

**Human Rights Commission  
Study Session  
Notes**

**July 19, 2018**

**Commissioners Present:** Lorenzo Cervantes, Brad Bates, Allen Ratcliffe, Jen Haggard, Lisa Snyder , Jennifer Vasilez,, Kim Tosch, Melvin Nobles, Jr., Michealea Lemons, Sarah Lee, Rebecca Stith

**Commissioners Absent:** Andy Youn, Natalie Collins, Gina Fonseca

**City Staff Present:** Andreta Armstrong, ChiQuata Elder, Wesley Taylor, Alison Beason

**Commissioner Bates called the Study Session to order at 5:40 p.m.**

**Presentation by Judge Molly Powell on Employment Law Basics**

Judge Powell spoke about and answered Commissioners' questions related to the following topics: The federal Equal Employment Opportunity Commission (EEOC); the work-sharing relationship between the EEOC and OEHR; the two agencies' similar investigative processes; the employment-discrimination laws enforced by the EEOC including more specifically Title VII, the Americans with Disabilities Act, and the Age Discrimination in Employment Act; the protected categories under those three laws that are also under TMC 1.29; the basic elements of sex discrimination, national origin discrimination, religious discrimination, reasonable accommodation of religious beliefs or non-beliefs, disability discrimination, reasonable accommodation of a disability, different types of harassment (sex, race, etc.); retaliation; and direct and circumstantial evidence in disparate treatment cases.

At the conclusion of her presentation, Judge Powell mentioned that, at the invitation of Tacoma's EEO Officer Teneeshia Marshall, she will be doing training in the near future for City managers and supervisors on workplace civility and respect. This new training has been launched by the EEOC in place of more traditional harassment-prevention training, which has not been very effective at preventing harassment because it tended to focus on the worst behaviors instead of focusing on treating others with respect.

A copy of Judge Powell's PowerPoint will be provided to Commissioners.

**Meeting adjourned at 6:40 pm.**

**Human Rights Commission  
Business Meeting  
Minutes**

**July 19, 2018**

**Commissioners Present:** Lorenzo Cervantes, Brad Bates, Allen Ratcliffe, Jen Haggard, Lisa Snyder , Jennifer Vasilez,, Kim Tosch, Melvin Nobles, Jr., Michealea Lemons, Sarah Lee, Rebecca Stith

**Commissioners Absent:** Andy Youn, Natalie Collins, Gina Fonseca

**City Staff Present:** Andreta Armstrong, Wesley Taylor, ChiQuata Elder, Alison Beason

**Commissioner Stith called the meeting to order at 6:45 p.m.**

**Roll Call was taken. A quorum was present.**

**Agenda Approval**

- Commissioner Stith called for a motion to approve the HRC Business Meeting agenda for July 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 June 21, 2018. A motion was made, seconded, and carried.

**Public Comment**

- No Public Comment

**Chair's Report**

- Commissioners Stith and Bates discussed the Annual Report to CVS Committee given by Commissioners Stith and Bates on July 12, 2018. It covered January 2017 through June 2018. They stated that the report was the only agenda item of the 1-hour meeting. The Committee members asked a lot of questions and were very interested in both the Annual Report and the interim report of the Charity Care Task Force, and excited about the Commission and its work. Commissioner Stith also reported that on July 24, just before the City Council meeting, Councilmembers Camarata and Beale told her that the Annual Report was the most comprehensive one that they had seen from a commission so far. Commissioner Tosch commented that she was at the July 12 CVS meeting and thought the report was great. Copies of the Commission's Annual Report and accompanying PowerPoint presentation were provided to Commissioners.

- Commissioner Stith gave an update on the “zero-tolerance” border-policy resolution. The resolution, as directed by the Commission on June 21, was drafted by Commissioners Lee, Ratcliffe, Vasilez, and expedited for review by the Mayor and City Council. The Commission on Immigrant and Refugee Affairs (CIRA) also has it for review and provide feedback to the Mayor and City Council. The City Attorney already reviewed and slightly revised it.
  - Commissioner Bates thanked the team for its work on drafting the resolution and getting it forwarded for review so quickly, and noted that it was an opportunity to make connections with CIRA.
  - Commissioner Snyder asked if there is a timeline on when it will pass and where we would look to find the resolution once passed.
  - Commissioner Stith stated that the Council posts its meeting agendas and usually has a link to the proposed resolutions. She asked staff if the passed resolution would go in the code book.
  - C. Elder stated that they do not go in the code book but there are websites where resolutions can be found.
  - Commissioner Lee mentioned a City website - “Recent Legislation and Publishing Report” - where passed resolutions and ordinances are listed.
  - Commissioner Snyder asked about publishing a press release about the resolution once it is passed. Commissioner Haggard stated that the press could also come to a Commission Business Meeting. Commissioner Stith stated that the Commission would have to check with MCO on press contacts. Commissioner Vasilez suggested that community groups could invite the press.

### **Commissioners’ Reports**

- Commissioner Vasilez proposed that the Commission have an informal gathering – a “hangout” session. Several Commissioners voiced approval of this idea. Commissioner Vasilez will take the lead on planning it.
- Commissioner Haggard stated that Pierce County Pride @Work will have a meeting at Chalet Bowl on July 31, 6-8 pm, to discuss the Supreme Court’s recent *Janus* decision and its impact on unions.

### **New Business (Committee and Task Force reports)**

- New Business was devoted to updates from Committees and Task Forces because Judge Powell’s presentation occurred during the Study Session.
- Commissioners Lemons, Cervantes, Haggard, and Stith, and A. Armstrong and C. Elder, discussed the dates of McKinley and Hilltop fairs and the possibility of the Commission’s having a table at them. A. Armstrong stated that she will blind cc everyone an email with the dates and times to sign up for tables and passing out RACK cards. Commissioner Haggard noted that the Racial Justice & Equity Task Force had a table at Tacoma Pride on July 14, and suggested that a one-page document be created explaining what HRC

does because attendees who stopped at the table were sometimes confused about what the HRC is and does. A. Armstrong said she would look into this.

- Commissioner Tosch, co-chair of the Policy & Advocacy Committee, gave an update on the Commission’s proposed resolution for City of Tacoma to designate the second Monday in October as Indigenous Peoples’ Day. Commissioners who work on drafting the resolution and/or reaching out to stakeholders were primarily Kim Tosch, Allen Ratcliffe, Jennifer Vasilez, and Rebecca Stith.
  - Commissioner Tosch reported that earlier in the week she and Commissioner Ratcliffe met with several members of the Sons of Italy and Society of Christopher Columbus, including SOI president Joe Munizza. They do not oppose Indigenous Peoples’ Day but want a proclamation by the City Council that October is Italian Heritage Month. The stakeholders presented Commissioners Tosch and Ratcliffe with a copy of a commemorative proclamation signed by the governor for a SOI luncheon in Seattle in 2015. This proclamation was distributed to the Commissioners and to OEHR staff to retain as a public record.
  - Commissioner Vasilez reported that she attended the Puyallup Tribe’s July 17 “Community Conversations” meeting and they liked the resolution. They are waiting for the Tribe’s history office to review it and provide feedback. Tribal Council members told Commissioner Vasilez that they expect the City Council to pass it on the same day that the Puyallup Flag is installed in Council Chambers. Because that may occur shortly after Canoe Journey ends on August 4, there is some urgency to get the proposed resolution to the City Council to consider. A copy of the draft Indigenous Peoples’ Day Resolution was distributed to the Commission and provided to OEHR staff to retain as a public record.
  - Commissioner Tosch suggested that HRC keep talking to SOI and see if some recognition could be worked out, possibly a plaque commemorating the local group’s historic meeting place. Commissioner Bates suggested talking to former Mayor Baarsma and the Historical Society.
  - Commissioner Snyder stated that Indigenous Peoples’ Day and recognizing Italian heritage are separate issues. Other Commissioners agreed.
  - Commissioners Vasilez and Ratcliffe proposed that the Commission empower the Policy and Advocacy Committee to incorporate any Puyallup Tribe feedback and get the proposed resolution to the City Council and Mayor as soon as possible so that they have it in time for a possible joint resolution-passage and flag installation in early August.
- **Commissioner Stith called for a motion** to empower the Policy and Advocacy Committee to finalize and send the proposed resolution ASAP to the Mayor and City Council. **A motion was made, seconded, and passed.**
- **Commissioner Haggard called for a motion** for the Policy and Advocacy group to form a work group to meet with stakeholders interested in recognizing Italian heritage and contributions. **The motion was made, seconded, and approved.**
- Commissioner Stith reported that the Amend TMC 1.29 Task Force’s work on adding citizenship status, immigration status, and language has been put on hold to allow CIRA

to hear information about the Task Force's work and decide its projects for the coming year including whether it is interested in collaborating or taking the lead on this effort.

- Commissioner Lemons reported on behalf of the Racial Justice & Equity Task Force
  - Commissioners Haggard and Lemons volunteered at a table at Tacoma Pride on July 14. They spoke to attendees and distributed anti-discrimination information and contact information for the office. Commissioner Lemons said it was her first time attending such an event and she had a great time. She encouraged other Commissioners to participate next year.
  - Commissioner Cervantes reported that Saturday, September 1, 2018, will be the 8-hour training the trainer on Race: Power of an Illusion. All Commissioners are invited to participate. A. Armstrong made a list of those Commissioners interested in attending this training.
  - Commissioner Haggard reported that Grand Cinema had, in connection with the Racial Justice & Equity Task Force's work, agreed to show a movie dealing with race and equity issues and have a discussion panel afterwards. She also reported that Commissioner Nobles knows of a race and pedagogy event held at Pacific Lutheran University. The Task Force is waiting for more information.
  - Commissioner Sarah Lee, who is on the 2018 Race and Pedagogy National Conference organizing committee, provided updated registration and other information on the event, which will be September 27-29 at UPS. A. Armstrong asked Commissioners who wished to attend. They are: Kim Tosch, Lorenzo Cervantes, Michealea Lemons, Lisa Snyder, Rebecca Stith, Brad Bates (one day), Jen Haggard, and Sarah Lee. A. Armstrong will facilitate OEHR's registering the Commissioners for the Conference and report back on registrations at the August meeting.

### **Staff Report**

- . Staff presented the following case recommendations:
  - HRC #4834 Michael Fletcher v. Tacoma Public Schools, Request for Withdrawal of Charge. This was reported out to the Commission.
  - HRC #4815 Bonny Ry v. Cable Communications Management, LLC – pre-finding settlement. Recommended approval by the Commission. The settlement agreement was not available for review so the Commission deferred action.
- Commissioner Stith reported that C. Elder had recently presented proposed amendments to CVS Committee to add “source of income” under housing discrimination in TMC 1.29. Commissioner Stith recognized C. Elder's diligent efforts and excellent work. The Commissioners gave C. Elder a round of applause. A copy of TMC 1.29, with the proposed amendments that C. Elder presented, was distributed to Commissioners.

**Meeting is adjourned at 8:00 pm**

**Human Rights Commission  
Special Business Meeting (Via Conference Call)  
Called by Chair Stith at OEHR's request  
Minutes**

**July 24, 2018**

**Commissioners Present:** Lorenzo Cervantes, Brad Bates, Allen Ratcliffe, Jennifer Vasilez, Kim Tosch, Melvin Nobles, Jr., Michealea Lemons, Rebecca Stith

**Commissioners Absent:** Andy Youn, Natalie Collins, Gina Fonseca, Sarah Lee, Lisa Snyder, Jen Haggard

**City Staff Present:** Andreta Armstrong, Wesley Taylor, M'Balu Bangura

**Commissioner Bates called the meeting to order at 5: 45 p.m.**

**Roll Call was taken. A quorum was present.**

**Agenda Approval**

- Commissioner Stith called for a motion to approve the HRC Business Meeting agenda for July 24, 2018. The motion was made, seconded, and carried.

**Minutes**

- Employment Investigator explained the Settlement Agreement terms of Bonny Ry and Comcast Cable Communications Management and Tacoma Human Rights Commission HRC# 4815/ HUD# 38F-2017-00007.

Commissioner Bates asked about the “Confidential Settlement Agreement and General Release” mentioned in this Pre-finding Settlement Agreement. M. Bangura stated that charging party and respondent had entered a separate private agreement, which she had review to ensure that it did not contain any terms that would not be acceptable OEHR and the Commission. Commissioner Bates also asked why the phrase “Conciliation Agreement” appeared in this Pre-Finding Settlement Agreement. A. Armstrong stated that the words “conciliation” and “pre-finding settlement” are used interchangeably. Commissioner Stith noted that they have different meanings under the Commission’s Administrative Rules.

Commissioner Stith called a motion to approve the above referenced Settlement. A motion was made, seconded, and carried.

- Fair Housing Program Coordinator explained the Settlement Agreement terms of City of Tacoma and Fair Housing Center of Washington and The Metropolitan Apartments HRC# 4740/ HUD# 10-15-0266-8.

Commissioner Stith asked about the age of the charge, which was filed in June 2015. A. Armstrong explained that OEHR had found a reasonable cause and been attempting to conciliate the case for a long time, and that recently a change in personnel at Fair Housing Center of Washington (charging party) had led to the settlement.

Commissioner Stith called a motion to approve the above referenced Settlement. A motion was made, seconded, and carried.

### **Public Comment**

- No Public Comment

**Meeting is adjourned at 6:15 pm**