

LEGISLATIVE REVIEW COMMITTEE

Thursday, September 23, 2021

Committee Members Present:

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

Committee Members Absent:

Commissioner Mariah Parker

Staff:

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

Krystle Cobran, Inclusion Officer
Selah Gardiner, Community Education Analyst
Sarah George, Recorder

Commissioner Wright called the meeting to order at 1:00 p.m.

A. **Approval of Minutes:**

Commissioner Houle made a motion to approve the September 16, 2021 minutes. Commissioner Myers 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)**

Commissioner Wright explained that this meeting would be used to narrow down key decision points to use in drafting the ordinance and recommendations for the Human Relations Commission (HRC). Niki Jones introduced the topic and summarized the charge, as well as reviewed the timeline. He explained that the summary of the three meetings to date have been added to the ACCGov website, as requested by the Committee.

Krystle Cobran shared a presentation that summarized the input the Committee provided at the September 16, 2021 meeting. She explained the discussion would be focused on the following three key questions regarding each section of the framework:

- Are we hearing you correctly?
- Do these draft recommendations and/or ordinance sections align with what you shared?
- Do we have consensus around the decision point?

Krystle Cobran summarized the four goals for the meeting, which included:

- Summarize the LRC input;
- Firm up draft recommendations;
- Connect the recommendations to developing ordinance text; and
- Close gaps and identify next steps.

Krystle Cobran provided an overview of input captured from the previous meeting. She shared that, when it came to scope, staff heard the Committee say they wanted the HRC to:

- Provide the Mayor and Commission (M&C) with policy recommendations;

- Help create additional transparency and demystify discrimination complaint processes that exist within ACC;
- Provide a forum to directly listen to residents;
- Begin as an advisory body, but have the advisory body listen closely to residents to help determine the direction it might need to go in for the future;
- Develop an annual work plan;
- Be leaders across our community and help to set an example;
- Play a role in finalizing and determining whether the scope of itself is what it needs to be;
- Play a major role in providing community education, which is connected to the demystification piece;
- Serve as a vehicle to help educate our community members about discrimination complaint processes, how to access them, and why they exist;
- Engage in ongoing community dialogue;
- Be a bridge extending into the community from ACCGov on a consistent basis; and
- Engage in community relationship-building.

Krystle Cobran explained that staff began to sort out areas that seemed to have a particularly high level of agreement. In regards to scope, there seemed to be a high level of agreement on the HRC providing policy recommendations and community education, as well as using an incremental approach by starting with an advisory body and later assessing and evaluating what may be needed in the future. She asked the Committee for feedback on whether or not this summary captured their input. Commissioner Wright explained that she thought the summary captured the discussion on this component well. Commissioner Thornton agreed. Commissioner Myers explained that she agreed but noted several of these were sub-points of others; one example provided was that demystifying the discrimination complaint processes could fall under community education. She also shared that she questions whether or not the Committee has consensus on development of an annual work plan and scope, so this may need to be discussed further. Commissioner Houle noted they agreed with Commissioner Myers. They added that community education sounds more like what is going out into the community, and, when they think about a bridge, they think of that going two ways. They explained that the listening forum may not need to be separate as much as just emphasized as a way that community education is characterized. Krystle Cobran explained that they would take note of the characterization of a bridge that Commissioner Houle shared moving forward.

Krystle Cobran shared an overview of draft recommendations regarding scope and the ordinance sections that may apply to them. She also shared that community dialogue is an important term that staff may need to use as a replacement for community education, and there should be a double-sided arrow between the community and HRC to reflect the bridge and two-way approach Commissioner Houle described. Commissioner Wright noted that she believes a double-sided arrow should be shown between the HRC and the M&C.

Commissioner Houle explained that they liked the term community education, and it could be both. They also shared that it seemed that the Committee agreed that the HRC should be advisory for now, but there may be a need to review to assess if quasi-judicial is needed in the future. They inquired as to whether or not they need to add this to the scope for the HRC to have on their mind for future consideration. Commissioner Wright explained that they do need to have that ability as it grows; this would leave it open for review whether it is assigned by the M&C based on how things are going with the nondiscrimination ordinance or if it is a need identified by the HRC. Commissioner Myers suggested clarifying “incremental approach” to specify incremental approach to define the increments being discussed. Commissioner Thornton shared that she does not support a quasi-judicial approach at this time. Niki Jones explained that when staff refers to an incremental approach, they had the understanding the Committee intended for

the HRC to be an advisory body, and, at some point in time, if the HRC decided their scope should expand, they could begin researching quasi-judicial approaches based on complaints or what they are hearing from the community. Commissioner Thornton noted that she agreed with Niki Jones' interpretation. Commissioner Myers explained that the "incremental approach" should be clarified to note the incremental approach to HRC's relationship with the nondiscrimination ordinance, serving in an advisory role, or an advisory role to the Commission and Attorney's Office, if appropriate, in relation to the nondiscrimination ordinance. Commissioner Houle explained that they believe the Committee is in agreement with the HRC having an advisory role, but they were questioning whether or not they needed to mention the information for future consideration; however, hearing that this is not the case, they are amenable with omitting it.

Krystle Cobran shared an overview of some key decisions the Committee has made and inquired as to whether or not the overview was in alignment with what they shared. Commissioner Wright agreed but noted that she would also want to ensure that there is a two-way bridge between the HRC and M&C. Commissioner Thornton agreed. Commissioner Houle agreed. Commissioner Myers agreed and explained that she did not want the HRC to spend months going over the scope before working on other items. She explained that, while there can be revision, she would like for the HRC to do some of the work before reflecting on what needed to be changed. Commissioner Thornton shared that it may minimize some concerns if the HRC goes through a similar process like the LRC is going through now. Structure and guidance would help move things along.

Krystle Cobran shared a summary of what she heard was consensus from the Committee. She explained that she heard the Committee say there was consensus around ensuring that the process of supporting the members of the HRC be as clear and transparent as possible, as well as create a space where they are able to learn and understand about their role and function. The Committee agreed. Commissioner Wright added that this captures the onboarding that the Committee previously discussed. Commissioner Thornton inquired as to whether or not there would be an opportunity for clarification to be shared with the HRC regarding the intent if the HRC experiences a hiccup in the process or has questions around what the Committee or M&C meant by some of what is outlined. Krystle Cobran shared that, based on the input that the LRC provided, staff has begun to think about the onboarding and training of the HRC. She shared that they would likely take potentially between two and three months to discuss things like inclusive leadership as well as the background on the process that led to the creation of the HRC. She noted they would provide ample opportunity for HRC members to ask clarifying questions, which would include questions about what the M&C want to see as policy outcomes in establishing the HRC. This would "bake in" what the Committee shared with staff about their priorities. Commissioner Wright also noted that there would be the bridge between the HRC and the M&C and that would provide an opportunity for the M&C and HRC to check in with each other when the work plan and recommendations come forward to the M&C for approval. Niki Jones shared that the work plan and annual report would provide opportunities for the M&C to make sure the HRC is functioning as intended.

Krystle Cobran also shared some additional key decisions the Committee has made regarding scope, including calling the board a Human Relations Commission and having the HRC develop policy recommendations and an annual work plan as well as engage in extensive community education and outreach. Commissioner Wright agreed that this captured her understanding. Commissioner Thornton also agreed but added that she is still of the opinion that it would be helpful to have a report more frequently than just annually. Commissioner Wright agreed and said that would be helpful, especially in the beginning. Commissioner Myers noted that she agreed with the summary and explained that she would also like to build in some regular communication and discussion with the Attorney's Office and the HRC regarding the

nondiscrimination ordinance, especially given the HRC's role in communication and education. Commissioner Thornton agreed with Commissioner Myers. Commissioner Wright also agreed. Commissioner Houle agreed with more frequent check-ins with the M&C, especially in the first couple of years. They shared that the one thing they might modify is the language regarding having the advisory board develop "policy recommendations based on actively listening to resident experiences, community relationships, and data that go back to the Mayor and Commission" to include research of other policies that exist elsewhere. Commissioner Wright agreed.

Niki Jones requested clarification on how often they want the HRC to come back to the M&C. Commissioner Thornton shared that she preferred quarterly but acknowledged that it might be too much; she shared that she would be amenable to twice a year. Commissioner Wright explained that she was flexible regarding the frequency. Commissioner Myers suggested that they could compromise and have them report every four months for the first two years, which would be three times a year. Commissioner Thornton agreed with Commissioner Myers' suggestions. Commissioner Houle explained that they were happy with anything that was more than once a year but noted it is important to be mindful of the balance between the HRC's engagement with the M&C and their focus on the work that they are doing.

Krystle Cobran shared an overview of the input staff captured from the previous meeting regarding expectations, communication, reporting, training, and support. She shared that, when it came to expectations, communication, reporting, training, and support, staff heard the Committee say they wanted the HRC to:

- Be actively appreciated;
- Provide policy recommendations;
- Establish trust throughout our community;
- Provide quarterly updates that accompany the development of an annual report;
- Be educated themselves and be positioned to provide education throughout our community;
- Connect with elected officials;
- Have onboarding;
- Have staffing;
- Develop a communication directory that includes multiple organizations from throughout our community;
- Have a webpage or website that is consistently updated;
- Receive a stipend; and
- Find a way to use marketing to get information out about the HRC.

She asked the Committee for feedback on whether or not the summary captured their input. Commissioner Wright explained that it did; however, she believes the stipend should be done for all boards and commissions and that portion should be pulled out to allow for more broad application of stipends. She also noted that she would add in the connection with the Attorney's Office that Commissioner Myers suggested. Commissioner Thornton explained that she disagreed with Commissioner Wright on the stipend; if it is pulled out, it may get lost. She also noted that we may need to spell out marketing or promotions, so it is larger than just referencing ads. Commissioner Myers explained she was good with this and suggested possibly having language that provides for a stipend as developed by the Mayor and Commission. Commissioner Houle explained they thought this section was great but suggested that the training be thought of as an ongoing process that would provide opportunity for period check-ins.

Krystle Cobran summarized some of the draft LRC recommendations and the ordinance sections that they might reference. Commissioner Thornton added that the connection with the Attorney's Office needs to be included with the list. Commissioner Wright agreed and suggested that it may be that the staff liaison be from the Inclusion Office and the Attorney's Office. Commissioner Myers agreed and suggested adding "works closely with staff liaison in Attorney's Office" and "advisory board receives and discusses regular updates from the Attorney's Office on complaints and their status". She explained that this may fit in other places, so she would be amenable to just adding Attorney's Office to this specific list. Commissioner Houle agreed with the summary.

Krystle Cobran provided an overview of key decisions the Committee has made regarding expectations, communication, reporting, training, and support. Commissioner Wright and Commissioner Houle agreed with the overview. Commissioner Myers noted that we may want to add the Attorney's Office to the list based on discussion and suggested providing further clarification on the HRC's scope and what they are supposed to be educating people about.

Krystle Cobran shared an overview of the input staff captured from the previous meeting regarding selection. She shared that, when it came to selection, staff heard the Committee say they wanted to:

- Ensure that we are building a recruitment pipeline;
- Prioritize diversity, representation, inclusion, and equity;
- Ensure the pool of applicants is representative of the community, and, in order to do that, we need to go about outreach and communication in a bit of a different way;
- Have the HRC be comprised of between 7 and 12 members;
- Ensure members of the HRC bring their lived experience and expertise to the functionality of the board;
- Have some sort of compensation mechanism or stipend;
- Ensure that it is connected to our community;
- Have the process of developing the HRC serve as a potential way to pilot a new approach to boards and commissions as a whole;
- Ensure the intersectionality is a priority;
- Have youth represented;
- If necessary, re-open the application to ensure the applicant pool includes a diverse representation; and
- Have a clear mission that is outlined.

She also summarized draft LRC recommendations regarding selection and the ordinance sections they might reference. Commissioner Houle explained that they believe that, regarding the specific number of members, larger is better. This would help with dividing up the workload and prevent people on the board functioning as the only representative of a group, which can be tokenizing and potentially lead to problematic dynamics. The larger number would allow opportunity for multiple representatives of groups. Commissioner Myers agreed with having a larger number and noted the community education and dialogue role the board has may benefit from having more people. Commissioner Wright explained that she was leaning toward having 7 members, but she shared that she was open with going with 12 as recommended in the discussion in the last meeting. Commissioner Houle suggested considering having 15 members, similar to the City of Raleigh, as this would allow multiple people across backgrounds. Niki Jones requested clarification on the exact number of members. Commissioner Wright suggested starting off with 12 members. Commissioner Myers shared that the extensive onboarding would require some commitment from people, and we may lose people in that process; she noted she could be persuaded to having 15 members for that reason. Commissioner Wright requested clarification from the Committee on the specific number of members that they would recommend

for the HRC. Commissioner Houle explained that they felt fairly strongly about having 15 member but would concede to having 12 members if the Committee does not agree. Commissioner Myers suggested having 12 members and 3 alternates. Lisa Pappas explained that she has seen some other ordinances that include alternates, but she advised that they would have to specifically spell out the role and scope of the alternate. Commissioner Wright suggested not having alternates based on the feedback from the Attorney's Office. The Committee agreed on recommending 15 members.

Krystle Cobran shared that staff needed a few more details regarding board composition, but she suggested staff bring back some language for the Committee to review regarding composition at the next meeting. Sherrie Hines advised that the Attorney's Office has cautioned against setting specific quotas or composition requirements; this is not only because it makes it difficult to meet those requirements but also can open it up for potential litigation. She noted that this does not mean there cannot be recommendations or statements about the ideal or intended composition, but a specific mandate could be problematic. Commissioner Houle explained that, given that feedback, they would like to have some kind of language that addresses the issue of tokenization. They noted that it is important that they are not just striving to have people representing the different identities but that we have multiple people. They suggested that they codify in the language the idea that they want multiple people representing a given experience. Commissioner Thornton shared that she was not tied to having specific quotas. Niki Jones requested clarification as to whether or not the Committee would be amenable to having staff provide some language around the composition in the draft ordinance, which would be shared in advance of the next meeting. Commissioner Wright agreed.

Krystle Cobran shared the following four questions for Committee input and discussion to address some identifiable gaps:

- Should the classifications in the HRC ordinance be the same as the classifications in the nondiscrimination ordinance?
- Do you want to create a community education program specifically focused on existing discrimination complaint pathways?
- How many members should there be?
- What should be the length of member terms?

Commissioner Wright explained that the Committee had consensus on having 15 members and asked the Committee to provide input on length of member terms. Commissioner Myers recommended staggered terms similar to the Athens in Motion Commission and having the length of term be between three and four years. Commissioner Houle agreed with having staggering the renewal of terms and having a three to four year term. Commissioner Thornton agreed with having staggered terms and a four year term. Commissioner Wright agreed. Commissioner Houle requested clarification on whether or not the suggestion is that the initial appointments be for variable amounts of time that are staggered. Sherrie Hines suggested that the initial appointment could be that half the members having three year terms and the other half having four year terms. Commissioner Myers suggested having staff bring back language regarding terms. The Committee agreed.

In regards to classifications in the HRC ordinance, Krystle Cobran provided a summary of the classifications covered in the nondiscrimination ordinance. She inquired as to whether or not the Committee wanted to have the focus areas with the classifications of the HRC ordinance match with those of the nondiscrimination ordinance. Commissioner Thornton asked Sherrie Hines for her feedback on whether or not having them the same would make the HRC stronger and less complicated. Sherrie Hines explained that she believes it would definitely make it less complicated. She noted that, because it is advisory in nature, she has less concern about it

having different categories, but it may create an impression in the community that the HRC has more authority to act than it might legally have if there are different categories. Commissioner Thornton shared that she thinks it should be the same. Commissioner Wright agreed. Commissioner Houle explained that they believe there should be some slight difference. They noted that they believe it is important for them to specify inclusion of youth, as one example.

In regards to creating a community education program specifically focused on existing discrimination pathways, Commissioner Wright shared that she was thinking the HRC would be helpful in improving communication regarding what we have and how it works for existing processes in Athens-Clarke County. Commissioner Thornton shared that she would like to create a community education program specifically focused on existing discrimination program.

Niki Jones shared that staff would prepare a draft ordinance and summary of recommendations for the Committee in advance of the next meeting. These documents would be discussed at the next meeting with the intent of having a recommendation to share with the full Mayor and Commission.

C. **Schedule/Agenda Changes**

The next LRC meeting is scheduled for September 30, 2021 at 1:00 p.m. and will be held remotely via WebEx.

Commissioner Houle made a motion to adjourn. Commissioner Thornton seconded the motion. The motion passed by unanimous vote. The meeting adjourned at 2:57 p.m.