

## Human Rights Commission

February 19, 2009

FINAL Minutes

### Commissioners Present

Robert Sippel  
David Parker  
Raji Bains  
Raj Bhanot  
Vanessa Dao Burbach  
Karen Elaine Davis  
Dr. Calvin Gill  
Andrae Gonzalez Macapinlac  
John M. Marienthal  
Mathew Alexander Salcido  
Edward Walker  
Donald Christopher Young

### Commissioners Absent

### Council Liaison

Iris Zheng

### Staff

Margarita Mendoza – City Manager's Office  
Laurence Ryan – Police Department  
Larry Esquivel – Police Department

#### a) **Call to Order**

The meeting was called to order at 6:35 p.m. The Chair welcomed Ms. Iris Zheng, the Commission's Council Liaison representative.

#### b) **Orders of the Day & Agenda Approval**

By motion of Commissioner Parker, seconded by Commissioner Walker, the Orders of the Day and Agenda were unanimously approved, with changes (Yes: 10; No: 0).

#### c) **Approval of Minutes**

By motion of Commissioner Macapinlac, seconded by Commissioner Walker the January 15, 2009 minutes were unanimously approved, with one correction to a typo on Item 6. (Yes: 10; No: 0).

#### d) **Oral Petitions**

None.

#### e) **Standing Reports**

1. **Council Liaison Report** – Councilmember Chu hosted a Lunar Year celebration at City Hall Rotunda on February 9, 2009. Ms. Zheng distributed Councilmember Chu's newsletters to the group.
2. **Human Relations Liaison Report** – When this item was called, Commissioner Bains had not yet arrived to the meeting.
3. **San Jose Police Department Liaison Report** – This update will be combined with Agenda Item f(1)
4. **Staff Report** – Brief update regarding the Public Intoxication Task Force. Staff asked about the status of the Commission's recommendation to Council re: Amicus Brief in Support of Proposition 8 challenge.

Amended March 19, 2009

f) **Discussion and Action Agenda Items** (Commission approved change in order to the discussion items to accommodate staff schedules/presentations and late arrivals)

**2. Letter of Gratitude to the City of Sydney, Australia for their continued and ongoing support to the LGBT Community**

- Vice Chair Parker introduced a revised draft letter for the Commission's consideration. The Commission posed questions and clarifications to the Vice Chair and staff, and discussed the item. By a motion of Vice Chair Parker, seconded by Commissioner Salcido, the Commission moved to send this letter through the Council process for approval and delivery. (Yes: 10; No: 2-Sippel, Burbach).

**1. SJPD uniform and grooming policy**

- Commissioner Gill asked SJPD representatives questions regarding the department's policy to not allow members of Sikh faith to have a beard or wear a turban while they are on duty.
- In addition, Commissioners Gill and Bhanot stated that Yuba City Police Department does allow officers to wear turbans and beards, and asked that SJPD look into this policy as a model for SJPD.
- Vice Chair Parker stated that the Homeland Security Department, including Immigration and Customs Enforcement Department have made adjustments to their grooming and uniform policy, this can also be a model policy for SJPD.
- Police Lieutenant Laurence Ryan responded citing case law from the Supreme Court and a City Attorney's opinion which supported SJPD grooming and uniform policy. In addition, SJPD policy requires that officers exemplify a neutral appearance, free of civilian clothing. A turban would be considered an article of civilian clothing.
- Commissioners asked Police Lieutenant Ryan to brief and present the information from Yuba City Police and Homeland Security Department policies to SJPD Chief Davis and ask him to consider, and report back to the Commission his response.

**4. 2009 Police Ridealongs**

The Chair would like to encourage all Commissioners to participate in ridealongs this year, and emphasized upcoming Mardi Gras and Cinco de Mayo events. A sign-up sheet was distributed for Commissioners to signal their interest to staff. Staff will coordinate with SJPD to facilitate their participation in ridealongs.

**3. Setting the Date and time for HRC 2009 Retreat**

The Commission discussed potential dates. By a motion from Chair Sippel, seconded by Vice Chair Parker, the Commission set Saturday, March 28, 2009, Noon-4 p.m. as the date and time for their Annual Retreat. Staff will look for a facility and notify the Commissioners. (Yes: 11; No: 0).

**5. Commission booth/table at San Jose Gay Pride Festival**

- Vice Chair Parker would like to begin the process to explore the Commission's hosting of a table/booth at the June San Jose Gay Pride Festival.

By a motion from Vice Chair Parker, seconded by Commissioner Walker, the Commission voted to request a Vendor Application Form from the event organizers. (Yes: 11; No: 0).

**6. Commission discussion to provide input to colleagues Burbach and Salcido's participation in the City Clerk's Boards and Commissions Focus Group.**

- Chair Sippel submitted his written input to all Commissioners regarding the item above.
- Vice Chair Parker provided verbal recommendations on the item above.

g) **Standing Committee Reports:** Commissioner Burbach reported that the Youth Commission will host a Youth Talent Show at the Almaden Library, please visit [sjpl.org](http://sjpl.org) for dates and specific information.

**Continuation of item (e) 2) Human Relations Liaison report**

- Invitations to the Annual Breakfast were distributed. Former HRC Commissioner Tahir Anwar will be honored.

**h) Commissioner Updates:**

- Vice Chair Parker has submitted a written request to the Evergreen Community College Board requesting interim appointment to a seat recently vacated through a resignation. He has promised not to run for the seat if appointed.

**i) Community Events:**

- March 7- Festival of Colors Celebration at the Hindu Temple in Sunnyvale.
- Commissioner Burbach and Chair Sippel shared their experience and insights based on their recent participation in the Vietnamese New Year celebration events.
- By a motion of Commissioner Sippel, seconded by Macapinlac, Commissioner Burbach was assigned as the Commission's organizer for its participation in the 2010 celebration events.
- County Citizenship Collaborative will be hosting an event where they will assist individuals with citizenship paperwork in March.

**j) Future Agenda Items**

- Status of Independent Police Auditor (IPA) Recruitment
- Report back from Commissioners Burbach and Salcido's participation in the Clerk's Focus Group

**k) Adjournment**

Upon a motion by Commissioner Burbach, seconded by Commissioner Marienthal, the meeting was adjourned at 8:00 p.m.

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