



OFFICE OF THE CITY ATTORNEY

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September 6, 2023

EQUITY AND HUMAN
RELATIONS COMMISSION
City of Long Beach California

RECOMMENDATION:

Recommendation to adopt resolution adopting Bylaws of the Equity and Human Relations Commission.

DISCUSSION

Pursuant to your request of July 26, 2023, this office has prepared and submits the above described Resolution for your consideration.

SUGGESTED ACTION:

Approve recommendation.

Very truly yours,

DAWN MCINTOSH, City Attorney

By

Taylor M. Anderson
Deputy City Attorney

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RESOLUTION NO.

A RESOLUTION OF THE EQUITY AND HUMAN
RELATIONS COMMISSION OF THE CITY OF LONG
BEACH ESTABLISHING BYLAWS FOR THE COMMISSION

WHEREAS, the Equity and Human Relations Commission is responsible for advising the City Council on all matters related to human relations, social justice, and equity, including Equity Action Plans implemented pursuant to the City's Framework for Racial Equity and Reconciliation, and to perform such other related functions as may be authorized by the City Council; and

WHEREAS, the Equity and Human Relations Commission now desires to adopt Bylaws for the Commission by Resolution regarding the conduct of Commission meetings, including time of meetings, cancelation or rescheduling of meetings, and related procedural matters; and

NOW THEREFORE, the Equity and Human Relations Commission of the City of Long Beach resolves as follows:

Section 1. The Equity and Human Relations Commission of the City of Long Beach hereby adopts the bylaws enclosed as Attachment 1.

Section 2. The Commission Liaison shall transmit a copy of this Resolution to each member of the Equity and Human Relations Commission.

Section 3. This resolution shall take effect immediately upon its adoption by the Equity and Human Relations Commission.

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I hereby certify that the foregoing resolution was adopted by the Equity and Human Relations Commission of the City of Long Beach at its meeting of _____, 2023, by the following vote:

Ayes:	Commissioners:	_____

Noes:	Commissioners:	_____

Absent:	Commissioners:	_____

Recusal(s):	Commissioners:	_____

City Clerk

ATTACHMENT 1

BYLAWS FOR THE EQUITY AND HUMAN RELATIONS COMMISSION

ARTICLE 1

PURPOSE

1. The Equity and Human Relations Commission of the City of Long Beach (“Commission”) is established by Long Beach Municipal Code (LBMC) Chapter 2.44.
2. It is the responsibility of the Commission to advise the City Council on all matters related to human relations, social justice, and equity, including Equity Action Plans implemented pursuant to the City's Framework for Racial Equity and Reconciliation, and to perform such other related functions as may be authorized by the City Council. All actions of the Commission are advisory only.
3. To perform its duties effectively and efficiently, as assigned by the LBMC and the City Council, the Commission desires to specify procedural rules to govern the conduct of its meetings and hearings.
4. The following procedural rules, consistent with the State Constitution, applicable statutes, including the Brown Act, the LBMC and City ordinances and resolutions, govern the conduct of all business before the Commission.

ARTICLE 2

DEFINITIONS

Unless the particular provision or the context otherwise requires the definitions and provisions contained in this Section govern the construction, meaning, and application of words and phrases as used in these Articles:

1. "Co-Chair" means an arrangement in which two officers collaborate and share the duties and responsibilities normally assigned to the Chair.
2. "Commission Liaison" means the direct support staff assigned to the Commission by the City.
3. "Officer" refers to Chair, Vice-Chair, and Co-Chairs.
4. "Presiding Officer" means the officer presiding over a Commission meeting, which may be the Chair, Vice-Chair, Co-Chair, or the member elected by the Commission as a Chair pro tem in the absence of any of the aforementioned officers.

ARTICLE 3

MEMBERS

1. Members. The Commission consists of fifteen (15) regular members.
2. Terms. Pursuant to LBMC § 2.18.050, the term of office for members of the Commission is for two (2) years. No member may serve for more than four (4) consecutive terms.
3. Quorum. A majority of members of the Commission constitutes a quorum, and the affirmative vote of at least a majority of members required to take any action. As the Commission has fifteen (15) regular members, there must be eight (8) members present to conduct business. Even if the Commission has a quorum to begin the meeting, it can lose the quorum during the meeting when a member departs. When that occurs, the Commission loses its ability to transact business until and unless a quorum is reestablished.

In the event of the lack of a quorum at a meeting, the Presiding Officer, must adjourn the meeting to another time, place, and date. Such order of adjournment will serve as sufficient notice thereof to all members not present, the Commission Liaison must employ reasonable means as may be necessary to notify the absent members. The City Clerk or Commission Liaison may adjourn a meeting where no Commissioners are present, provided that if the meeting is adjourned to a time other than the next regular meeting, notice of the meeting must be given as if the meeting were a special meeting.

4. Advocacy. All members of the Commission are authorized to advocate on behalf of the Commission to City officials, including the Mayor, City Council members, and City staff, regarding positions adopted by the Commission. Members of the Commission may not advocate or otherwise take positions publicly on behalf of the Commission on matters that the Commission has not voted to adopt a position or recommendation.

This Section does not limit the ability of any member of the Commission to advocate to City officials or otherwise in their capacity as a member of the public. Any member of the Commission advocating on behalf of the Commission or speaking as an individual on a matter must identify the capacity in which they are speaking (e.g. "I am here to discuss this issues as a resident of the City, not as a Commissioner of the EHRC" or "I am here to discuss this issue as a Commissioner of the EHRC").

5. Commission Liaison. Commission Liaison where no Clerk staff has been assigned to the Commission is responsible preparing the agenda of the regular and special meetings, arranging proper and legal notice of the hearings, attending to correspondence, and performing such other duties for the Commission as are normally carried by a secretary to a legislative body. Where this resolution refers to duties of the Commission Liaison, the Commission Liaison may delegate such duties as deemed appropriate.
6. City Clerk Staff. City Clerk staff is responsible for keeping minutes of the Commission proceedings. Where no City Clerk staff has been assigned to the Commission, the Commission Liaison is responsible for keeping minutes of Commission proceedings.

7. Commission Access to Staff. Commission or Commissioner requests for assistance or research by City staff, other than simple requests for information or clarification, require the consent and approval of the Commission Liaison.

ARTICLE 4

OFFICERS OF THE COMMISSION

1. Election of Officers. Two officers must elected by and from the members of the Commission. Election of officers is held at the July meeting of each year. The newly elected officers assume their offices in the first regular meeting of August. At each election, the Commission reserves the option to elect officers as either as (i) Chair and Vice Chair or (ii) Co-Chairs.
2. Officers Elected as a Chair and Vice Chair. Where the Commission elects officers as a Chair and Vice Chair, the following rules apply:
 - A. The Chair presides at all meetings of the Commission and has the duties normally granted to the chair of a body, as outlined in Section 3.B. of this Article.
 - B. The Chair may discuss and vote on all matters before the Commission.
 - C. The Vice Chair acts for the Chair in the Chair's absence.
 - D. In the absence of both the Chair and Vice Chair, the members present at such meeting may elect a Chair pro tem who will serve only for the duration of the meeting in which the appointment was made. Any person elected as Chair pro tem for a meeting has all powers of the Chair for that particular meeting.
3. Co-Chair Structure. Where the Commission elects officers as a Co-Chairs, the following rules apply:
 - A. Responsibilities and authority assigned to the "Chair" in these Bylaws apply to Co-Chairs equally and may be assigned to one Co-Chair by agreement of such officers.
 - B. Co-Chairs will, in consultation with one another, decide on how best to share and divide their responsibilities in respect to:
 - i. Presiding over Commission meetings;

- ii. Ensuring that the work of the Commission is accomplished;
- iii. Monitoring and facilitating the Commission's progress on the Commission Roadmap;
- iv. Setting and approving the agenda for Commission meetings prior to distribution and in consultation with Commission Liaison;
- v. Approving and signing Commission reports to the City Council, as prepared by the Commission, including the annual report which must be submitted to City Council and the Mayor;
- vi. Signing correspondence on behalf of the Commission;
- vii. Monitoring Commission dynamics and supporting, guiding and coaching fellow Commission members inside and outside of public meetings;
- viii. Representing the Commission at external events;
- ix. Speaking to the City Council in public comment on behalf of the Commission; and
- x. Preparing recommendations for Commission consideration, including, but not limited to, draft letters to the City Council and Mayor.

C. The Co-Chairs may agree to alternate who presides over meetings of the Commission. The Co-Chair presiding over a meeting has the duties normally conferred on the Chair and they may discuss and vote on all matters before the Commission.

D. Where there is only one Co-Chair present at a meeting of the Commission, said Co-Chair will preside over the meeting.

E. In the absence of both Co-Chairs, the members present at such meeting may elect Chair pro tem who will serve only for the duration of the meeting in which the appointment was made. Any person elected as Chair pro tem for a meeting has all powers of the Chair for that particular meeting.

4. Term for Officers. Pursuant to LBMC § 2.18.060.A, the term of office for Commission officers is for one (1) year. Officers must serve until their successors are elected and qualified.

5. Vacancies. Vacancies in offices must be filled immediately by regular election procedure, but for

the unexpired term only.

6. Appearance of a Commissioner before the Commission. After a Commissioner has disqualified their self as a result of a potential conflict of interest, the Commissioner may appear before the Commission during hearing on the matter and present testimony regarding the matter, provided it is done with the advice of the City Attorney's office.

ARTICLE 5 MEETINGS

1. Regular Meetings. Regular meetings of the Commission are held on the first Wednesday of the month. If the regular meeting dates falls on a City holiday, then the meeting may be rescheduled by the Commission.
 - A. All regular meetings of the Commission will be called to order at 6:00 p.m., unless properly noticed otherwise, canceled, or rescheduled. No Commission meeting may be canceled or rescheduled unless the Commission Liaison first confers with the Chair regarding the rationale for canceling or rescheduling.
 - B. The Commission must strive to adjourn its meetings not later than 8:30 p.m. If necessary, business not completed by 8:30 p.m. will be continued to the next regular or special meeting as determined by the Commission.
2. Meeting Breaks. The Chair may, with the concurrence of the Commission, recess the meetings as necessary to grant relief to the Commissioners, staff and audience.
3. Emergency or Special Meetings. An Emergency or Special Meeting may be called at any time by the Chair, or by a majority of the members, on its own motion or at the direction of the City Council. The call, notice and conduct of such emergency or special meeting must comply with the Ralph M. Brown Act, Government Code section 54950, *et seq.*
4. Study Sessions. The Commission may hold study sessions as part of a regular, adjourned or special meeting. No action may be taken by the Commission at such a study session.

5. Standing Committees. “Standing committees” are ongoing committees responsible over a particular subject matter. Standing committees may be used in open and public meetings to study Commission business in greater depth than what is possible in the time allotted for Commission meetings. Standing committees may be created in these Bylaws, by appointment of the Chair, or through an election of the Commission.

A. Quorum. A majority of the committee membership constitutes a quorum of the standing committee.

B. Referrals. Only the Commission may make referrals to the standing committees. Referrals will generally be directed to only one standing committees. Items may be withdrawn from the committee and taken up for consideration by the Commission with the consent of a majority of the Commission, and subject to any applicable noticing or agenda posting requirements.

C. Function of Committees. The purpose and intent of committee meetings is to provide for more thorough and detailed discussion and study of prospective or current Commission agenda items, to the end that Commission action will be expedited. Actions of the committee are advisory recommendations only.

D. Brown Act. Standing Committees are subject to the Brown Act.

6. Ad Hoc Committees. An ad hoc committee is comprised solely of less than a quorum of the Commission. Ad Hoc Committees may be used on a limited basis where necessary to study Commission business in greater depth than what is possible in the time allotted for Commission and Standing Committee meetings. An Ad Hoc Committee is an advisory committee composed solely of less than a quorum of members of the Commission. The work of an Ad Hoc Committee is limited to a single finite purpose. By contrast, a Standing Committee has continuing subject matter jurisdiction extending for a lengthy time period and/or a meeting schedule fixed by formal action of the Commission.

A. Brown Act. Ad Hoc Committees do not constitute legislative bodies and are not subject to the requirements of the Brown Act.

B. Appointment. The Commission may appoint four (4) or fewer members of the Commission to serve on an Ad Hoc Committee. To ensure compliance with the Brown Act, members may not serve on more than Ad Hoc at a time.

- C. Duration. Ad Hoc Committees are created for a finite period of time. If an Ad Hoc Committee does not complete its task by the end of the calendar year, it may not continue unless reappointed.
 - D. Members. Ad Hoc Committees must consist of less than a quorum of Commission members only and may not include any other persons such as members of other legislative bodies.
 - E. Termination of Ad Hoc Committee by Majority of Commission. A majority of the Commission may vote to terminate any Ad Hoc Committee following placement of the issue on an agenda.
7. Open and Closed Sessions. All meetings of the Commission must be open and public. All persons are welcome to attend. The Commission may, upon the advice of the City Attorney and pursuant to the Ralph M. Brown Act, Government Code Section 54950, *et seq.*, hold a closed session during a regular or special meeting.

ARTICLE 6
PARLIAMENTARY PROCEDURE

- 1. Robert's Rules of Order govern in the conduct of Commission meetings in all cases to which they are applicable and in which they are not inconsistent with these Bylaws or any other applicable statutes, ordinances, resolutions or regulations of the City.
- 2. If properly agendized, these Bylaws may be amended at any regular or special meeting of the Commission by an affirmative simple majority vote of a Commission quorum.
- 3. The Commission may suspend any of these Bylaws for the duration of the meeting or for a particular item only by an affirmative simple majority vote of a Commission quorum.

ARTICLE 7
AGENDA

1. A written agenda must be prepared for each meeting of the Commission.
2. The agenda must be posted as required by law and made available through the office of the City Clerk.
3. The Commission may not take action on an item not appearing on the posted agenda unless an exception is made as permitted under applicable law.
4. The Chair, in their sole discretion, and with the consent of the Commission, or upon the request of any Commissioner, may rearrange the order of the presentation of any items appearing on the agenda. No person should rely upon the order in which public hearing items appear on the posted agenda.
5. Any public hearing on any agenda item may commence upon the opening of the meeting.
6. No written documentation submitted to the Commission after 12:00 p.m. on the scheduled meeting date may be considered. The reason for this rule is to allow complete consideration of the documentation and to avoid unnecessary distractions once the meeting is called to order.
7. Staff Reports. Staff reports are to be prepared with recommendations and the basis for those recommendations. To the extent possible, alternate positions and their justifications should be included as well. Staff reports are included in the hearing record.
8. Agenda Packets. Staff must make their best efforts to provide the entire agenda packet to each member of the Commission no later than five (5) days prior to the regularly scheduled meeting.
9. Agenda Items. The agenda must contain a brief general description of each item of business to be discussed at the meeting. Agendas for regular meetings must be organized in substantially the following order:

A. Call to Order

- B. Roll Call
- C. Review and approval of minutes
- D. Land Acknowledgment
- E. Chair Remarks (Outlines Meeting Procedure)
- F. Consent Items
- G. Carryover Items
- H. Regular Calendar
- I. Matters of the Ad Hoc
- J. Non-Agenda Public Comment
- K. Matters from the Office of Equity
- L. Matters from the Commission
- M. Adjourn.

ARTICLE 8

MOTIONS

1. Motions.

- A. Motion-Second. Action upon an order, resolution, ordinance or any other action of the Commission may be proposed by any member of a motion. The Presiding Officer may make a motion only after all other members of the Commission present have had an opportunity to make a motion on the question. Before a motion can be considered or debated it must be seconded at which time it is on the floor and must be considered. If not seconded, the motion is lost for lack of a second and will be so declared by the Presiding Officer. The Presiding Officer may second a motion.

- B. Amendment of Motion (“Friendly Amendment Motion”) or Substitute Motion. A motion on the floor may be amended or a substitute motion offered at any time before adoption or rejection of the main motion.

A “friendly amendment” occurs when, after a motion has been presented to the body and is pending, a member who believes that a change in the motion would improve it asks the maker of the main motion if they would agree to the change. If the motion’s maker agrees then the change is made. The second to the motion must also agree to the change. If a motion with a friendly amendment is the only motion on the floor, the Commission votes

on this main motion, as amendment.

A member may also make a substitute motion. A substitute motion is a new motion proposing a different action than the main motion before the Commission. A substitute motion must be substantively different from the original motion being discussed. A substitute substitute motion may also be made if one substitute motion is on the floor. However, there may be only two substitute motions on the floor at any given time. Substitute motions must be seconded.

Once before the Commission, discussion is limited to last motion on the floor. The Commission votes on the last amendment proposed and works its way back to the main motion. The Commission's vote on any substitute motion may dispense with the matter, and no action is necessary on the main motion.

- C. Withdrawal of Motion or Second. A motion may be withdrawn by the maker at any time before adoption or rejection. A second to a motion may be withdrawn by the seconding member at any time before adoption or rejection of the motion. The motion will then be lost for lack of a second and so declared by the Presiding Officer unless seconded by another person.
- D. Tabling a Motion. Tabling a motion is not a procedure utilized by the Commission. Motions should be voted upon or continued to a date certain.
- E. Discussion, Closure, and Question. After a motion has been seconded, any member, including the Presiding Officer, may discuss or comment on the subject motion. The Presiding Officer must recognize any and all members of the Commission who desire to speak, beginning with the motion's maker, and will protect each speaker from disturbance or interference. When no member wishes to discuss or comment further, the Presiding Officer will call for a vote on the motion. Any member of the Commission may at any time move to close the debate.
- F. Motions for Reconsideration. Motions for reconsideration of a matter may be made by any member who voted with the prevailing majority on the matter to be considered. Any member of the Commission may second a motion to reconsider. Motions to reconsider

must be made at the same meeting as the original motion. If the matter to be reconsidered required a public hearing, the public hearing will be reopened pursuant to these Bylaws before additional evidence is received.

2. Decision-making.

- A. Voting. Approval of any motion before the Commission requires the affirmative vote of a majority of the members present, unless otherwise specified by law.
- B. Tie Votes. Any tie vote constitutes a denial of the motion and may be reconsidered by a motion offered by any member who voted on the matter. If there is no subsequent affirmative vote, the result is denial.
- C. Abstentions. Except when a conflict exists and abstention is required, every member of the Commission who is present, when a roll call is called, must vote for or against the question, unless excused by a majority of the Commission members present prior to the calling of the roll on such question.
- D. Roll Call. Voting upon a motion may, at the discretion of the Presiding Officer, must be by roll call upon the request of any member. When voting is not by roll call, the Presiding Officer may, in the absence of objection by any member of the Commission, declare an item to be unanimously approved.
- E. Motions Include Staff Recommendations. A motion to adopt or approve staff recommendations or simply to approve the action under consideration must, unless otherwise particularly specified, be deemed to include adoption of all proposed findings and execution of all additions recommended in both the written staff report on file on the matter and any oral staff report presented during the hearing.
- F. Absentees. Commission members who are absent from any portion of a meeting conducted by the Commission may vote on the minutes at the time it is acted upon provided they have either reviewed the approved minutes of the meeting or listened to the tape recording of the entire portion of the hearing from which they were absent, provided that a tape recording exists, and if they have examined the Staff Report and evidence presented during the portion of the hearing from which they were absent. In

such a case, the Commission members must state for the record that they are familiar with the record and with the evidence presented at the meeting.

G. Recommendations to the City Council. In those matters involving a recommendation to the City Council, the recommendation must be transmitted, the Commission requests staff to transmit the recommendation with the following message on a cover letter to the City Manager requesting that:

- i. Commission recommendations to the City Council are transmitted to the City Council for its consideration within thirty (30) days or sooner after the recommendation is adopted and/or finalized; and
- ii. In the event that staff or the City Manager has a recommendation that is different from that of the Commission, the staff and/or City Manager recommendation is presented to the City Council separately for its consideration.

The Commission requests that any staff report or City Manager recommendation presented to the City Council make clear the precise nature of the Commission recommendation and further articulates staff's rationale for providing a different recommendation.

Before providing a recommendation to the City Council that is different from that of the Commission, the Commission Liaison must first inform the Chair/Co-Chairs of the intended course of action. If the intended course of action is planned before the next Commission meeting, the Chair/Co-Chairs has the right to appear at any scheduled meeting of the City Council for the purpose of presenting the Commission's position relative to its recommendation to the City Council.

H. Consent Items. Items that require little or no discussion by the Commission may be considered as consent items. The Commission will act on these items in one motion at the beginning of the meeting. Approval by the Commission of consent items means that the staff recommendation was approved along with the findings and conditions set forth in the staff report. Any member of the Commission may request that consent items be considered in their regular order on the agenda. Removal of an item from the consent

calendar is subject to approval by a majority the Commission members present.

- I. Continuances. Upon a showing of good cause and by request of a member of the Commission, the Presiding Officer, at the time set for a hearing on a particular item may order the hearing to be continued to a specified date and time. Upon the request of any member of the Commission, continuance decisions must be made by a motion and roll call vote of all members present.

- J. Construction. The procedural rules in these Bylaws must be construed and applied so as to ensure a full and fair hearing of relevant evidence which is offered on a land use matter and to facilitate an orderly analysis of evidence and issues by the Commission.

ARTICLE 10

COMMISSION AUTHORITY

1. Failure of the Commission to follow the procedures established by these Bylaws do not invalidate or otherwise affect any action of the Commission.

2. These Bylaws in no way modify, amend or suspend the Commission's or individual Commissioner's obligations pursuant to the Political Reform Act, the Brown Act or other applicable statute of statewide concern. These Bylaws must be construed to remain consistent with such statutes, as they may be amended from time to time.

ARTICLE 11

COMMUNITY AGREEMENTS

1. Intent. The following section outlines the Commission's community agreements. As used in this Article, "community agreements" are the expectations for how members of the Commission aspire to work and interact with each other. The intent is to create a productive space during public meetings that is supportive, respectful, ethical, safe, welcoming, and inclusive, where all members have an opportunity to be heard.

2. Purpose. The purpose of these community agreements are to help create an environment where

all members are encouraged to participate in ways that support their individual and collective success.

3. Community Agreements. All members of the Commission agree to the following community agreements:

Agreement	Practice
Be present and share the air	We encourage full participation from everyone through active listening, making room for others, and limiting distractions when we're working together.
Use "I" statements	We speak from our own experiences rather than generalizations.
Assume best intent but attend to impact	We give each other the benefit of doubt and are accountable for our words.
Embrace your position as a learner and leader	We each have something to offer, which means we can learn from others in this space.
Acknowledge the intersections	Our background and biases uniquely shape our experiences and understanding; therefore, we all benefit and are harmed by systems of oppression. The truths that we speak are valid, and they are ours alone.
Expect and Accept Non-Closure	We engage in courageous conversations and acknowledge that the challenges we address may not be resolved right away.
Center those most impacted	Equity means 'all,' and to achieve a this we center those most impacted by the issues we address.
Confronting social injustice is painful and joyful	We acknowledge the spectrum of feelings everyone will experience as we engage in transformational work.
W.A.I.T.—Why Am I Talking?	We want everyone to feel comfortable contributing and sharing ideas. If you notice you have commented several times while others haven't, maybe pause a bit longer to give others a chance to respond. We also ask for all your comments to be on topic and relevant to our presenter's discussion.