



City of Carpinteria

COUNCIL AGENDA STAFF REPORT July 13, 2020

ITEM FOR COUNCIL CONSIDERATION

Formation of a Committee on Racial Equity and Social Justice.

STAFF RECOMMENDATION

Action Item X ; Non-Action Item

Receive the report on options and form a Committee on Racial Equity and Social Justice.

BACKGROUND

At its regular meeting of June 22, 2020, the City Council received a report on possible next steps for implementing Resolution No. 5981, attached hereto as Attachment A, which was adopted on June 8, 2020. The City adopted Resolution No. 5981 in response to the recent unjustified killing of George Floyd (as well as countless others) and the subsequent protests across the nation and to condemn the unjustified use of force and brutality against Black people, people of color and all marginalized communities, including LGBTQIA+, individuals by law enforcement and to stand in solidarity with protestors of systemic racism in our country. Through its adoption of Resolution No. 5981, the City Council also committed the City to the following actions:

Collaboration with Law Enforcement. A commitment to collaborate with law enforcement to further community-oriented policing, build trust with the community and ensure the safety of all community members. (See Resolution No. 5981, § 4.)

Review of City Policies. A commitment to review and revise City policies to incorporate antiracist policies into City government and ensure the equitable distribution of resources and public services. (See Resolution No. 5981, § 6.)

Engagement with Community Groups and Leaders. A commitment to collaborate with, support, and amplify minority-owned businesses, community groups and non-profit organizations within the City and broader community. (See Resolution No. 5981, § 7).

After deliberation by the City Council on June 22, the City Council directed that a matter be scheduled for its next agenda for the City Council to consider establishment of a committee to make recommendations to the Council on how to proceed with implementing the City Council's commitments set forth in Resolution No. 5981.

DISCUSSION

The purpose of this agenda matter is to allow the City Council to consider options to form a Committee on Racial Equity and Social Justice (Committee), including the Committee's purpose and responsibilities, type, and membership. Below are various choices for each of the foregoing decision points:

Purpose/Responsibilities. Given the broad commitments in Resolution No. 5981, the City Council may want to describe a general understanding of what work needs to be done and provide direction for how the Committee should go about this work. For instance, the City Council may want the Committee to prioritize one or more of the above commitments, or establish separate committees to address each commitment. Alternatively, this could include identifying communities of interest and how to go about the process of listening and learning from those communities. The City Council may also want to consider specifying the objective of the Committee's work, (e.g., to establish a permanent City program responsible for promoting racial equity and social justice efforts in community institutions and/or to review existing resources both locally, in the region, and with national organizations, that could help the City identify and conduct an appropriate process moving this work forward). A defined purpose and responsibility may help inform discussion surrounding the type and membership of the Committee.

Type. The Brown Act and other state laws establish specific procedural requirements for the meetings of legislative bodies. In general, a committee must be made up of less than a quorum of the City Council (i.e., less than 3 members). Below are some additional considerations associated with the Brown Act requirements that the City Council may want to consider in formation of the Committee:

- **Ad hoc Committee.** A committee consisting of less than a quorum of *solely* City Council members with a specific purpose and limited duration (e.g., termination date). Although not subject to the Brown Act, an ad hoc committee could voluntarily follow the Brown Act or modified public procedures. Current ad hoc committees include the Public Facility Site Acquisition/Development Committee and General Plan and Coastal Plan Update Committee.
- **Standing Committee.** A standing committee generally exists to make routine and regular recommendations on specific subject matters and is a regular part of government structure. A standing committee does not need to have a regularly scheduled meeting, but the meeting must be open to the public and comply with the Brown Act agenda posting requirements. For example, the current standing committees include the Finance/Budget Committee and Transportation Committee.

- Blue Ribbon Committee / Working Group. (Brown Act) A “blue ribbon committee” or “working group” is generally a subset of a standing committee that includes members of the public as membership on the committee in addition to members of the City Council. In the early 1990’s, the City formed a blue ribbon committee to study and make recommendations concerning disbanding the Police Department and contracting with the County for law enforcement services. More recently, a Working Group has been employed by the Library Committee to assist it in its work evaluating library governance options. Note that the other committee types do not preclude members of the public from attending in the meetings, however, members of the public generally do not sit on the committee with City Council members.

Membership. Depending on the type of committee selected above, the City Council may want to consider the following items in formation of the Committee:

- How many seats on the Committee?
- Who will participate in the Committee (e.g., City Council Members and/or members of the public)?
- How will Committee members be selected (e.g., by volunteer, application, and/or appointment)?

The above decision points are a starting point for the City Council’s discussion of the Committee and implementation of Resolution No. 5981. Other items to discuss may include meeting schedules, Committee communications with the public and City Council, and Committee resources. Alternatively, the Committee can discuss these items further at its first meeting.

Staff is available to facilitate discussion on the above items and elaborate on the options based on the City Council’s preferred direction for the committee.

POLICY CONSISTENCY

The formation of committees on discrete matters determined by the City Council to require additional study and recommendations, is consistent with its authority and its interest in efficient, transparent, and accountable local government decision-making.

FINANCIAL CONSIDERATIONS

If approved, it is anticipated that the Committee would be supported primarily by City staff with no additional cost. It is also expected that consultant services may ultimately be determined to be desirable to assist the City in carrying out certain work related to the implementation of the commitments included in Resolution No. 5981. Any recommendation for consultant services, including related costs, would be considered separately by the City Council.

LEGAL AND RISK MANAGEMENT CONSIDERATIONS

The City Council from time-to-time finds it beneficial to form committees from its membership to address a subject or work matter and to make recommendations to the City Council. When consisting of less than a quorum of the Council, i.e., two members, such committees are considered “ad hoc” and are not subject to certain Brown Act requirements, including opening meetings to members of the public. Once the Committee’s proscribed work is complete, it dissolves automatically without the need for further action by the Council. Other committee forms, such as a standing committee or committee consisting of decision-makers and members of the public (e.g., “Blue Ribbon” Committees or “Working Groups”) are subject to the Brown Act. Legal Counsel is available to advise on Brown Act compliance depending on the type of committee that the City Council decides to form.

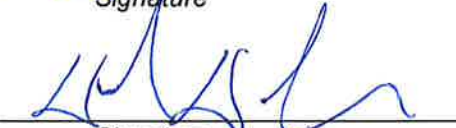
ATTACHMENTS

A. Resolution No. 5981

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Signature

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Signature

RESOLUTION NO. 5981

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARPINTERIA, CALIFORNIA CONDEMNING THE UNJUSTIFIED USE OF FORCE AND BRUTALITY USED AGAINST BLACK PEOPLE AND PEOPLE OF COLOR BY LAW ENFORCEMENT AND STANDING IN SOLIDARITY WITH NON-VIOLENT PROTESTORS OF RACIAL INJUSTICE AROUND THE COUNTRY

WHEREAS, the City of Carpinteria ("City") is horrified by the recent instances of police brutality and unjustified killings of Black people and people of color in the United States; and

WHEREAS, the City strongly denounces and condemns the recent unjustified killing of George Floyd and thousands of other Black people and people of color across the nation, and condemns all acts of racism, police brutality, racial profiling, and use of excessive force; and

WHEREAS, such killings highlight a history of systemic racism, trauma, and injustice to which many people of color, but in particular the Black community, have been subjected; and

WHEREAS, Santa Barbara County ("County") history itself is colored by the legacies of slavery, in that the County's first Black resident, Jerry Forney, was a slave; and

WHEREAS, the City is not immune from a history of injustice and racism, including once being a city with racially-segregated schools; and

WHEREAS, unjust use of force and brutality by law enforcement undermines community trust in the justice system and compromises important and necessary collaborative work between law enforcement, the justice system, and racial minorities in our communities; and

WHEREAS, marginalized communities, including LGBTQ+ individuals, immigrants, and those with disabilities, are also more likely to be subjected to unjust treatment by law enforcement; and

WHEREAS, the City stands in solidarity with non-violent protestors across the country who are demanding a more just nation, and recognizes the important role that such protests have played—and will continue to play—in our history to affect necessary change; and

WHEREAS, the City believes that steps to address racism and create a more just and inclusive society begin with community commitment, expressed by policies enacted at the local level; and

WHEREAS, the City's Mission Statement reflects the foundational importance of equity and inclusion in the provision of local government services and in the fulfillment of our commitment to democracy, and the City is proud of our history of condemning racial injustice and hate crimes, as expressed in Resolution No. 5938, the Resolution Condemning White Nationalism and White Supremacy; and

WHEREAS, as elected community leaders, the City Council recognizes the importance of ensuring that government, including the justice system and law enforcement, is held to the highest standards and actively works to recognize and counteract both systemic racism and unconscious bias; and

WHEREAS, the City recognizes that government authority and all citizens should work together to promote and protect equal justice under law, to work collaboratively, celebrating both our differences and our common commitment, and to bring all Americans together in unity to achieve these ends; and

WHEREAS, the City welcomes and serves immigrants, visitors, and people of all national origins, ethnicities, religious beliefs, gender and racial identities, sexual orientations, and creeds; and

WHEREAS, the City Council supports policies and efforts that reflect and uphold its commitment to public safety and to realizing a diverse, equal, and just community within our City, the County, and the nation as a whole.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CARPINTERIA RESOLVES:

Section 1. The recitals above are true and correct.

Section 2. The City condemns police brutality and unjustified use of force.

Section 3. The City will not tolerate racism.

Section 4. The City will continue to work collaboratively with our local law enforcement to build community trust and legitimacy, implement community-oriented policing, and maintain a safe community as exemplified in specific provisions in the City's law enforcement contract.

Section 5. The City recognizes that police brutality and systemic racism impacting and traumatizing Black people and people of color in our country demands urgent and sustained attention, action and change in the institutions of our society, including transparency and accountability from local government and common commitment by all citizens.

Section 6. The City recognizes that as a community we have to actively work to be anti-racist, including educating ourselves, better supporting leaders and institutions who are working to combat injustice and systematic racism, and working together toward the more equitable distribution of resources and public services. We commit to

continuing to learn about, reflect on, and incorporate anti-racist policies into City government, and strengthen a climate incompatible with racism in our community and nation.

Section 7. To accomplish the goals of this Resolution, the City will highlight and collaborate with minority leadership and social justice groups. The City commits to developing resources that support and amplify minority-owned businesses, community groups and non-profit organizations within our City and broader community.

Section 8. The City commits to both learning from other leaders and providing leadership on these critical issues in Carpinteria.

PASSED, APPROVED, AND ADOPTED on this 8th day of June, 2020, by the following vote:

AYES: COUNCILMEMBER(S): LEE, CARTY, SHAW, CLARK, NOMURA

NOES: COUNCILMEMBER(S): NONE

ABSENT: COUNCILMEMBERS(S): NONE

ABSTAIN: COUNCILMEMBERS(S): NONE



Mayor, City of Carpinteria

ATTEST:



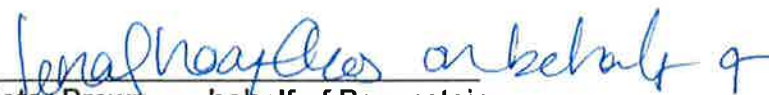
City Clerk, City of Carpinteria

I hereby certify that the foregoing resolution was adopted at a regular meeting of the City Council of the City of Carpinteria held on June 8, 2020.



City Clerk, City of Carpinteria

APPROVED AS TO FORM:



Peter Brown, on behalf of Brownstein
Hyatt Farber Schreck, LLP acting as
City Attorney of the City of Carpinteria