



HUMAN RIGHTS COMMISSION MINUTES

**REGULAR MEETING
MONDAY, MARCH 28, 2016**

The Human Rights Commission convened in a regular meeting on Monday, March 28, 2016 at 301 West Second Street in Austin, Texas.

Chair Sareta Davis called the Board Meeting to order at 5:32 p.m.

Board Members in Attendance: Chair Davis, Vice Chair Caballero, Commissioner Brown, Commissioner Buls, Commissioner Leite da Silva, Commissioner Miguez, Commissioner Normand, and Commissioner Yang.

Staff in Attendance:

Jeff Burton, Assistant Director (Acting), Human Resources Department (HRD)

Jonathan Babiak, Business Process Consultant, HRD

Gail McCant, Administrator (Acting), Equal Employment/Fair Housing Office (EEFHO), HRD

Andrea Jordan, Administrative Assistant, EEFHO, HRD

1. CITIZENS' COMMUNICATION

None.

2. APPROVAL OF MINUTES

The Commission approved the minutes from the regular meeting of February 22, 2016. Commissioner Brown motion, Chair Davis second, passed 8-0; Commissioner Casas and Commissioner Royall absent.

3. ANNOUNCEMENTS

Commissioner Normand announced that City Council passed a resolution last Thursday based on a recommendation from the Human Rights Commission in November 2015 for the City Manager to review all City anti-discrimination policies and protocols, particularly those contained in the City of Austin handbook within the City of Austin personnel policies, as recommended by the Human Rights Commission; to update the definitions of discrimination, harassment, and retaliation; to provide guidance for employees seeking accommodation of disability; and to provide an anonymous complaint mechanism. In addition the resolution added some other things: directed the City Auditor to conduct an external audit to examine discrimination, harassment, and retaliation investigations for the 2010 to 2015 period and, if needed, to suggest improvements to that investigatory process. In addition the resolution directed the (continued)

3. ANNOUNCEMENTS (continued)

City Manager to develop options for a new appeal process for discrimination grievances. Commissioner Normand offered to distribute copies of the resolution to the other Commission members.

Commissioner Normand announced that on Ordinance Section 5.2, relating to a Human Rights Commission recommendation to add prohibitions for retaliation for discrimination in public accommodations, the ordinance revision is under consideration by the Law Department. There is a draft that will be presented to City Council, and if they like it, Commissioner Normand presumes that the Human Rights Commission will comment on it at the next meeting. Commissioner Normand will request a copy to discuss at the next meeting.

Commissioner Normand announced that City Council has not taken action regarding the Human Rights Commission recommendation relating to Syrian refugees, but the Asian American Quality of Life Commission saw it and passed a related recommendation. Commissioner Normand offered to distribute copies of the recommendation to the other Commission members. The recommendation asks the City Council to take a strong stance against anti-Muslim hate speech and violent acts against those who are Muslim or perceived to be Muslim. Commissioner Normand spoke with Sarah Chen, the sponsor at the Asian-American Quality of Life Commission, and there is no word yet on whether City Council will act on either recommendation. Commissioner Leite da Silva announced that a City Council member proposed an ordinance to prohibit Syrian refugees from entering Austin, and it did not pass.

Commissioner Normand announced that the UT and City of Austin collaboration has not come to a City Council agenda yet.

Commissioner Normand announced that the Fair Chance Hiring ordinance passed last week.

Chair Davis announced that Commissioner Miller had resigned from the Commission. Chair Davis read an email from Commissioner Miller wherein he expressed that he enjoyed serving on the Commission and his regret that he would not be able to continuing serving.

4. OLD BUSINESS

- a. Discussion and possible action regarding improvements to the Commission's electronic communication capabilities in compliance with open meetings requirements. (Normand/Caballero)

Patricia Fraga, City of Austin Communications & Public Information Office, addressed the Commission and answered questions from the Commission. The Commission discussed this item. Chair Davis joined the working group. Vice Chair Caballero withdrew from the working group. Commissioner Normand and Commissioner Miguez remained on the working group. (continued)

4. OLD BUSINESS (continued)

The Commission directed the staff liaison to post a copy of the meeting agenda, related documents, and minutes, and to henceforth do that as a matter of course every month at the approximate time that same are posted to the Human Rights Commission page at the City of Austin web site. Motion by Commissioner Normand, second by Chair Davis, passed 8-0; Commissioner Casas and Commissioner Royall absent.

- b. Discussion and possible action regarding the Austin Police Department's use of force and response to a jaywalker incident and the September 19, 2015 Black Lives Matter march. (Leite da Silva/Casas)

Commissioner Leite da Silva updated the Commission on this item. The Commission discussed this item. The Commission took no action on this item.

- c. Presentation, discussion, and possible action on recommendations made by the Human Rights Commission's Working Group on Gentrification and Historic Preservation. (Caballero/Leite da Silva)

Vice Chair Caballero updated the Commission on this item. The Commission discussed this item. The Commission took no action on this item.

5. NEW BUSINESS

- a. Discussion and possible action regarding Austin Police Department policies relating to identification of transgender individuals who are crime victims. (Buls/Caballero)

Commissioner Buls read a draft recommendation for consideration by the Commission. Charles Loosen, LGBT Liaison, Austin Police Department Office of Community Liaison, addressed the Commission and answered questions from the Commission. The Commission discussed this item, including changes to the draft.

Commissioner Brown moved to adopt the recommendation with changes as discussed, Chair Davis second, passed 8-0; Commissioner Casas and Commissioner Royall absent.

- b. Introduction by Charles Loosen, LGBT Liaison, Austin Police Department Office of Community Liaison. (Caballero/Miguez)

Charles Loosen, LGBT Liaison, Austin Police Department Office of Community Liaison, addressed the Commission and answered questions from the Commission. The Commission discussed this item. The Commission took no action on this item.

- c. Presentation by Charles Loosen, LGBT Liaison, Austin Police Department Office of Community Liaison, discussion, and possible action on a proposal to separate the LGBT Liaison from the Austin Police Department to increase resources. (Caballero/Miguez)

Charles Loosen, LGBT Liaison, Austin Police Department Office of Community Liaison, addressed the Commission and answered questions from the Commission. The Commission discussed this item. The Commission took no action on this item. (continued)

5. NEW BUSINESS (continued)

- d. Presentation by Charles Loosen, LGBT Liaison, Austin Police Department Office of Community Liaison, discussion, and possible action regarding the Austin Police Department's transgender-inclusive search and frisk policy. (Davis/Caballero)

Charles Loosen, LGBT Liaison, Austin Police Department Office of Community Liaison, addressed the Commission and answered questions from the Commission. The Commission discussed this item. The Commission took no action on this item.

6. STATUS OF GOALS AND OBJECTIVES

The Commission discussed the following goals and objectives for 2015-2016:

- i. Disparate Access
- ii. Continued Engagement with the Austin Police Department
- iii. Best Practices
- iv. Community Engagement

7. STAFF BRIEFINGS

Gail McCant, Administrator (Acting), EEFHO, distributed materials about caseload metrics under City Code Title 5. The Commission requested that this briefing be presented at the next regular meeting.

8. FUTURE AGENDA ITEMS

Commissioner Normand and Commissioner Brown will sponsor an agenda item for discussion and possible action on a recommendation to Council regarding an amendment to City Code Chapter 5-2 to prohibit retaliation in Public Accommodations.

Commissioner Normand and Chair Davis will sponsor an agenda item for discussion and possible action regarding improvements to the Commission's electronic communication capabilities in compliance with open meetings requirements, including a report from the working group created at the February 2016 Human Rights Commission meeting.

Vice Chair Caballero and Commissioner Leite da Silva will sponsor an agenda item for a presentation, discussion, and possible action on recommendations made by the Human Rights Commission's Working Group on Gentrification and Historic Preservation.

Vice Chair Caballero and Chair Davis will sponsor an agenda item regarding a report, discussion, and possible action on a proposal to separate the LGBT Liaison position from the Austin Police Department to increase resources.

Commissioner Leite da Silva and Chair Davis will sponsor an agenda item on a presentation, discussion, and possible action regarding human rights in City governance.

The Human Rights Commission will conduct Officer Elections for Chair and Vice Chair.

ADJOURN

Chair Davis adjourned the meeting at 7:41 p.m. on unanimous consent.