



**Human Rights Commission
Meeting Minutes
Annual Retreat
February 27, 2021
Virtual/Electronic Meeting
1:00 pm to 5:00 pm**

Link to rebroadcast: <https://boxcast.tv/channel/vabajtzeuuyv3iclkx1a>

1. WELCOME

- a. CALL TO ORDER
 - i. Chair, Mary Bauer, called the meeting to order at 1:00 pm
- b. ROLL CALL
 - i. Mary Bauer
 - ii. Kathryn Laughon
 - iii. Jeanette Abi-Nader
 - iv. Shantell Bingham
 - v. Ernest Chambers
 - vi. Jessica Harris
 - vii. Wolfgang Keppley
 - viii. Sue Lewis
 - ix. Tobiah Mundt
 - x. Andrew Orban
 - xi. Alex Oxford
 - xii. Lyndelee Von Schill
- c. MISSION (recited by all): *Act as a strong advocate to justice and equal opportunity by providing citywide leadership and guidance in the area of civil rights.*
- d. ICEBREAKER
 - i. Commissioners and staff introduced themselves and answered an icebreaker question.

2. The Future of Human Rights Protections

- a. FEPA, FHAP, and Values Act overview
 - i. Chair notes that she and OHR staff participated in a meeting with the EEOC during the past week to learn what is required to enter a FEPA agreement.
 - ii. Commissioners acknowledge having reviewed the chart in the agenda packet comparing the FEPA, FHAP, and Current Ordinance.
 - iii. Staff notes that a potential workshare agreement with the Attorney General's Office Division of Human Rights is also a possibility.
 - 1. Currently awaiting an opportunity for a follow-up discussion with the Attorney General's Office.
 - iv. Open discussion regarding potential next steps for FEPA and FHAP
 - 1. Advantages to local residents could include the following the ability to file a state/local and federal complaint in one location.

2. Neither FEPA or FHAP provide funds for Complainants or Respondents to seek legal counsel.
 - a. Commissioners have expressed an interest in the City providing financial resources for Complainants seeking legal counsel.
 - b. The City, as a government agency, and the HRC, as an agent of the City and as an adjudicating body in the hearing of complaints, must show impartiality if it were to provide funds for legal counsel, and therefore the opportunity for funding must be available for both sides.
 - c. The HRC could create a fund with an application process.
 3. FHAP provides guidance, training opportunities, and start-up funding for local agencies.
 4. FEPA appears to only provide reimbursement for cases.
 5. Local filing of a federal complaint through a FEPA or FHAP is easier than going to Richmond to file with the EEOC or DPOR.
 6. Ordinance revision process appears to be well-supported by HUD staff through the FHAP process.
 - a. An HRC ad hoc committee could work with OHR staff to create the draft ordinance that has substantial equivalence to federal fair housing law.
 - b. The HRC could present the draft to HUD for feedback before bringing the final version to Council for consideration ahead of an application for interim certification as a FHAP.
 7. The background work necessary to apply for FEPA and FHAP status could begin now and does not require the hiring of the HRC Director/OHR Manager beforehand.
 - a. Actual entry into a FEPA or FHAP contract would be difficult without a Director in place.
- b. Review of the amended Human Rights Ordinance
- i. Chair reviews the process around Council's adoption of amendments in addition to those presented by the HRC.
 1. Revisions to the Ordinance were presented to the HRC on the Sunday before the Ordinance was slated for a vote on the consent agenda for City Council's meeting on February 1, 2021.
 2. Due to public meeting requirements, the HRC was not able to discuss and act on these revisions.
 3. During the Council meeting there were two options
 - a. Adopt the Ordinance with the new revisions.
 - b. Postpone adoption pending further discussion.
 4. Chair advocated for passage given that OHR staff had reported there were pending complaints that could not move forward without adoption of the revised protected activities and protected classes.

5. It was not clear why the other revisions proposed by Council were urgent.
 - a. The HRC had explained to Council that it would likely be presenting additional changes to the Ordinance as part of the FHAP application process.
 6. Council chose to move forward with approving the Ordinance with the added revisions.
- ii. OHR staff presents a summary of Council's changes to the Ordinance.
1. Sec. 2-432 (a)
 - a. Reduction in size of the Commission to 9 members.
 - i. There will be a point in the future of the HRC where more than 9 of the current members' terms will end at the same time.
 - b. Requirement that two Commissioner seats be reserved for people with specific backgrounds
 2. Sec. 2-432 (d)
 - a. Moved the provision that the Commission can adopt bylaws and procedures from (b) to (d)
 - b. Tied the above to the provision that said adoptions are done in accordance with City Council's adopted "Rules for Public Participation."
 3. Sec. 2-432 (f)
 - a. Addition of requirements that the Director demonstrate specific experience as defined by other sections of the Ordinance.
 4. Sec. 2-432 (g)
 - a. Stipulates that City Council will establish operating procedures for the Commission.
 - i. Not clear if this is specific to the HRC or will be a general set of operating procedures for all boards and commissions.
 - ii. Councilors talked about this originating out of discussions about Civilian Police Review Board.
 5. Sec. 2-432 (i)
 - a. Requirement of quarterly reports to City Council, as specified in the above-mentioned operating procedures.
 - i. The scope of these reports has not yet been specified.
 - ii. This would require a report following every three HRC regular meetings.
 - iii. Hiring OHR staff seems pre-requisite to asking for additional reporting.
 6. Sec. 2-433 (d)

- a. Requirement that the HRC will seek FEPA and FHAP agreements and enter into the agreements subject to approval by City Council and a finding that it is in the best interest of the City.
 - 7. Sec. 2-434 (b)
 - a. Changed “may” to “will” in the provision that “the Commission will conduct or engage in educational and informational programs...”
 - 8. Sec. 2-435 (2c)
 - a. Addition of a requirement that, starting July 1, 2021, the HRC will conduct at least one research project or review every two years.
- iii. Open discussion about the Ordinance revisions
 - 1. Commissioners express general concerns
 - a. The HRC work and recommendations felt disregarded by Council..
 - b. Regarding Sec. 2-432 (a)
 - i. The HRC had agreed to cap the size of the Commission at 15.
 - ii. The HRC did discuss but agreed not to support the delegation of seats to people with specific backgrounds
 - c. HRC not consulted by Council prior to voting on revisions to the amendments proposed by the HRC.
 - d. HRC not afforded a chance to discuss and provide feedback on the revisions prior to Council’s vote.
 - e. Regarding Sec. 2-432 (g)
 - i. Unclear if this will apply only to the PCRB and the HRC or to all boards and commissions.
 - f. Regarding Sec. 2-432 (a)
 - i. Not clear what will happen if there are no applicants with the requisite backgrounds.
 - g. Council has still not taken action to ensure that a Director is hired.
 - h. The HRC has tried to meet with Council for many months, and to date this has not happened.
 - i. The fact that Council would vote on such major changes to the Ordinance without consulting the HRC is concerning.
 - i. There is an issue of equity regarding Council’s revisions as they were proposed by a single individual and the HRC’s recommendations were developed by a diverse group.

- i. Several Commissioners expressed frustration that a single individual can undo work that took the Commission many months of work to accomplish.
 - j. Note that the Mayor did call into question making new revisions without time for public process.
 - k. The last-minute process of adding additional revisions was not appropriate.
 - l. The Commission had given serious consideration to all of the recommendations previously proposed by the member of the public who pushed for the last-minute changes.
 - m. Commissioners express concern that one person using emails can influence Council's actions so drastically.
 - n. Regarding Sec. 2-432 (a)
 - i. Commissioners did significant community outreach to recruit a diverse group and this may now be undermined by these revisions.
 - ii. The size of the Commission was not the barrier to moving work forward.
 - iii. The Commission faced other barriers
 - 1. An inability to hold a joint work session with City Council in over two years.
 - 2. The crumbling infrastructure of City leadership.
 - iv. A large body helps to ensure a diversity of voices.
 - 1. There could be a time in the future where there may not be significant numbers of people of color on the HRC.
- c. Next steps
 - i. Chair solicits Commission thoughts on the best response to Council.
 - 1. Commissioners suggest re-proposing the original version of the Ordinance containing only the HRC amendments for Council's consideration.
 - ii. This topic will be revisited in the Strategic Planning session of the meeting.

Break (5m)

3. Rules and Procedures

- a. COIA/FOIA/VPRA refresher training
 - i. Allyson Davies presents an overview of the how the following Virginia statutes affect Commissioners. (See Attachment 1)
 - 1. Conflict of Interest Act
 - 2. Freedom of Information Act
 - 3. Virginia Public Records Act

- b. A brief review of the current HRC Rules and Procedures
 - i. Current Rules and Procedures included in the agenda packet.
 - ii. Amended Martha's Rules are included in the agenda packet.
 - 1. Adopted at the HRC regular meeting in March 2020.
 - 2. Not yet added to the Rules and Procedures or yet put into practice.
 - iii. OHR staff suggests a potential sub-committee for a detailed discussion of the Rules and Procedures document and for drafting revisions.
 - iv. Rules and Procedures function as a companion document to Resolutions
 - 1. All signed resolutions of the HRC are currently in a paper file but are not easily accessible to the HRC or the public.
 - 2. OHR staff will develop an electronic archive of resolutions and will attempt to post them on the City website.
 - 3. Resolutions codify the HRC's positions on specific issues and procedures for handling specific actions.
 - 4. Resolutions can be drafted in sub-committees and brought to the Commission for approval.
 - 5. Regular review of resolutions to determine whether any need to be revoked or replaced is recommended.
- c. A brief review of protocols for HRC advocacy and action
 - i. A sub committee could draft a resolution regarding how to handle actions that need to take place between publicly-noticed meetings.
 - ii. With a resolution in place, the HRC and take action and cite that the action was taken pursuant to a previously approved resolution.
- d. Next steps
 - i. Open discussion
 - 1. Sub-committee meetings that include 3 or more Commissioners require public notice.
 - 2. The HRC Rules and Procedures specify that sub-committees must be composed of not less than 3 Commissioners.
 - 3. The HRC Rules and Procedures also mentions standing committees, which are no longer convened.
 - 4. Suggestion to create a committee to review and revise the Rules & Procedures and draft a resolution regarding HRC actions between meetings.
 - 5. Suggestion to contact Council about the limited number of sub-committee meetings.
 - 6. Suggestion that the Chair, Vice Chair, and OHR staff work on revising the Rules & Procedures and drafting a resolution for action between meetings for consideration by the HRC.
 - 7. **Chair, Vice Chair, and OHR staff to meet ahead of the March HRC Regular meeting to discuss a process to revise the Rules & Procedures and to draft a resolution for action between meetings.**

Break (10m)

4. Strategic Planning

- a. Identify potential 2021 Goals
 - i. Commissioners used Google Docs to share ideas (see Attachment 2)
 - 1. Advocate that the City adopt a policy that ensures that all people facing eviction have legal counsel.
 - 2. Support Charlottesville residents who are released from ACRJ to see if they wish to file a complaint.
 - 3. Support undocumented residents in their ability to move freely and safely about the city.
 - 4. Continue advocating for increased accessibility and ADA compliance of all City services.
 - a. 11 Commissioners supported this as a primary goal.
 - 5. Address barriers to housing.
 - a. 11 Commissioners supported this as a primary goal.
 - 6. Equity-based City budgeting.
 - a. 1 Commissioner supported this as a primary goal.
- b. Prioritize top 1 or 2 Goals (see Attachment 2 for details)
 - i. Commissioners arrived at consensus through informal polling on the following priorities.
 - 1. Continue advocating for increased accessibility and ADA compliance of all City services.
 - 2. Address barriers to housing.
 - ii. Commissioners arrived at consensus for pursuing the following goals for strengthening the Commission.
 - 1. Continue to advocate for the hiring of a Director.
 - 2. Pursue FHAP.
 - a. 9 Commissioners supported this idea.
 - 3. Pursue FEPA.
 - a. A majority of Commissioners supported this idea.
- c. Identify Tactics to reach prioritized Goals (see Attachment 2 for details)
 - i. Commissioners listed specific strategies to achieve each goal.
 - ii. Commissioners volunteered to serve on sub-committees to support each goal.
 - iii. Response to Council regarding the process of amending the Ordinance.
 - 1. Commissioner suggests requesting another meeting of the full Commission with Council.
 - a. Commissioner notes that Councilors have communicated that Council does not have the capacity to engage in work sessions with boards and commissions.
 - 2. Commissioners suggest letting Council know that they were not happy with the process of amending the Ordinance.

3. Chair notes that Council initially proposed that the HRC complete a “research study or project” but that “project” was removed in the version that Council approved.
 - a. Commissioner requests more guidance for what Council expects from the Commission in terms of research projects.
 - b. Commissioners would like to understand
4. Commissioners also suggest that Council consider revising the Ordinance again.
5. Commissioners would like clarification about the scope of the “operating procedures.”
6. Chair will draft a response to Council regarding Commissioner concerns regarding the process of amending the Ordinance.
 - a. Chair will share a draft of the letter with the HRC via email prior to sending to Council.
7. Chair will also speak at the next Council meeting regarding the HRC’s concerns.

5. NEXT STEPS

- a. OHR staff
 - i. Consolidate HRC resolutions and create a publicly accessible web-based archive.
 - ii. Ask Communications how to ensure that online HRC meetings are close-captioned.
 - iii. Ensure all HRC minutes and agendas are ADA accessible.
 - iv. Begin drafting an updated version of the Ordinance for pursuit of FHAP agreement.
 - v. Begin drafting a request letter for pursuit of the FEPA agreement.
- b. Chair, Vice Chair, and OHR staff
 - i. Meet ahead of the March HRC Regular meeting to discuss a process to revise the Rules & Procedures and to draft a resolution for action between meetings.
 - ii. Review Martha’s Rules to ensure effective and consistent use.
- c. Chair
 - i. Draft a response to Council regarding Commissioner concerns regarding the process of amending the Ordinance.
 1. Share a draft of the letter with the HRC via email prior to sending to Council.
 - ii. Speak at the next Council meeting regarding the HRC’s concerns.

6. ADJOURN

- a. Meeting adjourned at 5:00 pm.