

**Human Rights Commission
Business Meeting
Minutes**

April 19, 2018

Commissioners Present: Lorenzo Cervantes, Brad Bates, Kim Tosch, Jen Haggard, Jennifer Vasilez, Natalie Collins, Gina Fonseca, Lisa Snyder, Rebecca Stith, Melvin Nobles, Jr., Andy Youn, Michealea Lemons, Sarah Lee

Commissioners Absent: Allen Ratcliffe

City Staff Present: Marissa Vining, M'Balu Bangura, ChiQuata Elder, Ann Martin, Andreta Armstrong, Elizabeth Pauli, Megan Snow, Martha Lantz

Councilmember present: Councilmember Keith Blocker

Commissioner Stith called the meeting to order at 6:39 p.m.

Roll Call was taken. A quorum was present.

Miscellaneous

- Councilmember Keith Blocker introduced himself and thanked the Commission for its role in the community. He welcomed the three new Commissioners. Councilmember Blocker stated that he can be reached at any time and to reach out to him through his assistant Rebecca Boydston. He then noted that Tacoma still celebrates Columbus Day and asked Commissioners to look into the celebration and bring the Council a recommendation. He also stated the City has been receiving criticism for not flying the Puyallup Tribal flag and asked Commissioners if they would look into flying the Puyallup flag and bring a recommendation to the Council.
- City Manager Elizabeth Pauli thanked Commissioners for their work. She informed the Commission that her door is always open to discuss policy issues and to help the Commission develop and implement policies. City Manager Pauli stated the City is waiting for an invitation from Puyallup Tribal Council to fly its flag and would be happy to honor such a request. City Manager Pauli stated she would come back if there are questions and/or she can help the HRC.

Agenda Approval

- Commissioner Stith called for a motion to approve the HRC Business Meeting agenda for April 19, 2018. The motion was made, seconded, and carried.

Approval of Minutes

- Commissioner Stith called a motion to approve Study Session and Business Meeting Minutes of March 15, 2018. A motion was made, seconded, and carried.

Public Comment

- No Public Comment

Chair's Report

- Exhibit at Collins Library called “Louder than Words,” about the history of the Black Panther movement.
- Commission on Immigrant and Refugee Affairs’ first meeting will be April 30, 2018, at 5:30 pm.

Commissioner's Reports

- Commissioner Tosch attended the “Downtown on The Go” forum. It was a continued conversation about equity in the environment. Commissioner Tosch will get information on the next forum to send to Ann Martin.

New Business

MCO (Media & Communications Office) presentation/ Q & A by Megan Snow.

- M. Snow presented the January 2015 media-relations guidelines for committees, boards, and commissions. She stated that these guidelines are very similar to those for the City’s departments. She stated that commissions can issue press releases on letterhead when they are related to commission work and have a City function or are City-related. She stated that commissions cannot make “opinion statements.” She stated that a commission’s staff liaison would first review the proposed press release to ensure that it aligns with Tacoma policy and then would send it to Media and Communications to make sure that it is in the AP Style, is cohesive, and meets the guidelines. She also noted that the guidelines apply to social media use including personal social media use. The City has one social media account.
- Commissioner Lorenzo Cervantes asked for list of guidelines explaining what can actually be put in a press release. M. Snow noted that the media-relations guidelines cover this and pointed out some terms to Commissioners.
- Commissioner Bates asked M. Snow if Arpaio press release given to OEHR in September 2017 would have been acceptable. He noted that it was sent to OEHR, the first step under the guidelines, but the HRC never got it back.
- M. Snow stated that it likely went to former MCO director Gwen Schuler who left Tacoma for a job in Dallas so is not available to speak with Commissioners. M. Snow said that the Arpaio press release reads as an opinion statement so would have needed to be reworded. She stated that the Council has not taken a position on the topic discussed in press release. M. Snow reiterated that press releases must be less opinion and more factual.
- Commissioner Bates stated the purpose of the Commission is to take position on issues affecting the City even if the City has not gotten there yet. He noted that in the 80s, when the Commission was pushing for LGBTQ equality, the City had not taken a position yet, but then did so. He said that this is what our Commission is empowered to do in part and it is frustrating to hear now that we can’t do that.
- M. Snow stated that the Commission would need to check with its staff liaison to work together and align with City policy. If the goal is to push for a policy change, then communicating internally should come before a public statement.
- Commissioner Stith noted the heart of the press release did align with City policy because it was meant to inform residents that Tacoma is a Welcoming City. Commissioner Stith

stated that the Commission is to align with City policy per the media-relations guidelines, but is also supposed to help shape policy. She asked M. Snow to help the Commission understand how to both shape and align with policy.

- Commissioner Lorenzo asked M. Snow about the possibility of making a statement on an issue that may not be aligned with a work plan. He noted that earlier the Commission had tried to issue a statement about the Pulse nightclub shooting and LGBTQ rights, and that Commissioners might want to respond to something that is not part of our work plan.
- M. Snow stated that there is a way to connect statements to work plans. She said that what is released needs to be aligned with guidelines and has to relate to an overall work plan.
- Commissioner Lee asked for clarification on internal guidelines for review and response of press release statements. She asked: What is the flow chain when we want to release a statement? Who should press releases be sent too? What is the turnaround time or time frame? When statements get sent back, what then needs to be done?
- M. Snow stated there's no internal timeframe and referred back to the media-relations guidelines to explain the process. She said to work with the staff liaison to get any changes made and the statement back.
- Commissioner Jen Haggard noted that at the March 19 training we heard that there was a very laborious process for issuing statements, including going to the Council or Council committee for approval, with no timelines associated with it.
- Deputy Attorney Martha Lantz clarified that not every statement needs to go through a Council committee; that was a suggestion given at the orientation, not a requirement. What M. Snow is saying is, if it is an emergent issue, then the City would work quickly if told to work quickly.
- Commissioner Tosch noted that the City Council gave Commissioners their positions so has faith in them as smart people who can collaborate on a statement if something about human rights comes up. She stated that it seems as though Commission is being babysat because it is not possible to be a timely statement within the existing process. She asked how the Commission can do its job.
- M. Snow clarified that all commissions and boards follow the same procedures created by the Clerk's Office and suggested Clerk's Office may be able to provide better reasoning.
- Commissioner Stith noted that in January the Commission approved its own policy and procedure for issuing statements which includes a specific vetting process and turnaround times. She stated that the Commission was not aware of MCO's January 2015 guidelines at that time.
- Commissioner Andy Youn asked if M. Snow is recommending that we put in a work plan that we have a framework and process for issuing statements.
- M. Snow said yes. She noted that if a proposed statement sounds too much like opinion then it can be tied back to a City policy like being a Welcoming City. If the topic is in a Commission work plan then staff liaison Andreta Armstrong can move things along faster.

- Deputy City Attorney M. Lantz stated if the City's resources are being used to make a statement, then it is a City statement and therefore has to align with the overall goals of the governing body (City Council).
- Commissioner Cervantes requested examples of approved statements.
- M. Lantz said she will try to find examples, but is not sure how many examples she will be able to find. This same protocol is presented in the boards and commissions handbook, which comes out of the Clerk's Office. A statement is a message of the City so has to be in alignment with the governing body. M. Lantz noted that the Commission has a broad charge, which all ties back to discrimination, so can paint with a broad brush.
- M. Snow suggested looking on website on the "In the News" section, which is updated as releases come out.
- Commissioner Haggard stated that the Commission has a history of frustration with this process. She noted that the Commission understands that M. Snow must follow protocols and thanked her for the presentation.

Open Meeting Act Presentation/ Q&A by Deputy City Attorney Martha Lantz.

- M. Lantz presented a PowerPoint on Open Public Meetings Act. She stated that under this law all meetings are public unless there is an exception for closed session which are rare. If the Commission thinks there is a reason to meet in a closed session, then bring it up with A. Armstrong. This law applies to any gathering with a quorum where anything within the Commission's charge is done even if no formal vote is taken. This meeting also rule can apply to a smaller group if there is a quorum or if the smaller group, such as a subcommittee, is authorized to act on behalf of the larger group. Notice of the meeting must give notice to the public, with a published agenda. Minutes are taken and topics are generally limited to published agenda.
- Commissioner Stith asked if Study Session meeting agendas should also be posted 24 hours in advance.
- M. Lantz stated study sessions, retreats, or extra business meetings are considered special meetings so agendas must be posted. She said that regular scheduled meeting agendas do not need to be posted 24 hours in advance.
- Commissioner Stith stated that she thought the law did require regular meeting agendas to be posted at least 24 hours in advance. She noted that the HRC website says the regular meeting starts at 5:30 pm, which is when the Study Session starts, but only the Business Meeting agendas and minutes are currently being posted.
- M. Lantz stated that this could be discussed with A. Armstrong at a later time.
- Commissioner Stith said she would follow up with both of them.
- M. Lantz said that If it is a special meeting, then discussion is limited to items on the agenda. Meetings also can occur by telephone. If there is a knowing violation of the OPMA, which usually comes up because of a lawsuit, the act says the liability is on the individuals, not the City, and it is a \$1000 penalty. M. Lantz also said that the Public Records Act requires City employees and appointees to retain, search, and provide records upon request. They can be kept in any form. The penalty for a violation is on

City, not on individual. She further noted that the code of ethics applies to Commissioners. M. Lantz will send a copy of her PowerPoint presentation.

Staff Report

- M. Vining reported two Pre-Finding Settlements
 - Bishop v. Park Tower Apartments/Legacy Properties Tacoma LLC. Motion passed, settlement approved.
 - Moriyama v. The Fairways. Motion passed, settlement approved. Commissioner Youn abstained.
- Commissioner Stith noted that an individual named in the Bishop agreement is called a “respondent” even though her name does not appear at the beginning as a respondent and does not appear on the signature page.
- M. Vining noted that she is a representative of the Respondent.
- Commissioner Stith suggested that in the future a representative’s role should be clarified in the document and Commissioner Lee suggested that the representative signing the agreement should also print her name.
- M. Vining said that would be done moving forward.
- Similar suggestions for clarification were made regarding the Moriyama agreement.
- M. Vining also presented Harris v. Highlands Condominiums, an administrative closure based on failure to locate the charging party.
- M. Bangura submitted three No Reasonable Cause employment-discrimination cases for Commission review: Grissom v. Relevant Intelligent Staffing, Grissom v. Brown & Haley, Do v. Korean Women’s Association.
- A. Armstrong stated that No Reasonable Cause cases do not have to be read out to the Commission because they are provided in writing. She stated that a few typographical corrections to the No Reasonable Cause Findings, noted by Commissioner Stith in an earlier call with A. Armstrong, were made.
- A. Armstrong announced Director of OEHR has given permission for a few Commissioners to attend the Race and Pedagogy Conference on September 27-29. Commissioner Lee mentioned that she is on the planning committee for the conference. Commissioner Stith will provide A. Armstrong with a list of interested Commissioners.
- A. Armstrong had no update on website being translated to Spanish. She noted that RACK cards have been translated to Spanish and Vietnamese. These were given to Commissioners.
- Commissioner Bates noted that a handful of street fairs are coming up including Hilltop, McKinley Street, and Art on the Ave.
- A. Armstrong said to let her know for which ones Commissioners want a table and OEHR will make arrangements.
- M. Bangura will provide a list of upcoming events for possible outreach.
- Commissioner Lee mentioned a conference, “Equity Leaders Leading Diversity, Equity and Inclusion Efforts,” in Seattle on April 25.
- M. Vining said she is trying to go to as many outreach events as possible and Commissioners are welcome to join her.

- ChiQuata Elder stated that she is going to the Inland Fair Housing Conference training in Spokane the next week and one of the topics is the new “source of income” legislation. It is with other fair housing associations and they will be going into depth on the passing of the bill and roll out.
- M. Vining announced “Talk Time” with Tacoma Community House has monthly meetings. Next meeting date: April 23, 2018. She is putting together conversations with these individuals about how to call 911. The fire department is interested in this.
- A. Martin will provide information to Commission on monthly meeting for “Talk Time.”

Meeting is adjourned at 8:02pm