

## LEGISLATIVE REVIEW COMMITTEE

Thursday, August 26, 2021

### Committee Members Present:

Commissioner Allison Wright, Chair  
Commissioner Jesse Houle  
Commissioner Carol Myers  
Commissioner Ovita Thornton

### Committee Members Absent:

Commissioner Mariah Parker

### Staff:

Blaine Williams, Manager  
Niki Jones, Assistant Manager  
Sherrie Hines, Chief Assistant Attorney  
Lisa Pappas, Assistant Attorney

Krystle Cobran, Inclusion Officer  
Sarah George, Recorder

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Commissioner Wright called the meeting to order at 1:01 p.m.

#### A. **Approval of Minutes:**

Commissioner Myers made a motion to approve the August 5, 2021 minutes. Commissioner Houle seconded. The motion passed unanimously.

#### **Commission Identified Items of Interest:**

#### B. **Determine ideal composition and mission for a local civil rights/human rights commission, situated to provide support to the Inclusion Office. (Mayor Girtz assigned to LRC on August 3, 2021)**

Niki Jones introduced the timeline for the human relations commission (HRC) topic and noted that Mayor Girtz requested the Committee complete this task within 60 days. He shared that the Committee plans to meet on the following dates to discuss this topic:

- Thursday, September 2 from 1:00 p.m.- 2:30 p.m.;
- Thursday, September 9 from 1:00 p.m.- 2:30 p.m.;
- Thursday, September 16 from 1:00 p.m.- 2:30 p.m.; and
- Thursday, September 23 from 1:00 p.m.- 2:30 p.m.

He also explained that the goal is to have a recommendation for Mayor and Commission consideration at the October 5, 2021 Voting Session.

Commissioner Myers inquired as to whether the Committee would be deciding on the relationship between the HRC and the non-discrimination ordinance or if there is a reference included within the ordinance. Commissioner Wright explained that there is not currently a reference within the ordinance; the commission-defined option that was passed was to request this topic be sent to Committee to establish it.

Krystle Cobran explained that the Inclusion Office has done their best to synthesize the volume of information as much as possible in preparation for this discussion. She shared a presentation with the Committee that outlined a brief introduction to forming a Human Rights / Relations Commission. The presentation provided information on the following questions:

- What does the Committee as a whole need to keep in mind while assessing what the scope of this body will be?

- What are the expectations that need to be articulated, including those from Elected Officials, community members, and members of the board/commission?
- What support is needed for productivity? What is needed to ensure the focus is on impact and not limited to intentions?
- What factors should be kept in mind in consideration of the selection of the membership of this body?

Krystle Cobran noted that one of the first questions that comes to mind is what HRC stands for; the Inclusion Office began researching this, and she shared four variations of this acronym that they have uncovered. She also advised that the Committee look at the scope and power that they will define in order to know what it means. She shared two ways to think through the creation and focus of a board/commission: advisory or quasi-judicial; she also outlined the characteristics of both. Additionally, she detailed the enforcement pathway described within the non-discrimination ordinance. She also compared the thirteen areas covered by the non-discrimination ordinance with the nine focus areas for the Inclusion Office.

Commissioner Houle requested clarification on whether the function of assisting people in navigating the process of engaging the attorney would fall more appropriately under an advisory or quasi-judicial focus. Krystle Cobran explained that there are multiple discrimination complaint pathways that are available under the enforcement approach; she further noted that there is the question for the Committee regarding who would be assisting our residents and navigating all the pathways that are available.

Krystle Cobran also shared that, while reaching out to other communities in preparation for this presentation, a theme they have discovered is the importance of having expectation defined at the outset and to ensure they align with the expectations of the people selected for membership on the HRC. To assist with identifying these expectations, she provided three questions that may be helpful for the Committee to keep in mind during their discussion:

- What do our community members expect the HRC to do?
- What are members of the HRC expected to do?
- What does the Mayor & Commission expect the HRC to accomplish?

In addition to clarifying expectations, Krystle Cobran advised that it is also very important at the outset to ensure that the design of the HRC is aligning expectations with the actual functionality. Questions to consider regarding functionality include:

- What power will be granted to the HRC?
- How will we ensure HRC members are supported?
- Who will develop a work plan?
- How will residents know what is happening?

Krystle Cobran also explained that there may be an opportunity to potentially pilot a different approach to selection of membership to increase diversity, equity, and inclusion. She noted it is going to be critical to ensure that we are reaching residents from throughout the community in terms of the opportunity for membership with the HRC as well as with the knowledge that the HRC is in existence. One step to consider in piloting an alternative approach is to ensure that the organizations and community leaders who have played a critical role in doing this work are positioned to assist in pushing this opportunity out into the communities and neighborhood where they have built trust.

Commissioner Wright expressed gratitude for Krystle Cobran's presentation. Commissioner Myers reiterated Commissioner Wright's gratitude for the presentation and expressed interest in the idea of piloting a process to get more diversity on the board for this committee and all

committees. Commissioner Thornton echoed Commissioner Myers' comments and noted that this would create a model that could be used in other areas and provides a process that we can follow. She also noted that this was a very objective and educational way of tackling a very sensitive issue and explained that she hopes this can be cemented in how we proceed on issues in the future. Commissioner Houle explained that they also thought the presentation was fantastic and appreciated the questions provided for consideration; they inquired how the Committee wanted to process and discuss the questions. They also inquired if there would be a value in getting the body established prior to answering all the questions; they noted that the overarching question would be how much they need to front load the strategic planning portion of the body before it launches in comparison to letting it grow with the involvement of other people that will be brought on board to be part of it.

Commissioner Houle also inquired as to whether or not the Inclusion Office had come across any examples from other communities that had boards that served both functions (advisory and quasi-judicial). Krystle Cobran explained that, thus far in the jurisdictions they have reached out and spoken with, there has not been an example that is both. Commissioner Wright explained that she would like for the Committee to process what was presented in this meeting, and she believes the Committee will want to revisit the questions after learning from the other communities that are scheduled to present to the Committee. Additionally, Commissioner Wright noted they will need to ask for time to set up the pilot outreach program, depending on what the Committee decides.

Commissioner Wright explained that she would be interested in understanding legally how the quasi-judicial committee or subcommittee could be formed in a way to ensure it does not risk becoming slanderous. Sherrie Hines explained that she could provide more feedback on this question, but it would depend on what would be meant by quasi-judicial; if the idea is that this board might be fielding complaints or something that would be done by the ordinance, it would be better to have it go through that process to prevent any difficulties with that legal process. She requested clarification on some examples from other jurisdictions and what they have worked on. Krystle Cobran explained that one thing that is important to keep in mind is that the nondiscrimination ordinance does not preclude the person who filed the complaint from seeking additional remedies. She further explained that these proceedings are taking place in a public arena, so a resident is potentially creating a record in terms of evidence that could also be possibly used by more than one party to a complaint that is filed through another venue down the line. It would be important to have someone who is helping residents navigate through this process to help the resident understand this at the front end of things and remain in consistent contact with them throughout the process. Sherrie Hines explained that the real question is identifying what is the remedy. She noted that she would have to give this more thought, but, if there is already a nondiscrimination ordinance and an internal process that we are comfortable with to investigate complaints, she is unsure there would be a need for an additional quasi-judicial process. She further explained that it would be helpful for the Committee to provide feedback on what they would believe is missing from the current process and what they would like to see this group do that would be quasi-judicial.

Commissioner Houle explained that they do not believe, from their perspective, that this group should serve a quasi-judicial function, at least to start; they further noted that they would like this body to be a resource for residents to understand all the different types of complaints that do exist and the basics of how to go about filing a complaint. Over time, this may be identified as a need, but they believe that would be a future decision. Commissioner Thornton agreed. She also inquired about how many complaints some of the agencies that were researched were receiving in any of these processes to address discriminatory actions. Sherrie Hines explained that there has only been three complaints filed under the dress code ordinance to date. Commissioner

Thornton noted that she believes this is a good time to promote an advisory committee and start collecting data before we move into a quasi-governmental body that does not have any legal authority. She suggested the Committee move forward and explore an advisory committee, and then, during that time, start compiling the kind of data that may be needed to determine if the body needs to evolve into one with more teeth. Commissioner Myers recalled past Committee discussions that included how many complaints had been filed with other municipalities pertaining to their nondiscrimination ordinances; she suggested staff reach out to those same communities now that time has passed to determine how many have been filed to date. Sherrie Hines explained that she had provided that information to the Committee; all of these communities stated that they had between zero to two complaints filed, and Judge Hope reached out to judges in those areas, and they confirmed that not a single complaint made it to their courtrooms. She also noted that she believes the fundamental issue is that these nondiscrimination ordinances do not provide excellent remedies for citizens, as it is usually a small penalty against the business. She believes the explanation for why these jurisdictions have not seen a lot of complaints is because, if you have a good complaint, it tends to make a lot of sense to pursue the complaint through other venues (like the EEOC) with private counsel.

Commissioner Houle shared that, when thinking about pathways, they would like the Committee to consider pathways that are outside of our existing criminal justice system; some that were mentioned are the Georgia Conflict Center and the upcoming worker center that members of our community are working on establishing, as well as the Athens Anti-Discrimination Movement. They also expressed interest in referring to this body as Human Relations Commission, because they believe what is being discussed goes beyond just rights that are codified in federal and state law. They believe "relations" speaks more strongly than rights to the focus for this group. Also, "commission" is suggested, because it sounds more empowered to have authority. Commissioner Wright agreed that using "commission" aligns with existing terminology for boards, authorities, and commissions.

### C. **Discuss options for public to provide comment to the LRC**

Commissioner Wright explained that she wanted to learn from the Committee about options for public input on this topic, as well as at what point staff would be requested to learn what it would take to have public input. Commissioner Thornton explained that she would like to see a summary of what they have discussed in writing before or at least by the public input meeting. Commissioner Wright requested clarification on whether or not the suggestion would be to have public input further down in the discussion of this topic. Commissioner Thornton agreed that would be better from her perspective. Commissioner Wright reiterated the timeline and noted that the topic will be listed as title only on the agenda for the Agenda Setting Session on September 21, 2021, which will provide an opportunity for people to begin providing online comments and in-person comments at the podium. The recommendation is set to be considered for the October 5, 2021 Voting Session, which will provide an additional public input opportunity.

Commissioner Myers noted that she does not believe the Committee should have the public input opportunity until after the presentations on best practices and a possible framework. She also expressed interest in communicating some of that information to the public, so they can have a little more understanding of what is being discussed and can be benefitted from the work that staff has done. Commissioner Myers also inquired if the agenda for the Agenda Setting Session could include links to previous meetings and presentations rather than being listed as title only; she also requested clarification on whether or not there was a precedent of having a public comment specifically for a subcommittee like the LRC or GOC.

Niki Jones explained that staff could pull together a summary of the first three meetings. Blaine Williams explained that he understood what the Committee is trying to achieve with getting the information out there to the public; however, he noted he did not believe the agenda item would be the best way to do that, because people look to that placeholder as a signal towards a recommendation. Commissioner Wright explained that she sees that an agenda report could be prepared to summarize where we are at that point in time, which can be updated prior to the October 1, 2021 agenda report. She inquired if there was a space, like a webpage, to post information about the Committee and the topics that are being discussed. Blaine Williams explained that staff was open to the ideas to improve transparency and understanding.

Sarah George explained that subcommittee meetings do not typically take public comment unless the committee chair wished to recognize them and request their input. She provided a couple options for the Committee to consider for public input, including creating a public input form online that would allow the public to provide input in writing, or exploring options for promoting the contact information for the members of the Committee for anyone who may wish to reach out to members individually. Commissioner Wright inquired if the Committee wanted to have contact information included on the agenda, and she requested the Committee members think it over.

Commissioner Houle noted they would like to have at least one of these meetings in person; they suggested it could be set up in the Commission Chamber and allow people to provide public input at the podium, if this could logistically be done by working with the Public Information Office. They also suggested a possible guided survey to obtain additional feedback on about five of the best questions that the Committee would really want public input regarding. Commissioner Wright noted that she was unsure whether or not we would be backing away from in-person meetings due to COVID-19. Blaine Williams explained that we do not have a hard and fast policy against having live meetings; he would defer to the chair on her preference for that. He also noted that he could check with the Mayor about this particular opportunity.

Niki Jones shared that the next meeting will have presentations from other communities. Commissioner Wright requested the Committee think about what three questions the Committee would like to hear from each of the presenters.

#### D. Schedule/Agenda Changes

The next LRC meeting is scheduled for September 2, 2021 at 1:00 p.m. and will be held remotely via WebEx.

***\*The September 2, 2021 meeting was subsequently cancelled. The next meeting of the LRC is scheduled for September 9, 2021 at 1:00 p.m.***

Commissioner Houle made a motion to adjourn. Commissioner Myers seconded the motion. The motion passed by unanimous vote. The meeting adjourned at 3:11 p.m.