



**DATE:** December 13, 2016

**CATEGORY:** Unfinished Business

**DEPT.:** City Manager

**TITLE:** **Human Rights City Designation**

### **RECOMMENDATION**

1. Accept the recommendation from the Human Relations Commission that the City of Mountain View adopt a Resolution Adopting the Universal Declaration of Human Rights as Guiding Principles and Declaring the City of Mountain View to be a Human Rights City (Attachment 1 to the Council report), to be read in title only, further reading waived; and
2. Consider the recommendation from the Human Relations Commission to implement a human rights policy analysis framework as a tool to analyze the impact of policy decisions focusing on the priority areas of housing displacement, housing affordability, social equity, and economic prosperity.

### **BACKGROUND**

The issue of becoming a Human Rights City was a Human Relations Commission (HRC) work plan item for Fiscal Year 2014-15. After the HRC explored the issue, the City Council and the HRC held a joint Study Session on July 7, 2015 to discuss the HRC's recommendation to become a Human Rights City by adopting the United Nations Universal Declaration of Human Rights (UDHR). After discussion and public comment, the Council requested further clarification on what the adoption of the UDHR would mean for Mountain View, including the outcomes desired by enacting a human rights policy, the process for implementing such a policy, the experience of other jurisdictions that have adopted human rights policies, and a proposal that provided options for the Council to consider in 2016.

### **ANALYSIS**

In follow up to the Council direction given in July 2015, the HRC enlisted the assistance of student attorneys from the Santa Clara University School of Law International

Human Rights Clinic (IHRC) in early 2016 to assist in providing the information requested by the City Council. In response to the Council's questions, the IHRC prepared a FAQ document with information regarding the benefits and process of becoming a Human Rights City, obligations under international law, and fiscal impacts (Attachment 2).

### **Universal Declaration of Human Rights Resolution**

During several meetings, the HRC explored and supported a recommendation to the City Council that it consider adopting a resolution in support of the UDHR as a way to support the HRC's values of respect, inclusivity, and involvement. The benefits of being a Human Rights City identified by the student attorneys and discussed by the HRC include the guidance it would provide for City policies, the connection to a national network of resources, and an opportunity for recognition of the City's leadership. In response to the concern raised during earlier deliberations, the HRC confirmed that adopting a human rights resolution does not create an enforceable, legal obligation for the City to provide or guarantee a given right. At its October 6, 2016 meeting, the HRC reaffirmed its recommendation that the City Council adopt a resolution in support of the UDHR as an important, if largely symbolic, first step in the commitment to the principle of human rights (Exhibit A to Attachment 1).

### **Human Rights Policy Analysis Framework**

The IHRC also identified cities and counties that have adopted human rights policies and are utilizing assessment tools as part of their human rights priorities policy analysis. These include the City and County of San Francisco; King County, Washington; Seattle, Washington; Santa Clara County; and Eugene, Oregon. Human rights priorities for each of these cities and counties are wide ranging, and include gender equality, wage gap, racial equity, children's rights, affordable housing, education, social justice, environmental health, social equity, and economic impacts (Attachment 3).

Additionally, the assessment tools used for policy analysis vary by jurisdiction, with some cities and counties adopting ordinances based on the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and others adopting resolutions based on the UDHR. Despite differences in approach, all of the jurisdictions identified above have adopted policies or ordinances and institutionalized a human rights framework that guides official city and/or county policies.

The HRC proposes that the City Council consider adopting a human rights policy analysis tool based on the City of Eugene, Oregon's "Triple Bottom Line" short form

that assesses the impact of policy and legislative decisions, with the goal of promoting the desired human rights priorities and not negatively affecting the enjoyment of basic human rights.

An example of how the City of Eugene has utilized the “Triple Bottom Line” to assess potential policy and project impacts under consideration within their community are attached (Attachment 4). The analysis was utilized by Eugene’s Environmental Sustainability Committee and the Environmental Planning Commission, to assess the positive, negative, and neutral impacts that a proposed transit project could have on their community, examining the impacts through the human rights priority lens of social equity, economic impact, and environmental health.

Based on existing City priorities and values, the HRC recommends the City Council consider the human rights priorities of housing displacement, housing affordability, social equity, and economic prosperity. An example of how a human rights policy analysis framework could be utilized in Mountain View is provided in a proposed policy analysis tool (PAT) adapted from Eugene, Oregon’s “Triple Bottom Line” analysis (Attachment 5 to this Council report). The PAT includes the policy priority areas proposed by the HRC, along with suggested possible policy review questions that could be used to evaluate each of these human rights areas.

The HRC has provided these priority areas and policy review questions as an illustration for Council’s consideration. While the HRC feels these are important and relevant areas for Mountain View and the City’s current priorities, they offer them as suggestions that the Council may choose to add to, change, or modify.

### **Implementation Process**

In developing the human rights priority areas and a human rights policy analysis framework for Council consideration, the HRC acknowledges that their recommendation does not provide specifics for how the City might implement or operationalize the proposed framework.

The HRC emphasizes that it does not wish to dictate a staff process or create an extensive new program for implementing a human rights policy framework, recognizing City resource limitations and the need for flexibility. Instead, the HRC defers to Council and staff to determine the best path forward for adopting, operationalizing, and training staff to utilize a human rights policy analysis framework. The HRC suggests that, if adopted, this analysis of human rights impacts could be similar to other types of impact analysis prepared by staff, such as fiscal or environmental impact. The HRC believes it is meaningful for the City to state its

commitment and intention regarding the protection of human rights and recognizes that the way to implement this could evolve over time.

The way a local government operationalizes a Human Rights designation varies from city to city and is particular to the circumstances and preferences of each entity. And, while the adoption of a resolution to become a Human Rights City does not create a legal obligation to any particular action, there may reasonably be some expectation that a Human Rights City would follow through on its commitment in some tangible way. The process for reviewing the human rights implications of a given policy decision could be as involved or as limited as the City wishes it to be, ranging from a brief subjective assessment of the likelihood or nature of an impact of some kind to a data-driven process that measures against established standards. While staff has experience with other types of impact analysis (e.g., fiscal or environmental impact), these analyses tend to relate to objective, measurable impacts that are in context of adopted, and sometimes extensive, policy guidelines such as City budgets and State environmental law.

Because Council has not provided staff with direction to explore how to operationalize and implement a human rights policy analysis framework, there is still more to learn about how some of the local governments who have adopted a human rights policy framework went about it. For example, how much staff time is involved? How were they trained? What analysis do they conduct? How is this analysis included in the decision-making process? How do they address disagreement if constituents or others come forward with different perspectives or conclusions about staff's findings?

While staff believes that the City currently does a good job of taking into account community needs and values and assessing the potential for various types of impacts when bringing forward any course of action, it would be a new process to have an explicit analysis of human rights. This would require some level of subjectivity as well as training and ongoing staff resources at a time when the organization is strained. It would likely also lengthen the amount of time needed to prepare staff reports.

Should Council wish to proceed with a specific policy tool as proposed by the HRC, staff recommends returning to Council at a later date with a recommendation for how to operationalize and implement a human rights policy analysis framework, and an estimate of the one-time and ongoing staff impacts.

## **FISCAL IMPACT**

The fiscal impacts of these recommendations are unknown at this time.

## **ALTERNATIVES**

1. Do not accept the recommendation from the HRC that the City of Mountain View adopt a resolution to become a Human Rights City.
2. Do not accept the recommendation from the HRC to consider implementing a human rights policy analysis framework as a tool to analyze the impact of legislative decisions focusing on the priority areas of housing displacement, housing affordability, social equity, and economic prosperity.
3. Provide direction on other policy priority areas to consider.
4. Provide other direction.

**PUBLIC NOTICING** – Agenda posting and a copy to the HRC.

Prepared by:

Christina Gilmore  
Acting Assistant to the City Manager

Audrey Seymour Ramberg  
Assistant City Manager

Approved by:

Daniel H. Rich  
City Manager

CG-ASR/3/CAM  
608-12-13-16CR-E

- Attachments:
1. Draft Resolution  
EXHIBIT A Universal Declaration of Human Rights
  2. FAQ Regarding Becoming a Human Rights City
  3. Examples of Cities Using Human Rights Assessment Tools Locally
  4. Eugene, Oregon Triple Bottom Line Analysis of the West Eugene  
EmX Corridor Proposal
  5. Proposed Mountain View Priority Analysis Tool