

**Human Rights Commission
Regular Meeting
Meeting Minutes
June 18, 2020
Virtual/Electronic Meeting
6:00 pm**

1. WELCOME

- a. CALL TO ORDER
 - i. Shantell Bingham called the meeting to order at 6:07 pm
- b. ROLL CALL
 - i. Shantell Bingham
 - ii. Sue Lewis
 - iii. Oliva Gabbay
 - iv. Ann Smith
 - v. Lyndele Von Schill
 - vi. Robert Woodside
 - vii. Andy Orban
 - viii. Ernest Chambers
 - ix. Kathryn Laughon
 - x. Jeanette Abi-Nader
- c. MISSION (recited by Shantell): *Act as a strong advocate to justice and equal opportunity by providing citywide leadership and guidance in the area of civil rights.*

2. MATTERS BY THE PUBLIC

- a. PUBLIC COMMENT
 - i. Walt Heinecke
 - 1. Recommends that HRC put a focus on employment and housing discrimination.
 - 2. Suggests harder push to establish the office as a Fair Employment Practices Agency (FEPA) and a Fair Housing Assistance Program (FHAP).
 - 3. Suggests a year-long study on employment and race, especially following the high unemployment due to COVID-19.
 - 4. Notes that there is discrimination in rental housing.
 - 5. Notes that several social justice organizations sent a letter to City Council outlining suggested changes to the operations of the HRC/OHR.
 - a. Includes recommendations for a OHR Manager/HRC Manager with FEPA and FHAP experience.
- b. COMMISSION RESPONSE TO MATTERS BY THE PUBLIC
 - i. Question raised about the letter from social justice organizations.
 - 1. No signatures from any representatives from the organizations.
 - a. Mr. Heinecke notes that he consulted the Executive Directors of each organization listed.
 - b. Commissioner asked for a list of those leaders

3. MINUTES

- a. Rob Woodside put forth a motion to approve the following meeting minutes.
 - i. Retreat meeting minutes 2/1/2020
 - ii. Work session meeting minutes 2/5/2020
 - iii. Regular meeting minutes 2/20/2020
 - iv. Ad Hoc Committee meeting minutes 6/11/2020
- b. Jeanette Abi-Nader seconded the motion

- c. Vote
 - i. In favor: 8
 - ii. Opposed: 0
 - iii. Abstained: 1

4. BUSINESS MATTERS

a. OHR STAFF REPORT

- i. Todd Niemeier submitted a staff report that was included in the agenda packet.
- ii. Noted that OHR service data was entered through the month of February and that the office saw an average of 10 incoming contacts per day
 - 1. CORRECTION: This was data for January and not February.
- iii. Question about open investigation
 - 1. Investigation is complete and has been submitted to the City Attorney's Office
 - 2. According to the City Attorney's Office interpretation of the Human Rights Ordinance, a City staff person must make the final determination on the case.
 - a. Previously the HRC discussed the Chair and Vice Chair serving as the administrative judges and then recusing themselves if there was an appeal.
 - b. The City Attorney's Office felt that the HRC is exclusively an appellate body.
 - c. The case is now pending action by the City Manager's Office for a determination.
 - 3. Commission asks how long it may take to get a final determination and when the investigative report was submitted
 - a. Todd notes that it has been a few weeks since submission and that he will continue to follow up with Allyson Davies as to the status of the case.

b. CHAIR UPDATE

- i. Meeting with Kyna Thomas on effective work sessions with City Council
 - 1. Shantell received an email from Kyna Thomas confirming the joint work session with City Council on July 28, 2020.
 - a. She forwarded that email to the HRC.
 - 2. Shantell met with Kyna to discuss ways to prepare
 - a. Kyna suggested coming with an agenda and sharing it with Council ahead of time.
 - 3. The ad hoc
- ii. COVID-19 response by the City
 - 1. Notes that this is an outstanding agenda item from the canceled March meeting relating to meeting protocols for the HRC during the pandemic.
- iii. Commissioners ask about meeting with Council
 - 1. Time is 3pm to 6pm.
 - 2. Will most likely be a virtual meeting – She will confirm with Kyna.

5. WORK SESSION

a. OHR/HRC STRUCTURE RECOMMENDATIONS

- i. Review draft documents detailing qualities and recommendations for new OHR Manager/HRC Director
 - 1. Jeanette notes that the documents are in the Google Drive for comments.
 - 2. No one has commented to-date.
 - 3. The document does not yet incorporate recommendations from Walt Heinecke's letter.
- ii. Recommendations and letter sent by Walt Heinecke on behalf of other social justice organizations

1. One Commissioner expressed general support for the increased enforcement recommendations put forth in the letter, recognizing the complexities of implementation, and hoping for an OHR Manager/HRC Director with the skillset to help carry the work forward.
2. Commissioner suggests that Council approved a weakened version of the Human Rights Ordinance, which currently restrains the authority of the HRC/OHR.
 - a. Notes that changes to the ordinance would likely be required in order to implement many of the recommendations.
3. Commissioner comments regarding the fifth paragraph on the first page, pertaining to the note that the HRC has not adequately fulfilled its role of conducting studies of systemic discrimination.
 - a. Notes that ad hoc and sub committees have addressed specific issues.
 - i. Foster care
 1. Could not influence state policy
 - ii. Police policy and procedures
 1. HRC has not yet submitted these recommendations
4. Commissioner comments on the end of the above-mentioned paragraph, which states that the HRC/OHR have been ineffective and not producing the intended impact on community equity.
 - a. Counters that the office has done significant work since its creation.
5. Commissioner comments regarding the “first in, first out” suggestion regarding HRC membership and the suggested reduction of the HRC back to 7 or 9 members.
 - a. Notes that there is value to having people on the HRC long term for consistency.
 - b. Agrees there should be a designated City Council liaison
6. Commissioner comments that if social justice organizations have concerns that they should attend the HRC meetings to discuss rather than submitting a letter.
7. Chair responds
 - a. Believes in strengthening the ordinance.
 - i. We may need structural changes to be stronger.
 - b. Is not opposed to a larger number of people on HRC.
 - i. Agrees that HRC can and should do as much as possible.
8. Commissioner notes that there was a period of time when many Commissioners had left the HRC.
 - a. The HRC was a very small group, while waiting for City Council to appoint new members.
 - b. This made effective work difficult.
9. Commissioner notes that switching from standing committees to ad hoc committees has slowed the work.
 - a. Previous standing committees worked on the following areas
 - i. Race
 - ii. LGBTQ+
 - iii. Disability
10. Commissioner seconds the following
 - a. There was a period of time when Council had not appointed new members.
 - i. Feels that Council should also look for subject matter

- experts and consult with the HRC as to its needs when making appointments.
 - b. "First in, first out" may not be the best policy.
 - c. The number of people does not need to be reduced.
 - i. Notes that 12 people seems like a good size for a functioning HRC.
11. Commissioner suggests prioritizing subject matter expertise when making recommendations to Council for new appointees.
- a. Does not support making requirements on appointees or reducing the number of people, as finding qualified applicants may be challenging.
12. Commissioner notes a few points to consider from the letter.
- a. Regarding the suggested research in point 2
 - i. What types of research?
 - ii. Who would conduct the research?
 - 1. Do we need external experts?
 - 2. Can this work be done in-house?
 - b. Notes that point 6 in the letter suggests that the OHR report to the City Attorney's Office.
 - i. What are the pros and cons of being under the City Attorney's Office?
 - ii. Why wasn't that the case in the first place?
13. Other Commissioners respond to 12b.
- a. The HRC has always had a liaison with the City Attorney's Office.
 - i. Allyson Davies used to attend the HRC meetings at the start of the HRC.
 - b. Is the suggestion to move the OHR into the City Attorney's Office?
 - i. Concerns expressed about privacy of people coming to the office if it is suggested that the physical office move.
 - c. The original intention of the OHR did not seem so legalistic as being directly under the City Attorney's Office.
 - i. Most Commissions report to City Councils and City Manager's Office.
 - ii. What is the advantage to moving the OHR under the City Attorney's Office?
 - d. Being connected to the City Attorney's Office is a recommendation regarding oversight, not regarding the physical location of the OHR
 - i. Is there a conflict when the OHR is overseen by City Manager's Office?
 - ii. Reporting to the City Attorney might separate the OHR from involvement in other City concerns.
14. Commissioner expresses support for more formal enforcement power, as suggested by the letter.
15. Commissioner notes that a lack of resources put toward the OHR and HRC is a limiting factor
- a. Additional staff is needed, not just a person in Charlene's former position.
16. Shantell reads all points in the letter for the sake of review and for the purpose of allowing the public to hear the contents.
- a. Point 1: Suggestion that new OHR Manager/HRC Director

have legal experience with Human and Civil Rights.

- i. Commissioner suggests that previous Manager/Director had these credentials, and the working relationship was strained.
 1. Knowledge of and contact with people with those credentials is sufficient for compliance.
 2. Feels that stronger candidate will have experience with human rights issues rather than legal experience.
 - ii. Commissioner suggests that fundamental changes to the OHR in terms of enforcement might require that legal background.
 - iii. Another commissioner suggests that legal experience would be valuable for compliance.
 - iv. Commissioner notes that we are going through a new set of suggestions without have reviewed the HRC's own suggestions to the job description, which were discussed during the ad hoc meeting on 6/11/2020.
 1. Feels like a side-by-side comparison would be helpful.
 - v. Commissioner notes that just because HRC had a bad experience with a person with legal experience does not mean that all people with legal experience would be bad candidates.
- b. Point 2: Suggestion of one major study of discrimination per year accompanied by substantial policy recommendations.
- i. Commissioner supports this idea, but HRC/OHR needs funding and resources to do this work.
 - ii. Another Commissioner notes that externally sourcing the research seems more feasible.
 1. Notes that a shift toward studies and policies could detract from the community outreach component of the Manager/Director role.
- c. Point 3: Suggestion to set up workshare agreements with EEOC and HUD to expand investigations in employment and housing.
- i. No Commissioner comment.
- d. Point 4: Suggestion of "first in, first out" format for Commissioner terms and reducing the number of Commissioners to 7 or 9.
- i. Commissioners shared comments previously on this point.
- e. Point 5: Suggestion that 4 Commissioners have content expertise in housing, health, employment, and education and that 2 Commissioners be from historically marginalized communities affected by housing and employment discrimination.
- i. Commissioner notes that the mandates may be difficult, but we can express to Council that HRC is interested in subject matter expertise.
 1. Mandating that 2 Commissioners be from a

specific population is not practical.

- ii. Another Commissioner supports the mandate recognizing that it is not an immediately feasible action but is something to strive for over time.
 - iii. Another Commissioner also expresses support for a mandate.
 - f. Point 6: Suggestion to move the OHR/HRC functions under the City Attorney's Office with direct oversight by Council.
 - i. Commissioners shared comments previously.
 - ii. Commissioner asks if Council provides direct oversight to the City Attorney's Office?
 - iii. Another Commissioner states a preference for the OHR Manager/HRC Director reporting to the City Attorney rather than the City Manager.
 - g. Point 7: Suggestion to designate a Council liaison to the HRC.
 - i. General agreement on this.
 - h. Point 8: Suggestion that HRC Chair report to Council every quarter regarding progress related to systemic studies of discrimination.
 - i. Notes that this seems related to Point 7.
 - ii. Commissioner suggests that quarterly reporting might be too frequently from a research standpoint. Twice per year might be more reasonable.
 - i. Point 9: Suggestion to modify the Human Rights Ordinance to reflect the changes specified above.
 - i. Commissioner notes that if we do not agree with the suggested changes then we cannot modify the ordinance.
 - ii. Chair notes that not all suggestions require ordinance modification.
17. The letter will be posted to Google Drive for Commissioners to add further comments.
- a. Commission will discuss the letter and the revised job description at the next ad hoc committee.
- b. AD HOC COMMITTEE UPDATES
- i. Ad Hoc Committee: Updated rules and procedures including Martha's Rules
 - 1. This committee did not meet during the pandemic.
 - 2. The meeting has not been rescheduled.
 - 3. Shantell chairs this committee and asks TN to send out a doodle poll.
 - ii. Ad Hoc Committee: Joint work session with City Council
 - 1. Jeanette chairs this committee
 - 2. Links to documents shared with the HRC
 - 3. Jeanette will send a doodle poll to TN to share with the group.
 - 4. Suggestion to add the report to City Council to the agenda for the Council work session.
 - 5. Suggestion to add a short segment on the history of the HRC/OHR with new Councilors during the Council work session.
 - 6. All materials to be sent to Council two weeks in advance of the meeting
 - a. July 13th
 - iii. Ad Hoc Committee: Policy review
 - 1. No updates.
 - 2. Suggestion to share the police policy review information during the joint work session with Council.
 - a. HRC was holding off on this because the meeting with Chief

Brackney was never scheduled.

b. Documents are in good shape to share but they do not include the Chief's input.

iv. Ad Hoc Committee: Disability awareness PSAs

1. No updates.

6. INDIVIDUAL COMMISSIONER UPDATES AND ANNOUNCEMENTS

a. One Commissioner has been attending protests.

i. Council has been receiving thousands of emails with policy requests related to the protests.

b. Jefferson African American Heritage Center hosting a virtual Juneteenth celebration

i. Starts at 6:00pm

c. Commissioner refers to a conversation with Lloyd Snook

i. Thinking about police presence and police issues

d. Organizations created a mutual aid network in partnership with CACF and City

i. Distributed over \$2 million in aid

ii. As aid dwindles in July, it will be important to watch for evictions.

iii. PHAR is also concerned about this.

1. PHAR shared a message to Council about evictions that encouraged the public to contact Council to put Care Act funds toward housing.

2. What can the HRC do to advocate to Council on behalf of people who may be at risk for eviction?

a. Commissioner suggests that community matters requiring action by HRC be shared in advance with the entire HRC.

b. Commissioner suggests drafting a resolution with regard to housing discrimination and eviction.

c. Commissioner notes that HRC's mission is broader advocacy around human rights and that advocating for people's right to housing fits within the mission.

d. Staff notes that the HRC passed a previous resolution in support of the CSRAP.

i. This resolution could be similar.

ii. From work with the Pathways and COVID Emergency Relief Fund, there is a clear concern for people who are struggling to pay rent.

e. HRC could put out a statement

i. Advocating for recent legislative wins for LGBTQ+ rights.

ii. Catherine Spear has drafted a statement in support of Black Lives Matter.

1. This is still under review but will be first to go out.

iii. HRC could also write something with regard to a hold on evictions.

7. MATTERS BY THE PUBLIC

a. PUBLIC COMMENT

i. None.

b. COMMISSION RESPONSE TO MATTERS BY THE PUBLIC

i. None.

8. NEXT STEPS

a. Jeanette will send out a Doodle poll for the ad hoc committee meeting.

b. Shantell will send Todd dates for a Doodle poll to schedule a meeting for the meeting to discuss updated rules and procedures.

c. Commissioners will finish updating the Black Lives Matter statement

i. HRC will share with Todd to share with Communications Department

d. Begin a draft resolution regarding housing advocacy, specifically advocating for a hold on evictions.

9. ADJOURN 8:03 pm