

HUMAN RIGHTS COMMISSION MINUTES
CITY OF NORMAN

April 22, 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 April 22, 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 Daniel Dukes, Marjaneh Seirafi-Pour, Jackie Farley, Chris Nanny

ABSENT: Commissioners Kay Ham (Chair), Kirsten Edwards, Sage Mauldin

VACANCIES: Two (2)

STAFF PRESENT: Assistant City Attorney Kristina Bell, Interim Police Chief Kevin Foster, Major Ricky Jackson, Officer Ali Jaffrey, Legal Admin Tech Sarah Encinias

Due to the absence of Chair Kay Ham and the vacancy left by the resignation of the prior Vice-Chair, Commissioner Jackie Farley chaired the meeting without objection from the Commission. Assistant City Attorney Kristina Bell advised that under City Ordinance § 4-106(a), which provides that the “quorum of each appointive board or commission shall be that whole number equal or exceeding the simply majority of those individuals authorized to be members of that respective board or commission,” the four commissioners present constituted a quorum due to the two vacancies.

Item 2, being: APPROVAL OF THE MINUTES OF THE JANUARY 28, 2019, HUMAN RIGHTS COMMISSION MEETING

Commissioner Dukes moved to approve the Minutes of the January 28, 2019, meeting, and the motion was duly seconded by Commissioner Nanny. Acting Chair Farley called for a vote: all approved, and none opposed. The Minutes for the January 28, 2019, meeting were approved by unanimous vote.

Item 3, being: DISCUSSION AND POSSIBLE ACTION REGARDING RESOLUTION CONDEMNING AND REJECTING ALL FORMS OF RACISM, RELIGIOUS DISCRIMINATION, AND OTHER FORMS OF INTOLERANCE, PREJUDICE, AND HATE

Assistant City Attorney Kristina Bell discussed the vandalism that recently occurred at the Firehouse Art Center, McKinley Elementary, and the Cleveland County Democratic Party Headquarters when racist graffiti was used to deface these areas, causing outrage in the community. Chair Ham previously submitted a personal Letter to the Editor of the Norman Transcript condemning the vandalism. Several commissioners and City Councilmembers had

expressed a desire for the City to speak out against the acts as well. Ms. Bell presented a draft resolution condemning and rejecting all forms of racism, religious discrimination, and other forms of intolerance, prejudice, and hate, and reaffirming the City's commitment to building an inclusive community based on the foundation of mutual respect and appreciation for one another's differences and the cultural and religious diversity that make the Norman community great.

Ms. Bell also discussed the Commission's prior recommendation of a proclamation to observe Muslim American Heritage Month and the concern about recognizing a particular religious group. The purpose of this resolution was to condemn the recent acts and recognize the importance of all faiths and religious diversity within the community. Ms. Bell advised that if the Commission chose to recommend the resolution, then Staff would prepare it for Council's consideration on a May Agenda.

Commissioner Dukes asked what constituted a hate crime in Norman. Interim Police Chief Foster said he, along with the District Attorney, thought the vandalism at the Art Center constituted a terroristic type of act, which would mean that it would be charged as a state or federal crime as opposed to a municipal crime. He explained that the penalties are much higher in state and federal court than the maximum penalty ranges for a municipal charge. Police Major Jackson also said it would mean the vandal's name could be put on a national database.

Commissioner Dukes asked why it did not qualify as hate speech, and Major Jackson said that could encroach on one's freedom of speech, and care must be taken to distinguish between what constitutes freedom of speech versus hate speech.

Commissioner Seirafi-Pour requested that the wording in paragraph 3 of the resolution be amended to include Islamophobia acts in addition to anti-Semitic acts. Ms. Bell advised that she would incorporate that addition.

Acting Chair Farley asked for a vote, and a vote was taken to approve the drafted resolution. All members approved, with none opposed. The motion was passed to include changes recommended by Commissioner Seirafi-Pour mentioned above.

Item 4, being: DISCUSSION AND POSSIBLE ACTION ON FUTURE PROCLAMATIONS

Ms. Bell discussed an email that was received from Jeff Yamada on behalf of Norman Citizens for Racial Justice seeking support for a City proclamation recognizing the birthday of Malcolm X on May 19th. Mr. Yamada also asked that the City recognize Juneteenth (June 19th), a regionally recognized emancipation date. Juneteenth recognizes the date when after the Civil War, the news of the Emancipation Proclamation was delivered to Texas, freeing all remaining slaves.

Ms. Bell reminded members that the ADA Month proclamation was submitted for July of last year. She also advised that Jack McMahan was recently retained as the City's ADA Technician to provide guidance and help the City navigate present ADA issues.

Commissioner Seirafi-Pour expressed support for the requested Malcolm X proclamation. The commission agreed that the proclamation should focus on his actions as a civil rights advocate.

A vote was requested to approve the following proclamations: Malcolm X's birthday on May 19th, Juneteenth on June 19th, and ADA for July. All members approved, and none opposed. Commissioners Seraifi-Pour and Nanny agreed to work with Ms. Bell to approve the language for the Malcolm X and ADA proclamations, respectively.

Item 5, being: DISCUSSION AND POSSIBLE ACTION REGARDING 2020 INTERFAITH BREAKFAST

Commissioner Dukes suggested Dr. Marilyn Y. Byrd as the keynote speaker. Dr. Byrd is an Associate Professor of Human Relations at the University of Oklahoma, a former administrator for the Texas Department of Criminal Justice, a member of Human Resource Development, and serves on the Board of Directors for Code Chairperson of the Workforce Diversity & Inclusion Special Interest Group. Her activities include organizational social justice, organizational ethics, critical workforce diversity inclusion, and intersectionality in the leadership experiences of Black American women. Acting Chair Farley thanked Commissioner Dukes for his idea and asked members to continue recommending suggestions as it will be likely that the speaker will be chosen at the next HRC meeting.

Ms. Bell asked members to also consider a location for the event. In the past, the Commission tried to hold it in different churches each year. Commissioner Seifari-Pour pointed out that the growth of attendance has limited the choice down to churches that can accommodate such a large group. Also, having it at McFarlin in recent years has helped people become familiar with its location. This church also has a reliable and comfortable set-up and space for both caterers and attendees alike. Members briefly discussed these issues and agreed McFarlin United Methodist Church is the best suited location for the 2020 Mayor's Annual Interfaith Breakfast.

Acting Chair Farley asked members if they thought having the breakfast at 9:00 a.m. instead of 8:00 a.m. made the event more successful and better attended. Commissioner Dukes pointed out that it worked out better for CART transportation. Commissioner Nanny knew of at least two people that were able to utilize CART to attend the breakfast; however, she wished it was better publicized to help bring awareness that it was an available option. Members agreed there was an overall increase in attendance, especially among students, that was probably due to the later time and all agreed to keep the start time of the Interfaith Breakfast at the later time of 9:00 a.m.

Commissioner Nanny asked to discuss options for a caterer. Commissioner Dukes reminded members that they wished to stay with a locally owned company. The previous caterer, Waving Wheat, was used, but food and drink ran out midway through the event due to miscommunication about the headcount. The total cost of the service was \$2,000, which seemed high priced.

Commissioner Seirafi-Pour asked what the budget was for the event. Ms. Encinias said it went up every year but with permission from the Mayor, the City paid \$2,000 last year (\$8 per person). Commissioner Seirafi-Pour said she could arrange service by La Baguette at the next event for about \$6 per person for 300 people (□\$1,800 total). She said the Commission could include their information on press releases, that they were also a locally owned company, and that she could arrange to have them provide a continental type breakfast. She asked if the Mayor would approve of the expense, and Ms. Encinias advised that she would discuss it with the Mayor.

Ms. Bell advised that Dr. Martin Luther King, Jr. Day, is Monday, January 20, 2020, and this is the date for the Mayor's Annual Interfaith Breakfast.

Item 6, being: DISCUSSION AND POSSIBLE ACTION REGARDING POTENTIAL AMENDMENTS TO CHAPTER 7, CIVIL RIGHTS, OF THE CITY'S CODE OF ORDINANCES

Ms. Bell advised the Commission that Mr. Don Holladay was unable to attend the meeting but that Ms. Kay Holladay was present to observe and help communicate the outcome to Mr. Holladay. Ms. Bell said although members wished to have the amendments presented to Council as soon as possible, Council agendas have been fully booked. Presently, the amendments are scheduled to be reviewed at the City Council Oversight Committee on May 9th at 4:00 p.m., and Mr. Holladay plans to be in attendance.

Ms. Bell asked members to review additional revisions highlighted in yellow, which were made due to suggestions from the Commission meeting in January. Ms. Bell added page numbers and removed language in Section 7-101 referring to Supreme Court guidance since the outcome of the Supreme Court cake baker case did not answer many questions about balancing anti-discrimination protections in public accommodations and competing First Amendment free speech and freedom of religion interests.

Subsection (c) was originally added as an affirmative statement to show belief that the protection of civil rights is a matter of local concern but she is proposing to remove this language as it could be misinterpreted.

On page 2, subsection 7, the word "investigate" was removed from the statement "to receive and investigate complaints." Language was also added to clarify that the Commission's duty is "to provide and promote education and awareness of the rights provided in this code." The Ordinance would be posted on the website to help members distribute this information to residents.

In January, the Commission discussed the domestic service exception and the minimum number of employees threshold. Members previously asked why these employees were not included, and why a minimum of 5 employees is required by the ordinance. After researching, Ms. Bell was unable to find a federal or state law addressing this or why the limit was included in the original ordinance. She did verify with the Oklahoma Attorney General's Office, the Office of Civil Rights Enforcement, that their definition of "employer" does not state a required minimum number of employees. Per the Commission's desire to remove this limit, it was removed from the ordinance language. Ms. Bell then added the definition of employer per state law as "a legal entity, institutional organization that pays one or more individuals a salary or wages for work performance."

Regarding the second issue raised by members about the exclusion of individuals in domestic service, Ms. Bell found a federal statute under the tax code, Social Security Act, that defines domestic service workers as persons who are frequently referred to as private household workers who perform work in or about a private home. She believed that the focus of this law was to avoid regulating the inside of someone's home. Ms. Bell added clarifying language to help define what was intended by domestic service.

On page 5 section 7-104, the language “electronic communications” was added to include email and social media per Commissioner Dukes’s request.

Mr. Holladay had previously suggested the complaint form be included in the ordinance as an appendix, but Ms. Bell suggested it be adopted separately by the Commission because if it was part of the ordinance, any minor change to the form would have to go back through the entire City Council ordinance process. This would help the Commission have flexibility to make minor administrative changes should they become necessary.

Mr. Dukes asked about the definition of familial status, and Ms. Bell said it was originally added per HUD requirements to address and prevent housing discrimination (i.e. against single parent households, etc.).

The complaint process is addressed on page 13 and refers to the completion of the required form. A copy of the complaint is then furnished to the respondent to give them an opportunity to reply. The complaint is then presented to the HRC for review and discussion at its next regularly scheduled meeting which is to be at least 30 days after receipt of the complaint. The Commission will then try to work with both parties to seek an amicable resolution by mediation or alternative dispute resolution.

If the Commission determines by majority vote that the complaint is unfounded and further action is not warranted or that the issue has been resolved, it shall dismiss the complaint. In the alternative, if the Commission finds that further action is warranted, it shall provide a copy of the complaint, the response, and other information along with a written recommendation to the City Attorney’s Office for further investigation and/or action.

Acting Chair Farley requested a motion to approve the additional ordinance changes. Commissioner Nanny made such motion, and Commissioner Seirafi-Pour seconded. All members approved, and none opposed.

Item 7, being: MISCELLANEOUS DISCUSSION

Mr. Dukes mentioned that the Norman Pride Parade would take place May 3-5, 2019.

Ms. Bell said the HRC has 2 vacancies as Mary Womack and Mary Lou Drywater have resigned. Also, a vote to elect a vice-chair will be needed at the next Commission meeting.

Item 8, being: ADJOURNMENT

The meeting was adjourned at 6:49 p.m.