

# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Lee Price, MMC  
City Clerk

**SUBJECT:** HUMAN RIGHTS COMMISSION  
MEETING OF NOVEMBER 15, 2007

**DATE:** December 6, 2007

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## **RECOMMENDATION**

As recommended by the Rules & Open Government Committee, consider communications and information received by the Committee regarding the Human Rights Commission meeting of November 15, 2007.

## **BACKGROUND**

At the Rules and Open Government Committee meeting on November 28, the Committee deferred for one week appointments to the Human Rights Commission (HRC) and asked that staff forward communications received by members of the HRC regarding the conduct of one commissioner, David Parker, at the HRC meeting of November 15, 2007. On December 5<sup>th</sup>, the Rules and Open Government Committee reviewed and considered the correspondence, the draft HRC meeting minutes and heard testimony from Human Rights Commissioner Parker (who read and prepared a written statement), as well as the testimony of Human Rights Commissioners Sippel and Bailey.

The Rules and Open Government Committee also considered a memorandum from the City Attorney regarding removal of commissioners and quorum requirements.

On a motion made by Vice Mayor Cortese, seconded by Councilmember Chirco, the Rules and Open Government Committee moved to forward all of the information reviewed, received and considered to the full City Council without a recommendation, and requested that the Council hear the matter not before 3:30 p.m.

Lee Price, MMC  
City Clerk



## Memorandum

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**TO:** RULES AND OPEN GOVERNMENT COMMITTEE      **FROM:** LEE PRICE, MMC  
CITY CLERK

**SUBJECT:** CORRESPONDENCE FROM MEMBERS OF THE HUMAN RIGHTS COMMISSION REGARDING ITS NOVEMBER 15, 2007 MEETING      **DATE:** November 30, 2007

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At the request of Mayor Reed, I am forwarding to the Rules and Open Government Committee copies of correspondence received from members of the Human Rights Commission as it relates to the Commission's regular meeting of November 15, 2007. In addition, the draft meeting minutes are also attached.

A handwritten signature in cursive script, appearing to read "Lee Price".

LEE PRICE, MMC  
City Clerk

November 16, 2007

David Parker  
46 West Julian Street, Unit 224  
San Jose, CA 95110

The Honorable Lee Price, City Clerk  
City of San Jose  
City Hall  
200 East Santa Clara Street  
San Jose, CA 95113

Dear Lee:

Since my appointment to the Human Rights Commission, I have had the privilege of serving the people of San Jose and I am very proud of my commitment to the City of San Jose; my regular participation on the commission and my exemplary attendance record. Many accomplishments I have enjoyed with my colleagues include: attending the San Jose Police Department's Citizens' Academy; drafting recommendations regarding police/community relations; recommending Sunshine guidelines and at last night's meeting, passing a resolution regarding human rights issues in China.

The Human Rights Commission conducted its November meeting last evening, November 15<sup>th</sup>, and had on its agenda many items, including election of new officers. Per the commission's by-laws, officers shall be elected by a majority of those in attendance at the November meeting. Furthermore, our by-laws allow outgoing commissioners and exclude new commissioners in officer elections. I questioned this policy and compared it to outgoing city council members electing its next Vice-Mayor or outgoing members of the House of Representatives electing a Speaker for the next term. I actually hope to address both of these issues at January's meeting. I told my colleagues that I personally believe outgoing commissioners should not be electing the future officers and new commissioners should be allowed to have a voice in the commission's leadership. I was told "this is the way we've always done it".

I expressed further concern and reservations over having officer elections when half of the commission membership was absent, including: three current commissioners, who are continuing service, and three new commissioners who will join us in January. At the time of this discussion, seven of the thirteen commissioners, were present including me. This would have allowed an election of officers upon the vote of only four commissioners, which is approximately one-third of the commission's membership. I was told "our three current commissioners knew about the meeting and chose not to be here and new commissioners should not (emphasis added) have a voice in our officer elections".

Based upon the events and my strong beliefs in open-government, fairness and full participation, I chose to leave the meeting and not participate in the election of officers. This decision resulted in a loss of quorum and elections, regretfully, could not be conducted.

Although my actions resulted in the postponement of officer elections, I believe it will allow for an open discussion; complete input from current and new commissioners and a more fair election process which outweighs a "business as usual" approach. I sincerely look forward to the January meeting, as I will apologize to the body for any negativity this has generated. If you have any questions, comments or concerns regarding this issue, please do not hesitate to contact me.  
I appreciate your time!

Respectfully,

David Parker, Commissioner  
Human Rights Commission

To: Mayor Chuck Reed  
Council: Pete Constant, Forrest Williams, Sam Liccardo,  
Pierluigi Oliverio, Madison Nguyen, Dave Cortese,  
Judy Chirco, Kansen Chu, Nora Campos, Nancy Pyle

From: Robert Sippel, Vice Chair SJ Human Rights Commission

Subject: Incident at Human Rights Commission Meeting

I am writing you all to advise you of an incident that occurred at our November 15th HRC Meeting.

At that meeting the regular Chair was absent and I chaired the meeting. A quorum was noted and the meeting as a whole went smoothly in accordance with the approved agenda, and many of our citizens showed up for several issues that were brought before the Commission. That being said, we moved on to regular business (with one Commissioner leaving early, leaving exactly a quorum) which included our annual election of officers. The HRC by laws state we must elect officers in November for the coming year. Commissioner Parker voiced his dissatisfaction that this is occurring now, as his wish is to move it to January of each year. He proposed this, along with other suggested changes to our by laws. He was informed we would further discuss and vote on any changes to the by laws in January. However following current rules, we had to hold our elections at this November meeting. Nominations then occurred for each of the officers (Chair, Vice-chair, and Parliamentarian).

Mr. Parker again voiced his displeasure and was again informed by the Chair (acting) that we need to follow rules. In addition it was the sense of all the remaining Commissioners that we follow the by laws in this matter. We then began to vote and at that point Commissioner Parker stood-up, turned to the group and said "you now have no quorum so you can't vote", and walked out of the room. It was felt by all that this behavior was not only childish but also unbecoming a commissioner. The Commission voted anyway and unanimously voted in each officer. We were not sure this would hold or be correct but felt it our duty to follow the rules.

Unfortunately this was not the first display by Mr. Parker of his lack of solidarity. On numerous occasions when Mr. Parker has made a motion and it was not accepted by the whole of the body... he frequently continued to re-word, change, modify, and make every attempt to get his way. Very often one of the most senior commissioners would explain why this would not work, particularly having experience with what is expected of us, what will go to the rules committee and be

accepted, and what is generally accepted by the council. One example was the Jeppeson issue that he supported. On one specific occasion Mr. Parker took his item to the News media and then denied having part in it. It was later verified that he in fact provided the information and with that much detail it had to be someone with prior knowledge. After the October meeting, Mr. Parker wrote two commissioners (I being one) about our interrupting his conversation. In fact myself and another senior commissioner were simply asking each other "why we were discussing any of this when we had no quorum". One of the other commissioners pointed out that she felt Mr. Parker had his own agenda and that "it was all about himself". The discussion as we left the last meeting was about the same... it is felt by several commissioners that Mr. Parker is "not a team player".

I regretfully write this letter but feel as a longtime member of this very valuable commission that someone needs to know about these occurrences. We need to work as a cohesive group in order to accomplish our very important goals. Since it the responsibility of the Mayor and Council regarding the commission, I felt you all would like to be informed.

Regards

Robert Sippel  
Vice Chair  
SJ HRC

19 November 2007

To: Mayor Chuck Reed  
Council: Kansen Chu, Nancy Pyle

From: Robert Bailey, Commissioner, San Jose Human Rights  
Commission

Subject: Incident at Human Rights Commission Meeting

I am writing to advise you of an incident that occurred at our November 15th HRC Meeting.

A quorum was noted (8 Commissioners present) and the meeting as a whole went smoothly in accordance with the approved agenda. Many citizens showed up for several issues that were brought before the Commission. We then moved on to regular business, with one Commissioner leaving early, leaving exactly a quorum. Scheduled business included our annual election of officers. The HRC by laws state we must elect officers in November for the coming year. At this point, Commissioner David Parker voiced his dissatisfaction that the election was occurring now, as his wish is to move it to January of each year. He proposed this, along with a number of other suggested changes to our by laws. He was informed by the Vice-Chair that we would further discuss and vote on any changes to the by laws in January. However following current by laws, we had to hold our elections at this November meeting. Nominations then occurred for each of the officers allowed (Chair, Vice-chair, and Parliamentarian).

Mr. Parker again voiced his displeasure, and was again informed by the Vice-Chair that we need to follow the current rules. In addition it was the 'sense' of all the remaining Commissioners that we follow the current by-laws in this matter. We then began to vote on the nominations, and at that point Commissioner Parker stood-up, turned to the group and said "you now have no quorum so you can't vote", and walked out of the room. It was felt by all that this behavior was not only childish but also unbecoming a Commissioner. The Commission voted anyway and unanimously voted in each officer, however we were sure the vote wouldn't hold. Nonetheless, we felt it our duty to follow the rules.

One of the other commissioners subsequently pointed out that she felt Mr. Parker has his own agenda and that "it is all about himself", and that he is neither a team player nor a responsible Commissioner.

I was hesitant to write this letter but as I believe I am the 'senior' member of this commission, the City Council needs to be aware of these occurrences. The HRC needs to work together in order to address the issues brought before it, and to credibly advise the City Council. Since it the responsibility of the Mayor and Council to oversee the commission, I felt you would like to be informed.

Respectfully,

Robert C. Bailey  
Commissioner.  
San Jose Human Rights Commission

**Price, Lee**

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**From:** Imam Tahir Anwar [imamtahir@yahoo.com]  
**Sent:** Tuesday, November 20, 2007 12:30 PM  
**To:** lee.price@sanjoseca.gov  
**Subject:** Fwd: Human Rights Commisison Meeting (11/15/07)

FYI

*Imam Tahir Anwar* <imamtahir@yahoo.com> wrote:

Date: Tue, 20 Nov 2007 06:46:04 -0800 (PST)  
From: Imam Tahir Anwar <imamtahir@yahoo.com>  
Subject: Human Rights Commisison Meeting (11/15/07)  
To: mayoremail@sanjoseca.gov

To: Honorable Mayor of the City of San Jose, Vice Mayor, and all the Council Members;

My name is Tahir Anwar, and I am a senior member of the San Jose Human Rights Commission, having served on it for over 5 years. I am quite sure that the situation that occurred in the last meeting on Thursday, November 15th 2007 has been brought to your attention.

I have been on the Commission for so many years, and have seen individuals come and go. I have also seen the teamwork and cohesiveness with which the Commission has been moving forward. What I saw in the last meeting was something that hurt me. What I saw was an individual who couldnt be a teamplayer, and just because things werent going in his direction, his actions were very spiteful. I just wish to add that I am appalled at the behavior of my fellow commissioner, Mr. Parker, and his actions.

I will respect whatever decision the City Council reaches in this regards, but would ask them to consider that the elections held, remain valid.

Thanking you,

**Tahir Anwar**

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South Bay Islamic Association  
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Human Rights Commissioner - City of San Jose  
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www.imamtahir.com  
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# DRAFT

## Human Rights Commission

November 15, 2007

### Minutes

#### Commissioners Present

Linda Colar  
Robert Bailey  
Frances Lewis-Johnese  
Tahir Anwar  
Robert Sippel  
David Parker  
John Marienthal  
Karen Elaine Davis

#### Commissioners Absent

Raji Bains (Not Excused)  
Lawrence Boesch (Excused)  
Raj Bhanot (Not Excused)  
Dr. Calvin Gill (Not Excused)

#### Council Liaison

John Vu- Absent

#### Staff

Vilcia N. Rodriguez - Present

#### 1. Call to Order

The meeting was called to order at 6:40 p.m.

#### 2. Orders of the Day & Agenda Approval

Commissioner Parker made a motion, seconded by Commissioner Marienthal to approve the agenda. The agenda was unanimously approved (Yes: 7; No: 0; Abs: 0).

#### 3. Approval of Minutes

Commissioner Lewis made a motion, seconded by Commissioner Bailey to approve the minutes. The minutes were unanimously approved. (Yes: 7; No: 0; Abs: 0).

#### 4. Oral Petitions

None

#### 5. Standing Reports

a) Council Liaison Report – None

b) San José Police Department Liaison Report – None

c) Public Safety Oversight Committee – Commissioner Sippel spoke with Chief Von Raesfeld regarding HRC participation in new recruit interview panels. Unfortunately new recruit interviews have already been held for the upcoming academy but the Chief promised to disseminate information to the Commission for the next academy. A meeting will be scheduled with the Chief in January 2008.

d) Feedback from the Citizens' Police Academy Attendees – Commissioners Parker and Sippel provide personal testimony on their positive experience with the Citizens' Police Academy. They both described their participation in the academy as "eye opening experience." Commissioner Anwar asked if the Police Department plans to hold another academy in the near future for Commissioners who were not able to participate in the current academy and for new Commissioners. Police staff will follow up on this question.

e) Staff Report – No Report.

**6. Review HRC Proposals/Recommendations in relation to other Commissions, including the Santa Clara County Human Relations.**

This item was deferred to the January 2008 meeting.

**7. Proposed resolution regarding the Human Rights Torch Relay (HRTR)**

Nan Su along with six other Falun Gong practitioners presented testimony regarding the human right violations taking place in China as well as information on the 2008 Beijing Olympic Torch (scheduled to arrive in San Francisco in April 2008) and the Human Rights Torch Relay (scheduled to arrive in the Bay Area before the Beijing Torch). More background information is attached. Presenters made a request that the HRC adopt the attached proposed resolution and forward it to the full Council for action.

Commissioner Parker commended the speakers for bringing this issue to the Commission's attention and made a motion, seconded by Commissioner Davis for the Commission to adopt the resolution. The motion passed unanimously. (Yes: 8; No: 0; Abs: 0).

Commissioner Parker made a motion, seconded by Commissioner Bailey, to bring the adopted resolution to Council for acceptance as a City Proclamation. The motion passed unanimously. (Yes: 8; No: 0; Abs: 0).

Commissioner Sippel will follow up with the Chair on whether he would like to write the cover letter to Council. If not, Commissioner Sippel will write the letter.

**8. Proposed resolution Urging the Governments of China, India, Thailand, Korea, Japan, and of the United States, as well as the Chevron and Daewoo Corporations to Take Action in Defense of Peaceful Pro-Democracy Demonstrators in Burma**

Several speakers presented testimony regarding the human right violations taking place in Burma as well as historical information about the country. Presenters made a request that the HRC adopt the attached proposed resolution, which has been passed in San Francisco and Berkeley, and forward it to the full Council for action.

Commissioner Bailey made a motion, seconded by Commissioner Parker, to table this item to the January 2008 meeting to allow time for Commissioner Bailey to make edits to the resolution. The motion passed unanimously. (Yes: 7; No: 0; Abs: 0).\*

Yasmin Vanya will provide staff with an electronic copy of the proposed resolution.

\*Commissioner Colar left the meeting before or during this item and was not present during the vote.

**9. HRC Bylaws and proposed changes/updates**

According to the HRC Bylaws, proposed changes shall be studied and/or discussed by the Commission as a whole and then agendized for action at the following Commission Meeting. At this meeting Commissioner Parker walked the Commission through his proposed changes. Proposed changes are attached. The Commission will vote on the proposed changes at the January 2008 meeting.

## 10. Nomination and Election of 2008 HRC Officers

Commissioner Bailey made a motion, seconded by Commissioner Lewis-Johnese, to nominate Commissioner Sippel as the 2008 HRC Chair. (Yes: 6; No: 0; Abs: 0).

Commissioner Sippel made a motion, seconded by Commissioner Davis, to nominate Commissioner Bailey as the 2008 HRC Vice-Chair. (Yes: 6; No: 0; Abs: 0).

Commissioner Marienthal made a motion, seconded by Commissioner Davis, to re-elect Commissioner Marienthal as the 2008 HRC Parliamentary. (Yes: 6; No: 0; Abs: 0).

Commissioner Parker expressed concern and reservations over having officer elections when half of the commission membership was absent, including: three current commissioners, who are continuing service, and three new commissioners who will join the Commission in January. He recommended to the Commission to postpone elections to January 2008 to afford new Commissioners the opportunity to participate. Commissioner Bailey explained that per HRC Bylaws, officers shall be elected by a majority of those in attendance at the November meeting. The Commission as a whole, minus Commissioner Parker, agreed to move forward with elections according to Bylaw requirements.

Commissioner Parker chose to leave the meeting and not participate in the election of officers. This decision resulted in a loss of quorum. Commissioners decided to move forward with voting and asked staff to follow-up with the Offices of the City Attorney and City Clerk on whether the votes taken after Commissioner Parker left the meeting stand.

## 11. Adjournment

The meeting adjourned at 9:45 p.m.

**Americans with Disabilities Act:** "To request an accommodation or alternative format for City-sponsored meetings, events or printed materials, please call the Human Rights Commission at 408-535-8110 or 408-294-9337 (TTY) as soon as possible, but at least three business days before the meeting/event.

# DRAFT

## SAN JOSE HUMAN RIGHTS COMMISSION BY-LAWS

ADOPTED MAY 26, 1994

Amended 11/20/97

Amended 7/26/01

Amended 5/30/02

Amended 3/18/06

Amended 4/20/06

Amended 10/19/06

Amended 11/16/06

### 1. PURPOSE

The purpose of the San Jose Human Rights Commission ("Commission") is detailed in Ordinance No. 23383, Chapter 2.08.440 of Title 2 of the San Jose Municipal Code, as amended and enacted by City Council on February 20, 1990.

### 2. OFFICE

The Commission's office shall be the Office of the City Manager for the City of San Jose ("Office").

### 3. MEETINGS

#### a. Regular Meetings

Regular Commission meetings shall be held on the third Thursday of each month excluding December at San Jose City Hall, 200 East Santa Clara Street.

#### b. Cancelled meetings

Cancelled meetings shall be noticed to all commissioners and members of the public who regularly subscribe for commission agendas, as soon as a cancellation is known.

#### c. Special Meetings

Special meetings may be called by the Commission Chairperson or upon the request of at least three (3) Commissioners.

Commissioners may be notified at a regular Commission meeting or by written notice delivered by hand to Commissioners no less than 72 hours prior to the meeting, or by first class mail, provided it is postmarked seven (7) days prior to the meeting date.

d. Quorum

In order to transact motions, a quorum for Commission meetings shall be the majority of the total membership at large. Motions shall be passed by a majority vote of members present. Commissioners shall vote on all matters in the affirmative or negative and may only abstain upon a conflict of interest or perception thereof. When any conflict arises, remaining members of the commission shall hold a discussion and vote on the matter.

e. Recommendations to City Council

Upon a majority of members present, any and all matters, which the Commission considers in its purview, may be forwarded to the City Council for action. The recommended process is to forward the item to the Rules and Open-Government Committee (or variation) and upon the approval of the Council Committee, forwarded to the full membership of the City Council. Nothing in these By-Laws shall prevent a member or members of the City Council from placing a Commission item on the City Council agenda without the item having been vetted by a lower committee. Furthermore, Commissioners shall not be prevented from contacting members of the City Council or the Mayor to express their personal opinion of a Commission recommendation.

f. Conduct of Business/Open Meetings

Robert's Rules of Order (Revised) shall be used to conduct all Commission and Committee business. All Commission meetings shall observe the provisions of the City's Sunshine Reforms, Brown Act, as amended, and as interpreted by the San Jose City Attorney's Office. When any conflict in interpretation of Sunshine Reforms or Brown Act occurs, the provision and/or interpretation which provides the most access to the public shall be used.

f. Placing Items on the Agenda

A Commission may have an item placed on a meeting agenda in any one of the following methods.

1. Submitting a "Human Rights Commission Agenda Form" to the Office.
2. Requesting Office staff, either in person, telephonically or electronically to place an item on the agenda.

In order to provide adequate time for the office staff to prepare meeting materials, commissioners should have items placed on the agenda no later than ten (10) days prior to the next Commission meeting.

4. OFFICERS

The officers of the Commission shall be Chairperson, Vice-Chairperson and Parliamentarian.

- a. Commission officers shall be elected by ~~Commission members the body~~ annually during the ~~November meeting~~ ~~January meeting~~, or as soon thereafter, to serve for ~~one year until the election of new officers~~.
- b. The Commission may appoint such other officers from time to time as business may require.
- c. Any Commission officer may be removed by a majority vote of total Commission membership at any regular or special Commission meeting.
- d. The Chairperson shall preside at all meetings of the Commission and shall exercise the powers usually exercised by such an official and shall perform such other duties as the law, these by-laws and the City Charter of San Jose require of him/her and as may be designated by the Commission.
- e. The Parliamentarian shall advise the Commission on the proper interpretation of Robert's' Rules of Order (Revised).
- f. In the absence of the Chairperson, the Vice-Chairperson shall perform all duties as outlined in 4d. ~~above~~. Other Commissioners may represent the Commission in the community at the discretion of the Chairperson.
- g. In the absence of the Chairperson and Vice-Chairperson, the Parliamentarian shall perform all the duties as outlined in 4d. ~~above~~.
- h. In the absence of the Chairperson, the Vice-Chairperson and Parliamentarian, any member may call a meeting to order and a Chairperson Pro Tempore ~~may shall~~ be elected to conduct the meeting.

## 5. LIAISONS

Liaisons to other City commissions and/or Committees, as well as outside agencies, shall be appointed by order of the Commission as the need arises. Liaisons shall report to the full Commission meeting following the liaison's meeting.

- a. Liaisons to other City Commission and/or Committees shall be appointed upon the request of that Commission or Committee or outside agency.
- b. Liaisons from other City Commission and/or Committees as well as outside groups shall be encouraged. The Commission shall request other groups to appoint such liaisons of the Commission determines it is warranted.

## 6. RELATIONSHIP TO THE OFFICE OF THE CITY MANAGER

The role of the Office in its relationship to the Commission is as an advisory body. The Commission will hear relevant reports from the Office staff regarding their activities. The Commission may serve as advisory body to staff actions and studies and participate as an active partner in the planning of Office programs.

The Commission may recommend staff to prepare studies, as needed, to be reviewed by the Commission prior to recommendation to City Council.

The Office staff shall bring issues of possible interest to the attention of the Commission from time to time. Staff shall keep Commissioners informed of such issues as appropriate. Staff may occasionally recommend that the Chairperson convene a special meeting.

## 7. PRINCIPAL ACTIVITIES

The principal activities of the Commission shall include, but not be limited to:

- a. Soliciting input on designated topics and issues from San Jose residents and other members of the public that are interested in human rights issues.
- b. Seeking and reviewing studies and information provided by fellow Commissioners, and the public and/or staff.
- c. Developing and presenting recommendations to the City Council pursuant to section 3e of the By-Laws.
- d. Developing and presenting recommendations to the Office Commission staff and the City Manager's office.
- e. Creating and maintaining working relationships, as needed, with City and outside governmental agencies to address multi-jurisdictional human rights issues.
- f. ~~Participating with the Office in planning for equal employment opportunity and human rights education.~~

## 8. ATTENDANCE

A member of the Human Rights Commission shall notify the Commission Chair and/or staff if he or she is unable to attend a regular or special meeting at least 72 hours prior (when feasible) to the scheduled meeting. As used in this section, "regular meetings" mean regularly scheduled meeting of the Commission held on the third Thursday of each month excluding December at San Jose City Hall, 200 East Santa Clara Street. Adjourned regular meetings, continued regular meetings and meetings held outside of the regular Commission meeting schedule and location shall be considered "special meetings." For the purpose of this section, a member shall be deemed absent from a meeting if the member fails to be in attendance at a meeting for the entire duration of the meeting or one-half of the duration of the meeting.

### Automatic Resignation

A member of the Human Rights Commission shall be deemed to have automatically resigned from office if:

- a. The member has unexcused absences from any three consecutive regular meetings of the Commission;

- b. The member has unexcused absences for more than 20 percent of the total number of regular meetings (or 2 regular meeting) in any calendar year; or
- c. The member has unexcused absences for more than 20 percent of the total remaining number of regular meetings in that calendar year if the member was appointed to fill a vacancy.

A member whose seat has become vacant by virtue of the above provisions may be reappointed to his or her former office for the balance of the member's unexpired term if the Council finds there was a good excuse for the member's absence from meetings or finds that the reappointment will be in the best interest of the City.

In the event of reappointment, the previous unexcused absences of the reappointed member shall not be considered in determining any future resignation of the member under this section.

#### Excused Absences

For the purpose of this section, the following shall be considered excused absence:

- a. An absence due to an illness of the member, or illness or death of a member's immediate family member such as spouse, parent, child, brother or sister.
- b. An absence due to pre-authorized commission business.
- c. An absence due to the member, either a City Councilmember or City employee, performing required City business.
- d. An absence excused by the Chair prior to the meeting missed.
- e. An absence excused by the approval of a majority vote at the next regular meeting following the absence. For this section, the commissioner to be excused shall not have a vote regarding his or her absence.

#### Extended Leave of Absence

Except under the most unusual circumstances, such as medical reasons, extended leaves of absence for members will not be allowed. Exception to this and other attendance rules may only be granted by the City Council or City Clerk.

## 9. COMMITTEES

Committees shall research, analyze and recommend actions to the full Commission regarding any issues involving human rights issues that directly or indirectly affect San Jose residents.

a. Committee Membership

Though Commissioners are not required to serve on a Committee, such participation is strongly encouraged. The Chair shall appoint Chairpersons and members of Committees who shall then be approved upon a majority vote of the total commission membership at the February meeting or as soon thereafter.

b. Committees shall meet as required by the Commission. Additional meetings for special purposes may be held when appropriate.

c. Non-Commissioner Membership on Committees

The San Jose Municipal Code, Section 2.08.100, provides for membership of community members who are not Commissioners on Commission committees. The number of such non-commissioner committee members shall not exceed 3 per committee. Non-commissioner committee members shall be proposed to the full Commission and elected by a majority of the Commission membership. Non-commissioner members shall serve at the pleasure of the Commission and for such time as is deemed helpful or needed by the commission. Non-commissioner committee members shall have full voting rights with Commission members at committee meetings only.

d. Resource Persons

The Committee may invite community members who are experts in various human rights issues to serve as committee resource persons. These resource persons could be called upon to inform the committees, when appropriate, on key issues. These persons would not be committee members.

e. Quorum

~~No quorum is required for Committee meetings.~~ In order to transact motions, a quorum for Committee meetings shall be the majority of the Committee membership. Motions shall be passed by a majority vote of members present. In the absence of a quorum for imperative Committee meetings, the Chair of the Commission may appoint Pro-Tempore alternates so business may be transacted. All Pro-Tempore alternates shall be disclosed as soon as possible but no later than any vote on agenda items.

f. Standing Committees

The standing committees of the commission are:

1. Outreach
2. Law Enforcement Public Safety Oversight
3. Recognition Award
4. Youth Commission Liaison

The Commission may create additional standing committees when required.

- g. Ad-Hoc Committees  
Ad-Hoc Committees may be created when required by a majority vote of the Commission. Such a Committee would generally have a limited purpose and exist for a finite period of time.
- h. Secretary. The Chair of each Committee may select a member of the body to act as secretary in the absence of staff. The secretary shall take minutes of the meeting and, as soon as possible but no later than seven (7) calendar days following the committee meeting and provide them to staff for the purpose of editing and distribution.

## 10. COMMISSION CO-SPONSORSHIP OF EVENTS

The following are guidelines the Commission enacted in order to determine whether or not to co-sponsor an event;

1. Appearance before the Commission by a person authorized to speak for the requesting organization. This may be a member of the Commission if the organization delegates this task to him/her. The name of the organization, its general purpose, authorized contacts, mailing address and telephone numbers, if any, shall be provided.
2. Appearances before the Commission in as timely a manner as possible. It is not recommended that hard and fast timelines be required since a three month lead time is possible for some events, while a month may be all that is possible for another.
3. Events co-sponsored by the Commission shall deal in some way with its charge. Events shall be open to all interested citizens of San Jose.
4. Names of speakers shall be listed with as much relevant biographical data as possible. This is not meant as a requirement for a formal curriculum vitae, since this would have a disparate impact on many organizations and individuals.
5. Any supporting documents, such as proposed or final program brochure, proposed or final advertising flyers, etc., should be made available to the Commission. Inclusion of such material in the Commission's meeting agenda packet is recommended, but not required.
6. Request for co-sponsorship should be sent to the City Attorney for opinion.
7. The Commission will develop a procedure or process to determine co-sponsorship.

## 11. COMMISSIONER EMERITUS

- a. A Commissioner Emeritus may be elected at the discretion of the Human Rights Commission as a whole and shall serve at the authority of the Chairperson and/or the Commission for renewable one-year term only, with the following limitations:
  - a. He/she cannot represent him/herself as a commissioner or representative of the Human Rights Commission in the community;
  - b. He/she cannot be a current member on another City of San Jose Commission or Board;
  - c. He/she cannot be an active participant in Commission discussions, but can state his/her opinion on a subject before any Commission action; and
  - d. He/she cannot vote or make motions.

### Selection Criteria

A member of the Human Rights Commission may be awarded the honor of Commissioner Emeritus at the end of that Commissioner's term of office. To be eligible for this honor, a Commissioner shall have been responsible for bringing unique experience, expertise, and community perspective to the Commission which has afforded the Commission with the opportunity to make extraordinary, direct, and realized contribution(s) to San Jose residents. The contribution made shall be above and beyond the duties and responsibilities required of each Commissioner. The contribution(s) shall have been obvious to the majority of the members of the Commission.

### Process

- a. This award shall be considered to be an extraordinary honor from a Commissioner's peers and shall not be construed to be awarded annually, as a matter of formality, or as a routine recognition of service on the Commission. Rather, it shall only be awarded as warranted when the Commission decides to nominate a Commissioner for this award.
- b. Any Commissioner may forward a written nomination to the Commission prior to any Commission meeting. It will then be placed on the agenda for a vote at the subsequent Commission meeting. A two-thirds majority vote is required to confirm the nomination as a Commissioner Emeritus.

## 11. BY-LAWS AMENDMENTS

Amendments to the By-Laws may be proposed by a Commissioner.

- a. All proposals must be submitted in writing to the Chairperson or staff, ~~agendized placed on the agenda of~~ the next Commission meeting, and mailed with the Agenda packet for the next Commission meeting.

- b. Commissioners shall study and/or discuss the proposed amendments as ~~agendized~~ placed on the agenda and then shall vote on them at the next Commission meeting.
- c. Amendments to these By-laws shall become effective immediately upon adoption by the commission, ~~upon a majority of commission membership~~, unless otherwise provided in the amendment.

Passed this sixteenth day of November, 2006, at San Jose, California as recorded by the following votes:

AYES: Bailey, Colar, Enriquez, Boesch, Sippel, Gill, Bhanot, Lewis-Johnese, Marienthal, Davis, Anwar

NOES:

ABSENT: Rossman



## Memorandum

**TO:** RULES AND OPEN GOVERNMENT COMMITTEE

**FROM:** RICHARD DOYLE  
City Attorney

**SUBJECT:** Human Rights Commission Appointments

**DATE:** November 29, 2007

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### **BACKGROUND**

On November 28, 2007, the Rules and Open Government Committee deferred the appointments of commissioners to the Human Rights Commission to its December 5, 2007 meeting. The Committee requested that the City Attorney provide information regarding the rules for removal of commissioners. Additionally, the City Clerk has requested that the City Attorney address a question with regard to the Human Rights Commission's November 15, 2007 meeting concerning the election of officers and Commission's quorum and voting requirements. This memorandum will address both of these questions.

### **DISCUSSION**

#### **A. Removal of Commissioners**

Section 2.08.130 of the San Jose Municipal Code addresses removal of commissioners from office and provides that "any person appointed to and holding the position of member of any board or commission may be removed from appointment, at any time, by the council, with or without prior notice, and with or without cause." Thus, the City Council can at any time remove a commissioner from membership on a commission in its discretion.

The Municipal Code does not set out a process or procedure for removal. Removal of a commissioner from a City commission can be recommended by the Rules and Open Government Committee to the City Council or be placed on a City Council Agenda for Council action without a recommendation from the Rules and Open Government Committee.

A commissioner who is subject to removal should be provided an opportunity to address the Council or the Committee when removal from a commission is being considered. However, there is no requirement for a formal hearing or the examination of witnesses.

#### **B. Human Rights Commission – Quorum and Voting Requirements**

At its November 15, 2007 meeting, 7 commissioners were present during the annual election of commission officers which was required to be scheduled in November in

accordance with the commission's bylaws. Before the vote on the nominations for the officers, one commissioner left the meeting which resulted in an absence of the quorum.

San Jose Municipal Code Section 2.08.3040 addresses the quorum requirements for the Human Rights Commission:

*A quorum for the commission shall consist of seven members of the commission. An affirmative vote of at least a majority of those members of the commission who are present shall be necessary for the commission to take any action.*

The commission's by-laws also address the quorum requirements:

*In order to transact motions, a quorum for Commission meetings shall be the majority of the total membership at large. Motions shall be passed by a majority vote of the members present.*

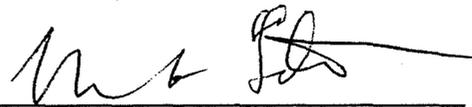
Thus, a quorum must be present in order for business to be transacted by majority vote of commissioners. In the absence of a quorum, any business transacted is null and void. Robert's Rules of Order, 9<sup>th</sup> Edition, page 341. At the November 15<sup>th</sup> commission meeting, when the seventh member left, no quorum existed and the election of officers by the 6 remaining commissioners was not a valid election of Human Rights Commission officers.

### **CONCLUSION**

The City Council can, in its discretion and at any time, remove a commissioner from membership on a commission. There is no requirement for a formal removal hearing.

The Human Rights Commission did not conduct a valid election of officers at its November 15, 2007 meeting since it did not have a quorum.

RICHARD DOYLE  
City Attorney

By 

Norm Sato  
Chief Deputy City Attorney

December 5, 2007

David Parker  
46 W. Julian St., #224  
San Jose, CA 95110

Rules and Open Government Committee  
200 East Santa Clara Street  
San Jose, CA 95113

Mayor Reed, Vice-Mayor Cortese and Committee Members,

We are here today because some of my Human Rights Commission colleagues have contacted you regarding my departure from our November 15<sup>th</sup> meeting. I have also been made aware this Committee may consider removing me from the Commission based upon my actions of that evening. I ask you to please not rush to judgment and please be fair when considering my statement.

When Project Diversity interviewed me and former Councilmember Linda Lezotte recommended my appointment to the Human Rights Commission, I was excited to be able to give back to my new home of San Jose. I believe I was recommended to serve on the Commission because of my many qualifications including: my past tenure on 2 commissions in San Francisco; my support of the LGBT community which I'm a part of; and most important, my independence. I am currently the youngest member of the commission.

Project Diversity and the Council took into consideration statements from officials I have worked with in the past, which are attached. Doug Comstock, the Chair of San Francisco's Sunshine Ordinance Task Force states in a letter "I respect David's ability to keep focus on solutions...he is indeed a rare individual. Although David and I have disagreed, he always remains pleasant and unflappable". Are these not qualities members of our boards and commissions should have?

In three different letters to the City Council, it is stated that I am not a "team player". I respectfully disagree with that description. If "team player" means not questioning current policies and rubberstamping the motions based upon the recommendations of our senior members, then I would agree I'm not a team player. But I ask you to carefully examine my record while on the Commission:

- I have a perfect attendance at our meetings, retreat and the Citizen's Police Academy.
- I proactively sought to ride-along with SJPD on Cinco de Mayo and other nights.
- The Commission has taken 47 votes in 2007.
- I voted with the majority on 42 of those votes.
- 32 of the 42 votes were unanimous.
- 16 out of the 42 votes, I was either a proponent or offered a second.
- I have made a total of 3 friendly amendments to motions and all have been accepted.

I am very proud of my record on the Commission and the issues I have moved and we eventually passed together. At our February meeting, I drafted a motion urging Commissioners to conduct ride-alongs with SJPD during high profile events, it passed. In May, I drafted a motion commending SJPD for their excellence on Cinco de Mayo, it passed. At the meeting in question, in November, I drafted a resolution, which passed unanimously, for the HRC to support the Human Rights Torch Relay, which hopes to bring attention of human rights abuses in China, which is hosting the 2008 Olympics.

In April, following the tragedy at Virginia Tech, I listened to news accounts of Korean-Americans being harassed and threatened because the gunman was of Korean descent. I drafted an emergency resolution urging the people of San Jose to not let fear influence their interactions with Korean-Americans and to condemn any harassment and discrimination as a result of this tragic event. The item needed a unanimous vote since it was not on the original agenda. It failed by one vote.

I left our November meeting to guarantee every member of our Commission, including three absent Commissioners and three brand new Commissioners would have a vote in the leadership of our 13

member body. My decision has in no way had an adverse effect on commission business. Contrary to what my colleagues may imply, when I left, there were no members of the public waiting to speak on any item. Furthermore, the Commission does not have a December meeting and no business takes place until January. Had I stated I felt ill and left the meeting, the absence would have the same effect, so why should I lie? Furthermore, our by-laws also provide that in the absence of all officers, the body may elect a President Pro-Temp.

We live in the United States and it is not only our right to question our officials, it's our responsibility to do so. During a recent conversation with one commissioner, I was told: "it seems like those who have the power are trying to keep it and if you challenge them, they try to get rid of you". I ask you, is it possible I'm perceived as a challenge to those in power? Do you want Commissioners who are passionate about their service and voice their independence, or Commissioners who conduct "business as usual" without questioning policy? I have always stood by my record and commitment to open government and participation. Today is no exception. My dedication to public service will always be filled with enthusiasm and a desire to help the underdog.

To my knowledge, and if I'm wrong I hope the City Attorney will correct me, aside from established attendance requirements, there is no law, code or requirement for an official to attend a meeting from beginning to end or participate in every vote. However, Robert's Rules and the Brown Act clearly state no action can take place without a quorum of the body. Commissioner Sippel was aware of the rules and state law, as he and I discussed the Brown Act and Sunshine Reforms previously, and yet, as Vice Chair, he allowed not one but three illegal votes to occur. Why would members be so anxious to violate state law and push for the election of officers when no quorum was present and they, themselves, questioned the validity of their own vote?

Each member of this Committee and the council has at one time taken an independent position on an item they have been passionate about, which was eventually criticized by their colleagues. For example, Councilmember Campos currently refuses to attend meetings in City Hall because she does not want to cross picket lines. Mayor Reed ran for Mayor on open-government reforms even though a majority of the City Council supported another candidate.

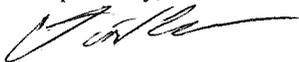
If I remain on the Commission, I have several issues I would like the Commission to examine, including: a BankOn program which works with financial institutions to cash checks of those who don't have accounts, which will allow hardworking families to keep their money instead of giving it to check cashing business; working with law enforcement to reach out to victims and witnesses of crimes in immigrant communities to inform them of law enforcement's desire to help them and examine the municipal ID cards which have been implemented in San Francisco.

Please do not give in to the anger and fear my colleagues are trying to create. Yes, as Commissioner Sippel states, I have "re-worded, changed and modified motions", not to get "my way", but to create common ground which a majority of the Commissioners felt comfortable voting for. Isn't that what it means to be a responsible Commissioner? I have voted together, with this "team", 90% of the time and in more than 1/3 of those votes, I was a proponent.

Yes, you have the power to remove me at any time but don't you believe it sets a dangerous precedent if you begin removing commissioners based upon the statements of their colleagues who felt challenged?

I respectfully ask to be allowed to serve the remainder of my term working towards many important goals with my colleagues to address the many human rights issues impacting the people of San Jose and if it's your desire, re-examine my service on the commission at a later time. Thank you for your time.

Respectfully,



David Parker

**HUMAN RIGHTS COMMISSION  
CITY OF SAN JOSE  
2007 Votes**

<b>ITEM</b>	<b>PROPONENT</b>	<b>VOTE</b>
February:		
2. Agenda.	Colar/Bailey	<b>Unanimous</b>
3. Jan. Minutes	Bailey/Marienthal	<b>Unanimous</b>
7. Police Forums		
Ridealongs	Parker/Marienthal	<b>7 Yes, 0 No, 3 Abstain</b>
March Mtg.	Marienthal/Colar	<b>10 Yes, 0 No (Unan.)</b>
8. Jeppesent Intl.		
Invitation	Sippell/Anwar	<b>9 Yes, 0 No (Unan.)</b>
Time Limits	Unknown	<b>9 Yes, 0 No (Unan.)</b>
12. Award		
LifeBuilders	Boesch/Anwar	<b>Unanimous</b>
March:		
2. Agenda Change	Bailey/Unknown	<b>Unanimous</b>
3. Feb. Minutes	Parker/Bailey	<b>Unanimous</b>
7. Jeppesen Res.	Parker/Marienthal	<b>7 Yes, 2 No, 2 Abstain</b>
8. UN Letter Defer	Marienthal/Bailey	<b>Unanimous</b>
10. Forum Planning		
Accept Report	Bailey/Sippell	<b>7 Yes, 1 No, 1 Abstain</b>
Amendment	Parker	Accepted
11. Hotel Iss. Defer	Marienthal/Bailey	<b>Unanimous</b>
Retreat:		
3. Committees		
Complaint	Parker/Boesch	<b>9 No, 1 Yes *</b>
April:		
2. Agenda		
VA Tech	Parker/Davis	<b>6 Yes, 1 No, 0 Abstain (Failed)</b>
Agenda	Unknown	<b>Unanimous</b>
3. March Minutes	Sippell/Lewis-Johnese	<b>Unanimous</b>
Retreat Minutes	Bailey/Sippell	<b>Unanimous</b>
6. IPA Recommend.	Sippel/Bailey	<b>10 Yes, 0 No (Unan.)</b>
7. Jeppesen Revisit	Parker/Marienthal	<b>Withdrawn</b>
Cont. to May	Bailey/Marienthal	<b>7 Yes, 3 No *</b>
8. Forum Committee	Boesch/Bailey	<b>10 Yes, 0 No (Unan.)</b>
11. Copwatch	NO VOTE	
Asked members to bring any video/photos from 5 de Mayo to June meeting		

May:

2. Agenda	Parker/Bailey	<b>Unanimous</b>
3. April Minutes	Parker/Bailey	<b>Unanimous</b>
7. Cinco Ridealong Commend SJPD	Parker/Bailey	<b>7 Yes, 0 No, 1 Abstain</b>
8. Jeppesen Revisit	Parker/Marienthal	<b>6 No, 2 Yes * (Failed)</b>
12. HRC Protocol Time-Limit	Sippel/Lewis-Johnese	<b>7 Yes, 1 No, No Abstain</b>
Clarification Amend.	Parker	Accepted
Motion to Body	Parker/Colar	<b>5 Yes, 1 No, 2 Abstain</b>
13. Council IPA Mtg. Cancel HRC	Sippel/Colar	<b>6 Yes, 1 No, 1 Abstain</b>

JUNE: CANCELED

July:

2. Agenda	Anwar/Parker	<b>7 Yes, 0 No, 0 Abstain (Unan.)</b>
3. May Minutes	Parker/Colar	<b>7 Yes, 0 No, 0 Abstain (Unan.)</b>
6. UFCW 5 Defer	Unknown	<b>9 Yes, 0 No, 0 Abstain (Unan.)</b>
8. Council IPA mtg. Refer 5/14 to Comm Amendment Aug.	Boesch/Colar Parker	<b>10 Yes, 0 No (Unan.)</b> Accepted
9. CIT Training	Bains	<b>0 Yes, 8 No, 1 Abstain</b>
10. Sunshine Reforms	NO VOTE Parker / Sippel volunteered to prepare report to Commission	

August:

2. Agenda	Anwar/Bailey	<b>10 Yes, 0 No, 0 Abstain (Unan.)</b>
3. July Minutes	Parker/Gill	<b>9 Yes, 0 No, 1 Abstain</b>
6. UFCW Table	Bailey/Sippel	<b>8 Yes, 1 No, 1 Abstain</b>
7. Sunshine Recs.	Bailey/Sippel	<b>10 Yes, 0 No, 0 Abstain (Unan.)</b>

September:

2. Agenda	Parker/Sippel	<b>9 Yes, 0 No, 0 Abstain (Unan.)</b>
3. Aug. Minutes	Sippel/Bailey	<b>9 Yes, 0 No, 0 Abstain (Unan.)</b>
6. Pub. Safe. Comm.	Sippel/Colar	<b>10 Yes, 0 No, 0 Abstain (Unan.)</b>
7. SJMC Site	Boesch/Marienthal	<b>9 Yes, 0 No, 1 Abstain *</b>
12. Youth Comm.	Boesch/Bailey	<b>10 Yes, 0 No, 0 Abstain (Unan.)</b>

October: CANCELED

November:

2. Agenda	Parker/Marienthal	<b>7 Yes, 0 No, 0 Abstain (Unan.)</b>
3. Sept. Minutes	Lewis-Johnese/Bailey	<b>7 Yes, 0 No, 0 Abstain (Unan.)</b>
7. HR Torch Relay		
Comm. Res.	Parker/Davis	<b>8 Yes, 0 No, 0 Abstain (Unan.)</b>
City Proclaim.	Parker/Bailey	<b>8 Yes, 0 No, 0 Abstain (Unan.)</b>
8. China Human Rts.		
Table to Jan.	Bailey/Parker	<b>7 Yes, 0 No, 0 Abstain (Unan.)</b>

**47 Items voted on**

**32 Unanimous Votes**

**10 Pass with Majority**

---

**42 Total Votes with a Majority of Commission. 42 out of 47 (approx. 90%)**

**16 of which I moved or seconded.**

**Notable Motions I made and were passed by HRC:**

February: Commissioners conduct ridealongs on Cinco de Mayo or Mardi Gras

March: Jeppessen Resolution

May:

7: Commend SJPd for the way it protected the community during 5 de Mayo

12: Disallow further public comment on item once public testimony closes and item is being discussed by body.

November:

7. Commission resolution commending the Human Rights Torch Relay

7. Forward resolution to Council to be made a City Proclamation

Emergency Agenda Item:

April: Following the tragic shootings at Virginia Tech, I had heard news reports of attacks and harassment of Korean-Americans. I drafted an emergency resolution to be placed on the April agenda. This required a unanimous vote of members. It failed by 1 vote.

Doug Comstock, Chair  
Sunshine Ordinance Task Force  
City and County of San Francisco  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102

Re: David Parker

To Whom It May Concern,

It is my pleasure to recommend my former colleague, David Parker, for employment within your organization. I worked with David for more than three years on the Sunshine Ordinance Task Force and I respect his ability to quickly analyze situations and keep his focus on solutions. He also maintains a respect for the opinions of others who come to different conclusions. He is indeed a rare individual,

Although David and I have at times, disagreed, he always remains pleasant and unflappable, carefully and clearly outlining his reasons for disagreement, always looking for common grounds and always interested in the compromise that satisfies a particular situation.

I have confidence in his personal integrity and I would trust him with important decisions that could affect my life or the lives of others. If you have any further questions regarding David, please do not hesitate to contact me.

Doug Comstock, Chair  
Sunshine Ordinance Task Force

SUNSHINE ORDINANCE TASK FORCE

Tel: 415 554-7724  
Fax: 415 554-7854  
TDD/TTY: 415 554-5227



City Hall, Room 244  
1 Dr. Carlton B. Goodlett Place  
San Francisco 94102-4689

October 27, 2004

TO WHOM IT MAY CONCERN

This is a letter of reference/recommendation for David Parker.

As Administrator for the Sunshine Ordinance Task Force, I have worked closely with David Parker who is a member of the Task Force. Mr. Parker is serving as Chair of one of our standing committees and is proving to be a strong leader. Mr. Parker has an excellent attendance record; has participated fully in discussions and decisions of the Task Force; and is always prepared and informed regarding items on the agendas. Mr. Parker has a history of making fair and consistent decisions.

Personally, I have found Mr. Parker to be easy to work with. He responds to telephone calls, follows up on material sent, answers inquiries in a timely manner, and has always taken his position on the Task Force seriously. In my dealings with Mr. Parker I have found him to be courteous and respectful with community persons and staff persons when they have appeared before the Task Force.

I am enjoying working with Mr. Parker. I would be pleased to give an oral reference.

A handwritten signature in cursive script that reads "Donna L. Hall".

Donna L. Hall, Administrator  
Sunshine Ordinance Task Force

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www.assemblymember.leno.com

Assembly  
California Legislature



MARK LENO  
ASSEMBLYMAN, THIRTEENTH DISTRICT

COMMITTEES:

- PUBLIC SAFETY, Chair
- APPROPRIATIONS
- BUSINESS & PROFESSIONS
- LOCAL GOVERNMENT
- REVENUE AND TAXATION

SELECT COMMITTEES:

- CHILDHOOD OBESITY AND RELATED DIABETES, Chair
- LESBIAN, GAY, BISEXUAL & TRANSGENDER FAMILIES, Chair

June 1, 2004

Edgar Parker  
Sunshine Ordinance Task Force  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102

Dear Mr. Parker:

Congratulations on your appointment to Sunshine Ordinance Task Force. Your dedication and commitment to the preservation and continual improvement of citizen access to local government makes you an ideal choice for this appointment.

I look forward to working with you in the future. If we can ever be of assistance, please feel free to contact my district office at (415) 557-3013.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Leno".

MARK LENO  
Assemblyman, 13<sup>th</sup> District

ML:ad  
T2a

# 美西新聞

二〇〇五年七月二十八日 星期四 THURSDAY, JULY 28, 2005

- 王靈智：中文已成為國際
- 南灣房價 兩年內下跌逾五
- 紐森：金山暴力犯罪 明顯
- 狂牛症出現第三例 農業部

## FM92.7電台侮辱華

主持人以髒俗詞語嘲諷中文 大衛派克仗義執言 致函金

【本報記者許蕾蕾舊金山報導】舊金山灣區一家廣播電台Energy FM92.7，日前在節目中以猜謎方式，嘲諷中國餐廳名字，由於事涉對華裔社區種族歧視，引起聽眾反感而抗議，去函舊金山市府及市議會、市教育委員會，要求更正視聽，但截至目前為止，以上單位並未作出任何回應，抗議者表示失望。

一家在灣區普遍可以收聽到的電台「Energy FM 92.7」，在26日早上的一個由5時30分到10時播出的節目中，主持人DJ費南多·凡度拉(Fernando Ventura)在7時30分左右，要求觀眾叩應，根據他所說出的字串，猜猜「這是一家真的中國餐廳名字，還是一部色情影片的名字」，費南多說出的字串包括「[REDACTED]」以及「[REDACTED]」，猜對的觀眾可以獲得一場音樂會的入場券。

在這些字眼中，其中「[REDACTED]」在英文俚語中亦即「[REDACTED]」，意指女性私

處；而「[REDACTED]」影射「Fuck」(性交)、「[REDACTED]」代表「[REDACTED]」(妓女)，文字充滿了明顯侮辱性涵義。

由於要觀眾猜是否為中國餐廳名字或者為色情影片抬頭的類比，已經嚴重侮辱中國文字在翻譯過程中，被影射為低俗的髒字，又涉及嘲諷少數族群因為語言隔閡而不知如何取名的無知，再加上在大眾媒體上公開播放，已經引起觀眾反感。

在加州聖馬刁高等法院服務的大衛·派克(David Parker)表示，當時他在車上聽到這個節目內容，頓時覺得十分不妥，認為該DJ嚴重侮辱華裔族群，他雖然不是華裔，但感同身受，覺得深受侮辱，尤其在種族多元的舊金山灣區，這樣作節目的方式，更不能令人接受，主持人想開的玩笑，嚴重涉及種族歧視。

派克表示，他經常收聽該電台節目，事實上這個節目除了這一次嘲笑中國餐廳以外，幾個禮拜以前，也曾以同樣方式，嘲笑泰國餐廳，

讓人覺得節目D種族歧視行為，表達其種族歧態。

同時也為「陽小組」(Sunsh

### 電台 認DJ非

【本報記者報導】舊金山樂為主的廣播FM92.7，電台貝理斯(Joe B)及播出歧視華27日正式對外在空中播放內容，乃至釐是華裔聽眾，式道歉。

貝理斯經營事業」(Fla)，獨資成FM 92.7/KNG FM94.5/KBAY電台FM 106.5眾廣大，「電台去年 10

### 仗義執言

↑FM92.7電台播出侮辱華裔社區的節目，出面檢舉的大衛派克(David Parker)表示，他雖不是華裔，但對該電台歧視華裔感同身受，認為電台作法有失允當，但對舊金山市議員與教育委員會委員無人願意出面糾正該電台，表示失望。(文：許蕾蕾，圖：本報檔案照片)

## 李翊雲小說 入圍國際大獎

# D'