



City Hall

3300 Capitol Ave, PO Box 5006, Fremont, CA 94537-5006

www.fremont.gov

Human Relations Commission Agenda

The Human Relations Commission (HRC) is a citizen commission appointed by the Fremont City Council. Human Relations Commission business is conducted in a public forum and operates within the provisions of the Brown Act. Information on the Brown Act may be obtained from the City Clerk's office at 3300 Capitol Avenue (phone 284-4060).

Pursuant to State of California Executive Order N-29-20 dated March 17, 2020, regarding the COVID-19 pandemic, the Human Resources Conference Room will not be open for the October 19, 2020 meeting of the Human Relations Commission. The meeting will be conducted remotely via Zoom.

The Public may watch and/or participate in the public meeting by joining the meeting through the Zoom Videoconference link provided below. The public may also join the meeting by calling the below listed teleconference phone number. Further instructions on how to make public comments throughout the videoconference or teleconference will be provided at the meeting.

If you are an individual with a disability and need a reasonable modification or accommodation pursuant to the Americans with Disabilities Act (ADA), please contact the Recording Secretary at sjeyakumar@fremont.gov or 510-574-2061 at least 24 hours prior to this meeting for assistance.

HOW TO JOIN OR MAKE A PUBLIC COMMENT ONLINE OR BY PHONE: The meeting will begin at 7:00pm PST. Whether you participate online or by phone, you may wish to "arrive" early so that you can address any technology questions prior to the start of the meeting.

ONLINE: <https://zoom.us/j/93107176828?pwd=WTA4bnVUbnZrcTBrcUldHaW9DZi9RZz09>

Password: 774013

When prompted, download and run the Zoom software on your computer. If you have not used Zoom on your computer before you may want to join the call 15 minutes early to test your configuration. Someone will be in the conference at that time to help you.

BY PHONE: US: +1 669 900 9128 Webinar ID: 931 0717 6828

Password: 774013,

International numbers available: <https://zoom.us/u/ap6AtFwnj>

General Order of Business

- | | | |
|-------------------------------|---------------------------|--------------------------|
| 1. Secretary Check for Quorum | 6. Written Communications | 11. Commission Referrals |
| 2. Call to order – 7:00 p.m. | 7. Announcements | 12. Committee Reports |
| 3. Roll call | 8. Consent Items | 13. Staff Reports |
| 4. Approval of Minutes | 9. Old Business | 14. Referral to Staff |
| 5. Oral Communications | 10. New Business | 15. Adjournment |

Order of Discussion

Generally, the order of discussion after introduction of an item by the Chair will include comments and information by staff followed by Human Relations Commissions questions, inquiries or discussion. The applicant, authorized representative, or interested citizens may then speak on the item. At the close of public discussion, the item will be considered by the Commission and action taken.

Oral Communications

Any person desiring to speak on a matter which is not scheduled on this agenda may do so under Oral Communications. The Human Relations Commission will take no action on an item which does not appear on the agenda. The item may be agendaized for the next regular meeting or at a special meeting called in accordance with the terms of the Brown Act. The Human Relations Commission may establish time limits of presentations.

Information about the City or items scheduled on the Agenda may be referred to:



Suzanne Shenfil, Director
Human Services Department
3300 Capitol Ave
Fremont, CA 94538
(510) 574-2051

Arquimides Caldera, Deputy Director
Human Services Department
3300 Capitol Ave.
Fremont, CA 94538
(510) 574-2056

Your interest in the conduct of your City's business is appreciated.

Human Relations Commission

Dharminder Dewan - Vice Chair
Tejinder Dhami
Dr. Sonia Khan
Lance Kwan
Patricia Montejano
Julie Moore - Chair
Shobana Ramamurthi
Cullen Tiernan

City Staff

Suzanne Shenfil, Human Services Director
Arquimides Caldera, Deputy Human Services
Director
Shanti Jeyakumar, Recording Secretary

Mission Statement

The City of Fremont’s Human Relations Commission (HRC) strives to prevent discrimination and ensure that the rights of all individuals and groups in Fremont are protected under the law. The HRC promotes, supports, and helps create a compassionate community environment where diversity is honored and respected, neighbors reach out and support each other, and the most vulnerable receive services; to allow all a high quality of life in a community where we live, learn, work, and play in peace and harmony.

AGENDA
HUMAN RELATIONS COMMISSION
REGULAR MEETING
MONDAY, OCTOBER 19, 2020
7:00 P.M.

1. **SECRETARY CALL FOR QUORUM**

2. **CALL TO ORDER**

3. **ROLL CALL**

Remembrance and Moment of Silence for Commissioner Feda Almaliti and her son Muhammed. (*Enclosure 3.1 – Resolution in Honor of Feda Almaliti*)

4. **APPROVAL OF MINUTES**

4.1 Approve July 20, 2020 Minutes (*Enclosure 4.1*)

4.2 Approve September 21, 2020 Minutes (*Enclosure 4.2*)

5. **ORAL COMMUNICATIONS**

6. **WRITTEN COMMUNICATIONS**

7. **ANNOUNCEMENTS**

8. **CONSENT ITEMS**

8.1 Attendance Summary (*Enclosure 8.1.1*)

8.2 Calendar of HRC regular/special meetings and events. (*Enclosure 8.2.1*)

9. **OLD BUSINESS**

9.1 **Venmo Complaint**

At the September 21, 2020 HRC meeting, Ms. Moina Shaiq, a resident of Fremont, represented legally by Ammad Rafiqi of the Council on American-Islamic Relations, San Francisco Bay Area (CAIR-SFBA), submitted a complaint to the HRC, against Venmo, LLC, a mobile payment services company, for processes and policies that she believes singles out individuals from Arab, Middle Eastern, Muslim and South Asian (AMEMSA) communities and made Ms. Shaiq feel discriminated against and unwelcome, purely on account of her identity.

The complaint (*Enclosure 9.1.1*), is based on a transaction made by Ms. Shaiq on June 3, 2020 described in paragraphs 5 through 10. According to Ms. Shaiq, Venmo flagged and restricted a \$100 transfer made by Ms. Shaiq to her

brother to support Syrian refugees in Atlanta Georgia. Venmo flagged this transaction based on Ms. Shaiq writing “Syria” in the memo for the transaction. As of September 21, 2020, the \$100 transaction continued to be withheld with neither a refund nor a cancellation being issued to Ms. Shaiq. According to the Venmo blog post references on page 5 of the complaint,

Venmo indicates that they screen certain payment activities to comply with economic sanctions lists and programs maintained by the U.S. Department of the Treasury’s Office of Foreign Assets Control (OFAC).

At the September 21, 2020 HRC meeting, the Commission voted to direct staff, including City Attorney staff, to draft a letter to Venmo, to be brought back to the HRC at its next meeting on October 19, 2020. The letter would ask Venmo to clarify its OFAC compliance policies, including algorithms currently in place to flag individual payments, like the one described by Ms. Shaiq, and urge Venmo to return Ms. Shaiq’s \$100.

Subsequently, an attorney from Venmo contacted the City and requested a copy of the complaint. Staff provided a copy of the complaint and put Venmo’s attorney in contact with Mr. Rafiqi, and they are in communication.

Commissioners also requested that staff include a copy of the Compassionate Sanctuary City Proclamation with this item. (*Enclosure 9.1.2*)

Staff has drafted the letter (Enclosure 9.1.3) for HRC approval. This letter has been reviewed and approved by the City Attorney’s Office.

- Enclosure:**
- 9.1.1 – M. Shaiq Venmo Complaint
 - 9.1.2 – City of Fremont Compassionate Sanctuary City Proclamation
 - 9.1.3 – Draft HRC Letter to Venmo

RECOMMENDATION: Direct staff to send the enclosed letter, as drafted by staff, to Venmo.

9.2 Further Consideration of City of Fremont Participation in the Local Government Alliance on Race and Equity (GARE)

BACKGROUND: According to the GARE’s website, its membership network is composed of over 80 jurisdictions at the forefront of local and regional government’s work to advance racial equity. The organization provides training, examples of best practices and tools for Racial Equity. Information and training can be applied across a city government organization. GARE also provides tools to increase the capacity of people of color to strengthen their communities and determine their own future and that of their neighborhoods.

At the June 15, 2020 HRC meeting, Commissioners Khan, Dewan, Moore and Dhami volunteered to sign up for GARE orientation sessions and report back to the Commission with their assessment of GARE and whether this organization help the City of Fremont address racial equity issues.

At its July 20, 2020 meeting, the HRC received a report-out from Commissioners on their assessment of GARE and voted to table this item to the regular HRC meeting in October 2020.

Enclosure: None

RECOMMENDATION: Receive update from Commissioners on their assessment of whether GARE could help the City of Fremont address racial equity issues. If appropriate, make a recommendation to the City regarding feasibility and effectiveness of joining and participating in GARE.

10. **NEW BUSINESS** (Items on which the Commission has not yet had an agendaized discussion or taken action)

10.1 **City of Fremont Climate Action Plan Update**

BACKGROUND: Staff from the City’s Sustainability Division will provide an overview of Fremont’s Climate Action Plan update effort. This will include a summary of City-led climate action and sustainability initiatives to date, progress toward greenhouse gas emissions reductions goals, vision for the Climate Action Plan update, and timeline for the plan development and community outreach efforts.

The Human Relations Commission will then have the opportunity to ask questions and provide comments to staff.

Enclosure: None

RECOMMENDATION: Receive report, provide comments, and take action as appropriate.

10.2 **Addressing Hate Speech**

BACKGROUND: On September 21, 2020, the Commission directed staff to provide recommendations to combat hate speech, citing recent social media posts related to public office candidates. On Friday, October 9, ABC News 7 reported on a mother and daughter in Fremont that were subject to a racist rant. <https://abc7news.com/racism-fremont-racist-rant-mother-and-daughter-asian-american/6901188/>

In Item 13.1 of the September 21, 2020 agenda, staff provided three possible anti-hate crimes resources, and has re-printed them below. The Commission may direct the public to these resources. These resources inform the public on where to report possible hate crimes. These resources also provide information to help differentiate between hate crimes, which are criminal acts, and hate incidents, which, while antithetical the City of Fremont's stated policies and the HRC's mission, are subject to First Amendment freedom of speech protections. The three resources mentioned above include:

- A copy of the City's current [hate crimes brochure](#), addressing how to report hate crimes in the City (Enclosure 10.1.1).
- a website to collect and track incidents of anti-Asian American and Pacific Islander hate, violence, and discrimination: <http://www.asianpacificpolicyandplanningcouncil.org/stop-aapi-hate/>. The website was created by the the Asian Pacific Islander Legislative Caucus, in partnership with the Asian Pacific Planning and Policy Council (A3PCON), among other agencies, in response to the escalation of xenophobia and bigotry related to COVID-19,
- a public information tool kit (<https://oag.ca.gov/hatecrimes>) referenced in a letter from the California Department of Justice to Facebook, calling on the company to take additional steps to combat the spread of hate and disinformation on the social media platform.

Enclosure: 10.1.1 – City of Fremont Hate Crimes Brochure

RECOMMENDATION: Receive report, provide comments, and make a public statement opposing hate speech in all its forms.

11. **COMMISSION REFERRALS** (Referrals from the City Council to the Commission)

12. **COMMITTEE REPORTS**

12.1 **Financial Resources Committee to fund HRC sponsored events**

COMMITTEE BACKGROUND: Chair Moore, Vice-Chair Dewan, and Commissioner Ramamurthi work to create and implement a sustainable fundraising strategy for HRC sponsored events.

RECOMMENDATION: Receive update and take action as needed.

12.2 **LGBTQ Committee**

COMMITTEE BACKGROUND: Commissioners Kwan, Montejano, and Dhami sit on the LGBTQ Committee.

RECOMMENDATION: Receive updates from Committee and take action as needed.

12.3 Ad Hoc Committee Reports

12.4 Liaison Reports

12.4.1 Union City HRC: Commissioner Tiernan is the HRC's liaison for the Union City HRC.

RECOMMENDATION: Receive update

12.4.2 FRC CAEB: Vice-Chair Dewan is the HRC's liaison for the FRC CAEB.

RECOMMENDATION: Receive update

12.4.3 FUSD: Commissioner Khan is the HRC's liaison for FUSD.

RECOMMENDATION: Receive update

13 STAFF REPORTS

14. REFERRALS TO STAFF (a request to have items placed on a future Commission agenda as an item of new business. A vote against means it will be dropped without consideration).

15. ADJOURNMENT

Adjourn in Memory of Commissioner Feda Almaliti and her son Muhammed.

Fremont, California

RESOLUTION NO. 016-2021

A JOINT RESOLUTION HONORING FEDA ALMALITI (Feda Sala)

WHEREAS, the Fremont Unified School District (FUSD) and the City of Fremont and the broader special education community lost a tremendously valued member and leader on September 25, 2020, with the death of Feda Almaliti and her beloved son Muhammed; and

WHEREAS, Feda Almaliti was a relentlessly tenacious and unapologetically genuine advocate for students with disabilities, particularly those with autism, at the local, state and federal levels; and

WHEREAS, Feda Almaliti was an unstoppable, fiercely driven force in changing the services available to children with autism by teaming with state legislators to pass Senate Bill 946 which required insurance companies to pay for services such as speech and occupational therapy; and

WHEREAS, Feda Almaliti was an inspiring mentor to families of children with disabilities encouraging them in no uncertain terms to seek what they need for their children; and

WHEREAS, Feda Almaliti was the current Vice President of the National Council of Severe Autism, a previous Chairperson of the Mission Valley Community Advisory Committee and a founding member of the Fremont Special Education Task Force and Special Education District Advisory Committee; and

WHEREAS, Feda Almaliti served her community as Human Relations Commissioner as well as other advocacy roles for the City of Fremont; and

WHEREAS, Feda Almaliti was the co-host of a podcast, called “The Scoop”, which addressed issues in the autism community with humor, authenticity and compassion; and

WHEREAS, Feda Almaliti inspired so many through her great passion, her colorful language, and her ability to draw you in by sharing her compelling story which galvanized people to take action; and

WHEREAS, Feda Almaliti was an unconventional yet ardent lover of hip hop music, Adidas, a generous host and a connoisseur of Mediterranean cuisine; and the eldest of 10 children; and

WHEREAS, Feda Almaliti was a hero, a trailblazer, irreverent and undaunted, she was above all else a dedicated and loving mother to three young men and fought fervently for each of them, literally up until her last breath.

NOW THEREFORE, BE IT RESOLVED that the Fremont Unified School District Board of Trustees and the Fremont City Council recognize the significant contributions of Feda Almaliti throughout the course of her distinguished career in advocacy and mourn her death.

FURTHERMORE, BE IT RESOLVED that the Fremont Unified School District Board of Trustees and the Fremont City Council honor the memory of Feda Almaliti, celebrate her legacy of advocacy for individuals with disabilities, remember her service to her community and extend their sincerest condolences to her friends and family.

Adopted this 5th day of the month of October in 2020.

Ayes:

Nays:

Abstain:

For the Fremont Unified School District:

Desrie Campbell, President

Larry Sweeney, Vice President

Ann Crosbie, Clerk

Dianne Jones, Member

Michele Berke, Member

Zayaan Khan, Student Member

For the City of Fremont:

Lily Mei, Mayor

Jenny Kassan, Vice Mayor

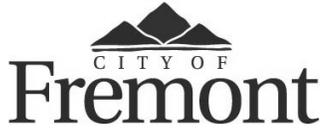
Vinnie Bacon, Councilmember

Raj Salwan, Councilmember

Teresa Keng, Councilmember

Rick Jones, Councilmember

Yang Shao, Councilmember



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MINUTES
 HUMAN RELATIONS COMMISSION
 REGULAR MEETING
 MONDAY, JULY 20, 2020
 VIRTUAL ZOOM MEETING
 7:00 P.M.

1. **SECRETARY CALL FOR QUORUM**
2. **CALL TO ORDER**
3. **ROLL CALL**

Present: Chair Moore, Vice Chair Dewan, Commissioners Dhami, Kwan, Montejano, Ramamurthi, and Tiernan
 Commissioner Almaliti attended the meeting from approximately 7:30pm – 8:15 p.m.

Absent: Commissioner Khan

Staff Present: Director Shenfil, Dpty. Director Caldera, Homeless Services Manager Flores, Sr. Accounting Specialist Jeyakumar

4. **APPROVAL OF MINUTES**

June 15, 2020 Minutes: A motion was made by Commissioner Kwan, and seconded by Commissioner Dewan, to approve the June minutes. The motion passed as follows:

Yes	No	Abstain	Absent
			Almaliti
Dewan			
Dhami			
			Khan
Kwan			
Montejano			
Moore			
Ramamurthi			
Tiernan			

5. **ORAL COMMUNICATIONS**
6. **WRITTEN COMMUNICATIONS**
7. **ANNOUNCEMENTS**

8. CONSENT ITEMS

HRC August Recess

A motion was made by Vice Chair Dewan and seconded by Commissioner Kwan to cancel the regular HRC meeting for August 2020. The motion passed as follows:

Yes	No	Abstain	Absent
Almaliti			
Dewan			
Dhami			
			Khan
Kwan			
Montejano			
Moore			
Ramamurthi			
Tiernan			

9. OLD BUSINESS

9.1 Further Consideration of City of Fremont Participation in the Local Government Alliance on Race and Equity (GARE)

Chair Moore attended the orientation and reported that there were 65 participants, which is a significant increase to previous orientations. She noted:

- Staff would need to be specifically assigned to work on GARE initiatives on three teams – Core Team, Leadership Team and Action Team
- GARE Basic fee is \$8,000, which provides access to digital resources.
- Any additional resources are based on a fee for service
- Benefits obtained by the registered entity is commensurate to the work invested. In other words, you get out what you put in to it.

Vice-Chair Dewan reported that he reviewed GARE’s website and noted:

- several states and cities are members of GARE.

Staff noted that the City is focused on carrying out the Stakeholder meetings on policing and race, for which they have hired a consultant. In view of the current budget crisis, the City does not have the resources to participate in GARE.

A motion was made by Commissioner Kwan and seconded by Commissioner Tiernan to table this item to the regular HRC meeting in November 2020. The motion passed as follows:

Yes	No	Abstain	Absent
Almaliti			
Dewan			
Dhami			
			Khan
Kwan			
Montejano			
Moore			
Ramamurthi			
Tiernan			

10. NEW BUSINESS (Items on which the Commission has not yet had an agendized discussion or taken action)

10.1 HRC Training

Staff reviewed the process for deciding on a HRC virtual training topic and date. Commissioners had reviewed and ranked the three options provided by CircleUp Education, who will be facilitating the training. The ‘Diversity Uncovered and Implicit Bias’ module ranked the highest amongst the group. Suggested dates for the virtual retreat, in order of availability were: August 1, 29 and 15, 2020.

A motion was made by Commissioner Tiernan and seconded by Commissioner Kwan to pick Module B, “Diversity Uncovered and Implicit Bias”. The module will be adapted to include a didactic overview of institutional racism if amenable to CircleUp. The motion passed as follows:

Yes	No	Abstain	Absent
Almaliti			
Dewan			
Dhami			
			Khan
Kwan			
Montejano			
Moore			
Ramamurthi			
Tiernan			

10.2 Delivery of Medical Marijuana in Fremont

Staff does not have additional information.

10.3 Education Equity Coordinator Discussion

Staff reported that they did not have any new information on this subject. Commissioner Kwan remarked that since this item had been referred by Commissioner Khan, it should be tabled to the September meeting.

A motion was made by Commissioner Kwan, seconded by Commissioner Dewan to table this agenda item to the regular HRC meeting in September. The motion passed as follows:

Yes	No	Abstain	Absent
Almaliti			
Dewan			
Dhami			
			Khan
Kwan			
Montejano			
Moore			
Ramamurthi			
Tiernan			

11. COMMISSION REFERRALS (Referrals from the City Council to the Commission)

None

12. COMMITTEE REPORTS

12.1 Financial Resources Committee to fund HRC sponsored events

Chair Moore confirmed that the HRC had sponsored a planter towards the beautification project for the Homeless Navigation Center.

12.2 LGBTQ Committee

Commissioner Kwan reported that the Pride Parade was virtual this year.

12.3 Ad Hoc Committee Reports

12.4 Liaison Reports

12.4.1 Union City HRC

Commissioner Tiernan reported that Union City HRC’s Chair is leaving for the New Haven School Board. A sub-committee has been formed on policing and community engagement. The meeting this month will be virtual.

Staff informed the Commission that Human Services had formed a partnership with Union City to deploy the Mobile Hygiene Unit to Union City in addition to

sites in Fremont. The unit will be going to two sites in Union City - Ruggieri Senior Center and Our Lady of the Rosary Church.

Staff also conveyed that the Family Resouce Center, who had successfully completed the CARES Rent Relief Program, will be administering a similar rent relief program for Union City.

12.4.2 FRC CAEB

Nothing to report

12.4.3 FUSD

Chairperson Moore reported that the new Superintendent, Christopher ‘CJ’ Cammack will be starting August 1, 2020.

13 STAFF REPORTS

13.1 Follow up on June 15, 2020 Commission Recommendation on MET team.

Staff conveyed that a new officer, Jason Alvera has joined the MET team.

13.2 Stakeholder Meetings to Discuss Fremont Police Department and Race

Staff conveyed that the first two of the six stakeholder meetings had been conducted. Chairperson Moore urged the Commissioners to take the survey if they haven’t done so already.

14. REFERRALS TO STAFF

There were no referrals to staff.

15. ADJOURNMENT

Commissioner Kwan motioned to adjourn. Commissioner Tiernan seconded the motion. The motion passed as follows and the meeting adjourned at 8:33PM.

Yes	No	Abstain	Absent
			Almaliti
Dewan			
Dhami			
			Khan
Kwan			
Montejano			
Moore			
Ramamurthi			
Tiernan			

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MINUTES
HUMAN RELATIONS COMMISSION
REGULAR MEETING
MONDAY, SEPTEMBER 21, 2020
VIRTUAL ZOOM MEETING
7:00 P.M.

1. **SECRETARY CALL FOR QUORUM**
2. **CALL TO ORDER**
3. **ROLL CALL**

Present: Chair Moore, Vice Chair Dewan, Commissioners, Dhami, Khan, Kwan, Montejano, Ramamurthi, and Tiernan

Absent: Commissioner Almaliti

Staff Present: Director Shenfil, Dpty. Director Caldera, Sr. Accounting Specialist Jeyakumar

4. **APPROVAL OF MINUTES**

The approval of July 20, 2020 minutes was tabled to the next meeting on October 19, 2020.

5. **ORAL COMMUNICATIONS**

Ms. Shaiq reported that she along with other congregate members meet regularly at Niles Park every Friday at around 1:30 p.m. to pray. During the prayer time on Friday, September 18th, a Caucasian couple, who was at close proximity, listening to their prayer, started yelling profanity at them. The children in the congregation were clearly traumatized. A photo of the license plate belonging to the Caucasian couple was provided to the Fremont Police Department, along with a report of the hate crime.

Kelly, Mission Peak Conservancy, reported that a similar incident had occurred in the East Bay Regional Park in Castro Valley two years back.

Kelly also reported that per SJ Mercury and SF Chronicle, Palo Alto keeps non-residents out of a city park; the ACLU filed suit last week to stop this "unconstitutional" practice. According to Ms. Kelly these restrictions are "a legacy of the city's history of racial discrimination," which are opposed by the current mayor of Palo Alto.

Residents near Mission Peak in Fremont had a similar proposal a few years ago, for entry restrictions or tiered hiker fees to favor residents.

6. WRITTEN COMMUNICATIONS

7. ANNOUNCEMENTS

8. CONSENT ITEMS

8.1 Attendance Summary

Enclosure 8.1.1 will be available at the next meeting.

Vice Chair Dewan motioned to address Item #10, New Business before taking on the Item #9, Old Business. Commissioner Kwan seconded the motion. The motion passed as follows:

Yes	No	Abstain	Absent
Dewan			Almaliti
Dhami			
Khan			
Kwan			
Montejano			
Moore			
Ramamurthi			
Tiernan			

9. OLD BUSINESS

9.1 HRC Training - Review

Staff provided a report from Circle-Up on the evaluation of the Diversity Uncovered Training on August 29, 2020. There was Commissioner consensus the training was productive and that they would recommend it for all City staff.

9.2 Education Equity Coordinator Discussion

Commissioner Khan reported that there was no additional information on the Education Equity Coordinator position and requested this item be tabled for a future meeting.

10 NEW BUSINESS (Items on which the Commission has not yet had an agendaized discussion or taken action)

10.1 Venmo Complaint

Ms. Moina Shaiq’s Attorney, Mr. Ammand Rafiqi, Council on American Islamic Relations, San Francisco Bay Area summarized the transaction which led to Ms. Shaiq lodging a complaint against Venmo.

Mr. Rafiqi requested the following for his client:

- Grant Ms. Shaiq a public apology
- Provide a full refund to Ms. Shaiq
- Ensure that such discriminatory incidents do not occur to other citizens

Commissioner Khan motioned to direct staff, including City Attorney’s office, to draft a letter to Venmo, to be brought back to the HRC at the next meeting. The letter should clarify Venmo’s OFAC compliance policies, including algorithms currently in place to flag individual payments, like the one described by Ms. Shaiq, and urge Venmo to return Ms. Shaiq’s \$100. Commissioner Kwan seconded the motion. The motion passed as follows:

Yes	No	Abstain	Absent
Dewan			Almaliti
Dhami			
Khan			
Kwan			
Montejano			
Moore			
Ramamurthi			
Tiernan			

Commissioner Kwan motioned to refer said letter, upon approval by the Fremont Human Relation Commission, to the City of Fremont City Council and Mayor for the next available City council meeting, based on the intent of the Compassionate Sanctuary City charter signed into City of Fremont. Commissioner Dewan seconded the motion. The motion failed:

Yes	No	Abstain	Absent
	Dewan		Almaliti
	Dhami		
	Khan		
	Kwan		
	Montejano		
	Moore		
	Ramamurthi		
	Tiernan		

11. COMMISSION REFERRALS (Referrals from the City Council to the Commission)

12. COMMITTEE REPORTS

12.1 Financial Resources Committee to fund HRC sponsored events

No updates.

12.2 LGBTQ Committee

No updates.

12.3 Ad Hoc Committee Reports

12.4 Liaison Reports

12.4.1 Union City Human Relations Commission

Commissioner Tiernan reported that Union City reviewed the COVID-19 responses with staff and posted COVID-19 related information in multiple languages for residents. Staff conveyed that Union City and Newark have requested help with their Rental Assistance Program, as Fremont has successfully carried out the program.

12.4.2 FRC Community Advisory and Engagement Board (CAEB)

Vice Chair Dewan reported that the Community Advisory and Engagement Board meeting went off very well. He particularly wanted to highlight the video on the Homeless Navigation Center and reported that it was very impressive.

Vice Chair Dewan further reported that 75-80% of the 2018-2023 Plan was accomplished. He also reported that FRC was featured in KTVU's Zip Trips.

12.4.3 Fremont Unified School District (FUSD)

Commissioner Khan reported that there was not much to report at the moment. The School District is grappling with current problems arising out of COVID-19, e.g. children of essential workers not being able to attend in person school, children who do not have access to internet bandwidth in order to maintain classroom attendance in Zoom.

13 STAFF REPORTS

13.1 Attorney General Information on Hate Crimes

Staff provided three resources for reporting hate crimes.

13.2 Opening of Housing Navigation Center

The virtual opening event of the Housing Navigation Center was carried out successfully. Staff shared photos of the planter donated by HRC.

Commissioners were extremely impressed by the event video.

13.3 Stakeholder Meetings on Policing and Race

Staff reviewed the recommendations provided by Fremont Police Department as a result of the stakeholder meetings and survey. The recommendations will be presented to the City Council in October 2020.

14. REFERRALS TO STAFF (a request to have items placed on a future Commission agenda as an item of new business. A vote against means it will be dropped without consideration).

14.1 Hate Tweets Directed at Candidates

Commissioner Kwan reported that hate tweets were sent to some of the Fremont candidates running for office.

Chair Moore motioned to direct staff to provide recommendations to combat hate speech, specifically hate communication around political candidates. Commissioner Kwan seconded the motion. The motion passed as follows:

Yes	No	Abstain	Absent
			Almaliti
			Dewan
Dhami			
Khan			
Kwan			
Montejano			
Moore			
Ramamurthi			
Tiernan			

15. ADJOURNMENT

Commissioner Tiernan motioned to adjourn. Commissioner Dhami seconded the motion. The motion passed as follows and the meeting adjourned at 9:25PM.

Yes	No	Abstain	Absent
			Almaliti
			Dewan
Dhami			
Khan			
Kwan			
Montejano			
Moore			
Ramamurthi			
Tiernan			

"Green Sheet" for 10/19/20 HRC Meeting

Enclosure 6.1

Written Communication

Date: Saturday, October 17, 2020 at 3:16 PM

Subject: Audit/verification of city self-reported inventory of greenhouse gas emissions (Climate Action Plan)

Written Communication to HUMAN RELATIONS COMMISSION
Meeting of October 19, 2020

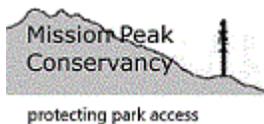
Ms. DiFranco and Ms. Shenfil,

NASA funded a city-by-city study of carbon emissions that was released last month. The study reports the following:

- "Cities account for roughly 70% of the global emissions of fossil fuel carbon dioxide. Understanding where and when these emissions occur is critical to...guiding the steps needed to lower these emissions."
- The study offers "a high-resolution estimate of FFCO2 emissions in every U.S. city, obviating costly development of self-reported urban inventories..."
- This provides "a large potential savings of time and effort for cities planning to develop self-reported city inventories..."

Auditing is essential to verify accounting inventories and expenditures. Auditing is also required for carbon accounting. Would the city consider validating/cross-referencing its own reports of carbon emissions in the Climate Action Plan against the study from Northern Arizona University?

— Kelly
Mission Peak Conservancy



Vulcan video, two minutes: youtu.be/6-H2l1anhYo

Scientific paper: <https://agupubs.onlinelibrary.wiley.com/doi/10.1029/2020JD032974>

Climate Action Plan: fremont.gov/DocumentCenter/View/46047/Climate-Action-Plan-Community-Workshop-92220

Research Article |  Open Access | 

The Vulcan Version 3.0 High-Resolution Fossil Fuel CO₂ Emissions for the United States

Kevin R. Gurney , Jianming Liang, Risa Patarasuk, Yang Song, Jianhua Huang, Geoffrey Roest

First published: 15 September 2020 | <https://doi.org/10.1029/2020JD032974>

Links in the message (1)

	 Vulcan V3 0 animation
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CITY OF FREMONT

Boards, Commissions, and Committees Attendance Record

HUMAN RELATIONS COMMISSION

Suzanne Shenfil
Attachment 8.1.1

Member	Meeting Dates						
	07/20/2020	08/29/2020	09/21/2020	10/19/2020	11/16/2020	12/21/2020	
MEETING TYPE	R	S - Training	R	R	R	R	
Feda Almaliti	P	P	A				
Dr. Sonia Khan	A	A	P				
Dharminder Dewan	P	P	P				
Shobana Ramamurthi	P	P	P				
Lance Kwan	P	P	P				
Patricia Montejano	P	P	P				
Tejinder "TJ" Dhani	P	P	P				
Julie Moore	P	P	P				
Cullen Tiernan	P	P	P				

Attendance Codes

P - Present A - Absent E - Excused Absence

Meeting Codes

R - Regular Meeting S - Special Meeting L - Lack of Quorum C - Cancelled Meeting for lack of business

*** Due to lack of Quorum, absence does not affect eligibility.**

Commissioners can not have two unexcused meetings in a row in a one year time frame AND

Commissioners can not have three unexcused meetings in a 6 month time period. Jan - June and July - December

2020 HRC Calendar

January 27, 2020	Regular Meeting	7:00 PM –HR Training Room
February 24, 2020	Regular Meeting	7:00 PM –HR Training Room
March 16, 2020	Cancelled	
April 20, 2020	Cancelled	
May 18, 2020	Regular Meeting	ZOOM
June 15, 2020	Regular Meeting	ZOOM
June 27 – 28, 2020	SF Pride Virtual Celebrations	Virtual
July 20, 2020	Regular Meeting	ZOOM
August 29, 2020	Special Meeting – Training	Virtual
September 21, 2020	Regular Meeting	ZOOM
October 19, 2020	Regular Meeting	ZOOM
November 16, 2020	Regular Meeting	7:00 PM –HR Training Room
December 21, 2020	Regular Meeting	7:00 PM –HR Training Room

CITY OF FREMONT
HUMAN RELATIONS COMMISSION HEARING

-----x

In the matter of the complaint of:

VERIFIED COMPLAINT

MOINA SHAIQ,

Complaint No.

Complainant,
-against-

VENMO, LLC

Respondent.

-----x

Complainant Ms. Moina Shaiq (“Ms. Shaiq”), by and through her attorney(s), the Council on American-Islamic Relations, San Francisco Bay Area (“CAIR-SFBA”), brings this complaint against Respondent Venmo, LLC (“Venmo”) and respectfully alleges:

1. This complaint arises from the fact that Arab, Middle Eastern, Muslim, and South Asian (AMEMSA) Fremonters like Ms. Shaiq have been denied the ability to use Venmo’s mobile payment service, to transfer funds for a host of ordinary and constitutionally protected activities like donating for charitable purposes and paying friends and colleagues for meals, purely on account of their race, religion, or patronage of restaurants of certain ethnicities. The ease of paying someone using a payment processor should not depend on whether someone is Muslim, Arab, or South Asian.
2. Banking while Muslim is not a crime. Yet, a growing number of financial institutions, including Respondent Venmo, are engaged in discriminatory banking practices that single out and criminalize consumers on the basis on their real or perceived identities such as their Muslim faith. These discriminatory practices stigmatize individuals because of their religion, race, or ethnicity and cause fear and emotional distress, which are protected characteristics under state and federal law. Without access to the financial

institutions that enable commerce, Muslim Americans including Fremonters will be unable to participate fully in the economy nor will they be able to complete basic essential transactions necessary for civic life such as paying rent and making utility payments.

PARTIES IN THE COMPLAINT

1. Complainant, Ms. Moina Shaiq, is a community advocate, a previous Fremont Human Relations Commissioner and former candidate for Fremont School Board, residing in Fremont, CA. Ms. Shaiq is a Muslim woman, who has been instrumental in bringing together Fremonters of diverse faiths and backgrounds through her work as a Commissioner and organizer of ‘Meet a Muslim’ events in Fremont. The transaction at issue in the incident described below occurred on June 3, 2020.

2. Respondent Venmo is a mobile payment service company owned by PayPal Holdings, Inc. Venmo account holders can transfer funds to others through the use of a mobile phone application. Venmo operates throughout the United States. Importantly, using Venmo requires a U.S. bank account or debit card.

3. Upon information and belief, Respondent Venmo is a New York business entity with an address of 95 Morton Street, Floor 5, New York, NY 10014. Respondent Venmo operates an office in San Francisco, CA with an address of 123 Townsend St #6, San Francisco, CA 94107.

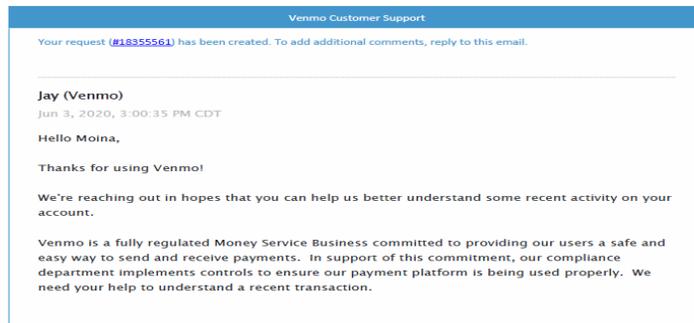
4. Respondent Venmo is a “business establishment” as defined by California’s Fair Employment and Housing Act (“FEHA”). *See* Unruh Civil Rights Act, California Civil Code § 51, (All persons within the jurisdiction of this state are free and equal, and no matter what their sex, race, color, religion, ancestry, national origin, or disability are entitled to the full and equal

accommodations, advantages, facilities, privileges, or services in *all business establishments of every kind whatsoever*(emphasis added).

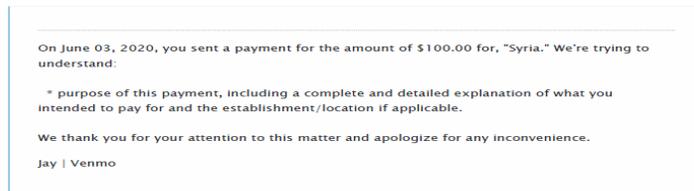
STATEMENT OF FACTS

5. On June 3, 2020, Ms. Shaiq had a conversation with her brother, a resident of Atlanta regarding sending him money through Venmo as a donation to support a Syrian refugee in Atlanta who was assisting other refugees in the area. To facilitate the donation, Ms. Shaiq sent a payment of \$100.00 through Venmo to her brother.

6. What should have been a simple \$100.00 donation was far from it. Respondent Venmo flagged and restricted the payment, preventing Ms. Shaiq from making her intended donation. Several hours later, Ms. Shaiq got an email from a Venmo representative asking about her reference to 'Syria' in the memo of the transaction and requesting she provide the "purpose of this payment, including a complete and detailed explanation of what [she] intended to pay for and the establishment/location if applicable." See below:



1



THIS EMAIL IS A SERVICE FROM VENMO.
[Venmo Customer Support](#)

7. The term “Syria” is a reference to the Middle Eastern nation of Syria, which is undergoing a civil war and is demographically a Muslim-majority country. Ms. Shaiq alleges that the term “Syria” was flagged for referencing a country vilified and targeted unfairly for terrorist activity and for Syrian refugees fleeing the conflict being demonized by President Trump’s Muslim Ban. Therefore, the filtering of payments with the term “Syria” by Respondent Venmo singles out Muslims and those perceived as being of Arab or Syrian background.

8. As of September 2020, the \$100 transaction continues to be withheld with neither a refund nor a cancellation being issued to Ms. Shaiq. The explanation given to Ms. Shaiq by Venmo representatives is that unless the counter party i.e. her brother responds, the payment would continue to be held indefinitely.

9. Ms. Shaiq’s brother, who is also of Muslim and South Asian background, is concerned that being flagged for this payment will impact his ability to conduct future financial transactions including but not limited to: closure of bank account(s), placement on federal watchlists and denial of loans. Ms. Shaiq has opted to refuse the donation payment in response and remain anonymous in this complaint for those reasons.

10. Respondent Venmo’s flagging of the payment, how they treated her, and failure to provide any explanation as to their processes for singling out individuals from Arab, Middle Eastern, Muslim and South Asian (AMEMSA) communities had made Ms. Shaiq feel discriminated against and unwelcome, purely on account of her identity.

11. Respondent Venmo indicates that they screen certain payment activities to comply with financial sanctions lists and programs maintained by the U.S. Department of the Treasury. “Venmo, like other U.S. financial institutions, screens payment activity and flags any payments that may violate U.S. economic sanctions administered by the U.S. Department of the Treasury’s Office of Foreign Assets Control (OFAC).” *Keeping the Venmo Community Secure - The Company’s Approach to*

OFAC Compliance, THE OFFICIAL VENMO BLOG, <http://blog.venmo.com/2016/3/12/keeping-the-venmo-community-secure> (last updated Mar. 2020).

12. However, Venmo’s attempts to comply with OFAC sanctions do not give it a blanket license to discriminate without restrictions. The manner of Venmo’s treatment of Ms. Shaiq, as well as reported evidence of its blocking of transactions involving Muslims, Arabs, and South Asians generally, reveals that its OFAC policy is overbroad and has a disparate impact against these communities. Moreover, this disparate impact is intentional, willful and a product of affirmative knowing actions by Venmo.

13. Ms. Shaiq’s experience also mirrors those of other Muslim users of Respondent Venmo’s mobile payment services. Similar reports exemplifying discriminatory practices and singling out Muslims have been reported nationwide as individuals such as Ms. Shahana Hanif (“Ms.Hanif”) who has filed a discrimination complaint with the New York City Human Rights Commission against Respondent Venmo. Ms. Hanif’s complaint alleges that the term “Al-Aqsa” was flagged for being parallel to the Al-Aqsa Mosque, one of the holiest sites in Islam, and therefore that Venmo’s filtering of payments with the term “Al-Aqsa” singles out Muslims. When Ms. Hanif shared her experience on Twitter, multiple users quickly reported similar experiences on account of identifiers related to Islam or Arabic terms. *See Shahana Hanif v. Venmo, LLC*, City of New York Commission on Human Rights, July 21, 2020, <https://static1.squarespace.com/static/57db6af7f7e0abec41695d80/t/5f16f317a6fe1d6238b67db1/1595339543750/Hanif+v.+Venmo+Complaint1.pdf>; *See, e.g.*, Shahana Hanif (@ShahanaFromBK), Twitter (Dec. 23, 2019, 5:57 PM), <https://twitter.com/ShahanaFromBK/status/1209291962966261760> (reporting flagged payment to a friend for meal at Al-Aqsa restaurant); Youssef Kalad (@youssefkalad), Twitter (Dec. 23, 2019, 8:30 PM), <https://twitter.com/youssefkalad/status/1209332716245786626> (reporting flagged

payment of ticket to a Syrian play); Hiba (@_7iba), Twitter (Dec. 23, 2019, 10:08 PM), https://twitter.com/_7iba/status/1209355197308448769 (reporting flagged payment for a gelato flavor called “Syrian lemonade”).

14. Many users of Respondent Venmo’s services have experienced similar discriminatory treatment, from filters that are either unevenly applied or implemented based on ethnicity, that *Newsweek* conducted an investigation into the platform. *Newsweek* tested several dozen payments on the service using various terms. Payments with terms like “Persian,” referencing an ethnicity associated with the Muslim-majority country of Iran, were flagged and singled out solely on that basis. See Daniel Moritz-Rabson, *Venmo Flags Payments for 'Persian' Restaurants, Other Terms Related to Iran Due to Sanctions*, NEWSWEEK (Feb. 21, 2019), <https://www.newsweek.com/venmo-flags-payments-persia-allows-nazis-1339871>. In contrast, transactions mentioning “Cuba sanctions” and “North Korea food,” involving countries also subject to U.S. sanctions and embargoes under OFAC, are reportedly passed through unflagged. *Id.* Such a double-standard is unacceptable and further reveals an anti-Muslim bias.

15. The advocacy group, MPower Change, also conducted and tested various transactions, finding that transactions involving mention of Muslims, Iranians, or those perceived to be Muslim were flagged while other terms violating Venmo policies were not. “We tested other word variations, to see if they would set off Venmo's internal filters. We were shocked to find that terms including ‘KKK’ and ‘cocaine’ did not result in a single flag—even though they clearly violate PayPal's user agreements (the platform ‘may not be used to promote hate, violence, or illegal activity’).” MPower Change, *Venmo: Fix Your Filters*, <https://act.mpowerchange.org/sign/venmo-persian-shenanigans/-fix-your-filters/>.

16. Flagging specific terms based on race, creed, or ethnicity is an overbroad and blunt means to address OFAC sanctions, going well beyond what the compliance requires of business

such as Respondent Venmo. Indeed, nowhere does OFAC require such a system. In response to the question, “Does OFAC itself require that banks set up a certain type of compliance program,” OFAC is clear: “No. There is no single compliance program suitable for every financial institution. OFAC is not itself a bank regulator; its basic requirement is that financial institutions not violate the laws that it administers.” U.S. Department of the Treasury, Office of Foreign Assets Control, *Starting an OFAC Compliance Program* (June 2, 2020), https://www.treasury.gov/resource-center/faqs/Sanctions/Pages/faq_compliance.aspx.

17. Nor does OFAC authorize a compliance regime that is discriminatory. In fact, OFAC expressly provides:

The use of Sanctions List Search does not limit any criminal or civil liability for any act undertaken as a result of, or in reliance on, such use.

See OFFICE OF FOREIGN ASSETS CONTROL, SANCTIONS LIST SEARCH, <https://sanctionssearch.ofac.treas.gov/> (last viewed July 1, 2020).

18. Flagging every transaction involving a person of the same ethnicity or religion as a sanctioned country, subjecting it to heightened and burdensome administrative scrutiny, may *technically* be a way to ‘comply’ with OFAC sanctions. However, that does not change the fact that such a practice is overbroad and discriminatory. To imagine that the Fremont Police Department or other law enforcement agencies were allowed to stop and question every individual of a particular race just because a suspect of a crime belonged to an ethnic group, displayed certain characteristics, or ate at particular ethnic restaurants; that would clearly be profiling. That is precisely what is happening here. Accordingly, Respondent Venmo cannot simply use OFAC as a shield for its discriminatory practices, particularly when terms associated with different OFAC countries like Cuba, North Korea, and Iran are not treated equally.

19. A disparate impact claim exists under California law especially under the Unruh Act where a business establishment such as Respondent Venmo is liable for discriminatory actions if

conducted intentionally. A policy of flagging user transactions, as Venmo has done, based on their identity or identity markers is intentional, willful, and affirmative business action, that has a discriminatory and disparate impact on users who belong to AMEMSA communities.

20. By its nature, the blanket use of Arabic terms, or terms associated with Islam, to flag transactions disproportionately impacts Muslims and those of Middle Eastern or South Asian descent such as Ms. Shaiq. This impact creates added inconvenience, scrutiny, and shame for these individuals who are protected by anti-discrimination statutes in California and nationwide.

21. Ms. Shaiq charges that Respondent Venmo implements a policy and practice of screening transactions using terms of an ethnic and religious nature, subjecting transactions to administrative delays and scrutiny. Ms. Shaiq further charges that this policy and practice disproportionately and detrimentally impacts Muslims and individuals of Arabic, Persian, and South Asian national origin or ethnicity or those perceived to be Muslim or those perceived to be of Arab, Persian, or South Asian national origin or ethnicity.

22. Ms. Shaiq alleges that Respondent Venmo has denied her family the full and equal enjoyment, on equal terms and conditions, of accommodations, advantages, services, and facilities that other users of Venmo are able to avail of.

23. Ms. Shaiq further alleges that Respondent Venmo denied her full and equal enjoyment, on equal terms and conditions, of equal services based on her actual or perceived creed, national origin, and/or alienage. Respondent Venmo provided Ms. Shaiq with discriminatory service and refused to provide service to her by flagging her transaction without an adequate explanation.

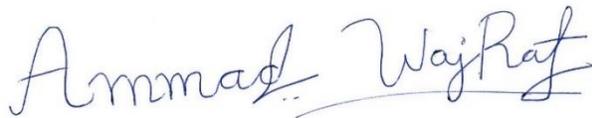
24. As a result of the Respondent's discriminatory conduct, Ms. Shaiq has suffered damages including, but not limited to, humiliation, embarrassment, and emotional distress. Ms. Shaiq requests the City of Fremont Human Relations Commission to investigate and censure

Respondent Venmo to deter future reprehensible conduct. Respondent's unlawful discriminatory practice of denying full and equal participation in the advantages, services, facilities, or privileges of a place of public accommodations, if allowed to persist, will greatly reduce the financial resources and services available for complainant and those similarly situated.

25. To ameliorate the harm caused, Ms. Shaiq would like to request a formal written public apology issued immediately to Ms. Shaiq and her brother in addition to a full refund of her transaction. Furthermore, Ms. Shaiq is seeking public clarification of Respondent Venmo's OFAC compliance policies including algorithms currently in place for flagging individual payments.

Dated: September 3, 2020

Respectfully submitted,



Ammad Rafiqi, Esq.
Council on American Islamic Relations, San Francisco Bay Area
3160 De La Cruz Blvd, Ste. 110
Santa Clara, CA 95054
arafiqi@cair.com
T: (408) 986 9874
F: (408) 986 9875

Attorneys for Complainant Moina Shaiq

To: Ms. Suzanne Shenfil
Human Services Director,
Human Services Department
3300 Capitol Ave., Building B, Fremont, CA 94538
SShenfil@fremont.gov
Via e-mail

RESOLUTION NO. 2017-06

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
FREMONT REAFFIRMING AND PROCLAIMING THE CITY OF
FREMONT AS A COMPASSIONATE SANCTUARY CITY**

WHEREAS, the City Council of the City of Fremont respects the United States Constitution, the California Constitution and the rights they mutually uphold; and

WHEREAS, the City of Fremont is one of the most diverse mid-size American cities and works to promote the successful integration, health and prosperity of all people for both their well-being and that of the City which only benefits from a cosmopolitan composition and the assets that immigrants and refugees bring to the City; and

WHEREAS, the City of Fremont adopted a Compassionate City Charter in 2016 in a commitment to treat all people with justice, equity and respect in an effort to break down political, dogmatic, ideological and religious boundaries; and

WHEREAS, the City of Fremont maintains a Human Relations Commission with a declared mission of promoting a community environment in which all men, women and children, regardless of race, religion, national origin, gender, disability or sexual orientation, may live, learn, work and play in harmony; and

WHEREAS, the City of Fremont has made a commitment of planning resources and funds to address poverty and economic inequity with affordable housing, healthcare, jobs and accessible transit services by setting aside General Funds for dispersal through social service grants, and the maintenance of the Department of Human Services and the Family Resource Center which does not collect, record, store or deny services based upon immigration status; and

WHEREAS, the Fremont Police Department works to enforce State, County and municipal laws and seeks to provide a safe and secure environment for all members of our community regardless of their immigration status. The Fremont Police Department is committed to protecting and serving the entire community and recognizing the dignity of all persons regardless of their immigration status. The Police Department treats all individuals equally and without regard to race, color or national origin in a manner that is fully and wholly consistent with the United States and California Constitutions; and

WHEREAS, the Alameda County Board of Supervisors passed a resolution in September 2016 that declares Alameda County to be a “Welcoming County” and formed, in December 2016, an Ad Hoc Committee of the Board of Supervisors for the purposes of supporting immigrant and refugee communities; and

WHEREAS, the State of California has made a declaration of intent to protect law-abiding residents, to assure universal healthcare services for all people in California, and to protect Californians from unconstitutional federal discriminatory measures.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF FREMONT
RESOLVES AS FOLLOWS:

1. The City of Fremont reaffirms a zero tolerance policy on discrimination or harassment, as required by the United States and California Constitutions, and will pursue and investigate all incidents of hate crimes, personal violence, and offenses motivated through bias.
2. The City of Fremont reaffirms a commitment to the Human Relations Commission mission of fostering equitable and just environments for all persons in our diverse community and also to the Compassionate Fremont Charter to treat all persons with informed empathy and positive appreciation of our cultural, religious and ethnic diversity.
3. The City of Fremont reaffirms current policies on the protection of healthcare access for all currently allowed under California law, including access to women's services, LGBTQ services, undocumented immigrant children's services, and safety net services for poor and indigent persons or families subsidized by social service grants from the City's General Fund, regardless of immigration status, and without collecting immigration data, as administered by the Division of Human Services and overseen by the Human Relations Commission.
4. The Fremont Police Department will only maintain records associated with immigration status to the extent made necessary by specific criminal investigations and will act as required only when necessary and in the best interest of the public safety to assure that serious offenders who both pose a threat to the people and who are also unlawfully in the United States do not receive criminal amnesty.
5. The City of Fremont opposes any unconstitutional religious tests for immigration and any unconstitutional action of the Federal Government in registration, internment or detention of Muslims, or persons of any other faith and affirms the right of all persons to practice, preach and propagate their religion, spirituality, philosophy or non-faith as defined by the First Amendment of the United States Constitution.
6. The City of Fremont opposes the banning of United States re-entry, or early termination of valid United States passports, green cards, Deferred Action for Childhood Arrivals (DACA) permit holders or visas legally granted to City of Fremont residents.
7. The City of Fremont opposes any unconstitutional ethnicity tests for immigration and any unconstitutional action of the Federal Government in the detention, or deportation of valid visa, DACA permit, green card or citizenship holders of any ethnic origin including and especially of Latino origin or ancestry, who are Latino immigrants

from Mexico, Central and South America, and who make up a vibrant part of the diversity of Fremont.

8. The City of Fremont reaffirms a commitment to continuing efforts to foster the best interests of Fremont residents and will work to produce and inform the public of an accessible document that outlines relevant policies in clear language during these uncertain times.

9. The City of Fremont reaffirms and proclaims our status as a Compassionate Sanctuary City (which does not provide criminal amnesty) and intends to protect the rights of people that live, work, study or play here in peace and harmony, regardless of race, religion, national origin, gender, disability or sexual orientation, according to the rights and privileges that should be accorded to all persons in the name of human dignity.

ADOPTED March 7, 2017 by the City Council of the City of Fremont by the following vote:

AYES:	Mayor Mei; Vice Mayor Jones; Councilmembers Bacon, Salwan and Bonaccorsi
NOES:	None
ABSENT:	None
ABSTAIN:	None

Mayor

ATTEST:

APPROVED AS TO FORM:

City Clerk

Assistant City Attorney

October 19, 2020

Doug Peters
Attorney (AWF), PayPal N.A. Litigation

Dear Mr. Peters,

RE: Ms. Moina Shaiq's complaint against Venmo, LLC.

On September 21, 2020, Ms. Moina Shaiq, a resident of Fremont, represented legally by the Council on American-Islamic Relations, San Francisco Bay Area (CAIR-SFBA), submitted a complaint to the City of Fremont Human Relations Commission (HRC), against Venmo, LLC, a mobile payment services company, for processes and policies that she believes singles out individuals from Arab, Middle Eastern, Muslim and South Asian (AMEMSA) communities and made Ms. Shaiq feel discriminated against and unwelcome, purely on account of her identity.

The complaint, enclosed, is based on a transaction made by Ms. Shaiq on June 3, 2020 described in paragraphs 5 through 10. According to Ms. Shaiq, Venmo flagged and restricted a \$100 transfer made by Ms. Shaiq to her brother to support Syrian refugees in Atlanta Georgia. Venmo flagged this transaction based on Ms. Shaiq writing "Syria" in the memo for the transaction. As of September 21, 2020, the \$100 transaction continued to be withheld with neither a refund nor a cancellation being issued to Ms. Shaiq.

According to the Venmo blog post references on page 5 of the complaint, Venmo indicates that they screen certain payment activities to comply with economic sanctions lists and programs maintained by the U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC).

Title II, Chapter 2.20, Article V, Section 2.20.230 of the Fremont Municipal Code (FMC) outlines the City's public policy to create an environment in which all Fremont residents may live, work and play free from discrimination. In furtherance of this policy, FMC Section 2.20.250 empowers the HRC to study any problems of prejudice and discrimination in the community and the causes thereof, as well as to work with agencies, public and private, in developing programs to eliminate prejudice and discrimination.

The HRC has a long history of advocating for the equal treatment of all Fremont residents, in various areas of society, including commercial transactions. Venmo, LLC's payment services are part of a growing segment of virtual financial services utilized by many Fremont residents. The City has an interest in ensuring that that these services are provided to its residents in a manner that is free from discrimination, intentional or otherwise.

At the September 21, 2020 meeting, the HRC voted to direct City staff to draft a letter to Venmo requesting further clarification of this issue. The HRC officially requests that Venmo clarify its OFAC compliance policies, including algorithms currently in place to flag individual payments. Further indicate ways that Venmo will modify its algorithms and other processes to avoid discrimination while meeting

OFAC compliance rules in situations as described by Ms. Shaiq's matter. We also request Venmo return Ms. Shaiq's \$100.

Please reply to the above requests at your earliest convenience. Should you have any questions regarding this matter please contact Suzanne Shenfil, Human Services Director at (510) 574-2051 or sshenfil@fremont.gov. Fremont City Attorney Harvey E. Levine will contact you in the near future.

Sincerely,

Julie Moore
Chair
City of Fremont Human Relations Commission

Dharminder Dewan
Vice Chair
City of Fremont Human Relations Commission

Enclosure

CC: Harvey Levine, City Attorney, Suzanne Shenfil, Human Services Director

Fremont Police Department

The Fremont Police Department recognizes that hate crimes require a speedy investigation and special sensitivity to the emotional trauma experienced by victims of these crimes.

If you believe you are a victim of a hate crime and have not reported it, please do so now by calling the Fremont Police Department at

(510) 790-6800 and select option 3

Fremont Human Relations Commission (HRC)

The HRC promotes and helps create an environment in which all men, women and children of the city may live, learn, work and play in peace and harmony, and in which each person may realize their highest potential unhampered by any discrimination based upon race, religious creed, color, national origin, ancestry, physical disability, mental disability, marital status, gender, sexual orientation, socioeconomic status, civic interest, or any other factors .

If you have ideas or recommendations to foster mutual understanding and respect among Fremont residents in an effort to eliminate prejudice and discrimination, please contact the HRC at (510) 574-2040.

To Report a Hate Crime, Please Call:

The Fremont Police Department

510-790-6800, Option 3

or

The Alameda County District Attorney's Office Hate Crimes Hotline

510-208-4824

Other Resources

Federal Law Enforcement Investigative Agency:

Federal Bureau of Investigations 415-553-7400

Additional Resource and Programs

Alameda County Hate Crimes Hotline 510-208-4824

Alameda County Bar Association 510-302-2222

American Civil Liberties Union 415-621-2488

Anti-Defamation League of B'nai B'rith 415-981-3500

Asian Law Caucus 415-896-1701

Asian-Pacific Islander Family Pride 510-818-0887

Bay Area Legal Aid - Fremont Legal Safety Net 510-663-4755

Bay Area Women Against Rape: BAWAR 510-845-7273

Calif. Dept. of Fair Employment & Housing 800-884-1684

Calif. Dept. of Justice - Civil Rights Enforcement 877-433-9069

City of Fremont Youth & Family Counseling 510-574-2100

Community United Against Violence 415-333-HELP

Federation of Indo-American Associations 408-596-4223

NAACP—Hayward South Alameda County 510-581-4111

PFLAG 510-562-7692

Victims of Crime Resource Center 800-VICTIMS

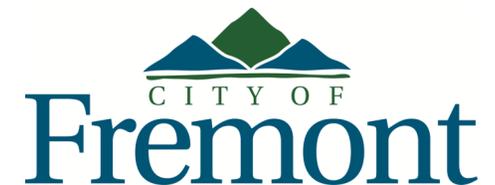
On-line Resources:

informedimmigrant.com

[U.S. Department of Education - Office of Civil Rights](http://www.ed.gov/civilrights)

ENC. 10.1.1

**SAY NO
TO HATE
CRIME**



Human Relations Commission
Fremont.gov/hrc
510-574-2040

The City of Fremont Has Zero Tolerance for Hate Crimes

The City of Fremont is one of the most diverse cities in the U.S. and has been recognized as a national model of how people from different cultural, ethnic, and religious backgrounds can live and work together in peace and harmony. This is our City's greatest strength.

The City of Fremont has zero tolerance of prejudice, racism, bigotry, hatred, and violence, and is committed to maintaining peace and harmony in the community and ensuring all residents, regardless of their disability, nationality, race, ethnicity, religion, gender, or sexual orientation, enjoy the rights guaranteed by California law and the U.S. Constitution.

- Fremont places a high priority on investigating and resolving crimes involving racism and prejudice.
- Fremont works with institutions within the City, County, and Bay Area to foster greater education and understanding of the value of human diversity.

What is a Hate Crime?

A **hate crime** is a criminal act or attempted criminal act committed against a victim or their property because the victim is perceived to be a member of a protected class, including: disability, gender, nationality, race, ethnicity, religion, gender, or sexual orientation. Hate crimes can include:

- Physical assault
- Threatening phone calls
- Vandalizing personal property

The freedom of speech, as protected by the US Constitution, allows one to express opinions and ideas as long as it does not interfere with the civil rights of others. If this behavior escalates to threats being made or criminal acts being carried out, it could become classified as a hate crime.



What Should You Do If You Experience an Act of Hate?

The Fremont Police Department is committed to investigate all reported acts of hate and offers assurance that all incidents will be thoroughly investigated and addressed.

If you are in immediate danger and need to report an emergency, dial 9-1-1.

To report a non-urgent matter or incident to the Fremont Police Department call: (510) 790-6800 and select option 3.

- Be prepared to speak with a dispatcher and/or police officer about what happened.
- Document the exact words spoken to you by the offender as soon as possible.
- Seek medical attention if you are injured.

Anonymous Reporting

The Fremont Police Department offers several options to anonymously report a crime:

- Silent witness hotline: 510-494-4856
- Text a tip by typing 'Tip FremontPD' followed by your message to 888777
- Alameda County District Attorney's Hate Crimes Hotline: 510-208-4824
- Additional tip reporting options can be found online at [fremontpolice.org/tip](https://www.fremontpolice.org/tip)