

Council Business Meeting

February 16, 2021

Agenda Item	Commission on Race and Social Equity – Discussion Questions	
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SUMMARY

This agenda item is to seek Council clarifications about the intended scope and authority of the proposed new Commission on Race and Social Equity so that the draft ordinance to be presented to the Council at a subsequent meeting for First Reading captures what the Council has in mind.

POLICIES, PLANS & GOALS SUPPORTED

Resolution 2020-15 – Declaration of the City of Ashland’s Commitment to Social Equity and Racial Justice

PREVIOUS COUNCIL ACTION

On July 7, 2020, Council approved Resolution 2020-15 on Social Equity and Racial Justice to formalize the City’s commitment to “move forward with purpose in order to provide immediate support for advocacy efforts while putting in place the elements necessary for long-term systemic change”.

At its January 5, 2021 Business Meeting, Council approved a motion directing staff to “initiate development of an ordinance for the creation of a Race and Social Equity Commission based on the proposal provided by Mayor Akins and integrated into Resolution 2020-15”.

BACKGROUND AND ADDITIONAL INFORMATION

During the January 5 agenda item on Mayor Akins’ proposal for creation of the new commission, Council’s discussion was wide-ranging and largely conceptual, and Mayor Akins emphasized that her document was a draft open to any changes. In considering how to translate Council’s various comments and perspectives into draft ordinance provisions, it became clear to legal counsel that a number of details about the scope and authority of the proposed commission had yet to be resolved. In hopes of bringing the proposed commission into sharper focus, legal counsel reviewed ordinances and resolutions concerning similar commissions in several other cities and formulated 15 questions for Council discussion and guidance to staff.

Shown below, then, are those 15 questions generally followed by references to specified lines of Mayor Akins’ draft document, attached hereto as “Exhibit 1”. Where appropriate, each question is also followed by references to specific related provisions from other cities’ authorizing documents for their somewhat similar commissions, which are collected in a single document attached hereto as “Exhibit 2”.

(The notes provided below most questions reference pages and line numbers in the attached exhibits. As an example, “*Ex. 1@1:7>17; and 3:21>26 (Jan. 5 COA proposal)*” means “Exhibit 1 at page 1, lines 7 through 17; and page 3, lines 21 through 26 in the January 5, 2021 proposal to Ashland City Council.” Similarly, “*Ex. 2@3.23 (Salem); 4:8>22 (Portland); and 6:18>7:9 (Austin)*” means “Exhibit 2 at page 3, line 23 from Salem’s authorizing document; page 4, lines 8 through 22 from Portland’s authorizing document; and page 6, line 18 through page 7, line 9 from Austin’s authorizing document.

DISCUSSION QUESTIONS

Scope

1. **Should the goals, objectives and authority of the commission be stated in broad terms or specified in detail?**
 - a. *Ex. 1@1:7>17, 3:15>17, and 3:21>26 (Jan. 5 COA proposal)*
 - b. The scopes of some similar commissions are stated in broad-brush terms. *Ex. 2@5:23>6:4 (Boulder)*. Others are quite specific and lengthy. *Ex. 2@6:7>7:25 (Austin)*.
 - c. In some cities, detailed scope provisions appear not in ordinances but rather in bylaws developed by the commission itself. The bylaws may or may not then have to be approved by the council.
2. **Is the commission to have greater authority than other City advisory bodies to define problems in City policies or governance and specify remedies?**
 - a. *Ex. 1@1:4>5; 1:7>8; and 1:11>17 (Jan. 5 COA proposal)*.
3. **Is the commission to have authority to define problems and specify remedies in arenas beyond the control of City government (e.g., education, economic opportunity, health)?**
 - a. *Ex. 1@2:12>16; and 3:7>11 (Jan. 5 COA proposal)*.
 - b. Some similar commissions focus mostly or exclusively on discrimination or prejudice within or by city staff. *Ex. 2:12>24 (Pasco)*.
 - c. Some are explicitly directed to avoid intruding on the responsibilities of other entities. *Ex. 2@1:10>11 (Beaverton); 3:6>10 and 3:17>18 (Salem); and 6:20>21 (Austin)*.
 - d. Some are directed to address issues beyond the responsibility of city government. *Ex. 2@4:8>5.2 (Portland)*.
4. **Is the commission to be obligated to consult with other City advisory bodies and non-City entities which address separate, also highly-valued objectives such as fiscal responsibility, wildfire control, climate change adaptation, land use planning, parks and open space, economic vitality, affordable housing, public art, transportation, etc?**
 - a. *Ex. 1@1:7>8; 1:11>17; 2:12>20; 3:7>11; and 3:21>23 (Jan. 5 COA proposal)*.
 - b. *Ex. 2@1:15>18 (Beaverton); and 3:11>14 (Salem)*.
5. **Is the commission to have greater opportunity than other City advisory bodies to address City Council?**
 - a. *Ex. 1@2:22>26; and 3:21>22 (Jan. 5 COA proposal)*.
6. **Is the commission to be a tribunal that reaches conclusions about specific incidents of perceived prejudice or discrimination?**
 - a. *Ex. 1@3:1>2 (Jan. 5 COA proposal)*.
 - b. With respect to specific incidents of prejudice or discrimination, the role of some similar commissions is to make recommendations to council or to provide collaborative negotiation, mediation, facilitation, or referral to other resources. *Ex. 2@1:5>6, and 1:25>26 (Beaverton); 3:17>20 (Salem); and 4:5>7 and 4:20>22 (Portland)*.

- c. Some similar commissions have court-like enforcement authority to resolve disputes. *Ex. 2@6:3>4 (Boulder)*. Some even have investigatory and subpoena power. *Ex. 2@6:20>7.5 (Austin)*.
7. If the Commission is to reach conclusions about incidents of perceived inequality, what procedural safeguards and authority should it have to ensure differing perceptions of the incidents are considered?

Membership

8. Is membership to be limited to persons who (1) have an Ashland permanent address? (2) are registered Ashland voters? (3) pay taxes in Ashland? (4) work in Ashland?
- a. *Ex. 1@1:20>26; and 3:18>19 (Jan. 5 COA proposal)*.
 - b. Some cities reach beyond their boundaries. *Ex. 2@5:4>5 (Portland)*
9. Is membership also potentially to include persons whose experience has primarily been in law, commerce, education, or environmental organizations, as well as persons with experience in race and social equity work?
- a. *Ex. 1@1:20>26; and 3:18>19 (Jan. 5 COA proposal)*.
 - b. Some such commissions are to seek representation from a broad spectrum of the community. *Ex. 2@5:14>19 (Portland) and 8:3>5 (Austin)*
10. Are decisions about who will be members of the commission to be made by solely by the Mayor, or by the Mayor and Councilors?
- a. *Ex. 1@1:20>22 (Jan. 5 COA proposal)*.
 - b. In most cities, appointments to such a commission appear to be made through the standard process for all their advisory bodies, which involves recommendation by the mayor and confirmation by the council.
 - c. In some cities, vacancies on such a commission are filled through recommendations to the mayor from the commission itself, proposed appointment by the mayor, and then confirmation by the council. *Ex. 2@5:7>13 (Portland)*.

Council Interaction

11. Is the commission's agenda to be established in consultation with the Council? What is to be the mechanism for such consultation?
- a. *Ex. 1@2:7>8 (Jan. 5 COA proposal)*.
 - b. In some cities, such a commission is to set its priorities through periodically engaging a broad spectrum of community members. *Ex. 2@4:23>5:2 (Portland)*.
12. Is the commission to have authority to establish work plans, benchmarks, and timelines for achievement and to publicly make findings and advocate for changes without prior Council approval?
- a. *Ex. 1@1:7>17; and 3:7>11 (Jan. 5 COA proposal)*.
 - b. In some cities, such a commission is to take its recommended plans, actions, and proposals to city council for decision. See *Ex. 2@1:5>9 and 1:13 (Beaverton); 2:22 (Pasco)*;

- c. In some cities, such a commission has authority to make findings or undertake actions without prior council approval. *Ex. 2@3.23 (Salem); 4:8>22 (Portland); 6:3>5 (Boulder); and 6:18>7:9 (Austin).*

Staff Interaction

- 13. Is the commission to have a City staff liaison to make meeting arrangements, assemble meeting materials, or take minutes?
 - a. *Ex. 1@2:1>4; and 2:9>10 (Jan. 5 COA proposal)*
 - b. In most cities, city staff is assigned to such a commission to handle logistics and minutes. *Ex. 2@2:3>6 (Beaverton).*
- 14. Is the commission to do its work without obtaining advice from City staff as to City legal, budgetary, and capacity limitations?
 - a. *Ex. 1@2.7>8; and 3:21>23 (Jan. 5 COA proposal).*
 - b. In at least some cities, staff is to provide to such a commission information about relevant city policies, procedures, plans, and other available resources. *See Ex. 2@2:6>7 (Beaverton).*
- 15. Is the commission to have authority to compel City staff from any department to participate in its meetings?
 - a. *Ex. 1@2:3>4 (Jan. 5 COA proposal)*

FISCAL IMPACTS

No funds are budgeted for this commission. The staff and Councilmember time and resources needed depends on answers to the questions above. For example, if the commission is to undertake dispute resolution (see Question 6 above), at least one fairly senior-level staff position probably would need to be budgeted for.

The extent and nature of possible impacts to residents, businesses and other affected groups likewise depends on answers to the questions above.

STAFF RECOMMENDATION

None, this agenda item is for discussion only.

ACTIONS, OPTIONS & POTENTIAL MOTIONS

None, this agenda item is for discussion only.

REFERENCES & ATTACHMENTS

Attachment 1: Exhibit 1. Mayor Akins' January 5 proposal

Attachment 2: Exhibit 2. Compilation of provisions from other cities' authorizing documents for their somewhat similar commissions

**City of Ashland Commission on Race and Social Equity
(preliminary description)**

Mission and Vision:

The Commission endeavors to adopt anti racist measures and draft a concrete plan to accomplish equity in the City of Ashland.

Its goal will be to explore the way race and equity impact community, how to dismantle systems which support bias and to support systems of accountability as it pertains to race and issues of social equity through the following methodology:

- Identify both the systemic and systematic practices of racism, homophobia, sexism and classism which have fostered structural inequalities, challenges, and deficiencies in Ashland.
- Assess the historic marginalization of African Americans, Indigenous People and People of Color in this community.
- Recommend and advocate the systemic changes that will protect and promote racial and social opportunity, diversity, equity, and unity.

Structure:

The Commission is a seven member panel of community leaders with backgrounds in race and social equity work by appointment of the Mayor through the usual processes of application and appointment.

Commissioners would need to represent a cross section of Black, Indigenous, People of Color, trans, gay, and economically marginalized. Commissioners would have additional qualifications by education and/or demonstrated work practice as equity leaders.

EXHIBIT 1 – Jan. 5 COA Proposal

1 There would be one primary staff liaison from the Ashland Police Department. Police
2 Chief Tighe O’Meara has agreed to attend and or to rotate police staffing through
3 commission meetings. However, there may be occasions where HR, Admin. and others
4 may be tasked with providing expertise to specific areas of focus.

5
6 The commission would meet on a monthly basis according to the schedule established
7 by the Chair as determined by appointed members. The meetings would contain an
8 agenda as established by the commission in consultation with the mayor and staff and
9 would be noticed to the public. The Commission would additionally appoint a Secretary
10 who would be tasked with the taking of minutes for publication by the City Recorder’s
11 Office.

12 The ongoing areas of interest as a guidepost would be:

- 13
- 14 • Racial Equity
- 15 • Education & Economic Opportunity
- 16 • Health Disparities
- 17 • Law Enforcement, Justice and Accountability
- 18 • Housing and Gentrification
- 19 • City Hiring Practices
- 20

21
22 **Reporting:**

23
24 The Commission would meet monthly and report directly to City Council in a regular
25 business meeting once per quarter with options to report to council more frequently
26 should the need arise.

EXHIBIT 1 – Jan. 5 COA Proposal

1 The Commission’s reports would be a public record and the Commission may consider
2 claims of inequity brought by the community.

3 All meetings will be legally noticed and minutes taken for publication on the City of
4 Ashland archive and website.

5

6 **Annual Report**

7 Each year the Commission will release an annual report with the status of its work in
8 terms of effective strategies enacted, future work plans, establishment of benchmarks
9 and timelines for achievement. The annual report will also carry recommendations for
10 not only the Commission but also for the community at large in terms of achieving the
11 mission of total equity and dismantling systems of oppression within the City of Ashland.

12

13 **Summary of Commission Purpose:**

14

15 While it may be unclear how long the stated goal of supporting total equity in Ashland
16 may take or if the goal can indeed be achieved, we find the work worthy of its mission
17 and progress likely as a result of undertaking it.

18

19 Commissioners will be people from within the BIPOC community and professionals with
20 needed backgrounds in order to best achieve the goals.

21

22 The Commission will work with the City of Ashland but will also have a separate role of
23 reporting directly to Council and Mayor on their findings so as to have an objective role not
24 influenced by internal controls or structures within the City of Ashland.

25

26 Commissioners in reporting their findings will offer recommendations toward solutions
and the overall goal of ending inequity and the systems which support oppression.

Exhibit 2

HUMAN RIGHTS ADVISORY COMMISSION – BEAVERTON (pop. 88,858)

Powers & Duties

- Examine sources of tension, practices of discrimination, or acts of prejudice by employees of the City.
- Make recommendations concerning solutions to specific problems of prejudice or discrimination in the City.
- Recommend action, policies, and legislation to the [City Council](#) to be considered by state and local governments.
- Make reports to the City Council upon request.
- Perform conciliatory services that do not conflict with the functions of any other government agency.
- Promote harmonious inter-group relations within the City.
- Recommend action, policies and legislation to be considered by City Council.
- Provide human rights education and training opportunities.
- Promote harmonious intergroup relations in Beaverton by enlisting the cooperation of various racial, religious, and nationality groups; business, community, labor, and governmental organizations; fraternal and benevolent associations; educational and other groups.
- Listen to members of the Beaverton community about issues involving human rights in Beaverton;
- Raise City Council and staff awareness of potential human rights issues encountered by commission members or reported to the commission by members of the community
- Refer individuals to resources that provide solutions to specific problems of prejudice or discrimination occurring in Beaverton; and

Exhibit 2

- Make other reports to City Council as the City Council may request.

Staff Liaison

- The City shall assign a staff liaison to HRAC. The staff liaison shall provide assistance to HRAC, including, but not limited to: arranging the meeting space and time; notifying board members and the public of meetings; distributing agendas and minutes; providing information about relevant city policies, procedures, plans, and other external resources available to HRAC; training new HRAC members, and requesting budget funds annually for HRAC's mission or business.

INCLUSIVITY, DIVERSITY, AND EQUITY COMMISSION – PASCO (pop. 73,013)

Goals

- Examine the practices and procedures of the City of Pasco to identify strategies to create a greater feeling of inclusion and welcoming for all who live and work in Pasco.
- Engage with Pasco residents, interest groups, and businesses, seeking feedback on their experiences that can improve life in our community.
- Identify strategies that help the City to be more inclusive in engaging our residents and businesses that will better promote unity, equality and understanding in Pasco.
- Identify funding strategies to implement these goals.
- Provide the City Council with a report on opportunities to recognize and celebrate Pasco's diverse culture.
- Present recommendations to the Pasco City Council on how to achieve the goals above.
- This Commission shall expire within twenty-four (24) months of the date of this Resolution unless extended by a majority vote of the Pasco City Council no less

Exhibit 2

1 than ninety (90) days prior to the date of expiration. If so extended, the term shall
2 be extended by such period as determined by the City Council.

4 **HUMAN RIGHTS COMMISSION- SALEM (pop. 169,798)**

5 **Powers and Duties**

- 6 • The Commission shall have no executive or administrative powers or authority
7 except as herein provided, and this chapter shall not be construed as depriving any
8 city, county, or school district elected or appointed official of any power they may
9 have under the laws of the State or the Charter of the City. The Commission shall
10 be advisory and shall have powers, duties, and functions as follows:
- 11 • Promote harmonious intergroup relations within the City by enlisting the
12 cooperation of various racial, religious, and nationality groups, business,
13 community, labor, and governmental organizations, fraternal and benevolent
14 associations, educational and other groups.
- 15 • Examine sources of tension, practices of discrimination and acts of prejudice in the
16 City.
- 17 • Perform such conciliatory services as would not conflict with the functions of any
18 other government agency.
- 19 • Make recommendations concerning solutions to specific problems of prejudice or
20 discrimination.
- 21 • Recommend to the Council, action, policies, and legislation to be considered by
22 state and local governments.
- 23 • Take action upon alleged violations of SRC chapter 97 as provided in this chapter.
- 24 • Make such reports to the Council as the Council may request.

Exhibit 2

HUMAN RIGHTS COMMISSION - PORTLAND (pop. 647,805)

Jurisdiction and Functions

- The jurisdiction of the Commission will include all practices and incidents which affect people who live, work, study, worship, travel or play in the City of Portland.
- The Commission shall have jurisdiction to address such practices and incidents through education, research, advocacy and/or intervention, but shall not have civil rights enforcement authority.
- The Human Rights Commission shall advocate for and take positive action toward eliminating discrimination, racism, and bigotry, strengthening inter-group relationships, and fostering greater understanding, inclusion and justice for those who live, work, study, worship, travel and play in the City of Portland. In doing so, the HRC will develop measurable, time specific objectives to:
 - Educate the public and policy makers on issues, needs, and diverse perspectives related to eliminating discrimination, racism, and bigotry and strengthening inter-group and interpersonal relationships and understanding.
 - Conduct research on policies, practices, systems, or issues where discrimination, racism or bigotry may be a factor in the differential treatment of specific groups of people.
 - Advocate for policies, practices, and positions that are inclusive and caring.
 - Intervene in situations where collaborative negotiation, mediation, or facilitation are reasonable resolutions to problems related to inter-group and interpersonal relations and allegations of discrimination.
 - In setting its priorities, the Commission shall engage a broad spectrum of community members to gather information on emerging issues and needs as

Exhibit 2

1 they relate to human rights and intergroup relations at least once every two
2 years.

3 **Membership**

- 4 • Membership Requirements: Members must live, work, worship or be enrolled in
5 school within the City of Portland.
- 6 • Vacancies: Opportunities to fill vacancies on the Human Rights Commission shall
7 be announced publicly. When a vacancy occurs, the Nominating Committee of the
8 Human Rights Commission shall forward recommendations for nominations to the
9 Commission for approval through the Commission’s nominations process. The
10 Commission’s approved recommendations for nominations shall then be forwarded
11 to the Mayor. The Mayor shall appoint, and the Council shall then confirm
12 members to fill the balance of unexpired terms. Vacancies that result from
13 expired terms shall be filled in the same manner as interim vacancies.
- 14 • Representation: Members of the Human Rights Commission shall be appointed by
15 the Mayor so as to provide representation from a reasonably broad spectrum of the
16 community, including factors such as: areas of expertise, advocacy experience,
17 community involvement, profession, education, race, ethnicity, gender, gender
18 identity, sexual orientation, disability, national origin, age, religion and geographic
19 identification.

21 **HUMAN RELATIONS COMMISSION - BOULDER (pop. 322,514]**

22 **Objectives**

- 23 • Celebrate and encourage understanding of the diversity of the city's population;
- 24 • Encourage education programs with the potential to change ideas and attitudes;

Exhibit 2

- Conduct research to define key issues in the community in order to suggest appropriate changes to ordinances and policies; and
- Enforce the City of Boulder's Human Rights Ordinance that prohibits discrimination by serving as a quasi-judicial hearing board for human rights ordinance cases.

HUMAN RIGHTS COMMISSION -- AUSTIN (pop. 950,715)

Powers and Duties

- Advise and consult with the city council on all matters involving racial, religious, or ethnic discrimination, and devise practices to promote equal opportunity
- Serve in an advisory and consultive capacity to all city departments, advisory boards, and regulatory agencies to assure effective compliance with non-discrimination policies and orders, and recommend to the city manager measures to improve the ability of various departments and agencies to insure equal protection of any and all persons and groups against discrimination;
- Recommend to the city council legislation to aid in programs designed to eliminate prejudice and discrimination and encourage community support for the legislation;
- Aid in the formulation of local community groups in neighborhoods as needed to carry out specific programs;
- Initiate and facilitate discussions and negotiations between individuals and groups to lessen tensions and improve understanding in the community;
- Assist in the enforcement of all laws prohibiting discrimination against persons where jurisdiction is not specifically vested in another agency;
- Receive and investigate complaints and, as provided by state law, and if necessary, subpoena witnesses and documents needed for investigation of those complaints, and initiate investigations of tensions, acts of prejudice, and practices of discrimination;

Exhibit 2

- 1 • Conduct public hearings on complaints and investigate and report to the council in
2 writing facts, findings, and recommendations after using persuasion, mediation, and
3 conciliation before any public hearing, and after making certain that any person named in
4 any report of investigation was given the opportunity to be heard before the board with
5 the right to examine and cross-examine witnesses;
- 6 • Institute and conduct educational programs to promote equal treatment, opportunity
7 and understanding, and sponsor meetings, institutes, forums, and courses of
8 instruction to lead to a clearer understanding and solution of human relations
9 problems;
- 10 • Assist in training city employees to use methods of dealing with intergroup
11 relations that result in respect for equal rights and equal treatment, and cooperate
12 with the local Police Department in developing and including human rights courses
13 in the curriculum of police training;
- 14 • Conduct research, obtain factual data and hold public hearings to ascertain the
15 status and treatment of racial, religious, and ethnic groups in the city and the best
16 means of progressively improving human relations;
- 17 • Provide services and information to the city manager and heads of all city
18 departments and agencies to achieve the purposes of this chapter; and
- 19 • Cooperate with all city, state, county, federal, and other governmental agencies, as
20 well as racial, religious, ethnic, nationality, educational, community, civic,
21 fraternal, benevolent and other groups, associations, societies, and individuals with
22 constructive talents and resources helpful in achieving mutual appreciation of the
23 privileges and the responsibilities of citizenship in a land of freedom enriched by
24 free commerce and full utilization of all human resources from all racial, religious,
25 ethnic and national groups.

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Exhibit 2

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Membership

The commission should be composed of members who as nearly as possible are representative of the several social, economic, religious, cultural, ethnic, and racial groups which comprise the population of the City.