



Agenda Report

20-875

Agenda Date: 9/29/2020

REPORT TO COUNCIL

SUBJECT

Report from the Mayor and Police Chief on “Commit to Action” Initiative Efforts and Action on Establishing a Community-based Task Force on Diversity, Equity, and Inclusion and Council Appointment of Task Force Members [Not to be Heard Prior to 6:00 PM]

BACKGROUND

At the July 14, 2020 City Council (Council) meeting, the Council delegated authority to Mayor Gillmor and Police Chief Nikolai to establish an Ad Hoc Committee in support of former President Obama’s “Commit to Action” Initiative (Initiative). With an understanding of this historic window and sense of urgency for meaningful change, the Council expressed support for engaging in a local community dialogue on a Santa Clara Plan to address the four components of the Initiative (Attachment 1) and identify key issues facing the City of Santa Clara (City) involving historically disenfranchised individuals or communities. Establishing a community-based task force will enable the City to engage the local community in an open dialogue and will help the City take actions to achieve racial equity by working to ensure that all Santa Clarans have access to an equal quality of life and equal access to opportunity.

DISCUSSION

Mayor Gillmor and Police Chief Nikolai met regularly over the last 10 weeks and engaged help and assistance from the following individuals who expressed a strong interest in the Initiative work effort: Andrew Knaack, FY2019/20 Chair of the Parks and Recreation Commission; Darius Brown, Member of the Housing Rehabilitation Loan Committee (HRLC); and Neil Datar, Former Chair of Santa Clara University’s Student Senate for Associated Student Government and recent graduate of Duke University School of Law. Councilmember Kathy Watanabe and Councilmember Teresa O’Neill participated in the meetings as well, and provided guidance, leadership, and research findings.

We are also fortunate to have established a Memorandum of Understanding (MOU) with Santa Clara University under President Father Kevin O’Brien for a collaboration with the Markkula Center for Applied Ethics (MCAE). The MOU is included in this report as Attachment 2. Part of our collaboration will include MCAE working as an advisor to the proposed, community-based Task Force on Diversity, Equity, and Inclusion (Task Force) and helping to establish the Task Force’s Mission Statement and Values Statement. MCAE will also advise on processes to implement a series of community conversations, which will engage and empower a broad spectrum of stakeholders.

Over the last several weeks, Joan Harrington, MCAE Director of Social Sector Ethics, has been assisting the Ad Hoc Committee with developing a proposed mission statement and organizational model, as well as advising on methods for engaging the community. The Ad Hoc Committee has developed a proposed Mission Statement that reflects the purpose and goals of the Task Force.

Proposed Mission Statement and General Governance:

“In response to the national call for police use of force reform, the City of Santa Clara created the Task Force on Diversity, Equity, and Inclusion. Through an open dialogue with the communities of Santa Clara and directed by community input, the Task Force shall make recommendations for changes in government policies, structures, services, and culture that negatively impact or do not fully benefit historically disenfranchised communities. The Task Force will continuously involve the communities on recommendations and progress.”

The Task Force will be overseen by the Mayor and Police Chief and led by community members appointed by the Council. The Task Force will consist of up to seven community members who will help review police use of force policies and engage communities to seek a diverse range of input, experiences, and stories. The Task Force will report findings to the Council and bring forward recommendations for policy reform shaped and informed by community input. Meetings of the Task Force will be subject to the Brown Act.

At its September 17, 2020 meeting, the Ad Hoc Committee recommended that, upon the Task Force’s establishment, Andrew Knaack, FY2019/20 Chair of the Parks and Recreation Commission; Darius Brown, Member of the HRLC; Neil Datar, Former Chair of Santa Clara University’s Student Senate for Associated Student Government; and Dianna Zamora-Marroquin, Political/Communications Director at the South Bay AFL-CIO Labor Council, be appointed to lead the Task Force. The established Task Force will interview and recommend community members to the Council for appointment to the Task Force’s remaining three seats.

In an effort to build a coalition of community partners representing diverse perspectives, the Task Force will identify community members or organizations already doing related work and who share an interest in addressing the issues. The Task Force will be charged with recommending an advisory board to the Council for appointment.

Task Force’s Timeline and Goals

After the appointment of the remaining three seats, the Task Force will then set specific short-term and long-term goals, with an associated timeline (below). The Task Force will be first tasked to gather information, formally engage community organizations, and request assistance in identifying historically disenfranchised residents, with a special focus on those who are traditionally unheard.

As the foremost responsibility of the Task Force is to listen to all communities within the City and hear their unique concerns, it will host listening sessions with the intent of capturing stories and experiences from individuals and groups. Through these listening sessions, the Task Force will then identify key overarching issues facing the City.

After identifying issues with the community, both short and long-term recommendations on policy reform and strategies will be brought to the Council.

Tentative Timeline

October 2020 - December 2020: Establishment of Task Force and Advisory Board. Task Force and Advisory Board will collaborate and conduct initial review of police use of force policies and other city policies.

November 2020 - June 2021: Engage the community by encouraging all residents to attend listening

sessions to participate and support dialogue around systemic inequalities. Community engagement will allow for a diverse range of input, experiences, and stories, and will help ensure that the voices of communities of color are included as the main focus of the Task Force's considerations in developing policy and strategy recommendations. The Task Force will conduct an additional review of police and city policies that are brought forward during the listening sessions.

August 2021 - September 2021: Report the findings of the review to the community and seek feedback from the community on possible recommendations on policy reform and strategies to the Council.

October 2021 - November 2022: Present findings and recommendations to the Council that will reform the City's police use of force policies and any governmental policies, structures or culture that negatively impact or do not fully benefit historically disenfranchised communities and present possible recommendations to the Council on City Charter changes, one of which may be to establish Oversight Body or Commission.

City Staff Support

At this time, City staff will be needed to help supply information, support meetings of the Task Force, and provide communications and outreach to the community. Translation services will be needed as well.

If expert consultants are needed for the Task Force, specific requests can be brought back to the Council for consideration.

ENVIRONMENTAL REVIEW

The action being considered does not constitute a "project" within the meaning of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15378(b)(5) in that it is a governmental organizational or administrative activity that will not result in direct or indirect changes in the environment.

FISCAL IMPACT

There is no fiscal impact to the City associated with this report other than administrative time to support this effort. The City will use existing funds within the approved budget to absorb the cost of translation services and, if additional appropriation is needed, we will return with a request.

COORDINATION

This report was coordinated with the City Attorney's Office and City Manager's Office.

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City's website and in the City Clerk's Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk's Office at (408) 615-2220, email clerk@santaclaraca.gov <<mailto:clerk@santaclaraca.gov>>.

RECOMMENDATION

1. Approve the establishment of the Task Force on Diversity, Equity, and Inclusion to support the

- development of a Santa Clara Plan to address the four (4) components of the “Commit to Action” Initiative to achieve equality for historically disenfranchised communities in our City; and
2. Appoint Andrew Knaack, FY2019/20 Chair of the Parks and Recreation Commission; Darius Brown, Member of the HRLC; Neil Datar, Former Chair of Santa Clara University’s Student Senate for Associated Student Government; and Dianna Zamora-Marroquin, Political/Communications Director at the South Bay AFL-CIO Labor Council, to the Task Force on Diversity, Equity, and Inclusion.

Approved by: Mayor Lisa M. Gillmor and Police Chief Pat Nikolai

ATTACHMENTS

1. “Commit to Action” Initiative Pledge
2. Memorandum of Understanding with Santa Clara University



COMMIT TO ACTION

A call for mayors, city councils, and police oversight bodies to address police use of force policies.

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The killings of George Floyd, Breonna Taylor, Ahmaud Arbery, and the loss of far too many Black lives to list, have left our nation anguished and outraged.

More than 1,000 people are killed by police every year in America, and Black people are three times more likely to be killed than White people. We can take steps and make reforms to combat police violence and systemic racism within law enforcement. Together, we can work to redefine public safety so that it recognizes the humanity and dignity of every person.

Mayors and other City Council officials are uniquely positioned to introduce common-sense limits on police use of force. That's why the My Brother's Keeper Alliance is calling on mayors to commit to the following actions:

1. **REVIEW** your police use of force policies.
2. **ENGAGE** your communities by including a diverse range of input, experiences, and stories in your review.
3. **REPORT** the findings of your review to your community and seek feedback.
4. **REFORM** your community's police use of force policies.

Everyone can support this effort—and we hope that individuals across the country will take action to urge their mayors to take these steps for change.

MEMORANDUM OF UNDERSTANDING
 BETWEEN
 CITY OF SANTA CLARA
 AND
 SANTA CLARA UNIVERSITY

WHEREAS, the City of Santa Clara (the "CSC"), under Mayor Lisa M. Gillmor, and Santa Clara University ("Santa Clara University"), under President Kevin O'Brien, wish to establish this collaboration in the manner described herein.

NOW, THEREFORE, In consideration of the promises set forth in this Memorandum of Understanding ("MOU"), Santa Clara University and CSC hereby agree as follows:

1. Collaboration. The CSC and Santa Clara University agree to work together to explore the topics described in Exhibit A to this MOU and to identify ways in which they can further collaborate in their work on these topics.
2. Future Written Agreements. The provisions of this MOU are not intended to create any legally binding rights or obligations between the parties hereto. Neither party shall have any legal or financial obligation to the other party unless and until one or more mutually acceptable written agreement(s) implementing the principles specified in this MOU has been executed by a duly authorized representatives of each party hereto.
3. Liaisons. Each party shall designate a person or office to serve as liaison for implementing this MOU. These liaisons will exchange information regularly on the topics set forth in Exhibit A and other topics of mutual interest to the CSC and Santa Clara University. At the time of the signing of this document,

For the City of Santa Clara, the liaison will be Neil Datar (ndatar@alumni.scu.edu)

For Santa Clara University, the liaison will be Santa Clara University's Markkula Center for Applied Ethics ("MCAE"), and the contacts for the Markkula Center shall be Joan Harrington (jlharrington@scu.edu) and Thor Wasbotten (twasbotten@scu.edu)

4. Effective Date. This MOU shall have effect from the last date that the document has been signed by both parties until the earlier of (a) the first anniversary of that date or (b) the date on which either party elects to terminate the MOU as described herein. Upon expiration of this MOU, the parties may mutually agree to renew this MOU by written instrument.
5. Termination. Either party may terminate this MOU by delivering one month written notice to the other party. The termination of this MOU shall have no force or effect on any separate Agreement between the parties hereto.

Exhibit A

Santa Clara University is the Jesuit university in Silicon Valley, and President Kevin O'Brien, SJ, is committed to providing support and resources to make this cooperation successful. The staff of Santa Clara University's MCAE have expertise in ethics and organizational culture.

Mission Statement and Value Statement

MCAE will work as an adviser to the City of Santa Clara's Task Force on Diversity, Equity, and Inclusion (TFDEI), or other name as defined by the CSC, to establish or refine a Mission Statement and Values Statement for the Charter of the Task Force.


Community Conversations

MCAE will advise the TFDEI on processes to implement a series of community conversations, which will engage and empower a broad spectrum of stakeholders.

Services Provided by MCAE

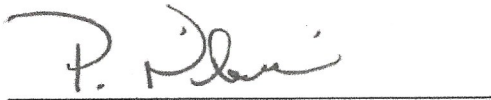
With common interests in the role that ethics and culture play in society, CSC and Santa Clara University may want to explore other ways of cooperation. Services as outlined above will be offered pro bono by MCAE. For work outside of the scope of what is defined in Exhibit A, MCAE and the City of Santa Clara will negotiate terms for fee-for service.

For the City of Santa Clara:


Signature

Lisa M. Gillmor, Mayor
Printed Name & Title


9/8/20
Date


Signature

PAT NIKOLA | CHIEF OF POLICE
Printed Name & Title

9/3/20
Date

Approved as to form


Brian Doyle
City Attorney

For Santa Clara University:


Signature

Don Heiden, Exec Director
Printed Name & Title

10/6/20
Date