



HUMAN RELATIONS COMMISSION

Thursday, June 11, 2020

7:00 PM

REGULAR MEETING

****BY VIRTUAL TELECONFERENCE ONLY****

Commissioners Present: Lee, Regehr, Savage, Smith, Stinger

Council Liaison: Council Member Tanaka

Staff: Minka van der Zwaag, Mary Constantino

[Recording started with meeting already in progress.]

I. ROLL CALL – not recorded

II. AGENDA CHANGES, REQUESTS, DELETIONS – not recorded

III. ORAL COMMUNICATIONS – not recorded

IV. BUSINESS

1. Consideration of avenues for HRC response to the death of George Floyd and ongoing racial inequities.

Oral Communications:

Alexi Stein, April, Audrey Keomian, Farhana, Laura, Laura Bajuk, Lawrence Magid, Lisa Craig, Lisa K., Megan Fogarty, Nicole Park, Onaiza, Rebecca Eisenberg, Sylvia Star-Lack, Tamara Gurbis

Kristen O’Kane, Director of Community Services: Thank you, Chair Smith, and good evening, Commissioners. It’s nice to see you all. It’s been a really long time since we’ve been together. I wish it was in person, but nice to see you, regardless. I’m Kristen O’Kane, and I’m the Director of the Community Services Department. I just wanted to share with you, and I’m sure you’re all aware, that last Monday, City Council adopted a resolution expressing their support for the Black Lives Matter movement, and their commitment to review police and public safety practices. They also passed a motion directing staff to return with a framework to review, report and improve police policies and practices, as well as [distortion] practices. The motion also directed staff to begin a diversity and inclusion initiative throughout the entire city. Monday night, June

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15th, the city manager will present a framework. This should be posted this evening. Unfortunately, I know the HRC didn't have an opportunity to review the framework and read through the memo that will be presented to Council Monday night, but as soon as it's posted, I really encourage you to take some time to read it and digest it. I think you'll see that it goes beyond what the City Council requested in their motion. You'll also see lot of references to the Human Relations Commission and recognition that the HRC may have, or does have, a really important role in advancing this important work, and ways that the HRC could coordinate with the City Council and staff to advance the work. What I'm suggesting for Monday night is what I think might be most impactful, is for the HRC to empower Chair Smith to speak on behalf of the Commission in response to this framework, and advice Council on the role of what the HRC might have to ensure racial equity in our community. This will definitely need to be a community-wide initiative, and the HRC will have an important role in that. I think having Chair Smith actually speak to the Commission and be part of the conversation, I think will be really important, and will make a strong statement on behalf of the whole HRC. I'll turn it back to you, Chair Smith.

Chair Smith: Thank you so much [distortion]. Councilman Tanaka?

Council Member Tanaka: First of all, thank you for all the member of the public for speaking, and of course, the HRC for having me here, and for your time on this very important topic. I think this is probably one of the most important times for the HRC. I think there's a lot that the HRC could do to really help the City move forward. I'll give you some of my thoughts. My first thought is, I know there's a lot that you guys could do, but I would keep the focus around what can we do to improve our police department. I mean, there's a lot of things we can do, but I think my concern is that if you make your scope too broad, that it will take a long time, and also, it's hard to achieve. I think something more contained; I think would be better than just trying to say we're going to solve all race relationships. That's just a really hard problem, so I would focus it more on, how do we make sure that we have an effective and fair police department? That's where my thought would be. The second thing is, on that Monday meeting, we were up until, like, 1:30 at night, not just for this item, but a bunch of other items, and our agendas are packed. We started at five o'clock in the day, as well. I think the reality is that there's a lot that's on Council's plate, and I think it's really important that we use our boards and commissions to be able to really go deep and understand the issues thoroughly. Because on Council, we really don't have the time to do that kind of depth that the HRC could do, which I think is required to do, on a topic like this. I think if it was easy to solve these kinds of issues, it would have been solved already, but the truth is, it's actually really hard to solve. I don't think there's a quick, easy bandage solution, unfortunately. If there was, I think we would have found it. We're looking for solutions that are not just skin deep, just a really surface-level solution. The obvious, easy ones, Council would figure that out, right? Anything we can figure out in a two-hour meeting, okay? We need something deeper than that. We need something that goes to the core, the root cause of what the issue is. Really trying to say, what are the issues? And then, more importantly, how do we solve them? I think what I'd love to see come out of this meeting today is the HRC comes up with not [inaudible] actions that the police department should take, because I think you guys haven't had the time or access to really do this kind of work yet. I would suggest, is for you guys to deliberate and come up with, what are the areas of focus, and more importantly, areas of

research, of diligence, of community outreach, maybe investigatory type of stuff that you guys would like to do. Then, present that as a potential work plan that, at Council on Monday night, the Council can look at and review and see whether they agree or not agree with it. I think that's what it's going to take to really come at the core, really solving the core of the issues, right? Because we see a lot of the symptoms, but to really solve the core of the issue, I think takes a lot of finesse, a lot of deep insights that we're not going to be out and it's going to pop in our heads in a two hour meeting, or three hour meeting, or four hour meeting. It's going to take, I think, probably a series of meetings and a lot of work on the HRC's time, which is why I think the scope shouldn't be too big. Otherwise, I think there's probably not enough time to really make some headway. I think you guys could probably do some kind of periodic read-outs. And I think if the HRC is able to undertake this kind of work plan, I think this will give the community confidence that, you know, things have been thoroughly... Maybe at the end of this work, you guys will say everything is good. These are just some incidents. Or maybe you'll say, oh, no, there are some real issues here, but more importantly, here's how we can actually solve it, right? We want the real solution, not just the temporary solution. Not just a band-aid, not just sweeping the dirt under the rug. We want something that actually solves this systemically. I think this just takes time, so that's what I would say would be really useful, at least for me on Council, to see from the HRC, if you guys today could come up with a proposed work plan or idea of how you guys would tackle this problem, so that when Council, we can basically okay that, maybe fine-tune it a little bit, and then, give you guys the resources, the time, and empowerment to really do this, so that in a few months, or however long it takes – hopefully not past this year – however long this takes, we can start making steps to address an issues that are really there. That's my, I think that's what would be useful for Council. Again, this is just my feeling, but I think other council members may feel the same.

Chair Smith: First of all, I'd like to thank City staff and Councilman Tanaka for, first of all, showing the level of confidence in this Commission. I know that these commissioners are eager to really work on this problem and be a significant part of the solution that moves forward. Commissioners, as we move forward, I will be calling each of you alphabetically. I'm going to give you five minutes. What I would like, to outline the goal, since this is an action item on our agenda, I would like for us to really put forward some solution sets, some suggestions, because I would like to have a motion at the end that would, in some sense, enable us to send a letter, enable me to go to Council with an active game plan. Because the reality is, we need to get into some real sophisticated policy work, and I really want to make sure that when we get to Council, we have some really strong underlying things to support advocates like staff and Councilman Tanaka, to allow us to carry the heavy load here. I believe this is a great time for our Commission. The reality is that City staff and the Council have been dealing with COVID and other things because of budget cuts, so there are limited resources and limited time. Right now, is when the HRC can really do some heavy lifting and work. We have a significant problem here, but I want us to really come with solutions and suggestions to move this ball down the field in some significant way that will equip Council and staff to really allow us to move forward. In the same extent, I'm willing at this point, as the Chair, to call the meeting in July, even though we usually take a vacation. I believe if we can present the right thing to the City and we can start working, I want us working in July to make sure that this process is continued. At this time, I will give Commissioner Lee, then we will go to Commission Regehr, then we'll go to

Commissioner Savage, then Commissioner Stinger, and then [distortion]. Thank you. Commissioner Lee, I turn the floor to you for five minutes.

Commissioner Lee: Thank you, Chair Smith. You know, I wanted to say that I've been terribly disturbed by the continued violence that we've seen from police officers across this country against African Americans and other minorities, especially because it's happening in 2020. But I've been especially proud by how our community and other folks have come together to protest, to fight, and to advocate for changes to these injustices. These issues, however, and unfortunately, aren't new, nor are they unique to any one given community or one given state. I think we can all admit that Palo Alto is not immune to these types of issues. While this is, in many ways, a special community, we aren't so special that we can't learn from and adopt many of the changes that we see folks calling for across this country. And I'd like to say at this moment that, you know, I want to reject some of the notions that were mentioned by our elected city council. I strongly believe that the things that we are seeing happen across this country could happen here in Palo Alto. As much as I love this community, I can't say with any confidence that I couldn't see it happening here, and I think we need to own up to that and admit it if we're serious about making systemic and institutional changes here in Palo Alto. A lot of people claim that this is just a case of a few bad apples sprinkled across different police departments, but it's systematic, it's institutional, it's cultural, and yes, it's local. I personally have been very fortunate to not have had any bad encounters with our police department. I've had that privilege, and I would say that many members of the community share in that privilege, but there are also so many members of our community, especially minorities, that haven't had that experience, and who don't feel comfortable with and who don't trust our police department. Our job as human relation commissioners is to ensure that no one in our community is treated unfairly or differently, and that everyone can enjoy in the privileges of this community. So long as there is even one person or even a small number of people who have had a less than ideal experience with our police department, we as a commission need to insist and work on the types of reform to make things better, because it's true it could happen here. We need to show with our voices and with our actions that black lives matter, and that minority lives matter, now more than ever, because it is those lives which are most at risk. We need to show it as individuals and as a city and as a police department, and in our respective institutions. Now, I can say that I like a lot of the people personally who serve our city in the police department. I think Chief Jonsen is personally a great guy. I've always enjoyed meeting with him one on one and at community meetings, and we've even rappelled off a building together to raise money for homelessness. It's not reasonable for us to expect that the police department or staff, let alone any organization, we can't expect that they're going to be best suited to address and reform their own institutional and cultural failings. It just doesn't work that way. There are many reasons to be skeptical or distrustful about whether the police department or city staff can make the changes that we require. This is why we have this sort of system, and that's why our work as a commission is more important than ever. We can like the people who do this great work but still think that they need to change things as an institution. It isn't our job as commissioners to cozy up to the police or to any city department, but rather, it is our job to be stewards and advocates for all members of our community, especially our most vulnerable and at-risk ones. I want to say that police issues are HRC issues, which is why one year ago during our Commission retreat, I specifically asked for police department issues to be placed on a work plan. I did it because I realized that

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there were issues that needed to be fixed, many of the same issues that we are encountering now as a country. That's why I put it on the work plan. Some of my colleagues, without putting words in their mouth, I think put it on the work plan because they thought I was damaging our relationship with the police department, because they were concerned with what I was saying, or how I was saying, or that I was calling for change to begin with. I think it is our job to take these issues seriously and to do the hard work. When we get to the motion section, I do have a ten-part motion that I would like to discuss with my colleagues, and I do hope that we put in the time and effort to do it. For the last year, I've asked my colleagues on the police ad hoc committee if we could meet at least three or four times to discuss all of these pressing issues, even before this most recent incident arised. At each turn, I've been rejected. We haven't had the time or interest to meet as a subcommittee, and I would really urge this commission and that committee, as it continues, to really dig down deep, to convene and discuss these issues in earnest. Thank you very much.

Chair Smith: Thank you, Commissioner Lee, for your statement. Commissioner Regehr.

Commissioner Regehr: First, I want to congratulate Kaloma on taking leadership. It's really good for our HRC. I really think that our first priority should be strengthening the HRC's ability to make an impact. We need to be more proactive as a commission. We have three commissioners on our commission that were public [distortion] for the police department, and we had many opportunities to respond about certain things that were happening in our community, and not once did any of us report back on those issues. I think we should clean our house before we start criticizing other people. I also want to say that it's hard to believe that the City wants us to be proactive and want our input. I think we should be insisting that, in part of the letter, that we be re-enacted to seven commissioners. We and the Art Commission are the only ones that are locked, and the reality is that diversity was becoming an issue, and that's what the staff said, that limiting it to five. I find that it's somewhat disheartening that we keep on giving lip service like, yes, you're really important, but now they're limiting us to five, and that even Kristen's report, that she said that we haven't had an impact. How can we go to staff and City Council without even looking at...? She didn't consult any of us. Staff has not consulted us about diversity about the plan. I think that we need to focus on meaningful reform, and I think that, in just listening to people today, I think quite a few of them, I think working with the history of our city would be very good. I also think that should start thinking about reimagining public safety, not defunding it, but thinking of a different word. We should reimagine what our city could be like. I guess that's it. I just think that we need to think of original ways to express in our community, to get people involved. I was going to read something from a student, but I think... She was too shy to put it on Next Door, and she said I could [distortion]. She said [reading]: *As a community, we need to step up, support the Black community, not only this city, but in the world. There comes a time when silence is betrayal, and I think Human Relation Commissions has been silent. We have been silent when we are going, talking to other organizations. We've been silent when people come and talk.* I mean, even when, at our last meeting, which was in February, a commissioner talked about racial Asian Americans being targeted. We did nothing. When people have spoken, we have done nothing, and I think that we need to think about what our role is, and I think that we should reinstate the seven, because it's very hard to think that the City cares about diversity when they're limiting it to three white women and one black man on our commission right now,

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and we only have one opening. I think if the City really wants to talk about diversity and say that we really are important, then that should be a very strong letter. Like, let's increase our power and our community support. I also, people are speaking, I think that we are open now for the community to apply to the HRC Commission, and I think that the deadline is July. You can go to the website, and I really encourage people to apply. Thank you.

Chair Smith: The deadline is the 21st of July. Thank you so much for your comments, Commissioner Regehr. Commissioner Savage.

Commissioner Savage: Thank you, Chair Smith. I wanted to thank everyone who spoke up tonight in oral communications. I also want to specifically thank Kristen O'Kane and Councilmember Tanaka. They were very encouraging remarks about involving the HRC in future discussions about how to move forward with some of these issues, but there has already been a little bit of progress toward that end. I want to suggest that everyone take a look at a newly created page on the City of Palo Alto website. The title of it is Palo Alto Police Accountability, and it gives really an exhaustive list of the police policies, including the use of force policy. It also has the Palo Alto police policy manual on there; that's 600 pages long. This website also addresses the 8 Can't Wait movement in depth, and I think it will answer a lot of questions raised by the community. Chair Smith is going to explain the next steps. I'm looking forward to that. We will hear direction from Council, we'll follow the lead on these issues, and plan and act accordingly. That's it.

Chair Smith: Thank you, Commissioner Savage. Commissioner Stinger.

Commissioner Stinger: Thank you. Thank you to the people who spoke to us tonight. I'd like to summarize the comments, but I want first to think about our response as a Commission to racial inequities in Palo Alto. I looked at this issue as I spoke to community members who might be able to help us going forward with a framework or a context. What I wanted to look at was bringing it home, making it local, capturing the energy of the moment, and going bold. Going beyond the rhetoric. I think that's important, but I think we need to, as a Commission, go beyond that. We are a commission of five, or seven, and we need to acknowledge that, so I want to work with partners, identify partners who could bring resources to us. I hear what was said about being realistic and being strong, but I also feel like the people we're working with, I want to approach them as allies, not antagonists. Looking for immediate but also longer-term implementations. I want studies changed. I think there's a lot of rhetoric, a lot of good ideas, but I think we as a Commission need to focus on study recommendations. I want a place for piloting and monitoring proposed changes. With that framing, I then looked at what my goals would be for our activities going forward. This was clearly before a posting was made, but I think they are still valid. I was looking for awareness of racism and police activities in Palo Alto; a community conversation; and an action plan. Just addressing a little bit about those right now. I think we need to do a lot to look at the awareness of red lining and police activities. I'm not going to say brutality, but examples of police force overstepping behaviors. To really get a grip on where we are. There are some resources, the Palo Alto History Museum, Pacific Art League, Palo Alto Art Museum, Santa Clara County Human Relations Commission public forum, are all resources we can draw on to increase our awareness of the reality that we face. Beyond that, I think we can come together as a community with discussion circles that will really help us the questions, where were

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we? What has been the record on police racial behavior? What does that record show about the places where we can do better? I think within that, we can also look at contemporary models for policing and public safety so that our recommendations are based in what we see as a community, but where we're going, and where we're going can be informed by other people's experiences. I hear a lot of people talking about defunding PAPD, and I think we can do some work with that to really look at the benefits and risks of changing a police force in Palo Alto. Before we engage in that, however, I think we also need to bring the police to the tables with us in our community dialog so that we have a better appreciation of, not only of what they do, where they've overstepped the bounds, but where they have really been strong advocates for public safety in schools, public safety on the streets. There's a lot of groups that can help us here. Stanford's community engagement office has approached me. At least two civic groups in Palo Alto have approached me. I think we can really take advantage of some of the toolkits that groups that have spoken to us and worked with us at Stanford have in place, so we don't need to invent the wheel. We can look at racism using some very sophisticated tools of implicit and explicit bias, appropriate actions and inappropriate actions. Build trust in our community and use that trust to bring community dialog into the question at hand. It seems like the question at hand is going to be, to be where we want to take the police force. I think that's a place for us to start, but I have to say, I also hope we will continue the investigation. Housing is something I think is very important. A lot of the trust, racism, and inequities wouldn't be present if we, in fact, had a more diverse housing core. I guess I'll just take a minute to conclude, to say I take pride in a commission that is deliberate, objective and information heavy. At the same time, I think this is the time to dream our future, so I'm looking for our work to take us to that intersection point of solid, objective recommendations, with a bit of a dream.

Chair Smith: Thank you so much. For my comments, Commissioner Lee, do you mind holding until after my comments, and then we will go into [distortion] discussion?

Commissioner Lee: Yes, that was the intention on my end.

Chair Smith: Okay, thank you.

[Music playing.]

Commissioner Stinger: Can you do that again, Kaloma? We missed some of the video, and it's really powerful.

[Music and video playing.]

Chair Smith: I think one of the distinct challenges that we face in Palo Alto is what we've heard tonight. Everybody thinks the issue is in East Palo Alto. We as a community need to look inside at ourselves. It's not an East Palo Alto issue. As a pastor of the oldest black church in this community and having dealt with the impacts of the implicit bias and racism of our community that lets blacks walk around, black and brown people walk around uncomfortably, we need to address this. I believe we have some very tangible and clear steps that we can go ahead and address. The first is we can remove the sting of separation and segregation that is Foothill Park. I know a lot of people say that people from Los Altos (inaudible), but the reality is, is that it is a

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vestige of red lining. It is something that was supposed to be a six-month ordinance that was reinforced and refilled. The other thing is, is that I believe that we do need significant police reforms. I believe it needs to take three steps. The first is we need to address hiring. If you hire people that have prior violations, you will get current violations, and we need not hire anybody in our city that has had any disciplinary violations. I was grateful for the state of New York that just actually opened police records for public view, and I pray that the state of California follows along that line, because we need transparency in policing. The second part is, is that we need to quickly, as quickly as possible, adopt a can't-wait or a similar framework, because these are policies that are going to impact black and brown youth that are walking the streets of Palo Alto, not just in violence, but just in how they are treated by police. The de-escalation and those other tactics that are suggested are immediately impactful. The other thing is, as Commission Savage said, there is a 600-page policy manual. There is a reason we call this a systemic issue, is because the policy manual is representative of the system. It is a longer-term process, but this is something that we have to dig deep in. The other thing is, we also were probably moved to get community feedback on what they perceive from the police, because sometimes when we are doing systemic work, be it in the system, doesn't give us the clarity to know exactly, anonymously, how the recipients of the system [distortion]. On the City side, I think we moved to significant diversity inclusion. I think we moved to really start examining, how do we do implicit bias training for the entire staff. Sometimes not knowing what your biases are is a significant part, but follow that up with some significant looking, sophisticated looking at diversity and inclusion. That includes promotionally, intentionally. What does it look demographically across different levels? How do we get there? Understanding that we are going to find ways to get the right people in place, but we have to do this in a way that makes sense. At this moment, in this time, I think we need to start bringing heavy suggestions and be deeply integrated in the process. The challenges with systems is that they are not taken care of with just one letter, one meeting, one motion, one post. They're taking care of by consistent and difficult and hard work, and I think we as a Commission are going to have to double down to really get this work done. Thank you so much. What I would also like to do now is we have the option to put some motions on the floor. I initially was going to ask for a motion to follow our historic pattern, like we did after, with the County Commission with Supervisor Simitian which is write a letter with a detailed position. Also, Director O'Kane, she opened another possibility to have us at the table for discussion, so I would like a motion on that also. I'm going to open the floor for discussion and motions at this time. Commissioner Lee has had his hand up first, so I will open the floor to him.

Commissioner Lee: Right, thank you, Chair Smith. Mary, would you mind bringing up my Google Doc, please? Also, just for the ease of my colleagues, I will email a copy to your email right now, in case you want to confer with it there. Can we zoom in just a little bit because I think folks might not be able to see that? If not, then I'll just read it. Okay. This is the motion that I would make, and it is a multi-part motion. After I explain it, I would entertain either a second for the entire motion, or we can break it down by each piece and vote on each piece if this Commission would like. My motion would be that the Human Relations Commission recommends the City Council do the following: The first one is hiring an independent reviewer to review and audit Palo Alto police department policies and practices and to propose specific reforms. The subsections are: HRC recommends that the City Council retain a new, independent

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not-for-profit organization with strong civil rights and minority community credentials, that is unaffiliated with law enforcement, to conduct an independent and unbiased review of PAPD policies and practices. The HRC recommends that the independent reviewer report directly to the City Council, and that its work and recommendations are not filtered or guided by City staff. The HRC recommends that the independent reviewer be given a broad mandate and discretion to review any and all policies and practices, and to make recommendations of any type, including those which may be above and beyond what is then required under the law over the next two years, including but not limited to the following areas: Use of force; budget; hiring, promotions, and firing policies; transparency; and more complete and timely public access to records; independent auditor and HR-related policies and practices; citizen oversight; areas or situations which can be delegated or handled initially by non-police professionals – for example, counselors, social workers, etc. – I don't know why there is a typo there. Additional bias and inclusion; de-escalation and other trainings and certifications. That's all under that first bullet point of hiring an independent reviewer. The second one is to direct the independent reviewer to review PAPD compliance with 8 Can't Wait policies, and I assume we need to take a look at the accountability website that was created last week. I think we need to have it independently reviewed. In order for the community to have faith that we're actually implementing these policies, we need someone independently to review it. The HRC recommends that the City Council direct the independent reviewer to review and evaluate as a first, but not exhaustive, step whether PAPD complies fully and unequivocally in both policy and practice with all 8 Can't Wait policies. Those are listed below. The second part of that would be that the HRC recommends, to the extent that the independent reviewer identifies deficiencies in compliance with 8 Can't Wait, that the City Council adopt those reforms no later than the day before the next election. The third bullet point would be to temporarily suspend all new... Let me just stop here and say a lot of these ideas were inspired by the fantastic op/ed that our Chair wrote. I think we simultaneously had a lot of the same ideas, and a lot of the community had very similar ideas. So, this, in part, is inspired by that op/ed, so thank you, Chair Smith, on that. The third one is to temporarily suspend all new hiring and promotions until new policies are adopted. You can read there. The second component of that would be to have a separate independent citizen review board with oversight into hiring, promotion, and firing. The fourth part, it's very similar to I think what I heard from my colleague, Commissioner Stinger – perhaps, if I'm hearing her correctly – to evaluate reimbursement of some PAPD fines, or alternatively, provide additional funding for community and human/social services. I break that down sort of in three-time components. The first one, in the more immediate term, I would ask that this Commission recommend that City Council adjust the FY2020 budget to provide additional funding for community and human services, including but perhaps not limited to doubling the HSRAP grant process to fund various social services, and to double the Emerging Needs Fund, as well as exploring other increases for homeless, mental health, housing and community development services. That's the short term. In the midterm, I would ask that the HRC recommend that Council direct the independent reviewer to propose for the FY2021 budget cycle recommendations either for the reinvestment of some PAPD funds, or additional funding, generally speaking, to support community and human services. And in the more long term, I would ask that the Council adopt [distortion] the equity pledge proposed by a couple councilmembers in San Jose, and which was signed on by 20 or so elected officials in the South Bay, into the City's budget and policymaking process. The equity pledge basically requires that

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as our elected officials are thinking about budget and policymaking issues, they examine the impact of those decisions, those policy and funding decisions, on different elements of our community, and the impact on equity. The fifth bullet point would be to include the broadest set of community stakeholders in any and all efforts related to police reform, diversity, inclusion and equity, including the ones listed here, regardless of who ends up leading those initiatives. Here is a preliminary list of folks that I would, at a minimum, like to include. You know, members of various minority communities, Tinsley families, the Buena Vista Neighborhood Association. I think everyone knows why that one would be so important. Civil rights experts, members of the LGBTQ community – again, everyone knows why that one is in there. Disability advocates; mental health professionals; substance abuse professionals; faith-based leaders; social workers. We have a lot of lawyers in this town. I'm a lawyer. All of the law firms have offices in Palo Alto. We have a lot of legal talent that we can draw upon for independent legal analysis and recommendations. This last one I want to stress, you know, I definitely think whatever the City does, the Human Relations Commission needs to be involved. Over my three-year term as a commissioner, our Commission has weighed in on a lot of issues and have begged our City Council to involve us in those issues, but for philosophical reasons, many members of our Council have refused to include us, and they get angry when we do speak up. Luckily, our current Council liaison – Councilmember Tanaka – has been very good about always asking his colleagues to involve us, but unfortunately, his colleagues haven't agreed so far. The sixth proposal would be to work on improving diversity and representation in the city workforce, including the PAPD, city management and city commissions. If you look at Section B., I would ask that Council require that diversity statistics be published every year. I think one key element of improving diversity and representation is knowing what our numbers actually are, and I don't think it's too onerous of a task for us to ask for that information as the public. I would also echo Commissioner Regehr's comments that the City Council consider restoring all city commissions to seven members each. As she mentioned, the staff report alluded to the fact that a reduction of city commissions from seven to five would impact the diversity and representation on our commissions. Seventh would be to require additional training, both for staff, PD, Council, commissions. Eighth would be to open Foothills Park, and that they do so by August 6th. The final two ones would be to paint Black Lives Matter on the street as a visual show of solidarity, and as a physical reminder of the large and urgent work in reform that needs to occur. Finally, I would ask that this Commission endorse itself – as well as recommend that our Council endorse – a number of efforts at various other levels of government. I'm happy to go into those if you have questions about those. I would make that motion.

Chair Smith: What is the exact motion. Is it to accept all the points posted? Can you state the motion for us?

Commissioner Lee: Yes, we can do it a couple ways. Right now, I'll make a motion that...

Chair Smith: [distortion]

Commissioner Lee: I'm sorry?

Chair Smith: I can only take one motion at a time.

MOTION

Commissioner Lee: Yes. Right now, I will make a motion to adopt the entire list, and if we have a second, we can discuss it. We can always do friendly amendments, or substitute amendment. I'll make that motion, to adopt all ten.

Chair Smith: Do I have a second?

Commissioner Regehr: I second it.

Commissioner Lee: Thank you.

Chair Smith: You seconded it?

Commissioner Regehr: Yes.

Chair Smith: Oh. The motion is open for discussion. My initial.... Do we have any comments? Please raise your hand. On the actual app. Commissioner Savage?

Commissioner Savage: [No response]

Chair Smith: Commissioner Savage, we recognize you. You have to unmute.

Commissioner Savage: Okay. I got it. Steven, I appreciate the considerable amount of work you've put into this document, but there are a few things. First, doesn't Palo Alto police department already have an independent auditor who has been with that department for years?

Commissioner Lee: My understanding is that the independent auditor, the independent reviewer that I contemplated here would be separate from the current function that the independent auditor would currently [crosstalk].

Commissioner Savage: Why would we need a second independent auditor?

Commissioner Lee: Well, we're auditing different things, right? I think the independent auditor audits, you know, claims and allegations made in that given year.

Commissioner Savage: And you think he's not sufficient enough to broaden that scope?

Commissioner Lee: I would prefer a new person, but I would entertain, if you want to make a friendly amendment to assign... To make a recommendation that we assign these duties to the independent auditor.

Commissioner Savage: No, I'm not ready to make any kind of recommendation.

Commissioner Lee: Okay. Okay.

Commissioner Savage: I just wanted to clear up that there is an independent auditor.

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Commissioner Lee: Yes, I know that, yeah. I mean, and I refer to it in the document. Thank you.

Chair Smith: Great. Thank you. Thank you, Commissioner Savage and Commissioner Lee. Commissioner Stinger, the chair recognizes you.

Commissioner Stinger: Thank you. I have two reservations. One is that some of this work seems to be... No, three. My first comment is this is very thorough, and I appreciate this is giving us something very solid to react to. My second comment is some of this seems to be conclusions that would come after the work, so I think we have the cart before the horse. We need to do some of the community conversations before we can make some of these statements, and some of the specificity in the recommendation I think is premature in that regard. Thirdly, I would like to ... I think something the Human Relations Commission can do is bring the community into the conversation, and I'd like to focus on that contribution.

Chair Smith: Thank you.

Commissioner Stinger: Those are my reservations.

Chair Smith: Thank you, Commissioner Stinger. Commissioner Regehr?

Commissioner Regehr: I have a couple of thoughts. One is that I feel that we as a Commission should really vote, and I want to hear people's response about moving, having City Council move it from five to seven again. I think the staff is, to have them put their energy into making [distortion] into five, I'd rather have them putting their money into other things, because now they're going to have to rewrite the municipal code. I think diversity is, they keep on saying it's an issue, I think we cannot say we have diversity if we're not opening it up to more people on our committee to have different viewpoints. I would like to have a discussion about that because I don't want to vote on the entire thing until we all discuss how we feel about that. I also have a problem with the... I mean, I'm not going to spend that much time on the... I don't remember which item it was, but the item on painting Black Lives Matter. I think there's a lot more, other ways that we could creatively... I mean, that's a symbolic gesture, and I think that it's kind of placating the marginalized people. I think we could get other people involved in that issue. I don't know how we would go voting on the whole thing when there are certain things that I don't feel comfortable about. I would like us to discuss about, how does the staff and how do we all think we're going to have diversity if we don't want to push our commission to having seven again?

Commissioner Lee: Chair Smith, if I might.

Chair Smith: I'll finish, thank you. Commissioner Regehr, thank you for your comments. What I would suggest is once this motion item is done, you can bring the motion item of five to seven to be part of what we bring to the City Council as the next motion item. I want to deal with this motion that's currently on the floor. My input on this is, first of all, Commissioner Lee, thank you for the phenomenal detail of the work. My initial response to this is it's too detailed. There are a lot of assumptions. There is a lot of end plan without us doing some detailed dive. I don't think you are wrong in any of it. I just think there is a lot of work, there's a lot of pre-work, and I

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think I would be uncomfortable signing off on the motion as it stands. What I'm going to do at this point is bring the motion to the Commission if there are no other comments and ask for a vote on this motion as brought forward by these commissioners. Unless there is another discussion or amendment at this point. Is there an amendment?

Commissioner Lee: Chair Smith, could I just make a brief comment?

Chair Smith: Yes, you can make a comment, and then we'll go to vote.

Commissioner Lee: Okay. Yes, so, I mean, as you alluded to, so, if we wanted to use this as a starting point, you know, we certainly have a motion that's on the floor that's seconded, but the Commission also has the ability to do amendments to this, or substitute motions. For instance, if a particular commissioner was uncomfortable with one of the 10, for instance, he or she could make a motion, a substitute motion to remove it from the main motion. We would second it, we would discuss it, and then we would vote on whether to remove it. Or, alternatively, to add something. And then, we could use the process of substitute motions, if we would like as a Commission, in order to trim or edit the current motion on the floor, if that's helpful. Otherwise, we could just do a straight up-and-down vote on this. If it fails, then we start over. I just wanted to present that as an option, as part of the process, because I'm very familiar with motions and substitute motions. Thank you.

Chair Smith: Thank you so much. I would like to... Are there any substitute motions at this point? I am not supposed to ask, but I will ask – Are there any substitute motions? I would like to hold the vote at this point. [No response.] On the motion as presented by Commissioner Lee. I would like to ask...

Commissioner Regehr: Kaloma, sorry. Two people have their hands up. Daryl Savage has her hand up and I had my hand up. When you asked if anybody.... You asked for questions and Darryl wasn't recognized.

Chair Smith: I apologize, Commissioner Regehr. Let's start with Commissioner Savage, then Commissioner Regehr. I apologize. I didn't [distortion] open in front of me.

Commissioner Savage: If I had my hand up, it is a mistake, so excuse that. My hand was not up. I'm trying to figure out how to put my hand down.

Commissioner Regehr: You just push "lower hand."

Commissioner Savage: Got it.

Chair Smith: Okay. Commissioner Regehr?

Commissioner Regehr: I'm a little confused. I'm new at this process. Is this when I would...? I don't want to throw away the whole motion by one vote. I mean, and is this when I would make a second mo...? I don't know when I would bring up other issues.

Chair Smith: When you do a substitute motion, you would say, “I want to make a substitute motion to make this adjustment to this document.” You’d seek for a second, we’d vote on that, and we’d go back to the main motion. But unless you get a second, we can’t move forward with that. Let me take a step back. There are a couple approaches here that we can take as a Commission. I see there’s one of our attendees that has their hand up. We’re actually in the discussion phase, so we cannot do any public comment at this point for our attendees. We have a couple options. I think we can vote whether we want to move ahead with the document as formed by Commissioner Lee with all the detail, and we could spend time going through that and trying to do substitutions [distortion]. Or, we vote it up or down. The idea is already out there, and we can bring them back for the next set of discussion items. So, that is the two approaches that we can take at this moment. Does that make sense, Commissioner Regehr?

Commissioner Regehr: [nods head.]

Chair Smith: Okay. I am going to ask; can we bring this to a vote? I will start with Commissioner Lee. Yay or nay?

Commissioner Lee: Aye. Or Yay.

Chair Smith: Commissioner Regehr?

Commissioner Regehr: Umm... I can abstain, right?

Chair Smith: You can abstain, yes. Commissioner Savage.

Commissioner Savage: Nay.

Chair Smith: Commissioner Stinger. [no response.] Commissioner Stinger, I can’t hear you.

Commissioner Regehr: She’s on mute.

Chair Smith: You have to unmute yourself.

Commissioner Stinger: Sorry for the change. Nay.

Chair Smith: I also am a “nay” on this item.

MOTION FAILS 1-3-1

Chair Smith: Do we have...? So, right now, we are at a point where... The goal here, we have two things that we need to do tonight. Kristen O’Kane, we would need for the Commission to allow me to represent them, but that would need to be a vote. Then we also, I would personally like to craft items to add a letter of some representation. I think what the best possible approach to that is at this point is, if someone could make the motion first on the representation,

Commissioner Lee: Could you just elaborate on, you know, if we were to authorize you to represent us, sort of the talking points, so to speak, of what you would be saying on our Commission's behalf?

Chair Smith: What I would be saying is the points that we would have put in the letter.

[crosstalk]

Chair Smith: We haven't gotten that far yet. Those points would be what we would discuss next. What I would like to do is that at each point, I would ask a vote, and then we would add it to the letter. Do you follow what I'm saying? We would build the bridge slowly.

Commissioner Lee: Okay.

Chair Smith: For example, Commissioner Regehr brings a good point forward, which is one of the recommendations to the City would be to keep us at seven commissioners because of the level of work we have to do. That would be a discussion and a vote. It will be in the letter; it will be something that I would highlight in my discussions with the City. Does that make sense?

Commissioner Regehr: Well, I have my hand up.

Chair Smith: I was talking to Commissioner Lee because he asked the question. I was responding to his question. Commissioner Lee, does that make sense?

Commissioner Lee: It does. I would prefer – if my colleagues agree – that we discuss what we want in the letter first, and then, determine who we want to represent us, because we may disagree on the items in the letter. So, it most likely will probably be you, but, you know, we may want someone else, depending on the contents of the letter.

Chair Smith: Commissioner Regehr?

Commissioner Regehr: I was going to second that motion. I mean, I have complete... You are our chair, you are our leader, and I think... But I think to make a substance that we all agree that you are a spokesperson, I think we need to discuss and agree what the letter is going to be saying and vote on that before we pick you to be the spokesperson.

Chair Smith: I was just going through; I was giving you the procedural framework to work from. All right. Let us start. Are there any motions or points that we want to bring to Council as discussion points? I would like to begin with the first motion, that we address 8 Can't Wait in the letter to Council and encourage them to adopt those 8 [distortion].

Commissioner Lee: I would second that.

Chair Smith: Do we have any discussion?

Commissioner Lee: Would you like me to write this down in the Google Docs, or do you want someone to write in Google Docs [inaudible], or no? I also sent you the link in case you want to open it and type it in directly.

Chair Smith: If you could sort of fresh doc and just, let's vote. Because people might have different things, so let's sort of fresh doc. We have a motion and a second. Is there any discussion before we bring it to vote?

Commissioner Lee: Can you repeat the motion for me please?

Chair Smith: The motion is to adopt 8 Can't Wait as a point in our letter to the City Council.

Ms. van der Zwaag: Commissioner Lee and Chair Savage [sic], so Mary can be taking notes on this matter and read the motions...

Chair Smith: [inaudible]

Ms. van der Zwaag: ... she will take that roll.

Commissioner Lee: Okay, so I don't do that. Okay.

Chair Smith: You have the motion. Do we have any...? Yes, Commissioner Stinger?

Commissioner Stinger: Can you accept an amendment?

Chair Smith: Yes.

FRIENDLY AMENDMENT

Commissioner Stinger: I'm just reading or trying to skim the document that Kristen O'Kane referred us to, and one of their four outlines is use of police, police use of force. And then, under that I believe is the 8 Can't Wait. So, structurally, I would like to amend the proposal to say, "Under the category of police use of force," we first address police use of force, 8 Can't Wait.

Chair Smith: [distortion] Can't Wait. First address police use of force, 8 Can't Wait. Okay. That's a good friendly amendment. Can I get a second on that amendment, please?

Commissioner Lee: Yes, I'll second.

Chair Smith: Okay.

SECOND FRIENDLY AMENDMENT

Commissioner Lee: I would also like to propose another friendly amendment, that we include some milestone for that. You know, City of Palo Alto, we're known for the Palo Alto process, which can be slow, and I think there's a sense of urgency. So, I had something in mind, but if the Chair has...

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Chair Smith: Ninety days?

Commissioner Lee: Yes, I would second that.

Ms. van der Zwaag: Can I ask at this moment, Chair Smith, that the first motion, Mary now has a Word document open, so may I ask that the revised first motion be re-read, please.

Chair Smith: Which revised first motion? The one that we...?

Ms. van der Zwaag: I believe that you had some language, and that Commissioner Smith or Regehr had some amendment to that...? Or could you please re-read it as [distortion] right now.

Chair Smith: We are asking the City to look at police use of force, specifically 8 Can't Wait, and go through the process of reviewing implementation within 90 days. My fellow commissioners, is that your understanding of the motion?

Commissioner Stinger: Yes.

Commissioner Lee: Yes.

Commissioner Regehr: Yes.

Chair Smith: Thank you. Can we bring this to vote? Commissioner Lee.

Commissioner Lee: If we can just make sure that we reflect that the motion was made by Chair Smith and seconded by myself, but yes, I vote aye.

Chair Smith: Okay. Aye? Okay. Can we have Commissioner Regehr?

Commissioner Regehr: Aye.

Chair Smith: Commissioner Savage?

Commissioner Savage: Aye.

Chair Smith: Commissioner Stinger?

Commissioner Stinger: Aye.

Chair Smith: Commissioner Smith, Aye.

MOTION PASSED 5-0.

Chair Smith: Do we have any other motions that we would like to add to this form letter, or points that we want to bring to City Council? I would suggest...

Commissioner Regehr: I have my hand up.

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Chair Smith: Oh. Why can't I see the hand up?

Commissioner Regehr: And so does Valerie.

Chair Smith: I can't... Okay. It keeps hiding every time, when they opened up the screen, it hid again. Let's try this one more time. Commissioner Regehr?

MOTION

Commissioner Regehr: I make the motion that we ask the City Council to reinstate seven commissioners...

Chair Smith: [distortion]

Commissioner Regehr: Well, we can put that in the letter.

Chair Smith: Yeah, we can recommend to City Council in the letter, but we... Because the language. Am I correct...? Yes, we can.

Commissioner Regehr: Because they never [crosstalk] to us, and I think that during this time period...

Chair Smith: Yes, we can recommend they do not decrease us, and the reason is because of the level of work. Does that work for you?

Commissioner Regehr: The level of work?

Chair Smith: Because we have a heavier workload.

Commissioner Regehr: No. I think that my motion is because the City has said that diversity is an important issue, and I think that heavy load, but also, that if they think they really want our commitment, I think that we should have diversity. Not because of heavy load, but because of diversity. [crosstalk].

Chair Smith: Okay.

Commissioner Lee: I'll second that.

Chair Smith: Let me clarify the motion for everybody. We are asking to recommend the City Council [inaudible] due to the level of diversity.

Commissioner Regehr: And work. And work.

Chair Smith: And work? Is that correct?

Commissioner Regehr: Yes.

Chair Smith: Okay. We'll bring that to a vote.

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Commissioner Lee: Can I ask the maker of the motion for a friendly amendment? Can we just make this recommendation...? I don't think we need to put it in the letter, I think we can just make it now and have that communicated to the Council.

Commissioner Regehr: I want it to be a motion.

Commissioner Lee: No, we'll make it a motion, but I don't think we need to wait for the letter. We can just make that recommendation now and vote on it.

Chair Smith: Let's do the vote. [crosstalk]

Commissioner Regehr: Can we have discussion?

Ms. van der Zwaag: I'm concerned because this agenda, this item, is, if it's not in response to the George Floyd incident or HRC's response to that, this is not an agenda item. And if you start to discuss it, you're having a discussion item for something that is not on the agenda.

Commissioner Lee: As a seconder, I would say that it is in response to it.

Commissioner Regehr: Yes.

Chair Smith: Let's do this. Intent and purpose is diversity. Is that correct, Commissioner Regehr?

Commissioner Regehr: Can you repeat what you just said? I'm sorry.

Chair Smith: The intent and purpose of this motion is diversity?

Commissioner Regehr: And dealing with race issues. I mean, yes, diversity and race issues. We need more diversity and race issues on our... And that's what our item is about. That is what the letter is supposed to be.

Chair Smith: Okay, so, this is all... Okay.

Commissioner Regehr: I don't understand why we couldn't have any discussion because that's what...

Chair Smith: The thing is, if there isn't somebody asking a question on it, we could bring it straight to vote. We don't have to have discussion. Only if somebody asks to bring the discussion. We just need to do the vote at this point unless somebody has something to add to the dialog on this.

Commissioner Regehr: Well, I guess I would like a discussion because I wouldn't want everybody... I want to know how we all feel about this issue. And I guess we'll find out by the vote. I guess we'll find out by the vote.

Commissioner Lee: I do have something to say on this particular motion, if I may.

Chair Smith: Wait no. We have to use the hands, please. Commissioner Stinger, is your hand raised?

Commissioner Stinger: Minka made my point.

Chair Smith: Okay, thank you. Commissioner Lee.

Commissioner Lee: The point that I would make on this is, you know, I think if we're talking about diversity and inclusion, and we want to ensure that the people making the decisions or making the recommendations to those who make the decisions are representative of our community. It can't just be that the HRC has seven members, right? The City Council has claimed that they are in the process of reducing every commission to five, right? So, I would ask if the maker of the motion would amend this motion to recommend that City Council reinstate seven commissioners on all city commissions.

Chair Smith: You know [distortion]. We have police reform, diversity and inclusion, and some significant things. I am worried. I want to vote this, but I need us to get to, like, the thing on the street that we have to deal with. We haven't done anything about hiring yet, we haven't anything about diversity and inclusion in city staff. And, we also haven't done anything about what the Human Relations Commission's role is going to be directly with that. I think that is critical work. I understand the importance of this dialog, but I really want to get into some of the other areas of it, so I would like to bring this to a vote.

Commissioner Regehr: I made the motion, so, can we repeat the motion, and vote?

Chair Smith: Okay. We're asking our City, recommend City Council reinstate seven commissioners due to the level of work and diversity. The intended purpose is diversity and race issues. All right. We have it. Commissioner Lee?

Commissioner Lee: Aye.

Chair Smith: Commissioner Regehr.

Commissioner Regehr: Aye.

Chair Smith: Commissioner Savage.

Commissioner Savage: Nay.

Chair Smith: Commissioner Stinger.

Commissioner Stinger: Aye.

Chair Smith: Okay. I will abstain from the vote.

MOTION PASSES 3-1-1, with Savage voting in opposition to the motion and Smith abstaining from the vote.

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Chair Smith: This will be in the letter. I know Commissioner Stinger had some specific points around...

Commissioner Lee: Point of order, Mr. Chair. We don't have four votes. If you abstain.

Chair Smith: I'll go Yay.

MOTION PASSES 4-1-0, with Savage voting in opposition to the motion.

Commissioner Lee: Okay. Thank you.

Chair Smith: All right. Commissioner Stinger, you had some points around community engagement and involvement.

Commissioner Stinger: I did want to make that as the... I'm sorry, I didn't mean to interrupt you. Excuse me.

Chair Smith: No, go ahead.

Commissioner Stinger: I did want to make community engagement the second motion, and the second part of the letter.

Chair Smith: Okay, can you make a motion for that, please?

MOTION

Commissioner Stinger: I would like to move that we include in the letter an emphasis on, recognize the importance of community engagement, that we will work with community partners to, to have the discussion with the broad Palo Alto community.

Chair Smith: Can I have a second on that motion?

Commissioner Lee: I'll second it, I'll second that.

Chair Smith: Okay. Do we have any questions on this motion, or any discussion?

Commissioner Lee: Could I ask the maker of the motion if she would add, you know, with the caveat that community engagement happen simultaneously with reform work? I would prefer that this not be sequential, but it all happen at the same time. Would the maker accept that as a friendly...?

Commissioner Stinger: I'm trying to think of the consequence of that. We've already said we were going to adopt the 8 Can't Wait. I think the importance of the community engagement is that it actually has some sway and meaning to the recommendations that we make. So, I would rather speed up the community engagement and come to a recommendation and an action phase in the autumn. But sequentially.

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Commissioner Lee: I would make a substitute motion that we include that in the main motion.

Commissioner Stinger: Then I would say... Would this do, Commissioner Lee? You make a good point. We don't want this... I think when I talked about my points, I said I wanted some immediate implementation to some longer term. And this needs to be an immediate implementation. The amendment to the motion would be that, I move that the work on community engagement begin promptly. And result in recommendations in the second quarter of the fiscal year.

Chair Smith: Thank you.

Commissioner Lee: Sorry, when would the second quarter be?

Commissioner Stinger: October to December.

Commissioner Lee: Okay. I'm comfortable with that. I'll withdraw my substitute motion.

Chair Smith: Okay. We have a second. Do we have any hands up? I'd like to bring this... Is there any other discussion? Okay. Commissioner Lee?

Commissioner Lee: Aye.

Chair Smith: Commissioner Regehr.

Commissioner Regehr: Aye.

Chair Smith: Commissioner Savage.

Commissioner Savage: Aye.

Chair Smith: Commissioner Stinger.

Commissioner Stinger: Aye.

Chair Smith: Aye.

MOTION PASSES 5-0.

MOTION

Chair Smith: I would like to bring a motion to the floor: That we recommend that the City start significant diversity/inclusion programs, starting with implicit bias training, and then going to a databased initiative around diversity/inclusion for all city staffing.

Commissioner Lee: Second.

Ms. van der Zwaag: Can you repeat that one more time, Chair Smith?

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Chair Smith: I want to recommend that the City begin a diversity and inclusion program that starts with implicit bias training for all City employees, and will lead into a databased diversity/inclusion program, which will seek to have representation at all levels of city staffing.

Commissioner Stinger: Do you need a second?

Commissioner Lee: I seconded it already.

Commissioner Stinger: Okay, sorry.

Chair Smith: Is there any discussion on this? Okay. Can we bring it to a vote? Okay, sorry, Commissioner Regehr? You're muted. You're muted. You have to unmute.

Commissioner Regehr: I've been muted. I unmuted myself and you muted me.

Chair Smith: Sorry. Go ahead.

Commissioner Regehr: I think that it's important that staff does that, and I think, I mean, there are certain regulations that [distortion] anyway. But I would like it to be on a structural biases and racism, more than just sensitivity. And I think that the Commission, I think commissioners should be part of this training.

FRIENDLY AMENDMENT

Chair Smith: Okay. I agree. Would you like to make a friendly amendment to add structural biases and commissioners be included in the training?

Commissioner Regehr: Yes, please.

Chair Smith: Okay.

Commissioner Lee: And I would second that.

Chair Smith: Okay. Are we ready for a motion?

Commissioner Lee: You mean a vote? Yes.

Chair Smith: A vote. All right. Commissioner Lee?

Commissioner Lee: Aye.

Chair Smith: Commissioner Regehr.

Commissioner Regehr: Aye.

Chair Smith: Commissioner Savage.

Commissioner Savage: Aye.

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Chair Smith: Commissioner Stinger.

Commissioner Stinger: Aye.

Chair Smith: Commissioner Smith, Aye.

MOTION PASSES 5-0.

Chair Smith: Are there any other motions to add to this framework to the City?

Commissioner Stinger: I would like to make a motion.

Chair Smith: One other thing... Go ahead and please make your motion.

MOTION

Commissioner Stinger: I would like to make a motion that the work that we've proposed is immediate, that we will look at longer-term recommendations, and that those recommendations will be based on pilot studies and reviews of the early implementation.

Chair Smith: Thank you. Can I get a second? Do I have a second?

Commissioner Savage: Could you repeat the motion?

Commissioner Stinger: The motion was, based on the immediate short-term implementations, I move that we continue the research, continue the study, so that we can make longer term recommendations to Council. And that we...

Commissioner Savage: Okay, I'm confused. What happened to the implicit bias training?

[crosstalk]

Commissioner Savage: This is a new motion. Okay. I get it. Okay.

Commissioner Stinger: And more of a closing statement that we will continue to look at the pilots and the data that comes out of the early work.

FRIENDLY AMENDMENT

Chair Smith: I want to make a friendly amendment to this. I've had several conversations with Chief Jonsen, and he is willing to [distortion] policy manual for us to do a complete review on and go through that, and I think that should be part of this work, to look at PD and other policy manuals to address bias and other issues in there. But I think this is where the deep dive work happens, and this is where we can start making some significant policy headway. This is also one of the significant points that were brought at Council in community comments, and also in our own comments. I think at the Council meeting, somebody made a comment on the book, and somebody else [distortion]. I think this is an opportunity to ask some questions on policy. I

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haven't read the book, I don't know what's right or wrong, but I think we need to be part of that process.

Commissioner Stinger: I accept the amendment. What you've done is to take something that was very general and make it specific and I appreciate that. Thank you.

Chair Smith: Thank you. Okay. I would like to open up this moment for Director O'Kane to please share.

Ms. O'Kane: Thank you, Chair. I just wanted to point out that the staff report for framework that the city manager and staff have put together is now posted. Unfortunately, as I mentioned earlier, the HRC didn't have an opportunity to review this in advance, but I think what's important to point out is that a lot of the motions that you've made here tonight are directly in line with what's included in the framework, which will be up to Council to decide. Some of those elements that are included include police accountability and use of force, community engagement and communications, city organizational policies and decision-making, as well as community services and programs. I again just encourage you all to take a look at the staff report before you begin...

[crosstalk]

Chair Smith: ...email us a link [inaudible]? [distortion] What I would like to do is take a break, a 15-minute break, to allow people to actually [distortion].

Commissioner Regehr: I just... sorry.

Chair Smith: I will get to you, Commissioner Regehr.

Commissioner Regehr: Yes, I had my hand up before the staff member, so I am kind of... I want to, before we break, I'd like Kristen to explain why they did [distortion] before they compiled it.

Ms. O'Kane: I'm sorry, you broke up a little bit. It may be on my end. What was your question?

Commissioner Regehr: My question is, you said that you were sorry that we didn't have time to look at it before you submitted to Council. I'm wondering what was the problem with time, why didn't you show it to us?

Ms. O'Kane: It's not that we didn't show it to you, it was a work in progress that involved numerous staff, and it's, you now, it's a complicated situation, and we wanted to just make sure that the staff report was well vetted and very thoughtful in what we presented. So, this is a staff report that comes from the city manager's office and it went out in late packet. We only had a week to put it together, and just wanted to be very thoughtful and considerate in how it was put together.

Commissioner Regehr: I guess my question, again... Are you saying that...? I'm trying to figure out what you think our role is then, if you think the staff [inaudible] human relations be thoughtful and considerate, why couldn't you have at least consulted us for our opinion? Because

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that is, that is our jurisdiction. Because now you're asking us to okay it and endorse it, but you didn't want our input.

Ms. O'Kane: I'm not asking you at this point to okay it and endorse it. I'm just suggesting that you read it. It provides options for City Council, it provides information to City Council on ideas, and it will eventually be up to City Council to make that determination and to take that action.

Chair Smith: I just... So, Commissioner Regehr, our recommendations are independent of what staff is recommending. But, since new information has come to the table tonight, as we're going through this, I think Director O'Kane is saying to at least take a look at this, it might inform your discussion. We're not okaying it. That's their thing. We're going to do what we need to do. But I want to do this. I want to take a 15-minute break. Minka, can we send it to the emails? At least then take a look, and let's come back and have a discussion. Then we will go from there.

Commissioner Lee: Chair Smith?

Chair Smith: Yes.

Commissioner Lee: I'd like to object, and I'd like to have a vote on whether we take a recess. I would certainly take a look at the staff report very thoroughly this weekend, but I think even 15 minutes reading it is not going to give me enough time to really absorb what staff is saying. As you mentioned, we're making our recommendations independently, and I think to the extent that our recommendations do overlap to some extent with staff, I think that's fine. We may have stuff that they didn't come up with, and vice-versa. So, I would move that we continue the meeting.

Chair Smith: Well, actually...

Commissioner Regehr: And I also object because it's not letting the community... This is a community meeting, and I'm feeling like...

Chair Smith: Can we please not cut the Chair off? That's first. Second, unless there's a two-third vote, the Chair has the discretion to call a break in the meeting. So, we don't have a two-thirds vote, then we can't, we can't object to this.

MOTION

Commissioner Lee: Okay, then I make a motion that we continue the meeting, and let's vote on it then.

1:25:48 – 1:26:19 – recording freezes

Ms. van der Zwaag: ...during this meeting, so Mary is going to work on doing the proper procedure to put the meeting on a break right now. I would suggest that as she's working that out, if you can take yourselves off camera and off sound while she is trying to do that, and we appreciate your understanding. So, if you could go off camera and off sound right now, we would appreciate it. Thank you.

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[The Commission took a short break.]

Chair Smith: I'd like to call this meeting back to order. Thank you so much, staff. At this time, we have Commissioner Stinger with her hand up.

Commissioner Stinger: I'm sorry, that's left from...

Chair Smith: Okay. First of all, I am grateful for the spirited debate. I believe that's the only way we move the ball further. At this time, I would like for us to take a step back, remove the motion we've already approved for the evening. We don't have the first motion on there, which was the 8 Can't Wait motion. That was the [distortion] number 8. And we wanted the City to study and implement those within 90 days, to review and implement within 90 days. We have a unanimous vote on that. Did you second that, Commissioner Lee?

Commissioner Lee: Yes, so, that motion was made by the Chair and seconded by me, and I believe it was unanimous.

Chair Smith: There was a unanimous vote, all right. So far, we have... Mary, I'll send you an email with exactly 8 Can't Wait. City to study and implement in 90 days [distortion] the motion by Commissioner Regehr. We asked which... All of these are elements and points that we will bring as discussion and letter points to the City. We're asking to recommend to City Council reinstate seven Commissioners due to lack of diversity, and the intended purpose is diversity [distortion]. The next recommendation/ motion, to include an emphasis on community engagement and work to [distortion] promptly results of recommendations in the second quarter of the fiscal year, which is end of September/beginning of October, with community partners, to have a discussion with the broad Palo Alto community. The next one is, recommended that the City of Palo Alto begin diversity and inclusion which starts with implicit bias training. Mary, [distortion] please. With the friendly amendment to, implicit bias training with all city staff, and address... I think we missed a part – I'm sorry, Mary – where we said we wanted to do diversity and inclusion, which was [distortion] or data-driven, includes data driven. That was passed unanimously.

Commissioner Lee: That was made by the Chair and seconded by Lee.

Chair Smith: Yes. Okay. The next one is a motion that the proposed work is immediate term between [distortion] so we can make long-term recommendations to Council [distortion]. We have a friendly amendment to look at policy and procedure, beginning with the police department and the manual [distortion]. I want to bring that item to a vote.

Commissioner Lee: Does the Chair second that motion?

Chair Smith: Yes, I seconded it, and I also made the friendly amendment.

Commissioner Lee: Okay. Could I ask for clarification about what we mean by pilots?

Chair Smith: Vice Chair Stinger?

Commissioner Stinger: By “pilots” I meant that wherever we can, we make our recommendations with a reasonable period of review – 3, 6 months – and come back to affirm that the pilot is working and getting its intended results.

Commissioner Lee: Gotcha. Okay. Thank you.

Chair Smith: All right. We have a friendly amendment, the friendly amendments, and the motion already. That was early work, policy and procedures [distortion] police manuals is a friendly amendment. All right. I’ll bring it to a vote. Commissioner Lee?

Commissioner Lee: Aye.

Chair Smith: Commissioner Regehr.

Commissioner Regehr: Aye.

Chair Smith: Commissioner Savage.

Commissioner Savage: Aye.

Chair Smith: Commissioner Stinger.

Commissioner Stinger: Aye.

Chair Smith: Commissioner Smith, Aye. Chair Smith, Aye.

MOTION PASSES 5-0.

Chair Smith: All right.

Commissioner Stinger: Chair?

Chair Smith: Yes?

Commissioner Stinger: May I also ask, on the first motion that we passed, I thought I had a friendly amendment, that 8 Can’t Wait would be under the umbrella of [crosstalk] use of force.

Chair Smith: Yes. Yes. That definitely was on there. Thank you so much for bringing that up, Vice Chair. Commissioner Savage, you have your hand up?

MOTION

Commissioner Savage: Yes, thank you. I’d like to go back to an earlier motion and bring it up again, that we moved that you, our Chair, become the representative to present to City Council.

Chair Smith: Okay. Do we have a second?

Commissioner Stinger: I’ll second.

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Chair Smith: Okay. It's open for discussion. Is there anybody...? Commissioner Lee, do you have your hand up for discussion?

Commissioner Lee: Yes, well, I had it for another reason, but I do have a point to make on this. I don't think we're done with our motions yet, so I'd like to take this specific motion at the end. But you have a motion and a second, so we have to vote on it.

Chair Smith: We have to bring it to vote. Commissioner Regehr? You have discussion...?

Commissioner Regehr: Are we having...? Are we going to have a discussion on this?

Chair Smith: There is discussion now.

Commissioner Regehr: Okay. I, too, feel that I want to find out what you are going to represent us for, with all these amendments, and hear your viewpoints on some of them before we know what we're presenting.

Chair Smith: All right. Do we have any other discussion on this? The motion is that the Chair will represent the Commission with information on Monday to City Council, and their discussion on what plans they plan to implement for the City moving forward with this [inaudible]. Commissioner Lee?

Commissioner Lee: Abstain.

Chair Smith: Commissioner Regehr.

Commissioner Regehr: Abstain.

Chair Smith: Commissioner Savage.

Commissioner Savage: Aye.

Chair Smith: Commissioner Stinger.

Commissioner Stinger: Aye.

Chair Smith: Chair Smith, Aye.

MOTION FAILS 3-0-2.

Chair Smith: We do not have a motion that passed because we have two abstains. Commissioner Lee, you have your hands up.

MOTION

Commissioner Lee: I would like to make a motion that we add the letter, number 8 from my original motion, number 8, open Foothills Park. That the Council repeal the 50-year ban on non-

residents and provide access to Foothills Park on an open, fair and equitable basis, by August 6th. You can just copy and paste it.

Chair Smith: I will second the motion. We're up for discussion. No discussion, we'll bring it to vote. Commissioner Lee?

Commissioner Lee: Aye.

Chair Smith: Commissioner Regehr.

Commissioner Regehr: Aye.

Chair Smith: Commissioner Savage.

Commissioner Savage: Aye.

Chair Smith: Commissioner Stinger.

Commissioner Stinger: Aye.

Chair Smith: Commissioner Smith, Aye.

MOTION PASSES 5-0.

Chair Smith: Are there any significant points that anybody on the Commission sees that we need to act with this body of work? Commissioner Lee?

Commissioner Lee: I can wait, unless someone else has something to say, because I've been speaking a lot. Okay.

MOTION

Commissioner Lee: I'd like to move to add a number 4 to my original motion, to evaluate the investment of some PAPD funds, or alternatively, provide additional funding for community and human/social services. I'm just going to do the headline and not the sub bullet points of number 4.

Chair Smith: Okay. Do we have a second?

Commissioner Regehr: Can you read the motion again?

Commissioner Lee: Yes. I would move that we recommend that Council evaluate reinvestment of some PAPD funds, or alternatively, provide additional funding for community and human and social services.

FRIENDLY AMENDMENT

Chair Smith: I'd like to make a friendly amendment to this motion.

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Commissioner Lee: Okay.

Chair Smith: Community Service Department would be the place at the City where that would land, so I would think being specific. Also, for what time period? Because they're going into budget negotiations now [distortion]. Can you define that?

Commissioner Lee: Community Services Department is the right department, but I think it's not just community service, but specifically, like, the stuff that Minka does, the human services. I'm flexible either way. In terms of timeline, I might suggest for the FY2020 budget, so before they ratify it. Did they ratify it already, Minka, or are they ratifying...?

Ms. van der Zwaag: No, that's coming up very soon. I'll have to look at it. I believe it's on the 22nd, but I can double check. Maybe Kristen can let me know if it's on this Monday's agenda. I don't believe that there is the opportunity to change this at this time, but Kristen, if you could provide some comment on that, I would appreciate it.

Ms. O'Kane: Sure. The Fiscal Year 2020 budget will be to Council on June 22nd for adoption. There is an opportunity at that time for Council to make changes to the budget, so it would be up to them if they wanted to do that.

Commissioner Lee: Okay, so, if the Chair would second it, I would say for the...

Chair Smith: [crosstalk]

Commissioner Lee: ... [crosstalk] the FY2021? FY2021.

Chair Smith: Yes.

Commissioner Lee: Yep. And yes, otherwise, I accept the friendly amendment.

Chair Smith: [distortion] We have a vote, and a second. Do we have anybody that has any discussion points? Okay. Let's go to vote. Commissioner Lee?

Commissioner Lee: Aye.

Chair Smith: Commissioner Regehr.

Commissioner Regehr: Aye.

Chair Smith: Commissioner Savage.

Commissioner Savage: Nay.

Chair Smith: Thank you. Commissioner Stinger.

Commissioner Stinger: Aye.

Chair Smith: Commissioner Smith, Aye.

MOTION PASSES 4-1.

Chair Smith: All right. Let us. I feel like we covered them both. I think we have a very robust platform that is representative of... Oh, you put your hand up, Commissioner Stinger?

Commissioner Stinger: I think we... Sorry, Chair. I think we've covered my comment. We've gone beyond my comment.

Chair Smith: Okay. I feel like we have a very robust letter that is effective. I'm going to open this up for one more, and then I'm going to ask to close, I'll make a motion to close out the letter. Commissioner Lee?

Commissioner Lee: I wanted to see if the Chair would entertain a motion to include something about hiring. If you, as a person, would entertain a motion with that added to the letter.

Chair Smith: Didn't we [distortion]?

Commissioner Lee: I don't think so. I'm not seeing it.

Chair Smith: Okay. Make your motion, please, sir.

MOTION

Commissioner Lee: Okay. I would move that the Council consider adjusting, would consider adjusting its hiring policies to ban candidates who have prior histories, a prior history of disciplinary action.

Chair Smith: Can I make a friendly amendment on this?

Commissioner Lee: Yeah.

FRIENDLY AMENDMENT

Chair Smith: I think you need to say disciplinary violation because [crosstalk] ...

Commissioner Lee: That's fine.

Chair Smith: ... because what we want to make sure is that it actually, they actually have a violation that... All right.

Commissioner Lee: Would the Chair entertain...? Could I ask the Chair, could it be disciplinary actions or open investigations?

Chair Smith: See, one of the challenges I would have with that is that there is a presumption of guilt, and I don't want... I need it to be very clear and fair, and open investigations is not a

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closed [inaudible]. So, the same way I would like them to have fairness in the judicial system with African Americans, I want to have that same judicial fairness with somebody [distortion]. You understand what I'm saying?

Commissioner Lee: Yes. I mean, I guess in that case, it would be more of a, just waiting to hire them, as opposed to banning hiring them. I don't know.

Chair Smith: Well, let's go disciplinary actions and review hiring practices.

Commissioner Lee: Okay. That's fine. I offer that friendly amendment.

Ms. van der Zwaag: Chair Smith? This is Minka. May I ask for some clarification? As its currently written, it sounds like the discussion is regarding police hires, but that's not specifically in the motion at this point. So, I would ask that the Commission be very specific in what their intent is.

Commissioner Lee: Yes. Council consider adjusting PAPD hiring policies to ban candidates who have prior disciplinary actions. Is that correct, Chair Smith?

Chair Smith: It's [distortion] violations.

Commissioner Lee: Violations, sorry. Violations.

Chair Smith: We want both actions. All right.

Commissioner Regehr: I have a...

Chair Smith: Yes, Commissioner Regehr?

Commissioner Regehr: I think it's [distortion]. Because let's say someone was fired at a department because they were somewhere where they had a racist department and they were trying to stop it, and they were fired for disciplinary actions, for not obeying a police officer. Their captain. So, I think that we should be very specific about that because...

Chair Smith: I would ask right now because I don't know the intricacies of law enforcement, and that's why I really want to do some policy study as we get deeper into this. Commissioner Savage, to me, you shed some light on disciplinary and violations and how.... And just for edification of the rest of us.

Commissioner Savage: Can you repeat that?

Chair Smith: One of the things that we are currently looking at is crafting the language around hiring, and we want to craft it around disciplinary violations. Like, noted disciplinary violations can't be hired in the City, if they already have it. But Commissioner Regehr is wondering, if somebody worked for a department and got railroaded out, how do we protect them from not being hit by this?

Commissioner Savage: I can't answer that, but I will make a comment on this particular discussion. I think we need to be careful not to overstate our influence and be true to our mission statement, and I think we're out of line even suggesting something on this order.

Chair Smith: I will say this. Thank you, Commissioner Savage. I have had several conversations with Chief Jonsen around this topic, and the devil is in the details. He has indicated to me that this is something that... How can I say this? It's [distortion] moved on easily. [distortion] I also don't want to overstate because, again, there's a lot of details in how you get there that I don't know. I wouldn't say.... Let's [distortion].

Commissioner Lee: [inaudible]

Chair Smith: Yes, I'm sorry.

Commissioner Lee: I just want to respectfully respond to Commissioner Savage. You know, reading from our municipal code, it says the Commission – us – may act as follows: To recommend multiple legislation or other action to Council. This particular issue keeps coming up in terms of us overstepping or overstating our influence. One of our jobs, one of our toolbox sets, is to recommend action to Council. I will leave it at that. I do want to welcome our city manager to the Zoom call because I do see he's in the audience.

Chair Smith: This is a thing I will say. I don't want us to get into the weeds right now of [distortion] commissioner is allowed to say their perspective, but I would like to keep the discussion to the point at hand. Thank you.

Commissioner Stinger: Chair?

Chair Smith: Yes, Commissioner Stinger?

Commissioner Stinger: I certainly agree with the tone of this motion, but I would suggest that maybe it's more fine-tuning than we need right now. We have a statement on police use of force, and we will be looking at a manual. I think we want to leave ourselves open to make more specific recommendations when we've actually had study. Then we can prioritize the changes.

Chair Smith: All right. Let us do this.

Commissioner Regehr: Wait, wait. I have...

Ms. van der Zwaag: Can we have the Chair recognize the speakers? I know he's also getting used to looking at the raised hands, but I think it would help for the conversations if we could take a moment to pause and allow the Chair to recognize the raised hand, so that each one who has their raised hands can get the time that they are due to make a comment. Thank you.

Chair Smith: Thank you, staff. Commissioner Regehr.

FRIENDLY AMENDMENT

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Commissioner Regehr: I'll make a friendly amendment, not only to hire, but for promotions. I would like to put in that, within the police staff, that they don't promote someone who has disciplinary issues and promote them.

Commissioner Lee: I would accept that as a friendly. Would my seconder accept that?

Chair Smith: Okay. Is there any more discussion to this item?

Commissioner Regehr: Wait. Don't I need a second?

Chair Smith: I did it. Because when you do a friendly amendment, the main and the second are [distortion]. All right? Are we good? Let's bring it to vote. Commissioner Lee?

Commissioner Lee: Aye.

Chair Smith: Commissioner Regehr.

Commissioner Regehr: Aye.

Chair Smith: Commissioner Savage.

Commissioner Savage: Nay.

Chair Smith: Commissioner Stinger.

Commissioner Stinger: Aye.

Chair Smith: Aye.

MOTION PASSES 4-1.

MOTION

Chair Smith: I want to make a motion that we close the letter at this point. Can I get a second?

Commissioner Stinger: Second.

Chair Smith: Okay. We are open for discussion. I have Commissioner Lee with a hand up.

Commissioner Lee: I'd like to make a substitute motion at this point, to add to the letter... First, let me ask a question. Kristen, reading the staff report, it mentions that the staff is recommending that Council sort of retain, I guess control over the process, right? How does that work out in practice? Would staff still be supporting that effort?

Ms. O'Kane: Thanks for that question, Commissioner Lee. Yes, staff would still be part of that process, and it would be up to Council whether they wanted to involve others, such as the HRC or other boards or commissions.

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Commissioner Lee: And does staff have a specific staffing department in mind to support that? Would that be PAPD? Would that be your office?

Ms. O’Kane: I’m not exactly sure. I’d have to get back to you on that. It could possibly be Human Services staff, City Manager office staff, and possibly police department.

Commissioner Lee: Okay.

Ms. O’Kane: Those are the most likely. And Human Resources as well. I would say they’re the most likely staff to be involved.

Commissioner Lee: Okay, so, my substitute... Thank you so much for clarifying that. My substitution motion would be that we add to the letter that the Council consider hiring an independent organization to help the Council facilitate this process.

Chair Smith: Do I have a second?

Commissioner Lee: Sorry, did you second, or you’re asking for a second?

Chair Smith: I’m asking if I have a second. I do not have a second. Motion [distortion]. Motion has died on the floor. Let’s go back to the main motion. Can we close the letter? I’m ready to vote. Commissioner...

Commissioner Lee: Can I make a friendly amendment, please?

FRIENDLY AMENDMENT

Chair Smith: What is it?

Commissioner Lee: I’d like to suggest that this be an open letter to the Council, but an open letter to the community.

Chair Smith: Can you clarify and define that please?

Commissioner Lee: You know, in the past, we’ve just sent out letters, you know, through Minka to the Council, but because of the public interest in this, I’d like us to actually publish it as sort of, either an open letter or as an op/ed on behalf of the Commission. So that we further engage the community in these discussions.

Chair Smith: My initial response to that is I believe it’s alright because it’s coming from all the Commissioners. I am unclear of if there is a limitation of policy for us to do that.

Commissioner Lee: There’s no restriction on that.

Chair Smith: Okay. I’ll take the motion. I feel like we’ve done due diligence that tonight.

Commissioner Lee: Did the seconder accept that as a friendly?

Chair Smith: Who was the seconder?

Commissioner Lee: Oh, sorry, Commissioner Savage was the maker, right?

Chair Smith: No, I was the maker.

Commissioner Lee: Okay.

Chair Smith: Commissioner Stinger seconded it. Commissioner Stinger, do you accept the friendly amendment?

Commissioner Stinger: I do not.

Chair Smith: Okay.

Commissioner Stinger: Can I explain? I think the intent of community participation and involvement and engagement is strong. I just logistically, I don't know how we would get an op/ed published. You have to write this Friday deliver it to Council on Monday.

Chair Smith: Yes, that is short, because this is the actual deadline, tonight...

Commissioner Lee: I mean, we can just publish it online. I would make it as a substitute motion, then.

SUBSTITUTE MOTION

Chair Smith: We have a substitute motion. Do I have a second to substitute motion?

Commissioner Regehr: I second it.

Chair Smith: Okay. We have a vote. Commissioner Lee?

Commissioner Lee: Aye.

Chair Smith: Commissioner Regehr.

Commissioner Regehr: Aye.

Chair Smith: Commissioner Savage.

Commissioner Savage: Nay.

Chair Smith: Commissioner Stinger.

Commissioner Stinger: Nay.

Chair Smith: Nay.

SUBSTITUE MOTION FAILS WITH A VOTE OF 2-3.

Chair Smith: Back to the main motion. We are ready to close out the letter. Commissioner Lee?

Commissioner Lee: Sorry. Aye. Sorry. Yes.

Chair Smith: Commissioner Regehr.

Commissioner Regehr: Aye.

Chair Smith: Commissioner Savage.

Commissioner Savage: Aye.

Chair Smith: Commissioner Stinger.

Commissioner Stinger: Aye.

Chair Smith: I am aye.

MOTION PASSES 5-0.

Chair Smith: I would like to bring up the motion of representation at Council. Can I get a motion on that, please?

Commissioner Stinger: I move...[crosstalk]...

Commissioner Lee: [crosstalk].

Commissioner Stinger: I make the motion.

Chair Smith: The vice chair, please.

Commissioner Stinger: I would like to move that our Chair represent us at the Council meeting on Monday.

Chair Smith: Okay.

Commissioner Lee: I will second that, and I'd like to ask if the maker would accept a friendly motion, that the Chair represent us at the Council meeting on Monday, but that Chair Smith and Commissioner Lee write the letter.

Commissioner Stinger: I don't accept it.

Chair Smith: Okay.

Commissioner Lee: Well, then I'll make that as a substitute motion.

Chair Smith: Do we have a seconder? Motion dies on the floor. Back to the main motion.

Commissioner Lee: Did Patty want to say something there, or no?

Commissioner Regehr: I did have my hand up. I had a question. I thought we just, about the letter, I thought we voted on it, so I'm not sure what...

Commissioner Lee: We closed it.

Commissioner Regehr: Right, but I thought this closing the letter, we wrote the letter before we closed it. I don't understand what that motion was about, to vote on it.

Chair Smith: I also am unclear what that is.

Commissioner Lee: I can clarify. We indicated what topics we want in the letter. We need someone to actually write the letter. When we wrote the letter to Joe Simitian we had voted on what we wanted to say, and then, we had [inaudible]. Then, Commissioner Smith and myself to actually write the letter based on the direction provided by the Commission. I'm asking that the motion be amended so that the Chair represent the Commission at the Monday Council meeting, but that himself and myself actually write the letter jointly on behalf of the Commission.

Chair Smith: One speak at a time. We had, Commissioner Lee just spoke. Commissioner Regehr, please speak.

Commissioner Regehr: You would co-write it, but it would be signed by all of us. It wouldn't just be coming from you and [distortion].

Commissioner Lee: That's correct.

Chair Smith: This letter is written by the entire Commission. I was, at this point, my assumption was that the Vice Chair and Chair would write this letter, given the current time [distortion].

Commissioner Regehr: You should make that motion then.

Commissioner Lee: Well, did you want to second my substitute motion, Commissioner Regehr?

Chair Smith: Commissioner Lee, please wait until I acknowledge.

Commissioner Lee: Sorry.

Chair Smith: Commissioner Regehr, we have a motion on the floor, a substitute motion from Commissioner Lee that he and I will write the letter, in addition. I was going to do the [distortion], which was let the Chair and Vice Chair write the letter that was described by the Commission, as the Commission [distortion].

Commissioner Lee: Can I mention why?

Chair Smith: You have to use “Raise Hand” please.

Commissioner Regehr: Well, I have my hand up.

Commissioner Lee: Sorry.

Chair Smith: Yes, Commissioner Regehr.

Commissioner Regehr: Could I make a friendly motion to that, I mean, at some point, to say that we review the letter before you send it?

Chair Smith: I don't have a problem with that.

Commissioner Regehr: I'd like to make that mo... I mean, I don't know how...

Chair Smith: Well, we have to deal first with the substitute motion, whether that lives or dies. And then, we can do the, then we'll have the chance to do your motion [distortion] friendly amendment to my original motion if the substitute motion dies.

Commissioner Regehr: Right. Because I don't really care who writes it as long as we can all see it.

Chair Smith: We have a substitute motion on the floor that doesn't have a second yet. Do I have a second?

Commissioner Lee: Could I speak to my motion, though?

Chair Smith: I want to bring the motion to the floor. Let's start again. I would like to bring the motion to the floor, which was a substitute motion, which was to have the Chair and Commissioner Lee write the letter. Do I have a second for that motion?

Commissioner Regehr: I second,

Chair Smith: Okay. Let's bring it to a vote.

Commissioner Lee: Sorry, can I mention why I'm making my motion? I think the maker gets the... I think, you know, looking through the list of all the things we're including in the letter, the Chair and my... Well, maybe I'm wrong on this. At least myself, I voted “aye” on all of the items that are included in the letter, and I think it's important that when we draft these letters that there be as much consensus by the... Even though we're providing direction to the people writing the letter, there should be alignment there. I've written letters for the HRC in the past, and there have been members of that subcommittee who have, were resistant to the idea to begin with, and in the drafting phase they, what I would characterize as they watered down the letter because of their prior disagreement. I think it's important that the commissioners who voted “aye” as often as possible be involved in actually writing the letter, as opposed to just de facto Chair and Vice Chair, which is somewhat arbitrary. Thank you.

Chair Smith: Thank you so much for sharing, Commissioner Lee. Are there any...?
Commissioner Regehr, you have your hand up?

Commissioner Regehr: Well, wouldn't this be why you would make the friendly amendment?
Saying that...?

Chair Smith: We have to deal with the substitute motion first. After the substitute motion, if the substitute motion is passed, then you can make, then we can have you make the amendment.

Commissioner Regehr: Okay.

Chair Smith: Okay. Commissioner Lee?

Commissioner Lee: Aye.

Chair Smith: Commissioner Regehr.

Commissioner Regehr: Aye.

Chair Smith: Commissioner Savage.

Commissioner Savage: Nay.

Chair Smith: Commissioner Stinger.

Commissioner Stinger: Nay.

Chair Smith: Nay.

MOTION FAILS 2-3.

Chair Smith: Back to the main motion. Commissioner Regehr, at this point, you can make your friendly amendment to the motion.

FRIENDLY AMENDMENT

Commissioner Regehr: My friendly amendment would, Commissioner Smith and Commissioner Lee would write it, and my friendly amendment is that the Commission as a whole would...

Chair Smith: The Commission didn't approve Commissioner Lee and myself to write it. Right now, we're back at the original motion, which is the Vice Chair and the Chair writing the letter, and I believe your motion would be to have the other commissioners review the letter before we sent it.

Commissioner Regehr: That's why I wanted it attached to the other motion.

Chair Smith: Okay. You can make another motion at this point. Please make your motion. You can make a substitute [distortion].

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Commissioner Regehr: It kind of defeats the purpose, and I don't want to waste our time. As long as we can review it and endorse it, so let's just... My friendly amendment to yours, Kaloma, is that the entire staff reviews it. The Commission. Commission.

Chair Smith: Okay. I'll take the friendly amendment. Commissioner Stinger, will you take a friendly amendment on that?

Commissioner Stinger: I have a question. I thought Brown Act would preclude five of us looking at a letter.

Chair Smith: Staff? You're muted, Minka.

Ms. van der Zwaag: Okay. I don't believe so, but I will ask Kristen to help me out here.

Ms. O'Kane: We might need to get input from the Clerk on that. I agree with Chair Stinger that is a slippery slope, and we may want to get a different opinion on that. That may be a Brown Act violation.

Commissioner Stinger: May I make a friendly amendment?

Chair Smith: When we pass the amendment...

Ms. van der Zwaag: Contingent.

Commissioner Stinger: Yes, that's what I was going to ask.

Commissioner Lee: I second the substitute motion.

Chair Smith: Okay. It's not a substitute, it's a friendly amendment.

Commissioner Lee: Okay, sorry. You don't need my second.

Chair Smith: Commissioner Regehr and Commissioner Stinger, are you comfortable with adding language contingent on Brown Act?

Commissioner Stinger: Yes.

Commissioner Regehr: You mean the interpretation from the lawyer about the Brown Act?

Chair Smith: Yes. Are you comfortable with that? On the motion.

Commissioner Regehr: Yes.

Chair Smith: Okay. Let us bring it to a vote. Commissioner Lee?

Commissioner Lee: Sorry, I wanted to make a comment really quick. If the Brown Act is an issue, one way you do it is to call a 15-minute special meeting, which four members of the Commission or the Chair can do, with 48 hours' notice. I think that would be both in the spirit

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and the letter of the Brown Act. I think it's important enough that I would do another 15 to 30-minute meeting to approve the letter. But I will vote yes.

Chair Smith: Okay. Commissioner Regehr.

Commissioner Regehr: Yes.

Chair Smith: Commissioner Savage.

Commissioner Savage: Aye.

Chair Smith: Commissioner Stinger.

Commissioner Stinger: Aye.

Chair Smith: Chair Smith, aye.

MOTION PASSES 5-0.

Chair Smith: We've taken care of the letter. Have we taken care of the representation? We need to go back to the main, to the main. I need a motion on our representation at Council, please.

Commissioner Savage: I will again move that you, Kaloma Smith, represent us at Council.

Chair Smith: Can I get a second, please?

Commissioner Stinger: Second.

Chair Smith: Okay. We're at discussion. Commissioner Lee, do you have your hand up?

Commissioner Lee: No comment. I was waiting for the next one.

Chair Smith: Commissioner Regehr, do you have your hand up?

Commissioner Regehr: My comment [distortion] us, and I'm concerned that, I mean, actually about the Brown Act, too, because I'm concerned [distortion] is very vague. Are you going to [distortion] from the letter? Or is it going to represent you, like, if they ask you questions that we haven't even talked about? Or, let's say.... And I'm wondering what "represent" means.

Chair Smith: We will bring the letter. I cannot control the questions that are being asked by the Council. We've done a lot of [inaudible] conversation, so I will be saying it from the perspective of this committee. That's the best I can say at this point.

Commissioner Lee: Is there a motion on the floor? Sorry.

Chair Smith: There is a motion on the floor. We are at discussion.

SUBSTITUTE MOTION

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Commissioner Lee: Okay, then I would make a substitute motion that Chair Smith represent the Commission at the City Council meeting, according to the parameters specified in the letter.

Chair Smith: We have a substitute motion on the floor. Does it have a second?

Commissioner Regehr: [distortion]

Chair Smith: You broke up, Commissioner Regehr.

Commissioner Regehr: Oh. Yes.

Chair Smith: Before we take a vote, we had a hand up by Commissioner Savage.

Commissioner Savage: Oh, no, I took my hand down.

Chair Smith: Okay. One thing I think we need to clear up is, if we get into territory that is not covered by our discussion or the letter, I can declare as in my op/ed and other things that we have been publicly that this moving forward is not something we discussed as a committee, and it is my personal thing. So, I'm very clear on that. I've shown a lot of discipline in that, even in the op/ed that I wrote for the newspaper. I was very clear not to write that, or even in the statement that we wrote with the city, I didn't use Human Relations Committee. I used [distortion]. We have a substitute motion on the floor again. Commissioner Lee?

Commissioner Lee: Aye.

Chair Smith: Commissioner Regehr.

Commissioner Regehr: Could we...? Aye.

Chair Smith: This is a substitute motion that limits the parameters that I can speak to.

Commissioner Regehr: Aye.

Chair Smith: Commissioner Savage.

Commissioner Savage: Nay.

Chair Smith: Commissioner Stinger.

Commissioner Stinger: Nay.

Chair Smith: Nay.

MOTION FAILS 2-3.

Chair Smith: We're back to the main motion of Chair Smith representing the Commission. Okay. We are vote again. Commissioner Lee?

Commissioner Lee: Abstain.

Chair Smith: Commissioner Regehr.

Commissioner Regehr: Abstain.

Chair Smith: Okay, then we will be unable to have a representative at the Council on Monday. Let's move to the next item.

Commissioner Stinger: Umm....

Chair Smith: I am closing out this...

Commissioner Regehr: Can I just add? This doesn't make sense to me. You are our chairperson, and I think that you should, I think there should be a motion, and I don't know how to do this, but I think that we do need to be represented. So, can we...? Can I make a motion that we...? I don't know what to do because I think we do need a representation of this letter. And...

Commissioner Savage: I'd like to say something.

Commissioner Regehr: And I know I voted to abstain, but... I am concerned about the parameters.

Commissioner Savage: I have my hand up.

Chair Smith: Commissioner Savage, and then Commissioner Stinger.

Commissioner Savage: Yeah. I just want to say, you know, we as a Commission thought enough of Kaloma Smith to make him our chair, so I think we should continue to have that opinion of him as an adequate and accurate representative of our Commission.

Chair Smith: Thank you so much, Commissioner Savage. Commissioner Stinger?

Commissioner Stinger: Basically, would be repeating what Commissioner Savage said. So, rather than do that, I'd like to make another motion.

Chair Smith: Okay. [distortion].

Commissioner Stinger: It has to be a different motion, correct?

Chair Smith: [distortion]

Commissioner Savage: I'm sorry, can you...?

Chair Smith: I said Director O'Kane wants to say something, so I'll have her speak, and then we'll open up [crosstalk].

Commissioner Stinger: Sorry Thank you.

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Ms. O’Kane: Chair Smith, I just want to point out that this is, it’s typical for the chair of a commission to speak on behalf of the commission, either in public or at city council meetings, and I would guess that it’s fairly likely that the Council will ask the HRC for input or opinion Monday. So, to not have someone appointed as a representative, which is typically the chair, I think would not reflect well on the Commission as a whole. I would advise that this be resolved this evening, before Monday night.

Chair Smith: Thank you so much for that advice. All right. I will accept any motions on the floor at this point.

Commissioner Stinger: I would like to make the motion.

Chair Smith: Okay, and we are going to try the motion again. Do we have a second on...?

Commissioner Lee: Point of order? What is the motion being made?

Commissioner Stinger: I will make another motion.

Chair Smith: Yes?

MOTION

Commissioner Stinger: My understanding is we can’t vote twice on the same motion, so I will reword it to say that the Commission has trust in our Chair to represent the work that we have done and can do and are prepared to do, and would like him to represent this HRC Commission in front of the Council.

Commissioner Savage: I second that.

Commissioner Regehr: Wait, wait...

Commissioner Lee: Point of order, Chair. I believe the spirit of that motion is essentially the same, so does a motion to reconsider need to be made by someone in the minority who wants to change their vote?

Chair Smith: There is no requirement for who makes motions in Rosenberg’s Rules of Order, or in [crosstalk].

Commissioner Lee: For a motion to reconsider?

Chair Smith: No.

Commissioner Lee: I mean, we’ve gone through that whole process at a previous meeting.

Chair Smith: It is currently not in the code that we use, which is Rosenberg’s Rules of Order.

Commissioner Lee: Okay.

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Chair Smith: Thank you. Okay, we have a, we're at discussion. Is there any other discussion? Commissioner Regehr's hand is up.

Commissioner Regehr: Only to say that I have tremendous respect, and so my, it has nothing to do with your leadership or my trust in your leadership. I want to make sure that... I just think that it's... I just want to make that point.

Chair Smith: Okay. Thank you.

Commissioner Regehr: I really... I'm just concerned that we make this policy and we vote on this, and going forward, we don't know who the next Commissioner will be. I guess we'll just take it as it is. I mean, I'll just take it as it is.

Chair Smith: Just to be clear, the motion is only for with [distortion]. It's not an internal [distortion].

Commissioner Regehr: Right. Right. That's...

Chair Smith: Yes, right. I can't just vote the next time we would bring it back to the Commission. All right. Do we have any other discussion points? Let's go to vote. Commissioner Lee?

Commissioner Lee: Abstain.

Chair Smith: Commissioner Regehr.

Commissioner Regehr: Aye.

Chair Smith: Commissioner Savage.

Commissioner Savage: Aye.

Chair Smith: Commissioner Stinger.

Commissioner Stinger: Aye.

Chair Smith: Chair, aye.

MOTION PASSES 4-0-1.

Chair Smith: We have... We are finished on our first item of the night at 10 o'clock. I feel like we should be on City Council at this point. All right. I will ask the Commission, do they want to plow through to the next item, or do they want to take a 10-minute break?

Commissioner Lee: I would prefer to plow through.

2. Update Reports

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a. HRC Operational Items

Chair Smith: Okay. All right. I would like, you know, one of the great things about the structure of our Commission and our staff representative is that we have great connectivity with Minka, and she deals with the non-profits in our area, so there is great symmetry in our work. First, she is going to go through some of the mechanics of adjustments that have been made in the new ordinance that [distortion]. Plus she is going to talk about some of the non-profit work and some of the needs in our communities. And then, I will make my report after she speaks. Minka? You're muted. Minka, you're still muted.

Ms. van der Zwaag: Yes, I know. Thank you. Thank you. Hold on a minute. Thank you for the opportunity to speak, Chair Smith. I just wanted to, and I was asked about general HRC operations. Once the Muni Code changes for the reduction in the HRC – and I say this with a full knowledge of the recommendation that you will be forwarding, but I will share this information anyway. As it stands now, there will be a first reading of the ordinance to reduce the HRC, and that will be done, I believe on the 22nd. At that time, there will be, once Council comes back, it will be agendized again, and it will have a second reading. Usually these readings are on the consent calendar. Then, 30 days after that, the ordinance goes into effect, so, at that time, the membership of the HRC would be five members. The quorum at that point would be three members, and the number of votes to pass something would be three votes. There still could be special meetings that could be called by the Chair, any three members, and it would still take three votes to get something on the agenda. Subcommittees would be two members, and given the smaller size of the HRC, the Commission would need to be very careful of the Brown Act and Brown Act violations. It would be the hope of staff that at some point in the fall, we could have a visit from the representative from the City's attorney's office to answer any questions the HRC might have regarding this. That is the update on that, and if there are questions, I can take them and answer them to the best of my ability, but that is the information that I have at this point.

Chair Smith: Commissioner Regehr?

Commissioner Regehr: Thank you for your work, Minka. My question is about the Brown Act. I mean, the Brown Act was to establish that the community could be involved and there was no back door. So, in this Brown Act, how many commissioners could talk to each other about an issue now?

Ms. van der Zwaag: Theoretically, this is what could happen. A majority can't talk about an issue together, so no three commissioners could talk about something before it goes on the agenda. However... That's why I gave the big caution about the Brown Act. If two commissioners were talking about an issue and another two commissioners were talking about an issue but there was no cross-conversation amongst any of those people, that would not be a violation of the Brown Act. But, given that there would only be five members of the Commission, that is an awful hard thing to do.

Commissioner Regehr: For community input, and that is my concern.

Ms. van der Zwaag: Community input usually happens at the HRC meeting. If you're on a subcommittee and you have limited community input, but if you're really discussing an item, that type of real discussion item should happen at a fully commission meeting when it is agendaized.

Commissioner Regehr: But [distortion]...

Chair Smith: Commissioner Regehr, you're breaking up. Can you repeat your point?

Commissioner Regehr: My question to you is, if there's two commissioners on HSRAP or...? What do you do about a tie?

Ms. van der Zwaag: Then that would have to come back to the full Commission. There would have to be, you know, that's a good point. So, if on the HSRAP subcommittee, if they are not in concurrence with a recommendation, they would have to come back to the full commission and state the instances in which there was concurrence, and the instances when there is not concurrence.

Commissioner Regehr: I mean, what about the tie and then, the City Council decides that they have to act quickly on it, which happened this time because of COVID, and they override going to the commission, to the City Council?

Ms. van der Zwaag: I'm not sure what instance you're referring to.

Commissioner Regehr: When we had the HSRAP. Was it HSRAP or was it the Community Development Block Grant? We had some questions, and it was 2 to 1, and we were going to bring it back to the Human Relations Commission to vote on, and because of COVID, we didn't have any meetings, and then, it bypassed us and went straight to the City Council. It's not even on the agenda until the end of June.

Chair Smith: Can I...?

Commissioner Regehr: My question is, is that I, I question saying that it's going to go to the Human Relations Commission because that's not what happened with the...

Ms. van der Zwaag: Well, I think that was a very extraordinary situation which is not... I've been with the City for 23 years and I've never had something like this happen before, so I think to take something that was quite an unusual situation, I think we need to take those and examine, you know, why it happened, and have understanding for why some things may not have gone the regular process as the COVID emergency is something really extraordinary. Like I said, I have not seen in my history in human services that the process to review HSRAP or CDBG did not follow the usual process. I think if we want to have more discussion about that at another time, but I think that was a pretty extraordinary situation.

Chair Smith: Can I also make; can I make some clarifying statements on this? Because I did some research on this particular issue, Commissioner Regehr. Instead of the vote coming to the total HRC, the recommendation and the vote of the subcommittee was actually forwarded to

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Council. So, your recommendation was heard and read in the packet to Council. Although staff's position was not the same as yours, your recommendation was there. It didn't go away, it wasn't pending, it was there in the packet. So, I do understand that at this point, March-April-May, the HRC was cancelled, and all commissions were cancelled, and they used your commission meeting, your subcommittee, as part of the process, and it was in there. So, at this point, I do think you bring up some valid points. I ask staff, as they continue to develop this – and we don't know how it goes. We're writing in the letter we want seven. I don't know how it goes. But we'll ask staff to examine those points and perspectives that you've given, and you do bring up a couple of good points that I think are going to help them in the development. We have Commissioner Lee, yes, sir?

Commissioner Lee: I wanted to get clarification on agenda-setting. Minka, you mentioned that we needed three out of the five, the theoretical five, to put something on the agenda. Is that...?

Ms. van der Zwaag: No, if I misspoke, then I'm sorry, Commissioner Lee. It takes three things to pass a motion, but it still will take, and can take, two commissioners to get something on agenda planning. If I misspoke, I'm sorry, and thank you for asking for that clarification.

Chair Smith: Can we also talk about timing of agenda items? Because receiving agenda items 3, 4, 5 days ahead of a meeting is very difficult on the planning process. What is the official timeframe for getting an agenda item? I know it's like two weeks, I believe, Minka?

Ms. van der Zwaag: The commission manual states that agenda planning will happen, and suggestions for agenda happen, agenda items happen, at the end of each scheduled meeting, and then, up to three weeks before the next commission meeting. That, in essence, means the week after the HRC agenda, those kinds of suggestions can be forwarded to the leadership committee for recommendation.

Chair Smith: Thank you. Staff, I would ask, there was one other thing that we asked about getting, finding out the needs and resources, because we sit on the call with the non-profits once a week. Can you talk about their resource list and how we can use it as a commission?

b. Information about Human Services response to the Community during COVID 19

Ms. van der Zwaag: Let me just get to that point. I wanted to share with the commission the work that Human Services has been doing in the community during the COVID emergency. Human Services staff has been having a meeting. It started out twice a week, and now it is once a week, with non-profits in the community that meet basic needs. These are non-profits that meet medical needs, homeless, housing, fair housing, food for seniors and the general population, senior programs, and financial assistance programs. These have been really insightful meetings for the non-profits to be able to share with the City what they are doing, what their needs are, what the needs of their clients are, what the resources are that they need. The City has been able to list those needs on our website and we are hearing lots of good feedback from the non-profits that they are getting help from the community based on the needs that are listed on the website. The other huge success of these meetings is that these non-profits are really collaborating together in a way that I know the HRC likes to see. In its HSRAP review process, that always

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comes up, and I know that's a big interest of the Council, is how are these non-profits working together. I just want to give a couple shout-outs to a couple groups who I think have really excelled in working together to meet some needs. A couple examples is La Comida. They're serving up to 200 meals a day at their downtown site and at their Stevenson House site. They have also invited others in the community to be in dialog with them who needed meals for seniors. So, they are providing meals for a homeless women's shelter that is at a local church. They are also providing meals to Palo Alto Housing, now called Alta Housing. That has been a really nice collaboration. There's also been a great collaboration between LifeMoves and Alta Housing. A lot of the clients who needed help with financial assistance received help with the thanks of LifeMoves staff. That staff was really able to share with the City convening group and with City leadership of the needs for Palo Alto families who were struggling due to being temporarily laid off due to the COVID emergency. They used to see three to four asks per month, and they were getting up to 20 asks per day. So, with the leadership of staff that, due to the CDBG, and thanks to additional funds that the City received from the federal government, that was part of the additional CDBG allocations, to give funds to LifeMoves. I'll give just one last example. The same homeless women's shelter was in real need of someone to come out to explain the seriousness of the COVID emergency, and from a health perspective. A City staff member was able to connect them with a Stanford nurse, who came out and explained the emergency. She also brought with her hygiene kits with the unhoused, to keep them safe during the COVID emergency. She was so energized by her work, working with Heart and Home Collaborative, the women's shelter, that she and a group of volunteers started making these hygiene kits for all the homeless service providers in Palo Alto, and continues to do so. So, these calls have met a real need in the community, and I have been really fortunate to be part of it. I think the information we've gathered from these meetings, and more work the HRC can do when it thinks about meeting HSRAP needs for next year and doing a needs assessment with local non-profits, to really be able to address their current needs in the next HSRAP process, I think some of these relationships and some of these cross ways that agencies have worked together will really stand to help the Palo Alto community in the future. I'll just share one more thing because I know we're running late, but it's another area that I've been really proud of. As you know, the Emerging Needs Fund – thank you to commissioners Lee and Regehr, and my colleague, Elise DeMarzo, who worked to approve eight local non-profits meeting critical needs during the COVID emergency. We were really pleased to be able to find additional funding in our own community services department budget to be able to help these non-profits out. That is a real accomplishment during this time, and I thank you both for your service. The last thing I'd like to talk about is, I am the staff to an advisory committee to the city manager on early care and education. Those are childcare issues for children from birth through age five. As you may or may not know, we have over 70 licensed childcare providers in Palo Alto. Those are large sites, small sites, mom-and-pop home-based sites. That group has been facilitating a meeting every other week with childcare providers. We are doing one in English, and we are doing one in Spanish. These providers, like everybody else out there, if you're a business owner or non-profit, have been inundated with information about resources, not all of it locally based. That committee was able to create a resource guide for our local providers with both federal information, state information, and local information to pay attention to. We have held four or five of these sessions already to have providers be able to talk to each other, talk about what it's like to be a childcare provider, talk about the fear in not knowing if families will come back, how many

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families will come back. If they will survive as a service in our community. Our economy can't restart if we don't have enough quality childcare providers. So, those have been really rich sessions, and I'm getting great feedback from those providers, of the importance that these local calls have had for them. I just wanted to highlight those efforts that we have been making in the community. Mary has been my partner in all of these efforts, and the two of us have been very proud to be able to make these positive impacts in the community, which will have learning lessons as we continue to possibly go back to the office, see when that will be. We've been very proud of that work, and we are proud to share that with you tonight.

Chair Smith: One other element that we discussed was is there a place that we can send commissioners if they want to get personally engaged in this time. I know we can't do all the regular things, but if there's places we want to send people so they can support these non-profits or list of needs, is there a link, something you can forward to us that, not even tonight but at a future date.

Ms. van der Zwaag: I can certainly forward you a direct link to the City's COVID-19 website. It lists the non-profits that we have been working with. I also think when we do our needs assessment for the HSRAP, that will really help us find out what the needs of our non-profits are. But most of them, what I'm hearing now is, is funding, because most of the needs that have come up for them are completely out of what anything that they had planned for. There are so many amazing success stories about how our non-profits have pivoted to provide services in a new way to our residents, and in some cases, actually meeting needs that they haven't met before, and really making a positive impact. I will draw the commissioners' attention on that site on the website, but I'd also just invite you to, you know, if you have an ability to help a non-profit financially, to be able to do so. That's what I would say at this point.

Chair Smith: Thank you. Commissioner Lee.

Commissioner Lee: I just wanted to say a couple of staff thank-you's. Minka mentioned the Emerging Needs Fund. We had, I think we had \$43,000 left in that fund out of the \$50,000 me, Patty and the other staff member recommended [inaudible] recommended \$74,000 in funding requests. So, thank you to Minka, and thank you to Kristen, for finding that extra \$31,000. We really appreciate it. I think this might be the first year that we've actually exhausted all of the Emerging Needs Fund. The second shout-out, I want to thank Minka and Kristen, is they found, was it seven or eight washing stations to put out for homeless individuals. I think they were the last ones anywhere in the county. So, thank you for finding the money to do that, and logistically getting, snapping those up for our homeless community. I know Philippe and others in the homeless service sector really appreciate it. I and other commissioners met with maybe 12 out of the 15 HSRAP agencies, and so many of them were just grateful for the help that Minka and Mary were doing to help them during this tough time. I don't think I say it enough, but, you know, thank you so much, Minka, Mary and Kristen, for all of your extra work and support during this difficult time. Could I ask that, Minka, could you send the Emerging Needs Funding allocations to the Commission, just so they know which agencies got additional funding and what it was for? Just as an FYI.

Ms. van der Zwaag: I can do so. We've also, I've asked Mary, I'm not sure if she's been able to do that, but I've asked her to also list it on the Human Services web page, so we have listings of the HSRAP grantees and the two prior Emerging Needs Funds for this fiscal year. You can look. You're better at multitasking than I am at this point. You can see if they've been able to list that on there. I want to go back to the handwashing station. That was, Kristen was very wonderful in approving funding for us to do that, but Mary was quick on the phone and got the last six of any of the handwashing stations we believe in a couple counties away. That was not me; that was Kristen approving the funding and giving direction for that, and for Mary doing that. I want to give credit where credit is due.

Commissioner Lee: Thank you, everyone. Thank you.

Chair Smith: Thank you so much. Any other discussions or questions at this point on this item? Thank you.

3. Discussion regarding an interim HRC workplan to address current community needs.

Chair Smith: Let us move to the interim HRC plan. I know it says 45 minutes on here, but I think we can do this in 15. There is no action item or motion on this, but the reality is, is what was critical 90 days ago or even 30 days ago is not at this point. We live in a very different world with very different challenges. I'm going to ask each commissioner to highlight one or two areas that they have seen significant need or challenge in our community. What we want to do is start seeding ideas for our July meeting and working on a new workplan. I think Minka said something so profound in her comments, where a lot of our non-profits are dealing with financial challenges because of layoffs and other issues. I've also, I believe Patty introduced me to the gentleman from the Chamber of Commerce, and businesses were under significant pressure. So, how do we support business and service workers? Things that we've never thought of before. I don't want to keep going. I want to give each commissioner an opportunity to put one or two things out there. These are conversations for our July meeting. I will do quick Commissioner Reports. We've done it in debt staff report, and our Council Liaison spoke earlier, so if we can do this in an expeditious way, I believe that we can be out of here in short time. Commissioner Regehr. You're on mute.

Commissioner Regehr: Before we start on this, I wanted to ask about the safe parking and the two parking lots that the City is... Because we were working on that, and that's still a need. I'm wondering what the status of that is now, Minka.

Ms. van der Zwaag: I did ask for an update and that is moving forward. I don't have a specific date, but the staff in the Planning Department are continuing to actively engage with the County on this matter.

Chair Smith: That's Rachel Tanner still?

Ms. van der Zwaag: Yes.

Chair Smith: Okay, thank you. Commissioner Lee?

Commissioner Lee: Yes, I think, you know, as we look at our work plan, I would slightly and respectfully disagree with our Chair. I think a lot of the items on our original work plan, a lot of those remain issues and have been amplified in many ways because of COVID-19. Let me list... I don't have the work plan in front of me, but the ones that I remember, you know, Commissioner Regehr were working on homelessness issues...

Chair Smith: Commissioner Lee? The question is not what's the issue on the work plan. The question is, what are the issues that you currently see? I think [crosstalk]...

Commissioner Lee: Yeah.

Chair Smith: ... more clarity. I think, again... Let's go from that perspective, not in reference of work plan.

Commissioner Lee: Well, I guess where I was heading with that is, I continue to see those as issues, as current community needs. Homelessness has only been exacerbated because of what's going on. You know, mental health is a big one. I would argue that a lot of the issues that we had originally on the work plan are current community needs, if not greater community needs. You know, police, what's on our work plan, and we just spent three hours on that. So, I think some of the things that we were working on, we realized were bigger issues then, and they've only been exacerbated now. I'll leave it at that.

Chair Smith: Commissioner Regehr?

Commissioner Regehr: I don't have my hand up.

Chair Smith: No, no, but you're next to give one or two things that you have seen or noticed are issues that have come into more focus since COVID-19.

Commissioner Regehr: Well, I've seen a lot, and I've experienced, I mean, but I feel that we need to figure out what, as a Commission, we're doing. I mean, I presented quite a lot, and I've been active. I mean, Joe Simitian's office, in an op/ed, thanked the Human Relations Commission for the work that we did around the safe parking lot stuff that we're working on, and that was individual. So, I don't really have anything to say because I don't think we did anything as a Commission. Going forward, I feel it depends on how the City votes. If they say seven commissioners, then I could tackle a lot more. If they're saying no, then I'm just going to do things on my own and not, you know... I guess that's how I'm feeling is that there is a lot. I mean, I think diversity has a lot to do with COVID, and I think we're dealing with two things, and I think housing, equity, employment – It's all under one umbrella of whether or not it's COVID or... I think the issues are still the same. I don't feel comfortable picking one or two because I don't know what we're dealing with as a commission.

Chair Smith: Commissioner Savage.

Commissioner Savage: Homelessness continues to be a real problem, as Commissioner Lee mentioned. And mental health, which is also, you know, the two of them go hand in hand very often. So, I continue to see homelessness, no end in sight.

Chair Smith: Super. Thank you. Commissioner Stinger?

Commissioner Stinger: I would agree with the items already mentioned. I might add to it leadership and communication under a new paradigm. I think that maybe some of our organizations can interact with each other differently if they explore how to do that. And maybe different partnerships can evolve. Sort of as Minka was saying in her staff report, the kinds of things you've seen evolve through your weekly phone conversations. I wonder if there's a way we can explore how some of the businesses and non-profits can look at I'll have to use the same words again – a new paradigm, and how they communicate.

Chair Smith: Thank you so much. A thing that I've noticed that, because we've given a lot of money out at my church, is we have a lot of people that are currently unemployed and on the verge of losing homes and losing rental spaces. The moratorium ending is going to put significant issue and pressures on families. A category that nobody is talking about in our economy are those services workers that work as hairdressers and barbers, because they are in Phase 4. A lot of them receive their income when people come in. They can't even do anything... House cleaners. There are people in our current city that don't fall into the traditional sense of homelessness, but they're slipping in. I've seen a lot of families move. I received a text today from someone that said two or three families they knew were leaving Palo Alto because of the issue. So, we have some serious community slip edge and financial challenges out there, and I think, how do we address that? The other thing that I think is significant is the mental well-being of people that just spent 90 days in the house, and the whole shift of that. My last thing is businesses. I know, as the HRC, is there ways we encourage and push the initiatives that California have, can University Avenue have a similar closed sidewalk, a closed street kind of thing. How do we get people to start trusting going out to restaurants? Because, you know, you can't fund a restaurant on take-out. You can't fund retail spaces on take-out. So, you know, I think there is a lot of that in our community. Homelessness is significant, it's up there, but there are those that would have been middle class, or low to middle class, and they're slipping into a different category. I think, how do we get the service? They've never accessed services before. There's a lot of work around that. I want to thank each of the commissioners. I think there's a lot of themes. Commissioner Regehr said something very critical. We could be 15 commissioners, or 20 commissioners, but to have a 22-point plan is, it's too broad. Even our council liaison, Councilman Tanaka, said it earlier. You get more effective when you drill in and you go hard in specific areas. So, as we go into July this exercise is to prepare us to have some discussions that... I don't feel comfortable chairing a commission with 30 items, or 21 items. I feel like we need to get down to four or five items and go really in. I'm hesitant to pick what those are because of the discussion that will happen at Council on Monday. There might be a heavy lift on that part. We're talking about all these major components right now and we haven't even gotten to the racial stuff yet. So, I am an advocate for picking our battles and being very specific, so as we go into July, our main focus will be to get to it. I'm not saying that everything isn't important. I'm just saying, where could we be most effective? Commissioner Lee, you had your hand up?

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Commissioner Lee: Yes, I wanted to get the Chair's thoughts about, you know, how exactly do we narrow our focus moving forward? I know Commissioner Savage and I were fairly concerned this time last year that we didn't end up narrowing down the work plan to fewer number of items, or even adding really dates to any of them. Last three retreats that I've been on, I feel like we've run out of time to really do a lot of that work, so we've kind of dragged on during the first quarter or half of the year. I'm wondering of the Chair has any thoughts about, how do we do that? And I think, simultaneously, the Council is working on, you know, a new commission handbook. Are they doing like a work plan or something, where you would submit the work plan to the Council? I'm wondering what your thoughts are in terms of how you would lead the Commission going forward in narrowing, you know, focusing our discussions so we actually get more done? I think we've done a lot, but we could have done more.

Chair Smith: That's a great question, Commissioner Lee. I think this is a starting point. What this Council asked us to do, that is specific. I believe we're going to have an opportunity to be a significant part of whatever plan the City rolls forward. So, based on whatever the level of that work the depth that is needed, then we can say, what are the one or two or three other items we can add? We will have bigger discussion around that, but what I am going to caution the commission on is the reality that every year, we have pre-prescribed stuff – HSRAP, CDBG. We're going to have the work that the Council gives us. And then, there are issues that are going to come up in the year, so we can't overload our bandwidth. So, based on what Council gives us, and based on what we have to do this calendar year, I probably see us only adding one or two items. I'm open to vigorous debate on that, but we have to figure out, what are most positioned to impact, and how effective can we be in that space? You know, one of the things we discussed at, you and I came on the commission about the same time, is, is there a lot of activity in that we can't really be impactful? And what areas is there no activity in, and can we be impactful? Let's have those dialogs and discussions to figure out what that is. I am not married to any one topic because they all need to be addressed, but I think we need to have a heavy and honest discussion. We're going to have to say, you know, we're going to have to cut a lot, and we're going to have to be very strategic about it, because the one thing is, I do not want us to have a schizophrenic committee that every month, we're switching to this topic, this topic, this topic, this topic, this topic. If we're focusing on how to help those who are under-employed or unemployed, let's focus on that. The homeless. Focusing on diversity and inclusion. Let's just focus and get some really good policy, good recommendations and do good stuff. Did I answer your question, Commissioner Lee?

Commissioner Lee: Will you be coming back to us in July with what the plan is for a retreat?

Chair Smith: Okay. I'm glad you asked that question. We probably will not do a retreat in September, until after Council does a second reading, because we would not have a place to orient new people, and this is why.

Commissioner Lee: Okay.

Chair Smith: I'm trying to whittle the plan down.

Commissioner Lee: What is the plan, I guess, then for July, August, in terms of the types of issues? Are we going to carry over some of the ones that we postponed, or...?

Chair Smith: Right now, I do not have a good answer. I want to give us responsiveness to whatever Council asks on Monday. Whatever role they give us in this activity. I want to give us the road to be flexible, to respond to what they ask, and have us really focus on that. Because I believe the issues that we're going to address are going to be the ones that we need to do right now.

Commissioner Lee: Okay. I hope they give us something, but...

Chair Smith: What?

Commissioner Lee: I do hope the Council does give us something.

Chair Smith: We shall see. And if they don't, then we'll have to go find our own thing to do. Thank you.

Commissioner Lee: Thank you.

Chair Smith: What I would like to do is, we have... It's almost 11 o'clock. Unless commissioners have something pressing, I would want to take some time.

V. REPORTS FROM OFFICIALS

1. Commissioner Reports

Chair Smith: Does anybody have anything pressing to give for commissioner reports?

Commissioner Lee?

Commissioner Lee: Yes, I mean, as I mentioned, you know, I've been meeting with most of the HSRAP agencies, partnering with different commissioners to do that, and we've been giving our suggestions and connecting the dots where possible, so that agencies know about each other and what they collaborate on. I was able to, you know, after talking with LifeMoves and DST, connect them with WizChinese, which is the parent group of the group of the Palo Alto Chinese Parents Club, and get them 15 mats [phonetic] from there.

Chair Smith: Were you not elected the president of that fine organization, sir?

Commissioner Lee: I was elected to the board.

Chair Smith: Well, congratulations. [distortion]

Commissioner Lee: Thank you. I've been engaging with that community a lot, as you can imagine. There's a lot of concern among the large Chinese and Asian American population in Palo Alto due to COVID-19 and the associated xenophobia and racism that we've been seeing going on, not only across the country but, you know, I've seen at least two or three instances,

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heard of two or three instances of it happening in Palo Alto. There's a lot of concern from the Chinese community. I have asked two or three council members if they could adopt a resolution condoning xenophobia and Asian racism, but unfortunately, we didn't get [distortion].

Chair Smith: Denouncing not condoning, right?

Commissioner Lee: Yes, that's right. Condemning racism and xenophobia. But it never made it to the agenda. I hope at some point we can... You know that community is kind of rattled right now, so, to the extent that we can discuss whether it makes sense to add that to the future work plan would be great. Those are the main highlights from there. Thank you.

Chair Smith: Any other commissioners? Commissioner Regehr. You have to unmute yourself, please.

Commissioner Regehr: The Project Safety Net, which is one of our partners, they're having, on June 18th – and you can go to their website – a youth convening, talking about youth and how they're dealing with mental health issues during COVID. They're identifying ways teachers and families and community can support teens. You can just go to their web page and you can RSVP as required because it's Zoom now. That's, again, June 18th from 3:30 to 5:00. I'd just thought I'd let you know about that one.

Chair Smith: Thank you so much. I spent a lot of time over the past three weeks on the phone with city manager and the chief of police and the mayor and other council members. As you see, we wrote a statement very early on, during our current time of social upheaval, from the City, which I found was very productive. Also, I wanted to take some time tonight to thank Commissioner Gabe Kralik, the former chairperson, for his service on the Commission. He did a phenomenal job. I was on the phone with him. Me and him are going to do social distancing coffee soon. But when we meet back in person, I would like to bring him back, because I believe we need to thank those that served in the public. I'd also like to acknowledge Commissioner Lee. His term is over, but he is still filling in the gap. We understand that this is a lot of work and takes a lot of time, so we're grateful that he continues to press forward. At this point, we've heard a very detailed staff report. We heard a lot of good stuff from Councilman Tanaka earlier, so I believe we can adjourn this meeting. Yes?

Commissioner Lee: I have one short announcement. I think in the email packet, Magical Bridge did invite the entire commission to a presentation next Wednesday, June 17th. Through the Emerging Needs grant, before COVID-19, you'll remember that we expanded the Emerging Needs categories to include a third priority level for innovative programs. So, Magical Bridge, prior to COVID-19, applied for a grant, and Patti and myself and Elise were on that, I believe, and we gave them a grant so that they could pilot a team diversity equity and inclusion program, to give them seed money so that they can try it out, and then, hopefully when they get permanent here and in other communities. They have put together a team presentation for next Wednesday, and since this commission helped get that off the ground, it would be great if as many of us can attend that Zoom call as possible. It should be in the email packets, I believe. Thank you.

Chair Smith: Commissioner Stinger?

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Commissioner Stinger: I'll pass.

Chair Smith: Commissioner Regehr.

Commissioner Regehr: I just want to say thank you to our Council Liaison, Greg Tanaka, for really bringing up issues when the City Council was talking about reducing our thing. I felt I let the Human Relations Commission down because I did not make any comments, and none of us did. I wanted to thank him for at least bringing up diversity issues and how this is going to... And I hope it forward. I just wanted to thank him. Even though you voted to reduce it. So, thank you.

Chair Smith: [inaudible]

Ms. van der Zwaag: We're having trouble hearing you, Chair Smith.

Chair Smith: I'm sorry, I'm losing my voice. Do we have any other commissioners...? I see three hands up. Make sure I'm not missing it. Okay, thank you. I want to give the last word to Councilmember Tanaka. Thank you for hanging out with us until 11 o'clock. You hung out with the Council till one o'clock this week, so you had two late nights, so we're grateful for your willingness to be with us and be part of our dialog. Thank you, Councilman.

2. Council Liaison Report:

Councilman Tanaka: Thank you guys for all your service. I know this is not easy work, especially right now, but it's really important work. It's probably more important than ever. Thank you for having me here. You know, one of the things I'd like to do is I'd like to see more, like, by the time stuff comes to us on Council... For instance, what you do in terms of police reform. I'd love for the HRC to have fully vetted it, right? Have kind of, like, tested it in the community and, you know, really checked out best practices with other cities. All that kind of stuff, so it's, like, really, fully baked. On Council, we don't have time. We're already, Council is to 1:30 in the morning, right? I realize it's already 11 o'clock here, so I know you guys are also here pretty late. I think where you guys are able to add value is through, really to go deep. Like, on Council, we have to kind of make snap decisions because we don't have time to go very deep. But I'm hoping, with you guys' focus, you guys can be experts, right? You can figure out, what are the best practices in other cities? That's why I do think it is important to, you know, not try to solve world peace. That's going to take a while. But really, try to focus on a few things and do a few things really, really well, and go very, very deep, so that by the time your recommendations come to us on Council, we're like... We don't have to debate it. We can show it on the consent calendar, and we can just say, okay, the HRC has beaten this to death, right? And even if you guys can't get it done in one meeting, I think that's okay. I think it's better for you guys... I'd rather see you guys, like, at the HRC level, kind of fully flesh out stuff before it comes up to Council, because if it's hard for you guys to figure out, you can imagine how hard it is for us to figure it out, right? And when we have even less time, and we have even more issues to deal with. That's one thing, I hope. And it's not just for this commission, but for all commissions, because I think on Council, we're overloaded in terms of we've taken on a lot, but I think there are some things we probably need to delegate, and should delegate, and let the commissions and

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boards fully vet out these topics, so by the time it comes back to us, we don't have to worry that, oh, my God, there's a time bomb in this thing and it's going to explode. There's no community input, or we didn't benchmark against other communities, or whatever it might be. I realize this is hard stuff, so thank you guys for taking it on. I really appreciate all your work on this. Thank you for your service.

Chair Smith: Thank you so much. Staff?

Ms. van der Zwaag: I just wanted to say one more thing. I want to thank the HRC. This was a really involved and heartfelt and tough topic to take on the first agenda item, and I want to thank you for your commitment to this. I wanted to thank the leadership for meeting several times to help plan a good meeting. I also wanted to pass on a thank you from several city staff members to Chair Smith for his leadership and advice on this issue when he was in discussions with the police chief and the city manager and the mayor. So, I want to pass along that thank you. A couple of announcements. June is Pride Month. We're all in quarantine, but if you go to the Avenidas site for the LGBT initiative, and also for the county office of LGBT concerns, they also have some virtual events. I know many of you, this is an issue very close to your heart. Commissioner Lee and Commissioner Stinger have given some real leadership to this. So, I ask you to go to those sites as well. I will be forwarding you tomorrow, so you already have the agenda for the racial equity issue. CDBG is also on the agenda for Monday night. That's the last discussion regarding it, so that's on the Monday agenda as well. I know I always try to look at the agenda and see if there are items that are of interest to the HRC, so I will send you those links tomorrow. Thank you, all.

Chair Smith: Thank you everybody. Have a good night. I will hopefully see you at Council on Monday, and if not, I'll see you next month. Yes, Patti?

Commissioner Regehr: It says Tentative Agenda for Next...? We're not going to discuss that now?

Chair Smith: We're going to hold until the Council talks.

Commissioner Regehr: Okay, good. I just wanted to say to the three attendees that are still here. Thank you all that are out there in the community.

Chair Smith: Thank you so much. Thank them. All right. Everybody have a good night. Thank you for a great meeting.

VI. TENTATIVE AGENDA FOR NEXT REGULAR MEETING: Thursday, July 9, 2020 -

VII. ADJOURNMENT