

June 10, 2021

*In accordance with Virginia Code § 2.2-3708.2, Virginia Code § 15.2-1413 and the City's Continuity of Government Ordinance adopted on March 2, 2021, and Chapter 1289 of the 2020 Acts of Assembly as amended, I hereby call for a **MEETING BY ELECTRONIC COMMUNICATION MEANS** of the Human Rights Commission. This meeting was held by electronic means using the WebEx videoconferencing platform because of the COVID-19 Pandemic emergency.*

**June 10, 2021**

**4pm**

*The purpose of the meeting is to discuss and transact the business of the Commission.*

**Members Present:** Sylvia Nery-Strickland (Chair), Dr. Virginia Jenkot (Vice Chair), Beatriz Amberman, Joe Burnsworth, David Calliott, Thomasine Cubine, Morgan Ellis, Jamal Gunn, Carla Hesseltine, Hannah Mancoll, Emiliano "Jojo" Orenca, Luis Rivera, Teresa Stanley, Mark Stevens, Ron Taylor

**Staff Present:** Stacy Hawks (Human Resources), Regina Hilliard (Human Resources), Dominique McKinnon (HRC Liaison)

**Liaisons Present:** Deputy Chief William T. Dean, Rod Ingram (Deputy City Attorney)

#### **I. Call to Order/Roll Call**

The meeting was called to order by Chair Nery-Strickland at 4:03 p.m.

Roll Call of the Commissioners was taken. Commissioner Ellis, Commissioner Gunn and Commissioner Taylor connected to the meeting after Roll Call was taken. Commissioner Thompson, Commissioner White and Commissioner Zoberman were absent.

#### **II. Minutes Approval**

Commissioner Rivera made a motion to approve the minutes from the May 13<sup>th</sup> meeting. Vice Chair Jenkot seconded the motion. By a vote of 11-0, the minutes from the May 13<sup>th</sup> meeting were approved.

#### **III. Officers Election**

Jojo Orenca, Chair of the Nominating Committee presented the proposed slates for officers – Sylvia Nery-Strickland for Chair and Ginger Jenkot for Vice Chair. Commissioner Amberman made a motion to approve the recommended slate of officers. Commissioner Stevens seconded the motion. By a vote of 12-0 with 1 abstention, the slate of officers - Sylvia Nery-Strickland for Chair and Ginger Jenkot for Vice Chair was approved.

#### **IV. Chairman's/Committee/Liaison Reports**

Chair Nery-Strickland reported that this meeting would be the last virtual meeting for the Commission. She stated that Staff Liaison McKinnon sent out the policy for remote participation in meetings going forward. Deputy City Attorney Rod Ingram gave an overview of the HRC's current remote participation policy and a proposed revision of the policy based on changes to the law. The policy states that an individual member can participate in a meeting remotely if a quorum of the HRC is present in a meeting room. Remote participation is allowed for 2 reasons:

Medical – meaning the member has a physical disability or another medical condition that prevents him or her from physically attending meetings. For this reason, there is no limit on the number of times they can participate remotely.

Personal or another reason other than medical – there is a limit of 2 meeting per year that a member can participate remotely.

Effective July 1, 2021, the state law that the policy is based on will change. The law will add that under the medical reason, a member will be able to participate remotely when they have to stay home to care for a family member with a medical condition. The limitation will still be unlimited for medical reasons. For a personal reason or another reason other than medical, the limitation will increase to 25% of the meetings held per calendar year, rounded up to the next whole number. Rod suggested that the HRC adopt this policy for more flexibility and suggested that the HRC committees adopt this policy as well. The HRC is a public body and each committee is a separate public body. He provided examples for how many meetings a member can participate in remotely for HRC meetings and committee meetings:

- If there are 12 HRC meetings in a year, a member can participate remotely for 3 (25%) of those meetings for personal reasons or any reasons other than medical.
- If there are 20 HRC committee meetings in a year, a member can participate remotely for 5 (25%) of those meetings for personal reasons or any reasons other than medical.

Commissioner Amberman asked for more clarification on how the policy affects remote participation in committee meetings to help commissioners decide how many committees they want to join. Rod stated that for a member to participate remotely in a committee meeting, a quorum – half the membership + 1 – would have to be physically assembled during the meeting.

Commissioner Stanley thanked Rod for clarification on attendance and quorum requirements for committee meetings. Rod suggested that going forward the Commission established lists of membership for the committees to determine a quorum for these meetings. Chair Nery-Strickland asked if non-commissioner committee members are counted towards the quorum of a committee meeting. Rod clarified that all members of a committee, commissioners and non-commissioners, count towards the quorum of a committee meeting.

Commissioner Burnsworth asked if the quorum of committee consists of those who are officially listed as committee members and Rod confirmed that. Rod added that guest speakers, liaisons and staff do not count towards quorum numbers, and the remote participation rules do not apply to them.

Commissioner Hesseltine asked if the 2-per-person limit on attending meetings remotely for personal reasons was cumulative for HRC and committee meetings. Rod clarified that they are separate counts and effective July 1<sup>st</sup>, that limitation will be 25% of the meetings.

Commissioner Calliott asked if there is a rule that states meetings have to be held in-person. Rod stated that if 3 or more members of the HRC are discussing HRC business, that is considered a meeting that the public has to be able to attend. The same rule applies to committee meetings and after July 1<sup>st</sup>, there will be no more virtual meetings. The HRC's ability to meet virtual in predicated on the continuance of the Governor's state of emergency, and that will end on June 30<sup>th</sup>.

Vice Chair Jenkot asked why a vote is necessary if the remote participation policy is a state mandate. Rod clarified that if a locality wants to have a remote participation policy, they must adopt a policy, and it has to be consistent with state law.

Commissioner Rivera made a motion to adopt the revised remote participation policy effective July 1, 2021. Commissioner Hesselstine seconded the motion. By a vote of 13-0, the motion was approved.

Chair Nery-Strickland reported the next meeting in July will be the HRC Retreat. Vice Chair Jenkot stated that the Retreat is a time to go over the Annual Work Plan, look at what the Commission has accomplished and make plans for the upcoming year. Chair Nery-Strickland suggested the Commission do some team building during the Retreat. Chair Nery-Strickland asked the commissioners to send any suggested topics for the Retreat to her and Vice Chair Jenkot. Commissioner Burnsworth stated that reviewing proposed changes to the by-laws has been discussed as a topic for the Retreat to help guide the Commission for the duration of the year. It was decided that the Retreat will be from 3pm to 6pm on July 8<sup>th</sup>.

Commissioner Stanley suggested that the Commission have a catch-up Retreat for the next student commissioners who will be appointed later in the year as the current student commissioners' terms will end upon their graduation before the Retreat. Rod Ingram suggested that Commissioner Mancoll and Commissioner Ellis provided the Commission with input for the Retreat prior to their terms ending. Commissioner Mancoll suggested that the Commission reach out to the different academies within the Virginia Beach City Public Schools to recruit new student commissioners. Commissioner Stanley suggested reaching out to Dr. Parrott for new student commissioners.

Commissioner Gunn suggested using the August 12<sup>th</sup> meeting date for the potential second day of the Retreat as it is already set on commissioners' calendars. Staff Liaison McKinnon reported that she is exploring all options for meeting locations taking into consideration the room size needed as well as possible AV needs.

Commissioner Hesselstine asked if the request to continue some meetings virtually goes to the Governor, City Council or the Mayor. Rod stated that virtual meetings can continue if the Governor extends the state of emergency or if state legislation changed the law per the legislative request that the HRC will be submitting to City Council for consideration by the General Assembly.

Commissioner Amberman stated that she will be participating in a podcast with state representatives and asked if it would be appropriate to discuss continuing virtual meetings. Rod suggested that she let them know how helpful virtual meetings have been for the HRC and if the state could help the Commission to continue meeting virtually after the state of emergency ends.

Chair Nery-Strickland suggested that if needed, the second day of the Retreat will be on August 12<sup>th</sup> during the regularly monthly meeting. There were no objections to the suggestion and the potential second day of the Retreat was set. Rod reported that during the Retreat he will review roles and responsibilities, a refresher on FOIA, conflict of interest and the attendance policy.

Chair Nery-Strickland reported that there is still time to make recommendations for the legislative package. Rod stated that he has reached out to the new City Manager's liaison to the General Assembly, Debbie Bryan. As soon as he gets the memo regarding the deadlines for submitting recommendations, he will forward it to Staff Liaison McKinnon. Commissioner Cubine asked about who writes the requests for legislative recommendations. Rod asked that she draft the legislative agenda for STEP-VA as she is a subject matter expert, and he will ask that her request be submitted as written.

Chair Nery-Strickland asked the commissioners to send her any suggestions for future presentations and those suggestions will be sent to the Commission for approval.

#### **Awards Committee:**

Staff Liaison McKinnon reported that at the last meeting the committee discussed holding the ceremony in-person as COVID restrictions are being lifted and the state of emergency will expire at the end of the

month. She stated that they are tandem planning for a virtual and in-person meeting, with the hope that the Commission can decide during the Retreat. She has already reached out to MOCA to reserve the location for the ceremony on December 10<sup>th</sup> and is waiting for a final determination on another party that has requested MOCA for the same date. Chair Nery-Strickland suggested reserving MOCA for another day that week for the ceremony. Commissioner Amberman stated that the ceremony should be held any day within the week of the 10<sup>th</sup>.

### **COVID-19 Taskforce:**

Commissioner Amberman reported that there are a lot of rapid changes at the state level with COVID-19 restrictions. She stated that the White House is creating a video that can be shared with the community, encouraging people to get vaccinated and she will share the link once it has been released. The White House has also expanded on their pharmacy partnerships to offer extended hours in the month of June for people to get vaccinated. Four of the nation's largest childcare providers will be offering free childcare until July 4<sup>th</sup> for caregivers who need to get vaccinated or are recovering from vaccinations. She added that she was invited to be one of the speakers when the Governor signed Bill 1296 into law. The bill calls for Virginia to establish an emergency management equity working group to ensure that emergency management programs provide support to at risk individuals and populations disproportionately impacted by disasters.

Vice Chair Jenkot reported that the statistics for vaccinations are staying consistent by race and ethnicity with 66% of the Caucasian community, 15% of the Black community, 9% of the Latino community and 7% of the Asian community receiving one or more doses of the vaccine. Commissioner Amberman reported that as of now, the Latino community is the 2<sup>nd</sup> largest community vaccinated in Virginia.

### **Independent Observer Program:**

Commissioner Hesseltine reported that for this year, Staff Liaison McKinnon created a link to a survey for independent observations at the Oceanfront for commissioners and any HRC partners to provide feedback on what is happening at the Oceanfront.

### **Law Enforcement Oversight Committee:**

Commissioner Hesseltine reported that the jail is still not open for tours due to COVID-19 restrictions. She stated that she has spoken with Captain McBrien and the VBPD is now offering ride-a-longs. She reported that their availability is open, but suggested that commissioners not participate on the weekends as that is a busy time for the police department. She asked that any commissioner interest in a ride-a-long, contact her and she will get that set up. She added that the VBPD is having an in-person Citizen Academy starting on Monday, she will be participating and can assist any other commissioners who may be interested.

Commissioner Stevens asked if the link for the survey can be shared with other people. Staff Liaison McKinnon reported that the link can be shared with anyone and will remain active for use. She stated that she will begin to check the site weekly for survey entries. Commissioner Stevens reported that a protest at the Oceanfront is planned for June 19<sup>th</sup>.

Commissioner Amberman reported that she was asked to join a state advisory board on criminal justice. She will keep everyone informed once they have their first meeting and pass along any important information.

Commissioner Stanley reported that the Pastors/Leaders Community Police Relations Table is continuing their work with getting stakeholders involved in citizen review panel and other matters. Minutes from the latest meeting will be coming out and the next meeting is on July 8<sup>th</sup> at 7pm. Commissioner Stanley reported the Season for Non-Violence is ongoing work and she commended Commissioner Ellis and

Commissioner Mancoll for taking the lead with other young people in the community on creating the 1<sup>st</sup> safe space, butterfly garden in the ViBe District. She reported that Hampton Roads Collaborative Table will be having their consensus building meeting on June 17<sup>th</sup> and she will bring to the HRC what is discussed.

Deputy Chief Dean reported that the VBPD has increased their presence at the Oceanfront. He encouraged commissioners to utilize the independent observer survey. The department welcomes that feedback as it is important for them to see how effective they are being at the Oceanfront. The department has had meetings to reveal their first community contact report the last two quarters which they shared with Dr. Veronica Coleman, Dr. Williams and the president of the local NAACP. He said that it will be made public in the next couple of weeks, and Chief Neudigate is interested in presenting this report to the HRC personally.

Commissioner Gunn asked about a recent news report regarding body cams being mandated in the City. Deputy Chief Dean reported that the VBPD is 100% equip with body cams and they are still working on outfitting the automatic triggers to activate the body cameras when a weapon is pulled out of its holster. He stated that officers are required to turn their body cams on when they are having eligible contact with a citizen. When an officer is on their way to a call for service or when making a traffic stop, they turn on the camera, and if they are making an arrest, the camera is kept on throughout the whole process all the way to disposition of the case. Deputy Chief Dean reported that the automatic trigger sensor will turn on any camera within the Bluetooth range when a firearm or taser is pulled and there is a buffer on the camera so that the camera will go back two minutes once it is turned on. Commissioner Gunn asked what happens when a body camera is not turned on and something unfortunate occurs. Deputy Chief Dean stated that there is an internal investigation into the rule violation for not turning on the body camera and that matter is not resolved fully until the criminal investigation is complete.

Commissioner Hesseltine asked if all officers are equipped with a body camera regardless of rank. Deputy Chief Dean stated that all officers have a body camera and they are required when wearing a uniform. He clarified that the VBPD is awaiting delivery of all new holsters that will allow the installation for the automatic trigger sensor for the body cameras.

## **V. Citizens Remarks**

Dante Strobino and City employee, Terry Green spoke to the Commission about collective bargaining for City workers. Mr. Strobino reported that he is currently organizing the Virginia Beach City Workers Union, UE Local 111 to include frontline essential workers – Public Works, Public Utilities, Parks and Rec, Human Services and Libraries. He asked the HRC to investigate collective bargaining for City Workers and recommend to City Council that they pass a resolution in support of collective bargaining.

## **VI. Adjournment**

Chair Nery-Strickland announced that the student commissioners will be graduating. She invited them to attend future meetings and thanked them for serving on the Commission.

Chair Nery-Strickland adjourned the meeting at 5:59pm.

### **Next Meeting:**

Thursday July 8, 2021 @ 3:00 p.m.

TBD