



DATE: September 26, 2017
TO: Mayor and City Council
FROM: City Manager
SUBJECT Hayward Community Taskforce Recommended Update to the 1992 Anti-Discrimination Action Plan

RECOMMENDATION

That Council reviews and provides feedback on the draft update to the 1992 Anti-Discrimination Action Plan recommended by the Community Taskforce.

BACKGROUND

Earlier this year, Council sought to address heightened community concerns about human and civil rights, and about potential threats to Hayward residents based on political affiliation, economic status, place of origin, immigration status, religion, age, race, ethnicity, gender, gender identity, sexual orientation, physical ability, and other personal characteristics. In response to these concerns, on January 17, 2017, the Council adopted Resolution No. 17-004, which established a limited-term Community Taskforce (Taskforce) made up of Hayward community members, representing the diversity of the Hayward community.

The Taskforce’s charter was to update the City’s 1992 Anti-Discrimination Action Plan to reflect current social and political issues facing Hayward community members and to create a platform for public discourse around these issues.

Table 1 lists the community members appointed to the Community Taskforce¹:

TABLE 1: COMMUNITY TASKFORCE MEMBERS

Kristal Brister	Kari McAllister
Sheila Burks	Arzo Mehdavi
Frank Burton	Rosaura Mendoza
Freddye Davis	Linda Moore
Kevin Dowling	Vivian Phung
Myra Feiger	Galilea Rios

¹ Betty Deforest was a Community Taskforce member, but passed away soon after the Taskforce began its work.

TABLE 1: COMMUNITY TASKFORCE MEMBERS (CONTINUED)

Mohammed Khan	Giancarlo Scalise
Ria Lancaster	Raj Singh
Dione Lien	Veronica Solorio
Ruben Martinez	Randy Wright

Additionally, after the June 6th Council designation of Hayward as a Sanctuary City, the following four community members were added to support the Sanctuary City Taskforce Subcommittee:

Benjamin Leon Elenes
Julieta Martinez
Zachariah Oquenda
Corina Vasaure

DISCUSSION

The Taskforce met several times over the last 9 months and created subcommittee work groups to update the various sections of the 1992 Anti-Discrimination Action Plan. The 1992 Anti-Discrimination Action Plan was renamed to reflect the Taskforce’s desire to use relevant language that better captured the intent of the document. The 1992 Anti-Discrimination Action Plan is renamed the Commitment for an Inclusive, Equitable, and Compassionate Community (the Commitment (CIECC)). Additionally, over the course of their discussions, the Taskforce recommended that two new sections be added to the Commitment (CIECC) to reflect current social and political challenges, in anticipation of potential impacts to the Hayward community. These current concerns revolved around (1) the federal administrations executive orders related to immigration and (2) the debate and concerns regarding police and community relations across the nation.

The Commitment (CIECC), was founded on key guiding principles and contains an evaluation component to ensure accountability for implementation of the various action plans. The Commitment (CIECC) before the Council this evening contains five sections including:

- Section I: Encouraging Shared Community Values;
- Section II: Fostering Accessibility;
- Section III: Dismantling Illegal Forms of Discrimination;
- Section IV: Implementing the Hayward Sanctuary City Resolution, and
- Section V: Enhancing Community and Police Relations.

GUIDING PRINCIPLES AND VALUE STATEMENTS:

The Taskforce identified guiding principles and value statements that informed and guided the development of the five sections listed above. These guiding principles begin with the

premise that the goals of the Commitment (CIECC) cannot be accomplished by the City of Hayward alone and successful implementation will require collaboration and cooperation with public and private institutions, community and faith-based service organizations, businesses, and individual community members and a recognition that Hayward is a community of inclusive growth and opportunity.

The values that guided the Taskforce deliberations helped shape and inform the actions described in the Commitment (CIECC). These values include:

- Accessibility
- Civic Engagement
- Community
- Community Policing
- Compassion
- Connectedness
- Diversity and Inclusion
- Equity
- Evaluation, and
- Opportunity

EVALUATION AND ACCOUNTABILITY:

Council Appointed Resident Group:

The evaluation and accountability of the successful implementation of the action plans included in the Commitment (CIECC) is of top priority to the Taskforce. The Taskforce's desire is to create a mechanism where an ongoing monitoring and reporting structure exists, and their recommendation is that it occur through the formation of a City Council-appointed resident group. The Council-appointed resident group would monitor and periodically evaluate the degree to which Hayward community members are aware of, and involved in, the work described within the action plans. Regarding reporting out, the Taskforce recommends that an initial report out occur six (6) months after Council adoption of the Commitment (CIECC), with annual evaluations to follow.

In Resolution No. 17-004, which established the limited-term Community Taskforce, the City committed to take ownership and responsibility for monitoring and providing periodic progress reports to the City Council. Because of the importance of this initiative and the involvement of different City departments necessary for implementation, staff recommends that, in lieu of a City Council appointed resident group to monitor the implementation of the action plan, Council directs the City Manager's office to maintain responsibility for implementation of the action plans and provide annual report outs to Council. Staff also recommends that Council direct the City Manager's office to collaborate with the community to ensure two-way communication and coordination of the list of community-driven action items identified by the Taskforce included in the appendix and described below. Staff's recommendation was discussed with the Taskforce; however, the

taskforce's desire was to move their recommendation (for an ongoing resident group) to Council forward.

Two-Year Implementation Action Plans - Phase I:

Over the course of their subcommittee work, the Taskforce identified a variety of action items and recommends two-year action plans for each section to ensure the highest priority action items are completed within this two-year period. The Taskforce narrowed down their recommendations to fifty (50), which can be found on pages 13-28 of Attachment II.

The Taskforce recommended that the additional thirty-three (33) recommended action items be included as an appendix to the staff report so they can be addressed after the Phase I action items are completed. As mentioned above, the appendix also includes a list of twenty-one (21) action items identified by the Taskforce that can be community driven (vs. City Lead) and/or completed by non-profit organizations, in coordination with the City.

CONSIDERATIONS:

Medium to High Resource Action Items:

Staff identified some medium to high resource items that may require additional analysis, as well as comments on a couple of other recommendations.

First, some milestones identified in the two-year action plans contain several medium resource action items (*A.1.1, A.2.1, A.3.3, A.3.4, A.3.5, A.3.6, B.1.2, B.1.5, D.1.2, D.5.1, D.8.1*) and some high resource action items (*A.2.2, A.3.1, B.1.1, D.2.1, D.2.2, D.4.1*). These specific items will require additional staff analysis to (1) further quantify, (2) assess whether they can be completed with current resources/staff and/or (3) determine whether additional resources will be needed.

Secondly, Recommendation D.3.1 recommends that all City officials and volunteers be required to participate in implicit bias training. Staff recommends that implicit bias training be offered once a year and that volunteers be encouraged to attend. However, the City has hundreds of volunteers in varying capacities and requiring all volunteers to be trained will have a significant fiscal impact.

Policy Considerations:

Action Item C.1.1 recommends that the City advocate through the state legislature for immigration status to be added as a protected class under state hate crime law. This is a policy decision that may require additional analysis and/or Council feedback.

In Section V of the two-year action plan, Enhancing Community / Police Relations, the following recommendation is not aligned with existing policy: *E.7.1 HPD should withdraw participation from Urban Shield.*

The Hayward Police and Fire Departments have participated in Urban Shield since its inception, and over the past seven years. The primary goal of Urban Shield is to provide a multi-layered training exercise to enhance the skills and preparedness of regional first responders, Law Enforcement, Fire, and Emergency Medical personnel. HPD has helped to develop, staff, and manage a variety of training scenarios that have helped to better prepare our personnel for a variety of contemporary and realistic scenarios that they may face. The training has been highly beneficial in this regard.

In recent conversations with taskforce members, concerns related to the City's participation in Urban Shield training were described, including:

- The marketing and promotion of Urban Shield, and certain practices such as the use of racialized imagery and scenarios where the villains in an exercise scenario are dressed as Arabs and other people of color, serve to promote racial and anti-immigrant biases, and undermines trust between community members and law enforcement.
- The program's emphasis on law enforcement and the militarization of police in exercises versus disaster preparedness, search and rescue, community self-survival, and recovery.
- The limited opportunity for community input, and the limited information shared with community members after the exercise experience.

Taskforce members recommend that rather than participating in Urban Shield, the City of Hayward seek to obtain more of the funding that is available to focus on training not only local first responders, but community members as well in disaster preparedness, survival, and recovery.

The City of Hayward and the Hayward Police Department do not condone any practices that serve to divide the community and/or undermine the community's trust in law enforcement. To that end, HPD and the other agencies involved in Urban Shield have worked with the program's leadership to ensure the community that all participating agencies would not support offensive, racist and stereo-typing activities. To this end, the following Principles and Guidelines for Urban Shield were recently issued by its leadership:

- Expand community involvement and awareness
- Work to expand training of the medical profession for critical incidents
- Urban Shield will not include surveillance training
- Continue to examine new technology
- Urban Shield will not include crowd control training
- Continue to evaluate current and new equipment
- Urban Shield will be free from racist stereo-typing in conduct and will avoid profiling of individuals
- Urban Shield will exclude any and all vendors who display derogatory or racist messages in any form

- Urban Shield will exclude the sale or transfer of any assault weapons and firearms
- Urban Shield will strive to maintain the finest first responder training

In support of these efforts, and in recognition of the concerns raised by our community members, staff recommends that rather than withdrawing from the Urban Shield training altogether, the City continue to work with interested community members to change the way in which Urban Shield is promoted and implemented, to increase community involvement in the program, to ensure that all levels of program participants understand the underlying principle of the training is to strengthen our communities, and emphasize the preparation of both first-responders and community members for the most likely events that will occur, such as local wide-spread disasters.

ECONOMIC IMPACT

Positive relations amongst the diverse population of the Hayward community will enhance and sustain Hayward’s reputation as being a safe and welcoming community. This, along with the cultural and linguistic diversity of Hayward residents, as well as business and community organization representatives, will also continue to foster community development and the economic growth of the City.

Policy Link, a national research and action institution that works to advance economic and social equity, states:

Inequitable growth is not only unjust, it is socially and economically unsustainable. Research proves that inequality and racial segregation hinders growth, prosperity, and economic mobility in regions, while diversity and inclusion fuel innovation and business success.²

STRATEGIC PRIORITIES

This agenda item supports the Complete Communities strategic initiative. The purpose of the Complete Communities strategy is to create and support structures, services, and amenities to provide inclusive and equitable access with the goal of becoming a thriving and promising place to live, work and play for all. This agenda item supports the following goals and objectives:

Goal 1: Improve quality of life for residents, business owners, and community members in all Hayward neighborhoods.

Objective 1: Increase neighborhood safety and cohesion.

² See: “The Economic Case for Equity and Inclusion”, National Equity Atlas at: [http://nationalequityatlas.org/about-the-atlas/resources#The Economic Case for Equity and Inclusion](http://nationalequityatlas.org/about-the-atlas/resources#The_Economic_Case_for_Equity_and_Inclusion).

- Objective 2: Foster a sense of place and support neighborhood pride;
- Objective 3: Increase collaboration with businesses, non-profit and neighborhood groups on placemaking projects;
- Objective 5: Actively value diversity and promote inclusive activities;
- Goal 2: Provide a mix of housing stock for all Hayward residents and community members, including the expansion of affordable housing opportunities and resources.
- Objective 2: Facilitate the development of diverse housing types that serve the needs of all populations.
- Objective 4: Increase supply of affordable, safe and resilient housing in Hayward.

This agenda item also supports the Tennyson Corridor strategic initiative. The purpose of the Tennyson Corridor strategy is to develop an attractive, cohesive, thriving Tennyson Corridor through thoughtful engagement of residents, businesses and community partnerships. This item supports the following goals and objectives:

- Goal 4: Foster a cohesive sense of place.
- Objective 2: Increase City sponsored events and projects in the Tennyson Corridor.
- Goal 5: Increase community resiliency.
- Objective 1: Increase awareness of and access to City services.
- Objective 2: Increase # of residents with medical and dental service access.
- Objective 4: Increase access to effective public transit.

FISCAL IMPACT

Implementation of the action items outlined in the Commitment (CIECC) will likely have a fiscal impact that may include one-time costs such as studies or the implementation of single community events and/or ongoing operational costs where continuous staff support and direction are needed to carry out certain activities. Additional analysis of fiscal impacts can better be determined once Council provides feedback and direction on the initial recommendations from the Task Force.

As mentioned above, some milestones identified in the two-year action plans contain several medium and high resource action items that will require additional staff analysis to assess whether they can be completed with current resources/staff and/or whether additional resources will be needed.

PUBLIC CONTACT

In addition to sharing their own perspectives, the Taskforce members facilitated community conversations, completed online surveys and on-the-street surveys designed to gather insights, better understand community concerns/fears and experiences and collect any recommendations to inform their final recommendations.

Three general themes emerged from comments received:

1. Use clear, concise, specific language that is easily accessible, readily understood, and translates well;
2. Develop a Commitment that is declarative and actionable, as well as visionary and aspirational; and
3. The Commitment should not be developed and implemented in a vacuum; rather, it is meant to be sustainable and interactive and will, therefore, be reviewed, evaluated, and updated on a regular basis.

NEXT STEPS

Staff requests that the Council provide feedback on the proposed Commitment (CIECC) document with the considerations listed below.

As mentioned on Page 4 and in the fiscal impact section of the staff report,

- Some milestones identified in the two-year action plans contain several medium and high resource action items that will require additional staff analysis to assess whether they can be completed with current resources/staff and/or whether additional resources will be needed.
- Lastly, recommendation C.1.1 recommends that the City advocate through the state legislature for immigration status to be added as a protected class under state hate crime law. This is a policy decision that may require additional analysis and/or Council feedback.

Following this work session and Council direction, staff will take Council feedback, make any necessary modifications to the Commitment (CIECC), and return for Council adoption at the November 28, 2017 Council meeting.

Prepared by: David Korth, Assistant to the City Manager
Mary Thomas, Management Analyst
Monica Davis, Management Analyst

Recommended by: Maria A. Hurtado, Assistant City Manager

Approved by:

A handwritten signature in black ink, appearing to read 'K. McAdoo', written in a cursive style.

Kelly McAdoo, City Manager