sup>th</sup> to order. I’m going to introduce our distinguished Vice Chair Xue to lead the meeting tonight given that my voice is raspy and we need a clear, strong leader in the meeting tonight. So, thank you Qifeng, we’ll go ahead and turn it over to you.

Vice Chair Xue: Thank you, Chair. Let’s start the roll call.

### II. AGENDA CHANGES, REQUESTS, DELETIONS

Vice Chair Xue: We’ll move to the next one; agenda changes, requests, or deletions. So, we have a proposal to move the first agenda to be the Number One since our County Supervisor is probably trapped in traffic.

Ms. van der Zwaag, Human Services Manager: Yes, he expected to be here around 7:15 so staff is suggesting we move Number Four regarding the event, Commissioner Smith that you took the lead on. If that’s ok with everybody we’d like to do that. Is that ok with you Commissioner?

Commissioner Smith: No objections.

Ms. van der Zwaag: Commissioner Smith?

Commissioner Smith: No objections.

Vice Chair Xue: Great, thank you.

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Commissioner Smith: Alright...

Ms. van der Zwaag: Then we have oral communications for things that aren't on the agenda.

Commissioner Stinger: Wait can I suggest that we limit Number Five to Recognition of Service for Commissioner Brahmhatt since I believe she will be in attendance.

Ms. van der Zwaag: I have not heard that she's not going to be in attendance but I think we can recognize the service of both, even though Commissioner O'Nan is not here. We can pass on that recognition to her.

Commissioner Smith: I think it's good to have it in the record.

Ms. van der Zwaag: Yes.

Commissioner Stinger: I was thinking we would reschedule it for a time that she could come.

Commissioner Smith: Oh.

Ms. van der Zwaag: I'm not sure that's possible so I think let's go forward with that and if there's another venue we could do it as well.

Commissioner Stinger: Ok.

### **III. ORAL COMMUNICATIONS**

Vice Chair Xue: Let's move onto oral communications. I believe all these oral communications are related to the Agenda Number One so can we wait until the presentation?

Ms. van der Zwaag: Yes, so that's what we would do. We'd wait till after that presentation so we can move onto Number Four.

[The Board moved to Agenda Item Number Four]

### **IV. BUSINESS**

#### **1. Discussion with Santa Clara County Supervisor Joe Simitian regarding possible changes to Board of Supervisors Policy 3.54 on Immigration Detainer Requests from Immigration and Customs Enforcement (ICE) and consideration of avenues for HRC response**

Vice Chair Xue: So, let's move on to the first agenda. I think our honor Supervisor Mr. Joe Simitian is here. So, for this topic, I think it's very, very important. Commissioner Lee will lead the discussion.

Commissioner Lee: Before I introduce our Honorable County Supervisor, I'm going to provide just a bit of context here, some broader context as to why this is on our agenda. You know when

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you look at the charge of the Human Relations Commission our Municipal Code charges the Human Relations Commission is charged with discretion to act with respect to any human relation matter. When the Commission finds that any person or any group does not benefit fully from public or private opportunities or resources in the community or is unfairly or differently treated due to factors of concern to the Commission included among those factors of concern to the Commission are things like social economic status, physical condition, age, sex, race, citizenship, and any other identity someone particular ascribes too. The Municipal Code gives us the authority to recommend or oppose legislation other than that of the City and to indicate whether we support or oppose such legislation. So, I just wanted to lay that sort of base framework as too why this is on our agenda. The Santa Clara County is considering revisions to its Board of Supervisors Policy 3.55 titled Civil Immigration Detainer Request. Given that this policy and any possible changes may have an impact on our immigrant neighbors and residents I thought it would be appropriate to invite our Supervisor to give us a little bit more background on it. Then hopefully the Commission will have some time to discuss if we would like to take any official position or not with respect to the policy itself or any opposed changes. So, what we are going to do is we are going to have our Supervisor give a brief presentation and then we can go to the public for public comment and then we return to the Commission for additional questions and discussion. I'm going to introduce our Supervisor, County Supervisor Joe Simitian. I think most people in this room know who he is and as some background, he started out on our School Board here in Palo Alto. I think you were elected what, (crosstalk) at the same age that I am now so you started out fairly young. You served on our City Council and also as our Mayor for a couple of years. You served on the Board of Supervisors and then in the Assembly and State Senate and are sort of on your second tour on the County Board of Supervisors. We're very excited to have you. You have a lot of experience and a lot of deep ties to the community. So, we appreciate you taking time out of your schedule to give us some background on the existing policy and what the impetus is for revisiting it and the possible changes that may come out from it.

Mr. Joe Simitian: Thank you. My understanding is that we got a call at my office and the request was could somebody from the County come in and share what was happening. I said well, I'm from the County, I could come, and so here I am. I think this is a challenging topic for conversation because it is both complicated and there are a lot of aspects to the conversations that still frankly are not terribly clear. Even though our Board of Supervisors has recently met, heard public testimony at great length and had a conversation at the Board level. What I'm going to try and do is capsule all of that in what this necessarily can be an incomplete summary and then just see if you have questions that you want to pursue that would take us down some particular path. This issue is not new and by this issue, I mean the extent to which county official, particularly in our law enforcement agencies, do or don't cooperate with immigration officials. When I say it's not new, I mean it's not new to the point where during a recent discussion with the Board of Supervisors I did something I usually don't do which is quoted myself from Board minutes. Everybody kind of nodded like yes, that sounds like you and then I said and by the way that was from minutes in 1998. So, they were literally comments I had made about this subject of cooperation, non-cooperation, what's appropriate, what's not appropriate, on an issue that's been in one way shape or form sort of before us for more than 20-years now and before there was an ICE and certainly before we had the current administration in place. There's a big overarching threshold question which is under what circumstances, if any, do we

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want local law enforcement, in this case, the county, to cooperate with federal officials in immigration matters? That's kind of the big picture red large and there are sort of two polar extremes in the conversations. I don't happen to be in either one of them. There are some folks who say you're a government agency; you should cooperate with government officials from other agencies as long as they're engaged in the lawful conduct of their duties. You should be cooperating with them in the exercise of their duties. Then at the other end of the continuum are folks who say look, one of the ways we make sure that we have the trust of the community and maintain that trust is by being very clear about the fact that our law enforcement folks are not in the immigration business. By saying we're not part of that process we should not cooperate in any way shape or form. You can think of it as a continuum; I do. You don't have to but I think it as sort of a continuum between the yep, we're supposed to cooperate virtually under all circumstances as long as it's a lawful exercise of some other governmental entity's authority and nope, not at all. I should say part of the issue in the nope, not at all camp is not only that folks are mindful of the need to maintain clear distinctions between local law enforcement and immigration officials. Also, because at present there's a particular lack of trust in the current administration and the way in which ICE is doing its work. I think you just have to be candid about that. To some extent it's contextual, it's not just a question of philosophy where are you? It's also a question of what about the current circumstances? I can tell you here I have been just so you know and sort of in the interest of full disclosure. I've always been more at this end of the conversation but I have not been an absolutist. So, when folks say are you ever prepared to provide notice to ICE about the presence of and/or the departure date of someone that ICE is interested in? What I've said is that I would make an exception to my general rule of no thank you in cases where someone has already been convicted on – I want to underscore that – convicted of a serious or violent felony. That's my position. It doesn't have to be your position; it doesn't have to be his or her positions. Just that's where I am. My rationale for that, just so you understand it, is, in general, I agree we don't want to be in a position where we are cooperating with ICE officials. I don't want to undermine the trust in the immigrant community, particularly the undocumented immigrant community, in terms of dealing with our law enforcement officials. If we're talking about somebody who is in the county jail who has already been convicted of a serious or violent felony and I have a list of those from the State Penal Code with me. Then I'm saying to myself my concern about public safety and returning that person, who's in the country unlawfully, at least according to ICE, outweighs my concerns about that ambiguity about the relationship. Now, to be clear, if it's someone who has a route traffic violation, not interested. This is me. If it's someone who's got a misdemeanor, not interested; this is me. If it's someone who's even got a felony, not inclined to go down that path but if it's someone who's committed and been convicted of a serious or violent felony who is in our system and ICE is saying we want to know when that person is being released because we want to pursue them on immigration matters. In those limited cases I am prepared to cooperate with ICE officials. I think the public safety concern there is great enough that for me it out weights the concerns I have about keeping a clear separation. Again, we've got a lot of folks who are saying absolutely, positively no way. We've got other folks who are saying hey, you should be cooperating with law enforcement, you're a public agency. This issue flared up again unfortunately in a very difficult circumstance in the aftermath of the Bambi Larson murder in San Jose a couple of months ago. That means that the conversation has been somewhat inflamed by people's passions. That's not always the best time to have these conversations. It is made more confusing. I apologize but you asked and so I'm going to share it with you -by the fact that the policy that we have on the books is really a

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dysfunctional policy. The policy that we have on the books says that we will actually cooperate with immigration officials and in fact detain people, never mind notice ICE, that we would actually detain them. If we have an agreement with ICE that says they'll cover the cost of incarceration while we detain them, hold them, waiting for ICE. Was that at all clear to you or if I need? No, I need to do it again, thank you. I'm just – that's why I'm asking. What our policy says and there's a reason why our policy is dysfunctional. It says we'll hold somebody as long as we have an agreement with ICE that they'll pay for the cost while we are holding somebody. Now there are a couple of problems with that current policy. The first is that in the last half dozen years the courts have made it clear that you can't actually hold somebody. So, that's just a legal problem with the policy that we have. The second is we don't, to the best of my recollection, ever have had an agreement with ICE saying that they will cover the costs. So, we have a policy on the books that says here's how we'll behave as long as we have an agreement but by the way, wink, and a nod, we know we're never going to have such an agreement. Then to make it even more complicated we've had a change in California Law since this policy passed back in 2011 and this is the time I get to say when I wasn't even on the Board of Supervisors. The policy was passed back in 2011 or maybe 2012 forgive me when I wasn't on the Board. Since that time there have been at least two significant changes in state law; the California Trust Act and the California Values Act; which have made the policy sort of even more obsolete if you will. It probably should, my judgment, be changed. It probably needs to be changed because, at this point, we're not in conformity with state law anyway. Then the question is if you're going to sort of taking a deep breath and say how can we change the policy? What should the policy be? I think most of my colleagues and I are on the same page that we're talking on about notice now to ICE, not detention. Then the question is, under what circumstances, if any, would we provide notice? Now we're into another complicated discussion about who knows what and when do they know it because they have access to which database? So, we have our databases at the local level, there are databases at the state level, there are databases at the federal level, and we're into CLETS and CGIC and a host of other jargonistic terms. Where I am in this conversation is, I'm prepared to say if we get an inquiry from ICE, do you have Sam Smith there and if so when is he going to be released because we have an immigration matter to pursue? Sam Smith is a convicted serious or violent felon and we're talking rape, murder, robbery, and forty or fifty other crimes if you want to know what they are. Then I would be prepared to say yes, we'll provide notice for lesser felonies, no; for misdemeanors, no; for traffic offenses, no but for serious or violent felonies, yes. I do not know where our Board is. We had a preliminary conversation on this a few weeks ago at the Board. It was interesting because we had one new Board Member. She ended up saying leave the policy alone because that's just where she was. Interestingly Supervisor Cortese and Chavez who had been historically supporters of our current policy, which defecto did not involve any cooperation, voted on a four to one vote along with Supervisor Wasserman and myself. The four of us voted to say why don't you come back to us and give us some options about under what circumstances we would provide notice. We were mostly focused on serious or violent, although there was some discussion about other crimes as well. Last thing to say is the conversation was hampered by the fact that we did not have representatives from either the Sheriff's Department or from ICE actually present while we were having the conversation. Since the Sheriff's Department is responsible for running the jail which is where these folks are and since ICE is the one who's saying they wanted the information. It was a little hard to have what I would call a full discussion because you don't have some of the key players here and there are just some important factual details about how the system works and who has access to what that

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we didn't have. I'm guessing you're totally confused now if not all together frustrated but that's the best I can do on giving you 20-years in 5-10 minutes.

Commissioner Lee: Before we go to questions can I ask how much time do you have with us this evening? I want to be sensitive...

Mr. Simitian: I have as much time as you want.

Commissioner Lee: Ok, with the consent of the Chair, if we could do public comment first and then come back with questions?

Ms. van der Zwaag: If you can determine how many...

Commissioner Lee: There are seven of them. Ok, so can we do 3-minutes each? So, we're going to go to public comment first and if each person can limit their comments to 3-minutes and you can ask questions; the Supervisor may not necessarily answer them during your public comment but a Commissioner may decide to ask those questions during our discussion time. So, if you ask a question during a public comment just know that it may not be answered then but one of us may bring it up during our discussion. So, we're going to start with Jerry Schwarz.

Ms. van der Zwaag: And sir can you go to the microphone right here.

Mr. Jerry Schwarz: Yes, I'm on my way.

Ms. van der Zwaag: Ok.

Mr. Schwarz: How much time do I have?

Commissioner Lee: 3-minutes.

Mr. Simitian: Do I stay put? Ok.

Mr. Schwarz: Hi. My name is Jerry Schwarz, I'm here representing FIRE which is a coalition of immigration rights of immigration-related organizations and I have been involved in this since the original policy was put into place. I remember being in your office talking about it at one point but maybe it was later when the revision was up. So, FIRE's position here is that we do not want collaboration between the jail and ICE. I have been calling it the messiest policy in existence is not really an issue. The effect of the current policy is there is no cooperation between the jail and ICE. Everybody agrees that that's the effect of the policy. If cleaning up the words is fine with us if, in fact, that remains the policy. The importance of the policy is basically the impact on the immigrant community of knowing that ICE is or knowing that the Santa Clara County jail is cooperating with ICE. Now the Supervisor has made a case that or in some cases, he believes that's appropriate. Those cases are not going to be easily distinguishable in the community. They're going to hear that the jail is cooperating with ICE; is letting ICE in. One point that the Supervisor did not explain is that what ICE is asking for is not just information about when the person would be released but they are also asking for the person to be transferred

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to their custody when they are released and this would involve them coming into the jail and there be some process. I believe that is what the Supervisor has asked for also included a request for any revision to include a process by which that could be carried out. The FIRES position, FIRE incidentally is Force for Immigration Rights and Empowerment. FIRE's position is that this would definitely harm the relations between immigrants and especially undocumented and them.

Commissioner Lee: Thank you very much. We're going to go to Rabbi Amy, is it Eilberg?  
Eilberg.

Ms. Amy Eilberg: Very good. I am Rabbi Amy Eilberg, I actually live in Los Altos and part of a Congregation Kol Emeth in Palo Alto and I work for Faith in Action Bay Area which serves the counties just to the north. I speak to you as the daughter of an immigrant. My mother came to this country as a young child with her family from the Ukraine at a time when US law made it very difficult for Jews to come into this country. They needed to leave Ukraine because it was a difficult place to be a Jew. I speak as a Jew who carries in my bones the teaching of Jewish sacred text and the teaching of Jew history which is that we have been the people who have been impacted, who have been hated, who have been banished, and who have been exiled. So, we must always, always stand as champions of those who are being targets and marginalized in the times in which we live. I speak as a resident of Santa Clara County. I lived here for a long time, then moved away, then came back and as a resident, I'm tremendously proud that Santa Clara County is a model for the nation in its resistance to cooperation with ICE. Which in this current climate I fully agree with the Supervisor on a number of things but context matters and we are talking about the current context in which ICE is seen I think correctly as an agent of tremendous fear in the lives of immigrants. I ask you Commissioners, please, to oppose turning back the clock on that truly enlightened, inclusive, embracing policy. I ask you not to ad to oppose adding more terror to the lives of immigrants who are deeply frightened. I mean I'm frightened as an American citizen too but they are truly frightened sometimes beyond what is realistic but who can blame them given the context in which we live. You can choose to make them more frightened or not. You can choose to compromise whatever trust remains that they have in law enforcement which is also a public safety issue because the less trusting immigrants of law enforcement the less they will feel free to report what they know. Of course, public safety is a tremendous value. I want to ask you to assert that that's the job of law enforcement, that's not the job of ICE especially when ICE is such a powerfully negative actor. I believe that everyone here is acting in good faith but this changing the policy could unwittingly have the country cooperating with hateful forces and I ask you to oppose that.

Commissioner Lee: Thank you very much, Rabbi. We're going to go to Louis Newman.

Mr. Louis Newman: I should know better than to ever follow my wife when she's speaking. I'm Louis Newman, I'm a professor of religion by training, I'm currently the Associate Vice Provost for Undergraduate Education at Stanford. I have just a few points I want to make. I want us all to consider the question and it's a question I've written about, of whether we believe it's possible for those who commit offenses to also engage in repentance? To turn their lives around and to overcome whatever forces led them to the hateful acts that they committed in the past. I believe that is possible. I think there are plenty of us who've seen evidence of it and I want us to

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consider whether the policy that we're considering would take people who may have committed violent offenses, been convicted of them, served their time for them, and now are being held on some other minor charge. Would they not then be susceptible to the policy that ICE would want them turned over because of their past conviction; for which they have served time; which may be some years in the past and of which they have fully repented and now be living fully, lawful lives? Secondly, I want us to consider, especially in the context of the lovely report that we just heard before this conversation began, about including people in the community and encouraging young people to feel like they're apart of this community no matter what their background. I want us to consider the level of fear and xenophobia that is ramped in our country at this time. That is the context in which we are making this decision. We cannot ignore the fact that to turn anyone over to ICE under these circumstances is to unravel the fabric of the community which is already under threat by forces all the way through our government. Finally, I want us to consider does anyone here have confidence that the way in which ICE operates, the way in which our immigration laws function is fully fair and fully just? If we lack confidence in any measure about that then when we turn someone over to a broken system, are we not complicit to the deeds of that system? So, I ask you to consider what is at stake when we make these choices? What is at stake for our community? What is at stake for our sense of belonging and what is at stake for the sense that a person from the past is being accountable, perhaps for things of which they have repented and moved on? It's time for us to move on and let them be. Thank you.

Commissioner Lee: Thank you very much, Louis. We're going to go to, is it Kativska Pimentel? Did I get that right?

Ms. Kativska Pimentel: Yes, Kativska.

Commissioner Lee: Welcome.

Ms. Pimentel: Hello everyone, good afternoon. My name is Kativska Pimentel, I'm with a community organization called SIREN. I would like to urge the County Human Rights Commission to make a recommendation to the Board of Supervisors that opposes any collaboration with ICE under any circumstances. As someone who is directly impacted and as a community organizer, I know firsthand what the trauma and fear of the presence of ICE in our community creates. All country residents should be treated equally, regardless of your immigration status. Collaboration with ICE will increase the harm and trauma to the immigrant communities locally. All victims are witnesses of crimes need to feel safe coming forward and this is especially true for the most vulnerable within the immigrant and refugee communities. ICE is an organization whose whole job is to target the tame and deport immigrants and refugees. ICE has a long history of violating immigrant rights, including refusing to provide medical care and separating children from parents. By collaborating with ICE, the county will send the wrong message to the community and support ICE in deporting our community members. More than 22 people have died in ICE custody without any accountability. Notifying ICE about any individual is a specific decision to assist the deportation of that person. That means the county has decided to impose the punishment of deportation on that person on top of whatever criminal sentence they've received from a judge or jury by using county resources or money to notify ICE that could be used for other county services that are much needed in our community. Regardless of how the communication works or what the circumstances might be,

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even with notification the county would be facilitating that the deportation of our community and doing the job for them and doing jobs – like the job for ICE for them which the county has pledged not to do. The consequence of collaborating with ICE would be detrimental to our local communities which already live in constant fear of deportation. Deportation have an impact on the whole community; families will be separated; children will be left without parents; creating more harm and destruction in our communities. So, urge the Human Rights Commission to recommend no collaboration with ICE under any circumstance. Thank you so much.

Commissioner Lee: Thank you very much. Next, we have Patti Regehr.

Ms. Patti Regehr: Hi, I'm a resident of Palo Alto and I want to thank you for taking this time. It's a really important issue. I just want to say thank you and I hope that you make the right decision because my daughter is a kindergarten teacher in East Palo Alto. She's seeing what ICE has done to the parents and the students and the fear where parents don't want to drive their kids to school anymore or they don't want to go on the field trips because they're fearful. I've seen students in Palo Alto who are graduating who are an undocumented person and are wondering what's going to happen to them. I am a Rapid Response person which is I'm called if ICE in a neighborhood and I've seen what happens to these families. I also was on a march last week when the Mountain View police came to this march in Mountain View saying we are here for you and he was giving them the trust to people. I think that as a group we have a responsibility and pride to say we won't do this to our community and to other individuals. My parents came as during the gold rush not the gold rush but the dust bowl in California and they were treated really poorly. My mom is 97-years old and her first boyfriend after my dad died was from Armenia and he came as 9-year old illegally because his parents were murdered in the Armenia genocide. I just think as a community we really need to think about what we're doing and take pride that we're sticking up for each other.

Commissioner Lee: Thank you, Patti. Next is Jasmin Martinez.

Ms. Jasmin Martinez: Hi, my name is Jasmin Martinez, and I'm a Stanford student here to stress that the potential collaboration with ICE has raised intense fear on our campus community with our students as well as our campus workers. When there's fear to seek justice, we lose an opportunity to support our victims and we lose an opportunity to work with witnesses. At the end of the day, this becomes increasingly unsafe for all of us. ICE is a dehumanizing and harmful actor in this community and in this country. As a member of the Palo Alto community, our resources can go toward creative initiatives to foster the feeling of safety for members. We shouldn't be using our energy, time, and money to be doing the work of ICE in this county. Also, to mention back on something else that was mentioned, if someone is doing time in prison now, to see them serve a double sentence is just inhuman. I wouldn't want to see this county enact that human rights violation. All of this at the end of the day is a choice and one that I hope isn't made today. I urge the Human Rights Commission to recommend no collaboration with ICE under any circumstances.

Commissioner Lee: Thank you, Jasmin. We have one more but are there any other people who arrived late who would like to be added to the speaker list? No, ok, then we will go with Tee Hoatson.

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Ms. Tee Hoatson: Oh, you got it right. Hi, I'm Tee, I (inaudible) pronouns, I'm a student at Stanford University and I would like to urge the Human Right Commission to recommend no collaboration with ICE under any circumstances. I heard the rhetoric of public safety being used and I want to urge you all to consider what we mean when we say public safety, to whom it applies, and where it is applying? When we prioritize the public's safety of folks in our area or one specific segment of the population over another segment of the population it's unjust and goes against the morals and values that I would hope this Commission upholds. Specifically, I want us to think about who commits violence, why and what cycles of violence drive people to do, what it means to punish someone instead of working on providing resources for them to overcome a history of trauma, and violence and to contribute meaningfully to this society that they're in. I would also like to consider the Bambi Larson case. If we look at what actually happened, the person who killed that woman was on a particularly nasty drug that ruins lives. That infests communities and kills people it leaves my friends and families in a dark corner alone without love. I would say if you're going to punish somebody for being a situation where they're engaging in a really harmful addictive behavior instead of rehabilitating them, that's sick and it makes no sense. It encourages violence elsewhere. It does not improve public safety and it doesn't create safety for the people who are most at risk. Lastly, I would like us to consider what happens when victims of the crimes, the rape, the murder, the robberies, are themselves, undocumented immigrants. What happened if you have to report somebody who you know is an undocumented immigrant like yourself and you know when they go to jail and when they get out ICE is going to be waiting for them? What do you think that does to the victims who are actually seeking safety and community and existence from this county? So, with that, I'd like to urge the Human Rights Commission to recommend no collaboration with ICE under any circumstances. Thank you.

Commissioner Lee: Thank you very much, Tee. So, we're not going to go back to the Commission and I think we're going to start with a question. If I have the permission of my colleagues, I do have some questions that I would like to ask which may help clarify some things. I spent most of the day reading up on this and it's very complicated. So, if that's helpful to my colleagues let me begin with some clarifying questions to the Supervisor. I guess the first question here, one of the aspects of the existing policy is this question regarding civil detainer request by ICE. So, my understanding of what that means is that if ICE where to come and request that the county hold someone in a county jail for an additional 24-hour period or some other period beyond the time that they would get out of a county jail the county, under the existing policy, would only honor that request to hold them for an extended period of time if the county and ICE had entered into an agreement wherein ICE would reimburse the county for those services. Is that understanding somewhat correct or?

Mr. Simitian: It's certainly my understanding. I want to be careful about how I answer these questions because I frankly when I asked a number of these same questions at the Board meeting. It was tough sometimes to get good clear answers but what I would say is yes and that's why there are two problems with this particular existing policy. I understood the argument somebody made which is A) even if the policy is upside down it's still working the way they'd like it to work. I heard that and I got it but there are two problems with the policy. One is that it's always been disingenuous at best because we've never had and never will have a reimbursement

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relationship with ICE. So, we say we do something if we have a reimbursement relationship with ICE except, we've never had and never will. The detainer language from 2011, and I'm noting here was adopted on October 18<sup>th</sup> of 2011, again prior to my return to the Board, was prior to a series of court cases that have now made it plain that you can't detain people anyway.

Commissioner Lee: Ok, so what I'm hearing is on paper the county has said that they would only honor these requests if certain factors happen and in practice that hasn't happened. We don't anticipate it happening so what's in writing and what actual practice is sort of are not in sync.

Mr. Simitian: Yes, but, and even if it did happen then I'm not sure what the county... (crosstalk)

Commissioner Lee: Yes, (inaudible) (crosstalk)

Mr. Simitian: ...would say because not the county would say we can't hold these people. The courts have said you're not allowed to hold the people. That's an unlawful detainer so.

Commissioner Lee: That was going to be my next question so let me just finish up this one.

Mr. Simitian: I apologize; I want to interrupt with just a couple things to be mindful of. There is this question of what the county policy is. The sheriff, is herself, however, an independently elected official so that's something that those of us who are Members of the Board Supervisors sort of need to be mindful of. She runs the jail, she's the sheriff. Similarly, there are independently elected officials who're the District Attorney who's part of this conversation as well. I just sort of want to underscore that we're not the only players in this conversation.

Commissioner Lee: So, the practical effect of the policy, given everything that's going on, is that currently, the country does not honor these detainer requests even though on paper it would in circumstances. I think that's clear so I understand the need to perhaps update the policy to mirror the effect that I think we all agree should be a continuous effect. You mention the updates in state law since this policy was first adopted in 2011; both the Trust and Values Act. My understanding of those bills is that they sort of set a floor as opposed to a ceiling to what is possible in terms of local collaboration with ICE. Is that a fair characterization?

Mr. Simitian: I think the way I would restate it is to say that they provide the authorization to local governments to limit their cooperation with ICE but do not preclude local governments from limiting their cooperation to an even greater degree. In fairness I was not in the legislature in 2013 when the Trust Act passed or in 2017, I believe when the Values Act passed; it might have been '16. I was in the legislature in 2012 when the first version of the Trust Act passed and just for the record, I voted for it because I wanted to provide that authorization to local governments but Governor Brown vetoed the bill which is why it came back in 2013 in another form.

Commissioner Lee: So, those two bills sort of provide local jurisdictions with permission not to collaborate with ICE in certain circumstances. It provides them the discretion to do so if they choose to do so, I think particularly with regard to serious and violent crimes. So, it sort of sets the floor of at which cities and counties could collaborate but it's certainly not a ceiling, right?

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So, my understanding of the existing county policy is that it goes a step further than the state law and as a permissible further step under it; the Trust and Value Act.

Mr. Simitian: I think what I would say there really isn't a proposal pending at the moment because we're waiting to hear back from staff on what the range of proposals is. If, however, you said let's provide notice, not detainer but notice when requested to do so with respect to serious and violent felons. That would be actually much more limited than state law allows for but it would not be as limited as don't cooperate at all which some folks have advocated.

Commissioner Lee: But both options are permitted under state law?

Mr. Simitian: Yes, as far as I understand it.

Commissioner Lee: It's a matter of choice by each jurisdiction.

Mr. Simitian: As far as I understand it.

Chair Kralik: Yes, I just first want to say thank you so much for coming tonight. You appointed me to my first Commission which was the Human Relations Commission in the county and I wanted to thank you for doing that. The comments tonight were really fabulous. I mean I think they hit a lot of nerves and they really, I think, represent the pulse of people who have a lot of good intent here in our community. I wanted to ask just a general question about the process to staff and how you saw our Commission as giving input to that process? In particular, I noticed a lot of questions here in the comments about public safety and the idea that immigrant communities who cooperate with local police actually enable safety but if they fear that there is a problem with that cooperation, they may be harming themselves and others in their communities. I happen to be Hearing Officer of the Superior Court doing mental health hearings and from time to time we do encounter issues that relate to immigrant communities and people seeking mental health services as well; which I think impact. One of the speakers talked about the misuse of drugs and treatment for that. People might be reluctant to seek treatment for various reasons as well but if you could just kind of frame it a little bit in terms of what is the process that the county is undertaking? How does this HRC fit in and how can we be productive as a Commission in giving input to your thinking about this?

Mr. Simitian: Mr. Chairman, I'm going to take the opportunity with, your permission, to elaborate a little on some of the comments that were made and, in some ways, respond to some of the things that you heard tonight. I want to underscore this again by saying I understand the different points of view; I generally respect the different points of view but I don't see this as the binary choice that many people obviously do. Let me be perfectly clear, either you are cooperating or you're not. Ok, I get that. It's not how I see it and I want to try and provide a little clarity about that because it goes to the context that the Commissioner's just asked me about in terms of how you might weigh in on this. Obviously, whatever judgment you wish to make, we'll make sure that it gets fixed into the process and gets heard. The first I want to say is, just because I want to make sure that my position is not misunderstood and I very much appreciate the respectful way in which people offered their comments. You should know that I have said for 20-years that this country has a broken immigration system. You know should know that in my

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view our immigration system is sort of built on a foundation of fiction and hypocrisy and that's why it's broken. The failure at the federal level to confront that broken system is why we're having the conversations that we're having right now. Depending on who you ask there are somewhere 11-million folks in the county who are undocumented. Now there's a question should any of them ever be deported? My view, in general, is that the fact of the matter is that most of the folks who are here are here because they came for a better life for themselves and for their families. That frankly, only defends my sensibilities. I think in many ways it's something that's very familiar to us all depending on our own personal stories. You heard somebody mention the Armenia genocide, I'm here because of the Armenia genocide. That's why my grandparents left and so we've got 10 to 11-million people who are here who "undocumented". The fact of the matter is our economy depends on their participation in the workforce but we sort of say don't come unlawfully on the one hand but then say please come, we desperately need you to be in our economy. That's just one of the many examples of the fictions and hypocrisies that I'm talking about. Having said that as I said, another question is do you ever deport anybody and what I would suggest to you is that while for the most part, we've decided we're not going to enforce our immigration laws. That the one time that we should be open to enforcing our immigration laws are when someone has committed a serious or violent felony. That's a distinction I am prepared to make. You may not be prepared to make that distinction. I understand it. Other folks have argued against making the distinction. I understand it but if ever anyone is going to be considered for deportation, it's someone that has not only entered the country unlawfully but who has committed a murder, a rape, arson, bank robbery, kidnapping, grand theft involving a firearm, carjacking, mayhem, continuous sexual abuse of a child, rape, spousal rape, extortion. These are just some of them

Commissioner Lee: Supervisor, can I ask you a clarifying question?

Chair Kralik: Can you wait until he finishes.

Mr. Simitian: So, again, you don't have to share that view but that's my view. When we ask ourselves what's in the interest of the immigrant community, I don't think it is in the interest of the immigrant community to send folks who have committed these acts back into those same immigrant communities. Let's not kid ourselves; the folks who are going to bear the brunt of this kind of behavior are folks in the immigrant community from which these undocumented folks have come. I also want you to know that when it comes to ICE, I'm no supporter. I'm no champion and I said as much at the Board of Supervisor's hearing. In fact, there was a case just recently settled by the Washington Attorney General involving Motel 6 and the fact that folks at ICE were meeting with folks at Motel 6 and getting names, license plates of folks who staying in Motel 6's in six different communities. So, you don't have to persuade me that ICE is a bad actor. That being said, that's why I have supported funding at the county for Rapid Response Programs and I think the person who is active with Rapid Response knows I've been an advocate for that program from its foundations. It's why I've also supported legal defense for folks who are part of the immigrant community because when somebody comes knocking at the door, I want them to have the right to an adequate defense. If you're asking me do I think that the binary choice is an artificial one, I do and if you're asking me do I think the time I want to set aside the binary choice is when we have folks who have not only come here unlawfully but then have engaged in the most extortionary unsavory behavior, I do. As to how you weigh in, I think very

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simply a letter to the Board of Supervisors. You could send it either to your District Supervisor, that would be me or you could send it to the President of the Board of Supervisors that would be me. We would make sure that it was shared with all five Members of the Board of Supervisors for consideration at part of the debate the next time this issue comes up. I cannot guarantee it but my expectation is that this is likely to come up at our first meeting in June which I think is June the 4<sup>th</sup>. Let me ask Antonia who's with me to double check that date. That should be the first Tuesday in June yes.

Ms. Antonia: Let me look that up.

Mr. Simitian: Thank you and so if you get us some communication prior to that, the sooner the better, and we would then share with everybody who is there. I heard the Rabbi; I respect the Rabbi but when the Rabbi talks about that we need to be champions of those who are being targeted or marginalized. The folks I'm describing are not the folks who are targeted or marginalized. These are folks who have come here, having had the benefit of folks saying we understand why people are drawn to this country and want to make a better life for themselves, have chosen to take the opportunity and engage in the behaviors that I've described that are serious or violent felonies. In those cases, you know what I think.

Commissioner Lee: I wanted to ask a clarifying question. So, you talk about this category of folks who've committed these serious and violent crimes. Just for clarity purposes, these individuals have served their jail time for further crimes, right?

Mr. Simitian: They have.

Commissioner Lee: Ok so I just want to make sure that is clear. That we have an understanding that these are folks that have served their time as prescribed under the law for the crimes that they have committed.

Mr. Simitian: Yes, but they have not been processed in terms of deportation because for the most part, we've said as a country, we want to look the other way on deportation matters. I support that for the most part.

Commissioner Lee: Ok, thank you very much.

Commissioner Smith: Thank you so much, you didn't have to come here. You could have sent somebody and we appreciate your time and the patience working with us. A couple questions on the idea of being convicted and most of the convictions that you've just stated, if you're convicted, you're probably away for 20 to 25-years, is that correct?

Mr. Simitian: I don't think so.

Commissioner Smith: But it's a pretty long time.

Mr. Simitian: I don't think so.

Commissioner Smith: Ok. If the person has served their time and they got out of jail 20-years

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ago and they get pulled over today. In your mind do you think that's an appropriate time for the county to call somebody on them? How do you make the judgment of somebody that has been rehabilitated versus somebody that is a constant violator?

Mr. Simitian: This has been the subject of some discussion and I think one of the comments you got referenced the fact we've taken this matter up since I've been back on the Board in 2013 three times now. It keeps coming back and we keep having it come back. At various times there have been proposals that have said only if the conviction was within the last 10-years for example and folks have tried to parse it that way. There's no magic to any cut off point in my judgment. For me, serious and violent felonies is a place that I'm comfortable saying, you know what, in that case, I'm prepared to cooperate. Others have said what about other crimes against women or children which may not be categorized as serious or violent felonies within the California Penal Code but nonetheless are repugnant to us. Other has said well, they may be serious or violent crimes but to your point, it may have been a long time ago. When I talked to the DA about these issues, he tells me we're probably talking about maybe 100 cases a year. I think that's his best estimate based on talking...

Commissioner Smith: Define 100. Is that 100 serious violent crimes in total or long term?

Mr. Simitian: That's only something like 100 people. Again, it's his estimate and it's only an estimate and it's based on a large part on talking to other counties based on sort of what they ended up finding as they have had some measure of cooperation. The construct that is most discussed at the moment is if ICE said to the county – thank you, Antonia. If ICE said to the county hey, we think you've got someone in your system because we've looked at the database, which is in our system and who we think requires immigration action. Would you please notify us when they are being released so that we can effectuate a pickup? Then if our policy was to do that only when asked by ICE for someone with an immigration matter pending and only when our folks could then determine from the record that there was a serious or violent felony conviction. The estimate is that that's 100. I can't really vouch for the estimate because it's not my estimate. I'm mostly just reporting to you what I've been told by the District Attorney.

Commissioner Smith: Someone from an immigrant background and I'm no angel, right? So, I had things when I was a teenager that would be considered a felony. I got a fight, it's an assault and up until 3-years ago if you arrested me, even though I'm a Reverend you would have deported me based on that law because assault is a felony.

Mr. Simitian: Excuse the interruption...

Commissioner Smith: Yes.

Mr. Simitian: ...but it may not be a serious or violent felony of which there's a specific list. So, one of the reasons I thought the Bambi Larson case was really unfortunate context in which to have this conversation, in part just because it just inflames everybody, for example, people say if you had you enforced such a law then this never would have happened. Actually, I'm not convinced that that's the case because there wasn't a kidnapping conviction. There was a lesser offense following a kidnapping charge. So, the list of felonies is very specific and you'd have to

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kind of look through the list in the Penal Code. A “mirror battery” or fight might not have been sufficient.

Commissioner Smith: But I worry about the challenges – coming from an immigrant community and hearing doctors and lawyers in the Jamaican community in New York, it’s almost at a mythological level where a guy that jumped a turn style when he was 18 and got arrested, they caught him and now he’s being deported after he spent 20-years of being a great plumber. That was a story I heard in 1995 and I worry that particularly people that have served their time and particularly people that have been engaged in the community. How do we protect the best of our democratic values? Particularly for an African-American perspective, we have seen the idea of a convicted person use disenfranchise voting, use to push people into structural poverty because of the lack of the right to vote and the lack of being able to get a job because of a conviction. So, that brings a very big red flag for me. That’s why I’ve been more worried you have to make a ruling on this so I think we can’t have a disingenuous law. If laws are disingenuous then we don’t need laws at all so I agree that this process has to happen.

Mr. Simitian: Let me just interrupt and say, there’s something that we agree on, and I think it’s important that we underscore that. That when you have a disingenuous law, it undermines the people’s confidence in the rule of law and that’s not good for anybody so I just want to call that out.

Commissioner Smith: But what I find interesting is in Florida they just returned a right to vote to those felonies that have served their time because it disenfranchised them as a person. I believe that if somebody has served their time until we put them back in front of a court of law, we shouldn’t be able to make that judgment that these things happen. I think that’s really my tension with this case. Tom, I want to use you as an example so sorry – and we say Tom did one of your lists and he did something 10-years ago and he did it on that list and he’s an immigrant here. We have decided that we are going to convict him instantly of the second charge because we arrested him for something. Now he suffers the deportation or he suffers ICE.

Mr. Simitian: I would flip the paradigm; you don’t have to but I would. I say look, we’ve made a judgment that is a compassionate one and to be clear, I believe in restorative justice, I believe in rehabilitation, I believe re-entry programs that try and move people out of the criminal justice system back into the community. I was in the state legislature when we had a 70 percent recidivism rate. That is a failure by anyone’s measure so on that we have much common ground. Here’s the way I would flip the conversation and again, you don’t have to and I’m not trying to persuade you or the folks who spoke. I’m just trying to make sure that before I walk out of the room my point of view is fully understood and articulated. My view is we’ve said you know what, we’re going to look the other way for 10 million people and I think that’s a compassionate policy. I also think it’s a wise policy but I’m prepared to look the other way for the fact that 10 million folks are in the country unlawfully. That being said, I’m not prepared to look the other way for the hand full of folks, the handful, who having had the benefit of us all looking the other way, then engaged in a serious or violent felony; a truly heinous crime. These are not nickel and dime offenses, these are truly heinous crimes. Nor am I prepared to say now I want you to go back into the community. I heard what you said, did they pay their penalty? They did but there are a lot of folks who say you know if you’d done your job on immigration in the first place they

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wouldn't have been here. Now you and I have a different view on that. You and I say you know what; we can't punish 10 million people because that handful is among them but once that handful behaves in that way then I would argue we have an obligation to say we can no longer look the other way. The question you all will have to answer, just as I have to answer all these questions, is when someone says, let's see if I got this right. When someone is in this country unlawfully and commits murder, rape, or mayhem. You don't want to cooperate with their lawful deportation; you want them to go back into the community? If your answer to that is yes but that's just not my answer; again, I respect the fact that different people have a different point of view on this. One other piece that I want to share and I'm making this argument on what I believe are the merits and you all have made the argument on what you believe are the merits. I want to ask you a political question as well which is, doesn't this undermine the support that most American's are prepared to give to the 10-million people who may be in this county who are undocumented because they'd like to say these are good, hard-working people who came here to better their lives and their families lives. It becomes harder and harder for them to take that view if they feel like what we're doing is turning folks who behave in this way back out into the community. I actually think it undermines support to take such a hard line on this issue.

Commissioner Smith: Thank you so much.

Mr. Simitian: Thank you.

Chair Kralik: I just wonder if you could talk about some of the pressures that you're under as a Supervisor. I mean are there, for example, pressures from the federal government on the Santa Clara County when you make a decision to cooperate or not cooperate with ICE under any circumstances? Maybe you can just kind of speak to that and how that's factored into some of the decision making that you're going to undertake.

Mr. Simitian: Sure. I can't speak for any of my colleagues, I want to be very clear about that, and respectful of the fact that each one of them speaks only for themselves. Here's what I can tell you about my own circumstance as one member of a five-member governing body and as individually as an elected official. My best judgment is my best judgment and it has nothing to do with the pressure I feel from anyone whether that's the federal government, the state government, the body politic, my constituents. I'll give you an example, I supported driver's licenses for undocumented immigrants 20-years ago when I was a new member of the California State Legislature and long before Hilary Clinton, all due respect, when she was on the issue. People would ask me in this very City Hall when I did Town Hall meeting what part of illegal do you not understand Assemblymen Simitian? I would explain why I thought we were all better served by having driver licenses in the hands of undocumented immigrants. In fact, all these years later I have pushed for funding for such a program at the Mountain View Day Worker Center so that people who are undocumented can get drivers licenses and participate more fully in the community. My point in telling you that story is not that you should agree or disagree or agree or disagree with me on this issue of cooperation on immigration matters with federal officials. My point is, you know what my job is to make my best possible judgment so here's what I'm going to say. If you just think I'm wrong, I hope you walk out of the room today and say gee, he seems like such a sensible guy. I wonder why he's wrong on that issue or gee, he seems like a guy with fundamentally good values. I wonder why he's wrong on that issue. The

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one thing I won't tell you is that I'm affected by pressure from anybody. This was my view 20-years ago, that's why I started by telling you I read the minutes from 1998 when we had a similar discussion believe it or not before there was an ICE; back when it was INS. I think I said at the time, it's the only federal agency that I have ever characterized as being institutionally racist which is not a term that I throw around casually. There is no pressure in the sense that might there be consequences? Yes. I mean we've been threatened by the federal government, the Trump Administration, with withholding federal funds that are (to which Santa Clara County residents are entitled) they're your tax dollars. Send them to Washington, they should come back fair and square, and the federal government has said well if you're a sanctuary jurisdiction, which we are, then we're not going to allow you to get those funds. Our Board voted, 5-0 myself included, to sue the federal government and we've been successful so far in making the case that those funds belong to Santa Clara County residents and you don't get to tell us we have to cooperate in any way in order to receive funds to which our constituents are entitled. So, you know, that's – at one point we thought it might be 2 ½ -3 billion dollars of our 7 ½ billion-dollar budget so I guess you could call that pressure but my point is, the pressure, for me that's not an issue. I'm going to make the best call I can and if you think it's the wrong call, I respect your right to think it's the wrong call. If you think it's the right call then I'll say thank you very much.

Commissioner Lee: Commissioner Brahmbhatt you had some questions?

Commissioner Brahmbhatt: Do you want to? I really appreciate you sharing your views and being honest as to what are your personal views versus what was decided with the Board. I'm a product of legal immigration and I also appreciate when the system doesn't work and the law doesn't work the society suffers. I'm with you and with Commissioner Smith that the law has to be accurate and reflect what is being practiced. So, my concern was because you are saying this was only for illegal immigration, people who are undocumented, so even for legal immigration you have to answer those questions. Have you ever been convicted of this? Have you ever been this, this, this and then you have to click no, no, no, no in everything? If there's a yes in one of them your Green Cards gets rejected or something else. I'm just wondering from your perspective how do you see this change in policy affecting legal immigration? What time would you call it that because there may be a situation for example that the person went through legal immigration, got a Green Card, and then did something illegal? So then does the clock go back because then maybe he filled out the answer or responses wrong and so it was not truthful when it was kind of legal or illegal. How would you see it playing out?

Mr. Simitian: I don't want to pretend that we've had a lot of conversation about legal immigration at the border because we have not. The focus has been on people who are in the country and who are undocumented and who we are advised are in the country unlawfully and are then able to verify that they have committed a serious or violent felony or some other list. It could be a shorter list, it could be just serious or violent felonies, and it could be serious or violent felonies plus certain other crimes. That's still to be debated but the issue of legal immigration is not one that we've talked about particularly. I just want to make sure that you know that I heard what you asked and will be mindful of it. I, myself, have been subjected to secondary screening at the airport. You may think of me as suburban Joe Simitian but my first name is Saren which is the misspelled version of the Armenian name Saren. So, to somebody who looks at my passport, it's like who's this Saren Simitian? As a kid, I was detained at

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juvenile hall for close to 48-hours. That's another story for another time but having been incarcerated, even briefly, makes you have a certain sensibility about this. I don't want to compare it to folks and some of you know that my constituent Rick Walker from East Palo Alto, when I was in State Legislature, served 12-years in prison for a crime he did not commit. I had to carry special legislation to help him get the justice he deserved. So, I share all that because to your point even people who are here as legal immigrants or as native citizens can be subjected to mistreatment. We have to be mindful of that and sensitive to it as well as this other discussion that we're having over here. I just want you to know that I take that away from the conversation.

Commissioner Brahmbhatt: Thank you.

Mr. Simitian: Thank you.

Commissioner Stinger: And my thank you for the presentation. I thought I read everything and understood it. I thought I had tracked on the conversation and I thought I had a grasp. Now I think I don't. I want to go back to basics. When are we talking about giving notice to ICE?

Mr. Simitian: Well, so to backtrack just a little. We had this item before us at the Board of Supervisors because one of my colleagues, Supervisor Wassermen, put a referral – that's what we call a legislative file – into our system. Simultaneously, one of my colleagues, Supervisor Cortese, put a referral, a legislative file, into the system. So, we had two arguably competing although ultimately my view is, they were not at odds with one another. I suggested that we blend the two of them and move forward on them and that is ultimately what the motion was. It's not clear at this point – this goes to the question about how you weigh in. It's not clear at this point what the range of options might be that the Board will be able to consider when it takes this matter up next; which I am expecting to be June 4<sup>th</sup> but which might not be. As you've seen at your own City Council level here, sometimes it's on the agenda, sometimes it gets delayed but if you were asking me what I think most people are talking about. I think what most people are talking about is providing notice to ICE upon request when ICE has identified someone in our system that they have an interest in because that person is both undocumented and has committed some category of crimes. I've focused on serious or violent felonies. I think that's where the center of the conversation was the Board but at various times other possible crimes were raised by others. So, the scenario most likely if ICE sends a message to the county jail, says you have Sam Smith in custody, we have an immigration matter with him, we'd like to know when Sam Smith is going to be released so that we can pick Sam Smith up, and I do think that was an important point that somebody made here which is it's not just notice. It is notices and then they're going to get handed over so we should be candid about that. Then the folks at the county would double check the database to say ok, does Sam Smith really have a criminal record that involves a serious or violent felony? If not, they would go back to ICE and say hey, no serious or violent felony. If so, they would say pursuant of this policy, if it were adopted, we're prepared to give you notice and effectuate a transfer. Now, ICE at various times and some folks in the community has suggested that somehow the county ought to give them notice when we have somebody. That's where I draw the line and say whoa, whoa, whoa, whoa, no, no, no, no. It's one thing to cooperate with you when you identify somebody in the system. It's another thing for us to be doing ICE's work for it inside our own county jail. I'm not prepared to support that. Not only am I not prepared to support it but I wouldn't support it as well because then all of a

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sudden there's the legal liability of us saying we're going to do that. If we miss somebody it's on us. So, essentially what I'm talking about is the situation which ICE says we've identified somebody, we'd like notice of when they'd be released, we want to effectuate a hand over and then our county jail system says we need to go double check to see if they meet the criteria before providing that notice. I think that's the most likely but people can talk about any range of possibilities as we have here tonight.

Commissioner Stinger: I guess when I read that I did not realize that custody could mean they're in custody for a misdemeanor or another violation and it's a history of a serious felony.

Mr. Simitian: Conviction.

Commissioner Stinger: History of a conviction of a serious felony...

Commissioner Stinger: Somebody who was in custody, to the early point that was made, could be in custody for something very serious or they could be in custody for something very minor. If ICE has looked at the database, again they have half a dozen different names and there's our local database and state database and federal database and all that's (inaudible). ICE needs to identify first that person and then having identified that person provide notice and make a request. To this point nobody has convicted them of the thing they are in jail for or nobody may have convicted. They may be there because they've been convicted; it could be they got convicted just yesterday. It's entirely possible somebody is there because they got arrested and while they are awaiting trial ICE becomes aware of their presence because they see the database and they ask for them.

Commissioner Stinger: Understood, thank you. Another question, have you considered what options there are to correct the disingenuous law?

Mr. Simitian: At the state level or this level?

Commissioner Stinger: For our level. We have a...

Mr. Simitian: Now you've put me in the position of being your advisory on a policy path that I don't agree with but since you asked me, I'm going to tell you. If you wanted to you could say your existing policy neither reflects state law as it's currently written nor does it reflect your actual arrangement with ICE since you don't do detainees under federal law actually in terms of court cases. It doesn't reflect the Trust Act and the Values Act and by the way, you don't have a reimbursement arrangement. So, you could say hey, why don't you fix all that but we'd still like you to not cooperate. If that was your view you could say that or if it was my view you could say why don't you fix all that and say we're only going to cooperate to the extent that we are given explicit requests from ICE and then only after we have verified that there was a serious or violent felony. Have I worn you out yet? Well...

Chair Kralik: No.

Mr. Simitian: No, apparently not, ok.

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Vice Chair Xue: Thank you, Supervisor, for coming to share your opinion regarding this sensitive topic. I learned a lot; I have a very specific question actually. When the Supervisor Board talked about the felonies of those in custody were convicted, you know those immigrants. Have you looked or talked about the origin associated with those cases? So, when we talk about this kind of situation, admirably we were wrong in to do kind of this situation. For example, certain people may have committed more so, in that case, how do we set up a policy to be fair to all?

Mr. Simitian: The fancy term of art that some of you may have heard is disproportionality in terms of who's in the criminal justice system. The subject has come up in the conversation but I think rather than – and the one sort of ok, it's come up. Then what do you with the fact that it's come up. One of the topics of conversation we've had is alright if we go down this path wouldn't it make sense to make sure that we monitored? Ok, who are being pulled into this system and I'm going to divert again with the Chair's patience which is you heard me mention the Motel 6 matter earlier. Well, guess what, ICE was asking for the Latino names that were on Motel 6 registers. Ok, there was no ambiguity about what was going on there. They wanted names, they wanted room numbers, and they wanted license plates in six different jurisdictions and they were targeting Latinos. No, there was no question about it, very clear, which is why while the Washington State Attorney General didn't have the ability to go after ICE. He had the ability to go after Motel 6 and did. He got a settlement.

Vice Chair Xue: Thank you.

Mr. Simitian: Thank you.

Commissioner Lee: I had two additional questions. The first one is a fairly simple clarification question. Does the county currently already disclose the release dates for all individuals being held by the county regardless of their immigration status?

Mr. Simitian: You have to ask the Sheriff because that's the Sheriff's action. As I say, unfortunately, neither the Sheriff nor ICE was present.

Commissioner Lee: Gotcha.

Mr. Simitian: I will be sending them both a letter politely inviting them to be present and since they both say they care about this issue; my hope would be that they could be present because your very question is well how does this process actually work?

Commissioner Lee: So, my understanding and I could be wrong so I'll just put that out there. My understanding is that currently the county already discloses all release dates. So, this was sort of going to Supervisor Cortese's reluctance as to how would we notify ICE specifically that an undocumented individual was being released when we're not permitted to ask that question? So that's my current understanding but I may be wrong on that. The second question is regarding public safety. You talk about where you draw the line as with these violent and serious crimes. That you would like to – let me back up and say, you had indicated that you're sort of going to turn the cheek in the first instance. We have 10-million folks here but they have taken that next

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step and committed these serious crimes, out of concern for public safety that sort of where you'd be willing to have some sort of collaboration or interaction with ICE. Can you elaborate in terms of what the specific public safety is? Is it that you believe this demographic is more likely to commit additional serious crimes than say citizens that commit the same crimes or I'm trying to sort of understand what public safety...

Mr. Simitian: I want you to know on this issue of citizens – in fact, I think there's pretty good statistical research that indicates rather that immigrants generally have lower crime rates and that lower crime rate is not only specific to immigrants but it's specific to undocumented immigrants. So, I want to be clear about acknowledging that and there's a particularly good study from Texas and forgive me I can't remember who did the study. They've got really good, solid numbers that say if you take a look at the numbers the immigrant population is less inclined to commit a crime and the undocumented immigrants are still less inclined to commit a crime as compared or contrasted with US citizens. Now, to actually answer your question you were capturing my thinking until you got to the part about citizens versus citizens. No, what I'm saying is I am prepared to turn the other cheek sort of or look the other way or whatever you want with respect to the overwhelming majority of people who are here just to make a better life for themselves and their families. I am no longer prepared to do that when somebody engages in one of these crimes. I do think it's a matter of public safety because I think we know that folks who commit these crimes have proven themselves to be a public safety risk. I'll put it that way.

Commissioner Lee: So, one final question, so do they pose the same public safety risk as other individuals that commit the same crimes who have served their time and have been released?

Mr. Simitian: Couldn't tell you.

Commissioner Lee: Couldn't tell me.

Mr. Simitian: I understand the point that you're trying to make which is don't we also have citizens who've committed these crimes and we don't deport them. That's right, we don't deport them and I take that point. Again, I'm flipping the paradigm and saying really, we should start with the fact that folks who are here undocumented have for the most part been given a pass. I am in the overwhelming majority of cases like 99 plus percent prepared to say that's the real world we live in given the broken system that we have for immigration. I don't want to belabor the point. I think the third time is probably as many times as I get to say it.

Commissioner Lee: Well, I appreciate you coming. Unless the Commission has additional questions perhaps, we could shift to discussing possible action on this topic. Are there any other questions for the Supervisor before we move to discussion?

Council Member DuBois: Could the Supervisor go home then?

(Inaudible – many people started talking at once)

Mr. Simitian: The Supervisor is dying to hear the rest of the conversation so I'm going to take a chair if I may. Regardless of what your judgment is, if you have a position you want to take

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please, make sure that my office and I know what it is so we can share it with my colleagues on the Board.

Commissioner Lee: I appreciate you spending the time with us.

Chair Kralik: Thank you so much.

Council Member DuBois: So, actually Chair...

Chair Kralik: I'm not in this discussion so...

Council Member DuBois: Ok but I'm not able to stay any longer so I just wanted to say thank you for letting me participate in your meeting tonight. I am your Liaison, if there's ever any issue please reach out to me and I'm glad I could join you for most of the meeting but I'm going to take off. Thank you.

Vice Chair Xue: Thank you for coming Tom.

Commissioner Lee: Commissioner Stinger.

Commissioner Stinger: As we have our discussion, I just wanted to invite Chief Jonsen if he wanted to comment at all.

Vice Chair Xue: Sure. Chief?

Commissioner Stinger: He may not be prepared to or may not choose to but if we have our discussion if you choose to comment, please.

Mr. Robert Jonsen: Yes, I didn't come here...

Commissioner Smith: Microphone.

Mr. Jonsen: ... to address. This is from the county but the reason I'm here as well is Captain Perron who served this community for over 20-years. This particular topic will not change what we're doing in the City of Palo Alto. We do not enforce immigration or participate with ICE and that's been a long-standing policy within this City. I just wanted the community members to know that. So that's the only reason I'm here is to support what we've been doing for many, many, many years so.

Commissioner Stinger: You've said that consistently and since we are representing Palo Alto, I just wanted to hear you say it again. Thank you.

Mr. Jonsen: You're welcome.

Vice Chair Xue: Thank you.

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## **MOTION**

Commissioner Lee: Perhaps what we could do is for purposes of discussion I might make an initial motion and then we can actually discuss the motion. If the Commission wanted to, we can adjust the motion or decide not to do anything. So, my initial motion at this point would be that the Palo Alto Human Relations Commission oppose any changes to the county policy which would result in additional or any cooperation with ICE. I understand that there may be updates to the policy that need to happen in order to reflect the practice of what has been happening under the existing policy regard to the civil detainer. There are some updates that need to be made but I think the effect and practice of the current policy should remain in place. So, I would oppose any changes to the policy that would change the effect of the current policy; mainly no cooperation with ICE. I would further include in that motion perhaps myself and another Commissioner, perhaps Commissioner Smith and I, be authorized by the Commission to flush out and summarize what we hear from the Commission and issue a letter on behalf of the Commission reiterating in greater detail our position and our position to those sorts of changes. So, that would be the motion that I put on the table for discussion. Of course, we can always change it as discussion progresses.

Commissioner Smith: Thank you so much more the motion.

Chair Kralik: Is there a second to the motion?

Commissioner Lee: So, we need a second to discuss the motion. Sometimes people second just for the purposes of discussing. I know the Supervisor has done that even if he later changes his mind.

## **SECOND**

Commissioner Smith: I'll second.

Commissioner Lee: Do you want to discuss?

Commissioner Smith: Ok. I was waiting for my turn, no. A couple of things, I mean I want to be careful with using language that is too broad because if we use that language and there is something that comes up in the Supervisor's discussion and a codicil that we haven't thought about yet. I'm very clear that I want to make sure that we are very specific in what we're asking or what we are standing for. I hate using broad language. That's just me personally. I think the Supervisor made it very clear that there's some pivotal discussion happening, specifically around the idea of the reporting point in that and that existing around convictions and being a felon. I think whatever our response needs to be, I believe that is probably the pivotal point in the issue. My personal take on it is this. If somebody has been convicted of a felony, has served their time, that there shouldn't be a report to ICE. They don't have control over what the system reports and why they are there. They haven't been judged about so I think that is, really for me, is the hinge issue. If there's a warrant out and all that other stuff, I haven't really thought – there's a couple of things Commissioner Brahmhatt brought up about the fact that if we start going down the felon track what if somebody has a Green Card? What if somebody has been made a legal citizen

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and ICE says I still want to talk to them and they have a felony but they now have a Green Card or a citizen? I think we start going down a slippery slope with that. So, those are my tension points with this discussion, that we have to be very clear on what we're standing for, where we're standing, and where our opinions are on to the county.

## **SUBSTITUTE MOTION**

Chair Kralik: I'd like to just say I'm in full support of the Supervisor's position. I think he's articulated it very well, the balance that he's trying to draw, and I think that comes from a long history of involvement with the issue. I'm a little more humble than my fellow Commissioner Lee in the sense that I don't think that my view is everyone's view in this room. I also want to say that just because I'm a Commissioner I don't necessarily want to stamp out others views especially the wonderful speakers who were extremely articulating their viewpoints. I would offer another motion which is to send a letter to our Supervisor, District Supervisor or the President of the Board of Supervisors, that indicates more factually that we held a discussion about this issue and to include the transcript of the comments of the several people; including the questions and answer session which I thought illustrated the issues. I think people have come from different walks of life, have different involvements in the issue, I happen to support the Supervisor's viewpoint but I do want those viewpoints to be read and thought about at the Supervisor level. So, my alternative motion would be to craft a letter from our Commission indicating factually that we had held this discussion and including the transcript of it for review by the Board of Supervisors. It's a little bit simpler and it's one of those things that we could do a little bit easier with the time constraint. I think the second part of the motion about assigning viewpoints, I feel uncomfortable with that because I don't share the viewpoints of some of my fellow Commissioners. I wouldn't want them to represent me as a Commissioner, so I don't know if someone can offer a second to that alternative motion, I'd appreciate that.

Commissioner Smith: Can I state one thing?

Chair Kralik: Can we first here if there's a second?

## **SECOND**

Vice Chair Xue: I second.

Commissioner Brahmhatt: Yes, I also second the motion. That's a good one.

Commissioner Smith: Ok, as a deliberative body we decided to be on a Commission and when a Commission votes we follow the vote of the Commission. So, if we bring an item to vote tonight, that is the vote of the Commission to send the letter. I think that is why we have a vote as a Commission and I think it's disingenuous – we are always not going to agree on everything but when we hold public hearings, we ask the Supervisor to come, we ask for a vote to have that issue described. This is what a Commission, in its majority whatever the vote is, whether it's to say we support this position or we don't support the position. So, I think it's critical that the vote be on what is our stance, not what is the discussion.

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Chair Kralik: Well, one of the things that I don't want to do is prevent our guest from coming back and airing his viewpoints in allowing members of the public to engage with him. I think that's a very important thing. I feel very honored that the Supervisor came in response to the call and I thank Minka and the staff for arranging it but I would like to see that happen more often. I would like the Supervisor to be able to hear from his home district on these important matters. So, one of the things I don't want to do is purport to represent all the other viewpoints. I think it's important that those viewpoints get considered and I do think that's what happens. That would be my response but there are two motions on the table at this point and we have a second and a third. I'd like to hear from the second and the third first.

Commissioner Brahmbhatt: My concern is that we may not have a stance with a majority vote and so in those circumstances having the speakers and the transcript and having the Board review that transcript will help the ultimate discussion. So, I'm in support of the first motion too so I would be in support of both the motions as such. It's a compromise, yes.

Commissioner Lee: I think it is Commissioner Xue.

Vice Chair Xue: Yes, I had second the Chair's motion. I think that's a proper way to communicate with the Board of Supervisors. So, definitely, the message would be heard from the public speakers, also among our Commissioners. We do need to have our opinion voiced to the Board; however, remember there's a time restriction and also, we need to, like Commissioner Brahmbhatt said, we have to evolve to have a consensus. So, that's my opinion.

Commissioner Lee: If I could add just something really quickly. I think regardless of if the Commission decides to take a position and what that position is. I would be in favor of forwarding a copy of our transcript to the Board of Supervisors whether we take a position or not. So, that they have a complete picture of the discussion as well as the fact that there may be lack of unanimity on a position that we take. So, I think that might be one way to incorporate some of the thoughts there but I feel strongly that we should take a position. Our Municipal Code compels or doesn't compel us but it does charge us, if we feel so appropriate, to recommend or oppose legislation. I think it would be so much stronger if we actually took a position on this than not but the caveat that we include all views. In terms of just engaging without a Supervisor, I think honest people can have disagreements on policies but I don't think that necessarily precludes further engagement. I mean my philosophy has been hey Gabe if I disagree with you on something that's fine but I'm going to continue reaching out to you and working with you. I'm pretty sure that the Supervisor probably shares that philosophy, even if we say he's a smart guy but we disagree with him on this particular policy standpoint. I think he's going to continue to be receptive to hearing from us in the future and engaging with us in other ways. So, I hear that concern... (crosstalk)

Chair Kralik: Well, I think – one of the things that I'm saying is that I disagree with the viewpoint of your first motion...

Commissioner Smith: Ok.

Chair Kralik: ... and to try to come to a unanimous decision I offered a second motion mainly because I think it could cover...

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Commissioner Smith: Ok, thank you.

Chair Kralik: ... everyone's view. I think Commissioner Stinger was next.

Commissioner Stinger: I'll second if you're going to be short in the process.

Commissioner Smith: I'm going to be real quick this time. One of the most disingenuous things we can do with issues like this is to have a muddled approach. The reason we are a part of a deliberative body is that there are votes taken to stand for something. Whatever side of that something is and I'm not going to tell you which way to vote. I'm not even arguing should we agree with the Supervisor or not that's part of the reason we have procedures and votes is that as a deliberative body we need to stand for something. So, consensus is reached by only four people agreeing at the body. The reality is, is that we'll win some votes, you'll lose some votes but you still have to take the vote. I think the reality is we need to stand for something and whatever that something is, whether I happen to lose on this vote, at least we took a vote and I can go on the record and say this is what I voted.

Commissioner Stinger: If that were a motion, I would second it.

Commissioner Smith: I'll make the motion.

Commissioner Stinger: What I was going to suggest is that we do have a motion on the table, we have two motions, and I know we need to discuss them but it would help me if we could just comment on where we stand on the issue. Then develop a motion. I think that would...

Commissioner Lee: So, the discussion right now is on the substitute motion offered by the Chair. If we have further discussion on... (crosstalk)

Chair Kralik: Yes, I've stated my views pretty clearly; that I support the Supervisor's viewpoint and I secondly support the fact that he has come here and sought out his district's views. I really want to promote those views of others. Especially the speakers who have come very well prepared. I think just to respond to my colleague about the work disingenuous, a transcript would record your view at this point. My view is that these exceptions should be made and the policy should be revised into a workable policy. I think the Supervisor has drawn a very good balance and he's drawn upon a lot of experience in this.

Ms. van der Zwaag: Chair?

Commissioner Lee: I think Staff had something.

Ms. van der Zwaag: Chair, can you please restate that as maybe one or two sentences. I think that would be easier for the Commissioners to be able to give a response if it comes to a vote.

Chair Kralik: Well, there's a substitute motion and that substitute motion -- if that's what you're asking to restate?

Ms. van der Zwaag: I'm asking you to state what the substitute motion would be.

### **SUBSTITUTE MOTION RESTATED**

Chair Kralik: The substitute motion was for the Commission to send a letter to the District Supervisor, President of the Board of Supervisors, indicating that our Commission held a discussion on the matter as listed in the Business Item Number One. As part of that discussion we had public comment, the transcript of the discussion is enclosed for the view and consideration of the Board of Supervisors.

Commissioner Lee: So, is there any further discussion on the substitute motion or do we want to vote on the substitute motion at this point?

Commissioner Stinger: I would like to comment on it. I think it's a well-stated motion and it's hard to disagree with it. On the other hand, I really do think we need to have a motion and a summary; motion and a vote on that. I think it's ideal that our 20-page notes would be read by everybody on the Supervisors' discussion but I think it's highly unlikely...

Chair Kralik: What I would say is that we can have a vote on the substitute motion first, if it carries, we can do that action and then we can have a subsequent vote on the motion that Commissioner Lee has had. There's nothing wrong with that.

Commissioner Stinger: I don't think we should have the substitute motion.

Commissioner Brahmhatt: No, I think the voting on the first motion – I mean I will vote for the substitute motion and the first motion doesn't go through.

Commissioner Lee: So procedurally (crosstalk) we vote on the substitute motion first. If that does not pass then we would consider the main motion. Though, I think what the Chair is saying is that passing the substitute motion doesn't necessarily preclude us from taking an additional step which was the spirit of my initial motion.

Chair Kralik: That's right.

Ms. van der Zwaag: Or a completely new motion as well.

Commissioner Lee: Or a completely new motion so calls the question on the substitute motion. So, I think we have the maker and the second from Vice Chair Xue.

Chair Kralik: And third.

### **VOTE**

Commissioner Lee: Third. All in favor? All opposed? So, it's three to three. No action on the substitute motion.

## **SUBSTITUTE MOTION FAILED 3-3 WITH COMMISSION O’NAN ABSENT.**

Commissioner Lee: So, we return to the main motion which was that the Palo Alto Human Relations Commission opposes any changes to the county policy that has the effect of increasing collaboration with ICE and to authorize Commissioner Lee and Commissioner Smith to write a letter indicating that viewpoint and summarizing greater detail our thoughts on it.

### **AMENDMENT #1**

Commissioner Smith: Can I ask Commissioner Lee to consider rewording that to specifically be around the conviction element?

Commissioner Lee: Can you give me the language on that?

Commissioner Smith: I have to think about it now; no. That the county – that we, as a Human Relations Commission, would like to stand for not reporting any person who’s been convicted of whatever the list is and we can get better language; serious felony but has served their time. That there should be no cooperation with ICE because I believe that was a pivotal issue as described by the supervisor or the pivotal point of the discussion.

Commissioner Lee: Ok, just give me a second here. So, is it serious and dangerous is that the term...

Ms. van der Zwaag: Serious and violent.

Commissioner Lee: Serious and violent.

Commissioner Smith: Supervisor, do you mind helping us with that?

Commissioner Lee: So, I got it, I just needed the term so the motion would be that the Human Relations Commission opposes any changes to County Policy 3.54 that has the effect of county collaboration with ICE including any reporting of undocumented individuals who have been convicted of serious and violent crimes.

Commissioner Smith: That has served their time.

Commissioner Lee: That has served their time.

Commissioner Smith: This is a critical part.

Commissioner Lee: That have been convicted and served their time for a serious and violent crime and to authorize Commissioner Lee and Commissioner Smith to...

Commissioner Smith: You can write the letter, I’ll review it. I don’t need to do it.

Commissioner Lee: Ok, Commissioner Lee to write a letter on behalf of the Commission.

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Commissioner Smith: To draft, not write but draft the letter for review by the other Commissioners before we send it out.

Commissioner Lee: How does that work for timing? Do we have time?

Ms. van der Zwaag: We'd have to see. So, if it's June 4<sup>th</sup> you may have some time to do so.

Commissioner Lee: Ok, then that's that.

Ms. van der Zwaag: But yes, it might be easier to have more than one Commissioner work on this but.

Commissioner Lee: Would Commissioner...

Commissioner Stinger: One write, one review.

Commissioner Smith: What?

Commissioner Stinger: One might want to review it.

Commissioner Smith: I'll review it, thank you.

Commissioner Lee: Ok so that's the motion. Is there a second? Do you second it?

Commissioner Smith: I second that.

Commissioner Lee: Discussion on the motion?

Chair Kralik: Yes, I want to get this clarification. What happens if someone is on probation for committing an offense? What do you mean by serving their time?

Commissioner Smith: They have – well, ok, so...

Chair Kralik: So, if they violate their probation...

Commissioner Smith: So, that would be parole because for the serious crimes that you're committing – if you commit one of those crimes on the lists generally the sentence is jail time, not probation. Am I talking too far off?

Ms. van der Zwaag: There's a possibility I would think that when someone has been released that they're still on some type of pro...

Commissioner Smith: That's parole.

Ms. van der Zwaag: But they could have already it.

Commissioner Smith: That's not probation. Probation is giving in lieu of jail time. Parole is given – so, I think...

Chair Kralik: They could be on both.

Commissioner Smith: You can't be on probation and parole. Probation...

Chair Kralik: No, separately. They can be on...

Commissioner Smith: That would be two charges at that time.

Chair Kralik: Right, right.

Commissioner Smith: And so, but they haven't served their time yet and I think we parse out language it would be serving their time. You understanding what I'm saying? They have served their time.

Chair Kralik: I didn't that's why I was seeking clarification.

Commissioner Smith: Serving their time means the court has discharged their case. That means they've done their parole if they were on probation they've been out of probation, the court has discharged their case. They have no interaction with the California Legal System.

Chair Kralik: Ok. I would just comment that I'm opposed to that. I think that the viewpoints of the Supervisor have merit. You have to balance the safety of the community, you have to consider the immigrant community generally including undocumented immigrants, and we have to be careful to protect their safety. My balance on that again is in favor of making a change first to make the law functional so that the Supervisors have a law that they actually follow. Second, in the case of serious and violent crimes, I think we need to be very careful about not cooperating. The other thing I would have is that I've noticed in the motions that have been proposed that there is a miscommunication and difference from our speaker in regard to what people feel is a referral. It's not the referral of the county jail, it's the question of ICE asking the county jail about somebody in their custody and then cooperating with them. So, in my understanding of what the Supervisor has said, there isn't any first action on the part of the jail. I think we have to be pretty clear about that. This is a very limited circumstance and I think it's drawn on a balance and I think the balance is good.

Commissioner Smith: So, this is one of the critical things Commissioner Xue said about the fact that there is disproportionate legal action against particularly communities of Latino and African Americans. It is statically a fact that there's disproportionate policing in those communities. It's also a fact that because of lack of income and resources people will often will plea out and bid out. I think the statistic is actually like 70 percent of cases never go to the actual trial because people can't afford the lawyer, they can't afford to miss time, they just bid out. So, there is so much structurally in the system that matches that. I think everybody is very clear on the fact and the Supervisor did an amazing job to say the trigger point for this is ICE – the county. If ICE never calls, the county is never going to reach out and talk to them. They've made that very

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clear. I think the reporting trigger is what we're talking about and the reporting trigger as the supervisor has stated is the discussion point of the Board of Supervisors is people that we consider serious or dangerous offenders or people who have felonies. The problem I have with this and this is more my critical issue is this, is as a society when do we stop penalizing people? To say somebody is a danger to a community because of a past that society has laid rules out to say they've served their time is a slander against their character. We have now made assumptions that they are dangerous because of their history. If our American Criminal Justice System, in theory, it's a far theory, is supposed to rehabilitate people and people serve time so this is the question. If that is a social contract of the Criminal Justice System why are we changing it for this one? The Supervisor made a great point he says they broke another part of the social contract. I mean we can agree to disagree on that point but that is the critical question. We are now saying that the court system, the time they serve, and the fact that they've finished everything we've asked them as a culture to do and now we're going to penalize them again. I've seen this scenario played out so many times with people that can't get jobs, people that can't vote in this immigration situation and I believe as a culture in general if we say I convict you, you serve your time; you have met the standard that society has asked you to meet the time for the crime. We cannot hold them in bondage because of that again. We're making assumptions and I think very dangerous assumptions that they are not rehabilitated in the system we put them in.

## **AMENDMENT #2**

Chair Kralik: Let me just say two other things about the motion on the table. I think the motion should include a transcript of views, including the public. I think they were very articulate.

Commissioner Lee: I think you should make that friendly amendment.

Chair Kralik: Yes and the other thing I would say is the letter should include the minority viewpoint as well as the majority viewpoint of the Commission.

Commissioner Smith: This is more...

Commissioner Lee: I don't take that as a... (crosstalk)

Commissioner Smith: This is more on my procedural thing. If we are going to have integrity as a Committee, when we take a vote, if I win or lose, I signed up to be on this Committee so that's the vote.

Chair Kralik: Well the vote can include the numbers, it can say four to two, it can say the minority point was in support of the Supervisor's point of view.

Commissioner Smith: If somebody makes the motion.

Commissioner Lee: I will include a transcript of the Commission's deliberations but that's the extent to which I'm willing to make that.

Chair Kralik: Ok, I will have another motion that I want to raise... (crosstalk)

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Commissioner Lee: Can I just see if the other Commissioners...

## **SUBSTITUTE MOTION #2**

Chair Kralik: ... then if you're not going to do that can I raise another motion which is I'd like to raise the motion that the Commission support the Supervisor's viewpoint regarding amending the present law to include cooperation with ICE when there is a serious or violent crime at issue.

Commissioner Lee: Is there a second for that substitute motion?

## **SUBSTITUTE MOTION #2 DIES DUE TO THE LACK OF A SECOND**

## **MAIN MOTION RESTATED**

Commissioner Lee: It fails for the lack of second so we're back to discussing the main motion. Is there any further discussion from the Commission? If not then let's proceed to vote. Let me restate the motion for the record. The City of Palo Alto Human Relations Commission opposes any changes to Santa Clara County Board of Supervisors Policy 3.54 which has the effect of the county collaborating with ICE including notifying ICE of individuals in the county's custody who have been convicted of and who have served time for serious and violent crimes and to authorize Commissioner Lee to draft a letter, reviewed by Commissioner Smith for transmission to the...

Ms. van der Zwaag: County Board of Supervisors

Commissioner Lee: Commissioner Smith for transmission to the County Board of Supervisors on the Commission's behalf to include a transcript of the Commission's deliberations. So, that's the motion, do you stand by your second Commissioner Smith?

Commissioner Smith: Second.

## **VOTE**

Commissioner Lee: All those in favor say aye? All those opposed?

Chair Kralik: Oppose.

## **MOTION PASSED 5-1 WITH COMMISSIONER O'NAN ABSENT**

Commissioner Lee: So, that passes on a – what is the math on that 5-1. Thank you very much for everyone coming out; I appreciate the discussion. Thank you, Supervisor Simitian, for your time.

Vice Chair Xue: Thank you very much (inaudible -off mic). Thank you very much (inaudible)

Commissioner Lee: Thank you very much.

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Mr. Simitian: Thank you.

Commissioner Lee: So, I'll turn the meeting back over to the Vice Chair. Thank you very much.

[The Commission moved to Item Number Three]

**2. Presentation on Diversity and Inclusion Circle Time with Big Kids of Indian Heritage (Middle Schoolers and High Schoolers) of mixed age participate to cultivate resilience and develop empathy towards each other.**

Commissioner Brahmbhatt: Yes, oh, it's 10-minutes? I didn't see it was...

Ms. van der Zwaag: You don't have to speak 10-minutes.

Commissioner Brahmbhatt: Ok. So, what we have started is a group of middle school and high school kids bringing kids of mixed ages together to help communicate or discuss things we find that they are typically hesitant to discuss with their parents or families. They are more open when they see other kids of their age, from their neighborhood, and we do this once a month. Occasionally we do even if there is a speaker or something then it may be off schedule so it just depends on how busy or non-busy, I am and then I have an invite and I send it out to the neighborhood. So, some of the things we did were like the initial conversations were on how do you feel about your Indian heritage? Do you feel Indian, do you feel American, and it was amazing to find different responses to that. A lot of it was focused on how comfortable they felt they looked. Some felt that they were Indian because they looked Indian and they were sad about that. That they couldn't be American so I always give that as an example; that I feel very American myself and I look as a typically Indian as can be but there is a difference between how you feel, where you associate yourself with. I mean it's a circle for kids with Indian heritage but not trying to push the Indian values onto them; it's actually the opposite. It's trying to embrace the American culture and values and help them feel comfortable that, yes, they are equally American as the next white or black guy. It doesn't have to be based on how they look. I didn't get permission so I will not say the names but there's this accomplished young girl who just got admission at Stanford from Indian heritage. So, we invited her to speak and discuss what she faced. So, she had an interesting background where she had spent some years from middle school back in India and then she came back. She was in elementary school, she was born here, then moved back, came back, and so she had an interesting perspective. Then we also invited another kid who excelled in math and got admitted at MIT who had been through the Palo Alto public schools throughout. He also voiced some of the issues he faced in middle school and some of the kids could appreciate that. We recently had a conversation with a person who teaches resilience and creativity, design creativity at Stanford for young engineers. So, he was an entrepreneur, successful startup guy and he's moved towards retirement. He's raised a family here and he talked about self-affirmation which is an interesting – I think I can share or summarize it and you can look or Google on that. Basically, you have to write five values that are really close and dear to you; that's the first row of Post-its. Then the second row of Post-it's is you talk about what it is in your everyday life you do to help achieve that? So, for example, if one of my Post-it's was family, what do I do to have quality time with family? Then the third Post-it is what it is in your life that blocks you from having that? Just putting those five things

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in, I feel like I'm a very self-aware person but I struggle to write and fill in exactly what it was that was blocking me from achieving something or the other. He says there are behavioral signs studies and statistics that if you are going to engage in some stressful activity if you open up and look at those five values and the things that help you achieve that. Then before engaging, like giving a test or participating in a competition or whatever, if you look at that value it helps you focus on the right things. They have seen better results with that. So then I'm also trying to have informal things where we had the kids go with cash themselves and go buy a lunch and eat lunch. So, they did that one time on their own in the neighborhood; just walking by themselves, buying lunch, doing some of the informal things like that, maybe going to the Tech Museum. What I find in my neighborhood mailer, there is a mailer for the Palo Alto Parents with Indian Heritage. If it is something academic related, you know if I were to say this guy who just got admission at MIT, he'll come and discuss so then there will be a lot of people. I cannot make people – parents are not – and so I've been voicing that concern. Truly, I've been telling them like hey guys; it doesn't have to be academic. It's a new environment. Most of us are not from the United States so we don't know what our kids are experiencing. I mean some people are supportive. I also tried to do a virtual Google hang out so that kids could just virtually be in it. That wasn't as successful because the parents didn't know and it's too diverse of group. It's not a close-knit where people would go in there and the schedules are also very busy with people doing different things; especially kids who are in high school. Getting one of two high school kids joining and I really appreciate that they are there. So, I'm trying to make it more popular and make it and I think for people to join. Yes, so that's what's going on.

Vice Chair Xue: Thank you, Commissioner Brahmbhatt, for sharing this diversity and inclusion circle time activities. You really are wonderful. So, before I open for other Commissioners to ask questions or complete comments, I would like to share my personal experience regarding the second generation. I'm a first-generation immigrant. When I run into this situation, you know clearly, we have a lot of challenges. When I talk to my kids, they said well dad, look, you don't understand us. When we're in school we try to fit into American culture. However, when we come home sometime you try to communicate with us in Chinese, there are some heritage conflicts, and sometimes they get lost. I really appreciate you organizing this activity to give the Indian kids to gain their trust, open up to share their challenges. Thank you very much. Now, I would ask our Commission to make comments or ask questions.

Commissioner Smith: First of all, I want to thank you very much. As somebody that's a 1.5 gen immigrant, I wish I had this when I was coming up in New York. I really do, I really do because I think having first gen parents and moving here and it's hard when your parents are learning to fill out a college application at the same time, you're filling out a college application so I really admire. Question for you, is there any way to develop a case study or see if there's ways to how it's stressing you personally and that's why I said case study, to spread this across other dynamic groups? Whether it's Latino, Asian, to create these kinds of circles?

Commissioner Brahmbhatt: Yes, I mean that would be good and that would be great. I think that is needed and I think the messaging has to be very clear because typically when you start a cultural thing you feel that you are depreciating. If it were a Chinese diversity group, you're focused on the Chinese's New Year, your Chinese this thing, Chinese that. My personal take and I just have one kid. I don't have a lot of experience but I would say the emphasis should be that

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you are equally American. So, what I typically say is you have to love your mom and dad equally. Parents have to love their children equally and so kids with a heritage like that you have to love India and American equally. There's no one is superior, one is better and you are not picking sides so, just getting comfortable to that level. I think in the diversity and inclusion the emphasis should be more in accepting yes, the goodness and the American spirit and what it brings to the table. There's no other country in the whole world that has the same kind of equality and the framework and the equal treatment. The laws are there, the structure is there, people who come from outside really appreciate what American brings and I'm a personal example. It has been great. Society in India would have been very more biased. My dad is not that well connected it would have been hard for me to do that and I have done really well because the focus is just on your skills and what you bring on the table but the kids in the school I think miss that and they are faced with biases and things and so they lose that American spirit of everyone is equal. That's part of the main Hindu philosophy too, that everyone is equal. There's a God in plants, there's a God in animals, there's a God in every human and so everyone is equal. That's the same fabric that America is based on, is that everyone is equal, and so I think that's a very great thing. I think that needs to be affirmed more strongly that we are American versus trying to say that we also feel proud about whatever heritage we may have. I think it would be hard for somebody like me to be a face of a Chinese group.

Commissioner Smith: Yes.

Commissioner Brahmbhatt: I think they need a Chinese trusted person or a Latino so if we could find leaders who would do that because a lot of it is trust. They don't feel comfortable sharing things. Now I know the kids, they know me, the names, it's just the circle time. Even parents don't feel comfortable. Some parents would stay back and see. They don't want some random person teaching their kids something so that kind of trust also has to be there. It goes very core to the values and how you feel. I think if it gets from the HRC or the City portion you find key leaders who could run those individual circles within different groups that would be great.

Commissioner Smith: Thank you so much.

Commissioner Lee: So, I just wanted to say really quickly thank you for putting together this group and I hope you continue to do this work moving forward. One of the things that you mentioned really resonated with me was about how these Indian American kids within our community when they look at themselves in the mirror, they don't see themselves as Americans or they don't see themselves reflected in American culture. To me, that just reiterates the need for greater representation. America is defined by its diversity but very infrequently do we see that diversity reflected in positions of power or positions of notoriety. I think it's important that young people especially see whatever their identities happen to be reflected in their society. That's why I think one of our jobs is to help ensure that folks are represented at different levels in different ways. So, that when kids look around, they see themselves reflected and they see that they too are sort of part of the American story, American fabric. That lingers with you. I mean I'm a third generation and the fact I don't look like the sort of the stereotypical or traditional or what the majority of the population looks like. It does have an impact and so to the extent that we can make sure that these kids see themselves reflected in society I think is something we can work on. I appreciate you working on those issues.

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Commissioner Stinger: I would just add a footnote that there are some of that we can attend too in Palo Alto in our communication. We are part of a national framework that we can't change but what I also heard you say was you gave the young students, the middle schoolers and the high schoolers, a place to express that discomfort and to sort through it and let them sort through it. Maybe with your navigation you facilitated their work through that issue and I think that's invaluable. Congratulations, good job.

Commissioner Brahmhatt: Thank you very much.

Vice Chair Xue: Thanks again Commissioner Brahmhatt for that wonderful activity.

[The Board moved to Agenda Item Number One]

### **3. Discussion of the draft elements of a HRC Endorsement Policy and appointment of Commissioner to craft the draft policy**

Vice Chair Xue: Let's move onto the third agenda, discussion of the draft elements of a HRC Endorsement...

Commissioner Smith: Hold on one second.

Commissioner Lee: Sorry...

Male: I know you understand...

Commissioner Lee: Sorry, go ahead.

Male: (inaudible – off mic)

Vice Chair Xue: Ok, let's get started. The third item (crosstalk), Agenda Item is a discussion of the draft element...

Ms. Constantino: He doesn't have his mic on.

Vice Chair Xue: ... of a HRC Endorsement Policy and appointment of Commissioner to craft the draft policy. So, as a HRC Committee we have discussed this Endorsement Policy. We would like to have a discussion and take action to appoint a Commissioner to craft a draft policy. So, at this point, I would open to our Commission to discuss what type of elements need to be in the draft and how we get through the appointment of the Commissioner for drafting this policy.

Commissioner Brahmhatt: So, Commissioner Xue, as an action item (inaudible – off mic)

Chair Kralik: I think because my voice is giving out, I think we're going to allow Qifeng to lead that which is fine. I'll say something very simple; I think it's important for us to be robust as a Commission to endorse people, organizations that do good in our community and serve the values of the Commission. In that context, I think this policy is important. There is a little bit of a

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difficulty in administering this policy because ideas as to organizations and people who deserve to be commended will come from every different Commissioner. There will be two Commissioners serving on the leadership and so we don't want to violate the Brown Act and so there's certain practicalities. My idea for this was to appoint Commissioner Stinger -- she has agreed and she will tell you that -- to serve as the drafter crafting this policy. I believe that we can, in this meeting, give her our viewpoints about that. Mine are very simple, robust, fair, and workable. I do think that one of the ways in which it becomes workable is to appoint someone who can administer the policy once it's crafted and voted upon. My idea for that was to appoint Commissioner Smith. There's a reason for that, I think Commissioner Smith is a well-known Pastor in the community, he's grappled with the issue of recognition and fairness; which is a hard thing to grapple with and he does that every day in his daily life. In that manner what would happen is that Commissioner Smith as the representative would effectively transmit to staff the proposals which could be included in the agenda and then voted upon without implicating this difficulty that we have with too many Commissioners seeing the same thing. The leadership team which consists of the Chairman and the Vice Chairman wouldn't necessarily have to deal with that. We would just allow ideas to come. It could come from more than one Commissioner about an individual or group to be commended through Commissioner Smith and avoid this added two people on that discussion in terms of setting the agenda. Those are my three ideas and I open it for others.

Commissioner Stinger: So, I do have a question. When we talk about endorsement we're just talking about recognition? We're not talking about co-sponsorship or collaboration on an event or?

Ms. van der Zwaag: I would say that would be part of...

Chair Kralik: That would be part of it.

Commissioner Stinger: That would be part of it, ok.

Ms. van der Zwaag: ...what the drafter...

Chair Kralik: You can have different categories.

Ms. van der Zwaag: ...could be and I think it should include a whole robust series of actions that the HRC has been asked to consider. So, that whatever policy is drafted and considered by the HRC is robust enough to be able to issue an endorsement, HRC involvement, letters of support, letters of opinion, resolutions, adjournment in honor of an issue or a person. It should be robust enough to look at the gambit of different types of opinions and acknowledgments by the Commission. Just to let you know I have been in contact with a couple of other Commissions to ask them about if they have policies in that regard. Some of them don't, some of them have considered them, but I have what I received from one Commission a list of extremely good questions that I think will help Commissioner Stinger and myself to draft such a policy for your consideration.

Commissioner Smith: I think one of the critical things as you draft the policy is to Minka's point,

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having some critical questions. I believe every organization will get a million-good ask. I don't think we'll ever get – well, we might but we won't get too many bad asks. For example, at the church we use this simple thing; reach, care, grow. Does it reach people? Does it care for people that come? Does it grow? So, I think we don't have to make it very complicated but we should have some very clear filtration points. Is it Palo Alto? Is it Palo Alto-based? Does it meet needs in the communities? I don't have the exact framework but I don't think we need a 15-page thing. I think we need like 5 at most 10 questions that we can filter each thing through to make it really simple.

Commissioner Stinger: Another question, you talked about having it come then to full Commission for a vote and I question that. If we have an organization coming in good faith asking for or somebody nominating recognition of a community organization and we choose not to follow through because it doesn't meet one of our five criteria. It sounds like a negative vote and I don't know that we'd want to do that at the Commission level. I'd like to sort that out prior.

Commissioner Smith: I think knowing what the filter is, it will help each of us as we get asked questions. If you know that you're not going to win the vote because it's against point number three – somebody comes to you like will the HRC be willing? You'd be like well, these are the five things we look for and I don't think it meets this one so we won't bring it to a vote. I think if we have that shared underlying foundational thing it will actually filter itself out but I think why it needs to be that clear, simply underlying structure. So, that when people send, they've sort of vetted it themselves.

Ms. van der Zwaag: Or there can be considerations by the Commission that if there's the policy and it doesn't meet criteria one, two, three, four, five. That doesn't even come to the Commission. That there could be it needs to meet five out of five or it needs to meet three out of five for it to past Commissioner Smith to make it to this point. I do acknowledge the feeling if X, Y, Z community group wants the HRC to endorse an event they come up and it gets voted down. I think the filters and the criteria should be clear enough to folks that that doesn't happen. I mean it may feel different and that's a point that the HRC can discuss if it's something like a Resolution. If like when Amnesty came...(crosstalk)

Chair Kralik: Yes, I think it's the type of action.

Ms. van der Zwaag: ... that feels a little bit different than an individual organization saying I'm having a diversity event at our social club. Would the HRC be willing to consider endorsing it?

Commissioner Smith: I think maybe instead of us spinning around on the 500 possibilities maybe Commissioner Stinger could say these are the six scenarios in the last X, Y, Z years I've been here. I think for these four we can use this simplified way template and for an event or something we – or sponsoring an event we add these other two criteria. I think it would help inform the discussion.

Chair Kralik: One of the things that I would say is that when it comes time to take an action here, I humbly don't have the only view as to how to craft this policy. If another Commissioner felt they would like to work with Commissioner Stinger on it, and I'm hearing you're being quite

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vocal Commissioner Smith, that is an open thing.

Commissioner Smith: We do have more than one Commissioner Smith on this Board so I already got four things tonight. Can we get somebody else to help please, please?

Commissioner Lee: Two Commissioner Smith's?

Commissioner Smith: No, no, but we need to find another one.

Commissioner Brahmhatt: I wanted to but this is my last month and what I think with this I had some feedback for the endorsement policy. I think a lot of this is based on events that are external and already set on the calendar. There should be an online survey monkey or voting thing. If it's next week or something you don't have to let it pass just because there's no monthly meeting.

Ms. van der Zwaag: We really don't have the capacity as a Commission to do any type of online voting. There could be in the policy that you authorize a certain person to make a decision if it's less than a certain time or we put very clearly this must be submitted at least and if it's not there at least then it's not going to happen. These are all things that...

Commissioner Smith: Commissioners? Is there a way to table something, go to something else and come back?

Ms. van der Zwaag: We only have the recognition of the Commissioners.

Commissioner Smith: Yes because I want to do the recognition because I have to go.

Ms. van der Zwaag: That's too...

Chair Kralik: We can offer a motion? I'll just offer it.

Commissioner Smith: Ok, offer the motion.

## **MOTION**

Chair Kralik: I'll just say this is a motion to appoint Commissioner Stinger to craft a draft policy...

Commissioner Smith: Amen.

Chair Kralik: ...for HRC endorsement broadly to include persons, organizations, events and to bring it back to the Commission for consideration and vote.

## **SECOND**

Commissioner Smith: I second the motion.

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Ms. van der Zwaag: It is along with staff or just Commissioner Stinger?

Commissioner Smith: Can I make...

Ms. van der Zwaag: That's up to you but...

Chair Kralik: I can amend it to add staff; Commissioner Stinger and staff.

Commissioner Smith: I second and second; second the motion, second the amendment.

## **VOTE**

Commissioner Brahmhatt: I vote yes.

Commissioner Smith: Ok.

Chair Kralik: All in favor?

## **MOTION PASSED 6-0 WITH COMMISSIONER O'NAN ABSENT**

Commissioner Smith: We were unanimous on something tonight.

Commissioner Stinger: Process..

[The Commission moved to Agenda Item Number Five]

### **4. Presentation and possible follow up on the League of Women Voters and University AME Zion Church's Book Talk on "Biased" by Jennifer Eberhardt**

Vice Chair Xue: Right so the first agenda would be Number Four. Commissioner Smith, would you please lead the discussion?

Commissioner Smith: Thank you so much Vice Chair. On May 1<sup>st</sup> we held a talk with Dr. Jennifer Eberhardt of Stanford. She is currently on a book tour presenting her book called Biased. It was phenomenal work. She's been on Trevor Noah, CNN, and it's being recognized as a groundbreaking work scientifically identifying the challenges of bias being something more profound and deeper than just race. She gave a phenomenal talk. I would like to thank the Palo Alto League of Women Voters for co-sponsoring it with the University AME Zion Church along with the amazing support of this Commission. Commissioner Lee, Vice Chair and Commissioner Stinger were all in attendance so there was great attendance there. We got a lot of great community engagement and involvement with about 130 -140 people there. So, we feel like this is the kind event that stirs conversation. We will be meeting with the Palo Alto League of Women Voters and we'll also be looking for other partners to figure how we continue the discussion around bias, continue the discussion around how we interact with each other. Any questions?

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Commissioner Lee: Are you anticipating doing a follow-up event possibly in the fall as one of the community conversation models or are you thinking of a different format?

Commissioner Smith: Good question. I do believe we will do something in the fall. I do believe after seeing the response to the discussion there is a conversation to be had deeper in the community. Dr. Eberhardt even has said she would be glad to make recommendations on speakers or leaders if she can't do it but she'd be willing to continue because as being somebody that's local she finds values in having this conversation in her own community. I will be meeting with the Palo Alto League of Women Voters next Thursday. What time?

Commissioner Stinger: 10:00.

Commissioner Stinger: 10 o'clock, amen. Oh, sorry, 10 o'clock – it's in me, Rabbi, it's in me. So that's it, is that helpful? Yes?

Vice Chair Xue: Yes, that was a wonderful event like Commissioner Smith spoke; the three of us where there. We were so impressed about Professor Eberhardt that did the talk so we learned a lot. So, also along the topic, we have a speaker card so it's Patti Regehr.

Ms. van der Zwaag: I think that's for Agenda Item Number One.

Vice Chair Xue: Oh, this is not Number Four? I saw...

Ms. van der Zwaag: Does it say four?

Commissioner Lee: For Number One.

Ms. Constantino: Yes, that's the Roman numeral, it's Number One.

Vice Chair Xue: Oh, ok.

Ms. Constantino: It is under Business.

Vice Chair Xue: Oh, ok, sorry, my bad. Any for questions for Commissioner Smith?

Commissioner Stinger: Not a question, just a comment...

Vice Chair Xue: Alright.

Commissioner Stinger: ... that the event really was well attended, well organized, and the League is particularly interested in becoming involved with small table conversation. To really have people participate. It's always exciting to kick off with somebody talking to you but then to be able to put your feet on the ground and put your voice to practice is really valuable. I appreciate Commissioner Smith and the AME Zion Church collaborating with the League and with the Commission.

Vice Chair Xue: Comments from other Commissioners?

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Ms. van der Zwaag: I think we could probably at this time go on to Agenda Item Number Two. It seems like we have the time for that. Commissioner Brahmhatt, we were waiting for Supervisor Simitian and we just moved some of the items around. So, would you be amenable to going now for your presentation?

[The Commission moved up to Agenda Item Number Two]

## **5. Recognition of service for Commissioner Brahmhatt and Commissioner O’Nan**

Commissioner Smith: How do we do recognition?

Ms. van der Zwaag: Well so tonight we are recognizing the work of two Commissioners who have served on our Commissions; Commissioner O’Nan is not here. She served since 2010 so she served three terms and some of her highlights were working on HSRAP, working on before any of you were on the Commission the Human Services Needs Assessment which was an amazing effort; age-friendly; many more. The Chair and I will be meeting with her in a couple of weeks so...

Commissioner Smith: Is she alright?

Ms. van der Zwaag: She’s ok. She just wasn’t able to make it tonight and so we want to thank Commissioner O’Nan in absentia. We want to thank Commissioner Brahmhatt for your service since 2017. Highlights were CDBG, I think you did that both years and your commitment to Internet Safety for Youth and I have to add tonight presentation; which is a highlight of presentations that I’ve heard at the HRC for a while so thank you. Now we’ll open it up to any Commissioner who would like to make a statement or add to that.

Chair Kralik: I’d like to salute the Commissioners for their service. It’s a wonderful thing to make an impact on the community. I do think in the short time that I’ve been here we’ve had some consideration of some interesting issues. I think we’re really pleased to have Commissioner Brahmhatt working on those and bringing her perspectives. Commissioner O’Nan was very key in helping us with the HSRAP, bringing onboard both myself and the Vice Chair to a very engaging and intricate process. I think she really has the community spirit, the history with the community, and tremendous goodwill that she’s brought with her to the Commission. Thank you very much, guys.

Commissioner Lee: So, I’ll add my thanks to both Commissioners. I want to thank Deepali Brahmhatt for her service and for always being someone who wants to say yes and someone who always wants us to try to find a way to do something. So, I appreciate that positive attitude and I think it’s become pretty clear where your passions are. It seems like you have a very clear passion and calling to help the youth in our community. In particular around their cultural identity and I hope that you will continue to do that and find ways to do great work around that passion. If there’s anything that the Commission can do or that we can do individually in our individual capacities to support that passion and support those perspectives please let us know. Now that you don’t have to come to these meetings as often, I suspect you’ll be freer for coffee so look forward too many more coffees in the years to come.

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Commissioner Brahmbhatt: Thank you, thank you very much.

Commissioner Lee: You know even though Commissioner O’Nan is not here today, in case she is nerdy like I am and reading the minutes. I want to thank you for her very long and distinguished service. There’s no secret that we don’t always agree on policy but I think healthy debate is good. I don’t think we were appointed necessarily to always agree and I think even if we come at policy in different ways, I think our intentions and our desire to do what’s best for our community is the same. So, I want to thank her for her vigorous commitment to her position and for her very long and distinguished service on this Commission. Also, I did get some flowers. Since it’s only Deepali so you get both of them. I’m fairly certain that no gift reporting stuff is violated by this but you’re our own attorney about that so thank you very much. The bag is mine so I’ll keep the bag.

Commissioner Smith: Oh, that is so nice. Commissioner Brahmbhatt, thank you so much for your perspective and your thoughtfulness over the past few months. You brought a fresh perspective, particularly dealing around with the challenges of parenting. What it’s like to deal with children in the school system, deal with children of minorities in the school system, and what does that look like. I’m so blown away by the report that you gave tonight because I believe at the end of the day those are the kinds of activities that build community, break down walls, break down silos, and I think as hard as the work of the Commission is that kind of activity makes it a joy to come to this meeting. So, thank you so much.

Commissioner Brahmbhatt: Thank you so much, that means a lot to me.

Commissioner Stinger: I want a turn to say how much I enjoyed tonight presentation and the last 3-years. Sometimes you’re or 2-years.

Commissioner Brahmbhatt: 1 ½-year.

Commissioner Stinger: But who is counting? I thought you were a lawyer, not a mathematician. You are quiet at meetings but when you speak you speak with passion and your words are important. I hope you always have that trait. Thank you for all that you’ve shared with us.

Commissioner Brahmbhatt: Thank you.

Vice Chair Xue: Thank you very much, Commissioner Brahmbhatt. Really, I feel sad to see you leave the Commission. So as a 1<sup>st</sup> generation immigrant I learned so much from you participating and make the impact. Remember we have our next generation, right? The activities that you spoke of tonight that’s such a wonderful thing you have been doing for the Indian next generation. I think what we can learn from you is try to not exactly copy but learn how to strategies those kinds of activities or arrange similar activities, for example, Chinese immigrant or next generation. You know make sure our kids can adapt into the community to grow up healthy. I would like to thank Commissioner O’Nan. I worked very closely with her during the HSRAP process. Really, she was so passionate, so knowledgeable; I learned so much from her. I feel I’ve grown quite a bit since I joined the Commission. At the meantime, I also thank all of you for helping me to grow. Thanks a lot.

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Commissioner Lee: Can I move that we send a copy of the transcript to Commissioner O’Nan or a link to the minutes?

Chair Kralik: Yes, there’s no action here, sorry.

Commissioner Lee: Ok, ok then I guess we can’t do that.

Vice Chair Xue: Ok, so let’s move onto the next agenda...

Commissioner Brahmhatt: I wanted to say thank you to everybody. So yes thank you very much, you know especially the staff with Mary and Minka. They have been very patient with me and I haven’t always been paying attention to the details and the procedure and I very much appreciated your support. When I joined Commissioner Stinger was the Chair. She helped me to find my voice and we met at coffees and really poked me and probed me as to what I really felt passionate about and where I should synchronize and put my energies into. I’ve also appreciated Commissioner Lee and his passion and seeing the young spirit with the...

Commissioner Stinger: (inaudible)(crosstalk)

Commissioner Brahmhatt: Yes, young with experience but I mean it is really great to feel so passionate about something. To have that in your life where you feel passion, where you want to make a difference is really great and that is the same with Commissioner Smith. Just a very short time and we never made it to coffee but I hope to do that soon. I think Chair Kralik has always been very passionate and I think even with his strong views on things he always wants to do the fair and the right thing. I’ve very much appreciated being part of the Commission and he has always made that extra effort to make me feel included, even though he didn’t always agree with my views; same with Commissioner Xue so thank you very much. What I’ve really appreciated is just I feel very blessed to part of the Palo Alto community. I’ve seen that in school as well where people believe in volunteering and community service and doing things to make a difference. I really value that and I’ve learned a lot from each and every one of you so thank you so much.

Chair Kralik: I’d like to attend -- since I have two children – the meetings in which the gentlemen that got into MIT and the other student that got into Stanford that gave a talk. I want the tips and tricks of their trade. So, yes that’s great stuff that you’ve done, thank you.

Vice Chair Xue: Yes, thank you again. Hopefully, you find time to come back to us to the meetings to have some conversation or a discussion with us.

## **V. Reports from Officials**

### **1. Commissioner Reports**

Vice Chair Xue: Ok, let’s move onto the next agenda, reports from Commissioners.

Commissioner Smith: Commissioner? I have the last 3-pages of a 10-page paper to write and it’s due at midnight so I’m going to leave now. Thank you, bye.

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Vice Chair Xue: Thank you.

Commissioner Lee: Can you take a quick picture before you leave?

Commissioner Smith: Of whom?

Commissioner Lee: Of the group? I'm a millennial, we need a group picture.

Commissioner Smith: Oh, we do?

Chair Kralik: Well...

Ms. le Conge Ziesenhenné: Oh sure.

Commissioner Lee: With the Chair and...

Chair Kralik: Yes, you should just...

Commissioner Lee: 30-seconds.

Chair Kralik: ... take a break.

Vice Chair Xue: Ok.

[The Commission took a short break]

Chair Kralik: Since we're on Commissioner Reports I just want to report that today I went to the Alzheimer's Association Updates on Dementia held at South San Francisco Convention Center. Speakers from Stanford and from other medical organization, from public health organizations all were there. It's a massive issue but one kernel of information that I learned is that every county has a health officer, a public health officer, in California. There are three cities, I think it's Long Beach, Pasadena, and Berkeley that also have public health officers. I think that's something perhaps that we can discuss in our off-site that's coming up in June. I do think there's a place for that. Issues such as homelessness, public health issues, in addition to Alzheimer's but Alzheimer's being included are important in terms of how we spend our money, how we spend our services, and it's an enormous problem. Some of the reports just to be optimistic about it do say that they could, with some intervention by public health officers, lower the number of people who have Alzheimer's by something like 5 million through 2050 if the public health officers are able to implement strategies. Some of this relates to cardiovascular health but I do think that that annual conference which I attend because I'm an Ombudsman really is an enlightening conference. It is something to consider for our Commission in terms of human relations and actions that we might take to support that community. Thank you

Commissioner Stinger: I'll comment that yesterday we held the second summit for the LGBTQ community in Palo Alto. We had reported on the conclusions of the first summit last meeting. You'll remember that there were five priorities; one of them was space that we did not address in

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the first group. We addressed that substantially yesterday and I will ask that we have an agenda item in June and I'll update that further just say that we had enthusiastic support. If I didn't lose Supervisor Simitian since his office is going to be a huge help in getting some space and support for the north county community.

Commissioner Lee: One update for the month I did want to do some acknowledgments. I think it's Public Service Week so I did want to thank our staff, Minka, and Mary, for your many years of service to the City and to the Commission so thank you. Also, it's Teacher Appreciation Week and you know a lot of people move to this community because of the schools. I certainly did and so I want to thank our teachers. A couple of other acknowledgments, it is Mental Health Awareness Month and I know mental health has been a particular interest to this Commission. I know it's an issue of particular concern to our residents here. In the most recent National Citizen's Survey something like 38 percent of Palo Altans rated the availability of quality, affordable mental health services as good or great; only 38 percent rated it as such. I think it's important that we, as we commemorate this month, that we just be aware of the ongoing work that needs to be done by the Commission, by the City, by our community on mental health. There are two things that I wanted to announce in connect with that. This Saturday YCS, Project Safety Net and the Recreation Department are hosting it's called Take Over for Wellness where they are taking over City Hall on Saturday. They'll have wellness workshops for and led by teens so that should be fantastic if you have teenagers. Also, the county is looking for a Palo Alto location for a one-stop shop where youth can access mental health services. So, if you know of any locations certainly reach out to our county rep about that. As Commissioner Stinger mentioned we had our second LGBTQ summit. I think we made tremendous progress and saw great energy there. So, hopefully, that work keeps going and we have updates for you in the coming months. Let's see, I attended a bunch of other events but for the sake of time I'm just going to skip them and I'll just submit them maybe for the record or so.

Commissioner Stinger: I would like to make one more comment. Stefanie Douglas did a fabulous job on the May Fete celebration Saturday. That was perfect.

Vice Chair Xue: I would like to give a really quick update on the events I attended. So, I attended Unconscious Bias event organized Commissioner Smith and Commissioner Stinger and the church. That was a wonderful event and the speaker gave a very informed talk. I learned from her talk with lots of information behind the scene and the statistics pointing to this recent associate crime; those kinds of things. To have, that's a wonderful. Thank you, Stinger, for helping Commissioner Smith on that activity. Commissioner Smith did a wonderful job in mediating that discussion. It was a wonderful group, the questions, so well received. I also participated at the May Fete Parade as a Commissioner. I actually participated for the first time. I was an observer a few times, took my kids there but it's really different feeling. So, our rich culture, the community getting together, it was a wonderful feeling so I just wanted to share with you guys about that.

Commissioner Lee: There's a picture of you in the newspaper or not newspaper, newspaper website. You were in one of the pictures holding the sign.

Ms. van der Zwaag: You were standing...

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Vice Chair Xue: Oh really? Thank you for telling me that.

## **2. Council Liaison Report**

Vice Chair Xue: So, since the Council Liaison has left we have the Staff Liaison Report

## **3. Staff Liaison Report**

Vice Chair Xue: Next, let's move to the Staff liaison reports.

Ms. van der Zwaag: Sure, I have a couple of things, Commissioners. The interviews for new HRC Commissioners were held. There are three candidates and the Council will be considering that on May 20<sup>th</sup>. I wanted to let you know that HSRAP, the recommendations of the HRC will be going as part of my department, Community Services, budget. That will go before the Council on May 23<sup>rd</sup>, Thursday at around 6:45. There usually is not a separate discussion, it's not held as in the fashion that it was tonight but here is a budget page regarding HSRAP. Any conversation that the Council wishes to engage in regarding HSRAP and the leadership and my department will be prepared to answer. I will be there as well and I will be informing HSRAP grantees of that night in the manner of which it happens. I will let you know that in the draft budget there is a 3.9 percent CIP increase that is proposed for the grantees to receive along with other major Human Services grants from the child care subsidiary, older adult services, and mediation services. Those are the key things I had. The retreat is coming up. We hope that the two candidates that go through will be able to attend the June 15<sup>th</sup> date that we selected but we are contacting them after they have been appointed.

## **VI. TENTATIVE AGENDA FOR NEXT REGULAR MEETING: Thursday, June 13, 2019.**

Chair Kralik: Acting Chair Xue may have a question for you about the tentative agenda for the next regular meeting and the retreat since they are so close.

Ms. van der Zwaag: That could be a decision by the Commission. Last year we did hold a regular meeting and retreat. I prefer not – unless it's something so – such a huge issue we want to discuss it at the retreat. We have in the past taken on an agenda item at the retreat. Given the format of last year's retreat, where it really was a time to work through some policies and procedures and communication items. That's up to the Commission. I would probably not advise doing something just a regular agenda item because we are having a consultant at that event but the Commission can decide if it wants to have the June meeting or not. I will tell you that I will not be present at the July meeting so it was my hope that the Commission would skip the July meeting. If that's not the will of the Commission then my department will find someone to take my place at the July meeting.

Chair Kralik: How do we make that decision? Can we just do it as an executive group or do we have to have the Commission vote?

Ms. van der Zwaag: I don't believe you have to have the Commission vote to decide that there won't be a certain meeting.

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Chair Kralik: So, we can decide it as the Leadership Team?

Ms. van der Zwaag: Am I saying anything incorrectly? I didn't think so.

Chair Kralik: So, the Leadership Team could get together with you because I think we're aligned on this?

Commissioner Stinger: Could I suggest that we put up some agenda item and then either have them in June if we don't have the retreat. Well, the date of the retreat is subject to the availability of the two new Commissioners.

Ms. van der Zwaag: I think that's a decision of this group. That if you want to have 100 percent participation to go forward with the retreat or if six of the seven can make it that's really a decision you'll have to make.

Chair Kralik: Yes, we can as Leadership Team reschedule if they can't show up.

Commissioner Stinger: Right, ok, I was just thinking put out the agenda items and then whether they fall in June or August.

Chair Kralik: Well I think one of the things is that you want to have some kind of orientation for these folks and this is a great way to do it. To introduce them to the people, to give them a chance to talk about who they are, what their background is, how they do things and give them a say in moving forward with the next year. I think unless there's some pressing agenda item which I don't know about I think the same week, two days, out of that week is a lot to ask.

Commissioner Stinger: (inaudible -off mic) (crosstalk)

Commissioner Lee: Mr. Chair, can I ask a question? When do we anticipate Item Number Three, the Endorsement Policy, coming back to the Commission? My thinking right now is I'd like that policy to come back to the Commission as soon as possible so that we can discuss and possibly implement something as soon as possible. I think we've missed out on a couple of events that we would have liked to have endorsed, including the Un-Bias event. So, the longer we go without the policy the longer we go without the comfort of endorsing events. If we think it's practical to bring it back in June, I would recommend that we hold the June meeting, have that as maybe the only agenda item or maybe that plus a presentation. I think presentations are always very informative and would be useful to new Commissioners if we had one of the agencies come and just do a presentation. That might be a great way of having that educational component. I would be in favor of keeping the meeting in June but really tailoring it to perhaps those one or two items.

Ms. van der Zwaag: At this point if we can just state that we're on agenda for next month. The one thing that I had arranged for next month was the representatives from the City shuttle program are able to come but that does not mean that they couldn't come in August just as well. So, I'll leave it to the Chair and the Vice Chair how they want to handle this. If they want to take everybody's input and make a decision at the next agenda planning meeting. I do agree with

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Commissioner Stinger that if we have an idea of what's on the table that will help Leadership be able to make a decision. I just had the Endorsement Policy. I was hopeful that it would come back fairly soon and the Transportation Learning Series and possibly the LGBTQ update. There may or may not be an update at this time.

Commissioner Lee: Is the retreat considered a Special Meeting...

Ms. van der Zwaag: Yes.

Commissioner Lee: ... or going to be considered – ok.

Ms. van der Zwaag: It is a special meeting because the same day, time, and place.

Commissioner Lee: So, I'm a lawyer so I look those things up so maybe there may be some interruption of what this means but the code does say that the Commission share establish a regular time and place of the meeting and share hold at least one regular meeting a month. Special Meetings may be called dot, dot, dot. So, it would seem that we must have a meeting in June and my preference would be to have a meeting in June.

Ms. van der Zwaag: Well, there's no requirement that you meet every month. I mean the Parks and Rec. Commission or even like some of the major City Commissions do not meet every month that they don't have sufficient agenda items. There's not...

Commissioner Stinger: The Library meets four times per year.

Chair Kralik: I'm in favor of just having the June 15<sup>th</sup> meeting and letting that be the first meeting of the new Commissioners. I think some of the agenda items that you're talking about, for example, the policy; it's great to have the Commission Member's impact that. We could even put on that agenda the draft policy and talk about it, even for a short period of time, right? We couldn't do that?

Commissioner Stinger: I would like (inaudible)...

Ms. van der Zwaag: I'd be concerned talking about it at the retreat because using the consultant's time wisely as far as the cost of the consultant and using her to...

Chair Kralik: We could talk about just viewpoints; I mean we're going to be taking up the issue of the draft policy later.

Commissioner Lee: So, in the interest of clarification in the code it does specify that the Library Commission meets bi-monthly and the Parks Commission meets at least once a quarter. So, the code does specify how regularly each Commission needs to meet.

Commissioner Stinger: Normally we take July or August off.

Ms. van der Zwaag: In practice (crosstalk) we have not done so. I'm not sure the willing of the Commission to follow that to the letter of the law.

Commissioner Lee: I mean if the Commissioner wants to vote – my preference would be that we vote on it because my preference is to have a meeting.

Ms. van der Zwaag: Well we can't vote it if it's not on the agenda.

Chair Kralik: Yes.

Vice Chair Xue: Yes, not on this agenda.

Chair Kralik: I think we've listened to a couple of viewpoints.

Vice Chair Xue: Right, after hearing the agenda you proposed I understand the Endorsement Policy would be better to have as soon as possible. However, when I look at the schedule, especially from my point of view, it would be very challenging for me to attend two meetings within 3-days. I would suggest just drafting the Endorsement Policy to circulate within the Commissioner to review. Then maybe after that can we make a decision without...

Commissioner Lee: In order to adopt it, it would need to be on a scheduled meeting. So, July presumably might be the earliest assuming there aren't any changes that the Commission would want to make.

Chair Kralik: I think that's fine.

Ms. van der Zwaag: I think we can discuss this more at Leadership.

Vice Chair Xue: Ok. So, I think the meeting is...

Commissioner Lee: Mr. Vice Chair, I was wondering if we could just adjourn the meeting with a moment of silence for the instances that happened in Sunnyvale this past month. We could adjourn it in their memory?

Vice Chair Xue: Sure. Let's have a silent moment for the victims of Sunnyvale. Thank you so the meeting is adjourned.

## **VII. ADJOURNMENT**

Meeting adjourned at 10:07 p.m.