



**Human Rights Commission
Meeting Minutes
Regular Meeting
October 15, 2020
Virtual/Electronic Meeting
6:00 pm to 8:00 pm**

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

1. WELCOME

- a. CALL TO ORDER
 - i. Chair, Shantell Bingham called the meeting to order at 6:39pm
- 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. Lyndeale von Schill
- c. MISSION (recited by all): *Act as a strong advocate to justice and equal opportunity by providing citywide leadership and guidance in the area of civil rights.*

2. MATTERS BY THE PUBLIC

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

3. MINUTES

- a. 8-20-2020 Regular Meeting and 9-17-2020 Regular Meeting
- b. Motion to approve the minutes from 8-20 and 9-17.
 - i. Motion by Andrew Orban
 1. Seconded by Lyndeale von Schill
 - ii. Vote
 1. In favor: 8
 2. Opposed: 0
 3. Abstained: 2 (including Chair)

4. BUSINESS MATTERS

- a. Chair and Commissioners offer gratitude to Ann Smith for her service
 - i. Ann's term ends 10/31/2020
- b. Updates from Council Boards & Commissions Work Session on 10-6-2020
 - i. Council will allow one additional publicly-noticed Commission meeting per month

- ii. Council indicated they would revisit the appointment of new HRC Commissioners at their meeting on 10/19/20
 - iii. Hiring of new Deputy City Manager was estimated to take place in December of 2020
 - iv. Commissioner notes a limited number of slots for additional meetings
 - 1. Brian Wheeler
 - a. There are six slots total per month
 - i. Only one is taken currently
 - ii. Can add HRC to the list
 - v. Council Michael Payne (joining as attendee)
 - 1. Notes that Council really wants to improve communication between Council and Boards & Commissions
 - 2. Asks HRC to continue to let Council know if there are actions that Council can take to support the HRC's work
- c. Nominating Committee formation
 - i. Vice-Chair
 - 1. Notes that if Council appoints new Commissioners before voting, those individuals would be eligible for nomination
 - ii. Nominating committee process
 - 1. Nominating Committee will be three people
 - 2. Committee can reach out to Commissioners for nominations
 - 3. Committee should poll current officers as to whether they would like to run again
 - 4. People who wish to be nominated can still be on the nominating committee
 - iii. Committee volunteers
 - 1. Laura Keppley
 - 2. Jessica Harris
 - 3. Ernest Chambers
- d. HRC resolution regarding local eviction moratorium (HR20-1)
 - i. Originally drafted prior to state-level legislation preventing evictions related to COVID
 - ii. Revisiting now that state protections have expired
 - iii. Resolutions memorialize the thinking of the body
 - 1. Can be for both position and procedures
 - iv. Motion to adopt HR20-1
 - 1. Motion by Sue Lewis
 - a. Seconded by Jeanette Abi-Nader
 - 2. Discussion
 - a. Council may not have local authority to enforce
 - b. Resolution is an HRC statement of position
 - c. Process if approved
 - i. Will share with Council
 - ii. Could bundle additional information regarding housing protections when presenting to Council
 - 3. Vote
 - a. In favor: 9
 - b. Opposed: 0
 - c. Abstained: 1 (Chair)

- e. HRC resolution regarding Commissioner removal (HR20-2)
 - i. While some recent events inspired this resolution, this is a general procedural resolution and not tied to any specific Commissioner
 - ii. Commissioner concern
 - 1. Could have come to the Commission before drafting the resolution
 - 2. Felt like some Commissioners weighed in and others did not
 - a. Chair clarification
 - i. Only Chair, Vice-Chair, and staff have discussed this resolution and provided feedback
 - 3. Commissioner felt that HRC should have had discussion and input before the draft document was written
 - iii. Vice Chair
 - 1. Notes that she reviewed but did not write the resolution
 - iv. Staff
 - 1. States that he drafted in the resolution as a starting point for HRC consideration after a concern was raised about a lack of procedure to deal with an incident involving a Commissioner
 - v. Additional Commissioner discussion
 - 1. Expressed gratitude for a draft procedure to consider as a starting point
 - 2. This reads like a code of conduct policy and needs further clarification
 - a. What is the process of notifying the Commissioner?
 - b. What would be considered behavior that warrants investigation?
 - c. Who conducts the investigation?
 - 3. Language revisions to "Be it resolved" section
 - a. Last point only refers to written determination if good cause
 - i. Need to clarify procedure if no good cause found
 - ii. Introduction refers recommending to City Council to pursue action when in fact this would be an internal process to the HRC
 - b. An accompanying procedural document should clarify the steps
 - c. The resolution can provide the scaffolding for the work moving forward
 - i. Examples
 - 1. Need to form an ad-hoc committee
 - 2. Contacting the Commissioner
 - 3. Sub-committee investigates the incident
 - 4. Defines the conduct that goes against the Ordinance and mission
 - 4. Commissioner concern
 - a. Feels that a situation that merits this response has

- never occurred in the history of the Commission
 - b. This can be addressed through communication with the Commissioner
 - c. No need for a document to define the process
 - 5. Chair responds
 - a. Feels that formality is not always needed
 - b. In this case we may need a procedure to address certain situations
 - c. Notes that how Commissioners conduct themselves in the public eye, specifically on social media, can have negative impacts on the Commission
 - 6. Commissioner suggestion
 - a. Need to call out specific things on social media that may warrant investigation
 - 7. Vice Chair suggestion
 - a. Send resolution back for new draft of “be it resolved” section
 - b. Notes that a policy should not be based on a particular person’s actions
 - c. There is no need to rush action on this resolution as it is too close to the person and issue involved
 - 8. Commissioner suggestions
 - a. Move work on HR20-2 to an ad hoc committee
 - b. Action
 - i. Staff to put HR20-2 into online platform for collective editing
 - f. PCRB legislation at the General Assembly
 - i. Vice Chair
 - 1. Notes that General Assembly is still considering two bills
 - a. One makes PCRBs mandatory and the other makes them voluntary
 - 2. Would like to explore how HRCs and PCRBs work together
 - 3. Notes that HRC has been working on police policy issues for several years
 - ii. Action
 - 1. Laura Keppley volunteers to offer to contact PCRB
 - 2. Shantell will share contact information
 - g. OHR STAFF REPORT
 - i. Report is included in agenda packet
 - 1. Notes that service data is entered through September
 - 2. Notes significant drop in contacts due to no in-person contact
 - 3. FEPA & FHAP inquiries
 - a. No response yet from EEOC - will continue to reach out
 - b. HUD reviewing Ordinance and will provide feedback.
 - c. Need to determine if FEPA actually expands jurisdiction
 - i. Values Act may have repealed previous jurisdiction limitations
 - ii. Staff will follow up with City Attorney’s Office
 - ii. Commissioner asks if HRC can somehow support outreach given the

drop in contacts

1. Staff suggests sharing OHR contact information with people they come into contact that may need services
- iii. Commissioner notes that there are groups serving people who are facing evictions and wonders if HRC has a role
 1. Staff notes that Legal Aid Justice Center and Central Virginia Legal Aid Society
 2. Chair notes that OHR could also provide information to those other organizations so they can bundle that with the outreach they are doing
 - a. Action
 - i. Staff can reach out to those organizations to ensure that they share information about the OHR with the people they interact with

h. CHAIR UPDATE

- i. Met with Interim City Manager, John Blair
 1. Talked about regular updates to Council and City Manager's office
 2. Mr. Blair made a verbal commitment to review the case by the end of October
- ii. Met with people from HRC from Prince William County to review public hearing process
 1. They shared some procedural documents regarding public hearings
 2. Clarified the difference between appeals and public hearings
 - a. HRC has only held an appeal thus far
 - b. Prince William sees more appeals than public hearings
- iii. Procedures
 1. Prince William suggested forming a panel of Commissioners to handle public hearings
 2. HRC could pass a resolution to develop its own procedural document
 3. Action
 - a. Staff will share the documents from Prince William regarding their public hearing procedures

5. WORK SESSION

a. AD-HOC COMMITTEE UPDATES

- i. Human Rights Ordinance updates
 1. All revisions are included in the attached version of the Ordinance
 - a. ~~Red strike through~~ = text to be removed
 - b. Blue = newly adopted text
 2. Sec. 2-431 a, b, and d
 - a. Revisions to update protected activities and classes related to recent changes in state statutes
 - b. Motion to adopt revisions to Sec. 2-431 a, b, and d.
 - i. Motion by Jeanette Abi-Nader
 1. Seconded by Sue Lewis
 - ii. Discussion

1. None
 - iii. Vote
 1. In favor: 9
 2. Opposed: 0
 3. Abstained: 1 (Chair)
 3. Sec. 2-437 c, d, and f
 - a. Revisions to clarify the intake to closure process to better reflect the process in practice
 - b. Motion to adopt revisions to Sec. 2-437 c, d, and f
 - i. Motion by Ann Smith
 1. Seconded by Sue Lewis
 - ii. Discussion
 1. Commissioner asks if Ordinance can include staff's graphic chart of the investigation process
 - a. Staff notes that a companion procedural document could accompany the Ordinance to include explanations of this nature
 - b. Action
 - i. Staff will begin compilation of a procedural document that accompanies the Human Rights Ordinance, which explains the enabling legislation and provides other clarifications on procedural elements of the Ordinance.
 2. Chair asks if these revisions will impact the speed in which an investigation occurs
 - a. Staff notes that the investigative process determines the speed of the investigation (how quickly witnesses can be found and interviewed, documents acquired, etc.)
 - b. Intent is to resolve complaints as quickly as possible
 - c. At least two staff people are required to complete both an investigation and a determination of cause

- iii. Vote
 - 1. In favor: 9
 - 2. Opposed: 0
 - 3. Abstained: 1 (Chair)
- 4. Ad hoc committee members did not feel that the following suggestions merited amended Ordinance language but are open for HRC consideration
 - a. Conducting annual studies of systemic discrimination
 - i. Commissioners express interest in HRC producing focused reports
 - ii. Not necessary to include in Ordinance
 - iii. Current Ordinance allows for this as an option
 - b. Reporting to Council on a quarterly basis rather than an annual basis
 - i. Commissioners note that it is incumbent upon Council to request reports at the interval they see fit
 - ii. Culture of communication to Council and City Manager's Office can be established without changes to the Ordinance
 - c. Appointing a City Council liaison as a non-voting member to the HRC
 - i. HRC cannot mandate Council to appoint a liaison
 - ii. Having a Council liaison appointed is a worthy idea and can be recommended to Council without putting it in the Ordinance
 - iii. Action
 - 1. Chair will make a recommendation to City Council that the HRC would like an appointed Council liaison.

6. MATTERS BY THE PUBLIC

a. PUBLIC COMMENT

i. Councilor Lloyd Snook

- 1. Each Councilor is currently serving as a liaison to 7 or 8 different groups
- 2. Council is currently trying to winnow the list of boards and commission from 50+ to around 40+
- 3. Asking Council to designate a liaison would therefore be a hard sell
- 4. Noted an interest in HRC's work on policing
- 5. Notes that Council does not always know what all boards and commissions are doing
- 6. Appreciates that minutes are current on City website
- 7. If HRC is looking at broader policy issue, requests that someone contact Council by email

b. COMMISSION RESPONSE TO MATTERS BY THE PUBLIC

i. None.

7. COMMISSIONER UPDATES

- a. Virginia Association of Human Rights (VAHR)
 - i. Annual meeting On 10/27/2020 at 9:30am, via Zoom
 - ii. Agenda and invitation was sent to HRC by staff
 - iii. All Commissioners are considered paid members and can attend

8. NEXT STEPS

- a. Staff will put resolution HR20-2 in a Google doc or Box for collective editing.
- b. Laura Keppley will connect with PCRB to discuss commonalities.
- c. Staff can reach out to other organizations who are engaging in current outreach with people facing eviction to ensure that they share information about the OHR with the people they interact with.
- d. Staff will share Prince William County public hearing procedural documents with HRC.
- e. Staff will begin compilation of a procedural document that accompanies the Human Rights Ordinance, which explains the enabling legislation and provides other clarifications on procedural elements of the Ordinance.
- f. Chair will make a recommendation to City Council that the HRC would like an appointed Council liaison.
- g. Nominating Committee, or other HRC body, will let staff know on what date and for what purpose they may want to hold an additional meeting in October or November.

9. MEETING ADJOURNED at 9:01 pm