



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

**Agenda Packet Attachments**

1. 02-27-2021 HRC Annual Retreat Agenda
2. Comparative Overview of FEPA, FHAP, & Human Rights Ordinance
3. Charlottesville Human Rights Ordinance (Amended and Certified)
4. Human Rights Commission Rules & Procedures
5. Martha's Rules of Order (As adopted by the HRC on 02/20/2020)

# Attachment 1



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

Please take Notice that this virtual meeting of the Human Rights Commission is for the purposes of planning, developing and drafting management and administration documents for the Human Rights Commission. This will be a virtual/electronic meeting open to the public and registration information is available at [www.charlottesville.gov/zoom](http://www.charlottesville.gov/zoom).

**Link to Human Rights Commission shared Box folder:** <https://app.box.com/s/xty3wnn2s1tj8h7trkknvd79bipyxezy>

**1. Welcome (25m)**

- i. Call to Order
- ii. Roll Call
- iii. Icebreaker

**2. The Future of Human Rights Protections (25m)**

- i. FEPA, FHAP, and Values Act overview (10m)
- ii. Review of the amended Human Rights Ordinance (10m)
- iii. Next steps (5m) \*

*Break (10m)*

**3. Rules and Procedures (50m)**

- i. COIA/FOIA/VPRA refresher training (25m)
- ii. A brief review of the current HRC Rules and Procedures (10m)
- iii. A brief review of protocols for HRC advocacy and action (10m)
- iv. Next steps (5m) \*

*Break (10m)*

**4. Strategic Planning (1h 45m)**

- i. Identify potential 2021 Goals (30m) \*
- ii. Prioritize top 1 or 2 Goals (45m) \*
- iii. Identify Tactics to reach prioritized Goals (30m) \*

**5. Wrap up & Next Steps (15m)**

\* ACTION NEEDED

Individuals with disabilities who require assistance or special arrangements to participate in the public meeting may call the ADA Coordinator at (434) 970-3182 or submit a request via email to [ada@charlottesville.gov](mailto:ada@charlottesville.gov). The City of Charlottesville requests that you provide a 48 hour notice so that proper arrangements may be made.

# Attachment 2

## Comparative Overview of FEPA, FHAP, & the amended Charlottesville Human Rights Ordinance

Considerations	Fair Employment Practices Agency (FEPA)	Fair Housing Assistance Program (FHAP)	Current Ordinance
<b>Entry Requirements</b>	<ol style="list-style-type: none"> <li>1. Request letter based on 29 CFR Subpart G - §1601.70.</li> <li>2. Review and approval process by EEOC District Office, AG's Office, and EEOC Commissioners.</li> <li>3. Execution of a workshare agreement.</li> <li>4. Execution of a financial contract.</li> </ol>	<ol style="list-style-type: none"> <li>1. Ordinance revisions to attain substantial equivalence to 24 CFR § 115.204-206 and 42 USC § 3604-3617.</li> <li>2. Initial review of ordinance and agency for substantial equivalence.</li> <li>3. Interim certification.</li> <li>4. Full certification.</li> </ol>	<ol style="list-style-type: none"> <li>1. None.</li> </ol>
<b>Timeframes</b>	<ol style="list-style-type: none"> <li>1. Initial review and approval: 1 to 3 years.</li> <li>2. Contract term: 3 years.               <ol style="list-style-type: none"> <li>a. Annual review of case data.</li> <li>b. Recertification every 3 years.</li> </ol> </li> </ol>	<ol style="list-style-type: none"> <li>1. Initial review: up to 1.5 years.</li> <li>2. Interim certification: lasts up to 3 years.</li> <li>3. Full certification: lasts up to 5 years.               <ol style="list-style-type: none"> <li>a. Assessment every 2 years.</li> <li>b. Recertification every 5 years.</li> </ol> </li> </ol>	<ol style="list-style-type: none"> <li>1. Currently in effect.</li> </ol>
<b>Potential Benefits</b>	<ol style="list-style-type: none"> <li>1. Financial               <ol style="list-style-type: none"> <li>a. \$800 for completed cases</li> <li>b. \$1,000 for joint training events w/ Charlotte, NC district office</li> </ol> </li> <li>2. Case referrals from EEOC regional office.</li> <li>3. Ability to provide local federal filing.</li> <li>4. Automatic dual state/federal filing of cases and clear line of communication across EEOC, AG, and OHR.</li> <li>5. Avoidance of separate filings with EEOC, AG, and OHR.</li> </ol>	<ol style="list-style-type: none"> <li>1. Financial</li> <li>2. Funding               <ol style="list-style-type: none"> <li>a. Complaint processing reimbursement (\$1,500 - \$3,200)</li> <li>b. Capacity-building funds up to \$120K during interim certification</li> <li>c. Administrative funds for hearings (\$5000)</li> <li>d. Training funds</li> </ol> </li> <li>3. Training Opportunities</li> <li>4. Technical guidance from the HUD</li> <li>5. Referrals from the Regional HUD Office</li> <li>6. Automatic dual state/federal filing of cases and clear line of communication across HUD and OHR.</li> </ol>	<ol style="list-style-type: none"> <li>1. Under the current Ordinance and state laws, the OHR has authority to investigate and issue determinations of employment and housing complaints <i>mostly</i> equivalent to federal law.</li> </ol>
<b>Potential Challenges</b>	<ol style="list-style-type: none"> <li>1. OHR still needs a Manager/Director and likely needs additional staff.</li> <li>2. Additional reporting requirements.</li> <li>3. Unknown future caseloads under the Values Act and updated Ordinance.               <ol style="list-style-type: none"> <li>a. Will the number of cases justify the added work of maintaining FEPA status based on the potential benefits?</li> </ol> </li> <li>4. May need to contract investigator services if caseloads go up and City hiring does not keep pace.</li> </ol>	<ol style="list-style-type: none"> <li>1. OHR still needs a Manager/Director and likely needs additional staff.</li> <li>2. Ordinance revisions are significant.</li> <li>3. Additional reporting requirements.</li> <li>4. Minimum of 4 processed cases per year to remain certified.</li> <li>5. OHR/HRC needs to demonstrate meaningful support from City.               <ol style="list-style-type: none"> <li>a. City Attorney's Office must bring cases forward in court.</li> <li>b. Council must commit financial resources to ensure 20% of OHR work committed to fair housing.</li> </ol> </li> </ol>	<ol style="list-style-type: none"> <li>1. OHR still needs a Manager/Director and likely needs additional staff.</li> <li>2. No access to Fair Housing enforcement training through HUD.</li> <li>3. The Ordinance does not, and state law may not, have retaliation provisions for employment and housing complaints.</li> <li>4. The Ordinance does not mandate that the City Attorney's Office pursue findings of probable cause in court.</li> <li>5. The Ordinance does not grant the HRC the authority to grant relief to Complainants.</li> <li>6. The Ordinance does not provide for assisting either the Complainant or Respondent with affording legal counsel.</li> </ol>

# Attachment 3

**AN ORDINANCE**

**AMENDING AND REENACTING CHAPTER 2 (ADMINISTRATION) OF THE CODE OF THE CITY OF CHARLOTTESVILLE (1990), AS AMENDED, ARTICLE XV (HUMAN RIGHTS) SEC. 2-431 (UNLAWFUL DISCRIMINATION PROHIBITED); SEC. 2-432 (HUMAN RIGHTS COMMISSION); SEC. 2-433 (ROLE OF THE HUMAN RIGHTS COMMISSION); SEC. 2-437 (DUTIES AND RESPONSIBILITIES- INVESTIGATION OF INDIVIDUAL COMPLAINTS AND ISSUANCE OF FINDINGS); AND SEC. 2-439.1 (ENFORCEMENT AUTHORITY-THE ROLE OF THE COMMISSION) TO UPDATE THE ORDINANCE TO REFLECT CHANGES TO THE VIRGINIA HUMAN RIGHTS ACT (VIRGINIA CODE TITLE 2.2, CHAPTER 39), THE VIRGINIA FAIR HOUSING LAW (VIRGINIA CODE TITLE 36, CHAPTER 5.1), and VIRGINIA CODE, TITLE 15.2, CHAPTER 9, §15.2-965, AS AMENDED.**

**WHEREAS**, by recorded vote, the Human Rights Commission initiated certain amendments to the text of the City’s Human Rights Ordinance, Sections 2.431; 2-434; 2-433; 2-437; and 2-439.1 (“Proposed Text Amendments”); and

**WHEREAS**, a public meeting was held to discuss and receive comments on the Proposed Text Amendments on June 18, August 20, and September 17, 2020 and the proposed amendments were presented to, discussed and approved at the October 15, 2020 public meeting of the Human Rights Commission for recommendation to Charlottesville City Council; and

**WHEREAS**, after consideration of the Human Rights Commission recommendations and other factors and considerations, this Council is of the opinion that that the Proposed Text Amendment has been designed to comply with recent changes to the Virginia Human Rights Act (Virginia Code Title 2.2, Chapter 39), the Virginia Fair Housing Law (Virginia code Title 36, Chapter 5.1), and Virginia Code, Title 15.2, Chapter 9, §15.2-965 of the Code of Virginia (1950), as amended, and this Council hereby finds and determines that: (i) the public necessity, convenience, and general welfare require the Proposed Text Amendment, and (ii) the Proposed Text Amendment is consistent with the Council’s vision of the City as a leader in social justice; now, therefore,

**BE IT ORDAINED** by the Council of the City of Charlottesville, Virginia that: Sections 2.431; 2-434; 2-433; 2-437; and 2-439.1 of the Code of the City of Charlottesville (1990), as amended, is hereby amended and reenacted as follows:

**Article XV. Human Rights**

**Sec. 2-430. Short title.**

This Article shall be known and referred to as the Charlottesville Human Rights Ordinance.

**Sec. 2-431. Unlawful discrimination prohibited.**

(a) It shall be unlawful and a violation of this article for any person, partnership, corporation or other entity to engage in discrimination in employment, public accommodations, credit, and private education on the basis of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, sexual orientation, gender identity,

status as a veteran, or disability.

(b) It shall be unlawful and a violation of this article for any person, partnership, corporation or other entity to engage in discrimination in housing on the basis of race, color, religion, national origin, sex, elderliness, familial status, source of funds, sexual orientation, gender identity, status as a veteran, or disability.

(c) As used in herein, the term "gender identity" means the gender-related identity, appearance, or other gender-related characteristics of an individual, without regard to the individual's designated sex at birth.

(d) As used herein, the term "source of funds" means any source that lawfully provides funds to or on behalf of a renter or buyer of housing, including any assistance, benefit, or subsidy program, whether such program is administered by a governmental or nongovernmental entity.

(e) As used herein, the term "unlawful discriminatory practice" includes conduct in violation of any comparable Virginia or federal statute or regulation governing unlawful discrimination.

#### **Sec. 2-432. Human Rights Commission.**

(a) There is hereby created in the City of Charlottesville a Human Rights Commission, the members of which shall be appointed by the City Council. Effective March 1, 2022, the appointed membership of the Commission shall consist of nine (9) members. The Commission membership shall be broadly representative of the City's demographic composition, with consideration of racial, gender (including gender identity, transgender status, and sexual orientation), religious, ethnic, disabled, socio-economic, geographic neighborhood and age groups; with priority given to City residents, and to applicants with significant and demonstrable ties to the City. At least two members will have professional expertise in employment or housing discrimination, have personal experience with employment or housing discrimination, or identify as a member of a group that experiences discrimination. Of the members first appointed, at least three shall be appointed for terms of three years, at least three shall be appointed for terms of two years, and at least three shall be appointed for terms of one year. Thereafter members shall be appointed for terms of three years each. Any vacancy shall be filled by the City Council for the unexpired portion of a term. Following notice to the member, any member of the Commission may be removed for good cause by a majority vote of City Council.

(b) The Commission shall elect from its members a chair, a vice-chair, and such other officers as the Commission may deem appropriate.

(c) Members of the Commission shall serve without compensation, but funds may be appropriated in the City's annual budget for reasonable and necessary expenses to be incurred by Commission in the conduct of its prescribed functions.

(d) All meetings of the Commission shall be advertised in advance and in the manner required by law, and shall be open to the public except for meetings lawfully closed pursuant to the Virginia Freedom of Information Act. The Commission may adopt bylaws and procedures to govern the conduct of its meetings; provided, however, that at the beginning and at the end of each of its public meetings the Commission will receive public comment in accordance with City Council's adopted "Rules for Public Participation".

(e) The Commission may, in its discretion, delegate any of its duties or responsibilities

hereunder to a panel of not less than three Commissioners.

(f) There shall be a full-time Director of the Commission, who shall be appointed by the City Manager with the advice and consent of the Commission and who shall serve full time in that capacity. A candidate proposed for appointment as the Director must demonstrate significant prior professional experience performing one or more of the activities or roles described in sections 2-433(a)-(b), 2-434, 2-435(a), 2-437 and 2-439.1 of this article. The Director will be responsible for and report to the Commission in the day-to-day operational conduct of the Commission's activities. The Director shall report directly to the City Manager for administrative and fiscal matters. The City Manager shall delegate to the Director the authority to employ such additional staff as authorized and funded by the City Council, in order for the Commission to fulfill effectively its obligations under this Ordinance.

(g) The City Council shall establish policies and procedures for the performance by the Commission of the roles, duties and responsibilities set forth within this article ("operating procedures"). All City departments, boards and commissions shall cooperate with and provide assistance to the Commission, including the provision of information in response to reasonable requests from the Commission.

(h) Legal counsel shall be provided to the Commission and its staff through the Office of the City Attorney. The City Council may authorize retention of outside counsel where deemed appropriate upon recommendation of the City Attorney.

(i) The Commission shall make quarterly reports to the City Council concerning the operation of the Commission and the status of the Commission's performance of the duties, responsibilities and roles set forth within this article. One of the required quarterly reports shall be an annual report. The schedule for submission of these reports, and the required contents of the reports, shall be as specified within the Commission's operating procedures.

### **Sec. 2-433. Role of the Human Rights Commission.**

The role of the Human Rights Commission is to act as a strong advocate for justice and equal opportunity by providing citywide leadership and guidance in the area of civil rights. The Commission will:

(a) Assist individuals who believe they are the victim of an act of unlawful discrimination within the City;

(b) Collaborate with the public and private sectors for the purpose of providing awareness, education and guidance on methods to prevent and eliminate discrimination citywide;

(c) Identify and review policies and practices of the City of Charlottesville and its boards and commissions and other public agencies within the City and advise those bodies on issues related to human rights issues;

(d) Seek work share agreements with the Equal Employment Opportunity Commission ("FEPA") and the Department of Housing and Urban Development ("HUD-FHAP") to conduct investigations of employment and housing discrimination on their behalf, and enter into such agreement(s) subject to approval of City Council upon a finding that the agreement(s) would be in the best interest of the City.

(e) Make recommendations regarding the City's annual legislative program, with an

emphasis on enabling legislation that may be needed to implement programs and policies that will address discrimination; and

(f) Prepare recommendations to City Council as to policies and procedures the Commission believes are necessary for the performance of the roles, duties and responsibilities assigned to the Commission within this article, and for modifications of operating procedures approved by City Council.

**Sec. 2-434. Duties and responsibilities – Community dialogue and engagement.**

(a) The Commission will serve as a forum for the discussion of human rights issues, and be responsible for conducting ongoing efforts to engage community members in an open, honest and creative dialogue regarding issues of equity and opportunity, including but not limited to issues considered by the City’s Dialogue on Race initiative.

(b) The Commission will conduct or engage in educational and informational programs for the promotion of mutual understanding, reconciliation and respect between all classes of individuals protected by this ordinance and the larger Charlottesville community.

**Sec. 2-435. Duties and responsibilities – Systemic issues.**

(a) The Commission will be responsible for identifying and reviewing policies, practices and systems of an institutional nature that:

(1) May be unlawful discriminatory practices; or,

(2) May not constitute unlawful discriminatory practices but nevertheless which produce disparities that adversely impact affect individuals on the basis of a status such as their race, color, religion, sex, pregnancy, childbirth or related medical conditions, national origin, age, marital status, criminal record, income or disability.

(b) Any review undertaken pursuant to this section may be initiated at the request of any other public or private entity, or by the Commission on its own initiative.

(c) The Commission may conduct its own research and review of existing studies and literature, collaborate with other research organizations, organize public focus groups and hold such hearings as may be necessary to identify policies, practices and systems as referenced in (a), above. For each such identified policy, practice or system, the goal of the Commission will be to formulate recommendations and to propose to City Council concrete, actionable reforms that will eliminate discriminatory practices or the adverse effects of lawful other practices. On and after July 1, 2021, the Commission will conduct at least one such research project or review every two years. The Commission will report the status of its ongoing project(s) or review(s) to City Council within its quarterly and annual reports.

**Sec. 2-436. Reserved.**

**Sec. 2-437. Duties and responsibilities – Investigation of individual complaints and issuance of findings.**

(a) The Director will develop and implement a central intake mechanism for receiving and processing individual complaints that allege an unlawful discriminatory practice in the City.

(b) For complaints alleging an unlawful discriminatory practice within the enforcement

jurisdiction of the City, defined herein as within the corporate limits of the City and as authorized by state and federal statutes, the Director or other designated professional staff are authorized to undertake further action as detailed in **Sec. 2-437 (c)**. For complaints alleging an unlawful discriminatory practice that falls outside the jurisdiction of the City, the Director or other designated professional staff will refer the complaint to the appropriate state or federal agency.

(c) Upon determination that an alleged unlawful discriminatory practice falls within the enforcement jurisdiction of the City, the Director or other designated professional staff will conduct, as authorized by this ordinance, an initial fact-finding inquiry to determine if the Complainant presents a prima facie case. The complaint may be dismissed by the Director without further action if it fails to adequately allege a violation of this ordinance or is otherwise deficient on its face. Following the initial fact-finding inquiry, if the complaint is not dismissed, and the Complainant wishes to pursue further action, the Director will serve a copy on each respondent named therein. Said copy shall specify the allegation, citing the evidence that supports further action, and indicating the action to be taken. Further action, as authorized by this ordinance, may include mediation, conciliation, and formal investigation of the complaint, as deemed appropriate by the Director. Upon completion of a formal investigation, the Director shall render a written determination of whether there is probable cause to believe a violation of this ordinance has occurred, and the facts supporting such determination. The written determination shall promptly be served on the parties.

(d) If the Director determines that further action is appropriate, the Director will propose an initial meeting between the parties for the purpose of exploring a resolution of the complaint through voluntary mediation or other informal means. Nothing herein shall be interpreted as requiring any party to participate in mediation or any other conciliatory efforts. Materials used and communications made during a mediation or informal conciliation shall be confidential, and shall not be disclosed to the public by the Director, the Commission or its staff unless disclosure is authorized in writing by all parties to the dispute.

(e) If the mediation or conciliation is concluded to the satisfaction of both parties, the complaint will be considered resolved upon the parties' execution of a written conciliation or settlement agreement. Unless all parties agree otherwise, the execution of a written agreement is solely for the purpose of settling a disputed claim and does not constitute an admission by any party that the law has been violated. No further action on the initial complaint will be taken by the Commission or its staff once the agreement is executed.

(f) If mediation or conciliation is not successful, and the Complainant wishes to pursue further action, the Director or designee may conduct a formal investigation for the purpose of rendering a written determination as to whether there is probable cause to believe a violation of this ordinance occurred, and the facts supporting such determination. If further investigation is not warranted, the Director may dismiss the complaint as not constituting a violation. After a written determination has been served on both parties, the Director may either close the case or proceed with the preparation of materials for consideration by the Commission, as provided in section 2-439.1 (b).

(g) In order to fulfill the requirements of this section, the City Manager is authorized to contract on behalf of the City with any objective, neutral third party qualified to assess allegations of discriminatory conduct as prohibited in section 2-431, for the purpose of receiving complaints, conducting investigations, rendering written determinations of whether there is probable cause to

believe a violation of this ordinance has occurred, conducting mediations or conciliations of complaints and advising the Director of the Commission of the results of any investigation, mediation or conciliation of complaints.

**Sec. 2-438. Reserved.**

**Sec. 2-439.1. Enforcement authority – The role of the Commission.**

(a) If the Director determines that there is insufficient probable cause to believe a violation of this ordinance has occurred, the Director shall dismiss the complaint and advise the complainant in writing that such dismissal shall become final unless, within ten (10) business days of receipt of notice of the dismissal, the complainant files with the Commission a request for a review of the determination of the Director. On written petition of the complainant the Commission may review the Director's conclusion, and may either overrule or affirm the finding of no probable cause. The parties may submit such additional information as they desire for the Commission's consideration. If the Commission determines that probable cause exists, it shall direct the Director to continue the investigation or proceed with conciliation efforts.

(b) If the Director determines that probable cause to believe a violation did occur and either party declines to participate in mediation or other informal means of resolving the complaint, or if such efforts are attempted but unsuccessful, the Director shall prepare a written summary of the evidence on which the determination of probable cause is based, and shall recommend appropriate remedies for the discriminatory actions in a report to the Commission. The Commission shall determine by majority vote whether to hold a public hearing on the complaint. The Commission shall base its determination on its judgment as to how enforcement of this ordinance would be best served. If the Commission determines not to hold a public hearing, it shall either dismiss the complaint or take such action as it deems appropriate and consistent with the purposes of this ordinance and the powers of the Commission hereunder.

(c) If a hearing is to be held, the Commission shall promptly notify the parties of the time, date and location of the hearing and serve upon them a statement of the charges against the respondent, the Director's summary of the evidence and recommended remedies, and the issues to be considered at the hearing. The Commission will have the option to consider all of the allegations and issues set forth in the complaint or, in its discretion, may limit the scope of the hearing to one or more of the allegations or issues. The notice and statement shall be served no later than 14 days prior to the date of the hearing. Hearings of the Commission may be held before the entire Commission or before designated hearing panels, consisting of three or more members of the Commission, as the Commission in its discretion may determine. The Chair or a Commissioner designated by the Chair shall preside over the public hearing, which shall be open to the public.

(d) Whenever the Commission has reasonable cause to believe that any person has engaged in or is engaging in any unlawful discriminatory practice, and the Commission, after a good faith effort to obtain the data and information necessary to determine whether a violation has occurred, has been unable to obtain such information, it may request the City Attorney to apply to the judge of the circuit court of the jurisdiction in which the respondent resides or is doing business for a subpoena *duces tecum* against any person refusing to produce such data and information. The judge of the court, upon good cause shown, may cause the subpoena to be issued. Any person failing to comply with such subpoena shall be subject to punishment for contempt by the court issuing the subpoena. For purposes of this section, "person" includes any individual, partnership, corporation, association, legal representative, mutual company, joint stock company, trust,

unincorporated organization, employee, employer, employment agency, labor organization, joint labor-management committee, or an agent thereof.

(e) In cases to be heard by the Commission the complainant and the responding parties shall be entitled:

(1) To file written statements or arguments with the Commission prior to the hearing;

(2) To be represented by privately retained counsel of his or her choice;

(3) To present his or her case or defense by oral or documentary evidence, to be given under oath or by affirmation;

(4) To submit rebuttal evidence; and

(5) To conduct such cross-examination as may be required for a full and true disclosure of the facts. Any oral or documentary evidence may be received, but the Commission as a matter of policy shall provide for the exclusion of irrelevant, immaterial or unduly repetitious evidence. The Commission shall not be bound by the strict rules of evidence prevailing in the courts of law or equity.

(f) The Director shall be responsible for assuring the development of the evidentiary record before the Commission and may introduce evidence, examine or cross-examine witnesses, or make argument if they deem it advisable in order to fully apprise the Commission of the facts or the applicable law. The Commission shall keep a full record of the hearing, which record shall be public and open to inspection by any person unless otherwise provided by any applicable law or regulations. Any party may request that the Commission furnish such party a copy of the hearing record and shall reimburse the Commission for the cost of producing the copy. In matters where any party is represented by counsel, the office of the City Attorney shall provide an attorney as counsel to the Commission who will also assist the Director in preparing the case.

(g) If, after the hearing, the Commission determines by a preponderance of the evidence that the respondent has committed or is committing the alleged violation(s) of this ordinance, the Commission shall state its findings and may issue recommendations, to be served promptly on the parties, which recommendations may include notice to the respondent to cease and desist from such violation(s) and to take such action as may be authorized by law to effectuate the purpose of this ordinance, including but not limited to the payment by respondent of compensatory damages to any person or persons found by the Commission to be so entitled by reason of the violation(s) of this ordinance, or the placement or restoration of any person in or to such status in which the Commission finds they would be but for respondent's violation(s) of this ordinance.

(h) If, after receiving the evidence presented at the hearing, the Commission finds that the respondent has not engaged in the alleged violation(s) of this ordinance, the Commission shall state its findings and shall dismiss the complaint. Prompt notice of such action shall be given to the parties.

(i) Nothing herein shall be construed as authorizing the Commission to issue subpoenas, award damages or grant injunctive relief.

#### **Sec. 2-439.2. Enforcement authority – Court enforcement.**

(a) If the Commission finds that a respondent has committed a violation of this ordinance

and determines that appropriate remedial measures have not been taken, the Commission, through the City Attorney, and subject to approval by the City Council, may file an appropriate action in any court of competent jurisdiction to prove, *de novo*, that the respondent violated this chapter; secure compliance with this chapter; and/or obtain appropriate relief available under any applicable federal or state statute or regulation including, but not limited to an award of injunctive relief, compensatory and / or punitive damages and a recovery of costs and attorney's fees for any person, including the City, injured as a result of a violation of this chapter.

(b) If the City Council approves the institution of any proceeding in court, the proceeding shall be brought in the name of the City Council and the Human Rights Commission of the City of Charlottesville.

**Sec. 2-440. Confidentiality.**

It shall be unlawful for any Commissioner, officer, employee, contractor or staff member of the Commission to disclose or make public any complaints, investigative notes, or other correspondence and information furnished to the Commission or its staff in confidence with respect to a complaint, an investigation or conciliation process involving an alleged unlawful discriminatory practice. A violation of this section shall be a Class 3 misdemeanor.

**Sec. 2-441. Annual Report.**

The Commission shall make an annual comprehensive report to City Council that outlines its efforts during the preceding year in the areas of identifying and addressing systemic or institutional discrimination; processing individual complaints of unlawful discrimination; and facilitating a community dialogue regarding issues of human rights. The report shall also outline the Commission's work plan for the ensuing year, which shall be subject to approval or modification by City Council.

**Sec. 2-442. Severability.**

The provisions of the Article are severable; and if any provision, sentence, clause, section or part thereof is held illegal, invalid, unconstitutional or inapplicable to any person or circumstance, such illegality, invalidity, unconstitutionality or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Article, or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Article would have been adopted if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included therein, and if the person or circumstances to which the chapter or any part thereof is inapplicable had been specifically exempted therefrom.

**Sec. 2-443. Reserved.**

# Attachment 4

**RULES AND PROCEDURES OF THE HUMAN RIGHTS COMMISSION**  
**CITY OF CHARLOTTESVILLE, VIRGINIA**

The Human Rights Commission, established pursuant to Article XV, Sections 2-430 to 2-443 of the Charlottesville City Code (the Charlottesville Human Rights Ordinance), hereby adopts the following rules and procedures for the execution of its duties and responsibilities thereunder:

**1. Composition of the Human Rights Commission**

**1.1.** The Commission membership shall consist of no less than nine members appointed by City Council, and shall be broadly representative of the City's population, with consideration of racial, gender (including gender identity, transgender status, and sexual orientation), religious, ethnic, disabled, socio-economic, geographic neighborhood and age groups within the City.

**1.2** Of the members first appointed, at least three shall be appointed for terms of three years, at least three shall be appointed for terms of two years, and at least three shall be appointed for terms of one year. Thereafter members shall be appointed for terms of three years each. Despite the expiration of a member's term, the member shall continue to serve until a successor is appointed by City Council. Any vacancy during a term shall be filled by the City Council for the unexpired portion of that term. Following notice to the member, any member of the Commission may be removed for good cause by a majority vote of City Council.

**1.3** Members of the Commission shall serve without compensation, but funds may be appropriated in the City's annual budget for reasonable and necessary expenses to be incurred by Commission in the conduct of its prescribed functions.

**2. Officers and Duties**

**2.1 Officers.** The officers of the Human Rights Commission shall be a Chair, a Vice Chair and a Secretary, who shall have the duties set forth below.

**2.2 Duties of Officers.**

**(1) Chair.** The Chair shall be elected from the Commission's membership. It shall be the duty of the Chair to execute all documents on behalf of the Commission, to act as liaison between the Commission and the Office of Human Rights and Director of the Human Rights Commission, to cause all resolutions, approvals and other actions of the Commission to be executed or carried out, to determine that all matters delegated to the Commission by state statute, city ordinance, or at the instance of the City Council are properly brought before the Commission.

**(2) Vice Chair.** The Vice Chair shall be elected from the Commission's membership, and shall exercise the powers and perform the duties of the Chair during the absence, disability or disqualification of the Chair.

**(3) Secretary.** The Director of the Human Rights Commission shall be the Secretary of the Commission. The Secretary shall not be a member of the Commission, and shall have no right to vote. It shall be the duty of the Secretary to keep minutes of the Commission's proceedings in accordance with the requirements of the Virginia Freedom of Information Act ("FOIA") and any other applicable provisions of law; to give notices required by law or these bylaws; to prepare, in consultation with the Chair, the agenda for all meetings of the Commission; to be custodian of and maintain the Commission's public records and other records, as required in the performance of its duties and functions; to inform the Commission of correspondence relating to the business of the Commission and to respond to such correspondence unless responsibility is otherwise assigned by the Chair; to act as liaison with the City Manager, City departments and agencies, and to execute on behalf of the Commission any documents requiring the signature of the Secretary. In the event the Secretary is absent from any meeting, the Chair presiding at the meeting shall designate an individual to perform the duties of Secretary for that meeting.

**2.3 Terms and Vacancies.** The term of office for the Chair and Vice Chair shall be for one year. The Chair shall be eligible for reappointment to no more than one additional one year term. Should any vacancy occur among the offices described above, the Commission shall fill that vacancy as promptly as practicable and the individual elected to such office shall serve for the unexpired term of that office.

**2.4 Officer Elections Procedures.** The Chair shall appoint a nominating committee of no less than three members of the Commission, who shall meet in October of each year to make recommended nominations for the offices of Chair and Vice Chair. The recommended slate will be presented to the full Commission at the December meeting. At the Commission's January meeting of each year, the officer election rules currently in place (attached) may be invoked by any member who wishes to make nominations in addition to the Nominating Committee's recommended slate.

### **3. Meetings**

**3.1 Annual Meetings.** The Commission shall hold an annual organizational meeting, which shall take place during the first regular meeting of the Commission in the month of January of each year. At the organizational meeting, the members of the Commission shall elect officers, establish its regular meeting schedule, and adopt the work plan for the ensuing year. The Commission may also conduct such other business as shall be placed on the agenda in accordance with the provisions of these bylaws.

**3.2 Regular Meetings.** Regular meetings shall be held on the third Thursday of each month. The basic order of business will be as set forth in 4.3, following below.

**3.3 Special Meetings.** Special meetings may be called by the Chair, the Vice Chair in the absence of the Chair, or by any two members, upon written request to the Secretary.

**3.4 Work Sessions.** Work sessions are special meetings that may be held at the request of the Chair, or the Vice Chair in the absence of the Chair. Work sessions shall be held for the purpose of inquiry and discussion and no official action shall be taken at such meetings.

**3.5 Public meetings; exceptions for Closed Sessions.** Meetings of the Commission shall be open meetings, as that term is defined within FOIA, except that the Commission may hold closed meetings when authorized pursuant to Va. Code Section 2.2-3711, and upon compliance with the closed meeting procedures and certification requirements set forth within Va. Code Section 2.2-3712.

**3.6 Notice of Meetings.**

**3.6.1.** The Secretary shall give notice of all meetings (annual, regular, special and work session) to all members of the Commission, five days prior to such meeting, or, for a special meeting or work session, such other notice as is reasonable under the circumstances. Such notice shall state the time and place of such meetings. With respect to regular meetings and the annual meeting, such notice shall be accompanied by an agenda prepared in accordance with the provisions of these rules and procedures and accompanied by such documentation as may be reasonable to permit the members of the Commission to consider the business which they are called upon to act. With respect to work sessions and special meetings, the notice shall state the purpose of the meeting or the nature of the discussion or inquiry to be undertaken and shall be accompanied by such documentation as may be available and practicable to provide to enable the members of the Commission to thoughtfully consider the business to come before the meeting.

**3.6.2.** The Secretary shall place notice of the date, time and location of each Commission meeting in a prominent public location at which notices of City Council meetings are regularly posted, and shall also post such notice on the City's website. This public notice shall be posted at least three (3) working days prior to the meeting; however, notice of a special meeting or work session may be given upon fewer than 3 days' notice, if reasonable under the circumstances and if such notice is given contemporaneously with the notice provided to Commission members. At least one copy of all agenda packets and, unless a specific FOIA exemption applies, all materials furnished to Commission members for a meeting, shall be made available for public inspection in the office of the Director/ Secretary at the same time such documents are furnished to the Commission.

**3.6.3.** For the purposes of this section, and as used throughout these rules and procedures, the term “notice” shall mean and include any format within the definition of a “public record” set forth in FOIA, at Virginia Code Sec. 2.2-3701.

#### **4. Conduct of Meetings.**

**4.1 Quorum.** A minimum of seven members of the Commission (“quorum”) must be in attendance at a meeting of the Commission in order for business to be legally transacted. Except as expressly provided in Virginia Code Section 2.2-3708(G) or 2.2-3708.1, the Commission shall not conduct a meeting where its business is discussed or transacted through any means of communication where the members are not physically assembled.

**4.2 Procedure.** All meetings of the Commission shall be conducted in accordance with **Roberts' Rules of Order (Newly Revised)** as applicable to small boards. The Chair of the Commission, or in his or her absence, the Vice Chair, or in the absence of both, the person having been designated by the Chair as parliamentarian shall preside at meetings of the Commission.

**4.3 Proceedings.** At any meeting of the Commission, the Commission may hear, review, discuss and act upon, and otherwise transact business related to, any matters within its role, and within the scope of its duties and responsibilities, as described within the Charlottesville Human Rights Ordinance. At any regular meeting and annual meeting of the Commission, the order of business to come before the meeting shall be as expressed on the agenda sent out with the notice of the meeting provided, however, the presiding officer, with the consensus or affirmative vote of a majority of the Commissioners, may change the order of business on the agenda for any reason, or may add a matter to the agenda.

**4.4 Voting.** All business transacted by the Commission shall be authorized by a vote of the majority of members present and voting taken at a lawful meeting conducted in accordance with these rules and procedures. At all meetings of the Commission, each member present shall be entitled to cast one vote providing there is a physical quorum. A decision on whether to hold a public hearing on a complaint of an unlawful discriminatory practice shall not be valid unless authorized by a majority of the full Commission members. No vote of the Commission shall be taken by secret or written ballot. A member may vote by telephone or other electronic communication means as expressly authorized by FOIA Section 2.2-3708.1.

**4.5 Committees.** The Commission may, in its discretion, delegate any of its duties or responsibilities to a panel of not less than three Commissioners. Any such panel shall constitute a committee of the Commission, which shall transact the delegated business of the Commission following the same rules, procedures and meeting requirements applicable to the Commission, except it shall not be authorized to vote on any matter. Rather, any such committee shall bring its recommendations to the full membership of the Commission for a vote in accordance with these rules. No such committee may include individuals who are not members of the

Commission; however, the Commission may appoint advisory committees or form task forces which may include individuals who are not members of the Commission.

**4.5.1 Standing Committees.** The following standing committees of the Commission have been formed by resolution in accordance with these rules and meet regularly as follows:

Administrative Matters Committee

Community Engagement Committee

Age, Disability, and Religious Discrimination Committee

Race Discrimination Committee

Sex Discrimination Committee

The Chair of the Commission appoints members of each standing committee and a Chair of each committee is selected from committee members. Commission staff is responsible for assisting Committee chairs with setting Committee meeting agendas and preparing Committee reports for presentation to the full Commission during its regular meetings.

## **5. Conflicts of Interest.**

**5.1** All members of the Human Rights Commission are subject to the Virginia State and Local Government Conflict of Interests Act (Va. Code 2.2-3100 et seq.) (“COIA”) and are required to read and familiarize themselves with the provisions of COIA.

**5.1.1.** In the event that any member shall have a “personal interest in a transaction” as defined by Va. Code Section 2.2-3101, in a matter before the Commission, the member shall be required to make a declaration of such interest before participating in the transaction, and the member may be required to disqualify himself from participating in the transaction. The member’s obligations in a given situation shall be determined in accordance with Va. Code Section 2.2-3112. It is the obligation of each member to ascertain whether he or she has a personal interest in a transaction, and to take action in accordance with Va. Code 2.2-3112 immediately upon concluding that a personal interest does exist; however, the issue of personal interests of a commission member may also be raised by other members or by individuals who are not members.

Any member of the Commission may request an advisory opinion from the Commonwealth's Attorney or the City Attorney or his or her representative, as to whether a personal interest exists and, if so, what are the Commissioner’s obligations under COIA. An opinion of the Commonwealth’s Attorney or the City Attorney shall have the effect specified in Va. Code Sec. 2.2-3121.

**5.1.2.** Every declaration and disqualification required pursuant to COIA shall be reflected in the public records of the Commission for a period of five (5) years, in the office of the Director/ Secretary.

**5.1.3.** In the event of a disqualification, the disqualified member shall be prohibited from (i) attending any portion of a closed meeting when the matter in which he or she has a personal interest is discussed, and (ii) discussing the matter in which he or she has a personal interest with other members of the Commission, with the Director, or with other officers or employees of the City government, at any time.

**5.1.4.** At all times, Commission members shall conduct themselves and the Commission's business in accordance with all applicable requirements of COIA, including those provisions not specifically referenced within these rules and procedures.

## **6. Community Participation**

**6.1** Public notice. Public notice of all meetings of the Commission will be provided as set forth in 3.6, above. In addition, the Commission may direct the Secretary to give additional or special notice, or advertise or announce specific matters before the Commission, as the Commission may deem appropriate.

**6.2** Public Participation. At the beginning and at the end of each of its open meetings the Commission will receive public comment in accordance with City Council's "Rules for Public Participation," which Rules are hereby adopted and incorporated by reference within these rules and procedures, as rules of the Commission.

## **7. Amendments.**

These bylaws, rules and procedures may be amended by vote of a majority of the Commission at any meeting provided, however, notice of such proposed amendment shall be given to each member of the Commission in writing at least five days prior to such meeting.

**AMENDMENTS**

**Charlottesville Human Rights Commission Policy on Individual Participation in Meetings by Electronic Means under §2.2-3708.1 of the Virginia Code  
Administrative Policy No. 1: Approved May 21, 2015**

- I. **Policy Statement:** It is the policy of the Charlottesville Human Rights Commission (CHRC) that individual members of the CHRC may participate in meetings of the Commission by electronic means as permitted by Virginia Code §2.2-3708.1.
  
- II. **Eligibility:** This policy shall apply to the entire membership of the CHRC and without regard to the identity of the member requesting remote participation or the matter considered or voted on at the meeting.
  - A. **Emergency/Personal Absence:** Members unable to attend the meeting due to an emergency or personal matter qualify under this policy provided that the individual can identify with specificity the nature of the emergency or personal matter, the public body holding the meeting the meeting records in its minutes the nature of the emergency or personal matter, and the remote location from which the member participate is identified in the minutes.
  
  - B. **Disability Absence:** Members of a public body unable to attend the meeting due to a medical condition qualify under this policy provided that the individual notifies the chair of the public body that such member cannot attend a meeting due to a temporary or permanent disability or other medical condition that prevents the member's physical attendance, the public body records this, and the remote location from which the member participates is identified in the minutes.
  
- III. **Quorum Required:** Whenever an individual member wishes to participate from a remote location, a quorum of the CHRC must be physically assembled at the meeting location, and arrangements will be made for the voice of the remote participant to be heard by all persons at the meeting location.
  
- IV. **Meeting Procedures:** The reason that the member cannot attend the meeting and the remote location from which the member participates will be recorded in the meeting minutes. When such individual participation is due to an emergency or personal matter as designated in section II A above, such participation is limited to two meetings or 25 percent of the meetings of the CHRC per member each calendar year, whichever is fewer.

- V. **Approval Process:** Individual participation from a remote location shall be approved by the Chair of the CHRC, unless such participation would violate this policy or the Virginia Freedom of Information Act (FOIA).
  
- VI. **Challenges:** If a member's participation from a remote location is challenged, then the Commission members present shall vote whether to allow such participation. If the commission votes to disapprove the member's participation because such participation would violate this policy, such disapproval will be recorded in the minutes with specificity.
  
- VII. **General Applicability to Committees:** This policy applies to all committees, subcommittees, and task forces of the CHRC. Where remote participation occurs at a sub-committee or task force the chair of such committee shall assume responsibility for the approval process.

**Election of the Chair and Vice-Chair  
Adopted March 20, 2014**

The Human Rights Commission Rules and Procedures (2.2) provide that a Chair and Vice-Chair shall be annually elected. This is to set forth the customary procedure as modified from the 2013 City Attorney memo regarding the election of Mayor and Vice-Mayor for the City of Charlottesville.

1. The Director will Chair the meeting during the officer elections process.
2. The Director will ask for nominations for the Office of Chair.
3. Only names that are moved and seconded will be placed in nomination. Any Commission member may move or second his or her own name.
4. After one or more persons are nominated and it appears that no one else wishes to make a nomination, the Director will ask if there are any further nominations. If there are no responses, the Director will declare that nominations for the Office of Chair are closed.
5. Commissioners will then vote on the first person nominated for the Office of Chair. A Commission member who is nominated may vote for himself or herself.
6. If a majority of those present and voting affirmatively vote for the first candidate, that person is elected Chair and there is no further voting. If the first candidate does not receive a majority, the Commission will then vote on the second person nominated. If no nominee receives a majority, there will need to be a motion, second and vote on reopening nominations.
7. After a Commissioner is elected as Chair, the same procedure will be followed for the election of Vice-Chair. Following the election of the Vice-Chair, the newly-elected Chair will chair the remainder of the meeting.

# Attachment 5

## Martha's Rules of Order

### As adopted by the HRC on February 20, 2020

1. The proposal is presented. Clarifying questions are taken.
  - a. Proposal should always be in writing.
2. Friendly amendments are offered. Discussion is allowed only on the amendments.
  - a. Amendments should be prepared in advance when possible.
3. Speakers in favor of the proposal present their views.
  - a. This is not a time for debate.
  - b. Time limits should be set and enforced.
4. Speakers in opposition to the proposal present their views.
  - a. This is not a time for debate.
  - b. Time limits should be set and enforced.
5. General discussion and/or debate OR small group discussion time on the proposal is allowed.
  - a. Time limit on discussion is set by the group.
  - b. Facilitator helps group identify key issues.
  - c. Motion to table or refer is in order and requires  $\frac{3}{4}$  vote.
6. First vote is taken.
  - a. People vote
    - i. In favor of the proposal, or
    - ii. Can live with the proposal, or
    - iii. Opposed to the proposal.
  - b. If a majority of those present votes "in favor" or "can live with," proceed to Step 7.
  - c. If less than a majority of those present votes "in favor" or "can live with," proposal dies.
7. Those voting in opposition are allowed to state their objections and concerns.
  - a. No discussion is allowed, only clarifying questions.
8. The second vote is taken as in Step 6.
  - a. It a majority of those present to override objections and pass the proposal.