



**Human Rights Commission
Meeting Minutes
Regular Meeting
December 17, 2020
Virtual/Electronic Meeting
6:30 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 6:33 pm
- b. ROLL CALL
 - i. Shantell Bingham
 - ii. Sue Lewis
 - iii. Jeanette Abi-Nader
 - iv. Mary Bauer
 - v. Ernest Chambers
 - vi. Jessica Harris
 - vii. Laura Keppley
 - viii. Kathryn Laughon
 - ix. Tobiah Mundt
 - x. Andrew Orban
 - xi. Alex Oxford
 - xii. 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. Walt Heinecke
 1. Notes the relation of housing, employment, and economics in Charlottesville
 2. Suggests that employment discrimination on the basis of race be the primary focus of the HRC
 - a. Hold hearings
 - b. Collect data
 - c. Listen to experts
 - d. Make policy recommendations to Council
 3. States that FEPA agreement is necessary to adequately address employment discrimination
 - a. Would like to see this on the monthly HRC agenda until it is resolved
 4. Suggests housing also be a major focus
- b. COMMISSION RESPONSE TO MATTERS BY THE PUBLIC

- i. OHR staff response
 - 1. FEPA agreement
 - a. Contact with EEOC required – James Yao is the point person in the EEOC Field Office
 - i. Multiple calls made by OHR staff for information but no response yet
 - ii. Will try again in the new year
 - b. Other considerations
 - i. Current OHR staffing would likely be insufficient for FEPA qualification
 - ii. HRC has many suggested amendments to the current Human Rights Ordinance for consideration by Council
 - 1. Passage of the Values Act may no longer limit local OHR/HRC's to employment investigations to employers with between $5 \leq 15$ employees and to only cases involving termination
 - 2. FEPA may no longer be the only way to address employment issues involving employers with $16 \leq$ employees
 - iii. Also exploring an MOU with the Attorney General's Office Division of Human Rights, as they also have expanded authority under state law with the passage of the Values Act
 - 2. FHAP agreement
 - a. HUD Fair Housing Director has been responsive to requests for information
 - b. HUD Fair Housing Attorney has reviewed current Human Rights Ordinance and made many suggestions to make the Ordinance substantially equivalent to federal fair housing law
 - i. HRC would need to propose these amendments to the Ordinance and Council would need to approve the amendments in order for HUD to enter into a FHAP with the OHR
 - c. FHAP would also require OHR to hire additional staff
- ii. Commissioner response
 - 1. HRC has considered exploring equity issues as relates to the hiring of temporary City employees
- iii. Commissioner response
 - 1. Two commissioners praise to Wait for continuing to raise these issues
- iv. Commissioner response
 - 1. Suggestion to discuss employment and housing at upcoming HRC retreat

3. MINUTES

- a. Review of minutes from July 16, 2020 Regular Meeting*
 - i. Motion to approve as written
 - 1. Laura
 - ii. Second
 - 1. Alex
 - iii. Discussion
 - 1. None.
 - iv. Vote
 - 1. In favor: 11
 - 2. Opposed: 0
 - 3. Abstained: 1 (Chair)
- 4. **BUSINESS MATTERS** – Note: Officer Elections moved to after the Work Session
 - a. Memo to City Council regarding Ordinance amendment recommendations
 - i. Memo prepared by staff and submitted to City Attorney’s Office for review
 - 1. Memo outlines the process and logic behind the proposed amendments
 - 2. Also communicates to the public what the HRC is asking Council to do
 - 3. Becomes part of the legislative history for the proposed amendments
 - ii. Memo approved by City Attorney’s Office with edits by Allyson Davies
 - 1. Added state code references to proposed amendments
 - iii. HRC to consider dates for upcoming Council meetings to present the memo along with the proposed amendments
 - iv. Councilor Magill
 - 1. Notes that the earliest available Council meeting would be on Tuesday, 1/19/2021
 - v. Commissioner suggestion
 - 1. Goal 5
 - a. Insert an additional statements to support LGBTQ+ inclusive language revisions to the Ordinance
 - b. Add brief summaries of the amended sections
 - vi. Staff will work with the Clerk of Council to verify that there is space on Council’s agenda on 1/19/2021
 - vii. Motion
 - 1. To approve the memo as it appears in the board packet
 - a. Jeanette
 - 2. Second
 - a. Laura
 - 3. Discussion
 - a. None
 - 4. Vote
 - a. In favor: 11
 - b. Opposed: 0
 - c. Abstained: 1 (Chair)
 - b. Resolution HR20-2
 - i. HRC Chair and OHR staff attempted to integrate feedback from the previous HRC meeting

1. Reverting to previous version as a base
 2. Inserting language for inclusion of an ad hoc committee to guide a review
 3. Including a tiered response including no action, reprimand, or removal
- ii. The intent of the current draft is to serve as a primary procedural tool in addition to a resolution for specific action
 1. An ad hoc review committee could create additional supplementary procedures
 - iii. Commissioner discussion
 1. Several Commissioners discuss point (c) in the resolution
 - a. Reprimand language may refer to Commission action of asking the Commissioner under review not to engage in the activity that gave rise to the review
 - b. Commissioners offer suggestions for language revisions via the Chat function of Zoom (see attached excerpt)
 - iv. Councilor Magill
 1. Notes that when a Commissioner's actions rise to the level of a Commission review, Council may already be aware of the Commissioner's activity that led to the review
 2. Suggests that a quick summary be provided to Council of the reasons for the review, the conclusions of the Commission, and the recommended action, even if no further action
 - v. Commissioner discussion
 1. Would it suffice that a record of the Commission's review would be included in the HRC meeting minutes?
 2. Is removal the only possible action that the HRC might recommend that Council take?
 - a. If so, then there is no need to send a report to Council unless there is a recommendation for removal
 - b. If there is no action or only an internal reprimand, then there may be no need for a report
 3. Other Commissioners suggest that because Council will likely already be aware of the issue as Council may have also received a complaint about the Commissioner's actions
 - a. Written communication to Council about the review provides a clear and open line of communication
 - vi. Councilor Magill
 1. Notes that Council gets emails about things that happen in the community
 2. Council was well aware of the issue that sparked discussion of this particular resolution
 3. Council does not need a lengthy report but a summary of the Commission's review and recommended actions would suffice
 4. This would be more efficient than Council tracking down the issue in HRC minutes
 - vii. Motion
 1. To revise resolution point (c) to read: *Upon conclusion of the review, provide a written summary of the facts and a*

recommendation to City Council if the Commission believes there is need for further action, including whether there is good cause for removal or whether the individual will receive a reprimand from the Commission.

- a. Laura
 2. Second
 - a. Mary
 3. Discussion
 - a. Commissioner notes a preference for a different version
 4. Vote
 - a. In favor: 11
 - i. One Commissioner changed from Opposed to In favor
 - b. Opposed: 0
 - c. Abstained: 1 (Chair)
- c. 2021 Retreat Planning
- i. OHR staff suggests choosing a Saturday in January or February for the retreat
 1. HRC may want to keep the retreat to 5 hours and preserve 1 hour for a potential ad hoc committee meeting in either month
 - a. HRC prefers a Doodle poll to select a date
 - i. Suggestion that the retreat occur after the HRC presents the Ordinance revisions to Council
 - ii. OHR staff asks if the HRC would like third-party facilitation for the retreat
 1. Some Commissioners feel no facilitator is needed
 2. Other Commissioners suggest a facilitator for the following
 - a. Strategic planning
 - b. Team building
 - c. Perhaps facilitation for the first part of the retreat
 - iii. Commissioner asks who leads the retreat: Commission or Director?
 1. Charlene Green (previous HRC Director/OHR Manager) typically decided the content and agenda for the retreat
 2. Commissioners feel that Chair and Commission could run the retreat
 - a. The intent of the retreat is to plan for the future of the HRC
 - b. The Commissioners have the necessary skillsets to lead the retreat
 - iv. Additional Commissioner suggestions
 1. Guest speaker from another OHR/HRC in Virginia
 2. Discussion about housing
 - a. HUD representative regarding FHAP
 3. Facilitator for a specific topic only
 4. Discussion about employment
 - a. EEOC representative regarding FEPA
 - v. Next steps for OHR staff
 1. Doodle Poll
 2. Reach out to EEOC regarding speaker on FEPA

3. Reach out to HUD regarding speaker on FHAP

- d. OHR STAFF REPORT
 - i. Notes that data entry for November and December will be updated before the January meeting
 - 1. Generally more individual service work these months
 - ii. Will be doing community outreach (no contact) in South 1st Street and 6th Street the following week on 1/22 and 1/23
 - e. CHAIR UPDATE
 - i. Notes that this is her last meeting as Chair
 - ii. Excited to support whomever is elected Chair
5. WORK SESSION
- a. AD-HOC COMMITTEE UPDATES
 - i. Public Hearing Procedures Ad hoc Committee
 - 1. Laura, Alex, and Todd met with Allyson Davies to ask questions
 - 2. Asked about supporting Complainants in need of legal counsel and two ideas emerged
 - a. Ask Council to approve funds
 - i. Would be have to be made available to both Complainant and Respondent
 - b. Working with non-profit sector
 - i. Providing referrals to local non-profits or other pro-bono legal counsel
 - ii. Concerns about this as an option with regard to equity for the Complainant
 - 3. Discussed potential for legal counsel for the HRC, outside of the City Attorney's Office
 - a. PCRB is currently going through this process
 - 4. Discussed other potential ways the HRC could serve as advocates for community members
 - 5. Commissioner suggestion
 - a. Put income guidelines in place so that Counsel assistance would be based on need
 - 6. Allyson Davies
 - a. Concur that putting income guidelines into a policy would be possible
 - b. Notes that the HRC serves a judicial body on behalf of the City government
 - c. Equal resources and access should be made to both sides
 - 7. Commissioner asks if funding for legal counsel for Complainants and Respondents would be part of OHR budget
 - a. OHR staff
 - i. FY22 proposed budget has been submitted
 - ii. Contracted Services line item could be the area of the budget that relates to this
 - 1. Currently set at \$25K
 - iii. Ad hoc committee could start to draft the language about this ask to bring to Council
6. OFFICER ELECTIONS – OHR staff assumes leadership of the meeting

- a. Election for HRC Chair
 - i. Nominating Committee announces slate for Chair
 - 1. Jessica Harris
 - 2. Mary Bauer
 - ii. Motion
 - 1. Nomination for Jessica Harris for Chair
 - a. Lyndele
 - 2. Second
 - a. Jeanette
 - 3. Jessica accepts the nomination for Chair
 - iii. Motion
 - 1. Nomination for Mary Bauer for Chair
 - a. Kathryn
 - 2. Second
 - a. Andrew
 - 3. Mary accepts the nomination for Chair
 - iv. Call for nominations for Chair from the floor
 - 1. None
 - v. Nominees for Chair offered the opportunity to speak
 - 1. Jessica Harris
 - a. Thanks Commission for the nomination
 - b. Shares that she was motivated to join the HRC after her son experienced a challenging situation in school shortly after she moved to Charlottesville
 - c. Wants to work for change in the local community
 - d. Would like to put effort into education and public outreach
 - e. Has done a lot of institutional change work in other organizations and would like to bring that to the HRC as well
 - 2. Mary Bauer
 - a. Thanks Commission for the nomination
 - b. Civil rights and poverty attorney for over 30 years
 - i. Legal Director at Southern Poverty Law Center
 - ii. Executive Director of Legal Aid Justice Center
 - iii. Currently Legal Director at Muslim Advocates
 - c. Dedicated life to Civil Rights as a lawyer
 - d. Has talked with Mr. Heinecke and thinks he makes good points
 - e. Believes the HRC could do big ambitious things
 - f. Would like to be part of a strategic planning process that puts a deeper focus on one or two areas to bring about change in the city
 - vi. OHR staff explains the voting process
 - 1. Votes will be held for nominees in the order presented on the slate
 - 2. If the first nominee receives a majority vote, then the vote concludes
 - 3. If the first nominee does not receive a majority vote, then the

- vote moves to the next nominee
 - 4. If neither candidate receives a majority vote, the floor can be reopened for nominations by a motion and a second
 - vii. Commissioner asks about the voting process as it appears different than the procedure used during the last vote
 - 1. The process being used was established by HRC vote in 2014 and is on page of the of the Human Rights Commission Rules and Procedures
 - viii. Vote for Jessica Harris for HRC Chair
 - 1. Yes: 4
 - 2. No: 8
 - 3. Abstained: 0
 - ix. Vote for Mary Bauer for HRC Chair
 - 1. Yes: 9
 - 2. No: 3
 - 3. Abstained: 0
- b. Election for HRC Vice Chair
 - i. Nominating Committee announces slate for Vice Chair
 - 1. Kathryn Laughon
 - 2. Sue Lewis
 - ii. Motion
 - 1. Nomination for Kathryn Laughon for Vice Chair
 - a. Laura
 - 2. Second
 - a. Jessica
 - 3. Kathryn accepts the nomination for Vice Chair
 - iii. Motion
 - 1. Nomination for Sue Lewis for Vice Chair
 - a. Laura
 - 2. Second
 - a. Kathryn
 - 3. Sue accepts the nomination for Vice Chair
 - iv. Call for nominations for Chair from the floor
 - 1. Motion
 - a. Nomination for Ernest Chambers for Vice Chair
 - i. Shantell
 - b. Second
 - i. Kathryn
 - c. Ernest declines the nomination for Vice Chair
 - v. Nominees for Vice Chair offered the opportunity to speak
 - 1. Kathryn Laughon
 - a. Works as a nurse focused on gender violence
 - b. Brings a gender equity lens to issues
 - c. Interested in seeing the HRC to grow in legal power
 - d. Would like to see the HRC use its voice
 - 2. Sue Lewis
 - a. Last year on the Commission
 - b. One of the original members
 - c. Has served as the parliamentarian for all Chairs

- d. Familiar with rules and processes
 - e. Interested in developing rules and procedures further
 - vi. Vote for Kathryn Laughon as HRC Vice Chair
 - 1. Yes: 9
 - 2. No: 3
 - 3. Abstained: 0
 - c. OHR staff turns meeting leadership over to Chair Mary Bauer
- 7. MATTERS BY THE PUBLIC
 - a. PUBLIC COMMENT
 - i. Walt Heinecke
 - 1. Congratulates new HRC leaders
 - 2. Thanks HRC for hard work
 - ii. Don Gathers
 - 1. Thanks HRC for work
 - 2. Thanks Shantell for her service
 - 3. Looks forward to working with new leadership
 - 4. Offers to be of assistance to HRC
 - iii. Councilor Sena Magill
 - 1. Thanks outgoing Chair and Vice Chair
 - 2. Welcomes new Chair and Vice Chair
 - b. COMMISSION RESPONSE TO MATTERS BY THE PUBLIC
 - i. Chair thanks all members of the public
 - ii. Outgoing Chair thanks members of the public
 - 1. Encourages Councilors to continue attending
- 8. COMMISSIONER UPDATES
 - a. Sue
 - i. Virginia Association for Human Rights
 - 1. No new actions
 - 2. Bylaws still not amended
 - 3. Most recent meeting canceled
 - 4. Will likely not meet until new year
 - 5. Sue will keep HRC updated
 - b. Kathryn
 - i. Thanks outgoing Chair and Vice Chair
- 9. NEXT STEPS
 - a. Memo to Council and proposed Ordinance amendments
 - i. OHR staff will work with the Clerk of Council to verify that there is space on Council's agenda on 1/19/2021
 - b. Resolution HR20-2
 - i. OHR staff will update item (c) and send the final version to Chair for signature
 - c. HRC 2021 Retreat
 - i. OHR staff will send a Doodle poll to determine the date
 - ii. OHR staff will reach out to EEOC regarding speaker on FEPA
 - iii. OHR staff will reach out to HUD regarding speaker on FHAP
- 10. ADJOURN
 - a. Meeting adjourned at 8:33 pm

Excerpt from Zoom Chat regarding revised language for Resolution HR20-2 item (c)

19:19:58 From Jeanette Abi-Nader she/her to All panelists : Upon conclusion of the review, provide a written recommendation to City Council as to whether the Commission believes there is no need for further action, whether there is good cause for removal, or whether the individual will receive a reprimand from the Council.

19:20:31 From Laura Keppley (they/them) to All panelists : Upon conclusion of the review, provide a written recommendation to City Council as to whether the Commission believes there is no need for further action, whether there is good cause for removal, or whether the individual will receive a reprimand from the Commission.

19:20:33 From Jeanette Abi-Nader she/her to All panelists : Upon conclusion of the review, provide a written recommendation to City Council as to whether the Commission believes there is no need for further action, whether there is good cause for removal, or whether the individual will receive a reprimand from the Commission.

19:22:47 From Mary Bauer (she/her) to All panelists : Upon conclusion of the review, provide a written recommendation to City Council if the Commission believes there is need for further action, including whether there is good cause for removal or whether the individual will receive a reprimand from the Commission.

19:25:07 From Todd Niemeier (he/him) to All panelists : Upon conclusion of the review, provide a written summary of the facts and a recommendation to City Council if the Commission believes there is need for further action, including whether there is good cause for removal or whether the individual will receive a reprimand from the Commission.

19:29:47 From Andrew Orban (he/him) to All panelists : Upon conclusion of the review, the commission may determine there is no need for further action, the Commissioner may be reprimanded, or may recommend to City Council that the member be removed for good cause.

19:30:12 From Andrew Orban (he/him) to All panelists : (Putting the burden on the commission to decide the determination ahead of action to Council.)

19:33:00 From Jeanette Abi-Nader she/her to All panelists : Upon conclusion of the review, the commission may determine there is no need for further action, the Commissioner may be reprimanded, or may provide a written summary that recommends to City Council that the member be removed for good cause.