



## COMMISSION ON HUMAN RIGHTS AGENDA FOR JULY 24, 2012 – 5:30P.M.

**Permit and Resource Management Department (PRMD) Hearing Room**  
2550 Ventura Avenue, Santa Rosa, CA 95403

		PERSON
<b>I.</b>	<b>CALL TO ORDER – INTRODUCTIONS – MISSION STATEMENT</b>	Rice
<b>II.</b> 3 MIN	<b>CONSENT ITEMS</b> <u>Approval of Agenda</u> ( <i>Please review prior to meeting</i> ) ▪ Review and revise as appropriate.	Rice
3 MIN	<u>Approval of June 26, 2012 Commission Meeting Draft Minutes</u> ( <i>Please review prior to meeting</i> ) ▪ Review and revise as appropriate.	
<b>III.</b>	<b>PUBLIC COMMENT ON NON-AGENDIZED ITEMS</b> ▪ Public comment is limited to two (2) minutes per topic, unless otherwise noted.	Rice
<b>IV.</b> 2 MIN	<b>ANNOUNCEMENTS</b>	Rice
<b>V.</b> 10 MIN	<b>OPENINGS AND APPOINTMENTS</b> ▪ Information only. Report on openings and appointments. ▪ Administration of Oath of Office to new Commissioner(s); if appropriate.	Rice
<b>VI.</b> 5 MIN	<b>SUPERVISOR COMMUNICATION UPDATES</b> ▪ Commissioner reports on communications with their respective Supervisors.	Rice

### Instructions For The Public

**Addressing the Commission:** Any member of the public desiring to address the Commission on a matter on the Agenda should first receive recognition from the Chair, please state your name and make comments. In order that all interested parties have the opportunity to speak, please be brief and limit comments to the subject under discussion. Time limitations shall be at the discretion of the Chair.

**Disabled Accommodation:** If you have a disability which requires an accommodation, an alternative format, or requires another person to assist you while attending this meeting, please contact the Commission's office by phone at (707) 565-2693 or by e-mail to [chr@sonoma-county.org](mailto:chr@sonoma-county.org), as soon as possible to ensure arrangements can be made for the accommodation.

**Agenda Supporting Materials:** Materials related to an item on the Agenda are available for public inspection between 10:00 AM and 1:00 PM, Monday - Friday at 575 Administration Drive, Suite 116B, Santa Rosa, CA 95403.

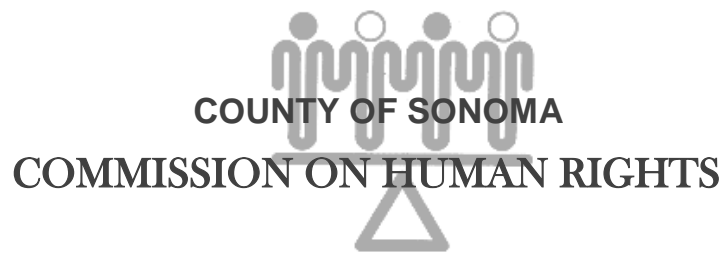
575 Administration Dr., 116B  
Santa Rosa, CA 95403  
(707) 565-2693; Fax: (707) 565-1139



[www.sonomacountyhumanrightscommission.org](http://www.sonomacountyhumanrightscommission.org)  
E-Mail: [chr@sonoma-county.org](mailto:chr@sonoma-county.org)

<b>VII. NEW BUSINESS</b>		
30 MIN	<u>North Coast Coalition for Palestine - Speaker</u> Representatives of the NCCP will address the Commission relative to the contract to provide County transportation.	Jonas
15 MIN	<u>Due to the inclusion of two major speakers on the same topic, and anticipated multiple comments from the public, the Commission will take a 15-minute break at this point.</u>	Rice
30 MIN	<u>Veolia Transportation - Speaker</u> Representatives of Veolia will address the Commission relative to the current contract to provide County transportation.	Rice
30 MIN	<u>Discussion and Evaluation</u> Added agenda time for Commissioners to discuss prior presentations.	Rice
<b>VIII. OLD BUSINESS</b>		
10 MIN	<u>Resolution on the AB1081 Trust Act</u> Update on actions and vetting process.	Jonas
10 MIN	<u>Strategic Planning</u> Vote on date for 2012-2013 Strategic Planning	Rice
15 MIN	<u>Budget</u> <ul style="list-style-type: none"> <li>• Introduction and explanation of 2012-2013 budget with final approval slated for August meeting</li> <li>• Possible introduction of individual budget items</li> <li>• Short discussion re: t-shirts</li> </ul>	Rice
30 MIN	<u>Updates from Offline Meetings of Ad Hoc Committees</u> Updates on goals and meetings for Ad Hoc, including approval of newly formed/blended committees and discussion of projected length of ad hoc: <ul style="list-style-type: none"> <li>• Sonoma CounterPoints #2 – Rice, Channell-Allen, Warmoth, Jonas</li> <li>• Economic Rights – Warmoth, Zimmer</li> <li>• Junior Commission – Rice, Cheatham, Rohde</li> <li>• Rights of undocumented workers and families – Warmoth, Jonas, Shaffer, and Zapata</li> <li>• Sonoma County Museum – Rice, Channell-Allen, Boyd</li> </ul>	Various  Various
<b>IX. ACTIVITY REPORTS</b>		
15 MINS	<b>PROGRAM DEVELOPMENT UPDATES NOT INCLUDED FOR POSSIBLE COMMISSION ACTION UNDER OLD OR NEW BUSINESS SECTIONS ABOVE. REPORTS ARE LIMITED TO FIVE (5) MINUTES, EXCEPT WHERE NOTED. ALL ITEMS IN THIS SECTION ARE FOR INFORMATION AND POSSIBLE DISCUSSION ONLY.</b>  <u>Liaisons with Organizations &amp; Agencies</u> <ul style="list-style-type: none"> <li>▪ Family Justice Center Liaison</li> </ul>	Zapata

	<ul style="list-style-type: none"> <li>▪ Cinco de Mayo Committee (SR)</li> <li>▪ Disability Issues Liaison</li> <li>▪ Human Trafficking Liaison</li> <li>▪ North Bay Organizing Project – Immigrant Task Force</li> </ul>	Warmoth Zimmer Zimmer Jonas
<b>X.</b> 3 MIN	<b>AGENDA ITEMS FOR NEXT COMMISSION MEETING</b> Call for items for information, discussion and/or possible action at the next Commission meeting.	Rice
<b>XI.</b>	<b>ADDITIONAL PUBLIC COMMENT</b> Opportunity for public to comment on Commission proceedings. Unless otherwise noted comment is limited to two (2) minutes per topic.	Rice
<b>XII.</b>	<b>ADJOURNMENT</b>	Rice



## **COMMISSION ON HUMAN RIGHTS**

### ***DRAFT MINUTES – JUNE 26, 2012***

**Permit and Resource Management Department (PRMD) Hearing Room  
2550 Ventura Ave., Room Santa Rosa, CA 95403**

**COMMISSIONERS PRESENT:** Gina Channell-Allen, Patricia Boyd, Evelyn Cheatham, Gail Jonas, Elizabeth McCarthy, Ming Chang-O'Brien, Judy Rice (Chair), Chris Rohde (Vice-Chair), Kathleen Shaffer, Art Warmoth (Officer-at-Large), Ann Zimmer, Donna Zapata.

**COMMISSIONERS ABSENT:** None

**STAFF PRESENT:** Laurie Marincik

**GUEST SPEAKER:** None.

**I. CALL TO ORDER – INTRODUCTIONS:** Rice called the meeting to order at 5:30 P.M. and read the Commission Mission Statement. Commissioners introduced themselves by name and district they represent.

**II. CONSENT ITEMS:**

Approval of June 26, 2012 Agenda. Motion to approve.

Motion: Commissioner Zimmer	AYES: 11	NOES: 0
Second: Commissioner Channell-Allen	ABSENT: 0	ABSTAINED: 0

Motion passed.

Approval of May 22, 2012 Draft Minutes.

Motion: Commissioner Zimmer	AYES: 8	NOES: 0
Second: Commissioner Channell-Allen	ABSENT: 0	ABSTAINED: 3

Motion passed.

**III. PUBLIC COMMENT ON NON-AGENDIZED ITEMS:**

Dale Geist, former CHR Commissioner announced an upcoming event, This Train 2012, celebrating the 100<sup>th</sup> Birthday of Woody Guthrie on Saturday, July 29<sup>th</sup>. All who are interested in attending or reserving booth space please contact Dale by July 1<sup>st</sup>.

**IV. ANNOUNCEMENTS:**

Chair Rice announced we have a newly appointed Commissioner in the 2<sup>nd</sup> District, Faith Ross who will be sworn in at the July meeting.

**V. OPENINGS AND APPOINTMENTS:**

Currently there is one vacancy in the First District, and one vacancy in the Fourth District.

**Supporting Materials Note:** Supporting materials related to an item on the Agenda and referred to in the Minutes are available for public inspection between 10:00 AM and 1:00 PM, Monday through Friday at 575 Administration Drive, 116B, Santa Rosa, CA 95403. Phone: (707) 565-2693; Fax: (707) 565-3770; E-mail: chr@sonoma-county.org; www.sonomacountyhumanrightsCommission.org

## VI. SUPERVISOR COMMUNICATION UPDATES:

Commissioner Zimmer announced the staff person from Shirlee Zane's office, Michelle Whitman, provided the Veolia Transportation document dated May 9<sup>th</sup> for Commission's review.

## VII. NEW BUSINESS:

- **Worth Our Weight** – CHR Commissioner Evelyn Cheatham is the Executive Director of WOW. WOW apprentices young people who have faced major life challenges like foster care, homelessness, and serious family disruptions. They receive tuition-free culinary and food service training during a program that initially lasts one year.

The program invites these young people into the greater world of food—sustainable farming, professional cooking, and access to high-quality food prepared by chefs and food service professionals—as well as providing them with the skills to prepare quality food for themselves.

- **Santa Rosa Festival of Neighborhoods** – Commissioners discussed participation in this event. Commissioner Warmoth added there is a need for a Tabling Committee for the CHR to partake in these community events. Art would like to be in charge of this committee, and Commissioner Boyd requested to be a part of the committee. Art proposed a motion for the CHR to register and partake in this event.

Motion: Commissioner Warmoth	AYES: 10 NOES: 0
Second: Commissioner Cheatham	ABSENT: 0 ABSTAINED: 0

Motion passed.

- **Request to speak before the CHR by North Coast Coalition for Palestine** – Chair Rice noted tonight's agenda item is solely to determine if the Commission wishes to invite the NCCP to speak before the Commission at our July meeting.
- Commissioner Jonas presented overview of why the North Coast Coalition for Palestine would like to formally speak to the Commission.
  - Commissioner McCarthy questioned whether this falls within the parameters of the CHR charter given the fact this alleged human rights violation is not taking place here in Sonoma County.
  - Commissioner Rohde also questioned the jurisdiction and capacity of the CHR to address this issue.
  - Commissioner O'Brien questioned why Sonoma County is allowing a foreign company such as Veolia, even though they have a U.S. subsidiary, to provide services for the County Transit System when there are other local or regional companies that are available to do the work.
- **Public Comment**
- 9 Members of the North Coast Coalition for Palestine presented their comments.
  - The V.P. of Communications for Veolia Transportation briefly spoke to the Commission regarding their company operations and requested an opportunity to formally address the CHR in response to NCCP allegations.

Commissioner Rohde motioned to have the North Coast Coalition for Palestine formally address the Commission in July.

Motion: Commissioner Rohde	AYES: 8 NOES: 2
Second: Commissioner Cheatham	ABSENT: 0 ABSTAINED: 0

Commissioner Shaffer amended the motion to include the provision of having a Representative from Veolia Transportation also speak at the July meeting.

Motion: Commissioner Shaffer	AYES: 9 NOES: 1
Second: Commissioner Rohde	ABSENT: 0 ABSTAINED: 0

- Commissioner Zimmer commented if we vote in favor of hearing representatives from both the North Coast Coalition for Palestine and Veolia Transportation, she amends the motion to include a speaker from the Jewish Community to represent the Israeli side of the issue.
- Commissioner Rohde replied rather than deciding on every side of the issue tonight he suggests we extend this subject out over a few meetings beyond July.
- Chair Rice disagreed with Rohde stating if we invite the NCCP and Veolia to speak in July, then Zimmer's point is valid and needs to be included in the same discussion in July.
- Jonas commented because we have until 2014 when the contract is up with Veolia with the County of Sonoma, we have time to extend the discussion over a period of time. Having three parties speak in July will be too much.
- Chair Rice commented we have one motion and two amendments on the floor to be considered. If the CHR is interested in moving forward, research will need to be done by the Commissioners considering all sides.

Commissioner Warmoth amended the motion to ensure additional agenda time for the CHR to discuss the two presentations.

Motion: Commissioner Warmoth Second: Commissioner Shaffer	AYES: 10 NOES: 0 ABSENT: 0 ABSTAINED: 0
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- **Review CHR History** – Chair Rice reported she reviewed many historical items from CHR storage including an Annual Report produced by the staff support of 5-8 fulltime members who in early days supported the CHR. Rice provided a document for the Commissioners consisting of a compiled page from each year as an overview of each report. Rice requested the commissioners direct their attention to the committees, ad hocs, and goals in order to come up with ideas for the upcoming Planning Meeting in August.

Chair Rice also proposed the CHR put together an exhibit based on the history of Human Rights in Sonoma County at the Sonoma County Museum. Rice has contacted the Curator at the museum and they would like to sit down to discuss the possibility of doing this. The timing for this would be the end of 2013 or beginning of 2014. Rice proposed the creation of an ad hoc committee to put this history exhibit on, do the research by contacting the various ethnic groups in the County, and explore what we can do to put this on.

Commissioner O'Brien announced there is currently an exhibit going on at the Sonoma County Museum surrounding the Chinese Immigrants. She suggests the Commission partner with them to obtain some of the material include this in the exhibit.

Chair Rice would like to agendize and add this to our ad hocs for July to discuss a possible plan to implement the ad hoc in moving forward. Commissioners Boyd and Channell-Allen stepped up to volunteer and be a part of the committee.

- **Next Sonoma Counterpoints Forum** – Chair Rice noted with the 2<sup>nd</sup> Sonoma CounterPoints slated for September 27 we need to make some rapid decisions to allow for planning to proceed expeditiously. We already have a venue, and there are two things which need to be decided now:

1) **Decision on the topic of the 2<sup>nd</sup> Forum**. Both Rice and Channell-Allen feel with the current climate, Immigration should be the topic. Based on the response of the Commissioners, Cheatham moved for the topic to be Immigration:

Motion: Commissioner Cheatham Second: Commissioner Shaffer	AYES: 10 NOES: 0 ABSENT: 0 ABSTAINED: 0
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2) **Forum Committee** - Rice asked for a show of Commissioners who would like to work on this ad hoc. With a show of hands the volunteers are: Commissioners Channell-Allen, Warmoth, and Jonas. Next month we will officially add this ad hoc to our reporting cycle

Because of the time constraints, this ad hoc will not be able to come back to the Commission regarding all the decisions made such as: panelists, moderator, food, etc.

Rice requested permission from the CHR for the ad hoc to make these decisions which they will report back to the commission on a monthly basis. Rice requested a motion; Rohde requested that the motion *exclude* expenditures or budgetary items which need to be voted on and approved by the Commission separately.

Motion: Commissioner Rohde	AYES: 10 NOES: 0
Second: Commissioner Warmoth	ABSENT: 0 ABSTAINED: 0

Chair Rice needs suggestions for Panelists with widely divergent viewpoints on this topic. We also need suggestions for a Moderator. Please provide your suggestions to Staff no later than this coming Friday.

- **Strategic Planning** – We are beginning the Strategic Planning Process for 2012-2013. As a first step, a drafted yearly budget will be offered to the commissioners at the July meeting after the Officers meet to discuss the proposed budget.

Rice distributed a list of strategic planning questions from previous planning meetings as a means of initiating thoughts for our upcoming strategic planning session. Further discussion will take place in July to finalize an agenda for the Planning meeting to take place in August. The commissioners were asked to email Staff with their availability no later than Friday.

## VIII. OLD BUSINESS:

- **Revision of By-Laws** – The draft of the by-laws, incorporating changes in the duties of the Chair, will be finalized and be submitted to the Board of Supervisors for approval.
- **2012 CHR Elections** – Elections were conducted for the fiscal year commencing July 1, 2012. The officer slate will be composed of:
  - Chair - Commissioner Rice
  - Vice-Chair - Commissioner Cheatham
  - Officer-at-Large - Commissioner Warmoth
- **Resolution on AB 1081 TRUST Act** (Commissioner McCarthy recused herself)  
Rice and Rohde discussed the process suggested by Human Resources for vetting the resolution might present some potential problems in terms of being limited to only those items which we know in advance will be looked on favorably. We will continue to vote on and publish decisions (resolutions or otherwise) approved by the Commission and will consider endorsement by the BOS as a separate act which may or may not produce a favorable outcome.

Jonas suggested each commissioner discuss the present resolution with their Supervisor and obtain a letter of support from them.

Commissioner Warmoth motioned to change the wording after the 3<sup>rd</sup> “whereas” paragraph to include the wording “In addition to” before public safety.

Motion: Commissioner Warmoth	AYES: 10 NOES: 0
Second: Commissioner Zimmer	ABSENT: 0 ABSTAINED: 0

- **Budget**
  - 1) Chair Rice announced the Commission will be returning over \$5,000 back into the County general fund from last year’s budget. Rice also reported to the Commission the expenses she assumed on her own without request for reimbursement, and a mileage expense report she did submit to the County for reimbursement for the entire FY11/12 year conducting Commission business with her personal vehicle.

Rice gave examples to the commissioners of the places she traveled to on Commission business such as: Elder Abuse Summit; meeting with Graphic Artist for Sonoma CounterPoints; represent the CHR at the Women's Global Initiative; several meetings with Supervisor Carrillo regarding Commission issues; meeting with radio station for public announcement of Counterpoints Forum; distributing fliers for the Forum, and multiple others she mentions and others listed in the expense report.

Rice will put in the FY12/13 budget mileage reimbursement and other expenditures such as New Commissioner lunches, and supplies for the Commission spent by the commissioners and officers to support the commission.

Rice requested a motion for approval for her mileage reimbursement, approximately \$800 from the FY11/12 budget. Commissioner Warmoth made the motion.

Motion: Commissioner Warmoth	AYES: 10 NOES: 0
Second: Commissioner Jonas	ABSENT: 0 ABSTAINED: 0

Motion passed.

- 2) Chair Rice suggests we open up a discussion on effective items to hand out at tabling and open forum events representing the CHR. We currently have a large inventory of poorly designed t-shirts and questions whether we should redesign the t-shirt or add more effective items to the inventory to hand out for the future.

Commissioner Warmoth requests Staff inventory the t-shirts and report back to the commission. Chair Rice requests for this to be on July's agenda for further discussion.

Items to consider for the FY12/13 draft budget: The Museum Project; two or more Sonoma CounterPoints Open Forum events; Junior Commission, including Diversity Summit.

### **Updates from Offline Meetings of Ad Hoc Committees**

- **Sonoma Counterpoints #2 Forum – Immigration** – See comments in New Business.
- **Community-Based Policing** (Chang-O-Brien, Warmoth) – This ad hoc is dissolved.
- **Economic Rights** (Warmoth, Zimmer) - Rice requested from Commissioner Warmoth the following: Concrete objectives for this ad hoc, timelines, and milestones.
- **Junior Commission** (Rice, Rohde, Cheatham) – Chair Rice – We have a very short timeline with the Diversity Summit on October 20<sup>th</sup>. Within the next month Rice plans on mailing the 2<sup>nd</sup> round of letters to the local high schools which will go to a wider distribution than the initial mailing.

Rice is currently working with the committee on the agenda, and she is working on getting key-name speakers for the Oct. 20<sup>th</sup> event. She welcomes the commissioners to share any of their ideas or connections they may have. The Ad Hoc members are working on selecting a keynote speaker for the event.

- **Rights of Undocumented workers and families** (Warmoth, Jonas, Shaffer, Zapata) – Warmoth reported the main focus of the ad hoc is AB 1081 at this time. He will report back to the commission both the timeline and concrete objectives for this ad hoc.

## **IX. ACTIVITY REPORTS:**

### **Outreach to the Public**

- **Media** (Rice, Channell-Allen) – Channell-Allen requested to publicize the AB 1081 Resolution. Because this was passed by the commission Rice gave her the go-ahead.



- Speaker's Bureau (Rice) – This item will be revisited at a later date.

## **Partnerships with Organizations & Agencies**

- **Family Justice Center Liaison** (Zapata) Rice gives kudos to Donna for facilitating an upcoming appearance by District Attorney Jill Ravitch at an upcoming Commission meeting. We will consider holding a future meeting at the Family Justice Center.

Zapata took a tour of the Family Justice Center and was present to see the volunteers service the community of people in need. She announced women are in need for business attire to interview for jobs and if any of the commissioners have such items, please bring them to the next meeting for Donna to distribute.

- **Cinco de Mayo** (Warmoth, Schaffer, Boyd) – Commissioner Shaffer reported it was a wonderful event, and Supervisor Carrillo from the Fifth District had an opportunity to speak to the public.
- **Disability** (Zimmer) The Committee met last week for the third Human Dignity Film Festival. There are a couple of films lined up, and there is a tentative date for late November.
- **Human Trafficking** (Zimmer) – The Task Force did not meet last month because they had a large 2-day conference in Oakland which Zimmer did not attend. There will be a meeting in July and she will have something to report next month.
- **North Bay Organizing Project Immigrant Task Force (NBOP ITF)** (Jonas) – After meeting with Supervisor McGuire for the past year they finally have scheduled an event for July 12<sup>th</sup> regarding the Deportations from our Local Jails. The last meeting was with Supervisor Carrillo, David Salm from CIRCI, and a member of the Sheriff's Department where the issues surrounding the deporting of immigrant citizens were discussed.

### **I. AGENDA ITEMS FOR NEXT COMMISSION MEETING:**

### **II. ADDITIONAL PUBLIC COMMENT:**

### **III. NEXT MEETING:**

The next regular meeting will be held on Tuesday, July 24, 2012, 5:30 P.M. at the Permit and Resource Management Department (PRMD) Hearing Room.

### **IV. ADJOURNMENT:**

Rice adjourned the meeting at 8:30 PM.

# **Supplemental Information**

## **Veolia Bus Transportation and the Occupied West Bank of Palestine**

**North Coast Coalition for Palestine**  
[nccpal.org](http://nccpal.org)

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## Letter of Introduction

The members of the North Coast Coalition for Palestine are grateful to the Sonoma County Commission on Human Rights for the opportunity to present our ideas for examining the county's policies and practices with companies awarded contracts to perform services for the county. It is our intention to present the case that Veolia should cease their complicit involvement in illegal operations and human rights violations in the occupied West Bank or risk disqualification from eligibility of the bidding and renewal processes with Sonoma County.

Our interest in a resolution was initiated by our concerns with Sonoma County Transit's contract with Veolia. Our organization believes it has evidence that Veolia currently participates in the violation of the rights declared in The Universal Declaration of Human Rights as well as other principles of international law.

As indicated in the Table of Contents we have included supportive information for review by the members of the commission. The North Coast Coalition for Palestine is available for additional requests by the Sonoma County Commission for Human Rights. Contact information is provided below.

We are looking forward to taking this important step in ensuring more ethical practices by Sonoma County and its business partners.

Sincerely,

North Coast Coalition for Palestine

Lois Pearlman

Lois5@sonic.net

## Veolia's Support for Israel's Illegal Settlements

The Veolia parent company is Veolia Environnement, a French multinational. Veolia Transport, a subsidiary of Veolia Environnement, is a leading partner in the CityPass consortium that built the light-rail tramway linking west Jerusalem to illegal Jewish settlements in occupied east Jerusalem. The tramway cements Israel's hold on occupied east Jerusalem and ties the settlements even more firmly into the State of Israel. And not only the settlements in east Jerusalem: the "Ammunition Hill" station of the network operates as the feeder station for settler traffic from Ma'aleh Adumim, a large Israeli settlement in the West Bank, and from Jewish settlements in the Jordan Valley.

The line opened in 2011, with Veolia responsible for the operation. With its involvement in this project, the company is directly implicated in maintaining illegal settlements in occupied Palestinian territory and is playing a key role in Israel's attempt to make its annexation of the Palestinian territory of east Jerusalem irreversible. Further, as a willing agent of these policies, Veolia is undermining the chances of a just peace for the Palestinian people.

Israeli settlements in the Occupied Palestinian Territory and the annexation of East Jerusalem are illegal under international law. Numerous UN resolutions and the 2004 advisory opinion of the International Court of Justice on the wall have confirmed this. The settlements violate Article 49 of the 4th Geneva Convention: "...The Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies" as well as Article 53 forbidding destruction of property. In some cases in East Jerusalem these violations amount to war crimes, i.e. "grave breaches" of the Convention (see Articles 146 and 147), as they involve extensive appropriation of Palestinian property not justified by military necessity. These grave breaches are being facilitated by Veolia's part in the construction and future operation of the tramway serving the settlements. The tramway also constitutes a significant alteration of the infrastructure of the occupied Palestinian territories contrary to the Hague Regulations of 1907, Section 3, also part of international law.

Veolia published an advertisement recruiting operators for the tramway requiring Hebrew to mother tongue standard, no mention of Arabic, a clear indication that the tramway was expected to be used primarily by Jewish Israelis, not Palestinians. Full army or civic service is also required, i.e. no Palestinians. Since passengers have had to pay for tickets local observers have reported that few Palestinians do indeed use the tramway.

In April 2010 the UN Human Rights Council declared the tramway **and its operation** to be illegal (A/HRC/RES/13/7 of 14 April 2010). The resolution was passed 44 to 1, with the UK, France and all the EU members of the Council voting in favour. The operation of the tramway is precisely what Veolia is now doing.

Through its involvement in the building and operation of this tramway linking Israel's illegal settlements with West Jerusalem, Veolia is facilitating Israel's 'grave breaches' of the Fourth Geneva Convention, and is complicit in its perpetuation of those breaches. **In other words, Veolia is involved in aiding and abetting on-going war crimes.** It is also facilitating, exacerbating, aiding and abetting Israel's breach of the Hague Regulations.

Veolia also runs at least four bus services serving the same function as the tramway: supporting and consolidating illegal settlements and tying them more closely into Israel. Services 109 and 110, operated by its local company Connex, link the settlements of Mevo Horon, Giv'at Ze'ev and Har Shmuel to Israel. Even though they pass Palestinian villages along the route,

Palestinians living in the West Bank cannot use these services (with the possible but unlikely exception of a 5 km stretch). Services 7 and 19 link the Israeli town of Modin to the settlements of Mevo Horon, Hashmonaim and Kfar Ha'oranim. The latter two illegal settlements are built on the land of the Palestinian villages of Bilin and Nilin which hold regular demonstrations against the theft of their land.

In March 2011 the Veolia Transport Division of Veolia Environnement merged with Transdev to form Veolia Transdev. The merged company is 50% owned by Veolia Environnement, with the Chairman/CEO of Veolia Environnement also the Chairman of Veolia Transdev. Veolia Environnement therefore still bears very substantial responsibility for and retains effective control of Veolia Transdev's wholly owned subsidiary Veolia Transport Israel.

Veolia Transport Israel is trying to sell its 5% stake in the CityPass Consortium and its 80% stake in the tramway operating company to the Israeli company Egged. **But part of the deal is for Veolia Transport Israel to provide Egged with technical assistance in running the tramway for 5 years, so even if the deal goes through Veolia will still be involved in and profit from the tramway operation.** Veolia says that it is selling its stakes to take advantage of a good offer rather than trying to distance itself from services to settlements.

Through its subsidiary TMM, Veolia Transport Israel has been operating the Tovlan landfill site in the occupied Jordan Valley for many years. During this time Tovlan has been supporting Israel's illegal settlements in the West Bank by taking their refuse. Tovlan also receives refuse from Israel itself and the Israeli army, the occupier dumping its rubbish on the occupied. Subsidiary companies of Veolia Environmental Services are amongst those transporting the refuse to Tovlan. UN General Assembly Resolution 63/201 of 28 January 2009 called on Israel to stop dumping waste in the Occupied Palestinian Territories.

Veolia says that it is selling Tovlan to a local buyer and may have already done so, but far from ending Veolia's complicity, the deal will compound it, for **the intended sale is to Massu'a, the nearby illegal Israeli settlement.** Moreover Veolia will continue its involvement by providing the settlement with advice concerning Tovlan.

Veolia's support for Israel's illegal settlements breaches its obligations with respect to codes of conduct and conventions such as the OECD Guidelines for Multinational Enterprises (2000) and the UN Global Compact (2000). The latter's first two principles state that businesses should support and respect the protection of international human rights within their spheres of influence and make sure that they are not complicit in human rights abuses. Yet by supporting Israel's illegal settlements Veolia flagrantly violates both of these provisions.

### **Veolia is one commercial entity**

It is entirely evident that Veolia treats itself as a single entity and profits and prospers as such. This is also clear in the company's own marketing and public corporate structure where it treats itself as a coherent whole. **As this is the case, the conduct of one division or subsidiary is the conduct of Veolia as a whole.** In short, if one subsidiary of Veolia is involved in activities of grave misconduct and profits from such conduct, then the parent company must necessarily be implicated in such misconduct and most certainly profits from such misconduct. That, in turn, means that Veolia as a whole – all of its divisions and subsidiaries – are implicated in such misconduct.

Source: <http://www.bigcampaign.org/veolia/#settlements>

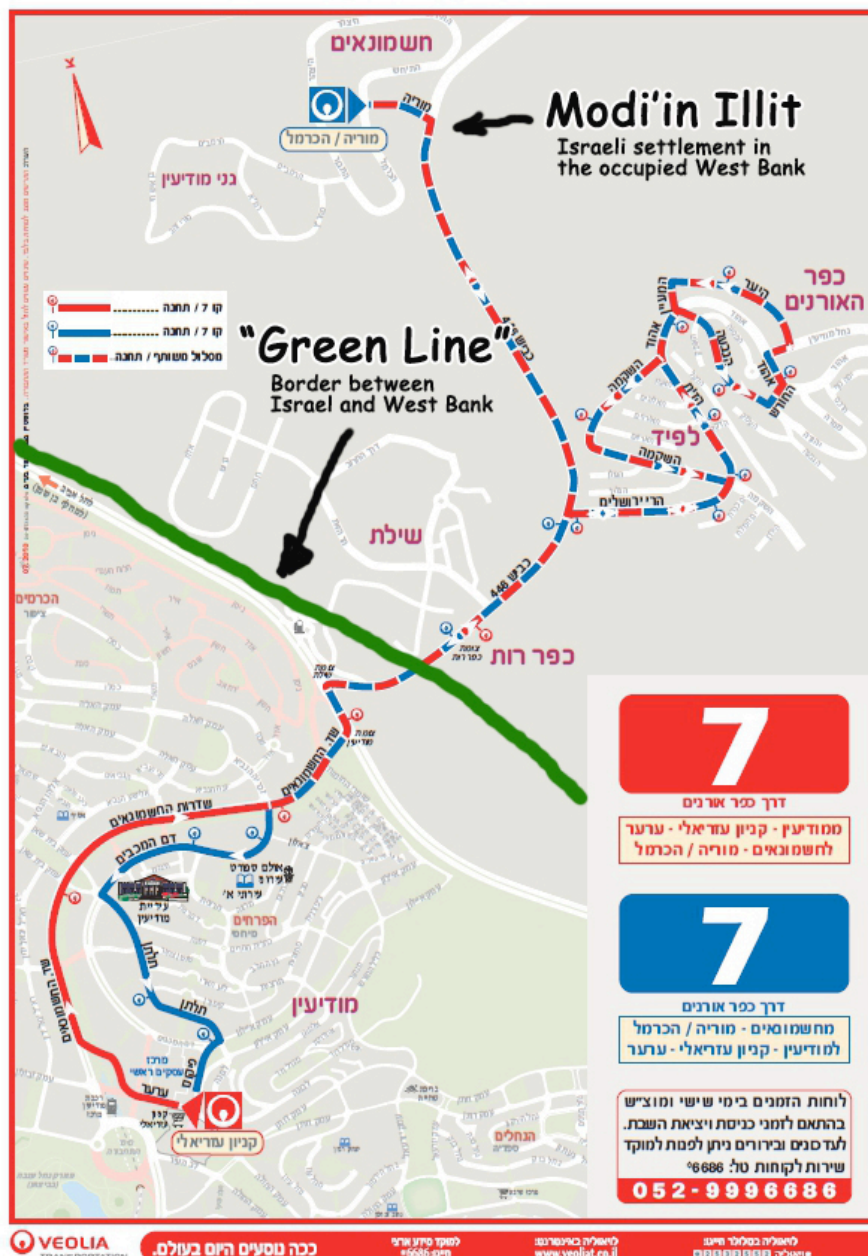
## Veolia Bus #7 Passed into Occupied West Bank

The map below shows that Veolia bus #7 runs from Israel across the Green Line and into the West Bank. The map is available on Veolia's Israeli subsidiary's website ([www.connex.co.il/pdf/2\\_7.pdf](http://www.connex.co.il/pdf/2_7.pdf)) as of July 16, 2012 at

Under the Rome Statute of 1998, The International Criminal Court defined the following act as a war crime:

*"The transfer, directly or indirectly, by the Occupying Power of parts of its own civilian population into the territory it occupies, or the deportation or transfer of all or parts of the population of the occupied territory within or outside this territory."*

Veolia's participation in serving the Israeli civilian population in the West Bank is clearly a grave violation of human rights, and according to international law the company may be actively participating in the facilitation of a war crime.



## Veolia Keeps Silent About Two Bus Services to Illegal Settlements

The Derail Veolia Campaign is taking off in the United States. In response, Veolia has spread the information that it “does not operate other bus services in the West Bank” besides the bus lines 109 and 110. Last week, Who Profits, a research project of the Israeli Coalition of Women for Peace, found that Veolia operates two other bus services to settlements in the occupied West Bank.

To assist activists in the United States, Global Exchange has built an informative website (<http://www.globalexchange.org/campaigns/economicactivism/veolia.html>) which provides basic information. In California, the Davis Committee for Palestinian Rights (DCPR) has called on Yolo County Transportation District to do no business with Veolia. In addition, the activists have challenged Veolia Water’s participation in bidding for a contract of the Woodland Davis Clean Water Agency Project. DCPR criticizes Veolia for its involvement in the Jerusalem Light Rail project, for operating bus services 109 and 110 to illegal settlements in the West Bank and for its involvement in Tovlan landfill in the occupied Jordan Valley.

### Veolia misinforms Davis City

The Davis Human Relations Commission shared DCPR’s criticism with Veolia Water North America. Veolia responded to the Commission in a letter of 16 June. One of the issues raised by the Commission was:

Veolia supports the system of apartheid in the occupied West Bank of Palestine by operating buses solely for Jewish passengers traveling on Jewish only roads.

Veolia responded:

[T]he statement is incorrect and absolutely without merit. Veolia operates the 109 and 110 bus lines without any discrimination between the Israeli and Palestinian populations.

However, Veolia’s claim that Route 443, which is used by the two bus lines, “serves both the Israeli and Palestinian populations” is false. The Israeli human rights organization B’tselem writes about Road 443 on its website:

[T]he army continues to improperly discriminate against Palestinians, whose use of the road is greatly limited, while Israelis are permitted to travel along it freely.

I asked Kairos Palestine coordinator Rifat Kassis to comment on Veolia’s claim of non-discrimination between Palestinians and Israelis. He wrote:

Palestinians live under apartheid in the most technical definition of the word. It is impossible to ‘avoid’ discrimination when the entire occupation is predicated on it. Using the language of ‘discrimination’ whitewashes the reality of occupation itself, which is a matter of colonialism, not simply prejudice. In any case, the state of Israel systematically discriminates against Palestinians; a company cannot distinguish itself from the rules and workings of the state.

Veolia runs two other bus services to settlements



Veolia tries to throw dust in the eyes of Davis City by stating that the company “does not operate other bus services in the West Bank”. Who Profits looked into Veolia’s assertion that the company is not involved in other bus services in the West Bank besides bus lines 109 and 110.

Last week, Who Profits found that Veolia operates two other bus services to settlements in the West Bank. Bus service 7 runs from Modi’in to the settlements of Hashmonaim and Kfar Ha’oranim. Veolia also operates bus 19 which runs between Modi’in and the settlement of Mevo Horon. The routes of bus service 7 are published on the Veolia website.

The settlements Hashmonaim, Kfar Ha’oranim and Mevo Horon are situated in seam zones, areas which are sealed off from the occupied West Bank by the wall. Hashmonaim and Kfar Ha’oranim are built on the lands of Bil’in and Ni’lin. Beit Horon is in the Latrun enclave which was occupied in the June war of 1967. The Palestinian villages of Imwas, Yalu, and Beit Nuba were destroyed and their residents were evicted. To prevent the return of the displaced Palestinian villagers, Israel declared the Latrun enclave a closed military zone.

It is forbidden for Palestinians from the West Bank to enter the seam zones [confiscated area between 1967 Green line and the Wall Israel is constructing] and therefore impossible to make use of the bus services that run in this area. Veolia’s bus services 7 and 19, just like bus lines 109 and 110, serve only the Jewish settlements.

Israeli settlements in the Occupied Palestinian Territory and the annexation of East Jerusalem are illegal under international law. By operating four bus services to Israeli settlements, Veolia is directly implicated in maintaining illegal settlements in the occupied Palestinian West Bank. I am sure that the BDS movement will keep Veolia under pressure as long as the company continues its involvement in Israel’s violations of international law.

Source:

<http://electronicintifada.net/blog/adri-nieuwhof/veolia-keeps-silent-about-two-bus-services-illegal-settlements>

## Some Public Actions Opposing Veolia

**Feb/March, 2011** - Tower Hamlets town council voted to breakdown any existing or future relationship with Veolia because of its activities in the Occupied Palestinian Territories

**March, 2011** - The Board of Ethics of the 4 major Swedish national pension funds AP1, 2,3,4 called on Veolia and Alstom to end their involvement in the tram project linking Jerusalem to the OPT.

**December 2010** - Annual Report of Ethical Council of the Swedish National Pension Funds (AP1, AP2, AP3, AP4) added Veolia to their watchlist of companies involved in the occupation.

**June, 2010** - TIAA-CREF divestment campaign was launched in the United States by Jewish Voice for Peace and other human rights organizations. The campaign includes a petition calling for divestment from five major companies involved in the occupation, including Veolia, and currently holds around 24,000 signatures.

### California

Burlingame, CA

Veolia settled out of court when sued under the Clean Water Act for dumping more than 10 million gallons of wastewater and untreated sewage over a 5 year period into the San Francisco Bay after creating an inadequate improvement project.

### Petaluma, CA

Veolia lost management of sewer system when Petaluma determined that public operation would be more efficient and effective with an expected \$1.6 million savings over the first three years which is 18 percent on the total cost of operating the [water] recycling plant. In 2007, the city council unanimously voted to terminate their deal with Veolia early.

### Richmond, CA

Veolia and Richmond settled out of court when sued for dumping more than 17 million gallons of sewage into tributaries after initiating a capital improvement project. Voters approved a \$20 million bond to pay for sewer repairs, which Richmond used to privatize its sewers over three years and then sign a 20-year, \$70 million contract with Veolia.

Taxpayers had to shell out \$500,000 annually to compensate for related property damage. In 2008, the plant had 22 spills of more than 2 million gallons of sewage.

### Connecticut

Bridgeport, CN

Mayor convicted on 16 counts including taking kickbacks, bribes and extortion, along with 8 other defendants over a PSG (Vivendi) contract proposal.

### Delaware

Wilmington, DE

Failures to upgrade and repair, have resulted in years of sewage spills; environmental violations; state fines; horrendously foul odors; sewage overflow outlets which annually send over a billion gallons of contaminated wastewater into area waterways; and contract disputes over a 55% rate hike.

Source: <http://www.globalexchange.org/economicactivism/veolia/successes>

## Resources

<http://www.globalexchange.org> - Global Exchange is an international human rights organization dedicated to promoting social, economic and environmental justice around the world.

<http://www.unglobalcompact.org> - The United Nations Global Compact is a strategic policy initiative for businesses that are committed to aligning their operations and strategies with ten universally accepted principles in the areas of human rights, labour, environment and anti-corruption.

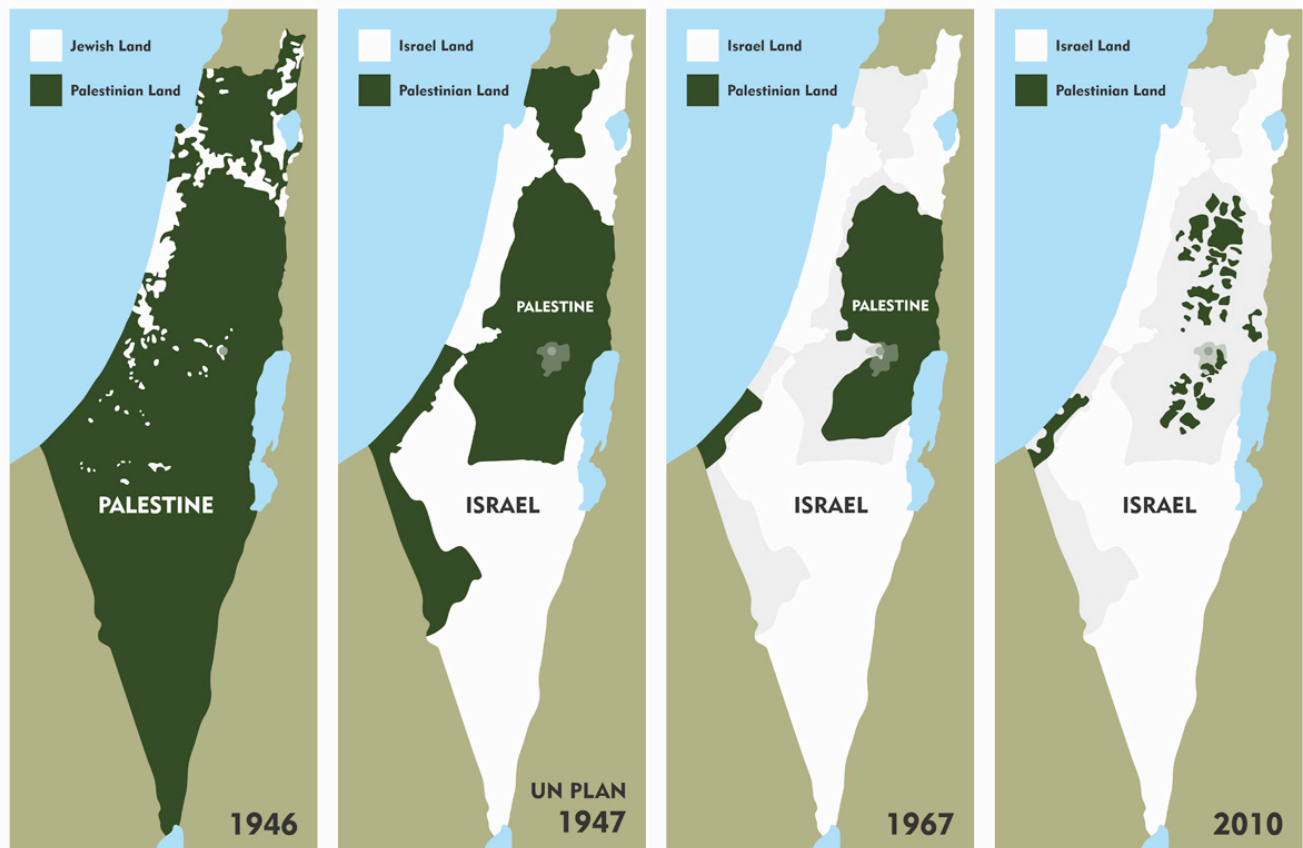
<http://www.btselem.org> - The Israeli Information Center for Human Rights in the Occupied Territories

<http://jewishvoiceforpeace.org> - Jewish Voice for Peace members are inspired by Jewish tradition to work together for peace, social justice, equality, human rights, respect for international law, and a U.S. foreign policy based upon [our] ideals.

<http://electronicintifada.net> - The Electronic Intifada is an independent online news publication and educational resource focusing on Palestine, its people, politics, culture and place in the world.

<http://vimeo.com/6977999> - Anna Baltzer, a Jewish American with the International Womens Peace Service, documents the human rights abuses perpetrated by the Israelis.

### PALESTINIAN LOSS OF LAND 1946-2010



## Proposal to Investigate Prior to Renewal of Veolia's Contract with Sonoma County:

### Human Rights Concerns

Whereas the Universal Declaration of Human Rights (UDHR), of which the US is a signatory, Article 2 establishes that "all human beings are born free and equal in dignity and rights," and that everyone is entitled to these rights and freedoms, "without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status," Whereas, UDHR establishes in Article 13 that there should be "freedom of movement and residence within the borders of each State" for all people,

Whereas, Veolia Transportation operates bus services in the Occupied Palestinian West Bank that exclude segments of the indigenous Palestinian population from routes built without consent on their land, thus enabling the implementation of discriminatory policies of the state of Israel that violate Article 2,

Whereas, the necessary freedom of movement of these indigenous Palestinian segments of the population to reach their land, their work, and essential services is restricted due to the discriminatory infrastructure on which Veolia's services run, in violation of Article 13,

Whereas, the Rome Statute of the International Criminal Court establishes that "the transfer, directly or indirectly, by the Occupying Power of parts of its own civilian population into the territory it occupies, or the deportation or transfer of all or parts of the population of the occupied territory within or outside this territory" is a violation of international law,

Whereas, Veolia's participation in transporting Israeli civilian population into the occupied West Bank is a grave violation of the Rome Statute, and as such the company is actively participating in the facilitation of a war crime,

Whereas, Veolia has also maintained the contract for the Tovlan landfill in the Occupied Jordan Valley, and in doing so contributed to the maintenance of illegal settlement by Israeli civilians in the Occupied West Bank, as well as impacted the health and well-being of the indigenous Palestinian population in the area,

Whereas the UN Declaration of the Rights of Indigenous Peoples, of which the US is a signatory, affirms the special and "urgent need to respect and promote the inherent rights of indigenous peoples [in this case Palestinians,] which derive from their political, economic and social structures and from their cultures, spiritual traditions, histories and philosophies, especially their rights to their lands, territories and resources,"

Whereas, it is the stated role of the Commission for Human Rights of Sonoma County to "advocate for policy at local, state, and federal levels to promote equal rights, acceptance, understanding and inclusiveness," and to "make recommendations to the Board of Supervisors on procedures, programs or policies that promote equal rights and an appreciation of human diversity,"

Whereas, when any people have their basic rights infringed upon and the County is conducting business with entities enabling discriminatory policies, it is the responsibility of the Commission on Human Rights to address these issues by facilitating an end to the County's contracts with companies that profit from the violation of human rights,

Therefore, be it hereby resolved that the Sonoma County Commission on Human Rights requests that the Board of Supervisors conduct an investigation of the allegations of human rights violations by Veolia as outlined above, completing the investigation by the end of fiscal year 2013.

Furthermore, should this investigation prove the allegations true, which we are confident will be the case, we respectfully ask the Commission is to advise the Sonoma County Board of Supervisors to not renew the County contract with Veolia in 2014.



July 19, 2012

Judy Rice, Chairperson  
Sonoma County Commission on Human Rights  
Sonoma County Government  
575 Administration Dr., 116B  
Santa Rosa, CA 95403

Re: North Coast Coalition for Palestine (NCCP) and Veolia Transportation

Dear Chairperson Rice:

The purpose of this letter is to bring to the attention of the Sonoma County Commission on Human Rights certain legal considerations as the Commission prepares to hear the presentation of the North Coast Coalition for Palestine (NCCP). An appearance by Veolia Transportation has been requested by the Commission to respond to the allegations of the NCCP, which we are preparing to do with the concurrence of our client in Sonoma County. Our appearance, and this letter to you, is from Veolia Transportation here in the U.S., not from our parent company abroad, Veolia Transdev, or Veolia Environnement, a major shareholder of Veolia Transdev. This letter is not intended to address the specific (and distorted) allegations about two bus lines or a light rail system in the Occupied Territories of Palestine, but to explain to the Commission potential legal impediments to considering the boycott action being proposed by the NCCP.

The North Coast Coalition for Palestine (NCCP) is a non-profit group centered in Sonoma County, California that says it strives to "bring greater awareness to the plight of the Palestinian people and work to end U.S. military support for Israel." It is closely aligned with other pro-Palestinian groups in the U.S. and internationally that support the boycott of both U.S. and foreign companies that do business, directly or indirectly, in Israel or the Occupied Territories. The NCCP is actively supporting the "Palestinian Civil Society 'boycott, divest and sanctions' movement", known as "BDS", formed in 2005 and holding itself out as a representative of "Palestinian Civil Society." It is closely aligned with the International Solidarity Movement and similar groups committed to resisting the Israeli occupation of Palestinian lands, and the boycott efforts of the League of Arab States, which since 1945 has led international efforts to boycott Israeli products, businesses and those who do business with Israel, regardless of the nature of the business.

Veolia Transportation, Inc. is a U.S. subsidiary company, employing 21,000 U.S. citizens in over 130 locations in the U.S. We are a separate business unit of Veolia Transdev, an international transportation company doing business in 27 countries worldwide, but our tap roots in the U.S. are a 100-year old family-owned Yellow Taxi business in Baltimore, Maryland—the first to have women and African-American drivers

**Veolia Transportation, Inc.**

720 E. Butterfield Road  
Lombard, IL 60148  
[www.veoliatransdev.com](http://www.veoliatransdev.com)

in the U.S.—and another family-owned school bus business founded in Illinois (ATC/Vancom), where we are headquartered today. Our leadership are all American citizens (but one) with long careers in our nation's transportation industry and a 22-year long commitment to meeting the transportation needs of the residents of Sonoma County. Our employees here in Sonoma County are among your neighbors and those whose interests are served and protected by the Commission. Veolia Transportation is not engaged in any business outside of North America or involved in the activities of its parent company, Veolia Transdev, S.A., elsewhere in the world. We have no involvement with or influence over the Veolia Transdev subsidiary operating hundreds of bus lines and a light rail system in the nation of Israel proper, only a very small part of which cross into parts of the Occupied Territories. Neither do we have involvement in the business of Veolia Environnement, S.A. (VE), a shareholder of Veolia Transdev. VE provides essential services (water, waste and energy) that greatly improve the lives of millions of people in 77 countries worldwide, including several Arab countries. (U.S. citizens own directly or indirectly almost 40% of VE's publicly-traded stock.)

Veolia Transportation, like Veolia Transdev and Veolia Environnement, does not discriminate or support discrimination in the provision of transportation services anywhere it does business. Veolia Transportation is proudly committed to providing transportation services to all persons, without regard for race, nationality or political affiliation, wherever we do business, and we take strong exception to any allegations that we do otherwise. Our values—our mission, if you will—are closely aligned with those of this Commission.

The mission of the Sonoma County Commission on Human Rights is an important one—"to promote better human relations among all people in Sonoma County through education, advocacy, and by initiating action that fosters the recognition of and appreciation for the diversity of the community." This worthy goal is fully embraced by Veolia Transportation. It is not a mission well-served, we believe, by supporting divisive sanctions or taking sides against one nation or another in a difficult conflict halfway around the world. We have been a partner to Sonoma County for decades now, trying to bring the best possible transit service to the residents of Sonoma County. It is out of respect to the Commission and the Board of Supervisors of Sonoma County that we will appear and respond to the allegations of the NCCP.

The BDS movement is not about two express bus lines or a light rail service that is used by Palestinians as well as Israelis. It is about the presence of Israel in disputed territories. Israel is an ally of the United States and the only true democracy in the region. The issues raised by the NCCP and its related organizations surrounding the Middle East and the Arab-Israeli conflicts are extremely complex, not of our making, and well beyond our ability to resolve. We do not take sides for or against the NCCP, except as to its misdirected boycott efforts. The North Coast Coalition for Palestine (NCCP) has a right to express its views. However, as part of the Palestinian Civil Society BDS movement, the NCCP wants Sonoma County to support the rescission or non-renewal of Veolia Transportation's transit operations and maintenance contract with Sonoma County simply because Veolia Transdev, not Veolia Transportation, has a

subsidiary that operates, among more than 100 other transit lines in Israel, two bus lines and a light rail system in Jerusalem that enter or pass through disputed territories. The NCCP also takes aim at Veolia Transportation here in the U.S. because Veolia Environnement, S.A., the major shareholder in Veolia Transdev, at one time operated a solid waste landfill facility that served Jewish settlements in the Occupied Territories (it no longer has an ownership interest in that landfill) and still operates a wastewater treatment plant near the border of the West Bank. It is respectfully submitted that it would be inappropriate for the Commission to support the BDS movement against Veolia Transportation here in Sonoma County. It would be divisive, misdirected, and, as referenced below, a potentially unlawful action.

#### The Requested Action of the NCCP is Unlawful

In 1977, President Carter signed into law a broad prohibition on cooperating with the League of Arab Nations boycott, stating that the "issue goes to the very heart of free trade among nations." Every U.S. administration before and since has opposed boycotts of companies that do business in Israel. The law's purpose was to "end the divisive effects on American life of foreign boycotts aimed at Jewish members of our society." In 1979, Congress passed other laws making the support of international boycotts generally by "U.S. persons" unlawful unless sanctioned by the U.S. government.

While the NCCP boycott efforts in Sonoma County may not be directly led by the actions of a specific foreign country, they are indistinguishable from those efforts sponsored by both the League of Arab Nations and the "Palestinian Civil Society BDS movement." These efforts are being rejected by most western nations as divisive and harmful to the citizens served by essential services throughout the world. We believe, the NCCP request is potentially in violation of both federal and California law, specifically, the Export Administration Regulations ("EAR") promulgated under the Export Administration Act of 1979, the California Business and Professions Code, and Federal Transit Administration regulations. Consequently, and most respectfully, the request of the NCCP for support of the BDS movement should not be considered by the either the Commission or the Board of Supervisors.

The federal Export Administration Act of 1979 and the EAR expressly prohibit discrimination against a business solely on the basis of its contracts with or in Israel. More specifically, the anti-boycott provisions of the EAR prohibit a "United States person" from taking or knowingly agreeing to take action with intent to comply with a foreign boycott that the United States does not sanction. 15 C.F.R. 7601.1(e)(1); 50 U.S.C. §2407. Specifically, no "United States person" may require any other person to refuse to do business in a boycotted country. 15 C.F.R. 760.2(1). The EAR's definition of a U.S. "person" expressly includes any individual, *business or government, department, agency or commission of any government*. 15 C.F.R. 760.1(a)(2) (emphasis added). Further, the authorizing statute, the Export Administration Act, expressly states that the EAR preempts any regulation of a state or governmental subdivision thereof which pertains to restrictive trade practices or boycotts fostered or



imposed by foreign countries against other countries. 50 U.S.C. §2407(c). As recently as 2006 and 2007, Congress has reaffirmed that “the Arab League boycott is an impediment to peace in the region and. . .the President and the Secretary of State should continue vigorously to oppose the boycott and encourage Arab states to assume normal trading relations with Israel.”

California law also expressly prohibits discrimination against a business solely on the basis of doing business with Israel and restricts using state money to further the Arab League boycott of Israel. The California Legislature drafted the *California Business and Professions Code* Sections 16721 and 16721.5 to be in compliance with the EAR’s stated purposes. The *Code* prohibits discrimination on the basis that the person conducts business in a particular location. CAL.BUS. & PROF. §16721(a)-(b). The *Code* specifically says no person within the jurisdiction of California shall require another person to be excluded, or be required to exclude another person, from a business transaction on the basis of a policy expressed in any document or writing that requires discrimination against that other person on the basis that the person conducts or has conducted business in a particular location. CAL.BUS. & PROF. §16721(b). While Section 16721 does not define “person,” Section 16721.5 specifically says “person” includes government agencies. Section 16721.5 mimics the activities considered a restraint of trade in the EAR including discriminating against a person on the basis of a person’s lawful business associations. Section 16721.6 also says the California Legislature intended this statute to be applied so as to not conflict with federal law and preempt the Export Administration Act.

While California transit authority regulations do not address this issue on point, the *California Government Code* also prevents depositing state money in financial institutions that discriminate in compliance with the Arab League boycott of Israel. CAL.GOV’T CODE §§16649.89. Furthermore, the state prevents investing trust moneys for retirement funds with businesses that engage in discriminatory business practices in furtherance of the Arab boycott. CAL.GOV’T. CODE §§16649.89. Clearly, in our view, it is the policy of the State of California for state government and its subdivisions not to sanction boycotts of businesses because of where they or those they are related to do other business.

Lastly, Federal Transit Administration regulations that accompany federal transit grants, and certain provisions of the Urban Mass Transit Act of 1969, prohibit recipients of federal transit funds, including Sonoma County, from discriminating in its transit service contracting based either on where companies do business (primarily, local preferences), their national origin, or from taking any other arbitrary actions in the procurement decision-making process. (See FTA Circular 4220.1F)

Even if allegations of discrimination by Veolia Transdev in the Occupied Territories had merit, *and they do not*, tying Veolia Transportation here in the U.S. to two express bus lines and a light rail system (used by both Israelis and Palestinians) crossing a disputed area of the Middle East stretches the concept of accountability beyond the limits of fairness or common sense. Sonoma County’s wonderful wines, for

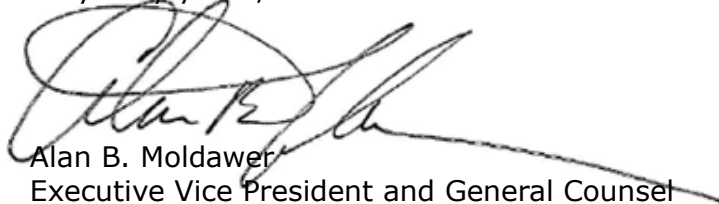
example, are sold around the world without distinction as to who markets or consumes them, including \$1.6 million in direct exports of California wines to Israel, and Sonoma County undoubtedly does business directly or indirectly with many companies with global reach that somewhere, at some time, give rise to a complaint from some interest group for where they do business.

Contrary to the claims of the NCCP and similar groups, no contracts of VE or Veolia Transdev have been terminated, and we are not aware of any contracts that have not been renewed anywhere in the world as a result of the boycott efforts of these groups. Certainly, no contracts of Veolia Transportation have been affected in the U.S. as a result of the BDS ("boycott, divest and sanction") movement. That is not to say that all contracts have been renewed or won in competitive procurement situations, where there is much competition and where, today, price often prevails over experience and technical ability. And, that is not to say that the NCCP does not have sympathizers. However, the BDS movement has not been the cause of lost contracts.

Veolia Transportation, with strong values, works hard to be a good partner to Sonoma County and to better the lives of the hundreds of communities we serve here in the U.S. The extremely complex issues of the Middle East aside, we respectfully submit that the Sonoma County Human Relations Commission, as well as the County Board of Supervisors, are precluded by law from rescinding or supporting the rescission of Veolia Transportation's contract because an affiliated entity has a transportation contract in Israel or Palestine, and any consideration of such action by the Board of Supervisors, we believe, would be a potential violation of both federal and California law. In the very least, it would be unfair, divisive, and in this instance, clearly misdirected.

Thank you for your careful consideration of this information. We look forward to speaking directly to you at the upcoming Commission hearing.

Very truly yours,



Alan B. Moldawer  
Executive Vice President and General Counsel

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