



**Human Rights Commission  
Meeting Minutes  
Regular Meeting  
January 20, 2022  
Virtual/Electronic Meeting  
6:30 pm**

Public link to meeting rebroadcasts on Boxcast: <https://boxcast.tv/channel/vabajtzeuuyv3iclkx1a>

Public link to HRC documents on Box: <https://app.box.com/s/xy3wnn2s1tj8h7trkknvd79bipyxezy>

**1. WELCOME**

- a. CALL TO ORDER
  - i. Chair, Mary Bauer, called the meeting to order at 6:31 pm
- b. ROLL CALL
  - i. Mary Bauer
  - ii. Kathryn Laughon
  - iii. Jeanette Abi-Nader
  - iv. Ernest Chambers
  - v. Jessica Harris
  - vi. Wolfgang Keppley
  - vii. Andy Orban
  - viii. Lyndele 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. Ang Conn
    1. Concerned with those detained at Albemarle-Charlottesville Regional Jail (ACRJ) who are experiencing a COVID-19 outbreak
    2. No clean supplies, no sanitizer, unsafe COVID practices; at one point, there was no heat
      - a. Staff are COVID-positive and still interacting
      - b. ACRJ Superintendent Col. Martin Kumer's press release says they only get clean supplies once a day
    3. Ms. Conn brought the issue to City Council, but no response—asks for someone to check on the people there
    4. Individuals are confined with others in a pod; this is inhumane treatment
    5. Asks if there is something the Commission could do to get someone to look at the conditions there, as City Council has just taken the word of Kumer that everything is being taken care of
      - a. Asks for someone to physically check on the individuals there
- b. COMMISSION RESPONSE TO MATTERS BY THE PUBLIC

- i. Commissioner was shocked by numbers from the People's Coalition about positive cases (around 45 individuals)
  1. Not certain what action the Commission could take, but agrees that the issue is very troubling
- ii. Commissioner thanks Ms. Conn for bringing the issue to the HRC's attention
- iii. Commissioner reports that a news report from the day before says there are 65 positive individuals, not 45
- iv. Commissioner asks who is legally accountable for the conditions
  1. Another Commissioner says it is a regional jail, so there is a Board comprising members from in and around Charlottesville; the City does not set policy, but it has representatives on the Board
  2. The Board is the body that the HRC would put pressure upon to change ACRJ conditions
- v. Commissioner supports reaching out to the Board and says there are four Charlottesville representatives that HRC could reach out to; one of them is on City Council
- vi. Commissioner suggests first writing a letter to City Council and any ACRJ Board members that represent Charlottesville
  1. Regarding the concern that guards are bringing in COVID
- vii. Chair determines that it is the general will of the Commission to write and perhaps speak to Council about this issue
  1. The Charlottesville ACRJ Board members are Lisa Draine (community member), Joe Platania (Commonwealth's Attorney), Sena Magill (City Council), James Brown (Sheriff), and Ashley Reynolds Marshall (Deputy City Manager for REDI)
  2. Commissioner suggests emailing all of these people
    - a. Says that the Commission can include City Council as well, but it seems that the Board has the most direct impact over ACRJ conditions
- viii. Current Chair says that drafting a letter/speaking to Council would perhaps be best suited for the new Chair at the conclusion of this meeting; could continue the conversation about how to proceed later
- ix. Commissioner asks Ang for more information about having a specific individual visit ACRJ
  1. Another Commissioner says some prisons have stopped visitation due to COVID; the Commission can look into visitation policies (would need to identify a person there)
- x. Commissioner suggests reaching out to the Board as well as Council, as the authority board will not meet again until February and this is a pressing issue
  1. Another Commissioner says that attending the next City Council meeting and raising this issue would also be helpful to direct more public attention to it
- xi. Jeanette volunteers to help whoever writes the letter by reaching out to some of the Charlottesville ACRJ Board members for more information for the letter, such as whether anyone has visited
- xii. Chair suggests determining specific action later in the meeting after

which a new Chair has been elected

xiii. Ms. Conn thanks the Commission for taking up this issue

### 3. MINUTES

- a. Review of minutes from 12/16/21
  - i. Ang Conn's name was misspelled as "Ange"; will make this revision
  - ii. Vote
    - 1. In favor: 8
    - 2. Opposed: 0
    - 3. Abstained: 0

### 4. BUSINESS MATTERS

- a. Rules & Procedures amendments
  - i. The full proposed changes were not included in the version made public, so the Chair suggests making only one of these changes in this meeting so that the other changes can be re-publicized in advance
  - ii. The critical change included in the public document is the quorum rules in 4.1 of the bylaws
    - 1. Page 4 of Rules and Procedures under "Conduct of Meetings"
  - iii. Change would be "A minimum of seven members of the Commission (quorum)" to "A majority of currently serving Commissioners"
  - iv. The Ordinance allows for only nine Commissioners, so the previous quorum would have prevented members from conducting business when only seven members attended
    - 1. Also, there will be only five Commissioners at the end of February if more people do not apply
  - v. Chair calls a vote
    - 1. In favor: 8
    - 2. Opposed: 0
    - 3. Abstained: 0
- b. Officer Elections
  - i. OHR Director presides over the election process
    - 1. The Elections Committee spokesperson will present the slate of candidates for Chair, then Vice-Chair
  - ii. Andy on behalf of the Elections Committee presents the nominations:
  - iii. Chair
    - 1. Nomination for Jessica Harris
      - a. Accepts nomination
    - 2. Nomination for Mary Bauer
      - a. Declines nomination
    - 3. Andy makes motion to nominate Jessica for HRC Chair
      - a. Jeanette seconds
    - 4. Lyndele notes that her nomination for Jessica was not included in the agenda packet
    - 5. Andy requests nominations from the floor
      - a. No new nominations
    - 6. Jessica's statement
      - a. Expresses gratitude for Commission's nominations and enthusiasm for continuing the HRC's work
    - 7. OHR Director leads vote for Chair
      - a. Jessica Harris: 8 votes

8. Jessica Harris becomes the new Chair of the Human Rights Commission
- iv. Vice-Chair
    1. There was only one nominee for Vice-Chair who is now Chair, so the floor is open for nominations for Vice-Chair
      - a. Wolfgang nominates Ernest Chambers
        - i. Ernest has not yet re-applied, but plans to do so; he is still eligible for nomination
        - ii. Andy seconds the nomination
        - iii. Ernest accepts nomination
    2. Andy makes motion to nominate Ernest for HRC Vice-Chair
      - a. Lyndele seconds
    3. Ernest's statement
      - a. Expresses appreciation for the HRC making movements to let the public know of its existence and role in City government
    4. OHR Director leads vote for Vice-Chair
      - a. Ernest Chambers: 8 votes
    5. Ernest Chambers becomes the new Vice-Chair of the Human Rights Commission
  - c. Chair update (Jessica)
    - i. No update
    - ii. Mary's updates
      1. Public and subsidized housing public hearing
        - a. LAJC and PHAR meeting was canceled due to weather and has not yet been rescheduled
        - b. The target of the last week in January for the public hearing likely will not happen, but Mary has reached out to PHAR to schedule another date to plan
        - c. Feedback from PHAR, LAJC, and residents has all been enthusiastic about holding the hearing
        - d. Offers to continue working on this project despite not being Chair
  - d. OHR Staff report
    - i. Report is attached in the agenda
    - ii. All 2021 data is now entered into the database
    - iii. FHAP update
      1. Had conversation with Kenneth Saunders, Director of Fairfax County OHR, about FHAP process
      2. Revisions to the ordinance are numerous due to adding in substantial equivalence for federal fair housing
      3. Still in process; awaiting a response from the City Attorney's Office on whether their questions were resolved
      4. Also talked to Kenny about internal EEO (complaints that come from City employees)
        - a. Fairfax does have an internal EEO process, as does Charlottesville, but Fairfax differs in that it has a consent decree that allows their OHR to be the internal EEO for Fairfax County

- i. The process and policy that governs it is still very separate, but Kenny sent it over with their Human Rights Ordinance
      - ii. They conduct the investigation internally then give the report to the City Attorney's Office
    - b. If an individual files a discrimination complaint with the EEOC since they are also a FEPA, that report comes back to the County Attorney's Office, who passes the internal report to the EEOC
      - i. It is a separate process—they do not actually investigate claims of discrimination in their power as a FEPA
  - iv. Case 2021-11 correction: complaint is on hold, not incomplete
  - v. Midway Manor
    - 1. Sent a letter to Midway Manor owners in response to concerns from community members
    - 2. Midway Manor changed not only property management, but also owners in the last month
    - 3. OHR staff is in touch with both of these parties
      - a. Received a response to the letter this week and **will pass on the response to the residents**
  - vi. Everyone has been able to sign in to their .gov accounts
    - 1. Is everyone ready to fully make the switch to .gov accounts as primary emails?
    - 2. The PCRB still uses personal emails for Zoom links; tell Todd if there is any reason to use personal accounts for anything
  - vii. Town Hall outreach
    - 1. Communications is down to 3, so will be flexible with their capabilities
    - 2. Have not yet gotten much information about distributing surveys, so talk to Todd to discuss survey, time frames, etc.
  - viii. Can talk to Jessica and Ernest about their new roles and planning a retreat
  - ix. Commissioner asks about meeting with Anna Mendez
    - 1. Mary had written a letter to the Director of People and Congregations Engaged in Ministry (PACEM)
      - a. They run congregate shelters for men and women, as well as an emergency shelter
    - 2. Anna Mendez had raised the concern of them not accepting people based on substance use disorder and mental health
    - 3. Anna had a meeting with Jason Whitehead and PACEM's attorney that OHR staff attended
      - a. Determined that PACEM does not intentionally screen out people due to substance use disorder and mental health challenges; many people there experience those things
      - b. They prioritize based on CDC's guidelines on who is at greatest risk for COVID to decide who gets priority placement at Premier Circle

- c. There was discussion about narrowing down the list of criteria (maybe to top five) to clarify that substance use disorder and mental health are not the most important factors
  - 4. Todd is unsure where the situation currently sits; Mary did not receive a written response, so she sent a follow-up
- x. Commissioner asks about the status of the community engagement event with Communications
  - 1. Presented the event to the Communications team, but it has become complicated during the transition of multiple team members leaving
  - 2. Communications was not able to give a concrete answer about potential platforms and tools
  - 3. OHR staff asks if it is feasible to postpone the February target to give Communications more time
    - a. Community Engagement committee wanted the poll to be out for a month, which would already push the event into March, so postponement would work
  - 4. **OHR staff can rediscuss administering the poll with Communications** unless Commissioners have any suggestions
    - a. Poll is drafted; just a matter of how it gets out
    - b. Could ask people in housing what the best way it is to get it—is this about how to get it to the target audience or what platform is best to use?
      - i. There are two events here: the housing conversation and the broader community engagement event, which is what is being planned now
    - c. Circling back with Communications and postponing the event to March is probably best
  - 5. Commissioner asks about the usefulness of a press release to get out the poll
    - a. Charlene used to use the TV station to broadcast
  - 6. Commissioner suggests putting the form in a QR code to make it accessible on mobile devices
    - a. Once HRC gets it out through the main channels, more creative avenues can be used
  - 7. Commissioner suggests some kind of in-person event like tabling so people can submit polls
- xi. Commissioner asks OHR staff to clarify whether the HRC is involved in the internal review process
  - 1. No; this is a process outlined in the personnel policies of the City
  - 2. Fairfax is unique in that the process is handled by their OHR
    - a. Not in their Human Rights Ordinance; it is a separate division
    - b. HRC is not involved at all; it is a confidential personnel process
  - 3. Todd can circulate the policy if people want to read more

4. Commissioner asks how/if the HRC responds to Chief Brackney's letter
  - a. The complaint was made public; not able to share much more about what she shared
  - b. Because there is no mechanism in Charlottesville to handle City employee complaints, the case is non-jurisdictional
  - c. However, there are other avenues; any City employee can file with the Attorney General's Office of Civil Rights or directly with the EEOC
    - i. Attorney General's Office of Civil Rights is a FEPA, so it will dual file
    - ii. Attorney General did just fire many employees from the division; there is no current Director (Mona Siddiqui was let go, in addition to the attorney who handled fair housing cases)
  - d. There are no current obligations to do anything about Chief Brackney's letter

## 5. WORK SESSION

- a. HR21-1 plain-language documents: Resolution, English flyer, and Spanish flyer
  - i. Vote
    1. Motion to approve: Kathryn
    2. Wolfgang seconds
    3. In favor: 8
    4. Opposed: 0
    5. Abstained: 0
  - ii. Commissioner asks if there is something to do with the resolution now that the plain language is approved
    1. Commission decides that the resolution is something they want to advocate for, so it must make action to get it in front of City Council
    2. **Todd will clean it up and save a finalized version with Jessica's signature to be put on the City website for the general public**
  - iii. Lyndele asks if there are follow-up items for these items that she can help with, such as getting them translated into other languages, as well as where these actions can be discussed
    1. OHR staff said there have been emails about IRC services, DSS translation services, and the question of what the HRC wants translated and into how many languages to determine cost
    2. Can discuss in Accessibility committee estimates for how many regular documents/languages will be translated per year, as well as what existing documents should be translated
      - a. May take Todd some time to get it off the ground and talk to Translation Services, but the process should eventually go smoothly
      - b. Commissioner suggests deciding on languages by looking at data
        - i. Wolfgang has anecdotal evidence from work

- with IRC and can share this offline
    - ii. Looking at City Court, social services like Region 10, or schools for which languages they use could also help
  - 3. Lyndele will research which languages are most commonly used and will consult other Commissioners about this via email
  - 4. Lyndele offers her friend coming to speak to a group about plain language; if people are interested, will the HRC tell City Council about this event?
    - a. Commissioner suggests making it part of the retreat
      - i. The retreat will be virtual, so the general public would be able to attend
- b. Drafting letter to City Council about Ang's concerns with ACRJ
  - i. Chair asks for assistance in drafting letter
    - 1. Lyndele volunteers
    - 2. OHR staff has materials available
  - ii. Will send letter to ACRJ Board including City Council
  - iii. Also would like to check in with the Board or others to ask if they have been to ACRJ to view conditions
  - iv. Speaking at City Council will bring public attention to the issue, though more focus should be on the Board; Mary suggests speaking at City Council to highlight the issue
  - v. Jessica will work on drafting the letter and speaking during Public Comment at the next City Council meeting

## 6. MATTERS BY THE PUBLIC

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

## 7. COMMISSIONER UPDATES

- a. Jeanette
  - i. Extends gratitude to Mary and Kathryn for their serving as Chair and Vice-Chair of the HRC for the past period
- b. OHR Staff update
  - i. Hiring process is underway; applications closed on 1/7/22 and have been reviewed
  - ii. One of the next steps is to form an interview panel; asks Chair to think about whether it will be her or another Commissioner who will serve on the panel
  - iii. Ernest volunteers to participate given it fits with his schedule

## 8. NEXT STEPS

- a. Jessica
  - i. Draft letter to ACRJ Board and speak during the next City Council meeting
- b. Lyndele
  - i. Research commonly spoken languages and consult other Commissioners via email
  - ii. Assist Jessica in drafting ACRJ letter
- c. Todd



- i. Correct Ang Conn's name misspellings in 12/16/21 minutes
- ii. Pass on response from Midway Manor owners to residents
- iii. Rediscuss administering Town Hall poll with Communications

**9. ADJOURN**

- a. Meeting adjourned at 7:45 pm