



## HUMAN RIGHTS COMMISSION

### MEETING MINUTES

#### REGULAR MEETING

Monday April 23, 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 5:35 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

None

### 2. APPROVAL OF MINUTES

The minutes from February 27, 2012 were approved; Commissioner Cortez motion, Commissioner Rhea second on a 7-0 vote. The minutes from Saturday March 10, 2012 were approved; Commissioner Cortez motion, Commissioner Meyer second on a 7-0 vote. The minutes from the meeting of March 26, 2012 were approved; Commissioner Reynolds motion, Commissioner Meyer second on a 7-0 vote.

### 3. OLD BUSINESS

- a. Discussion and possible action: Witness to Innocence, the Campaign to End the Death Penalty and the Texas Moratorium Network will give updates and bring a resolution urging officials to abolish death penalty.

Commissioner Myer introduced Mr. Hedayati, Field Organizer for Texas Moratorium Network, and Ms. Allison Dieter, a member of Texas Moratorium Network, to talk and answer questions about an updated resolution.

Mr. Hedayati: Presented a newly revised solution that asks the Travis County District Attorney (DA) not to seek any new death sentences or execution dates.

Commissioner Brenner asked if the DA does not ask for an execution date, is anyone else able to set the date?

Mr. Hedayati explained that the DA has to ask for an execution date, meaning if the DA does not ask the Judge for an execution date there will not be an execution.

Mr. Hedayati said the Travis County DA was one of the only few in the State of Texas to ask for an execution date in 2011. Mr. Hedayati also mentioned that only 6 districts have asked for the death penalty in the last year. Mr. Hedayati stated that the resolution suggests that there should be no instances where the death penalty is administered or requested regardless of who the victims are. He also suggested a life sentence without parole as a substitute. The resolution asks for a two-year moratorium while they study the death penalty. The hope is for this issue to be address by Austin city council and then forwarded to the state legislator.

Ms. Dieter: Handed out a packet of information with the list of Texas residents who had been exonerated by DNA. Ms. Dieter stated they were seeking to have the city of Austin send a representative to the legislature in favor of a bill if and when one is presented. Ms. Dieter suggested there be more attention to whether or not people should have been convicted for their assumed crime. She continued to speak for a moment and provided examples of wrongly convicted individuals. She asked the Commission to pass the resolution.

Commissioner Meyer read the resolution and requested the Commissioners to encourage their Counsel members to review and pass the resolution. Mr. Robertson asked Attorney B. Stephens to explain the rules in reference to the particular resolution and address the language from a legal stand point for verification and better understanding. Attorney B. Stephens expressed a concern with the last paragraph and made suggestions. The commission decided to amend the resolution, changing the following two paragraphs:

“BE IT THEREFORE RESOLVED that the Austin Human Rights Commission to recommend that the State of Texas enacts a moratorium on executions during the next legislative session and creates a “Texas Capital punishment Commission.”

“BE IT THEREFORE RESOLVED that the Austin Human Rights Commission, the Travis County District Attorney not to seek death sentences in capital murder cases and not request execution dates for current death row prisoners who were convicted in Travis County.”

Chair Davis: tabled this resolution and asked Commissioner Rhea and Commissioner Myer to draft and bring changes to review during the next meeting.

#### **4. NEW BUSINESS**

- a. Discussion and possible action regarding the use of “new media” as a way to increase the Commission's on-line visibility.

Commissioner Rhea addressed the 2012 goal to create a marketing plan and begin doing outreach. He presented the rest of the commission with a new media proposal. He stated that he has reached out to the San Francisco HRC, the Ontario, Canada, HRC, the city of Albany, and Salt Lake City. San Francisco and Ontario were the only two to respond.

Commissioner Rhea stated that Pew Research found that 84% of Americans expect the internet to provide information about government, news, and health care. He stated that this would be an effective way to get the HRC's message out to a large number of Austin citizens, as well as other Human Rights Commissions across Texas and the rest of the country.

Attorney Beverly Stephens spoke about how to use the media and explained that the Boards and Commissions cannot participate in a social media site like Facebook. The only thing they can do is have an appointed staff liaison administer and maintain a website for the HRC on those media. This would make the HRC the first commission in Austin to have done so.

Chair Davis asked for a vote on the resolution; Commissioner Rhea Motion, Commissioner Cortez second, and the resolution passed on a 6-0-1 vote. (Commissioner Lofton recused himself.)

At 6:36 Chair Davis invited the Commission and the public to go to room 1027 to continue the meeting. Commissioner Meyer left the meeting at that point.

b. Discussion of the process and procedure of the March joint meeting.

Both the Human Rights commission and the Commission on Immigrant Affairs had been present at the March meeting. The Commission on Immigrant affairs made some unpleasant comments. Commissioner Brenner and Commissioner Reynolds expressed that Commissioner Lofton was not allowed to explain his points of view. Commissioner Reynolds mentioned that Commissioner Lofton deserved an apology and he wrote and read a letter to Commissioner Lofton containing the following:

“When I became a member of this commission almost a year ago, one thing was very clear from the start. The members of this commission treat each other with respect, no matter how strongly they disagree with each other. That is the culture of this commission. We work together in a collegial atmosphere to build consensus and to serve the committee and the City. The last month we did not live up to our responsibilities to each other. We did not protect the basic human dignity of one of our own members. We sat in silence while a member of the Commission on Immigrant Affairs disrespected and trivialized Commissioner Lofton.

I have apologized to Commissioner Lofton privately and now publicly. As long as I am a member of this commission, I will never again be silent when he is personally insulted and disrespected in an attempt to bully him into giving up. While I cannot speak for the other commissioners, I know them well enough to say that they agree that what happened last month must never be repeated. There are no members of the public here, if there had been, I was going to go into how this came about. But

several weeks before the meeting, a copy of the resolution was sent to all the members of our Commission.

In accordance with official policy, if a commissioner had had a problem with the resolution, he or she was supposed to write up his or her concerns and send them to the Chair; the Chair would then distribute a copy to each commissioner, not for prior discussion but just so we would be better prepared once the meeting happened. Commissioner Lofton was the only member to comment on the resolution, and regardless of whether anyone agreed with his concerns there was nothing unreasonable about them. They deserved to be considered seriously and respectfully, which is what to my knowledge, we have always done in the past.

A member of the Commission on Immigrant Affairs however, wrote a strongly worded rebuttal to Commissioner Lofton's concerns. The rebuttal was extremely condescending and far too combative even for an experienced lawyer's ears, like mine. My error once the meeting began was to be silent when Commissioner Lofton laid out his concerns and then the member of the other Commission orally repeated most of the inflammatory language that was in the written rebuttal. It should have been clear to all of the Commissioners that Commissioner Lofton was upset about how he was being treated.

We failed him and, in doing so, we failed to uphold the standards of this Commission. Mr. Lofton, I am deeply sorry for what happened last month. You are a valuable member of the Commission. I will work hard to earn your confidence in the future, even when we disagree on the issues that come before this commission. Thank you."

Commissioner Lofton accepted Commissioner Reynolds' apology and expressed how he felt about the whole situation.

Chair Davis followed by stating that he intended to send a letter to the Commission on Immigrant Affairs and offered for anyone to make suggestions.

c. Discussion and possible action regarding the date of the May meeting of the Commission.

The May 2012 meeting date will be moved to a date that is convenient to all of the Commissioners, given that it will not be On May 28, Memorial Day. It was motioned by Commissioner Reynolds and seconded by Commissioner Cortez that the meeting be held on May 31.

d. Discussion and possible action regarding a gift from the Commission's budget to the family of Officer Jaime Padron.

Tabled, pending investigation of the legalities of or doing so.

## **5. STATUS OF GOALS AND OBJECTIVES**

Commissioners will report on and discuss:

a. The status of the Commission's goals and objectives for 2012

Commissioner Davis provided an Annual Work Plan for 2012. The Commission discussed due dates for January-March, April-June, and July-September. The Commission also continued on to discuss the ongoing due dates of all goals.

b. Plans and strategies for meeting those goals and objectives

Commissioners discussed:

- Create talking points for Commissioners to use when talking with individuals or groups.
- Improve the Human Rights Commission website by restoring the content that we agreed to last year.
- Post approved resolutions to website.
- Have procedures in place by the second quarter.
- Compile a list of other commissions and reach out to those appropriate ones.
- Create an introduction letter for other groups and community organizations, and other commissions.
- Take proactive stance on Human Rights.
- Submit at least one resolution to the national IOHRA conference.
- Improve commission process and discuss meeting structure and improve ways to decide upon where and when the Commission will meet. (Cannot change in the middle of fiscal year, will have to address this in October)
- Deal effectively with council members and community officials.
- Commissioners meet with Council members on issues and progress.

## **6. STAFF BRIEFING**

- Mr. Robertson spoke about the EE/FHO status: Housing has 72 closures – 31 cases with no cause, 1 case with cause; 32 were settlement cases, and about 56 cases are pending.
- The Employment Contract has 170 cases to be closed by Sept 30. The office has closed 105 total cases. The employment office has collected \$76,000 in settlements for clients. There are 46 cases in the “pending” inventory. Mr. Robertson spoke about the EE/FH office’s jurisdiction rule.
- Mr. Robertson commented that the outreach to veterans at Camp Mabry on April 21, 2012, had been successful.
- Mr. Robertson reminded and invited the Commissioners to attend to the Fair Housing Conference at the Mexican-American Cultural Center on April 30, 2012.
- Mrs. Scales spoke about continuing outreach to get more cases.

## **6. FUTURE AGENDA ITEMS**

- Discuss the response to resistance policy – Proposed resolution. Not a vote on a resolution. Ask Austin Police Department to come.
- Discuss the LBTG Anti-Discrimination policy as it relates to contractors for the City.

## **ADJOURN**

Chair Tom Davis adjourned the meeting at 7:56 pm without objection.