



**Human Rights Commission  
Meeting Minutes  
Regular Meeting  
September 17, 2020  
Virtual/Electronic Meeting**

Link to rebroadcast: <https://boxcast.tv/channel/vabajtzezyv3iclkx1a>

**1. WELCOME**

- a. CALL TO ORDER
  - i. Chair, Shantell Bingham, called the meeting to order at 6:33 pm
- b. ROLL CALL
  - i. Shantell Bingham
  - ii. Sue Lewis
  - iii. Jeanette Abi-Nader
  - iv. Ernest Chambers
  - v. Jessica Harris
  - vi. Laura Keppley
  - vii. Kathryn Laughon
  - viii. Andrew Orban
  - ix. Ann Smith
  - x. Lyndele von Schill
  - xi. Robert Woodside
- 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. Protocol
  - i. All public comment is handled through the Zoom webinar
    1. The Q&A function is disabled
- b. PUBLIC COMMENT
  - i. Walt Heinecke
    1. Asked for response to letter with nine recommendations from local organization
    2. He is still waiting for the response
    3. He would like to have a response to help decide how to advocate
    4. Feels that lack of response indicates HRC ignoring all recommendations
    5. Reiterates request for response in writing
  - ii. Alex Oxford
    1. (Unable to hear Alex due to technical difficulties)
- c. COMMISSION RESPONSE TO MATTERS BY THE PUBLIC
  - i. Response to Walt Heinecke
    1. Draft response is included in agenda packet, which is publicly

- visible
- 2. On the agenda Business Matters 4b
- 3. There is a link to the draft response document on the agenda

### 3. MINUTES

- a. Review of minutes from August 20, 2020 Regular Meeting
  - i. Tabled for future meeting
  - ii. Some Commissioners had difficulty finding the agenda packet on the City website
  - iii. Action
    - 1. Staff will send minutes as attachments to emails, and create a folder on Box to house all minutes and agendas, in addition to posting the minutes on the City website.

### 4. BUSINESS MATTERS

- a. 2021 LEGISLATIVE AGENDA RECOMMENDATIONS TO CITY COUNCIL
  - i. Process
    - 1. HRC can provide recommendations to Council by 9/18 based on the recommendations that Council submitted to TJPDC for the 2020 legislative session
  - ii. Commissioner notes that it would be helpful to know what of Council's 2020 Legislative Agenda actually passed
  - iii. Commissioners discussed and proposed following recommendations
    - 1. Affordable Housing; Regulation of Development; Local Authority over Local Real Estate
      - a. Support state legislation that permits municipalities within the Commonwealth to enact, at their discretion, ordinances mandating that all property owners within the municipality register their rental properties with the local government for the purpose of ensuring access to safe, healthy, and affordable housing for city residents
      - b. Support state legislation that allows for long-term payback plans for tenants who are behind on rent, once the eviction moratorium ends.
    - 2. Criminal Justice Reform
      - a. Support state legislation to remove qualified immunity
      - b. Support state legislation for expungement of criminal records once a person is found guilty.
    - 3. Prosperity, Health, and Well-being
      - a. Support state legislation that expands mental health resources and care.
  - iv. Council's next steps
    - 1. Will accept recommendations from Boards and Commissions on 9/18
    - 2. Will develop its 2021 Legislative Agenda
    - 3. Action:
      - a. Staff will request the opportunity for the HRC to review Council's 2021 Legislative Agenda once it is drafted
    - 4. It is not clear when Council will submit its 2021 Legislative Agenda to TJPDC and if this will happen before or after the next HRC meeting
  - v. Motion
    - 1. To approve the proposed recommendations for City Council's 2021 Legislative Package.

- a. Ann Smith
  2. Second
    - a. Sue Lewis
  3. Discussion
    - a. None
  4. Vote
    - a. In favor: 9
    - b. Opposed: 0
    - c. Abstained: 2 (including Chair)
- b. RESPONSE TO LETTER SUBMITTED BY LOCAL ORGANIZATIONS/GROUPS
- i. Commissioners reviewed the content of the draft letter
  - ii. No one expressed opposition to the content of the letter
  - iii. General agreement to share a final version with the groups listed in the original letter that came to Council with the nine recommendations.
  - iv. Action:
    1. Staff will send final response letter to organizations and groups named in the letter of recommendations sent by Walt Heinecke to City Council.
- c. PROPOSED AMENDMENTS TO THE HUMAN RIGHTS ORDINANCE
- i. Motion by Lyndele von Schill to adopt changes to Sec. 2-431 (b) for recommendation to City Council
    1. Specific changes detailed below (~~red strike-through~~ indicates existing language, blue indicates the proposed revisions)
      - a. ~~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.~~ As used in herein, the term "gender identity" means the gender-related identity, appearance, or other gender-related characteristics of an individual, without regard to the individual's designated sex at birth.
    2. Seconded by Sue Lewis
    3. Discussion
      - a. None.
    4. Vote
      - a. In favor: 10
      - b. Opposed: 0
      - c. Abstained: 1 (Chair)
  - ii. Motion by Sue Lewis to adopt changes to Sec. 2-432 (a) for recommendation to City Council
    1. Specific changes detailed below (~~red strike-through~~ indicates existing language, blue indicates the proposed revisions)
      - a. There is hereby created in the City of Charlottesville a Human Rights Commission, consisting of no less than nine (9) and not more than fifteen (15) 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~~; with priority given to City residents, as well as 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.

2. Seconded by Robert Woodside
3. Discussion
  - a. Commissioners debated the recommendation of an upper limit of 15 members.
    - i. Larger group may help get work done given inconsistent attendance.
    - ii. Larger group may facilitate ad hoc committee work
  - b. Suggestion made regarding updating the Rules and Procedures to address Commissioner attendance.
  - c. Suggestion made to amend language (green):
    - i. "with priority given to City residents, as well as to applicants with demonstrable ties to the City"
4. Sue Lewis accepted friendly amendments to the proposed motion, as detailed below (green text indicates added language)
  - a. There is hereby created in the City of Charlottesville a Human Rights Commission, consisting of no less than nine (9) and not more than fifteen (15) 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~~; with priority given to City residents, as well as 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.

5. Vote
  - a. In favor: 10
  - b. Opposed: 0
  - c. Abstained: 1 (Chair)
- iii. Motion by Sue Lewis to adopt changes to Sec. 2-433 (a) through (d), to reflect the new order of presentation, for recommendation to City Council.
  1. Specific changes detailed below (~~red strike-through~~ indicates existing language, blue indicates the proposed revisions)
    - a. (a) Assist individuals who believe they are the victim of an act of unlawful discrimination within the City; ~~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. (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; ~~Assist individuals who believe they are the victim of an act of unlawful discrimination within the City;~~
  2. Seconded by Laura Keppley
  3. Discussion
  4. Vote
    - a. In favor: 10
    - b. Opposed: 0
    - c. Abstained: 1 (Chair)
- iv. Motion by Lyndele von Schill to adopt changes to Sec. 2-437 (b) for recommendation to City Council.
  1. Specific changes detailed below (~~red strike-through~~ indicates existing language, blue indicates the proposed revisions)
    - a. ~~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.~~ For complaints alleging an unlawful discriminatory practice within the enforcement jurisdiction of the City, defined herein as within the corporate limits of the City and as authorized by state and federal statutes, the Director or other designated professional staff are authorized to undertake further action as detailed in **Sec. 2-437 (c)**. For complaints alleging an unlawful discriminatory practice that falls outside the jurisdiction of the City, the Director or other designated professional staff will refer the complaint to the appropriate state or federal agency.

2. Seconded by Sue Lewis
3. Discussion
4. Vote
  - a. In favor: 10
  - b. Opposed: 0
  - c. Abstained: 1 (Chair)
- v. Motion by Lyndele von Schill to adopt changes to gendered language in Section 2-439.1 (f) and Section 2-439.1 (g) and anywhere within the ordinance for recommendation to City Council.
  1. Specific changes detailed below (~~red strike through~~ indicates existing language, **blue** indicates the proposed revisions)
    - a. (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~~ **they** deems it advisable in order to fully apprise the Commission of the facts or the applicable law.
    - b. (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~~ they would be but for respondent's violation(s) of this ordinance.

c. Seconded by Kathryn Laughon

d. Discussion

i. None.

e. Vote

i. In favor: 9

ii. Opposed: 0

iii. Abstained: 2 (including Chair)

d. REVIEW OF HRC APPLICANTS & RECOMMENDATIONS TO CITY COUNCIL

i. Protocol

1. Commissioners can nominate applicants for recommendation to City Council for consideration for appointment to the HRC as "Qualified" or "Highly Qualified"

2. Nominations will be handled as motions.

a. Motions that are seconded can come to a vote

b. No discussion as public discussion of private citizen character and beliefs can present concerns of individual liability

3. Nomination of non-City residents

a. Commissioners can nominate applicants that are non-City residents, but the ordinance currently limits eligibility to City residents

b. HRC could ask City Attorney to review and pass to Council the adopted amendments to the Human Rights Ordinance that would allow the eligibility of non-city residents

ii. Motion by Lyndele von Schill to provide the partially amended ordinance, including only the changes adopted by the HRC by vote on 9/17 for recommendation to Council, to the City Attorney's Office for final review, with the intent of presenting the amended ordinance to City Council for consideration and potential approval at its meeting on 9/21.

1. Seconded by Kathryn Laughon

2. Discussion

a. One Commissioner expressed concerns about the short timeframe of this request

3. Vote

a. In favor: 8

b. Opposed: 2

c. Abstained: 1 (Chair)

- 4. Action:
  - a. Staff will create a version of the ordinance containing only the adopted changes and share with Kyna Thomas and Allyson Davies along with the request for consideration. Staff will follow up with the HRC as to the result of the request.
- iii. Motion by Laura Keppley to nominate Mary Bauer for recommendation to City Council as highly qualified for HRC appointment.
  - 1. Seconded Lyndele von Schill
  - 2. Vote
    - a. In favor: 10
    - b. Opposed: 0
    - c. Abstained: 1 (Chair)
- iv. Motion by Jeanette Abi-Nader to nominate Kimalee Dickerson for recommendation to City Council as highly qualified for HRC appointment.
  - 1. Seconded by Ann Smith
  - 2. Vote
    - a. In favor: 10
    - b. Opposed: 0
    - c. Abstained: 1 (Chair)
- v. Motion by Kathryn Laughon to nominate Alex Oxford for recommendation to City Council as highly qualified for HRC appointment.
  - 1. Seconded by Andrew Orban
  - 2. Vote
    - a. In favor: 6
    - b. Opposed: 4
    - c. Abstained: 1 (Chair)
- vi. Motion by Sue Lewis to nominate Tobiah Mundt for recommendation to City Council as highly qualified for HRC appointment.
  - 1. Seconded by Laura Keppley
  - 2. Vote
    - a. In favor: 10
    - b. Opposed: 0
    - c. Abstained: 1 (Chair)
- vii. Motion by Sue Lewis to nominate Campbell Turner for recommendation to City Council as qualified for HRC appointment.
  - 1. Seconded by Robert Woodside
  - 2. Vote
    - a. In favor: 3
    - b. Opposed: 6
    - c. Abstained: 2 (including Chair)
- viii. Action:
  - 1. Staff will send the list of applicants recommended by the HRC to Maxicelia Robinson to take to City Council.
- e. OHR STAFF REPORT
  - i. Written monthly report is included in the agenda packet.
  - ii. Per Commissioner requests
    - 1. Staff will email, as attachments, all documents for HRC review.
    - 2. Staff will also post all documents on Box and provide links.
    - 3. Staff will also provide links to documents on the City website.
  - iii. Potential Workshare with VA Attorney General's Office



1. Staff and Allyson Davies spoke with Mona Siddiqui, Assistant Attorney General about expanded enforcement under Value's Act
  2. MOU drafted and under review by Allyson
  - iv. Exploring FEPA workshare
    1. Still awaiting response to multiple calls
  - v. Exploring FHAP workshare
    1. Staff met with Joseph Pelletier, HUD Director of FHAP Programs
    2. Joseph will review the Charlottesville Human Rights Ordinance to determine if it meets the minimum requirements for FHAP
      - a. Noted that a quick review indicated some needed updates
    3. Will follow-up and potentially invite a representative to a future HRC meeting if FHAP workshare appears feasible
  - vi. HRC public hearing process
    1. Pending determination for Case 2019-1 is in City Manager's Office
    2. Should there be a finding of probable cause, the HRC will need to consider process for public hearing
    3. Action:
      - a. Ann will share Prince William County OHR/HRC contact to ask about public hearing process.
  - vii. Officer nominating committee
    1. Rules and procedures indicate the formation of a nominating committee in October
  - viii. Commissioners raise concerns about the delayed determination in Case 2019-1 and notes that this has been a historical tactic to avoid addressing civil rights complaints
    1. Action:
      - a. Staff will follow up with City Attorney regarding the status of the determination letter for Case 2019-1, especially regarding whether it will be completed before the City Manager's resignation on 9/30.
  - ix. Commissioner notes that Albemarle County has empowered Boards and Commissions to meet without staff support and suggests the HRC request the same in order to get work done
    1. Action:
      - a. Staff will ask about ways to work around the restriction of one meeting per month at Council's Boards and Commissions work session on 10/6.
  - x. Commissioner notes that there is an imbalance regarding the amount of time the determination is taking versus the amount of time that the complainant has to respond regarding an appeal, in the case of a finding of no probable cause.
  - xi. Commissioner suggests that the HRC should watch the timeframe for determinations in future cases and advocate for timeliness.
- f. CHAIR UPDATE
- i. None.

## 5. WORK SESSION

### a. AD-HOC COMMITTEE UPDATES

#### i. Council Work Session Committee

1. The committee's work is complete

#### ii. Ordinance Revision Committee

1. Work is ongoing
2. Another meeting will be scheduled with Allyson
3. Action:

- a. Staff will schedule a follow-up meeting with Lyndele, Sue, and Allyson to work through additional language revisions to the Human Rights Ordinance.

#### iii. Outreach Committee

1. Staff spoke with Pheobe regarding the work on creating public service announcements to raise awareness about people with disabilities
2. Pheobe shared contacts and information on work done to-date
3. Staff is in the process of scheduling a time to talk with Joe Rice about the use of the City media center, which is still active and could potentially assist
4. Action:

- a. Staff will follow up with Joe Rice regarding the options for filming the PSAs regarding disability awareness.

## 6. MATTERS BY THE PUBLIC

### a. PUBLIC COMMENT

- i. None.

### b. COMMISSION RESPONSE TO MATTERS BY THE PUBLIC

- i. None.

## 7. COMMISSIONER UPDATES

### a. Sue Lewis – Virginia Association of Human Rights (VAHR)

- i. VAHR annual meeting scheduled for Saturday, October 17
- ii. Time to be decided
- iii. Meeting will be virtual
- iv. Steering Committee is reviewing changes to the Bylaws
- v. Charlottesville HRC has not paid dues for members
- vi. Action:

1. Sue will email information about the VAHR annual meeting to the HRC, as soon as all details are confirmed.

## 8. NEXT STEPS

- a. Staff will send future minutes as attachments to emails, and create a folder on Box to house all minutes and agendas, in addition to posting the minutes on the City website.
- b. Staff will send the HRC's legislative recommendations to the Clerk's Office for referral to City Council and request the opportunity for the HRC to review Council's 2021 Legislative Agenda once drafted.
- c. Staff will send final response letter to organizations and groups named in the letter of recommendations sent by Walt Heinecke to City Council.
- d. Staff will create a version of the ordinance containing only the adopted changes and share with Kyna Thomas and Allyson Davies along with the request for consideration. Staff will follow up with the HRC as to the result of the request.

- e. Staff will send the list of applicants recommended by the HRC to City Council.
- f. Ann will share Prince William County OHR/HRC contact to ask about public hearing process.
- g. Staff will follow up with City Attorney regarding the status of the determination letter for Case 2019-1, especially regarding whether it will be completed before the City Manager's resignation on 9/30.
- h. Staff will ask about ways to work around the restriction of one meeting per month at Council's Boards and Commissions work session on 10/6.
- i. Staff will schedule a follow-up meeting with Lyndele, Sue, and Allyson to work through additional language revisions to the Human Rights Ordinance.
- j. Staff will follow up with Joe Rice regarding the options for filming the PSAs regarding disability awareness.
- k. Sue will email information about the VAHR annual meeting to the HRC, as soon as all details are confirmed.

**9. ADJOURN**

- a. Meeting adjourned at 8:59 pm