

Spokane Human Rights Commission

May 1, 2019

Meeting Minutes

Meeting called to order at 5:30 pm

Commission Briefing Session:

A. Public Comment

- a. None

B. Roll Call and Approve the June 26 Minutes:

- a. Commission Members Present: Nicole Bishop, Lance Kissler, Earl Moore, John Lemus, Aaron Riley, Jac Archer (left early), Jennifer Thomas and Kate Burke (left early).
- b. Commission Members Absent: Ronald Toston, excused for medical leave
- c. Staff Members Present: Melissa Morrison and Mike Piccolo
- d. Quorum: Yes

Approve the March and April Minutes:

Commissioner Lemus made motion and Commissioner Thomas seconded to approve March 26th and April 3rd minutes.

Discussion Items

- 1) **OPMA - City Attorney, Mike Piccolo, present to discuss Open Public Meetings Act and Public Records Act as it relates to Spokane Human Rights Commission business.**
 - Requirements of OPMA - discussed in past but refresher for commissioners. Mr. Piccolo provided handout materials regarding OPMA and PRA for commissioners to review.
 - Requirements under state law - all commissioners, council members, and board members to receive training once every 4 years and within 90 days of appointment. Mr. Piccolo provided information how to complete training on AG's website. Once training or refresher is completed, the certificates can be forwarded to staff for filing at the clerk's office.
 - Open Public Meeting Act - Main highlights
 - When is OPMA - all meetings of a governing body - meeting occurs when majority of board members are present
 - What is action - any time there is quorum of commissioner and discussing official agency business and must occur in open session. Public meeting cannot occur in a private house or in non-public space. If there is not a quorum there is an expectation that commissioners can still discuss business.
 - Any action taken in violation of OPMA is void. If there is not proper notice the action is void.
 - Impression of attending social forum together - can happen at specific events - don't sit together or congregate together
 - Conference - quorum could attend together but do not sit together or attend events together
 - Solution is to issue a special meeting notice
 - Meeting notices
 - Have a regular meeting notice with set time and place
 - Agenda should be posted on website 24 hours prior to meeting

- Special meetings should be posted 24 hours prior to meeting
 - Emails and Electronic Communications
 - One email to entire commissioners with attachment and receiving responses and subsequent discussions - violation of OPMA - quorum communicating about official business with no public meeting
 - Receive email from City Attorney - respond individually to attorney and not entire chain
 - Trying to coordinate schedules can be categorized as transitory message and not subject to OPMA
 - Review print out: Practice Tips from MRSC Regarding OPMA
- Questions
 - Can commissioners shut down comments if they are saying things contrary to human rights?
 - If they are talking on point they are allowed their 3 minutes because 1st amendment rights
 - Any limitations on responding to comments in public forum
 - Let the person speak their three minutes and the commissioner or commission can respond. There is a line when the speech can become hate speech or incite violence at the moment which can be a tricky line.
 - City Council can redirect the comments to the President and does not allow clapping or booing.
 - Commission can exert control under Roberts Rules but must give leeway to First Amendment rights.
 - Is there any allowance for attack against class of people vs. a single person?
 - This would be difficult due to First Amendment protections.
 - Social Media posts
 - If quorum comments on social media posts that is seemingly related to Spokane Human Rights Commission business that could be a OPMA violation
 - Responding on SHRC Facebook page is directly related to agency business
 - As members, you should not respond to members social media posts
 - There hasn't been notice of public Facebook "meeting"
 - Mr. Piccilo does not believe a public social meeting could happen since there is not a place for the meeting to occur and proper notice cannot be given.
 - Using Google docs can be a public meeting since the public cannot monitor and discussion can occur in comments
 - Send document out and use staff to formulate responses or have less than a quorum working on document
 - Elections
 - All voting must be done in open session and every one must know how everyone voted
 - Ballots should be identifiable, retained and are public record.
 - Archives

- Commissioner Lemus will return archives to staff after working on timeline project.
 - Public Records Act
 - Records act is much more complicated than OPMA
 - All written documents, email, text messages, voicemail, etc. are all public records
 - Some can be transitory - meeting changed/running late can be considered transitory
 - Staff should be maintaining records
 - If a public records request made it will be made to City Clerk's office who will review the request and notify the commission.
 - There are some exceptions to public records but the assumption should be everything will be disclosed
 - If emails are substantive staff should be cc'd so the email is retained for public records. Later in the meeting Commissioner Kissler explained commissioners use a City of Spokane email address for commission business and therefore emails are being archived.
 - If commissioners send text messages they are obligated to search phone and sign affidavit regarding any public records.
 - Discussion about SHRC intake paperwork did not include the race category Asian. Mr. Piccolo compared the SHRC paperwork to EEOC and city applications to find difference. Mr. Piccolo suggested discussion at next meeting and adopt the city language on intake paperwork for consistency. Race/ethnic background could be helpful for data tracking and should not be grounds for complaint. Commissioner Thomas shared concerns about using race/ethnic background on intake forms could be grounds for profiling complaint. Commissioner's discussed the need for personal information is required. Mr. Piccolo suggested mirroring the Washington Human Rights Commission paperwork as some information is needed to prove complaint. The example given was a complaint regarding d housing discrimination (age/race/family status). Commissioner Riley felt demographic information would be helpful for complaint investigation. Commissioner Kissler looked at state's website and found gender was write in and no immigration status information is collected.
 - Commissioner Lemus made motion and Commissioner Moore seconded motion for commissioners to review intake language prior to the next meeting. Motion passed unanimously.
 - Mr. Piccolo suggested language to fill out complaint and provide information relevant to complaint - complaint regarding ethnic background would not need to include age
- 2) Vote to Close Out Suicide Means Prevention Task Force**
- a. Commissioner Lemus attended meeting of Prevent Suicide Spokane and reported the meeting was well attended by mental health counselors, advocates and doctors with a better focus on path forward than the Suicide Means Prevention Task Force.
 - b. Commissioner Lemus proposed a vote to close out task force. Commissioner Lemus will attend Prevent Suicide Spokane meetings and report back to commission on meetings.
 - c. Commissioner Thomas made motion to close out Suicide Means Prevention Task Force which was seconded by Commissioner Kissler. Commissioners

unanimously motion passed to close out task force. Commission thanked Commissioner Lemus for his time.

3) Portrayal of Autism in Local Media

- a. Commissioner Lemus reviewed letter written to Spokesman Review regarding story written regarding murder of Spokane doctor.
- b. Commissioner Lemus placed this topic on the agenda to bring to attention of commissioners and discussion. Commissioner Lemus would like commission to keep close eye on reporting from Spokesman Review and respond accordingly. Commissioner Lemus reported The Arc has submitted letter to the editor on behalf of the Champions Network.
- c. Chair Bishop suggested commissioners start tracking portrayals of groups/5 areas of focus in media. Commissioner Kissler urged caution on any implication the commission is censoring free press and First Amendment. Chair Bishop would like to encourage responsible reporting and journalism.
- d. Commissioners discussed concerns with story and views the story was sensationalized and family's privacy was violated.

4) Housing and Land Deals

- a. Chair Bishop reported warming shelters closed for the season and there will be an influx of unhoused individuals without a place to shelter at night. Civic Impact meeting
- b. Chair Bishop reported Commissioner Archer is passionate about Union Gospel Mission land deal which Spokane city Council has tabled indefinitely. Chair Bishop asked for commissioners to think about position on a prepared statement regarding any city land deals and economic dealings. Commissioner Moore expressed concerns with a formal statement regarding UGM. Commissioner Moore reported on discussions with UGM regarding their policy around transgender individuals. Chair Bishop shared concerns with UGM policy around what LGBTQ individuals "practicing" and unclear what that means. Chair Bishop concerned with UGM executive director's interview and pejorative comments around individuals experiencing homelessness and exclusivity of program. Chair Bishop would prefer the city go to a barrier free organization and an organization that does not discriminate but recognizes the role Union Gospel Mission has in community. Commissioner Lemus feels all services should be barrier free. Commissioners discussed details of land swap deal. Commissioner Thomas discussed the history of UGM of hiring LGBTQ individuals. Commissioner Thomas discussed concerns with low and no barrier shelters being able to meet the needs of individuals. Commissioners discussed the importance of having substantive discussions at commission meetings rather than over social media. Commissioner Kissler urged commissioners to carefully consider all perspectives and avoid "jumping to conclusions."

5) Data Tracking

- 6249 impressions for Facebook for April which is a significant increase
- Increased followers by 90+
- Looking to increase number of outreach events and activities
- Chair Bishop looking at holding some Know Your Rights activities regarding ICE and community centers
- Track media with Civic Impact

Meeting Adjourned at 7:16 P.M.

The Next Human Rights Commission Meeting is scheduled for **June 5, 2019**