



City of Culver City

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Staff Report Details (With Text)

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On agenda: 1/28/2019 **Final action:**
Title: CC - (1) Discussion and Consideration of Forming a Human Relations Committee; (2) If Desired, Create a City Council Ad Hoc Subcommittee and Appoint Two City Council Members thereto; and (3) Provide Direction to Staff, as Deemed Appropriate

Sponsors:

Indexes:

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Attachments: 1. 2019-01-28_ATT 1_Summary Proposal, 2. 2019-01-28_Att 2_Policy No. 4010 - Discrimination and Harrassment in the Workplace.pdf

Date	Ver.	Action By	Action	Result
1/28/2019	1	City Council Meeting Agenda		

CC - (1) Discussion and Consideration of Forming a Human Relations Committee; (2) If Desired, Create a City Council Ad Hoc Subcommittee and Appoint Two City Council Members thereto; and (3) Provide Direction to Staff, as Deemed Appropriate

Meeting Date: January 28, 2019

Contact Person/Dept: Serena Wright-Black/Administrative Services

Phone Number: (310) 253-5640

Fiscal Impact: Yes ☐ No ☒

General Fund: Yes ☐ No ☐

Public Hearing: ☐

Action Item: ☒

Attachments: Yes ☒ No ☐

Commission Action Required: Yes ☐ No ☒ **Date:**

Public Notification: (E-Mail) Meetings and Agendas - City Council (1/23/19); Parks, Recreation and Community Services Commission (1/23/19); Disability Advisory Committee (1/23/19)

Department Approval: John Nachbar, City Manager (1/23/19)

RECOMMENDATION

Staff recommends the City Council (1) discuss and consider forming a Human Relations Committee; (2) if desired, create a City Council ad hoc subcommittee and appoint two City

Council Members thereto; and (3) provide direction to staff as deemed appropriate.

BACKGROUND

The City of Culver City first created a Human Relations Commission in 1969 as a response to the L.A. Watts Riot. The duties and function of this five-member Commission were prescribed as follows:

- A. "To develop and administer programs and plans designed to lessen racial and religious prejudice and to promote the full acceptance of all citizens within the community in all aspects of community life, without regard to race, religion or national origin.
- B. To cooperate with and assist those official community agencies engaged in fostering mutual understanding and respect among racial, religious, cultural and nationality groups or who are engaged in the function of discouraging discriminatory practices against such groups or individuals.
- C. Recommend legislative remedies for inter-group, inter-faith, or inter-racial problems in areas not preempted by state and federal legislation.
- D. Receive, hear and investigate complaints of discrimination and acts of prejudice against any person or group because of race, religion or ethnic origin (but no power to issue or enforce order of any kind).
- E. To meet and cooperate with other official government agencies within the County of Los Angeles also charged with similar functions, and to discuss and exchange ideas on programs to promote civic peace, human dignity, mutual understanding and respect between individuals of all races, religions, and ethnic backgrounds.
- F. To engage in such studies, research, and education as is necessary to accomplish the purposes herein set forth."

In 1978, the Human Relations Commission merged with the Parks and Recreation Commission to form the Human Services and Park Commission (now "Parks, Recreation and Community Services Commission"). Ordinance CS-942, adopted by City Council to form this new commission, specified that the body would retain the following duty related to human relations:

"(b) To recommend programs and plans designed to promote the full acceptance of all citizens in all aspects of community life without regard to race, religion, sex, color, or national origin and to receive, hear, and investigate complaints of discrimination based on race, religion, sex, color, or national origin."

According to records in the Parks, Recreation and Community Services Department, as of 2007, one discrimination complaint was received. The complaint was deemed to be harassment, not discrimination, and was forward to the Culver City Police Department.

In 2007, the City Council formed a Council-Commission subcommittee for all City commissions with the purpose of reviewing the roles and responsibilities of each commission. The meetings extended over a 3-year period and resulted in a number of changes. Specifically, as it pertains to the Parks,

Recreation and Community Services Commission's ("PRCS Commission") human relations oversight, former City Manager Mark Scott recommended, and City Council approved, that the PRCS Commission human relations role be revised to a programmatic function as opposed to investigatory. The following amended language was approved by City Council in June 2011.

"To recommend programs and plans designed to promote the full acceptance of all citizens in all aspects of community life without regard to race, religion, gender, sexual orientation, age or national origin."

Since 2011, the PRCS commission has facilitated a number of human relations programs including community dialogues pertaining to bullying, sexual harassment, and other related topics.

DISCUSSION

On November 12, 2018 the City Council received a request from a Culver City community work group ("Work Group") to consider forming a Human Relations Committee ("Committee"). The Work Group recommends that a Committee be created and empowered to encourage and improve intergroup relations. In summary, the submitted proposal (Attachment 1) request that the Committee's powers and duties include, but not be limited to:

- Improving intergroup relations regardless of race, religion, gender, ability, etc.
- Promoting and celebrating diversity and inclusion
- Preventing intercultural tension, bullying, incidents of hate, etc.
- Reviewing and recommending related policies
- Facilitating community dialogue and training pertaining to human relations
- Providing alternative reporting options for complaints of discrimination

The California Association of Human Relations Organizations currently list 41 active human relation organizations within the state of California. A review of the listed organizations reflect that each have a diverse array of purposes and responsibilities. As an example, following are excerpts of the responsibilities provided to the Human Relations Commissions/Committees in the Cities of Beverly Hills, Claremont, and the City and County of Los Angeles.

City of Beverly Hills Human Relations Commission

- 1) *Facilitating better communication and interpersonal relationships within the City and between the City and members of the community and hearing and receiving oral and written communications, in an appropriate time and manner, from members of the public concerning any topic that relates to the relationships between members of the community or between its staff and members of the community;*
- 2) *Receiving citizen complaints, in an appropriate time and manner, concerning the interactions of City employees with the public. The Commission shall serve as one alternative to directing complaints to the City department involved in the complaint.*
 - a. *The Commission or its staff may communicate with complainants and City departments with regard to complaints received by the Commission and may also arrange and facilitate communications between City departments and complainants;*

- b. The Commission or its staff may inquire about the status of a complaint received by the Commission and the progress of a complaint.*

City of Claremont Human Relations Committee

The Committee is committed proactively:

- To fostering harmonious and equitable intergroup relations through community -wide outreach with educational programming and events;*
- To providing outreach and education designed to promote the understanding of human relations community-wide, and strengthen the community's capacity to effectively collaborate in supporting and implementing the Committee's mission;*
- To promoting an informed, just, equitable, and inclusive multicultural society;*
- To assist in reducing intergroup tension and violence, as well as discrimination, prejudice, and stereotyping based on race, religion, gender, sexual orientation, national origin, age, ability, ethnicity, social class, or any other arbitrary factor, and other divisive attitudes that can lead to intercultural tension, hate incidents, hate crimes, related violence, or any other arbitrary factor.*

City of Los Angeles Human Relations Commission

The Human Relations Commission is an unbiased City advisory board mandated to promote equal participation in the civic process through innovative peacebuilding programs, models, and policy recommendations designed to reduce discrimination, increase cultural competency, improve intergroup relations, and promote civil and human rights for all.

Los Angeles County Commission on Human Relations

The Los Angeles County Commission on Human Relations is dedicated to promoting positive race and human relations in an increasingly complex and multicultural county. The Commission works to develop programs that proactively address racism, homophobia, religious prejudice, linguistic bias, anti-immigrant sentiment, and other divisive attitudes that can lead to inter-cultural tension, hate crimes and related violence. Teaming with law enforcement, schools, cities, community-based organizations, youth, academics, policy makers, businesses and other leaders, the Commission brings key players together to resolve immediate inter-cultural conflicts and to lay the groundwork for a long-term campaign to eradicate bias and prejudice.

Relevant City Policies and External Reporting Agencies

In addition to the PRCS Commission being authorized to recommend and plan programs focused on promoting diversity and inclusion, there are other internal and external resources available pertaining to human relations.

- City employee training on implicit bias, racial equity, diversity and inclusion
- Council Policy 4010: Discrimination and Harassment in the Workplace - This policy prohibits illegal discrimination and harassment in the workplace, and provides a process for investigating and resolving related complaints. (Attachment 2)
- Disability Advisory Committee - It shall be the function and responsibility of the Culver City Disability Advisory Committee to:
 - A. Advise the City Council on all matters affecting persons with disabilities in the community.

B. Review community policies, programs and actions which affect persons with disabilities and make appropriate recommendations to the City Council.

C. Render advice and assistance as requested to other City boards and commissions, to City departments and to private agencies on matters affecting persons with disabilities.

D. Identify the needs of persons with disabilities and create a public awareness of these needs in areas such as employment, housing, transportation, media, physical and communication accessibility and other needed areas.

E. Promote the total integration of persons with disabilities into all aspects of community life.

F. Perform other functions and duties as may be directed by City Council.

- California Department of Fair Employment and Housing (DFEH) - The mission of the DFEH is to protect the people of California from unlawful discrimination in employment, housing and public accommodations (businesses) and from hate violence and human trafficking in accordance with the Fair Employment and Housing Act (FEHA), Unruh Civil Rights Act, Disabled Persons Act, and Ralph Civil Rights Act. The employment antidiscrimination provisions of the FEHA apply to public and private employers, labor organizations and employment agencies. "Housing providers" includes public and private owners, real estate agents and brokers, banks, mortgage companies, and financial institutions.

The state's various civil rights laws give DFEH these responsibilities:

- Engage in public outreach and provide training and technical assistance to employers, business establishments, and housing providers regarding their responsibilities under the law
 - Investigate discrimination complaints and cases of systemic discrimination
 - Facilitate mediation and resolution of disputes involving civil rights
 - Enforce the laws by prosecuting violations in civil court
- State of California Department of Justice - Civil Rights Enforcement Section
The Civil Rights Enforcement Section is committed to the strong and vigorous enforcement of federal and state civil rights laws. The Section addresses a broad array of civil rights issues, including, but not limited to:
 - Discrimination by business establishments, including discrimination on the basis of race, color, religion, sex, ancestry, national origin, disability, medical condition, genetic information, sexual orientation, citizenship, primary language, immigration status, and other protected classifications

- Disability Access Rights
- Employment and Housing Discrimination
- Reproductive Rights
- Education Rights, including Equal Access to Higher Education
- Sexual Assault on College Campuses
- Immigrant Rights, including Combating Immigration Consultant Fraud
- Hate Crimes
- Human Trafficking Prevention under the California Transparency in Supply Chains Act
<<https://oag.ca.gov/SB657>>
- Police Practices, including the Investigation of Police Misconduct
- Children's Rights
- Voting Rights
- The Protection of Free Speech
- Workers' Rights

If the City Council determines to move forward with creating a Human Relations Committee staff recommends the creation of a City Council ad hoc subcommittee, and the appointment of two Council Members thereto, to (1) review the duties and responsibilities of current commissions, committees and boards be reviewed to avoid duplication of efforts and ensure that resources are utilized efficiently; (2) review the statutory and other legal restraints related to employee privacy protections; and (3) review and recommend potential Municipal Code and City policy amendments.

FISCAL ANALYSIS

There is no fiscal impact associated with the discussion of this agenda item. There is a potential unknown fiscal impact associated with the creation of a new committee.

ATTACHMENTS

1. 2019-01-28_ATT 1_Summary Proposal to Establish a Human Relations Committee
2. 2019-01-28_ATT 2_ Council Policy 4010: Discrimination and Harassment in the Workplace

MOTION

That the City Council:

1. Discuss and consider forming a Human Relations Committee;
2. If desired, create a City Council ad hoc subcommittee and appoint two City Council

Members thereto; and

3. Provide direction to staff as appropriate.