



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

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1. WELCOME

- a. CALL TO ORDER
 - i. Chair, Jessica Harris, called the meeting to order on Zoom platform at 6:43 pm
- b. ROLL CALL
 - i. Jessica Harris
 - ii. Jeanette Abi-Nader
 - iii. Mary Bauer
 - iv. Wolfgang Keppley
 - v. Kathryn Laughon (arrived 6:49 pm)
 - vi. Andrew Orban
- c. HRC Director announces that Commissioner Erika Robinson has stepped down from her position on the Commission
- d. 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. Review of minutes from 9/15/22 Regular Meeting (4 out of 5 present Commissioners attended)
 - i. Vote
 1. In favor: 4
 2. Opposed: 0
 3. Abstained: 1
- b. Review of minutes from 10/6/22 Committee Meeting (1 out of 5 present Commissioners attended)
 - i. Vote
 1. In favor: 1
 2. Opposed: 0
 3. Abstained: 4

4. BUSINESS MATTERS

- a. CHAIR UPDATE
 - i. National Society of Black Physicists Conference is coming to Charlottesville 11/6-11/9
 - 1. Will be asking various people from around the City to speak at the event
 - ii. Recognizes Erika Robinson's contributions to the Commission
 - iii. Encourages others to apply to be a Commissioner and spread it through their networks
 - 1. Application deadline is listed on the City website
 - iv. Reminds Commissioners about attending committee meetings now that there are regular times set
 - v. Brings up the four strategic focuses decided upon during the retreat; expresses openness to having two committees instead of two in order to consolidate focuses
- b. OHR STAFF REPORT (HRC Director)
 - i. Committee meeting on 11/3 is the last virtual meeting
 - 1. Has reserved CitySpace indefinitely for the first and third Thursdays of the month (11/17 Regular Meeting will occur here)
 - 2. Will talk to Communications about technology and hybrid meeting capabilities
 - ii. Monthly Staff Report is attached in the agenda packet
 - 1. Average of 21 incoming contacts per day for the month of September
 - 2. Council presentation is on 11/7 to present the Ordinance and Annual Report
 - 3. Council is working on Rules & Procedures (“operating procedures”) that will apply to all Boards and Commissions, so the HRC does not need to take current action to change their Rules & Procedures
 - 4. On 8/15, Council allocated \$176,000 for an Intake Counselor and Investigator for the OHR
 - a. Director has position descriptions and interview questions drafted; just needs to send them through Human Resources
 - b. Commissioners are welcome to serve on an interview panel
 - c. Send thoughts regarding improving orientation for new Commissioners to HRC Director

5. WORK SESSION

- a. Draft Charlottesville Human Rights Ordinance Revisions
 - i. In addition to entering the OHR into a FHAP agreement with HUD, Director also wanted to clean up the structure of the Ordinance
 - 1. Version to Council will only have underlined and stricken-through text; no colors or highlights
 - ii. Definitions in the beginning are now cited from the Code instead of listed all out individually
 - iii. Sec. 2-431 gives a general definition of discrimination (sub-sections define employment and housing discrimination)
 - 1. Protections in housing have language taken from the Federal

Code

- iv. Sec. 2-432: Director would like to note in the memo that the old Council made suggestions that the HRC never got a chance to review, so the HRC would like the new Council to reconsider
 - 1. No proposed changes yet, though there will probably be more dialogue once Council looks at the Ordinance
 - 2. If there is a finding of reasonable cause on a case, the City Attorney's Office will file a civil action on behalf of the complainant (lots of work if it is on a federal case)
 - 3. Commissioner notes in Sec. 2-432 (f) that it says the Director reports directly to the City Manager despite there being a Deputy City Manager
 - a. Although the City Manager still appoints the Director, the Director directly reports to the Deputy City Manager—will make change here
- v. Commissioner confirms that specific changes being made will be named in the motion
- vi. Sec. 2-433 mentions the Office of Human Rights, which was seldom mentioned before
- vii. Sec. 2-435 (c) mentions the research project that the Commission should conduct
 - 1. Director will add (d) to the memo regarding systemic discriminatory housing practices
 - a. Commissioner asks Director to expand upon this point—Director confirms that the City will become the complainant in cases where there is no named complainant but there is factual evidence to support prima facie case of systemic, discriminatory housing practice
 - b. An unprecedented situation, so there will need to eventually be additional operating procedures
 - c. Commissioner asks about section's language; section applies to just housing discrimination
- viii. Sec. 2-436 establishes the OHR
- ix. Sec. 2-437 used to be where the Ordinance lumped in all of the investigative procedures, but it now breaks down into different subsections the procedures for employment; housing; and public accommodations, private education, and credit
- x. Sec. 2-437.1 outlines investigations of employment discrimination
 - 1. Clarified the process and added timelines to match federal and state guidelines
 - 2. Changed "conciliation" to "informal dialogue" since conciliation has a separate meaning in housing
 - 3. Clarified that it is a conflict of interest for the City to investigate itself (as in Chief Brackney's case)
 - a. This is a standard across all Human Rights Offices
 - 4. One potential difficulty is knowing when to close a case, so there are several added clauses that describe when this is the situation

- xi. Sec. 2-437.2 outlines investigations of housing discrimination
 - 1. All red text is required for substantial equivalence, so cannot change much there (purple text within are changes to make the language suit the HRC instead of the federal context)
 - 2. There are a few more time constraint considerations in housing investigations
 - 3. Prompt judicial action is outlined in State Code, but it was not in any of the other protected activities
 - a. Means that if something seems like it needs to go to court by the Director and City Attorney, the Deputy City Manager for REDI can take quicker action
 - b. The City Attorney would be taking action on behalf of the complainant
 - 4. Throughout the Ordinance, “probable cause” used to be the standard for findings in cases of discrimination, but this is a criminal standard; “reasonable cause” is a slightly lower barrier, so everything that said “probable cause” before now says “reasonable cause”
 - 5. When there is a finding of reasonable cause in a housing case, there will be a filed charge and the Director will write the finding of reasonable cause as well as the charge served to both parties
 - a. This means that it takes the Commission out of the public hearing (it has no role as an adjudicating body in housing cases)
 - b. There is a clause after a finding of reasonable cause that says if either party wants to bypass mediation and go straight to court, they can do so
 - 6. OHR/HRC can also enumerate the relief the courts can grant
 - 7. City can intervene in a private civil action if it feels it needs to
- xii. Sec. 2-437.3 outlines investigations of public accommodations, private education, and credit
 - 1. Similar to procedures for employment (minus references to employment)
- xiii. Sec. 2-438 clearly states that retaliation is prohibited
- xiv. Sec. 2-439.1 discusses the Commission’s enforcement authority
 - 1. Commission no longer has a role in housing cases besides to vote to investigate a systemic issue and appeals
 - 2. This section describes the procedure for public hearings
- xv. **Summary of proposed changes for Ordinance:**
 - 1. **2-431: clarity alterations**
 - 2. **2-432 (f): note that Director reports to Deputy City Manager for REDI**
 - 3. **2-437.2 (l.1.A): removed bit of strikethrough**
- xvi. Mary makes a motion to adopt the Ordinance for recommendation to Council (with proposed changes)
 - 1. Wolfgang seconds
 - 2. Roll-call vote:
 - a. In favor: 6

- b. Opposed: 0
 - c. Abstained: 0
- xvii. Motion passes; Director will make proposed changes, convert document to black and white, conduct ADA screening, and post it to Council's agenda
- xviii. Summary of proposed changes for Ordinance memo:
 - 1. Make note of 2-435 (d)
- xix. Wolfgang makes a motion to adopt the Ordinance memo for recommendation to Council (with proposed changes)
 - 1. Jeanette seconds
 - 2. Roll-call vote:
 - a. In favor: 6
 - b. Opposed: 0
 - c. Abstained: 0
 - 3. Motion passes
- xx. Commissioner asks about process for changes after presenting Ordinance to Council
 - 1. Council will likely not vote after the first reading
 - 2. Director will try to suggest that Council consider the HRC's recommended changes since Council's last action was rather abrupt
- b. Annual Legislative Agenda Recommendations
 - i. Top priorities/themes were housing, transportation equity & accessibility, law enforcement, health equity, and food equity
 - ii. Based on survey responses for provided four themes: affordable housing was deemed highest priority, then mental health, then emergency housing support for the unhoused, then eviction prevention
 - iii. Chair will send a letter to Council on behalf of the Commission to recommend legislative priorities
 - iv. Wolfgang has an updated document with more recent changes
 - 1. New changes are highlighted
 - v. Commissioner asks whether the Commission is allowed to make modifications to the recommendations from the public, or they should just amplify the public's voices
 - 1. Chair says Commission should probably amplify the public directly, then make note of places where the Commission has additional recommendations
 - vi. OHR Outreach Specialist adds that many respondents indicated that the Commission can follow up with them if they have additional questions, so this is an option if the HRC wants to include more voices
 - vii. Commissioner asks whether the Commission wants to suit the legislative priorities to the General Assembly
 - 1. Says that it would be helpful to have a short list of items that are more likely to come before the General Assembly rather than only the full list
 - viii. Commissioner says the document has already been edited to include things that could be actionable at the state level rather than local, but would support further narrowing-down of the list
 - ix. Chair goes one section at a time to narrow down the list of

recommendations:

- x. Housing Equity
 - 1. Commissioner says there would have to be a change in legislation for rent control
 - a. Another Commissioner adds that rent control may not be the most effective way to address the housing crisis; suggests asking the state to provide increased assistance for homelessness and stabilizing housing
 - 2. Director notes it may be helpful to identify when the HRC is asking for the City to enable local legislation rather than a state-wide policy
 - 3. Commissioner asks if Commission is asking for state assistance versus local funding
 - a. State funding, since the HRC is asking City Council to recommend these priorities to legislators
- xi. Transportation Equity & Accessibility
 - 1. Commissioner questions whether this priority fits in with human rights
 - a. Another Commissioner says the international framework for human rights considers basic infrastructure a human right, so transportation could be considered a human right even if not under the purview of the Human Rights Commission
 - 2. Another Commissioner says regional paratransit has gaps from region to region within a state, and there is a need for a state-wide paratransit service
 - a. Would like to include this priority considering from an accessibility and climate equity standpoint, which many "Other" recommendations referenced
 - 3. Commissioner suggests taking out "for commuters" from "Establish state-wise intercity affordable public transit options for commuters"
 - a. Director suggests Commission add "accessible" as well as affordable
- xii. Equity in Law Enforcement
 - 1. Commissioner is unsure if the state legislature would address any of the concerns listed because they are very local
 - 2. Could keep the last point
 - 3. Commissioners discuss whether or not to keep the second point regarding speed cameras
 - a. Commissioner asks others to consider waiting to recommend this until more research is done
 - b. Another Commissioner says that traffic cameras reduce discriminatory police contact
- xiii. Health & Food Equity
 - 1. Commissioner suggests combining Health Equity and Food Equity and that while many solutions are local, there can also be state-level changes
 - a. Also recommends pushing back against Executive

Order No. 1 on Divisive Concepts that gets rid of mentions of race and equity in schools and the Health Department

- b. Also suggests opposing the “Model Treatment of Transgender Students”
- 2. Another Commissioner suggests adding access to reproductive care
- xiv. Commissioner expresses concern over proposal to spend \$49 million on a new jail through various localities—something to address in the future
- xv. Chair will draft a letter to Council recommending they raise the points discussed tonight (summarized in the new Legislative Priorities document) to the General Assembly
 - 1. Todd will put the draft on letterhead and send to Commission for final feedback before sending to Council
- c. Chair adds that she will not be able to attend the Council meeting on 11/7 to present everything to Council, so she will need to appoint someone to go in her place
 - i. Chair has power to do this; no need to acquire approval from the rest of the Commission
- d. AD-HOC COMMITTEE UPDATES
 - i. Community Engagement committee
 - 1. OHR Outreach Specialist and Lyndele put together a spreadsheet of outreach opportunities
 - 2. Can sign up via the spreadsheet; Outreach Specialist will send the link again for upcoming events

6. MATTERS BY THE PUBLIC

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

7. COMMISSIONER UPDATES

- a. None

8. NEXT STEPS

- a. Todd
 - i. Finalize Ordinance--make proposed changes, convert document to black and white, conduct ADA screening, and post it to Council's agenda
 - 1. Summary of proposed changes for Ordinance memo:
 - a. Make note of 2-435 (d)
 - 2. Summary of proposed changes for Ordinance:
 - a. 2-431: clarity alterations
 - b. 2-432 (f): note that Director reports to Deputy City Manager for REDI
 - c. 2-437.2 (l.1.A): remove bit of strikethrough
 - ii. Put draft of legislative recommendations on letterhead and send to Commission for final feedback before sending to Council
- b. Victoria
 - i. Send link for upcoming community outreach events
- c. Jessica

- i. Draft letter to Council recommending they raise the points discussed tonight (summarized in the new Legislative Priorities document) to the General Assembly

9. ADJOURN

- a. Meeting adjourned at 8:23 pm