

HUMAN RIGHTS COMMISSION MINUTES
CITY OF NORMAN

January 28, 2019

The Human Rights Commission of the City of Norman, Cleveland County, State of Oklahoma, met in the Municipal Complex located at 201 West Gray Street on January 28, 2019, at 5:30 p.m., and notice and agenda of the meeting were duly posted 24 hours prior to the beginning of the meeting.

Item 1, being: ROLL CALL

PRESENT: Commissioners Kay Ham, Mary Lou Drywater, Daniel Dukes, Marjaneh Seirafi-Pour, Jackie Farley, Chris Nanny, Sage Mauldin

ABSENT: Commissioners Kirsten Edwards

STAFF PRESENT: Assistant City Attorney Kristina Bell, Legal Admin Tech Sarah Encinias

CITY COUNCILMEMBERS: Breea Clark, Alexandra Scott

GUESTS: Don & Kay Holladay

Item 2, being: APPROVAL OF THE MINUTES OF THE OCTOBER 22, 2018, HUMAN RIGHTS COMMISSION MEETING

Commissioner Nanny moved to approve the Minutes of the October 22, 2018, meeting, and said motion was duly seconded by Commissioner Farley. Chair Ham called for a vote: all approved, and none opposed. The minutes were approved by unanimous vote.

Item 3, being: APPROVAL OF THE MINUTES OF THE JANUARY 21, 2019, MAYOR'S INTERFAITH BREAKFAST

Commissioner Nanny moved to approve the Minutes of the January 21, 2019, Mayor's Interfaith Breakfast, and said motion was duly seconded by Commissioner Farley. Chair Ham called for a vote: all approved, and none opposed. The minutes were approved by unanimous vote.

Item 4, being: DISCUSSION OF 2019 INTERFAITH BREAKFAST

Commission members discussed that the fruit and bakery items from Waving Wheat were well received at this year's event, although the coffee and food items had to be replenished. The caterer was able to quickly bring additional food and drink items mid-event without major interruption. The caterer had explained her confusion about the proper headcount from having received a call from a commissioner two weeks before the event to reduce the headcount to 150

even though staff had already requested food preparation for 250. It appeared that over 200 people attended, and the event's attendance continues to increase each year.

Commissioner Dukes recommended using smaller plates next year and, due to his experience with food service, volunteered to coordinate with the chosen caterer for next year's event. It was agreed to plan for 300 attendees.

Commissioner Drywater mentioned that the individuals from her church did not like the later time change or the food and had stated that they would not attend next year.

Commissioner Nanny thanked the Commission for moving the time back to 9:00 a.m. and coordinating CART service for that holiday, making the event more accessible to individuals who needed transportation assistance.

Item 5, being: DISCUSSION AND POSSIBLE ACTION ON FUTURE PROCLAMATIONS

City Councilmember Breea Clark suggested recognizing International Women's Day (March 8, 2019) along with Women's History Month for the proclamations for March, 2019. Commissioner Farley moved to make this recommendation, and said motion was duly seconded by Commissioner Mauldin. Chair Ham called for a vote. The motion was approved by unanimous vote.

Item 6, being: DISCUSSION AND POSSIBLE ACTION REGARDING RECOMMENDATION TO CITY COUNCIL TO ADOPT A RESOLUTION URGING THE STATE LEGISLATURE TO PASS HB 2456 PROHIBITING CONVERSION THERAPY IN OKLAHOMA

Commissioner Mauldin shared the process of him drafting the House Bill. He advised that he knows people who were subjected to conversion therapy in Oklahoma, and he strongly disagrees with its use, especially on young members of the LGBTQ community. Recognition of the practice has gained much needed national attention recently, and he stated that he would like to continue the momentum by presenting a resolution to City Council that would expressly denounce its use. Commissioner Mauldin advised that State Representative Jason Dunnington agreed to sponsor the bill. A copy of the proposed city resolution and state legislation was included in meeting materials, and commission members reviewed and approved of the drafts.

The Commission asked Ms. Bell to help finalize the draft resolution presented by Commissioner Mauldin, and Councilmember Scott requested that it be presented to Council in February for final approval in March.

Item 7, being: DISCUSSION AND POSSIBLE ACTION REGARDING POTENTIAL AMENDMENTS TO CHAPTER 7, CIVIL RIGHTS, OF THE CITY'S CODE OF ORDINANCES

Assistant City Attorney Kristina Bell presented proposed revisions to the City's Civil Rights Ordinance contained in Chapter 7 of the City Code. Ms. Bell advised that she had worked for several months with local attorney and advocate Don Holladay to prepare proposed revisions that updated the Ordinance and streamlined the complaint and resolution process.

Ms. Bell advised that Mr. Holladay, along with other LGBTQ advocates, had approached the Commission about adding specific protections for sexual orientation, gender identity, and marriage to a person of the same sex. The proposed amendments add these protections and corresponding definitions.

Ms. Bell explained that the proposed amendments also simplify and streamline the various protections regarding employment, housing, and public accommodations by incorporating them into one section prohibiting discrimination and retaliation, which would be codified as new § 7-104. The new proposed § 7-105 outlines the limited exceptions to the general prohibition.

The new §§ 7-106 through 7-110 outline a streamlined and simplified complaint and review process. Ms. Bell also noted the addition of a duty of the Commission to submit an annual report of complaints to City Council. Ms. Bell advised that the use of the word "handicap" was changed to "disability" for consistency with the Americans with Disabilities Act ("ADA").

Commissioner Dukes requested that § 7-104 be updated to include social media and electronic communications.

Mr. Holladay thanked Ms. Bell for her work on this project and advised that they had spent many hours working and revising these drafts and that he had only a few minor changes that he would request. Mr. Holladay requested that the proposed additional language in § 7-101(c) stating that the Ordinance be interpreted in a manner consistent with state and federal civil rights laws and judicial decisions not be included. He explained his concern that to the extent the state might try to pass laws preempting this Ordinance, this language could be used to concede such preemption. He stated his preference that if any language be added, it state that the Ordinance be interpreted as not being preempted. He also explained that the reason they had initially discussed this language was because the Supreme Court's decision in the Colorado baker case was pending, and there was concern about ensuring that the revised Ordinance was not inconsistent. That case has since been decided and did not provide any specifically helpful guidance on the public accommodations issue.

Mr. Holladay suggested that some sort of posting requirement be added to the Commission's list of duties to ensure that the public was made aware of the rights afforded under the Ordinance.

Mr. Holladay requested that the minimum number of employees under the definition of "employer" contained in § 7-103(5) be removed as it would otherwise allow discrimination by small employers. Mr. Holladay noted that federal anti-discrimination law only applied to

employers with fifteen 15 or more employees, so this leaves a gap for many employees with no protection. Mr. Holladay and the Commission also discussed the employment exclusion contained in § 7-103(6) for domestic service and what the meaning and purpose of this provision might be. The Commission asked staff to conduct additional research and either add a definition of “domestic service” or otherwise further explain the purpose and scope of this exception.

Mr. Holladay requested that the complaint form be added to the language of the Ordinance itself as an Appendix. Ms. Bell advised that the reason why that was not included in the Ordinance but was rather referenced as a form to be approved by the Human Rights Commission was to provide flexibility in being able to make modifications to the form administratively as needed without having to go through the entire City Council Ordinance amendment process. Ms. Bell advised that the complaint form would be available on the City’s website and in the City Clerk’s office for easy access.

Commissioner Dukes expressed concerns that younger individuals like college students might not be comfortable filing such a formal complaint. Both Mr. Holladay and Ms. Bell agreed that the seriousness of filing such a complaint warranted the formality and willingness to be able to identify information requested in order to trigger the official complaint process under the Code. Ms. Bell noted that this in no way precluded individuals from calling her office and asking questions or seeking information about a potential complaint before, or instead of, filing a formal complaint.

Commissioner Farley asked if there were protections for undocumented workers and noted that the City was not a sanctuary city. Ms. Bell advised that this ordinance does not specifically address undocumented workers but that there are noted protections against discrimination on the basis of race, national origin, and place of birth, which could potentially apply to those types of situations.

The Commission discussed the urgency of moving these amendments forward as quickly as possible. Commissioner Farley moved to recommend that the proposed amendments, with the revision of the minor changes requested, be approved by the Commission and submitted to City Council for review and adoption. Ms. Bell advised that the next step would be to present the proposed amendments to the City Council Oversight Committee and then to the full Council at a Council Conference or Study Session before being placed on an Agenda for adoption.

Item 8, being: MISCELLANEOUS DISCUSSION

None.

Item 9, being: ADJOURNMENT

Commissioner Farley moved to adjourn the meeting, and said motion was duly seconded by Commissioner Dukes. Chair Ham called for a vote: all approved, and none opposed. The meeting was adjourned at 7:05 p.m.