



TOWN OF FAIRFAX

STAFF REPORT

July 15, 2020

TO: Mayor and Town Council

FROM: Garrett Toy, Town Manager

SUBJECT: Convene the Community Listening Session; Discuss/consider the formation of a Racial Equity and Social Justice (RESJ) Committee to address issues of racial equity, social justice, systemic racial bias, and diversity; Discuss/consider the concept of having the RESJ Committee form a subcommittee to explore police practices, public safety alternatives and funding and other related issues; Provide policy direction to staff on the formation of committee(s)

Continued from July 1, 2020 Council Meeting

RECOMMENDATION

- 1) Convene the Community Listening Session.
- 2) Discuss/consider the formation of a Town Racial Equity and Social Justice (RESJ) Committee
- 3) Discuss the concept of the Racial Equity and Social Justice Committee forming a subcommittee to discuss Police Practices and Public Safety Budget/Service Alternatives.
- 4) Provide policy direction to staff on the formation of committee(s)

BACKGROUND

At its June 17th meeting, the Council received a report that a discussion of the formation and purpose of a Racial Equity and Social Justice Committee would be agendaized for the Council's July 1st meeting. The Council requested staff to provide options with regard to the structure and process for forming committees to address issues of racial equity, social justice, systemic racial bias, and diversity; and the second to explore police practices and public safety budget and service alternatives. At its July 1st meeting, due to the late hour, the Council scheduled this July 15th meeting and

continued this matter to be considered after the Community Listening Session. It should be noted that during the July 1st meeting's "Open Time for Public Expression" for items not on the agenda, the Council received over 40 comments regarding police services/activities and other related topics.

The Town has used two structures for Town boards, commissions, and committees. The Town Council establishes the board/commission/committees by resolution or ordinance, which defines the mission/purpose as well as the membership of the board/commission.

1. **Board/Commission.** Membership could include at-large members of the community and members from other boards/commissions, but no Council members. For example, the Tree Committee includes at-large members as well as members from the Open Space Committee, the Planning Commission and Parks & Recreation Commission (PARC). Other examples are PARC and the Volunteer Board which consist of all residents appointed by the Council. All the board/commissions create their own meeting agendas and make annual reports to the Council on their activities.
2. **Council Committees.** For these Committees, the Town Council appoints two of its members to a committee along with community members. Examples are the Climate Action Committee (CAC), Zero Waste Committee, and Finance Committee. The CAC meets on a regular basis. The other two Council committees meet as needed. All these committees create their own meeting agendas and report back to the entire Council as needed.

All the Town's boards, commissions, committees, and Council subcommittees are subject to the Brown Act, which requires the meetings to be open and properly noticed to the public.

DISCUSSION

Staff is requesting the Council provide direction on the following key policy/action items.

Formation of a Racial Equity and Social Justice Committee (Committee)

After the Community Listening Session, the Council should begin the discussion of the purpose/mission of the Committee, goals/objectives, name, and its membership. For this evening, the Council may want to provide preliminary comments on these issues and continue the discussion at another meeting after the Council has had time to digest

the comments received at the Community Listening Session. After the Committee is formed, the Council can always ask the Committee to flesh out some of these issues.

In the interim, the Council could move forward with the application and interview process since that will take some time. The Council can begin the process to form the Committee by approving a motion to do so. Staff would return with a resolution to formally create the Committee at the Council's August meeting. This would allow time for staff to incorporate the Council's direction into the resolution.

Concept of the Racial Equity and Inclusion/Social Justice Committee (RESJ) forming a Subcommittee to discuss Police Practices and Public Safety Budget/Service Alternatives.

The staff report from the July 1st meeting recommended the Council wait to form a Police Practices/Public Safety Budget/Service Alternatives Committee until after the Community Listening Session. Based on subsequent discussions with the Mayor, staff now recommends that the Racial Equity and Social Justice Committee form a Subcommittee to discuss Police Practices and Public Safety Budget/Service Alternatives.

For this evening, we are seeking preliminary approval of the subcommittee concept. With regard to the purpose/mission of the subcommittee, goals/objectives, name, and its membership, the Council may only want to provide preliminary comments and continue the discussion to another meeting after the Council has had time to digest the comments received at the Community Listening Session.

One advantage of a subcommittee is that it could be formed without the Council process of interviewing and appointing members, as would be required for a separate police services committee. In addition, those community members who would want to participate on both committees would be able to do so with the subcommittee structure. Another advantage is the structure would allow for better collaboration and coordination between the two groups regarding the presumable overlap of issues between the RESJ and subcommittee discussions. It would also reduce potential conflicts and/or duplication of efforts.

Assign up to Two (2) Councilmembers to the Committee

The Council usually assigns two Councilmembers to a committee. Should the entire Council want to actively participate in the RESJ Committee's discussion, the Council would need to notice a special Council meeting for that express purpose. The Council

has done this before for community workshops, presentations, and special study sessions. Another option is to hold a joint meeting with the Committee. The Council has also had joint meetings with the Planning Commission for matters of mutual interest.

Another approach is for the Council to appoint a committee which consists of only community members. The Town Council would then periodically request a joint meeting with the committee to receive updates and discuss issues of mutual interest.

Under the subcommittee structure, the Councilmembers assigned to the RESJ could also be on the subcommittee or, the subcommittee could have no Councilmembers on it. Staff does not recommend appointing different Councilmembers to the subcommittee as it could cause Brown Act issues when the subcommittee reports back to the full RESJ Committee. However, if the Town Council wishes to appoint two other councilmembers to the subcommittee, then we would recommend that the RESJ subcommittee morph into a regular Committee.

This evening, we are only requesting Council direction on the concept of creating a subcommittee.

Determine Number and Composition of Members

The Council may want to designate member categories such as youth, senior, business, at-large, and/or persons of color. The Council should also decide if members must be residents, can be business employees/owners, and/or people living outside the Town limits.

We recommend limiting the membership to no more than 12 people to keep the Committee meetings more manageable.

Use the Regular Interview and Appointment Process

Typically, the Council would require an application and interview process by which to appoint members. We would use the standard Town application, but the Council will need to set an application deadline. The interviews are open to the public. As a result, we recommend scheduling a special Council meeting to conduct the interviews because of the number of potential applicants, especially if it is a 9- to 12-member committee. Staff recommends a two- or three-week deadline for applications with interviews.

Retain a Professional Facilitator to Assist the Committee and allocate staff resources

For the RESJ Committee to be more effective and focused, it will require professional facilitation and/or staff support for the remote meetings, agendas, action minutes, and other administrative tasks. We recommend retaining a professional facilitator to assist the RESJ Committee and subcommittee. Ideally, the facilitator would also be able to advise as to the Committee's composition, take notes, and prepare reports. We also anticipate staff would be needed to prepare agendas, conduct the remote meetings, and provide other administrative support. We would either reallocate or increase the hours of part time staff to provide support to the RESJ Committee and subcommittee.

SUMMARY OF KEY ACTION ITEMS

Below is a summary of the key action items requiring Council direction.

1. Form a Racial Equity and Social Justice Committee
2. Discuss the concept of the RESJ Committee forming a subcommittee to discuss Police Practices and Public Safety Budget/Service Alternatives.
3. Assign up to two (2) Councilmembers to the Committee
4. Determine number and composition of members
5. Use the regular Interview and Appointment Process
6. Retain a professional facilitator for Committee meetings
7. Commit staff resources to assist the Committee

Depending on the actions, the Council may want to be prepared to select dates for the special Council meetings for the interviews and appointments.

FISCAL IMPACT

To be determined