

December 6, 2016

Mark Lovelace, Chairperson  
Board of Supervisors  
County of Humboldt  
825 5th Street, Room 111  
Eureka, CA 95501

Dear Humboldt County Board of Supervisors,

According to state and county codes, the Human Rights Commission has the responsibility and the obligation to make any studies in any field of human relationships in the County as, in the judgment of the commission, will aid in effectuating its general purposes which are to promote tolerance and mutual respect between all persons, and to promote positive human relationships for the purpose of insuring public peace, health, safety and the general welfare (HHC 228-3), and to inquire into incidents of tension and conflict among or between people, including people subject to prejudice and discrimination due to race, religious creed, color, national origin, ancestry, physical disability, mental disability, marital status, gender, sexual orientation, socioeconomic status, civic interest, or any other factors, and to take action by means of conciliation, conference and persuasion to alleviate such tensions and conflict.

I have found that much too often, the commission has avoided making judgments that would cause it to inquire or investigate situations of intolerance, discrimination or rights violations, especially those based on socioeconomic status, which is prevalent, persistent and communicated to the commission on a regular basis in the ongoing violations and criminalization of the impoverished and homeless in Humboldt.

**Recommendations to the Humboldt County Board of Supervisors regarding changes to the County Human Rights Commission follow and are presented, at this time, particularly in light of the current climate of social injustices across the land and specifically to affected classes and the citizens of Humboldt County.**

**First, strengthen the capacity of the Human Rights Commission by providing it with what it needs to become an effective advisory body to the Board. Many resources could be saved by investing in creating a strong commission that can do what it was created to do. The commission must clearly be understood as a Human Rights organization.**

**a. Do not reduce the number of seats on the commission. And do not place it under another department or division. It is advisory to the Board and should remain in a direct line to the Board of Supervisors.**

**b. Support the commission in fulfilling its charter by appointing representatives from among those who are being or have been marginalized or excluded in Humboldt County, who are social justice and human rights advocates, mediators, educators and good facilitators who can do the work of the commission in community to support and promote human rights:**

1. Provide human rights education
2. Be proactive in human rights efforts
3. Address human rights violations
4. Help ensure active public participation
5. Be transparent and open
6. Be publicly accountable for human rights progress

Provide the commission with a budget similar to what Sonoma County receives yearly, approximately \$10,000 and make staff available for recording meetings and other clerical tasks, and assign someone from the County Office to be present at each meeting.

**c. The commission shall create a work plan that is reviewed and approved by the BOS. The commission shall present its work plan accomplishments and work plan status as an annual report to the BOS for the year beginning July 1 to June 30th each year. To begin undertaking an assessment of the needs is in order.**

1. The work plan will be carried out a working groups, each led by a commission member.
2. Membership, powers and rules of conduct and procedure of the working group(s) will be determined by the commission.
3. Commission working group(s) will abide by California public meetings law.

**d. Commissioners should have term limits with a maximum of two consecutive terms served. One must wait a full term time limit before reapplying for the commission. Reducing the terms to three years seems to be a more effective way to get community participation.**

The commission suffers from a tendency towards groupthink largely influenced by long standing members on the commission who establish "how things have always been done in the past" or "the commission is limited in what it can do or what it can say or ask of the BOS." The limitations that are imposed are often arbitrary and grounded in the notion that "we don't want to upset the boat or the powers that be." the Board is not approached for what is needed because sentiments are strong enough to deter the ask.

**e. The commission must receive yearly training in doing business: how to run meetings, make decisions, and manage process and enforce protocols consistently, including Brown Act training. A review of bylaws as well as any other policies and procedures such as those outlined in the Commissioner Handbook shall occur semi-annually.**

**f. The commission documents, the bylaws and the policy statements, and any changes must be updated and disseminated to all commissioners as well as posted on the commission website when any changes are made.** The New Commissioner packet must be consistent with both the codes, bylaws and the policies set up to regulate commission business. Much of this still needs to be addressed and sorted out if the commission is to be free of the encumbrances of lost meeting time for processing issues of human rights, and the effort which these discrepancies in ordinance, bylaws, and rules of order impose on the Commission, resulting in conflicts and poor functioning.

**g. Enforceable privacy safeguards should be implemented so that the commission can reprimand a commissioner and invoke taking responsibility for his or her actions.** There should be a way for the commission to call upon the Board to reprimand or remove a commissioner for rogue or dangerous behavior. The Board is the only authority that can remove a commissioner. The only recourse the commission has to date is automatic removal of a commissioner for absenteeism having missed four consecutive meetings (HCC §228-9).

There has been and continues to be a lack of transparency among commissioners, and many issues are acted upon (and strategies decided) behind the scenes in private conversations before the issues ever come to the table for the commission to act upon. Commissioners would be wise to make sure through order or bylaw that, no matter whether committee members, officers, or commissioners, that they are not overstepping their boundaries. The only one authorized to speak on behalf of the commission is the Chair, for example, but even the Chair does not have the authority to act on behalf of the commission in any matters, even those of grave concern that have not yet come before the commission or that provide an obvious emergent or immediate threat to the citizenry's peace, health, safety or general welfare. These issues need to be brought to the commission and to the table to insure integrity and representation. The recent incident in which the chair sequestered communications which did not come to the commission table and in which he acted alone without commission knowledge or direction has resulted in harm to residents of the county and this behavior needs appropriate reprimand or sanctioning.

**h. Commission meetings must be held in a public venue where the commission can act as an effective governmental body, like other commissions, such as the Planning Commission, in order to be fully accessible to the public.**

In addition to the above, I recommend the Board of Supervisors initiate and support a thorough study, partnering with many local groups or agencies, to determine the issues and what is needed to resolve disagreements and address reports of human rights violations as soon as possible. The HRC and the Grand Jury have provided numerous recommendations to this board over the past several years on what is needed by way of study and investigation and what local resources would be available to do so. The commission stands ready to participate and support the process as stated in those documents. As an individual, I would be pleased to be a member of a task force to such end.

In light of the upheaval caused by the Palco Marsh eviction and the controversy that swirls around reports of escalating risks and injury to health, safety, and life of former Palco Marsh residents and others without shelter in Southern Humboldt and elsewhere in the County, despite impressive efforts of many local groups and individuals, there is now an urgent need for the Human Rights Commission to apply its unique and powerful processes, as outlined as its responsibilities\*\* to begin a process which can ultimately contribute to resolution of the conflicts in ways that will contribute to responding in humane ways to the basic human needs of all residents of Humboldt County.

The first recommended step is a study in order to resolve tensions caused by misunderstanding and disagreement about the current conditions of the unhoused throughout the County. The commission can organize its working groups to address the data collection, findings and outcomes to address what is need and to determine its work plan if it choses to undertakes to participate. The Board could facilitate this process by declaring a shelter crisis or at least providing legal safe places for the unhoused to be sheltered in order to begin to resolve disagreements, conflicts and rights violations.

Once reliable documentation is available this will provide a powerful resource for public education and recommendations for public policy to address reports of human rights violations according to the mandate of the Human Rights Commission.

\*\*the California Government Code, Section 50264, Humboldt County Code Section 228-6 (Ordinances 1023 and 2294) as well as the Human Rights Commission Bylaws Article VI. It is also in the summary of the California Code creating the County Human Right Commission, a policy statement posted on the HRC website.

**THE MANDATE OF THE HUMAN RIGHTS COMMISSION:**

(The responsibility of the commission as enumerated in the California Government Code, Section 50264, Humboldt County Code Section 228-6 (Ordinances 1023 and 2294) as well as the Human Rights Commission Bylaws Article VI. It is also identified in the summary of the California Code creating the County Human Right Commission, a policy statement posted on the HRC website)

**According to the California Government Code  
the Responsibilities of the Commission:**

50264. It shall be the responsibility of the commission:

(a) To foster mutual respect and understanding among all people, including people subject to prejudice and discrimination due to race, religious creed, color, national origin, ancestry, physical disability, mental disability, marital status, gender, sexual orientation, socioeconomic status, civic interest, or any other factors.

(b) To make any studies in any field of human relationship in the community as in the judgment of the commission will aid in effectuating its general purposes.

(c) To inquire into incidents of tension and conflict among or between people, including people subject to prejudice and discrimination due to race, religious creed, color, national origin, ancestry, physical disability, mental disability, marital status, gender, sexual orientation, socioeconomic status, civic interest, or any other factors, and to take action by means of conciliation, conference, and persuasion to alleviate those tensions and conflict.

(d) To conduct and recommend any educational programs as, in the judgment of the commission, will increase good will among inhabitants of the community and open new opportunities into all phases of community life for all inhabitants.

Nezzie Wade, Resident and former HRC Commissioner



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