



**Human Rights Commission
Meeting Minutes
Annual Retreat
February 27, 2021
Virtual/Electronic Meeting
1:00 pm to 5:00 pm**

Link to rebroadcast: <https://boxcast.tv/channel/vabajtzeuyv3iclqx1a>

1. WELCOME

- a. CALL TO ORDER
 - i. Chair, Mary Bauer, called the meeting to order at 1:00 pm
- b. ROLL CALL
 - i. Mary Bauer
 - ii. Kathryn Laughon
 - iii. Jeanette Abi-Nader
 - iv. Shantell Bingham
 - v. Ernest Chambers
 - vi. Jessica Harris
 - vii. Wolfgang Keppley
 - viii. Sue Lewis
 - ix. Tobiah Mundt
 - x. Andrew Orban
 - xi. Alex Oxford
 - xii. Lyndelee 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.*
- d. ICEBREAKER
 - i. Commissioners and staff introduced themselves and answered an icebreaker question.

2. The Future of Human Rights Protections

- a. FEPA, FHAP, and Values Act overview
 - i. Chair notes that she and OHR staff participated in a meeting with the EEOC during the past week to learn what is required to enter a FEPA agreement.
 - ii. Commissioners acknowledge having reviewed the chart in the agenda packet comparing the FEPA, FHAP, and Current Ordinance.
 - iii. Staff notes that a potential workshare agreement with the Attorney General's Office Division of Human Rights is also a possibility.
 1. Currently awaiting an opportunity for a follow-up discussion with the Attorney General's Office.
 - iv. Open discussion regarding potential next steps for FEPA and FHAP
 1. Advantages to local residents could include the following the ability to file a state/local and federal complaint in one location.

2. Neither FEPA or FHAP provide funds for Complainants or Respondents to seek legal counsel.
 - a. Commissioners have expressed an interest in the City providing financial resources for Complainants seeking legal counsel.
 - b. The City, as a government agency, and the HRC, as an agent of the City and as an adjudicating body in the hearing of complaints, must show impartiality if it were to provide funds for legal counsel, and therefore the opportunity for funding must be available for both sides.
 - c. The HRC could create a fund with an application process.
 3. FHAP provides guidance, training opportunities, and start-up funding for local agencies.
 4. FEPA appears to only provide reimbursement for cases.
 5. Local filing of a federal complaint through a FEPA or FHAP is easier than going to Richmond to file with the EEOC or DPOR.
 6. Ordinance revision process appears to be well-supported by HUD staff through the FHAP process.
 - a. An HRC ad hoc committee could work with OHR staff to create the draft ordinance that has substantial equivalence to federal fair housing law.
 - b. The HRC could present the draft to HUD for feedback before bringing the final version to Council for consideration ahead of an application for interim certification as a FHAP.
 7. The background work necessary to apply for FEPA and FHAP status could begin now and does not require the hiring of the HRC Director/OHR Manager beforehand.
 - a. Actual entry into a FEPA or FHAP contract would be difficult without a Director in place.
- b. Review of the amended Human Rights Ordinance
- i. Chair reviews the process around Council's adoption of amendments in addition to those presented by the HRC.
 1. Revisions to the Ordinance were presented to the HRC on the Sunday before the Ordinance was slated for a vote on the consent agenda for City Council's meeting on February 1, 2021.
 2. Due to public meeting requirements, the HRC was not able to discuss and act on these revisions.
 3. During the Council meeting there were two options
 - a. Adopt the Ordinance with the new revisions.
 - b. Postpone adoption pending further discussion.
 4. Chair advocated for passage given that OHR staff had reported there were pending complaints that could not move forward without adoption of the revised protected activities and protected classes.

5. It was not clear why the other revisions proposed by Council were urgent.
 - a. The HRC had explained to Council that it would likely be presenting additional changes to the Ordinance as part of the FHAP application process.
 6. Council chose to move forward with approving the Ordinance with the added revisions.
- ii. OHR staff presents a summary of Council's changes to the Ordinance.
1. Sec. 2-432 (a)
 - a. Reduction in size of the Commission to 9 members.
 - i. There will be a point in the future of the HRC where more than 9 of the current members' terms will end at the same time.
 - b. Requirement that two Commissioner seats be reserved for people with specific backgrounds
 2. Sec. 2-432 (d)
 - a. Moved the provision that the Commission can adopt bylaws and procedures from (b) to (d)
 - b. Tied the above to the provision that said adoptions are done in accordance with City Council's adopted "Rules for Public Participation."
 3. Sec. 2-432 (f)
 - a. Addition of requirements that the Director demonstrate specific experience as defined by other sections of the Ordinance.
 4. Sec. 2-432 (g)
 - a. Stipulates that City Council will establish operating procedures for the Commission.
 - i. Not clear if this is specific to the HRC or will be a general set of operating procedures for all boards and commissions.
 - ii. Councilors talked about this originating out of discussions about Civilian Police Review Board.
 5. Sec. 2-432 (i)
 - a. Requirement of quarterly reports to City Council, as specified in the above-mentioned operating procedures.
 - i. The scope of these reports has not yet been specified.
 - ii. This would require a report following every three HRC regular meetings.
 - iii. Hiring OHR staff seems pre-requisite to asking for additional reporting.
 6. Sec. 2-433 (d)

- a. Requirement that the HRC will seek FEPA and FHAP agreements and enter into the agreements subject to approval by City Council and a finding that it is in the best interest of the City.
- 7. Sec. 2-434 (b)
 - a. Changed “may” to “will” in the provision that “the Commission will conduct or engage in educational and informational programs...”
- 8. Sec. 2-435 (2c)
 - a. Addition of a requirement that, starting July 1, 2021, the HRC will conduct at least one research project or review every two years.
- iii. Open discussion about the Ordinance revisions
 - 1. Commissioners express general concerns
 - a. The HRC work and recommendations felt disregarded by Council..
 - b. Regarding Sec. 2-432 (a)
 - i. The HRC had agreed to cap the size of the Commission at 15.
 - ii. The HRC did discuss but agreed not to support the delegation of seats to people with specific backgrounds
 - c. HRC not consulted by Council prior to voting on revisions to the amendments proposed by the HRC.
 - d. HRC not afforded a chance to discuss and provide feedback on the revisions prior to Council’s vote.
 - e. Regarding Sec. 2-432 (g)
 - i. Unclear if this will apply only to the PCRB and the HRC or to all boards and commissions.
 - f. Regarding Sec. 2-432 (a)
 - i. Not clear what will happen if there are no applicants with the requisite backgrounds.
 - g. Council has still not taken action to ensure that a Director is hired.
 - h. The HRC has tried to meet with Council for many months, and to date this has not happened.
 - i. The fact that Council would vote on such major changes to the Ordinance without consulting the HRC is concerning.
 - i. There is an issue of equity regarding Council’s revisions as they were proposed by a single individual and the HRC’s recommendations were developed by a diverse group.

- i. Several Commissioners expressed frustration that a single individual can undo work that took the Commission many months of work to accomplish.
 - j. Note that the Mayor did call into question making new revisions without time for public process.
 - k. The last-minute process of adding additional revisions was not appropriate.
 - l. The Commission had given serious consideration to all of the recommendations previously proposed by the member of the public who pushed for the last-minute changes.
 - m. Commissioners express concern that one person using emails can influence Council's actions so drastically.
 - n. Regarding Sec. 2-432 (a)
 - i. Commissioners did significant community outreach to recruit a diverse group and this may now be undermined by these revisions.
 - ii. The size of the Commission was not the barrier to moving work forward.
 - iii. The Commission faced other barriers
 - 1. An inability to hold a joint work session with City Council in over two years.
 - 2. The crumbling infrastructure of City leadership.
 - iv. A large body helps to ensure a diversity of voices.
 - 1. There could be a time in the future where there may not be significant numbers of people of color on the HRC.
- c. Next steps
 - i. Chair solicits Commission thoughts on the best response to Council.
 - 1. Commissioners suggest re-proposing the original version of the Ordinance containing only the HRC amendments for Council's consideration.
 - ii. This topic will be revisited in the Strategic Planning session of the meeting.

Break (5m)

3. Rules and Procedures

- a. COIA/FOIA/VPRA refresher training
 - i. Allyson Davies presents an overview of the how the following Virginia statutes affect Commissioners. (See Attachment 1)
 - 1. Conflict of Interest Act
 - 2. Freedom of Information Act
 - 3. Virginia Public Records Act

- b. A brief review of the current HRC Rules and Procedures
 - i. Current Rules and Procedures included in the agenda packet.
 - ii. Amended Martha's Rules are included in the agenda packet.
 - 1. Adopted at the HRC regular meeting in March 2020.
 - 2. Not yet added to the Rules and Procedures or yet put into practice.
 - iii. OHR staff suggests a potential sub-committee for a detailed discussion of the Rules and Procedures document and for drafting revisions.
 - iv. Rules and Procedures function as a companion document to Resolutions
 - 1. All signed resolutions of the HRC are currently in a paper file but are not easily accessible to the HRC or the public.
 - 2. OHR staff will develop an electronic archive of resolutions and will attempt to post them on the City website.
 - 3. Resolutions codify the HRC's positions on specific issues and procedures for handling specific actions.
 - 4. Resolutions can be drafted in sub-committees and brought to the Commission for approval.
 - 5. Regular review of resolutions to determine whether any need to be revoked or replaced is recommended.
- c. A brief review of protocols for HRC advocacy and action
 - i. A sub committee could draft a resolution regarding how to handle actions that need to take place between publicly-noticed meetings.
 - ii. With a resolution in place, the HRC and take action and cite that the action was taken pursuant to a previously approved resolution.
- d. Next steps
 - i. Open discussion
 - 1. Sub-committee meetings that include 3 or more Commissioners require public notice.
 - 2. The HRC Rules and Procedures specify that sub-committees must be composed of not less than 3 Commissioners.
 - 3. The HRC Rules and Procedures also mentions standing committees, which are no longer convened.
 - 4. Suggestion to create a committee to review and revise the Rules & Procedures and draft a resolution regarding HRC actions between meetings.
 - 5. Suggestion to contact Council about the limited number of sub-committee meetings.
 - 6. Suggestion that the Chair, Vice Chair, and OHR staff work on revising the Rules & Procedures and drafting a resolution for action between meetings for consideration by the HRC.
 - 7. **Chair, Vice Chair, and OHR staff to meet ahead of the March HRC Regular meeting to discuss a process to revise the Rules & Procedures and to draft a resolution for action between meetings.**

Break (10m)

4. Strategic Planning

- a. Identify potential 2021 Goals
 - i. Commissioners used Google Docs to share ideas (see Attachment 2)
 1. Advocate that the City adopt a policy that ensures that all people facing eviction have legal counsel.
 2. Support Charlottesville residents who are released from ACRJ to see if they wish to file a complaint.
 3. Support undocumented residents in their ability to move freely and safely about the city.
 4. Continue advocating for increased accessibility and ADA compliance of all City services.
 - a. 11 Commissioners supported this as a primary goal.
 5. Address barriers to housing.
 - a. 11 Commissioners supported this as a primary goal.
 6. Equity-based City budgeting.
 - a. 1 Commissioner supported this as a primary goal.
 - b. Prioritize top 1 or 2 Goals (see Attachment 2 for details)
 - i. Commissioners arrived at consensus through informal polling on the following priorities.
 1. Continue advocating for increased accessibility and ADA compliance of all City services.
 2. Address barriers to housing.
 - ii. Commissioners arrived at consensus for pursuing the following goals for strengthening the Commission.
 1. Continue to advocate for the hiring of a Director.
 2. Pursue FHAP.
 - a. 9 Commissioners supported this idea.
 3. Pursue FEPA.
 - a. A majority of Commissioners supported this idea.
 - c. Identify Tactics to reach prioritized Goals (see Attachment 2 for details)
 - i. Commissioners listed specific strategies to achieve each goal.
 - ii. Commissioners volunteered to serve on sub-committees to support each goal.
 - iii. Response to Council regarding the process of amending the Ordinance.
 1. Commissioner suggests requesting another meeting of the full Commission with Council.
 - a. Commissioner notes that Councilors have communicated that Council does not have the capacity to engage in work sessions with boards and commissions.
 2. Commissioners suggest letting Council know that they were not happy with the process of amending the Ordinance.

3. Chair notes that Council initially proposed that the HRC complete a “research study or project” but that “project” was removed in the version that Council approved.
 - a. Commissioner requests more guidance for what Council expects from the Commission in terms of research projects.
 - b. Commissioners would like to understand
4. Commissioners also suggest that Council consider revising the Ordinance again.
5. Commissioners would like clarification about the scope of the “operating procedures.”
6. Chair will draft a response to Council regarding Commissioner concerns regarding the process of amending the Ordinance.
 - a. Chair will share a draft of the letter with the HRC via email prior to sending to Council.
7. Chair will also speak at the next Council meeting regarding the HRC’s concerns.

5. NEXT STEPS

- a. OHR staff
 - i. Consolidate HRC resolutions and create a publicly accessible web-based archive.
 - ii. Ask Communications how to ensure that online HRC meetings are close-captioned.
 - iii. Ensure all HRC minutes and agendas are ADA accessible.
 - iv. Begin drafting an updated version of the Ordinance for pursuit of FHAP agreement.
 - v. Begin drafting a request letter for pursuit of the FEPA agreement.
- b. Chair, Vice Chair, and OHR staff
 - i. Meet ahead of the March HRC Regular meeting to discuss a process to revise the Rules & Procedures and to draft a resolution for action between meetings.
 - ii. Review Martha’s Rules to ensure effective and consistent use.
- c. Chair
 - i. Draft a response to Council regarding Commissioner concerns regarding the process of amending the Ordinance.
 1. Share a draft of the letter with the HRC via email prior to sending to Council.
 - ii. Speak at the next Council meeting regarding the HRC’s concerns.

6. ADJOURN

- a. Meeting adjourned at 5:00 pm.

Attachment 1

COIA, FOIA and VPRA

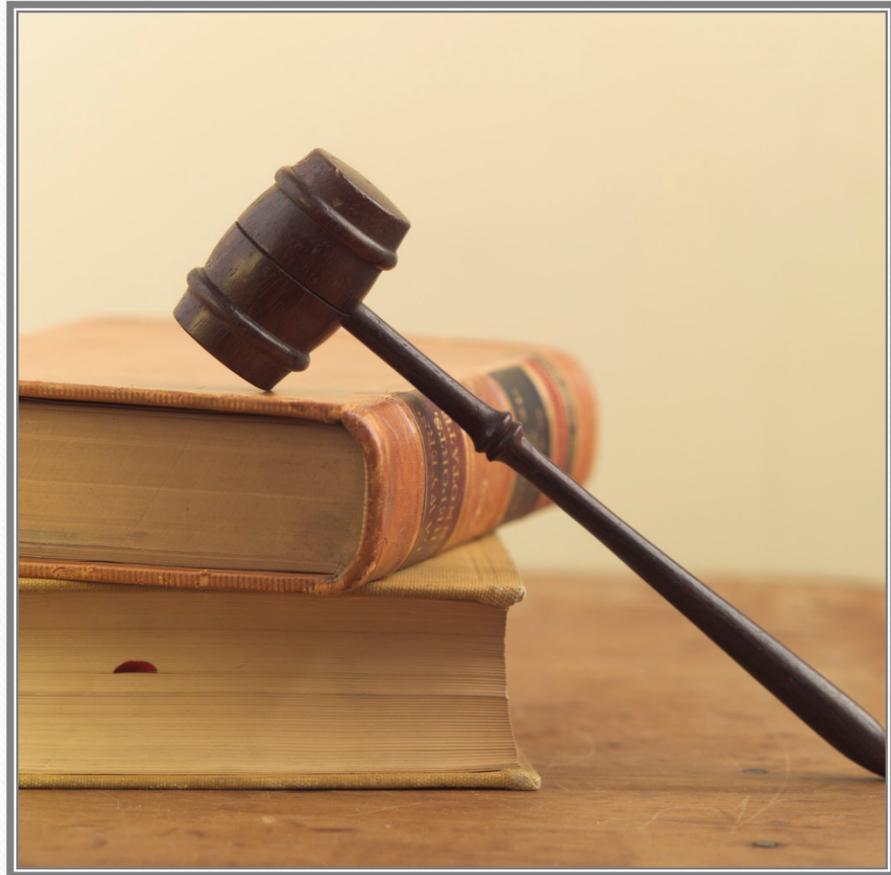
Conflicts of Interest Act

Freedom of Information Act

Virginia Public Records Act

2021

Allyson Manson Davies, Esq.



COIA: Why Does It Matter?

- “The General Assembly, recognizing that our system of representative government is dependent in part upon... (ii) its citizens maintaining the highest trust in their public officers..., finds and declares that the citizens are entitled to be assured that the judgment of public officers... will be guided by a law that defines and prohibits inappropriate conflicts and requires disclosure of economic interests...
- This chapter shall be liberally construed to accomplish its purpose.” Va. Code Ann. § 2.2-3100
- “All officers and employees shall read and familiarize themselves with the provisions of this chapter.” Va. Code Ann. § 2.2-3100.1



Virginia's State and Local Government Conflict of Interests Act (COIA) Basic Definitions:



- The **City's Human Rights Commission** is a "governmental agency"
- Each member appointed to serve on the Commission is an "**officer**" of the City's local government
- The Virginia State and Local Government Conflict of Interests Act ("COIA") concerns itself with **financial interests of government officers, and members of their immediate family.**

- "**Governmental agency**" means each **component part** of the legislative, executive or judicial branches of...**local government**, including each office, department, authority, post, **commission**, committee, and each institution or board created by law to exercise some regulatory or sovereign power or duty as distinguished from purely advisory powers or duties.
- "**Officer**" means **any person appointed**to any governmental...agency..., whether or not he receives compensation or other emolument of office.
- "**Immediate family**" means (i) **a spouse** and (ii) **any other person who resides in the same household** as the officer...and who is a **dependent** of the officer.

Va. Code Ann. § 2.2-3101

Virginia Code § 2.2-3103. Prohibited Conduct

- No officer ...shall:
- 1. **Solicit or accept money** or other thing of value **for services performed within the scope** of his **official duties**, except the compensation, expenses or other remuneration paid by the agency of which he is an officer...this Shall not apply to the acceptance of special benefits that may be authorized by law;
- 2. **Offer or accept any money** or other thing of value for or in consideration of **obtaining employment**, appointment, or promotion of any person...;
- 3. **Offer or accept any money** or other thing of value for or in consideration of the **use of his public position**...;
- 4. **Use for his own economic benefit** or that of another party **confidential information** that he has acquired by reason of his public position and which is not available to the public;



Prohibited Conduct Continued.....

- 5. **Accept any money**, loan, gift, favor, service, or business or professional opportunity that reasonably tends **to influence him in the performance of his official duties**...;
- 6. **Accept any business or professional opportunity** when he knows that there is a reasonable likelihood that the opportunity is being **afforded him to influence him** in the performance of his official duties;
- 7. **Accept any honoraria** for any appearance, speech, or article in which the officer or employee provides expertise or opinions **related to the performance of his official duties**....;
- 8. **Accept a gift from a person who has interests that may be substantially affected by the performance of the officer's...official duties** under circumstances where the timing and nature of the gift would cause a reasonable person to question the officer's or employee's impartiality in the matter...;

Prohibited Conduct Continued...



- 9. **Accept gifts** from sources on a basis **so frequent as to raise an appearance** of the use of his public office for private gain. Violations of this subdivision shall not be subject to criminal law penalties; or
- 10. **Use his public position to retaliate or threaten to retaliate** against any person for expressing views on matters of public concern or for exercising any right that is otherwise protected by law.....

GIFT DEFINED

"Gift" means any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. It includes services as well as gifts of transportation, local travel, lodgings and meals, whether provided in-kind, by purchase of a ticket, payment in advance or reimbursement after the expense has been incurred.

"Gift" does not include (i) any offer of a ticket, coupon, or other admission or pass unless the ticket, coupon, admission, or pass is used...

Va. Code Ann. § 2.2-3101





PERSONAL INTEREST

- Personal Interest in a Transaction

means any matter considered by the Commission itself, or by a committee of the Commission, on which official action is taken or contemplated

- Personal Interest in a Contract

means a personal interest that an officer...has in a contract with a governmental agency, whether due to his being a party to the contract or due to a personal interest in a business that is a party to the contract.

"Personal interest" means a financial benefit or liability accruing to an officer ...or to a member of his immediate family. Such interest shall exist by reason of (i) **ownership in a business** if the ownership interest **exceeds three percent** of the total equity of the business; (ii) **annual income** that exceeds, or may reasonably be anticipated to exceed, **\$ 5,000** from ownership in real or personal property or a business; (iii) **salary**, other compensation, fringe benefits, or benefits **from the use of property**, or any combination thereof, paid or provided by a business or governmental agency that **exceeds**, or may reasonably be anticipated to exceed, **\$ 5,000 annually**; (iv) **ownership of real or personal property if the interest exceeds \$ 5,000 in value** and excluding ownership in a business, income, or salary, other compensation, fringe benefits or benefits from the use of property; (v) **personal liability incurred or assumed on behalf of a business** if the liability exceeds three percent of the asset value of the business; or (vi) an **option for ownership** of a business or real or personal property if the ownership interest will consist of clause (i) or (iv).

Va. Code Ann. § 2.2-3101

Important COIA Questions

- **Question:** what is your relationship, if any, to the individual, business or governmental agency that is the subject of the Commission's business?
- **Question:** what individuals, businesses or agencies will realize a benefit or detriment as a result of an action taken by the Commission?
- **Question:** Do you have a financial or professional relationship to them?
- **Question:** what are the connections to members of your "immediate family"

"Personal interest in a transaction" means a personal interest of an officer...in any matter considered by his agency. Such personal interest exists when an officer...has a personal interest in property or a business or governmental agency or represents or provides services to any individual or business and such property, business or represented or served individual or business (i) is the subject of the transaction or (ii) may realize a reasonably foreseeable direct or indirect benefit or detriment as a result of the action of the agency considering the transaction.





What should you do if there is a Personal Interest in a Transaction?

Do you have a personal interest in a transaction?

Yes?

- **Declare it/ disclose it**
- **Disqualify yourself, if required**
- **Make sure the Commission's minutes and public records reflect your compliance**

(A) Each officer...of any local governmental agency who has a personal interest in a transaction shall disqualify himself from participating in the transaction if:

(i) the transaction has application solely to property or a business or governmental agency in which he has a personal interest...or

(ii) he is unable to participate pursuant to subdivision B . Any disqualification...shall be recorded in the public records of the officer's agency. The officer ...shall disclose his personal interest and shall not vote or in any manner act on behalf of his agency in the transaction. The officer...shall be prohibited from (i) attending any portion of a closed meeting authorized by...(FOIA)...when the matter in which he has a personal interest is discussed and (ii) discussing the matter in which he has a personal interest with other governmental officers or employees at any time.

B. An officer...of any...local government who has a personal interest in a transaction may participate in the transaction:

- 1. If he is a member of a business, profession, occupation, or group of three or more persons the members of which are affected by the transaction, and he complies with the declaration requirements.**
- 2. When a party to the transaction is a client of his firm if he does not personally represent or provide services to such client and he complies with the declaration requirements; or**
- 3. If it affects the public generally, even though his personal interest, as a member of the public, may also be affected by that transaction.**



Questions on Acceptance of Money or Other Things of Value



- Would the timing or the nature of the gift cause a reasonable person to **question your impartiality** in a matter affecting the person offering the gift?
- **Are you accepting gifts, even minor ones, on a basis so frequent as to raise an appearance that you're using your public office for private gain?**
- Is it reasonably likely that the money, gift, business or professional opportunity, or other thing of value **is being offered to influence the performance of your duties?** Does it, in fact, tend to influence you?
- Are you being offered an “**honoraria**” for an appearance, speech, or article in which you will **provide expertise or opinions related to the performance of your duties?**
- Is someone seeking for you to **assist** them in obtaining **employment**, or a **contract**, with the City, or the Commission?
- Are you **using confidential information** that you've acquired by reason of your position, for the **purpose of financially benefitting yourself or another person?**

Virginia Freedom of Information Act



- Open (Public Meetings) required, generally
- Public notice of time, place and location
- Minutes of meetings
- Agenda materials must be made publicly available at the same time furnished to Commission members
- Closed meetings allowed only when specifically authorized by FOIA, and only after special procedure is followed.
- Minutes must reflect compliance with the procedure

Public Records: means all writings and recordings that consist of letters, words or numbers, or their equivalent, set down by handwriting, typewriting, printing, photostating, photography, magnetic impulse, optical or magneto-optical form, mechanical or electronic recording or other form of data compilation, however stored, and regardless of physical form or characteristics, prepared or owned by, or in the possession of a public body or its officers, employees or agents in the transaction of public business.

Inspection: Except as otherwise provided by law, public records must be made available for inspection and copying by citizens

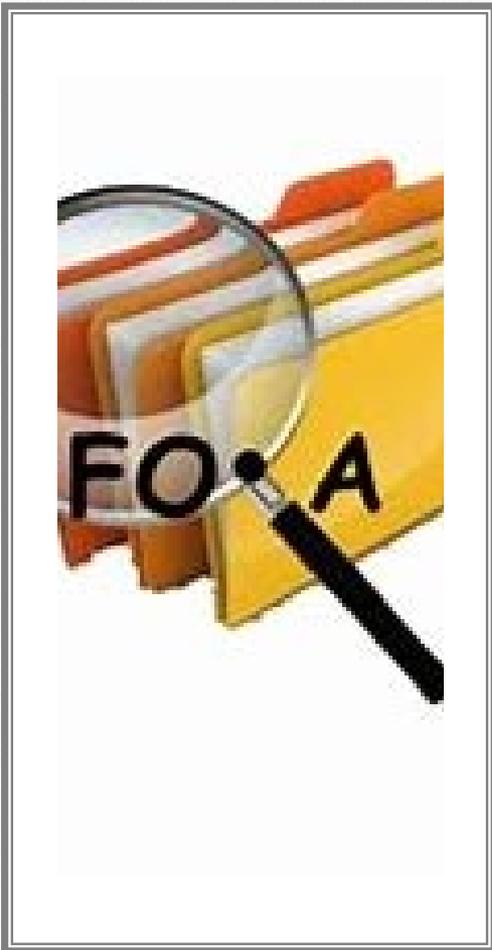
Requests: Citizen request doesn't need to be in writing and doesn't need to reference "FOIA."

Response: Written response to a FOIA request required, within 5 days of receipt



THIS IS WHERE
WE HIDE OUR
PUBLIC INFORMATION.

MINISTRY
FILE
ROOM



Knowledge of FOIA

- Any person....appointed or reappointed to any body not excepted from this chapter shall:
 - (i) be furnished by the public body's administrator or legal counsel with a copy of this chapter.... and
 - (ii) read and become familiar with the provisions of this chapter.
- Va. Code Ann. § 2.2-3702

Meetings



FOIA typically applies to public body gatherings irrespective of the meeting's location. It doesn't matter if a meeting is held in its regular location or at a retreat held outside of the locality.

A gathering of HRC Members does not create a meeting if public business is not discussed or carried out and the gathering was not called for the purpose of doing public business. § 2.2-3701.

You are permitted to:

1. participation in community events or parties.
2. show up at a community forum.

What Constitutes a Meeting

Any meeting of the HRC Commission qualifies as a public meeting. For the purposes of the act, such a meeting is created if **a majority of members, or three members**, regardless of how many are needed for a majority, get together and discuss public business.

If three members of HRC meet to discuss or act on HRC business, that creates a meeting for purposes of FOIA.

If the three members are on a committee and meet as the committee, that meeting is a committee meeting, not a HRC Commission Meeting.

If additional members attend a committee meeting, that does not necessarily convert the meeting from a committee meeting to a Commission meeting but it does require public notice.

Meetings to be Open Except for Closed Meeting Exceptions

Section §2.2-3711 sets out many reasons for holding a closed meeting. A Commission will generally only be permitted to hold a closed meeting for one of eight possibilities:

1. Personnel matters - subsection 1;
2. Real property - subsection 3;
3. Privacy of individuals unrelated to public business subsection 4;
4. Prospective business - subsection 5;
5. Consultation with legal counsel pertaining to actual or probable litigation- subsection 7;
6. Consultation with legal counsel regarding specific legal matters- subdivision 8;
7. Terrorism- subsection 19.
8. Award of a public contract involving the expenditure of public funds.

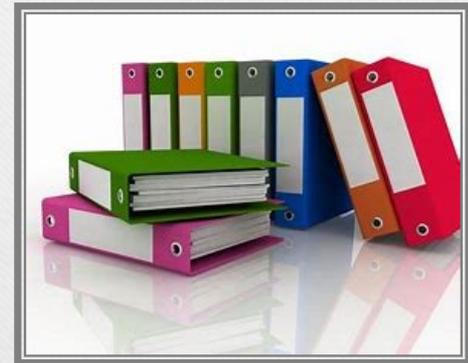
Records

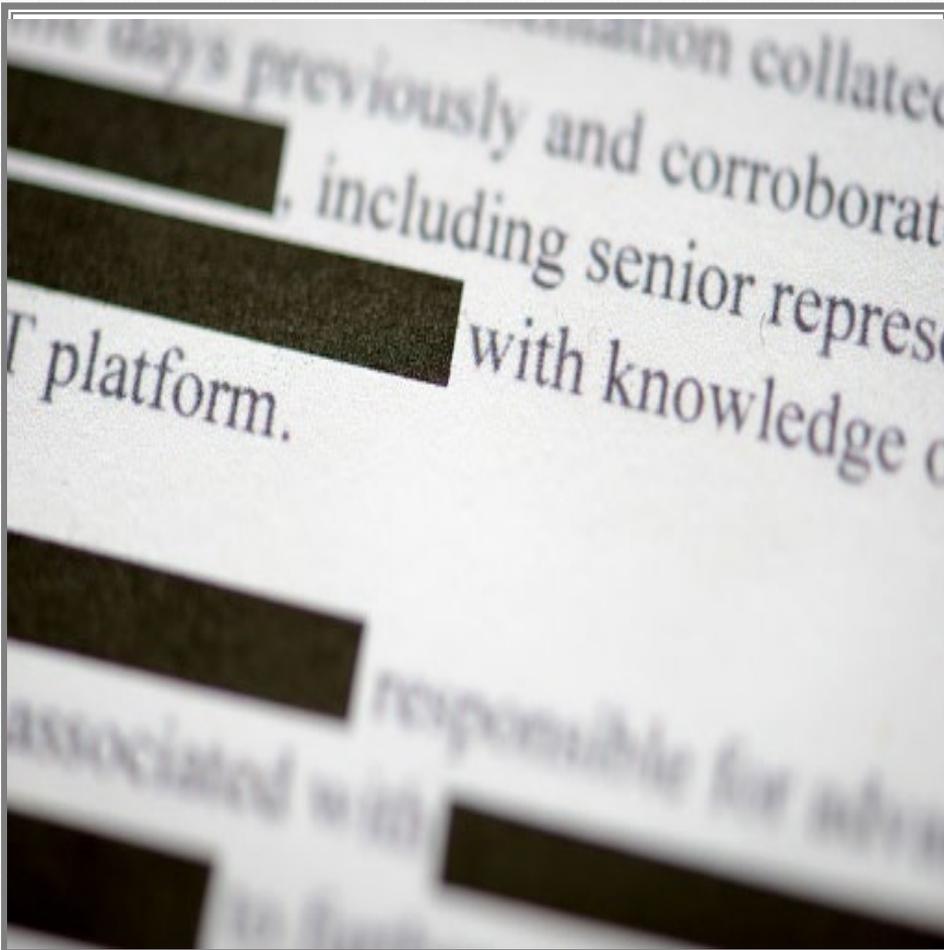
FOIA sets out the rules for public record disclosure. The general rule concerning records is that they are open to public inspection and copying.

The fact that a record may be exempt from disclosure does not require it to be withheld. Each exemption section states in the opening sentence that the records “may be disclosed by the custodian in his discretion, except where such disclosure is prohibited by law.” § 2.2-3705.1, 2, 3, 4, 5, 6, 7.

Some records are prohibited from being disclosed at all. The custodian has no discretion to permit their disclosure. Examples include tax records or other records required to be kept confidential pursuant to the Privacy Protection Act.

The act applies to records of the public body, whether the records are on paper, or in an electronic form, such as e-mails, databases and other electronic formats.





Duty to Redact

No provision of this chapter is intended, nor shall it be construed or applied, to authorize a public body to withhold a public record in its entirety on the grounds that some portion of the public record is excluded from disclosure by this chapter or by any other provision of law. A public record may be withheld from disclosure in its entirety only to the extent that an exclusion from disclosure under this chapter or other provision of law applies to the entire content of the public record.

Va. Code Ann. § 2.2-3704.01



FOIA Records Average

2018	2019	2020
------	------	------

Monthly:

24.1	46.0	46.3
------	------	------

Weekly

5.6	12.7	12.8
-----	------	------

TOTAL

289	552	556
-----	-----	-----

FOIA
Records
Processed
(by date
received)

	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>
January	19	56	39	41
February	21	47	44	53
March	24	44	21	
April	27	62	41	
May	21	50	23	
June	26	33	85	
July	27	39	52	
August	35	56	55	
September	27	35	55	
October	28	59	55	
November	16	26	45	
December	18	45	41	

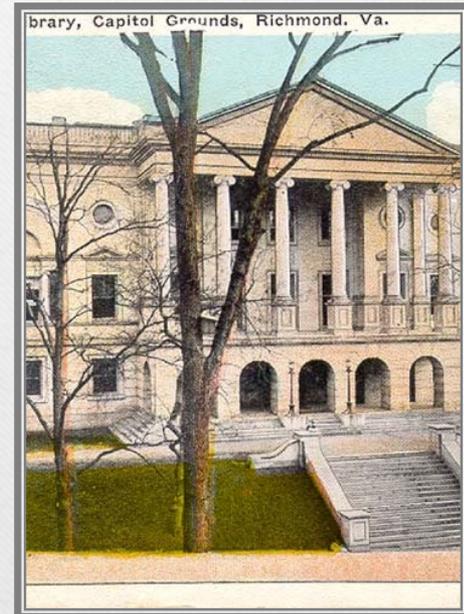
FOIA Requests by Topic starting March 2019 to December 2020

	2019	2020
• CPD	187	240
• HR	36	35
• A12 2017	32	40
• Property	51	74
• ADA	17	4
• City Council	34	28
• Other	108	135
• TOTAL	465	556



Virginia Public Records Act (VPRA)

- Purpose of law: to establish uniform record-keeping standards for public bodies throughout VA
- VPRA establishes “Records Retention Schedules”. Public bodies are prohibited from destroying or discarding public records sooner than referenced in the Schedules
- VPRA prohibits destruction of public records while any litigation, audit, investigation or FOIA request is pending



QUESTIONS?



Attachment 2

Strategic Planning

Goals for 2020-2021:

1. Continue advocating for increased accessibility and ADA compliance of all city services.

a. Strategies:

- i. Finish the disability/visibility project this past spring
 1. Todd has access to notes and documents from previous Commissioners.
- ii. Build back relationship with ADA office
 1. Better understand what city residents need, work on increasing city resident participation
- iii. Reduce barriers for residents to communicate with the city.
 1. Add captions to online and broadcasted City meetings.
 2. Access to documents in multiple languages.
 3. Improve awareness of in-person ASL interpretation services (when we return to in-person city meetings)
- iv. Advocate for continued consideration of accessibility in improved city infrastructure and transportation
 1. Sidewalks and walkways
 - a. ADA-compliant sidewalks
 - b. Seasonal walkway accessibility
 - c. Accessibility considerations during construction and roadwork changes
 2. Improvements to CAT and JAUNT services (reliability, timeliness)

b. Subcommittee Volunteers: Wolfgang, Sue

2. Address barriers to housing

a. Strategies:

- i. Strengthen our city's capacity to support issues of housing by developing pipelines for legal representation during eviction cases.
- ii. Amplify the work of housing advocates by putting commission support behind strategies that will heal legacies of discrimination and
- iii. Support tenants by advocating for a policy that all those in eviction proceedings would be entitled to counsel.
 1. Legal representation also for those who bring complaints to Commission
- iv. **Outcome:** Gather data of how many evictions proceeding in a year and how many don't have lawyers. Tracking the outcomes of eviction without lawyers. Advocate for the adoption of policy for City Council. Who could be our partners?

b. Subcommittee Volunteers: Tobiah, Shantell and Mary

3. FEPA

4. FHAP

Ideas for goals:

- # 1 Support Charlottesville residents who are released from Albemarle-Charlottesville Regional Jail (ACRJ) (e.g. proactively contact them to see if they want to file a complaint) - *outside of our jurisdiction*
 - +1 also, to look at/review ACRJ's relationship with ICE (personally opposed to any movement towards 287(g) agreements)
 - **Outcome:**
 - Understand how often ICE detains people at ACRJ
 - Understand what information-sharing and detainment agreements ACRJ has with ICE
 - Understand how these agreements impact racial profiling of residents
 - Improve safety/conditions at ACRJ
- #2 Support undocumented residents in their ability to move freely and safely about the city
 - **Outcome:** residents should be able to move about the city freely without fear of being taken by ICE, ensure that residents are informed about new driver's license/ID cards. Unsure of what we would do.
- **#3 Continue advocating for increased accessibility and ADA compliance of all city services.** +8
 - **Subcommittee Volunteers:** Wolfgang, Sue,
 - **Outcome:**
 - Finish the disability/visibility project this past spring
 - Todd has access to notes and documents from previous Commissioners.
 - Build back relationship with ADA office (we used to attend their quarterly meetings, we should do so again)
 - Reduce barriers for residents to communicate with the city.
 - Add captions to online and broadcasted City meetings.
 - Access to documents in multiple languages.
 - Provide in-person ASL interpretation when we return to in-person city meetings
 - Advocate for continued consideration of accessibility in improved city infrastructure and transportation
 - ADA-compliant sidewalks
 - Seasonal walkway accessibility - Kathryn's mention of ice-clearing
 - Improvements to CAT and JAUNT services (reliability, timeliness)
- **#4 Address barriers to housing (e.g. source of income requirements)** +10
 - Housing Goal(s):
 - Strengthen our city's capacity to support issues of housing by developing pipelines for legal representation during eviction cases.
 - Amplify the work of housing advocates by putting commission support behind strategies that will heal legacies of discrimination and
 - **Support tenants by advocating for a policy that all those in eviction proceedings would be entitled to counsel.**

- Legal representation also for those who bring complaints to Commission
 - **Outcome:** Gather data of how many evictions proceeding in a year and how many don't have lawyers. Tracking the outcomes of eviction without lawyers. Advocate for the adoption of policy for City Council. Who could be our partners?
- **#5 Equity-Based Budgeting:** I would like us to investigate equity-based budgeting for the city. HRC could examine how this would look for a specific department and make a proposal to the city. A common example of how this would work is a city's decisions around clearing snow: We commonly privilege cars in snow clearing, but an equity budget would get sidewalks cleared so that people who walk/people with mobility issues can get around. A number of cities use this <https://www.dcfpi.org/all/budgeting-for-equity-how-to-advance-opportunity-for-people-of-color-in-dc/>
 - ***Outcome:** What does success look like?

Strategy:

- Increase/rebuild community connections to increase public participation +1
 - Will improve implementation and evaluation of any recommendations
 - Helps to ensure our policies are achieving intended results
 - Rebuilding
 - Are there issues of access or barriers in reaching out to the HRC?
 - Potential for research project
 - Bring back the Community Engagement Committee
 - Volunteers: Jessica and Jeanette
- Glean community input on research priorities, decide on the focus for the next two years, implement
- #1 Advocate for hiring of Director +3
- Response to City Council [seems to me the goal is something like to Cultivate a deeper understanding of Human Rights Impacts in our Community - then the strategy is to conduct the research]
 - Clarity on research project every 2 years +1
 - Do we even have the technical capacity to do this work?
- Help residents (especially houseless or undocumented residents) acquire IDs
- Strengthen the HRC
 - Advocate for hiring director +4
 - Work for closer relationship with City Council
 - Process for regular reports
- FEPA agreement +8
- FHAP agreement +11

I would like us to investigate equity-based budgeting for the city. HRC could examine how this would look for a specific department and make a proposal to the city. A common example of how this would work is a city's decisions around clearing snow: We commonly privilege cars in snow clearing, but an equity budget would get sidewalks cleared so that people who walk/people with mobility issues can get around. A number of cities use this <https://www.dcfpi.org/all/budgeting-for-equity-how-to-advance-opportunity-for-people-of-color-in-dc/>

<https://www.sanantonio.gov/Equity/Initiatives/BudgetEquityTool>



We can also choose how we want to think about equity -- race as well as gender, disability, sometimes age (ie focusing on children's needs over adults)

1.