



HUMAN RIGHTS COMMISSION

MEETING MINUTES

REGULAR MEETING

Monday February 27, 2012

City Hall Council Chambers & Room 1027

First Floor, 301 W. Second Street, Austin, TX 78701

Chair Tom Davis called the Board Meeting to order at 5:33 p.m.

Board Members in Attendance:

Tom Davis, Chair
Paul Rhea, Vice Chair
Elizabeth Brenner
Judy Cortez
DeWayne Lofton
Delia Meyer
George Reynolds

Human Resources Staff Present:

Yamile M. Ortiz, EE/FHO Staff Liaison
Tony Robertson, EE/FHO Executive Liaison

1. CITIZENS COMMUNICATIONS

Ms. Eliza May: Citizen of Austin and member of Austinites for Geographic Representation, (AGR) spoke about the 10-1 Single Member District Plan and the endorsement of a Charter Amendment for Election of City Council Members. Ms. May mentioned this plan would create 10 single-member districts with the Mayor elected at large. She handed out two letters, one from the Majority of the Charter Revision Committee and one from the Austin Neighborhoods Council (ANC).

Ms. May talked about the Charter Revision Committee's letter to the City Council. She pointed out some of the reasons the Charter expressed concerns about the current at-large system:

1. The Revision Committee believes the current system would undermine or dilute the representation of citizens in historically under represented areas on those protected minorities.
2. At-large seats bring problems of fundraising as it is happening in the current system.
3. Overwhelming minority testimony reveals the strong support of the 10-1 single member district system with the Mayor been elected at-large.
4. Citizens have serious concerns of the possible expansion of the Council to 13 seats before Council; because it will be hard to pass before the next City Council elections.

Ms. May ended her citizen comments by referencing a letter from the Austin Neighborhood Council (ANC) to the Charter Revision Committee endorsement of the 10-1 Plan in a meeting they held on October 26, 2011.

2. APPROVAL OF MINUTES

The minutes from the meeting of January 23, 2012 were approved; Commissioner Meyer motion, Commissioner Reynolds second on a 6-0 vote.

3. OLD BUSINESS

- a. Discussion and possible action on a presentation by Lupe Sosa and Eliza May of Austinites for Geographic Representation (AGR) about a proposed resolution for single-member City Council districts.

Commissioner Cortez invited Ms. Sosa and Mr. Peck Young to talk and answer questions about the proposed resolution.

Ms. Lupe Sosa: Member of Austinites for Geographic Representation (AGR), stated she supports and voted for the Single Member District 10-1 Plan. Ms. Sosa handed out information on the ABCs of the Independent Citizens Redistricting Commission to inform and explain to the public and Commissioners, how the process works.

Ms. Sosa said the Council had one Hispanic and one African American member, but Hispanics make up more than 30% of the population. There are some concerns with Asian, LGBT, and other minority group representation. However, Austin is a very integrated city, and we need to have this representation on the City Council. We need to encourage voters who currently don't vote because they feel their vote does not count.

Ms. Sosa requested that the Commissioners support the recommendation of the City Charter Revision with 10 single-member districts plus one Mayor, with an Independent Citizens' Redistricting Commission that will be in charge of defining those 10 districts. The Independent Commission will be independent of any political influence and they will ensure the representation will be fair for minorities, for neighborhoods, and for our City. She ended her comments by saying diversity enriches us and that is what we want in the City Council.

Mr. Peck Young: Member of Austinites for Geographic Representation (AGR), stated the reason behind the 10-1 district plan has to do with the fundamental purpose of the Human Rights Commission – that is, opposition to discrimination. Mr. Young said the system of city-wide elections in Austin was born of racial discrimination in 1953. He said he has been involved since 1973 in redistricting all over the country.

Mr. Young said the reason they picked the 10-1 plan is because they need to figure out, both under Federal Law and because of fairness, the number of districts that will give African-Americans the opportunity to elect a Council member directly. AGR focuses on the African-American community because of the two major minorities in Austin, they are the smallest, with 7.7 % of the population in comparison with the Hispanic community with 35% of population. Mr. Young said the NAACP is part of the coalition and they support the 10-1 district plan.

Commissioner Cortez read a proposed Resolution of the Human Rights Commission supporting the recommendation of the Charter Revision Commission.

Mr. Young clarified some questions after Commissioner Cortez finished reading the resolution. Mr. Young explained that the 10 district boundaries would be drawn by an Independent Citizens Redistricting Commission using the population numbers from the census data from the City and the State of Texas. Mr. Young also clarified that the 10-1 district plan is an improvement, and the language in the resolution is carefully written to comply with Federal Law. The numbers used for his presentation are based in the age and number of eligible voters of the minorities.

Commissioner Cortez made a motion to approve the Resolution, Commissioner Rhea second; Chair Davis requested the Commissioners to vote. The Commissioners voted in favor on a 6-0 vote, the motion was carried. Chair Davis mentioned this now becomes a Resolution of the City of Austin Human Rights Commission and they will take responsibility for sending it forward as such. Chair Davis asked Commissioners to take the Resolution to their Council Members.

b. Discussion and possible action regarding the proposed Mission Statement for the Commission.

Chair Davis read the Human Rights Commission's Mission Statement drafted and revised by Commissioner Reynolds. He also pointed out that Commission's official Mission Statement was part of the City Code, so this Mission Statement would be an "outreach" statement, summarizing our mission for the people of Austin. Commissioners Rhea and Cortez moved to adopt the Mission Statement. Chair Davis asked the Commissioners to vote, and the motion was carried on a 7-0 vote.

c. Discussion and possible action regarding the 2011 Work Plan objective to raise awareness among Austin's citizens of our mission as advocates against discrimination.

Tabled. [Chair Davis mentioned this item will be part of the objectives during the Working Plan Meeting on March 10, 2012.]

4. NEW BUSINESS

a. Discussion on possible action on resolution from Tomas Esparza, Austin Commission on Immigrant Affairs (ACIA) regarding the Secure Communities Initiative and its detrimental effects on relations between the people of Austin and Austin's law enforcement agencies.

Chair Esparza and Vice Chair Laura Hernandez from the Commission on Immigrant Affairs clarified some issues on the Secure Communities (SCOMM) Program to the Commissioners who addressed questions.

Chair Davis invited Chair Esparza of the Commission on Immigrant Affairs, the public, and the Commissioners to continue the meeting in room 1027 as stated in the agenda.

Commissioner Esparza suggested that at the next joint meeting, to be held on March 26, 2012, this issue should be the only matter on the agenda for discussion. At that time all public comments would be welcomed. A large number of citizens are expected to want voice concerns on the topic.

Ms. Ester Reyes: Director, Austin Immigrant Rights Coalition, stated that her Coalition approves of the language presented in the resolution and that the language addresses their interests and concerns.

Chair Davis asked the Commissioners to review the resolution and bring forth amendments at the next meeting. If any Commissioner has proposed amendments, they will need to forward them to Chair Davis by March 12, 2012, in order to be posted on the Commission's website along with the proposed resolution and meeting notice.

- b. Discussion regarding the extent to which the City Attorney's Office is available to research and provide legal opinions to the Commission regarding its duties under Section 2-1-148 of the City Code. This includes, but is not limited to, Subsection (C) (1), which requires the Commission to "advise and consult with the city council on all matters involving racial, religious, or ethnic discrimination, and devise practices to promote equal opportunity," and Subsection (C) (3), which requires the Commission to "recommend to the City Council legislation to aid in programs designed to eliminate prejudice and discrimination."

Mr. Lee Crawford: City of Austin Law Department informed the HRC that Beverly Stephens, Senior Attorney, will be the new point of contact for the Human Rights Commission.

Mr. Crawford went on to clarify the role of the Law Department in supporting the Commission, is to make sure the Commission complies with the law and City code requirements regarding the Texas Open Meetings Act and the Texas Public Information Act, and also to ensure that the Commission acts in accordance with its Bylaws.

Mr. Crawford explained the Law Department also advises the Commission on the rules and procedure that govern the investigations which they are tasked with completing. When the commission makes a recommendation to the City Council, the Law Department's job is to make sure that it is in the right format and to advise the Council on the legal issues that are involved. They will also provide "issue spotting," identifying possible legal ramifications of options that the Commission may recommend to the Council. The Commission has the ability to take a position on a given issue; but it should be in the form of advice to the City Council. Only the Council has the authority to take actions on behalf of the City.

- c. Discussion regarding the use of "new media" as a way to increase the Commission's online visibility.

Chair Davis said this issue would be tabled to the April meeting, when the City's Public Information Office will be invited to attend and discuss the parameters that need to be followed regarding social media. Chair Davis also mentioned we would also consider whether the Commission has the authority to make public statements on policy decisions for the City.

5. STAFF BRIEFING

- Carla Scales provided information of the most recent investigation into charges of racism in the Austin Parks and Recreation Department (PARC). Ms. Scales said an

investigation had been launched into charges of discrimination in PARD brought forth by the union, AFSCME, and a concerned citizen. There were five allegations that were reviewed. The five allegations included operational issues and some possible policy violations. Of the five allegations, there were findings of policy violation in two areas in terms of employee conduct. The department took the appropriate actions related to the policy violations. The policy violations related to employees who did not follow standard operating procedures and used poor judgment; appropriate actions were taken in response to these findings. The Human Resources Department also reviewed SOPs to make sure that they are appropriate for the Parks Department.

Ms. Scales commented that the department Director, Ms. Hensley, has worked hard to ensure that the department knows she is serious about these kinds of concerns. There has been follow-up with the employees involved. She had multiple meetings with her management staff to ensure that they know what their rights and responsibilities are and what they would share with their employees. Ms. Scales expressed her expectations as it relates to these kinds of issues, what the City will and will not tolerate, and the City's responsibilities when those issues do arise. She was clear about how serious she felt these issues were, and she worked with PARD and AFSCME collaboratively to ensure that inappropriate behaviors would not be tolerated.

➤ Mr. Robertson also mentioned:

- The case with Sabrina Brown was conciliated and closed.
- The work session for the Commission will be held in the Learning and Resource Center (LRC) on March 10, 2012, from 8 AM until noon.
- She introduced Enrique Serrano as the Acting Administrator for EEO/Fair Housing Office.

➤ Mr. Serrano said:

- The Fair Housing Conference will be held at the Mexican American Cultural Center (MACC) on April 30, 2012, and all Commissioners were invited.
- The Equal Employment / Fair Housing Office, along with ADA Office, Veteran's Services Office, and Youth & Family Initiative Office, will be hosting a community outreach event at the George Washington Carver Museum and Cultural Center on March 24, 2012 from 10 am - 2 pm. Commissioners were also invited to this event.
- The EEO/Fair Housing Office has received a grant of \$167,000 from HUD which will involve the Austin Tenants' Council. The Tenants' Council will be testing the LBGT ordinance at various housing developments, and when they find discrimination they will file discrimination complaints with the EEO/FH office. This will also involve community outreach.

6. FUTURE AGENDA ITEMS

- The joint meeting of the Human Rights Commission and the Commission on Immigrant Affairs to discuss the proposed resolution.

ADJOURN

Chair Tom Davis adjourned the meeting at 7:55 pm without objection.