



CITY OF CARSON

Legislation Text

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Report to Mayor and City Council

Tuesday, October 04, 2016

Discussion

SUBJECT:

CONTINUED CONSIDERATION OF AN ADVISORY BODY ON ISSUES CONCERNING PERSONS WITH DISABILITIES (CITY COUNCIL)

I. SUMMARY

At the September 20, 2016 City Council meeting, Council considered a request from staff to provide direction regarding an advisory body on issues concerning persons with disabilities. Staff's recommendation was to assign the subject to the Human Relations Commission (HRC) and to create positions on that Commission for persons with disabilities, but staff also presented as a possible alternative the creation of a separate body comprised of residents with disabilities to serve that particular purpose. Council directed staff to return with the necessary changes to the Carson Municipal Code to assign the subject of issues concerning persons with disabilities to the Human Relations Commission and to revise the composition of the HRC to create positions on it for persons with disabilities. This action brings forward those changes.

II. RECOMMENDATION

ADOPT the changes to the Carson Municipal Code described herein.

III. ALTERNATIVES

1. ASSIGN the subject of issues concerning persons with disabilities to the Community Civic Engagement Board.
2. TAKE another action the City Council deems appropriate.

1. IV. BACKGROUND

As a result of a civil rights compliance review by the Office of Fair Housing and Equal Opportunity of the U.S. Department of Housing and Urban Development (HUD) conducted

in 2014 (a follow-up to a review initially conducted in 2011), the City of Carson was found to be out of compliance in several areas related to Section 504 of the Rehabilitation Act of 1973, Title VI of the Civil Rights Act of 1964, and Section 109 of the Housing and Community Development Act of 1974. As a consequence, HUD has placed the City under a Voluntary Compliance Agreement dated June 30, 2014. One major area of noncompliance cited was the City's lack of mechanisms for dealing with the concerns and issues of persons with disabilities. To address this shortcoming, staff presented two options to City Council at its September 20, 2016 meeting: a) adding disability issues among the duties and functions of the existing Human Relations Commission, or b) creating a separate body to advise City government on these issues. Staff recommended alternative (a) because it would make use of an existing commission, as opposed to adding to the existing 22 advisory boards and commissions the City already has.

Chapter 7, Subpart A (Sections 2760 through 2767) of the Carson Municipal Code (Exhibit No. 1) pertains to the HRC. As per Section 2766 (a), the duties and functions of the HRC include:

"To advise and consult with the City Council, City Administrator, and the commissions, boards, and officers of the City on all matters involving discrimination on the basis of race, religion, national origin, culture, economic status, age, or sex;"

As disability is not currently among those subjects, Section 2766 (a) can be amended to insert the words "disability status". It may be necessary to insert a clause defining "disability status" as being affected or impaired by a physical, visual, or mental disability.

Also included in Section 2766 is a subsection (b) which reads: "To invite and enlist the cooperation of racial, religious and ethnic groups, youth and senior citizen organizations, community organizations, fraternal and benevolent societies, veterans organizations, professional and technical organizations and other groups in the City of Carson in carrying on its work;". To this subsection would be added the words "organizations serving the disabled". Additionally, to subsection (i), which reads: "To receive, hear and investigate complaints of tensions, practices of discrimination and acts of prejudice against any person or group because of race, color, religion, ethnic origin, culture, economic status, age or sex, whether practiced by private persons, associations, corporations or public bodies, and to seek to resolve such matters through consultation and advice;" would be added the words "disability status".

Other revisions to the pertinent sections of the Code are as follows:

In Section 2760 (Declaration of Policy): Adding the words "disability status" to the following statements:

"That the rights of individuals, regardless of religious affiliation, national origin, political belief, economic status, cultural background, race, color, age or sex are identical under law, and should be equal in practice in our society and community;"

and

"That it is therefore in the best interest of the community not only to protect and insure the

legal rights of individuals and groups, but also to seek to provide opportunity for the full realization of the hopes, aspirations, abilities and ambitions of individuals of all religions, races, national origins, political beliefs, economic or social status, cultural background, ages or sex, thereby encouraging and developing the human resources of the community to their highest potential value, thereby improving the quality of our society and the richness of life. “

Section 2762 (Members), which currently begins: The Human Relations Commission shall consist of nine (9) members, seven (7) general members and two (2) youth members, and three (3) alternate members who shall be called upon, when necessary, in the order of their appointments as Alternate 1, 2 or 3, to substitute for any absent commissioner, each of whom shall be a resident of the City of Carson.” would be amended to provide for 13 members, with four members to be residents affected or impaired by a physical, visual, or mental disability. This number is being recommended to keep the HRC at an odd number of members, to provide for meaningful representation of the disabled community, but at the same time to keep the Commission from becoming unwieldy. Accordingly, a subsection (c) would be added specifying the category of members with disabilities. (The existing subsection (c) would now become subsection (d).)

As established by Resolution 11-070, adopted June 8, 2011 (Exhibit No. 2), the Community Civic Engagement Board (CCEB) has among its purposes:

- (a) To advise and recommend to the City Council, City Manager, and the commissions, boards, and officers of the city on all matters involving programs, projects, and activities that will showcase the active participation of the people who live and work in Carson in pursuing specific, measurable, attainable and time-bound social, economic, political and cultural objectives for the benefit of the people of Carson;
- (b) To recommend such corrective or legislative action as may be appropriate to effectuate the policy of the City Council which is declared in this Part;
- (c) To invite and enlist the cooperation of stakeholders who live and work in the city of Carson in carrying on its community-oriented work;
- (d) To foster harmony and collective spirit within and among various groups in the community, most especially in undertaking projects, discussing and resolving issues and problems affecting the community;
- (e) To make such studies in any areas of civic engagement in the community to aid in effectuating its general purpose;
- (f) To cooperate with the city, county, state, and federal agencies whenever it deems such action appropriate in effectuating the policy of this Part;
- (g) To initiate, conduct or recommend such educational programs, will promote and enhance good will and cooperative spirit among stakeholders of the community and open new opportunities into all phases of community life and society for all stakeholders of the city;
- (h) To issue such publications and such special reports concerning its work and investigations it may consider desirable and in the public interest, subject to the approval of the City Council;

- (i) To continue to evaluate and respond to the ongoing needs of the community, and in turn submit an annual report that will provide recommendations to possibly adjust to these changes and present this report to the City Council and such other reports as may be requested by the City Council.

Per the establishing resolution, the CCEB is to consist of eleven members. Six slots are for what is described as “general” members, two slots are reserved for representatives of California State University Dominguez Hills, one slot reserved for, one slot reserved for a senior, and one slot is reserved for a community special needs advocate. Neither “special needs” nor “special needs advocate” are defined, so should Council decide to add disability issues to that body’s functions, “special needs” and “special needs advocates” can be defined in terms of individuals with disabilities. In addition, there are three alternate members of the CCEB. According to the roster of boards and commissions distributed by the City Clerk’s Office as of September 12, 2016, two regular slots and two alternate slots are currently vacant. Should Council decide to vest the CCEB with the responsibility for disability issues, it is recommended that in order to further the objective of serving the disabled, the current vacancies be filled by representatives of the disabled community. (Staff also noted that on the current roster, two members are indicated as being youth.)

V. FISCAL IMPACT

Adding four members to the Human Relations Commission would have an approximate General Fund fiscal impact of \$1,680.00 per year, based on a commission meeting stipend of \$35.00 per meeting for four members and twelve meetings per year (one per month). Assigning disability matters to the Community Civic Engagement Board would have no discernible fiscal impact because members of that body serve without compensation.

VI. EXHIBITS

1. Carson Municipal Code, Chapter 7 (Departments, Boards, and Commissions), Subpart G (Human Relations Commission), Sections 2760-2767. (pgs. 5-9)
2. Redline version of Carson Municipal Code, Chapter 7 (Departments, Boards, and Commissions), Subpart G (Human Relations Commission), Sections 2760-2767 with proposed changes. (pgs. 10-14)
3. Resolution 11-070, “A Resolution of the City Council of the City of Carson, California, Creating a Community Civic Engagement Board”. (pgs. 15-19)

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