

ALEXANDRIA HUMAN RIGHTS COMMISSION
MINUTES OF THE MEETING OF TUESDAY, OCTOBER 20, 2020
7:00 p.m.
VIRTUAL (Zoom)

Members Present

Danielle Beach
Lisl Brunner
Michelle Cho
Kevin Edwards
Damien Hammond, Sr
Christopher Harris
Matt Harris, Vice Chair
Alex Howe
Susan Kellom
Michael Kreps
Elizabeth "PJ" Palmer Johnson
David Rigsby

Staff Present

Jean Kelleher, Director
Miladis Martinez Gutierrez

Members Excused

Scott Schwartz

Guests

Joanna Anderson, George McAndrews, City
Attorney's Office
Angela Maniglia Turner, Registrar of Voters
Sarah Graham Taylor, Legislative Director

1. Call to Order/Introductions by Acting Chair, Matt Harris

Acting Chair Matt Harris called the meeting to order at 7:00 p.m. Acting Chair Harris welcomed everyone.

**2. Joanna Anderson, George McAndrews, City Attorney's Office
Angela Maniglia Turner, Registrar of Voters
Discussion on November 3 Election & Voter Protection**

Mr. McAndrews mentioned the gun ordinance and said that in addition to the usual election staff, there will be an election officer specifically task with policing the grounds, make sure that periodically efforts are made to sanitize commonly touch areas, mask wearing, and they will try to take whatever protective measures they can. The gun ordinance is a more particular situation, it applies to all voting places. Most of the voting places are in public buildings and the gun ordinance prohibits the position of firearms.

The gun ordinance will apply to the voting place itself, so it will apply to that 40 feet buffers that the registrar places around every entrance to a voting area, but it would not apply to the entire private property. The voting place itself will be gun free. If a voter shows up and has a weapon, it is going to be just treated with discretion, so if the person has a firearm and doesn't appear to be causing any undue apprehension amongst other voters; the staff will try to process that person as quickly and efficiently as possible to get them out of the voting place as quickly as possible. If that voter or voter's company behaves in a way that is causing concern, the election officers have been instructed to call the police.

Mr. McAndrews stated that we are all very sensitive that the presence of armed police officers in a polling place can intimidate some people, so there is no desire to rush and call the police any

time there is a concern, so judgement and discretion are going to be exercised. There also can be people who are not there to vote, they are there to engage in some sort of first amendment expressive behavior; those people will not be allowed in the voting place, but they are allowed to be outside the 40 feet buffer if it is public property. The election officers will be keeping an eye on them, the same way they keep an eye on anyone who shows up near an access to a voting place. He stated that the election officers will do the best they can to avoid any intimidation of voters. If a voter complains about people being armed, the police will be called. The police are working with the registrar and will be discrete. Mr. McAndrews stated that this is the general tactic that they are going to be taking.

Commissioner Palmer Johnson stated that she is a precinct captain for Alex Renew and said that they are going to have poster boards where they will have sample ballots outside of Alex Renew, and individuals can take pictures of the sample ballot. She said that she heard that cell phones are not allowed. Mr. McAndrews stated that he has not heard that cell phones are not allowed in polling places. Commissioner P.J. asked if a person can have a sample ballot on their cell phone. Ms. Turner stated that as long as they are standing outside, 40 feet, it is absolutely fine, and voters are welcome to take pictures of it, and carry their cell into the polling place.

Acting Chair Harris asked what happens if a voter does not want to wear a mask, or if any voter gets abusive within the voting precinct, is there anything that will stop a voter from being able to vote? Mr. McAndrews stated that behaviors that interfere with others' ability to vote, we do not have to put up with that behavior and can put it on the election officer to assist the person out; this is probably a situation where a police will be called.

Acting Chair Harris asked if the Police Officers have been trained on how to handle election day? Mr. McAndrews stated that the Officers are aware of the problems and there is the CIT team, who are officers that have been trained on how to handle behaviors related to mental illness.

Acting Chair Harris introduced Angela Turner and stated that she replaced Anna Lighter from the registrar of voter office. Ms. Turner thanked the commission for having her there. Acting Chair Harris asked about the numbers that she anticipates compared to 2016 in terms of early voting and actual voting on election day. Ms. Turner stated that, as of this moment, they have 19,909 voters who had already cast their ballot in person and over 20,000 ballots returned by mail, so this is over 40,000 voters, and we currently have 103,000 active registered voters. Double what our absentee turnout was in 2016, so we are expecting less voters through the polling place on election day. Ms. Turner stated that absentee ballot rules have changed up to the beginning of September. She said that currently, absentee ballots have to be post marked and received by their office by noon on the Friday after the election. Alternatively, it can be placed into the drop boxes available 24/7 in front of their office. There will also be drop boxes available at polling places up to 7:00p.m., during hours of operations. Acting Chair Harris thanked the guests.

3. Approval of September Minutes

Upon a motion by Commissioner Edwards, seconded by Commissioner Beach, the Commission approved the minutes of the September meeting. All Commissioners present voted aye.

4. Sarah Graham Taylor, Legislative Director

Acting Chair Harris welcome and introduced City Legislative Director Sarah Taylor. Ms. Taylor started her presentation by giving a brief background of herself and said that she is the City's lobbyist and that she represents the City's policy priorities, and budget priorities before the General Assembly in Richmond. She stated that she is also the Federal lobbyist and her job is to take the City's Legislative package, City's legislative priorities and the City's budget request and go to Richmond and hopefully get some good things done.

Ms. Taylor stated that in January it will be her 4th regular session with the City, she started January 2018, but in the meantime, she has also done three special sessions. She stated that they are done-ish with the special session that just finished up in Richmond. The focus of the special session that had just occurred was threefold, one was dealing with the budget and the revenue impact related to Covid-19, one was dealing with issues related to Covid-19 in general and the public health side of Covid 19 and the third one was criminal justice reform and policing reform. She said that part of the Covid 19 response was some budget language and some money related to election and making sure there was election access in this new normal pandemic environment.

She said that the session wrapped up a couple days ago, but technically they are still in session; they only recess, because what they did was that they passed a bunch of bills; they have gone to the Governor for his signature and they are holding the budget open, because the budget includes language related to the redistricting commission and the language will finalize once amendment one either passes or fails; they will send that language back with the budget and they really will be done with special session. She added that as far as the job that was done during special session, the work was really significant, in addition to some budget tweaks to make sure that budget shortfalls didn't impact people, people were already being impacted by Covid. For example, sales tax shortfall, budget shortfalls and funding for K12; the budget also included language related to elections, the fact that the absentee ballot doesn't need postage, the fact that there are now mandatory drop boxes at all registrar offices and polling places, that was smothering that was done during this special session. A lot of good work was done this session that is making voting and access to voting so much easier specially in this pandemic environment.

Significant legislation related to policing reform, including legislation to afford localities the authority to implement community police review boards, that are not mandatory, that have subpoena powers and that have the authority to make disciplinary recommendations. The bill has a delete effective date of July 1 as supposed to March which will be the effective date on regular legislation this session and the goal is to try and figure out how to include the Sheriff's Department in the Community Police Review Board arena because 65% of policing in Virginia is done by Sheriffs, and it is a little more complicated because they are constitutional officers and they really need to figure it out. This is all in process and it is something that they will see in January, real significant amount of policing reform, banning shackles and banning no "knock warrant", and jury sentencing reform to allow for judge sentencing verse jury sentencing.

Sarah Taylor stated that 2020 was a year for some significantly moves forward when it comes to criminal justice reform, policing reform and in addition some of the voting stuff, really has moved Virginia forward in these areas. Director Kelleher asked what the status is on qualified immunity. Ms. Taylor stated that qualified immunity is one those super complicated things that they could not figure out during special session. She said that one of the arguments about qualified immunity is that it is something that you qualified for, the immunity is that you, as an officer, qualifies for. Part of the qualification that makes it so complicated is that there are certain things in our code that there aren't definitions for and so what the Senate did is to put some definitions in law of what one will compared behaviors against a definition of what that behavior should be, so the Senate started with that. There is a real appetite for more holistic qualified immunity reform in Virginia and said that she is expecting that we will see another bill in January that will be more than just definitions, it will take that next step (in then what?) when it comes to qualified immunity.

Ms. Taylor noted that this especial session was this weird virtual hybrid, the Senate did their session all together, but anyone who participated, anyone who testified, did that by email, zoom; the House met entirely virtually. She added that this is what they are expecting is going to happen in January and said that it is so much harder to the work this way, however, it does open up opportunities for members of the public to participate. She stated that moving towards January there are a lot of variables on the table that we don't know how they are going to shake out, they don't know how the virtual environment is going to look like; are they going to be able to be there, are they going to be able to get meetings with legislator in their offices, are we going to be able to be in Richmond. We do not know what is really going to look like, there are obviously some really big issues that are carrying over from the special session into the regular session that still are going to be worked out. There are a lot of legislators running for Statewide offices, running for Governor, running for lieutenant Governor, and running for Attorney General, who are going to be looking at their agenda through that lens. There is lot of variables on the table when it comes to what January is going to look like, so as I come around to the Board and Commissions, I am really looking for folks to be really thoughtful, really targeted, really actionable as much as possible; focusing on needs rather than wants. This is a year for needs and not wants, this is really a year to identify priorities, identifying the Commission's priorities on their legislative package is really helpful. She stated that for her those priorities were a life saver at the last session, even for the special session.

Director Kelleher mentioned the Commission's idea for this legislative package. She stated that there are things that the Commission is wondering whether to continue to push for. She asked how the Commission would go about expanding their authority to have hearings and to be able to recommend or award damages in a hearing, which the Dillon Rule had constrained them from doing. How and whether to ask for more authority for localities to hold human rights hearings. Ms. Taylor stated that this probably needs some real work behind it, and it is worth putting it on paper and starting the conversation where other localities would like to do that too. She said that she doesn't think that she can pull that off between now and January.

Director Kelleher asked, would it be advisable for the Commission to put on paper support for the qualified immunity changes or is that going to be in the packet anyways? Ms. Taylor stated

that it is worth putting it on paper, because when you start talking about qualified immunity, you start to open that Pandora box and what is the slippery slope of protecting bad actors. Because when you are talking about systemic changes, when they are talking about the system a lot of time they are talking about cities, counties, and localities, and we have to own that. She stated that having this on the Commission's agenda will be a good place to have that conversation on how we balance the what we believe in verse the impacts to our City, risk and insurance and attorneys' issue. Commissioner Brunner asked if the pattern and practice bill made to the Governor's desk at the end. Ms. Taylor said that yes, it did, almost everything that was on the laundry list made it, qualified immunity need some tweak.

Director Kelleher mentioned that Commissioner Beach had brought up some immigration related issues. Commissioner Beach said that she is wondering if anything as come up on the 287G sanctuary cities provision. She also asked what exactly the driver's license provision was, because people have to present a valid passport, and if their passport is not valid, that is the issue. Ms. Taylor said that she has a feeling that driver privilege is going to be one of those things that is going to be evolved. Director Kelleher mentioned that Commissioner Brunner had brought up facial recognition, but Commission is thinking to probably deferred it to the Alexandria Police Department and then maybe the new Civilian Review Board to make sure that, that is not something Alexandria engages in. Director Kelleher also mentioned possibly expanding Ban the Box and said that Commissioner Howe had mentioned the idea of abolishing or changing thresholds for persons with disabilities qualifying from housing. Commissioner Palmer Johnson asked if anything was there done regarding the Virginia Department of Environmental quality and the Green Ridge mega-land field project. Ms. Taylor stated that not to her recollection. Commissioner Howe stated that his hopeful assumption is that the eviction moratorium in there is going into effect hopefully immediately after the Governor signs that. Ms. Taylor said yes because the budget bill becomes effective immediately upon the Governor's signature. Commissioner Howe also asked if she see something coming in, in the regular session in January to legislative extend the eviction moratorium and extending eviction protections going passed all of that and going to into some sort of a different legislative solution in regards that. Ms. Taylor said that she has not heard specifically, there has been talk about the idea that you can just have this thing and at the end of the pandemic, that there needs to be buffer a recovery period. She added that in the utility disconnection moratorium required payment plans for either 46 or 48 months. She said that she would expect to see something that sort of adds to the end as to what happens when this pandemic is over.

Commissioner Brunner asked about automatic restoration for voting rights for felons, is that something that is in our package, in our list of priorities, something that we might think might be worth presenting in 2021. Director Kelleher stated that Charniele Herring is typically had that in the past. Ms. Taylor said that she will reach out to Charniele Herring, but it is something that we can work into our package as well. Acting Chair Harris asked if the wants verses needs in January is that a monetary shortfall thing or is it a political re-election type of thing. Ms. Taylor stated that it is all of the above.

Ms. Taylor stated that in January all legislator have bill limits in a short session this year, House Members can request 30 draft and file 15 bill; Senators can request 40 draft and file 25 bills, so we are dealing with fewer number available to us. That is one of the problems this session, there

is a lot of limitation, and said that she doesn't think that she can asked more than one bill from any member form the delegation this session, and said that Adam Evan and Charniele are carrying the marijuana legalization legislation. She said that anything that we can do to tie issues to criminal justice reform, social justice reform, covid-19, this is where their brains are, that is where they are operating.

She said that they have been talking a lot about flooding, and storm water specially in low income community, talking about public health specially in vulnerable communities and underserve communities. Commissioner P.J. asked if Ms. Taylor is going to look into the Virginia Department of Environmental Qualities to see what has taken place for them? Ms. Taylor said yes. Ms. Taylor stated that the first reading of the legislative package will be at the legislative meeting on November 10th, the public hearing will on November 14th, that is also when we are going to be doing the work session with the delegation, and then the vote on the final package will be at the December 8th legislative meeting. She stated that she is also the staff who is working on the Community Police Review Board proposal for Council and asked the Commission if they have anything on that to feel free to let her know.

Acting Chair Harris thanked her for coming before the Commission.

5. Nominating Committee / Elections October

Commissioner Palmer Johnson. stated that she did not hear from anyone who volunteered to serve in any of those positions. Director Kelleher suggested doing nomination from the floor and doing voting by acclamation. Director Kelleher explained the internal and external Vice Chair roles. Upon a motion by Commissioner P.J., seconded by Commissioner Rigsby, Acting Chair Harris was elected Chair. Acting Chair Harris accepted, with one condition, and the condition is that the Commission revert back to serving one term. All Commissioners present voted aye. Acting Vice Chair Harris stated that it is always a pleasure to serve as Chair and is looking forward to someone on the Commission stepping up to be Vice Chair.

The following Commissioners are interested to serve as Vice Chair: Commissioner Rigsby, Commissioner Edwards, and Commissioner Brunner. Duran is interested in the Chair position; Chair Matt Harris and Commissioner Danielle Beach are interested in the Vice Chair positions. Vice Chair Blackwood stated that she was interested in running for Vice Chair again.

Chair Harris stated that he thinks it might be best for Commissioner Edwards, Commissioner Rigsby and Commissioner Brunner to just work out which positions they prefer unless there's somebody on the Commissioner that has a strong feeling one way or another, which positions should be assigned out. Commissioner Rigsby stated that he does not need a title and Commissioner Edwards and Commissioner Brunner can have the titles and then if there are more than four people, he is happy to serve. Commissioner Rigsby stated that he is happy to like to keep going down the totem pole or, you know, be very as involved as possible.

Director Kelleher stated that if we were looking at nominations for Commissioner Edwards and Commissioner Brunner to serve as vice chairs and then they could decide between them, who wants to be internal who wants to be external vice chair. Commissioner Edwards stated that he would serve as the external vice chair. Commissioner Brunner would serve as the internal vice

chair. Upon a motion by Commissioner P.J. by acclamation that Commissioner Edwards will be the external, and Commissioner Brunner will be the internal advice here. All Commissioners present voted aye. Commissioner Rigsby and Commissioner P.J. will serve as members of the Executive Committee.

6. Executive Committee / Upcoming Meetings / Goals for FY2021

Chair Harris stated that the Executive Committee did not meet in October. He said that what they need to work on, is invitations for the next year coming up. He said that typically they have the Police Chief, Schools Superintendent, Sheriff's Department, it would be nice to have the Commonwealth's Attorney.

7. Old and New Business

Alexandria Black Hall of Fame brick unveiling on Saturday

Chair Harris stated that the Alexandria African American Hall of Fame is having a brick unveiling this Saturday at Charles Houston at two o'clock, the events outside. Folks were able to buy bricks and have a little inscription on there forever in front of the Hall of Fame. He said that he will be there attending, if anyone wants to be there and socially distance, it will be good to see them.

Equity

Director Kelleher stated that Jacqueline Tucker is moving ahead with the equity initiative we now have a new intern, it is actually a fellowship on rotation, and it will be Kim Hurley who has worked for the City, working with youth in the city and she'll be on rotation to assist Jacqueline and the City Manager's office for a year, which is very exciting and she's already been working on the initiative with us so everything's moving forward.

Director Kelleher stated that the department heads have all been asked to identify a team lead for equity within every department, they will be core teams within every department and training has begun; and so we are working on the GARE model of normalizing organizing and operational lasting. She stated that there is a good infrastructure in place using the GARE model, the Government Alliance for Race and Equity. She stated that the equity working group continues to meet monthly; she said that things are moving ahead, and she believes that this will be on the city council docket in November.

Equal Justice Initiative

Director Kelleher stated that the Equal Justice Initiative is beginning to move forward again now that we're able to hold meetings. The committee, the steering committee that's working on it can no longer be called the EJI committee because that is proprietary so, we have been asked not to call ourselves EJI, but it will be the community remembers project and there is a meeting actually tomorrow at five o'clock, which is a public meeting. So, if you go on the Office of Historic Alexandria website and link into community remembrance, you will see a lot of information on initiatives that occurred during the summer. She stated that some of the committees have begun to meet again.

Library fees

Acting Chair Harris stated that Commissioner Schwartz brought the issue to his attention that folks were being charged library fees, young kids, people who could not afford the library's fees asked for sort of an amnesty during the pandemic. He stated that he contacted the Board of Directors of the library and that he never heard back from them. He said that Director Kelleher received a response from the Executive Director of the Libraries, which he did not find really responsive at all. It was basically there is a \$400,000 shortfall. He said that two members of city council were asking about waiving those fees as well. He said that the answer was basically "okay well, if you pay for the 400,000" will waive the fees, but we have too much of a deficit.

Chair Harris said that he asked Director Kelleher to ask for some clarification, what percentage of that \$400,000 deficit is made up or used by fees and fines. He stated that he thinks they particularly hurt low income folks, and you don't want to discourage people from using the library.

Director Kelleher stated that one of the important points is that, what Rose Dawson is saying is that the library board agrees that all fines should stop, and so she thinks that was something that they were planning to do, but that this may not be the year, because we are all facing huge cuts. We are all being asked to cut 10% from our budgets which is like people now, so it may be difficult to make that argument that any revenue source, no matter how small, should be eliminated. She stated that this fits with the race and social equity initiative because if there is a disparate impact on persons of color, then that's something that should be taken into consideration and we and the library board and the city should look through that lens and say, all right, if these fees are having a disproportionate impact, especially now with kids having to do their work virtually and really struggling with their education that is the very reason we should push to have this change made. Director Kelleher stated that Chair Harris's letter was very good to the Board. Director Kelleher will follow up with Rose Dawson, and then, go from there and see what ends up in the budget.

Annual Report

Chair Harris stated that the annual report is in progress.

VAHR Annual Meeting

Director Kelleher stated that there was a zoom Meeting on Saturday, Commissioner Edwards and Commissioner Kellom attended the meeting. She stated that the VAHR is struggling somewhat and said that the meeting was really to determine if this is going to continue to be a relevant organization; so to the extent that we can improve the structure and that's what's going to happen with the executive committee of the VAHR. All jurisdictions are being asked to have at least two people one staff one Commissioner who regularly participate. She stated that typically, what the VAHR would do is have a really terrific annual meeting and training with speakers.

8. Liaison Reports

Commissioner Palmer Johnson. stated that the Commission for women has a new slate of officers and their new president is July Harbor. She also announced that on Thursday they are asking everyone to wear purple in honor of Domestic Violence month.

Commissioner Howe stated that the Landlord Tenant Relations Board was given a preliminary presentation of the relocation plan by the developers of the Heritage at Old Town development which is slated for demolition and redevelopment in the near future. He stated that the board is planning to send back out for comment to the HRC a draft piece of enabling legislation which will allow the city to require relocation assistance in certain circumstances (occupants are extremely low income, handicapped or elderly). He also mentioned the creation of the Alexandria Eviction Prevention Task Force, which is a multi-agency and community organization coalition to stop evictions during the COVID-19 pandemic and to work on long term efforts to prevent the causes of eviction and the harms done to tenants who are evicted.

Commissioner Hammond stated that the HIV/AIDS board met for the first time since the pandemic. He stated that they are trying to plan a World AIDS Day event in December, but it is still in the planning phase.

9. Announcements /Adjournment

There were no announcements.

MOTION: adjourn the meeting.

P.J /Howe **PASSED** unanimously

The meeting adjourned at 8:59p.m.