



## **HUMAN RIGHTS COMMISSION**

### **MEETING MINUTES**

**Monday October 24, 2011**

**REGULAR MEETING**

**City Hall Council Chambers & Room 1027**

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

Chair Judy Cortez called the Board Meeting to order at 5:34 p.m.

#### **Commission Members in Attendance:**

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

#### **Human Resources Staff Present:**

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

### **1. CITIZENS COMMUNICATIONS**

Ms. Guadalupe Sosa has been a resident of South Austin since 1977. She mentioned how important is for the City of Austin to amend the Charter to allow residents to elect members of the city council to represent residents who live in all areas of the city. She said that Austin is one the largest cities in the State and in America that lets no one African American or Hispanic be elected except when Gus Garcia was elected city council in 1991 then became the Mayor in 2001. Ms. Sosa said it has been too long; since minorities do not win elections; minorities are represented in appearance only.

Ms. Sosa emphasized this is an unfair system; she mentioned she had joined Austinites for Geographic Representation (AGR), and she handed out information that this organization is a growing coalition of neighborhood, political and civic organizations, leaders and activists from across the spectrum. Ms. Sosa emphasized and read a list of the five zip codes, including North Austin, where in the past 40 years there has not been a council member who has lived in their area.

Ms. Sosa also handed out the City of Austin's Charter Amendment Election Petition form and their instructions to show that AGR believes in the 10-1 plan (10 single-member districts with the Mayor being elected at-large). Ms. Sosa will send information about upcoming events so that the Commissioners and the public can attend. Commissioner Cortez invited Ms. Sosa to come to the next meeting to do a presentation.

## **2. APPROVAL OF MINUTES**

The minutes from the meeting of September 27, 2011 were approved - Commissioner Brenner motion, Commissioner Lofton second, approved on a 7-0 vote.

## **3. NEW BUSINESS**

- a. Updates on Contractor Non-Discrimination Resolution by Rosie Truelove from City of Austin Manager's office.

Commissioner Rhea explained the package he provided to the Commissioners about the Contractor Non-Discrimination Policy. He reviewed the Resolution of 1992 when City Council passed the ordinance prohibiting discrimination in employment by city contractors. In 2004 the City Council added sexual orientation and gender identity. In 2009, by recommendation of the Human Rights Commission, the City Council passed a resolution requiring Contractors to supply the city with a copy of their non-discrimination policy to receive a contract.

Ms. Truelove: Director of Contract and Land Management of the City of Austin. Ms. Truelove handed out a copy of the Contract Management Department's Procurement Statistics on quarterly basis from January 2010 to September 2011. She reviewed and explained construction contracts in value, solicitations issued, bids received, and contracts executed in numbers. She explained that her department does not track demographic reports or non-discriminations certificates but that the information is available.

Mr. Byron Johnson: Purchasing Officer. He explained that when a contractor submits bidding forms, the contractor has to include the non-discrimination certificate. That is mandatory in order to compete and get the contract.

Ms. Truelove answered Commissioner Rhea's question about her department's not categorizing businesses or companies as small, medium, or large; she explained that her department keeps records or tracks the dollar value of the contract to measure the size of the company depending on the work they do.

Mr. Brian Gildea: Manager of the Economic Growth and Development Office talked about the Business Information Form and explained the domestic partner benefit. He explained each application form is reviewed completely and they use the metric score system, in which numbers 60 or more are an indicator for a contractor or applicant to be eligible for incentives. The domestic partner benefit is one of them.

- b. Election of Officers.

Commissioner Cortez informed the Commissioners and the public that this is the time of the year for election of officers. Commissioner Cortez clarified she was not

running for Chair. Commissioner Cortez opened the floor for discussion to nominate the Chair. Commissioner Reynolds nominated Commissioner Davis for Chair. Commissioner Reynolds motion, Commissioner Rhea second, passed on a 7-0 vote.

Commissioner Cortez opened the floor for discussion to nominate the Vice Chair. Commissioner Rhea nominated himself. Commissioner Davis motion, Commissioner Meyer second, passed on a 7-0 vote.

Commissioner Cortez congratulated the new nominated Chair, Tom Davis, and Vice Chair, Paul Rhea.

c. Presentation by Austin Immigration Rights Coalition on Secure Communities.

Ms. Esther Reyes: Executive Director of Austin Immigrant Rights Coalition. Ms. Reyes stated that she was also representing other organizations like the American Civil Liberty Union of Texas, Detention Watch Network, Grassroots Leadership, Texans United for Families, Workers Defense Project and other organizations that are concerned about S-Comm Programs in Texas and in the country.

Ms. Reyes handed out information about “Secure Communities by the Numbers,” a Research Report from the University of California-Berkeley Law School. She explained the report was supplemental information to educate everyone about Secure Communities.

Ms. Reyes did a PowerPoint presentation on “Insecure Communities,” which is the opposite of the program known as ‘S-Comm’. She mentioned that her organization wants to bring awareness to the Commission, the public, the local law enforcement authorities to change the process of arresting, processing and deporting non-criminal immigrants.

#### **4. OLD BUSINESS**

a. Update to Human Rights Commission’s archived videos now available.

Updates on Video on Demand for HRC and the status that this service is now available for view. The Chair commended Commissioner Reynolds for his efforts on taking the lead and ensuring its availability. Chair discussed the availability of this service and how tonight’s presentation really made a difference.

d. Updates to Human Rights Commission’s website.

Commissioners agreed that it is completed.

c. Discussion on the Annual Work Plan Objectives:

- Single message that educates and informs the public to the purpose, vision and commitment of the Human Rights Commission.

Discussion on the Annual Work plan was discussed and what has been achieved to date.

- Marketing Plan which identifies which issues, people, commissions and organizations the Human Rights Commission should be targeting in educating and informing the community on the purpose and mission of the Commission.

The question on the HRC's Marketing Plan and message was discussed to decide how to proceed. The problem is that "no one has heard of us." Commissioner Reynolds stated that once we have the message then we have the mission. Chair discussed the HRC history and purpose. Chair Davis asked the question, who would do the work? Discussions then indicated the goals and how it needs to be done. It was recommended that Comm. Reynolds prepare a draft message; Lofton said that should basically say that we are the HRC and how we function and do business. Discussion followed on meeting with some Employers to let them know who we are and what we do. Commissioner Rhea wanted to discuss the Contractor information/Ordinance and figure out what complaints have been and how this process works. He feels that enough people in Austin do not know about this specific Ordinance. We are HRC, and we have a website, but people do not know about us and how can we get them to go to it. Commissioner Brenner indicated that we all need to individually participate in events and speak at the events. The first part is the Marketing so that they know and second part is to go out and meet & greet.

- d. Update on City/AISD/County Joint Subcommittee staff update regarding Centralized Youth Court Initiative/Connecting the Dots which is supported by HRC.

Tabled.

## 5. STAFF BRIEFINGS

- Chair Cortez asked the commissioners if they read the report on Commission on Immigrant Affairs; Chair Cortez discussed how the database works. Commissioner Reynolds discussed the activity of the database and is the information shared. Chair shared that she was once fingerprinted at HEB. Vice Chair Davis discussed the process of what finger printing in tells. Commissioner Rhea discussed his thoughts on how he understands this process of deportation and immigration. Chair Cortez discusses also her understanding of this process of deportation and immigration. She also discussed how the system is inundated with so many immigrants. Vice Chair Davis shared that "habeas corpus" comes to mind. Commissioner Reynolds asked what happens to the children. The response that the kids are incarcerated. Another problem is that most southern states have this issue.

Commissioner Rhea asked whether there are policy recommendations on issue. Commissioner Reynolds asked why Travis County asked for this. Chair stated that Sheriff Hamilton had asked for this, and that the Commissioners' Court had no authority over him. Commissioner Rhea asked whether we could ask the Sheriff to come to a Commission meeting in the future. Chair indicated yes. She also discussed that Commissioner Lofton is aware of this issue as well.

➤ Equal Employment Fair Housing Office (EE/FHO) Updates.

Carla Scales provided and shared the status of employment and housing, as well as Outreach activities for the future. We will be beefing up outreach activities. She was asked what fair housing issues are filed? Explanation was provided on familial status and disability. She was asked whether HRC should focus on Housing Discrimination issues; we would like to discuss this more in the future. She was asked whether Landlords know their rights and who enforces the law. The education piece is based on knowing the law. The Housing section has been busy and has processed cases based on their knowledge of the law and contractual obligation. Ms. Scales discussed the Austin Tenants' Council and their role and partnership with us and HUD. Ms. Scales showed a comparison of the results of testing and how it affects the CP. Yamile discussed service animals and how they are covered under the law.

➤ Commissioner Davis asked whether we should have a December meeting. All agreed to not have a December meeting and to look for January 2012. Carla was asked where Tony was; she responded that he was out on a personal issue.

➤ Vice Chair Davis indicated to Commissioners that Judy would still continue to be the point of contact for IAOHRA.

## **6. FUTURE AGENDA ITEMS**

➤ Discussion of possible agenda items for the next regular HRC meeting.

- Commissioner Cortez discussed the joint subcommittee on the centralized court and indicated that finally the judicial court and others and come together to say we want to work together and will submit a recommendation. The presentation will have to be on new business agenda starting next year and Chair is working with Council member Morrison and will get back to group on this.
- Chair discussed the receipt of another letter from PODER on PARD's leader Ms. Hensley. Chair went on to read the letter aloud to the commissioners; it indicated that she would be going after those who reported such allegations. The question is how was the first investigation done and completed. They were awaiting Ms. Scales. Chair discussed the second letter of concern, also anonymous. Ms. Scales described the process of how HRD conducted the investigation using in-place processes. Ms. Scales indicated that this second concern or complaint will be addressed in the same fashion as the first, and she will discuss with ACM over PARD to see what and how their next steps should move forward.

Chair discussed that a statement about a "taco award" was very offensive and should be taken very seriously. Commissioner Lofton indicated that the issue is alleged and we should take that into consideration. Ms. Scales indicated the possibility that the Law Department will be a part of the investigation this round. Chair indicated that PARD has historically been an employer to a lot of Hispanics, and this behavior by two Caucasians is not acceptable.

The question was asked, what are their procedures and is there a written report on investigations' outcomes. Ms. Scales reported the findings of the investigation to the ACM over PARD and that the ACM has the authority to move forward. Is there a difference between a complaint made anonymously and a signed complaint? The only difference is that we do not have a lot of information, and we can only make assumptions. We move to investigate in due diligence the motive of the complaint and provide what we can from the results. Is there a way we can receive a written report? Ms. Scales indicated that the HRC can file an Open Records Request on the investigation. Chair asked if she could be an observer on the investigation. It has not been a practice, but Carla stated she would ask the Law Dept. whether this is feasible. Ms. Scales stated she would get with ACM Lombreras and the Law Department to see if this would be OK. Chair said that she would request through Open Records on the results from the first investigation.

Commissioner Rhea talked about the Hearing process and asked whether they need to request open records on hearing cases. Ms. Scales stated that she would like to get with Tony on this response. Chair discussed the opportunity to learn from previous hearings and so we can be knowledgeable. Can we delay a hearing in order to make an open records request? Response is that anyone can make an open record requests.

Commissioner Davis discussed that he hoped we learned from the previous hearing. If we were to have a hearing, does the HRC receive a packet of information to prepare? Discussion was to look at the Ordinances to ensure no inconsistencies between them and allow guidance to work them. Although there are lots of similarities, they are different. Ms. Scales stated that Sabine will have an opportunity to share information on Ordinances. Commissioner Reynolds discussed the process of an Administrative Law Judge and making recommendations to HRC and go from there. A lot of the Ordinances of old and need to be updated on processes.

## **ADJOURN**

Chair Judy Cortez adjourned the meeting at 7:55 pm without objection.