

**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
Amended 1/17/08

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 Meeting

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.

e. Recommendation 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. 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.

g. 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 **City Manager** 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 the Commission annually during the ~~November~~ **May** meeting to serve for one year.
- 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 **or vacancy** of the Chairperson, the Vice-Chairperson shall perform all duties as outlined in 4d. Other Commissioners may represent the Commission in the community at the discretion of the Chairperson.
- g. In the absence **or vacancy** of the Chairperson and Vice-Chairperson, the Parliamentarian shall perform all the duties as outlined in 4d.
- h. In the absence **or vacancy** of the Chairperson, the Vice-Chairperson and Parliamentarian, any member may call a meeting to order and a Chairperson Pro Tempore shall **immediately** 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 3(e) of the By-Laws.
- d. Developing and presenting recommendations to 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.

8. ATTENDANCE

A member of the Human Rights Commission shall notify the Commission Chair 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.
- e. 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.

Attendance Reports

Staff shall maintain attendance records of the Commission. Staff shall report attendance to the Liaison and Clerk's offices when a commissioner has missed more than half of the regularly scheduled meetings for any reason. Furthermore, staff shall report to the Liaison and Clerks office the complete attendance history during a commissioner's term when that commissioner is applying for reappointment.

9. COMMITTEES

Committee 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~~ **nominate** Chairpersons and members of Committees who shall then be approved upon a majority vote of the total commission membership ~~at the Human Rights Commission Annual Retreat or at the next regularly scheduled meeting.~~

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-commission members shall service at the pleasure of the Commission and for such time as is deemed helpful or needed by the commission. Non-commission 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

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. Public Safety Oversight~~
- ~~3. Youth Commission Liaison~~

The Commission may create **or dissolve** ~~additional standing~~ **ad hoc** committees when ~~required~~ **deemed necessary**.

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.~~

12. 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, 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 placed on the agenda, 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 seventeenth day of January, 2008, at San Jose, California as recorded by the following votes:

AYES: Gill, Bailey, Sippel, Anwar, Parker, Marienthal, Davis, Bhanot, Deng, Burbach, Walker

NOES:

ABSENT: Bains