



**Human Rights Commission
AGENDA
Regular Meeting
July 16, 2020
Virtual/Electronic Meeting
6:00 pm to 8:00 pm**

Please take Notice that this virtual meeting of the Human Rights Commission is for the purposes of planning, developing and drafting management and administration documents for the Human Rights Commission. For the purpose of addressing issues during the quarantine, this virtual meeting will be a limited public forum to discuss the agenda items designated under Section 5 below and to ensure the continuity of services provided by the Commission. The Commission Chair may limit public comments or discussion points that are unrelated to agenda items under Section 5 or that pertain to topics outside the scope of this Agenda. Members of the public are limited to three minutes of comment time per person related to the Agenda below. A maximum of sixteen public comment time slots are allotted per meeting. This will be a virtual/electronic meeting open to the public and registration information is available at www.charlottesville.gov/zoom.

1. WELCOME

- a. CALL TO ORDER
- b. ROLL CALL
- 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.*

2. MATTERS BY THE PUBLIC

- a. PUBLIC COMMENT
- b. COMMISSION RESPONSE TO MATTERS BY THE PUBLIC

3. MINUTES

4. BUSINESS MATTERS

- a. ORDINANCE DISCUSSION W/ Allyson Davies of City Attorney's Office
 - i. Review of recommendations sent to HRC
 - ii. Review of proposed ordinance updates
- b. OHR STAFF REPORT
 - i. Overview of Individual Complaint Handling Process & Commission Hearing
 - ii. General OHR staff report
- c. CHAIR UPDATE
 - i. Housekeeping: Attendance Policy and Commissioner
 - ii. 2-2-1 Meetings with City Council

5. WORK SESSION

- a. AD-HOC COMMITTEE UPDATES
 - i. Joint Meetings with Council/ Reviewing package for City Council to Review

6. MATTERS BY THE PUBLIC

- a. PUBLIC COMMENT
- b. COMMISSION RESPONSE TO MATTERS BY THE PUBLIC

7. NEXT STEPS & ADJOURN

Individuals with disabilities who require assistance or special arrangements to participate in the public meeting may call the ADA Coordinator at (434) 970-3182 or submit a request via email to ada@charlottesville.gov. The City of Charlottesville requests that you provide a 48 hour notice so that proper arrangements may be made.



**Human Rights Commission
Regular Meeting
July 16, 2020
Virtual/Electronic Meeting
6:00 pm to 8:00 pm**

Agenda Packet Attachments

1. Draft HRC Regular Meeting Minutes 06-18-2020
2. Draft HRC ad hoc Committee Meeting Minutes 07-02-2020
3. Charlottesville Human Rights Ordinance
4. Proposed language revisions to Charlottesville Human Rights Ordinance
 - a. Regarding "Sex" as a protected class
 - b. Previously proposed language revisions from 2019
 - i. Excerpt from HRC Regular Meeting Minutes 10-17-2019
 - ii. Revised language proposal
5. Office of Human Rights service provision flow chart
6. Office of Human Rights monthly staff report
7. Current Human Rights Commission Roster
8. Human Rights Commission Rules and Procedures
9. OHR Manager/HRC Director position description with Commissioner revisions
 - a. [Google Drive link](#)
10. Proposed talking points for 2:2:1 meetings with City Council
 - a. [Google Drive link](#)
11. Draft agenda for HRC joint work session with City Council
 - a. [Google Drive link](#)

**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

Human Rights Commission
Ad Hoc Committee: Preparation for Joint Works Session with City Council
July 2, 2020
Virtual/Electronic Meeting
12:00-1:00 pm

1. WELCOME

- a. CALL TO ORDER
 - i. Committee Chair Jeanette Abi-Nader called the meeting to order at 12:00pm.
- b. ROLL CALL
 - i. Jeanette Abi-Nader
 - ii. Ann Smith
 - iii. Shantell Bingham
 - iv. Sue Lewis
 - v. Laura Keppley
 - vi. Lyndele Von Schill
 - vii. Ernest Chambers
- 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.*

2. MATTERS BY THE PUBLIC

- a. PUBLIC COMMENT
 - i. None.
- b. COMMISSION RESPONSE TO MATTERS BY THE PUBLIC
 - i. None.

3. WORK SESSION

- a. Update regarding Council Joint Work Session
 - i. Clerk of Council shared that the Mayor would like to host 2:2:1 meetings
 1. 2 Councilors:2 Councilors:1 Councilor (Mayor)
 2. If only 2 Councilors and 2 Commissioners meet no public notice required
 - ii. Discussion regarding format and composition of these meetings
 1. Question: What is the purpose of meeting in 2:2:1 format?
 - a. Council will hold a retreat at the end of July
 - b. Mayor did not want to hold the joint work session before the retreat but wanted to have an opportunity to brief Councilors before a public meeting
 2. Question: What information are Councilors looking for in these meetings?
 - a. Clerk of Council noted that the Mayor requested a proposal from the HRC for the 2:2:1 meetings
 3. Question: Will the 2:2:1's happen before the joint work session on July 28?
 - a. 2:2:1 meetings would be scheduled after the end of July
 - b. 2:2:1 meetings would not replace the joint work session but precede it
 4. Suggestion that one of the 2:2:1's happen before Council's retreat
 - a. These would offer a timely opportunity to discuss current issues
 - b. A good opportunity to rebuild relationships with Councilors
 5. Suggestion that the same two people talk with each group of two Councilors

6. Commissioner notes that there were Commissioner/Councilor meetings earlier in the year
 - a. Lyndele met with Sena
 - i. She felt that this conversation was productive
 - b. Rob also met with another Councilor
7. General agreement that 2:2:1's are a good idea
8. Suggestion that HRC Chair and Vice Chair could request to meet with the Mayor prior to the Council retreat
 - a. General agreement
9. Regarding Chair and Vice Chair representing the HRC at all meetings
 - a. Might be good for consistency of message
 - b. Sharing the opportunity for other Commissioners to participate is also important
 - c. There is benefit for Councilors to see the other Commissioners, besides the Chair and Vice Chair, in-person
10. Question: Will Commissioners be sharing their own viewpoints or will there be a consistent message with talking points?
 - a. A unified message would be best, especially going between Councilors
11. Could invite groups of two Councilors to upcoming HRC meetings in July and August
 - a. This may not fit with the Mayor's interest in a non-public meeting ahead of the joint work session
 - b. Might be more timely to host the 2:2's in early August
12. Who is willing to attend 2:2 meetings?
 - a. Commissioners present who are willing to attend
 - i. Jeanette
 - ii. Laura
 - iii. Ernest
 - iv. Ann
 - v. Lyndele
 - b. Can also share with full HRC
 - c. Will need to then make decisions about who will serve, as only four Commissioners total would be able to participate.
 - i. Laura
 1. Offers to defer to other Commissioners who have more recent experience
 - ii. Ernest
 1. Offers to serve as an alternate to Ann and Lyndele
 - iii. Lyndele
 1. Offers to serve as an alternate
 - d. Might be good to offer this opportunity to Commissioners other than those who have already had an opportunity to meet with Councilors
 - i. Suggestion that it is important to inform the rest of the Commissioners before settling on who will represent at the 2:2 meetings
 - ii. Suggestion that it might also be valuable and more efficient to just make a decision on representation from within the ad hoc committee

1. It makes the decision harder if we have multiple people interested and then have to decide
- e. Suggestion that HRC could send the proposal (as requested by the Mayor) for the meetings along with a request for dates and times first
 - i. Once Kyna replies with the dates, times, and Councilors, the HRC could decide who will attend the meetings.
 - f. Further discussion on whether to open it up to the larger HRC
 - i. Of the Commissioners present at the ad hoc meeting, only Lyndele has met with a Councilor
 - ii. The ad hoc committee therefore has adequate representation to handle the 2:2's without opening it up to the full HRC, which would make the decision more challenging
 - iii. When meetings with Councilors were previously explored, the HRC shared leadership and an open opportunity for all Commissioners to participate
 - iv. The Chair of the HRC has not even met with a Councilor yet
 - v. All Commissioners should be aware of who will be meeting with Councilors before the final decision is made
 - vi. Time with Council is valuable, so having Commissioners who are most prepared to share the HRC's talking points would be strategic for HRC advocacy
 - vii. Inviting Councilors to public meetings has not worked previously, so 2:2's not being public may be advantageous
 - viii. Given that the HRC has existing talking points from previous planning around 1:1 Councilor meetings, any Commissioner should be able to represent the HRC when speaking to Councilors
 1. Ernest and Andy had set up meetings with Councilors that were canceled
 2. Lyndele and Rob were able to meet with Councilors
 3. Talking points may have shifted slightly, but they are generally the same since their creation in February
 - ix. Suggestion to do the following
 1. Leading up to HRC meeting on July 16
 - a. Todd can ask Kyna for dates and times that Councilors and the Mayor can meet
 2. At the HRC meeting on July 16
 - a. Ad hoc committee can share a preliminary plan for 2:2 meetings and which Commissioners have expressed interest

- i. Commissioner asks how this is done
 - 1. HRC can draft language
 - 2. Todd can then share proposed language with the City Attorney's Office for review
 - 3. Council must then vote to amend the Human Rights Ordinance
 - d. OHR Director position Recommendations
 - i. General sentiment that the document is currently ready for presentation to the HRC on July 16.
- 4. MATTERS BY THE PUBLIC**
 - a. PUBLIC COMMENT
 - i. None.
 - b. COMMISSION RESPONSE TO MATTERS BY THE PUBLIC
 - i. None.
- 5. NEXT STEPS**
 - a. Add to the HRC Regular Meeting Agenda for July 16
 - i. Proposal to change the Human Rights Ordinance to include revised language around protection for LGBTQ+ populations
 - ii. Lyndeale will draft language
 - b. Jeanette will send links to documents and summary of 2:2:1 plan in an email for Todd to send to the HRC
 - i. This will also be included as an agenda item on July 16

MEETING ADJOURNED AT 12:58pm

**AN ORDINANCE AMENDING AND REORDAINING CHAPTER 2
(ADMINISTRATION) OF THE CODE OF THE CITY OF CHARLOTTESVILLE (1990),
AS AMENDED, BY ADDING A NEW ARTICLE XV ENTITLED HUMAN RIGHTS.**

BE IT ORDAINED by the Council for the City of Charlottesville, Virginia that Chapter 2 of the Code of the City of Charlottesville (1990), as amended, is hereby amended and reordained by adding a new Article XV entitled Human Rights, which Article shall read as follows:

Article XV. Human Rights

Sec. 2-430. Short title.

This Article shall be known and referred to as the Charlottesville Human Rights Ordinance.

Sec. 2-431. Unlawful discrimination prohibited.

(a) It shall be unlawful and a violation of this article for any person, partnership, corporation or other entity to engage in discrimination in housing, employment, public accommodations, credit, and education on the basis of race, color, religion, sex, pregnancy, childbirth or related medical conditions, national origin, age, marital status or disability.

(b) As used herein, the term “discrimination on the basis of sex” is defined to include, but not be limited to, discrimination on the basis of gender identity, transgender status or sexual orientation.

(c) As used herein, the term “unlawful discriminatory practice” includes conduct in violation of any comparable Virginia or federal statute or regulation governing unlawful discrimination.

Sec. 2-432. Human Rights Commission.

(a) There is hereby created in the City of Charlottesville a Human Rights Commission, consisting of no less than nine members appointed by the City Council. The Commission membership shall be broadly representative of the City’s population, with consideration of racial, gender (including gender identity, transgender status, and sexual orientation), religious, ethnic, disabled, socio-economic, geographic neighborhood and age groups within the City. Of the members first appointed, at least three shall be appointed for terms of three years, at least three shall be appointed for terms of two years, and at least three shall be appointed for terms of one year. Thereafter members shall be appointed for terms of three years each. Any vacancy shall be filled by the City Council for the unexpired portion of a term. Following notice to the member, any member of the Commission may be removed for good cause by a majority vote of City Council.

(b) The Commission shall elect from its members a chair, a vice-chair, and such other officers as the Commission may deem appropriate. The Commission may also adopt rules and procedures to govern the conduct of its affairs.

(c) Members of the Commission shall serve without compensation, but funds may be appropriated in the City's annual budget for reasonable and necessary expenses to be incurred by Commission in the conduct of its prescribed functions.

(d) All meetings of the Commission shall be advertised in advance and in the manner required by law, and shall be open to the public except for meetings lawfully closed pursuant to the Virginia Freedom of Information Act. At the beginning and at the end of each of its public meetings the Commission will receive public comment in accordance with City Council's "Rules for Public Participation".

(e) The Commission may, in its discretion, delegate any of its duties or responsibilities hereunder to a panel of not less than three Commissioners.

(f) There shall be a full-time Director of the Commission, who shall be appointed by the City Manager with the advice and consent of the Commission and who shall serve full time in that capacity. The Director will be responsible for and report to the Commission in the day-to-day operational conduct of the Commission's activities. The Director shall report directly to the City Manager for administrative and fiscal matters. The City Manager shall delegate to the Director the authority to employ such additional staff as authorized and funded by the City Council, in order for the Commission to fulfill effectively its obligations under this Ordinance.

(g) All City departments, boards and commissions shall cooperate with and provide assistance to the Commission, including the provision of information in response to reasonable requests from the Commission.

(h) Legal counsel shall be provided to the Commission and its staff through the Office of the City Attorney. The City Council may authorize retention of outside counsel where deemed appropriate upon recommendation of the City Attorney.

Sec. 2-433. Role of the Human Rights Commission.

The role of the Human Rights Commission is to act as a strong advocate for justice and equal opportunity by providing citywide leadership and guidance in the area of civil rights. The Commission will:

(a) Identify and review policies and practices of the City of Charlottesville and its boards and commissions and other public agencies within the City and advise those bodies on issues related to human rights issues;

(b) Collaborate with the public and private sectors for the purpose of providing awareness, education and guidance on methods to prevent and eliminate discrimination citywide;

(c) Assist individuals who believe they are the victim of an act of unlawful discrimination within the City;

(d) Make recommendations regarding the City's annual legislative program, with an emphasis on enabling legislation that may be needed to implement programs and policies that will address discrimination;

Sec. 2-434. Duties and responsibilities – Community dialogue and engagement.

(a) The Commission will serve as a forum for the discussion of human rights issues, and

be responsible for conducting ongoing efforts to engage community members in an open, honest and creative dialogue regarding issues of equity and opportunity, including but not limited to issues considered by the City's Dialogue on Race initiative.

(b) The Commission may conduct or engage in educational and informational programs for the promotion of mutual understanding, reconciliation and respect between all classes of individuals protected by this ordinance and the larger Charlottesville community.

Sec. 2-435. Duties and responsibilities – Systemic issues.

(a) The Commission will be responsible for identifying and reviewing policies, practices and systems of an institutional nature that:

(1) May be unlawful discriminatory practices; or,

(2) May not constitute unlawful discriminatory practices but nevertheless which produce disparities that adversely impact affect individuals on the basis of a status such as their race, color, religion, sex, pregnancy, childbirth or related medical conditions, national origin, age, marital status, criminal record, income or disability.

(b) Any review undertaken pursuant to this section may be initiated at the request of any other public or private entity, or by the Commission on its own initiative.

(c) The Commission may conduct its own research and review of existing studies and literature, collaborate with other research organizations, organize public focus groups and hold such hearings as may be necessary to identify policies, practices and systems as referenced in (a), above. For each such identified policy, practice or system, the goal of the Commission will be to formulate recommendations and to propose concrete, actionable reforms that will eliminate discriminatory practices or the adverse effects of lawful other practices.

Sec. 2-436. Reserved.

Sec. 2-437. Duties and responsibilities – Investigation of individual complaints and issuance of findings.

(a) The Director will develop and implement a central intake mechanism for receiving and processing individual complaints that allege an unlawful discriminatory practice in the City.

(b) In cases where investigation and remediation are already available in the City, such as employment discrimination complaints within the jurisdiction of the Equal Employment Opportunity Commission ("EEOC") or fair housing complaints addressed by the Piedmont Housing Alliance, the complaint will be referred to that agency so that investigation and enforcement may be initiated by those bodies, which will offer services in the City and, to the extent allowed by law, report their findings to the Commission.

(c) For all other complaints alleging an unlawful discriminatory practice as defined herein within the corporate limits of the City, the Director or other designated professional staff will conduct, as authorized by this ordinance, fact-finding, mediation, conciliation, and, if necessary, full investigation of the complaint as he or she deems appropriate to ascertain the facts underlying the charge of discrimination, provided that the complaint may be dismissed by the Director without investigation if it fails to adequately allege a violation of this ordinance or is otherwise deficient on its face. If the complaint is not dismissed the Director will serve a copy on

each respondent named therein. Upon completion of the initial investigation, the Director shall render a written determination of whether there is probable cause to believe a violation of this ordinance has occurred, and the facts supporting such determination. The written determination shall promptly be served on the parties.

(d) If the Director determines that there is probable cause to believe a violation has occurred, the Director will propose an initial meeting between the parties for the purpose of exploring a resolution of the complaint through voluntary mediation or other informal means. Nothing herein shall be interpreted as requiring any party to participate in mediation or any other conciliatory efforts. Materials used and communications made during a mediation or informal conciliation shall be confidential, and shall not be disclosed to the public by the Director, the Commission or its staff unless disclosure is authorized in writing by all parties to the dispute.

(e) If the mediation or conciliation is concluded to the satisfaction of both parties, the complaint will be considered resolved upon the parties' execution of a written conciliation or settlement agreement. Unless all parties agree otherwise the execution of a written agreement is solely for the purpose of settling a disputed claim, and does not constitute an admission by any party that the law has been violated. No further action on the initial complaint will be taken by the Commission or its staff once the agreement is executed. If mediation or conciliation is not successful, the Director or designee may conduct further investigation or, if further investigation is not warranted, either dismiss the complaint as not constituting a violation or proceed with the preparation of materials for consideration by the Commission, as provided in section 2-439.1 (b).

(f) In order to fulfill the requirements of this section, the City Manager is authorized to contract on behalf of the City with any objective, neutral third party qualified to assess allegations of discriminatory conduct as prohibited in section 2-431, for the purpose of receiving complaints, conducting investigations, rendering written determinations of whether there is probable cause to believe a violation of this ordinance has occurred, conducting mediations or conciliations of complaints and advising the Director of the Commission of the results of any investigation, mediation or conciliation of complaints.

Sec. 2-438. Reserved.

Sec. 2-439.1. Enforcement authority – The role of the Commission.

(a) If the Director determines that there is insufficient probable cause to believe a violation of this ordinance has occurred, the Director shall dismiss the complaint and advise the complainant in writing that such dismissal shall become final unless, within ten (10) business days of receipt of notice of the dismissal, the complainant files with the Commission a request for a review of the determination of the Director. On written petition of the complainant the Commission may review the Director's conclusion, and may either overrule or affirm the finding of no probable cause. The parties may submit such additional information as they desire for the Commission's consideration. If the Commission determines that probable cause exists, it shall direct the Director to continue the investigation or proceed with conciliation efforts.

(b) If the Director determines that probable cause to believe a violation did occur and either party declines to participate in mediation or other informal means of resolving the complaint, or if such efforts are attempted but unsuccessful, the Director shall prepare a written summary of the evidence on which the determination of probable cause is based, and shall

recommend appropriate remedies for the discriminatory actions in a report to the Commission. The Commission shall determine by majority vote whether to hold a public hearing on the complaint. The Commission shall base its determination on its judgment as to how enforcement of this ordinance would be best served. If the Commission determines not to hold a public hearing, it shall either dismiss the complaint or take such action as it deems appropriate and consistent with the purposes of this ordinance and the powers of the Commission hereunder.

(c) If a hearing is to be held, the Commission shall promptly notify the parties of the time, date and location of the hearing and serve upon them a statement of the charges against the respondent, the Director's summary of the evidence and recommended remedies, and the issues to be considered at the hearing. The Commission will have the option to consider all of the allegations and issues set forth in the complaint or, in its discretion, may limit the scope of the hearing to one or more of the allegations or issues. The notice and statement shall be served no later than 14 days prior to the date of the hearing. Hearings of the Commission may be held before the entire Commission or before designated hearing panels, consisting of three or more members of the Commission, as the Commission in its discretion may determine. The Chair or a Commissioner designated by the Chair shall preside over the public hearing, which shall be open to the public.

(d) Whenever the Commission has reasonable cause to believe that any person has engaged in or is engaging in any unlawful discriminatory practice, and the Commission, after a good faith effort to obtain the data and information necessary to determine whether a violation has occurred, has been unable to obtain such information, it may request the City Attorney to apply to the judge of the circuit court of the jurisdiction in which the respondent resides or is doing business for a subpoena *duces tecum* against any person refusing to produce such data and information. The judge of the court, upon good cause shown, may cause the subpoena to be issued. Any person failing to comply with such subpoena shall be subject to punishment for contempt by the court issuing the subpoena. For purposes of this section, "person" includes any individual, partnership, corporation, association, legal representative, mutual company, joint stock company, trust, unincorporated organization, employee, employer, employment agency, labor organization, joint labor-management committee, or an agent thereof.

(e) In cases to be heard by the Commission the complainant and the responding parties shall be entitled:

- (1) To file written statements or arguments with the Commission prior to the hearing;
- (2) To be represented by privately retained counsel of his or her choice;
- (3) To present his or her case or defense by oral or documentary evidence, to be given under oath or by affirmation;
- (4) To submit rebuttal evidence; and
- (5) To conduct such cross-examination as may be required for a full and true disclosure of the facts. Any oral or documentary evidence may be received, but the Commission as a matter of policy shall provide for the exclusion of irrelevant, immaterial or unduly repetitious evidence. The Commission shall not be bound by the strict rules of evidence prevailing in the courts of law or equity.

(f) The Director shall be responsible for assuring the development of the evidentiary record before the Commission and may introduce evidence, examine or cross-examine witnesses, or make argument if he or she deems it advisable in order to fully apprise the Commission of the facts or the applicable law. The Commission shall keep a full record of the hearing, which record shall be public and open to inspection by any person unless otherwise provided by any applicable law or regulations. Any party may request that the Commission furnish such party a copy of the hearing record and shall reimburse the Commission for the cost of producing the copy. In matters where any party is represented by counsel, the office of the City Attorney shall provide an attorney as counsel to the Commission who will also assist the Director in preparing the case.

(g) If, after the hearing, the Commission determines by a preponderance of the evidence that the respondent has committed or is committing the alleged violation(s) of this ordinance, the Commission shall state its findings and may issue recommendations, to be served promptly on the parties, which recommendations may include notice to the respondent to cease and desist from such violation(s) and to take such action as may be authorized by law to effectuate the purpose of this ordinance, including but not limited to the payment by respondent of compensatory damages to any person or persons found by the Commission to be so entitled by reason of the violation(s) of this ordinance, or the placement or restoration of any person in or to such status in which the Commission finds he or she would be but for respondent's violation(s) of this ordinance.

(h) If, after receiving the evidence presented at the hearing, the Commission finds that the respondent has not engaged in the alleged violation(s) of this ordinance, the Commission shall state its findings and shall dismiss the complaint. Prompt notice of such action shall be given to the parties.

(i) Nothing herein shall be construed as authorizing the Commission to issue subpoenas, award damages or grant injunctive relief.

Sec. 2-439.2. Enforcement authority – Court enforcement.

(a) If the Commission finds that a respondent has committed a violation of this ordinance and determines that appropriate remedial measures have not been taken, the Commission, through the City Attorney, and subject to approval by the City Council, may file an appropriate action in any court of competent jurisdiction to prove, *de novo*, that the respondent violated this chapter; secure compliance with this chapter; and/or obtain appropriate relief available under any applicable federal or state statute or regulation including, but not limited to an award of injunctive relief, compensatory and / or punitive damages and a recovery of costs and attorney's fees for any person, including the City, injured as a result of a violation of this chapter.

(b) If the City Council approves the institution of any proceeding in court, the proceeding shall be brought in the name of the City Council and the Human Rights Commission of the City of Charlottesville.

Sec. 2-440. Confidentiality.

It shall be unlawful for any Commissioner, officer, employee, contractor or staff member of the Commission to disclose or make public any complaints, investigative notes, or other correspondence and information furnished to the Commission or its staff in confidence with respect to a complaint, an investigation or conciliation process involving an alleged unlawful

discriminatory practice. A violation of this section shall be a Class 3 misdemeanor.

Sec. 2-441. Annual Report.

The Commission shall make an annual comprehensive report to City Council that outlines its efforts during the preceding year in the areas of identifying and addressing systemic or institutional discrimination; processing individual complaints of unlawful discrimination; and facilitating a community dialogue regarding issues of human rights. The report shall also outline the Commission's work plan for the ensuing year, which shall be subject to approval or modification by City Council.

Sec. 2-442. Severability.

The provisions of the Article are severable; and if any provision, sentence, clause, section or part thereof is held illegal, invalid, unconstitutional or inapplicable to any person or circumstance, such illegality, invalidity, unconstitutionality or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Article, or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Article would have been adopted if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included therein, and if the person or circumstances to which the chapter or any part thereof is inapplicable had been specifically exempted therefrom.

Sec. 2-443. Reserved.

COMMISSION RESPONSE TO MATTERS BY THE PUBLIC

None.

REVIEW OF PREVIOUS MEETING MINUTES

- Motion to accept: Jeanette Abi-Nader
- Seconded by: Melvin Grady
- Vote Record
 - # In favor: 10
 - # Opposed: 0
 - # Abstained: 0

BUSSINESS MATTERS

1. Ordinance Update

- a. Charlene (attached draft shared with HRC)
 - i. Spoke to City attorney about the proposed amendments
 - 1. They were comfortable with the language except for item "D."
 - a. "Develop new policies as needed to reflect the City's goals and vision."
 - i. No one can make policy except City Council
 - ii. This is now stricken from the amended language
 - ii. No other changes to the language since last meeting except for the order of roles
 - 1. This can stay the same unless you want to change it
 - iii. Sec 2-432
 - 1. This language will be amended
- b. Melvin
 - i. Likes the new order of the roles
 - ii. Feels like it reflects the priorities of the HRC
- c. Rob
 - i. He and Pheobe ordered the roles intentionally
 - ii. Looked at the roles through the lens of things being placed first might imply primacy
- d. Charlene
 - i. Will submit the order of roles as written in red on the attached
 - ii. She does not know when it will be on the Council agenda but will let the HRC know

2. Human Rights Community Survey

- a. Charlene (attached draft shared with HRC)
 - i. Asks what people know about the Office and services provided
 - ii. Could also ask questions about the Commission
 - iii. Could couple this with community follow-up
 - 1. To figure out what they might want to see or how they might want to participate
- b. Susi
 - i. To whom will the survey be distributed?
- c. Elliot
 - i. Not yet determined
- d. Jeanette
 - i. Only the last question asks what people know about the OHR

Sec. 2-432. Human Rights Commission.

(a) There is hereby created in the City of Charlottesville a Human Rights Commission, consisting of no less than nine members appointed by the City Council. The Commission membership shall be broadly representative of the City's population— **demographic composition**, with consideration of racial, gender (including gender identity, transgender status, and sexual orientation), religious, ethnic, disabled, socio-economic, geographic neighborhood and age groups within the City **Charlottesville area; with priority given to applicants with demonstrable ties to the City**. Of the members first appointed, at least three shall be appointed for terms of three years, at least three shall be appointed for terms of two years, and at least three shall be appointed for terms of one year. Thereafter members shall be appointed for terms of three years each. Any vacancy shall be filled by the City Council for the unexpired portion of a term. Following notice to the member, any member of the Commission may be removed for good cause by a majority vote of City Council.

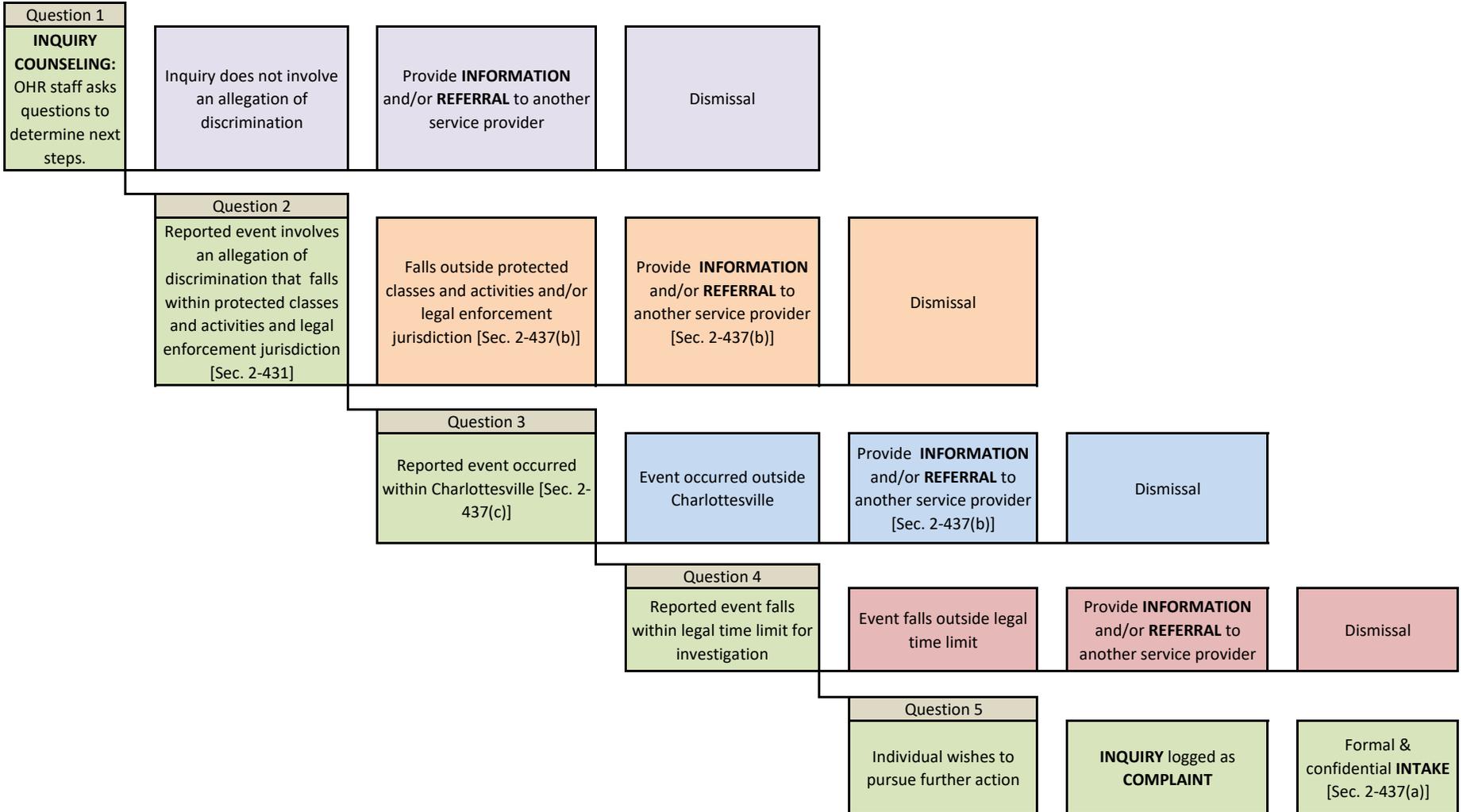
OLD 2-433. Role of the Human Rights Commission

- (a) Identify and review policies and practices of the City of Charlottesville and its boards and commissions and other public agencies within the City and advise those bodies on issues related to human rights issues;
- (b) Collaborate with the public and private sectors for the purpose of providing awareness, education and guidance on methods to prevent and eliminate discrimination citywide;
- (c) Assist individuals who believe they are the victim of an act of unlawful discrimination within the City;
- (d) Make recommendations regarding the City's annual legislative program, with an emphasis on enabling legislation that may be needed to implement programs and policies that will address discrimination;

NEW 2-433. Role of the Human Rights Commission

- (a) Assist individuals who believe they are the victim of an act of unlawful discrimination within the City;**
- (b) Collaborate with the public and private sectors for the purpose of providing awareness, education and guidance on methods to prevent and eliminate discrimination citywide;**
- (c) Identify and review policies and practices of the City of Charlottesville and its boards and commissions and other public agencies within the City and advise those bodies on issues related to human rights issues;**
- (d) Develop new policies as needed to reflect the City's goals and vision;**
- (e) Make recommendations regarding the City's annual legislative program, with an emphasis on enabling legislation that may be needed to implement programs and policies that will address discrimination;**

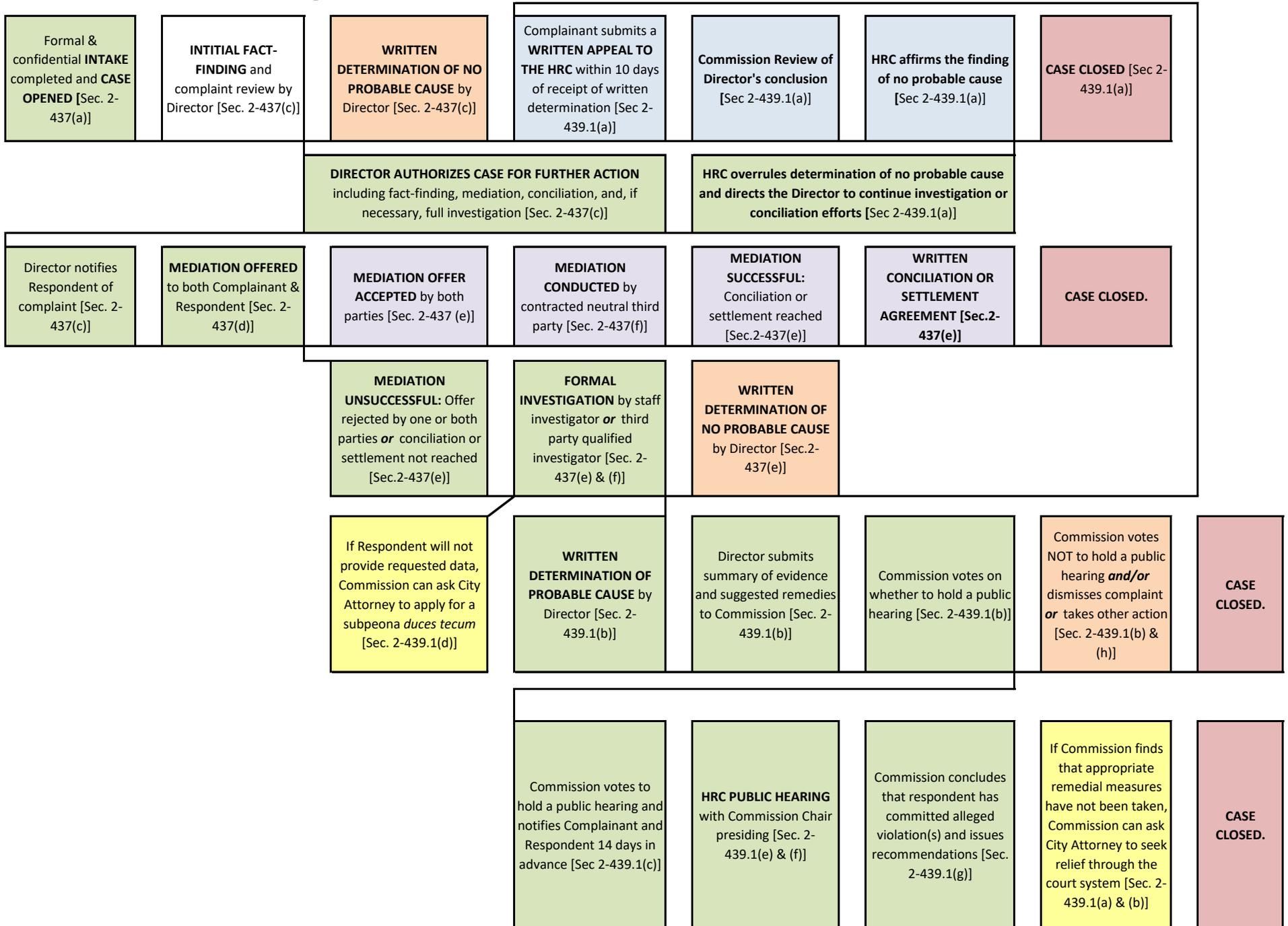
Office of Human Rights Inquiry to Intake Process



Counseling Questions

1. What can we help you with?
2. Do you feel like you were discriminated against? If so, what did it involve and why do you think it occurred?
3. Did the event occur within the City of Charlottesville?
4. When did the event take place?
5. What would you like to see happen?

Charlottesville Office of Human Rights Intake to Conciliation Process



Active Investigations:

- Case 2019-1
 - Public Accommodation Discrimination on the basis of race
 - Investigative Report submitted to the City Attorney's Office on 5/18/2020
 - City Attorney has presented case to City Manager for final determination
 - Currently awaiting decision by City Manager
- Case 2020-1
 - Public Accommodation Discrimination on the basis of disability
 - Investigation initiated July 14, 2020

Outreach:

- COVID-19 Response
 - OHR staff was asked to assist with the Charlottesville Resource Hotline
 - To-date this has included 407 incoming and outgoing contacts
 - Currently providing follow-up when people call for status requests of Pathways payments
- Service Provision
 - None to report
- Education & Awareness
 - None to report
- Facilitation & Leadership
 - Public Housing Association of Residents Community-Based Research Review Board (CRRB)
 - Three-way MOU between PHAR, the Equity Center, and the Institutional Review Board for the Social and Behavioral Sciences
 - Awaiting revisions from the Institutional Review Board for the Social and Behavioral Sciences
 - Grant MOU between PHAR and Equity Center complete
 - PHAR has submitted an invoice for funding
 - PHAR to hire Executive Director in the fall of 2020
 - CRRB Coordinator and Reviewers hired soon after
 - Affordable Housing
 - Code for Charlottesville has nearly completed the affordable housing navigation software
 - TJPDC now also developing a region affordable housing software system
 - Ongoing facilitation of discussion around larger issue of housing navigation and collaboration across organizations
 - Welcoming Greater Charlottesville (WGC)
 - OHR staff is engaging WGC task force members in thinking about ways to address ongoing concerns about conflicts between new immigrants and long-time residents, especially in public and subsidized housing
 - Idea proposed for dialogue on race and ethnicity

Human Rights Commission

First Name	Last Name	Title	Term Length	Council Appointment Date
Jeanette	Abi-Nadar	Member	3/4/2019-2/28/2022	a 3/4/19
Idil	Aktan	Member	11/1/2018-10/31/2021	u 08/21/17; a 3/4/19
Shantell	Bingham	Chair	3/4/2019-2/28/2022	a 3/4/19
Pheobe	Brown	Member	3/4/2019-2/28/2022	a 3/4/19
Ernest	Chambers	Member	3/4/2019-2/28/2022	a 3/4/19
Olivia	Gabbay	Member	10/1/2018-10/31/2020	u 10/1/18
Melvin	Grady	Member	09/1/2017-8/31/2020	a 8/21/17
Jessica	Harris	Member	7/1/2020-2/28/2023	a 6/15/2020
Laura	Keppley	Member	7/1/2020-2/28/2022	u 6/15/2020
Kathryn	Laughon	Member	3/4/2019-2/28/2022	a 3/4/19
Susan W.	Lewis	Parliamentarian	11/1/2018-10/31/2021	a 10/21/13; r 10/19/15; r 3/4/19
Andrew	Orban	Member	3/4/2019-2/28/2022	a 3/4/19
Ann J.	Smith	Member	11/6/2017-10/31/2020	a 10/21/13; r 12/15/14; r 11/6/17
Catherine	Spear	Member	3/4/2019-2/28/2022	a 3/4/19
Matthew	Tennant	Member	3/4/2019-2/28/2022	a 3/4/19
Lyndele	Von Schill	Member	3/4/2019-2/28/2022	a 3/4/19
Robert	Woodside	Member	3/4/2019-2/28/2022	a 3/4/19

General Information

Meetings: Date/Time: 3rd Thursday; 6-8 pm
Place: CitySpace

Membership: No less than 9 members, appointed by Council. Membership shall be broadly representative of the City's population, with consideration of racial, gender (including gender identity, transgender status, and sexual orientation), religious, ethnic, disabled, socio-economic, geographic neighborhood and age groups within the City.

Must reside in the City- Va Code Section 2-432

Terms: 3 year terms; 2 term limit (Any member of commission may be removed for good cause by a majority vote of Council.)

Purpose: The role of the Human Rights Commission is to act as a strong advocate for justice and equal opportunity by providing citywide leadership and guidance in the area of civil rights.

Contact: Todd Niemeier, niemeier@charlottesville.gov, 434-970-3023

RULES AND PROCEDURES OF THE HUMAN RIGHTS COMMISSION
CITY OF CHARLOTTESVILLE, VIRGINIA

The Human Rights Commission, established pursuant to Article XV, Sections 2-430 to 2-443 of the Charlottesville City Code (the Charlottesville Human Rights Ordinance), hereby adopts the following rules and procedures for the execution of its duties and responsibilities thereunder:

1. Composition of the Human Rights Commission

1.1. The Commission membership shall consist of no less than nine members appointed by City Council, and shall be broadly representative of the City's population, with consideration of racial, gender (including gender identity, transgender status, and sexual orientation), religious, ethnic, disabled, socio-economic, geographic neighborhood and age groups within the City.

1.2 Of the members first appointed, at least three shall be appointed for terms of three years, at least three shall be appointed for terms of two years, and at least three shall be appointed for terms of one year. Thereafter members shall be appointed for terms of three years each. Despite the expiration of a member's term, the member shall continue to serve until a successor is appointed by City Council. Any vacancy during a term shall be filled by the City Council for the unexpired portion of that term. Following notice to the member, any member of the Commission may be removed for good cause by a majority vote of City Council.

1.3 Members of the Commission shall serve without compensation, but funds may be appropriated in the City's annual budget for reasonable and necessary expenses to be incurred by Commission in the conduct of its prescribed functions.

2. Officers and Duties

2.1 Officers. The officers of the Human Rights Commission shall be a Chair, a Vice Chair and a Secretary, who shall have the duties set forth below.

2.2 Duties of Officers.

(1) Chair. The Chair shall be elected from the Commission's membership. It shall be the duty of the Chair to execute all documents on behalf of the Commission, to act as liaison between the Commission and the Office of Human Rights and Director of the Human Rights Commission, to cause all resolutions, approvals and other actions of the Commission to be executed or carried out, to determine that all matters delegated to the Commission by state statute, city ordinance, or at the instance of the City Council are properly brought before the Commission.

(2) Vice Chair. The Vice Chair shall be elected from the Commission's membership, and shall exercise the powers and perform the duties of the Chair during the absence, disability or disqualification of the Chair.

(3) Secretary. The Director of the Human Rights Commission shall be the Secretary of the Commission. The Secretary shall not be a member of the Commission, and shall have no right to vote. It shall be the duty of the Secretary to keep minutes of the Commission's proceedings in accordance with the requirements of the Virginia Freedom of Information Act ("FOIA") and any other applicable provisions of law; to give notices required by law or these bylaws; to prepare, in consultation with the Chair, the agenda for all meetings of the Commission; to be custodian of and maintain the Commission's public records and other records, as required in the performance of its duties and functions; to inform the Commission of correspondence relating to the business of the Commission and to respond to such correspondence unless responsibility is otherwise assigned by the Chair; to act as liaison with the City Manager, City departments and agencies, and to execute on behalf of the Commission any documents requiring the signature of the Secretary. In the event the Secretary is absent from any meeting, the Chair presiding at the meeting shall designate an individual to perform the duties of Secretary for that meeting.

2.3 Terms and Vacancies. The term of office for the Chair and Vice Chair shall be for one year. The Chair shall be eligible for reappointment to no more than one additional one year term. Should any vacancy occur among the offices described above, the Commission shall fill that vacancy as promptly as practicable and the individual elected to such office shall serve for the unexpired term of that office.

2.4 Officer Elections Procedures. The Chair shall appoint a nominating committee of no less than three members of the Commission, who shall meet in October of each year to make recommended nominations for the offices of Chair and Vice Chair. The recommended slate will be presented to the full Commission at the December meeting. At the Commission's January meeting of each year, the officer election rules currently in place (attached) may be invoked by any member who wishes to make nominations in addition to the Nominating Committee's recommended slate.

3. Meetings

3.1 Annual Meetings. The Commission shall hold an annual organizational meeting, which shall take place during the first regular meeting of the Commission in the month of January of each year. At the organizational meeting, the members of the Commission shall elect officers, establish its regular meeting schedule, and adopt the work plan for the ensuing year. The Commission may also conduct such other business as shall be placed on the agenda in accordance with the provisions of these bylaws.

3.2 Regular Meetings. Regular meetings shall be held on the third Thursday of each month. The basic order of business will be as set forth in 4.3, following below.

3.3 Special Meetings. Special meetings may be called by the Chair, the Vice Chair in the absence of the Chair, or by any two members, upon written request to the Secretary.

3.4 Work Sessions. Work sessions are special meetings that may be held at the request of the Chair, or the Vice Chair in the absence of the Chair. Work sessions shall be held for the purpose of inquiry and discussion and no official action shall be taken at such meetings.

3.5 Public meetings; exceptions for Closed Sessions. Meetings of the Commission shall be open meetings, as that term is defined within FOIA, except that the Commission may hold closed meetings when authorized pursuant to Va. Code Section 2.2-3711, and upon compliance with the closed meeting procedures and certification requirements set forth within Va. Code Section 2.2-3712.

3.6 Notice of Meetings.

3.6.1. The Secretary shall give notice of all meetings (annual, regular, special and work session) to all members of the Commission, five days prior to such meeting, or, for a special meeting or work session, such other notice as is reasonable under the circumstances. Such notice shall state the time and place of such meetings. With respect to regular meetings and the annual meeting, such notice shall be accompanied by an agenda prepared in accordance with the provisions of these rules and procedures and accompanied by such documentation as may be reasonable to permit the members of the Commission to consider the business which they are called upon to act. With respect to work sessions and special meetings, the notice shall state the purpose of the meeting or the nature of the discussion or inquiry to be undertaken and shall be accompanied by such documentation as may be available and practicable to provide to enable the members of the Commission to thoughtfully consider the business to come before the meeting.

3.6.2. The Secretary shall place notice of the date, time and location of each Commission meeting in a prominent public location at which notices of City Council meetings are regularly posted, and shall also post such notice on the City's website. This public notice shall be posted at least three (3) working days prior to the meeting; however, notice of a special meeting or work session may be given upon fewer than 3 days' notice, if reasonable under the circumstances and if such notice is given contemporaneously with the notice provided to Commission members. At least one copy of all agenda packets and, unless a specific FOIA exemption applies, all materials furnished to Commission members for a meeting, shall be made available for public inspection in the office of the Director/ Secretary at the same time such documents are furnished to the Commission.

3.6.3. For the purposes of this section, and as used throughout these rules and procedures, the term “notice” shall mean and include any format within the definition of a “public record” set forth in FOIA, at Virginia Code Sec. 2.2-3701.

4. Conduct of Meetings.

4.1 Quorum. A minimum of seven members of the Commission (“quorum”) must be in attendance at a meeting of the Commission in order for business to be legally transacted. Except as expressly provided in Virginia Code Section 2.2-3708(G) or 2.2-3708.1, the Commission shall not conduct a meeting where its business is discussed or transacted through any means of communication where the members are not physically assembled.

4.2 Procedure. All meetings of the Commission shall be conducted in accordance with Roberts' Rules of Order (Newly Revised) as applicable to small boards. The Chair of the Commission, or in his or her absence, the Vice Chair, or in the absence of both, the person having been designated by the Chair as parliamentarian shall preside at meetings of the Commission.

4.3 Proceedings. At any meeting of the Commission, the Commission may hear, review, discuss and act upon, and otherwise transact business related to, any matters within its role, and within the scope of its duties and responsibilities, as described within the Charlottesville Human Rights Ordinance. At any regular meeting and annual meeting of the Commission, the order of business to come before the meeting shall be as expressed on the agenda sent out with the notice of the meeting provided, however, the presiding officer, with the consensus or affirmative vote of a majority of the Commissioners, may change the order of business on the agenda for any reason, or may add a matter to the agenda.

4.4 Voting. All business transacted by the Commission shall be authorized by a vote of the majority of members present and voting taken at a lawful meeting conducted in accordance with these rules and procedures. At all meetings of the Commission, each member present shall be entitled to cast one vote providing there is a physical quorum. A decision on whether to hold a public hearing on a complaint of an unlawful discriminatory practice shall not be valid unless authorized by a majority of the full Commission members. No vote of the Commission shall be taken by secret or written ballot. A member may vote by telephone or other electronic communication means as expressly authorized by FOIA Section 2.2-3708.1.

4.5 Committees. The Commission may, in its discretion, delegate any of its duties or responsibilities to a panel of not less than three Commissioners. Any such panel shall constitute a committee of the Commission, which shall transact the delegated business of the Commission following the same rules, procedures and meeting requirements applicable to the Commission, except it shall not be authorized to vote on any matter. Rather, any such committee shall bring its recommendations to the full membership of the Commission for a vote in accordance with these rules. No such committee may include individuals who are not members of the

Commission; however, the Commission may appoint advisory committees or form task forces which may include individuals who are not members of the Commission.

4.5.1 Standing Committees. The following standing committees of the Commission have been formed by resolution in accordance with these rules and meet regularly as follows:

Administrative Matters Committee

Community Engagement Committee

Age, Disability, and Religious Discrimination Committee

Race Discrimination Committee

Sex Discrimination Committee

The Chair of the Commission appoints members of each standing committee and a Chair of each committee is selected from committee members. Commission staff is responsible for assisting Committee chairs with setting Committee meeting agendas and preparing Committee reports for presentation to the full Commission during its regular meetings.

5. Conflicts of Interest.

5.1 All members of the Human Rights Commission are subject to the Virginia State and Local Government Conflict of Interests Act (Va. Code 2.2-3100 et seq.) (“COIA”) and are required to read and familiarize themselves with the provisions of COIA.

5.1.1. In the event that any member shall have a “personal interest in a transaction” as defined by Va. Code Section 2.2-3101, in a matter before the Commission, the member shall be required to make a declaration of such interest before participating in the transaction, and the member may be required to disqualify himself from participating in the transaction. The member’s obligations in a given situation shall be determined in accordance with Va. Code Section 2.2-3112. It is the obligation of each member to ascertain whether he or she has a personal interest in a transaction, and to take action in accordance with Va. Code 2.2-3112 immediately upon concluding that a personal interest does exist; however, the issue of personal interests of a commission member may also be raised by other members or by individuals who are not members.

Any member of the Commission may request an advisory opinion from the Commonwealth's Attorney or the City Attorney or his or her representative, as to whether a personal interest exists and, if so, what are the Commissioner’s obligations under COIA. An opinion of the Commonwealth’s Attorney or the City Attorney shall have the effect specified in Va. Code Sec. 2.2-3121.

5.1.2. Every declaration and disqualification required pursuant to COIA shall be reflected in the public records of the Commission for a period of five (5) years, in the office of the Director/ Secretary.

5.1.3. In the event of a disqualification, the disqualified member shall be prohibited from (i) attending any portion of a closed meeting when the matter in which he or she has a personal interest is discussed, and (ii) discussing the matter in which he or she has a personal interest with other members of the Commission, with the Director, or with other officers or employees of the City government, at any time.

5.1.4. At all times, Commission members shall conduct themselves and the Commission's business in accordance with all applicable requirements of COIA, including those provisions not specifically referenced within these rules and procedures.

6. Community Participation

6.1 Public notice. Public notice of all meetings of the Commission will be provided as set forth in 3.6, above. In addition, the Commission may direct the Secretary to give additional or special notice, or advertise or announce specific matters before the Commission, as the Commission may deem appropriate.

6.2 Public Participation. At the beginning and at the end of each of its open meetings the Commission will receive public comment in accordance with City Council's "Rules for Public Participation," which Rules are hereby adopted and incorporated by reference within these rules and procedures, as rules of the Commission.

7. Amendments.

These bylaws, rules and procedures may be amended by vote of a majority of the Commission at any meeting provided, however, notice of such proposed amendment shall be given to each member of the Commission in writing at least five days prior to such meeting.

AMENDMENTS

**Charlottesville Human Rights Commission Policy on Individual Participation in Meetings by Electronic Means under §2.2-3708.1 of the Virginia Code
Administrative Policy No. 1: Approved May 21, 2015**

- I. **Policy Statement:** It is the policy of the Charlottesville Human Rights Commission (CHRC) that individual members of the CHRC may participate in meetings of the Commission by electronic means as permitted by Virginia Code §2.2-3708.1.

- II. **Eligibility:** This policy shall apply to the entire membership of the CHRC and without regard to the identity of the member requesting remote participation or the matter considered or voted on at the meeting.
 - A. **Emergency/Personal Absence:** Members unable to attend the meeting due to an emergency or personal matter qualify under this policy provided that the individual can identify with specificity the nature of the emergency or personal matter, the public body holding the meeting the meeting records in its minutes the nature of the emergency or personal matter, and the remote location from which the member participate is identified in the minutes.

 - B. **Disability Absence:** Members of a public body unable to attend the meeting due to a medical condition qualify under this policy provided that the individual notifies the chair of the public body that such member cannot attend a meeting due to a temporary or permanent disability or other medical condition that prevents the member's physical attendance, the public body records this, and the remote location from which the member participates is identified in the minutes.

- III. **Quorum Required:** Whenever an individual member wishes to participate from a remote location, a quorum of the CHRC must be physically assembled at the meeting location, and arrangements will be made for the voice of the remote participant to be heard by all persons at the meeting location.

- IV. **Meeting Procedures:** The reason that the member cannot attend the meeting and the remote location from which the member participates will be recorded in the meeting minutes. When such individual participation is due to an emergency or personal matter as designated in section II A above, such participation is limited to two meetings or 25 percent of the meetings of the CHRC per member each calendar year, whichever is fewer.

- V. **Approval Process:** Individual participation from a remote location shall be approved by the Chair of the CHRC, unless such participation would violate this policy or the Virginia Freedom of Information Act (FOIA).

- VI. **Challenges:** If a member's participation from a remote location is challenged, then the Commission members present shall vote whether to allow such participation. If the commission votes to disapprove the member's participation because such participation would violate this policy, such disapproval will be recorded in the minutes with specificity.

- VII. **General Applicability to Committees:** This policy applies to all committees, subcommittees, and task forces of the CHRC. Where remote participation occurs at a sub-committee or task force the chair of such committee shall assume responsibility for the approval process.

**Election of the Chair and Vice-Chair
Adopted March 20, 2014**

The Human Rights Commission Rules and Procedures (2.2) provide that a Chair and Vice-Chair shall be annually elected. This is to set forth the customary procedure as modified from the 2013 City Attorney memo regarding the election of Mayor and Vice-Mayor for the City of Charlottesville.

1. The Director will Chair the meeting during the officer elections process.
2. The Director will ask for nominations for the Office of Chair.
3. Only names that are moved and seconded will be placed in nomination. Any Commission member may move or second his or her own name.
4. After one or more persons are nominated and it appears that no one else wishes to make a nomination, the Director will ask if there are any further nominations. If there are no responses, the Director will declare that nominations for the Office of Chair are closed.
5. Commissioners will then vote on the first person nominated for the Office of Chair. A Commission member who is nominated may vote for himself or herself.
6. If a majority of those present and voting affirmatively vote for the first candidate, that person is elected Chair and there is no further voting. If the first candidate does not receive a majority, the Commission will then vote on the second person nominated. If no nominee receives a majority, there will need to be a motion, second and vote on reopening nominations.
7. After a Commissioner is elected as Chair, the same procedure will be followed for the election of Vice-Chair. Following the election of the Vice-Chair, the newly-elected Chair will chair the remainder of the meeting.