Human Rights Commission (HRC)

Meeting Minutes

November 4, 2020 via Zoom

Attending: Ravi Koil; Colleen Turner-Jones; Pedro Vazquez; Erick Giles; Alma Ogweta; Margaret Brownlee; Adele Edelman; Jill Barkley Roy; DC Amy Berry; Stephanie Weaver; Jodi Mezzanotte

Absent: Youth Representative (not yet appointed); Milan Nevajda, Planning Dept Representative (Planning Board meeting conflict)

As this was the first meeting of the HRC, there was no formal call to order by Chair (then not yet determined). Stephanie Weaver facilitated the meeting as the City Staff Liaison and provided information on public meeting process (see attached statement read and screen share).

Agenda (see attached) had been developed by all members via email.

- All members introduced themselves and gave a brief statement.

- Margaret Brownlee, who had (with others) prepared a PowerPoint on similar commissions for the City Council as they considered forming a HRC (please see attached), provided a brief history about the formation of this HRC.

- A discussion on meeting process and organizational structure was led by Pedro Vazquez, who introduced (and provided a hand out about via screen share) the concept of a process called The Circle Way (see attached) for governing meetings, as well as a rationale for foregoing a Roberts Rules of Order based process. Discussion ensued with interest in the idea of The Circle Way being expressed. The Circle Way if adopted and the roles of Chair, Vice Chair and Secretary as defined in the HRC ordinance (Council action undertaken to provide for the formation in all respects of the HRC), seemingly in conflict, will need to be reconciled. Two options to reconcile currently are identified: either change the ordinance to comport with the structure under the Circle Way, or a process that utilizes both (electing the roles per ordinance and informally using the Circle Way at meetings) could be adopted. A final decision was pended for future meetings.

- Ravi Koil suggested the likely path forward was using both and that there was the immediate need to have a lead for the HRC; he suggested Pedro Vazquez be Chair and it was unanimously supported by members via a roll call vote. Determining other roles is for future meetings.

- Discussion about how to include Public comments in the process followed. The HRC agreed, at least initially to assess if it meets the needs of the Public to participate and
the HRC to stay on task, that: 1. the HRC meeting process should include a public comment period at the start of and at the end of each meeting, with a per person opportunity to speak on any topic for three minutes potentially; and 2. for HRC members to sponsor agenda items from the Public for consideration, possibly via a Google form that can be shared.

- A discussion about the role of ex officio members followed, with the prevailing ideas that such members would both take the lead at times under the Circle Way process, if adopted, and that such members would serve as a resource on areas of expertise for the appointed members.

- A presentation entitled “FOAA Training for HRC 11-04-20” was made by Sally Daggett, the City’s Corporate Counsel (see attached).

- Following the presentation Sally Daggett explained the City’s proposal to provide City email addresses to appointed members of the HRC and explained the status of the City’s policy on social media accounts for City departments and Board and Committees as underway in development but not yet ready to be approved or used.

- All remaining voting members (Alma Ogweta excused herself to attend another meeting at 8pm) voted unanimously by roll call vote to accept the City’s offer for HRC members to have City email addresses.

- The concept of using Google shared drive for sharing documents was raised and Stephanie Weaver will follow up at the next meeting on the City’s ability to support that.

- The unanimous decision was made to pend the agenda items listed under Priorities to the next meeting in order to allow enough time to discuss these topics.

- A discussion of meeting schedule followed. The consensus was to meet two times per month, on every 2nd and 4th Thursday (excepting Thanksgiving Day this month), from 7-8:30pm, via zoom, to start.

- The agenda for the next meeting will be circulated by Pedro Vazquez on Thursday, Nov. 5 via email. In order to meet Public Notice requirements, a meeting agenda must be finalized and sent to the City Clerk’s office, including any Zoom meeting details, by end of day Thursday for posting the next day, Friday, of the week prior to any public meeting being held.

**NEXT MEETING:** 11/12, 7pm, via Zoom

Meeting adjourned.
South Portland Human Rights Commission
Meeting Agenda
Wednesday, November 4, 2020
6:00 – 8:30 pm
Via Zoom

6:00 – 6:30  Call to Order
            Introductions
            Brief History of Commission Establishment

6:30 – 7:00  Discussion of process and organizational structure
            b. Officers (?)
            c. Public Comment Guidelines Discussion

7:00 – 7:30  Review of Maine’s Freedom of Access Act (FOAA) with the City’s attorney, Sally Daggett.

7:45 – 8:15  Priorities
            a. Equity Audits
            b. Community Outreach
            c. Education Initiatives

8:15 – 8:30  Future meetings
            a. Establish schedule
            b. Styles of meetings (in person, virtual, or hybrid?)

8:30-       Adjournment
City of South Portland

Workshop for Human Rights Commission
July 28, 2020

FINAL DRAFT

City of South Portland

Presented by Margaret Brownlee
July 28, 2020
EXECUTIVE SUMMARY

Overview - Human Rights Commission
The South Portland Human Rights Commission (SPHRC) will provide support for the people of South Portland, specifically marginalized groups; to build community, provide education and training, celebrate diversity and inclusion, increase community engagement, and review policy. The SPHRC will work closely with Black, indigenous and people of color, LGBTQ people, people with disabilities, and low-income families that need support. The SPHRC will work to prevent hate and discrimination with the ability to access public records and/or equity audits. The SPHRC will provide guidance to the City Council for policy changes.

The Problem
The realities of Systemic Racism & Police Brutality are part of our national consciousness. Structural racism in housing, employment, education, and healthcare, is a threat to our community. South Portland comes together to form the Human Rights Commission to combat racism and hate. The killing, hate and discrimination of Black people, Immigrants and Refugees dehumanizes all of us. Governor Janet Mills stated in May 2020 that “we must defend the lives, integrity, and equality of all citizens.” Nobody should be deprived of “life or liberty because of race, creed, color, national origin, religion, disability, gender” Title 5, Chapter 337: Human Rights Act focuses on the public health, safety and welfare to prevent discrimination, and the South Portland Human Rights Commission (SPHRC) will work diligently to defend human rights.

The Solution
The SPHRC will respond to incidents of hate, bias, and discrimination by providing information, community workshops, trainings, and events. SPHRC events will be free and open to the public. The SPHRC will be formed by a group of dedicated residents who will come together to create bylaws and meet the needs of the community.

Highlights
The South Portland Human Rights Commission will host monthly meetings
The South Portland Human Rights Commission will host 4 training workshops per year
The South Portland Human Rights Commission will host 4 community celebrations per year
The South Portland Human Rights Commission will raise awareness & community engagement

Keys to Success
Our Marketing Strategy includes: public website, email address, and hotline number
Our Partnerships include: South Portland Police, School Board, Planning Board, etc
Our Timeline includes: starting January 2021 (and continuing indefinitely)

Financial Highlights
Budget for Year 1 = $30,000 with increased funding for FY2022
Our expected attendance for workshops & events is 1,000 people
Our expected number of workshops & events is 8 for the year

Presented by Margaret Brownlee
July 28, 2020
#SAYTHEIRNAME

ERIC GARNER - JOHN CRAWFORD III - MICHAEL BROWN - EZEŁL FORD
DANTE PARKER - MICHELLE CUSSEAX - LAQUAN MCDONALD
TANISHA ANDERSON - AKAI GURLEY - TAMIR RICE - RUMAIN BRISBON
JERAME REID - GEORGE MANN - MATTHEW AJIBADE - FRANK SMART
NATASHA MCKENNA - TONY ROBINSON - ANTHONY HILL - MYA HALL
PHILLIP WHITE - ERIC HARRIS - WALTER SCOTT - WILLIAM CHAPMAN II
ALEXIA CHRISTIAN - BRENDON GLENN - VICTOR MANUEL LAROSA
JONATHAN SANDERS - FREDDIE GRAY - JOSEPH MANN
SALVADO ELLSWOOD - SANDRA BLAND - ALBERT JOSEPH DAVIS
DARRIUS STEWART - BILLY RAY DAVIS - SAMUEL DUBOSE
MICHAEL SABBIE - BRIAN KEITH DAY - CHRISTIAN TAYLOR
TROY ROBINSON - ASSHAMS PHAROAH MANLEY - FELIX KUMI
KEITH HARRISON MCLEOD - JUNIOR PROSPER - LAMONTEZ JONES
PATERSON BROWN - DOMINIC HUTCHINSON - ANTHONY ASHFORD
ALONZO SMITH - TYREE CRAWFORD - INDIA KAGER - LA'VANTE BIGGS
MICHAEL LEE MARSHALL - JAMAR CLARK - RICHARD PERKINS
NATHANIEL HARRIS PICKETT - BENNI LEE TIGNOR - MIGUEL ESPINAL
MICHAEL NOEL - KEVIN MATTHEWS - BETTIE JONES
QUINTONIO LERGER - KEITH CHILDRESS JR. - JANET WILSON
RANDY NELSON - ANTRONE SCOTT - WENDELL CELESTEINE
DAVID JOSEPH - CALIN ROQUEMORE - DYZHAWN PERKINS
CHRISTOPHER DAVIS - MARCO LOUD - PETER GAINES
TORREY ROBINSON - DARIUS ROBINSON - KEVIN HICKS
MARY TRUXILLO - DEMARCUS SEMER - WILLIE TILLMAN
TERRILL THOMAS - SYLVLIE SMITH - ALTON STERLING
PHILANDO CASTILE - TERENCE CRUTCHER - PAUL O'NEAL
ALTERIA WOODS - JORDAN EDWARDS - AARON BAILEY - RONELL
FOSTER - STEPHON CLARK - ANTWON ROSE II - BOTHAM JEAN
PAMELA TURNER - DOMINIQUE CLAYTON - ATATIANA JEFFERSON
CHRISTOPHER WHITFIELD - CHRISTOPHER MCCORVEY
ERIC REASON - MICHAEL LORENZO DEAN - BREONNA TAYLOR

GEOGE FLOYD

A Decade Of Watching Black People Die

https://www.npr.org/2020/05/29/865261916/a-decade-of-watching-black-people-die

Presented by Margaret Brownlee
July 28, 2020
Workshop Background & Context

The tragic murders of Breonna Taylor, Ahmaud Arbery, George Floyd, Tamir Rice, Eric Garner, Sandra Bland, Elijah McClain, John Crawford, and countless others by police have once again shone a light on systemic racism and the current and historical treatment of Black, Indigenous and People of Color (BIPOC) in this country. This led to Black Lives Matter Protests & Rallies across the United States and an outcry for racial and social justice in Maine. We the people of South Portland would like to make a stand for racial justice by proposing the creation of the South Portland Human Rights Commission by focusing at Diversity, Equity, and Inclusion within the city.

Presented by Margaret Brownlee
July 28, 2020
The Workshop Purpose Statement

Present a need for the South Portland Human Rights Commission; specifically for historically marginalized groups who have suffered systemic racism and oppression in the areas of housing, employment, education, banking, healthcare, and policing.

Presented by Margaret Brownlee
July 28, 2020
What is a Human Rights Commission?

A group of people appointed by the City Council that

1. Promote an inclusive, empowering and diverse community
2. Provide community education through trainings and workshops
3. Increase community engagement through celebrations and events
4. Review City policies and provide recommendations to the Council for changes
5. Enforce the Human Rights Ordinance as defined by the City Council
6. Actively work to prevent hate, discrimination, racism, and injustice

An exemplary Human Rights Commission is located in Melrose, Massachusetts
https://www.cityofmelrose.org/human-rights-commission

Presented by Margaret Brownlee
July 28, 2020
The Maine Human Rights Commission was established in 1971 and stands independently to perform its "duty of investigating all conditions and practices within the State which allegedly detract from the enjoyment, by each inhabitant of the State, of full human rights and personal dignity." Their mandate remains to investigate "all forms of invidious discrimination, whether carried out legally or illegally, and whether by public agencies or private persons ... [and] to recommend measures calculated to promote the full enjoyment of human rights and personal dignity by all the inhabitants of this State." [https://www.maine.gov/mhrc/about/annual-reports]

Amy Snejerson, Executive Director for Human Rights Commission
Amy.Snejerson@mhrc.main.gov
51 State House Station
Augusta, ME 04330
207) 624.6290

Presented by Margaret Brownlee
July 28, 2020
The Maine - Human Rights Commission

On behalf of the Commissioners and staff of the Maine Human Rights Commission, 2019 Annual Report, they received 715 new complaints in Fiscal Year ("FY")

66.8% were based on employment
16.8% were based on public accommodations (restaurant, hotels, school)
13.9% were based on housing
2.2% were based on education
0.3% were based on extension of credit (lending, borrowing)

With respect to type of allegation, the top alleged protected class was: disability discrimination, at 47.3% (338 of 715 cases)


Presented by Margaret Brownlee
July 28, 2020
Exemplary Human Rights Commissions

Melrose (MA) Human Rights Commission
https://www.cityofmelrose.org/human-rights-commission

Charlottesville (VA) Human Rights Commission
https://www.charlottesville.gov/665/Human-Rights

Medford (MA) Human Rights Commission
https://www.medfordma.org/departments/human-rights/

Arlington (MA) Human Rights Commission

Morgantown (WA) Human Rights Commission
https://www.morgantownwv.gov/272/Human-Rights-Commission

Grand Rapids (MN) Human Rights Commission

Presented by Margaret Brownlee
July 28, 2020
## Exemplary Human Rights Commissions

<table>
<thead>
<tr>
<th></th>
<th>South Portland</th>
<th>Melrose</th>
<th>Charlottesville</th>
<th>Medford</th>
<th>Arlington</th>
<th>Morgantown</th>
<th>Grand Rapids</th>
</tr>
</thead>
<tbody>
<tr>
<td>Population</td>
<td>25,823</td>
<td>28,116</td>
<td>48,117</td>
<td>57,765</td>
<td>42,844</td>
<td>30,549</td>
<td>11,214</td>
</tr>
<tr>
<td># HRC</td>
<td>TBD</td>
<td>8 members</td>
<td>9 members</td>
<td>7 members</td>
<td>13 members</td>
<td>8 members</td>
<td>6-9 members</td>
</tr>
<tr>
<td>HRC Chair</td>
<td>TBD</td>
<td>Michael Stankavish</td>
<td>Shantell Bingham</td>
<td>Munir Jirmanus</td>
<td>Kristen Bauer Sharon Grossman</td>
<td>Jacob Powers</td>
<td>No chair</td>
</tr>
</tbody>
</table>

Presented by Margaret Brownlee
July 28, 2020
The Melrose Human Rights Commission (MHRC) was established in the early 1990s by the Office of the Mayor to provide a mechanism for resolving disputes among Melrose citizens that may involve an element of racial, religious, or ethnic prejudice, and to develop programs for promoting a spirit of diversity and respect for others regardless of their differences. The Commission exists to serve the citizens of Melrose and strongly encourages the participation of the city’s residents in programs supporting the Commission’s basic goals. The mission involves work in the areas of housing, employment, education, public accommodation, city services, insurance, banking, credit and health care.

The Melrose Human Rights Commission sponsors a variety of programs and activities aimed at encouraging unity among Melrosians. Melrose is a No Place for Hate Community, meaning that, in partnership with the Anti-Defamation League, the Commission works to prevent incidents of racial, ethnic or religious hate. They meet once a month with several representatives from the City of Melrose. A few of their programs/resources include: No Place for Hate, BAGLY, Eyes on Refugees, Melrose Police Department, and Malden Islamic Center.

Brigid Alverson, Assistant to the Mayor at City of Melrose
(781) 979-4479
b.alverson@protonmail.com
The Charlottesville Office of Human Rights (OHR) was established in 1990 and receives individual complaints of discrimination, conducts community outreach, and provides staff support to the Human Rights Commission. When addressing individual complaints of discrimination, the OHR can offer alternative dispute resolution (mediation), formal investigation, or referral to another organization. The Human Rights Ordinance defines the Office’s jurisdiction and process for addressing complaints in accordance with state and federal law.

What Can the Office of Human Rights Do for You?
If you believe you have been subjected to an unlawful discriminatory practice, you may do any of the following:
- Call the Office of Human Rights at 434-970-3023 to schedule an appointment to discuss your concerns.
- Send an email to the Office of Human Rights to set up an appointment.
- Print and fill out the Complaint Form (PDF)

Presented by Margaret Brownlee
July 28, 2020
The mission of the Human Rights Commission is to protect the civil rights of Medford residents, reinforce a positive community atmosphere, work with community groups and agencies to educate, promote understanding to eliminate prejudice and intolerance, and to mediate within the community whenever needed. Ordinance #14-787-795 p. 1392. Division 13, Section 2-541 through Section 2-549 http://www.medfordma.org/storage/2012/12/Fair-Housing-Human-Rights-Ordinance.pdf

The Commission normally meets the second Wednesday of the month at 5:30PM

Contact: Neil Osborne, Esq., Director of Diversity & Inclusion
nosborne@medford-ma.gov
781-393-2501

Presented by Margaret Brownlee
July 28, 2020
Arlington (MA) Human Rights Commission
https://www.arlingtonhumanrights.org/

The Arlington Human Rights Commission (AHRC) was created by Town Meeting in 1993 to advance issues related to the fair and equal treatment of individuals and to create a mechanism for addressing complaints arising out of these issues.

The mission of the AHRC is to work individually and collaboratively with other groups in our community to celebrate the ever-changing tapestry of our Town, and to emphasize through educational outreach the danger of intolerance at every level.

The Commission meets on the 3rd Wednesday of the month

Email- ahrc@town.arlington.ma.us
Phone (781) 316-3250

Presented by Margaret Brownlee
July 28, 2020
Morgantown (WA) Human Rights Commission
https://www.morgantownwv.gov/272/Human-Rights-Commission

Membership
Appointments to the Commission are made by City Council, and all must be residents of the City. All seats are non-ward specific. Upon formation in October 2012, terms are to be staggered: 4 shall serve two-year terms, 3 shall serve one-year terms in the first year.

About the Commission
Morgantown City Council first established a Human Rights Commission in 2001. The work of the Commission was redirected and reactivated in 2012 following National League of Cities designation of Morgantown as an "Inclusive City" in 2006 and collaborative work of an Inclusive City Committee thereafter.

Purpose
The purpose of the Human Rights Commission is to provide leadership for addressing community interaction and fairness concerns. It works to ensure that the City is not only providing services, but maintaining ways in which a community can live together inclusively, functionally, and justly despite differences, complexities, and conflicts.

Human Rights Commission, LGBTQAI+ Liaison
Marshall Foster
304-225-3582

Morgantown Human Rights Commission
https://www.youtube.com/watch?v=M3SdwPMewNE&feature=emb_logo

Presented by Margaret Brownlee
July 28, 2020
The City of Grand Rapids established a Human Rights Commission in 2004 to aid and advise the City Council in ensuring that all citizens have equal opportunity in those areas protected by law. The mission of the Commission is to promote a community of harmony and respect for the rights and dignity of all people.

The purpose of the Commission is to work to recognize and prevent discrimination and inequalities in the daily life of the community, to design programs to assist in the implementation of the ordinance, to provide leadership in working with other agencies and human rights commissions and to serve as an advisory body to the city regarding the Minnesota Human Rights Act.

A person who claims to have been discriminated against in violation of the Minnesota Human Rights Act may file a charge with the Minnesota Department of Human Rights (1-800-547-3704) or www.humanrights.state.mn.us.

The human rights commissions works with businesses, labor, education, civic, religious, social and community groups to foster inter-group understanding to eliminate prejudice. Education and prevention are important functions of these local commissions, which also work to prevent and respond to acts of bias and prejudice. All citizens are encouraged to become involved in promoting human rights in the community and are invited to attend the meetings of the Grand Rapids Human Rights Commission.

City Administrator, Tom Pagel
281-326-7600.

Presented by Margaret Brownlee
The South Portland HR Commission

Not to provide legal counsel
Not to investigate crimes

Yes, to supporting marginalized groups
Yes to building community
Yes, to providing education & training
Yes, to celebrating diversity & inclusion
Yes, to increasing community engagement
Yes, to reviewing and creating policy

Presented by Margaret Brownlee
July 28, 2020
South Portland (ME) Human Rights Commission

The South Portland Human Rights Commission (SPHRC) will provide support for the people of South Portland, especially historically marginalized groups, to develop programs promoting diversity, equity, and inclusion.

The South Portland Human Rights Commission (SPHRC) will work closely with Black, indigenous and people of color, LGBTQ people, people with disabilities, and low-income families that need support.

The South Portland Human Rights Commission will work to prevent hate and discrimination with the ability to access public records and/or equity audits (and policy reviews). The SPHRC will provide guidance to the City Council for policy changes and report progress regularly.
South Portland (ME) Human Rights Commission

Members of the Commission - will meet once a month and should be residents from South Portland. The South Portland City Council will elect 7 members (One from each district and Two At-large). Then Pedro, Deqa, and Margaret will elect 4 additional members - 1 must be a youth with voting rights. Officers should include Chair, Vice Chair, Secretary, Youth Officer, and more.

Ex-Officio members should be Police, School Board, Human Resources, Planning Board, etc. Recommended members include: Clergy, Library, School Social Worker, Immigrant Community Leader,

The Membership Selection Process
There should be 11 members. “The commissioners shall, as far as it is practicable, be selected so as to ensure representation from those classes protected under state and federal law, including but not limited to, race, color, religious creed, national origin, sex, age, disability, veteran status, ancestry, sexual orientation, or public benefit status.” Term = 3 years: limit of two consecutive terms per member. All meeting notes must be listed online and available to the public. Six month & 12 month checkpoints

Marketing & Communication: Create a logo, website, email account, hotline number, Facebook account. Purchase a banner for parades & events. Monthly Sentry column
South Portland (ME) Human Rights Commission

Recommended Trainings & Speakers
No Place for Hate - Anti-Defamation League (ADL) with Mandy Levine
Maine Intercultural Competency Training with Liz Greason
Up With Community Implicit Bias Training with Nicola Chin
Transgender Allies with Maine TransNet
Maine Immigrant Rights with Mufalo Chitham
Restorative Justice Institute of Maine with Ryun Anderson
Disability Rights Maine - Education & Training
Equality Maine - Christopher O'Connor
Maine Wabanaki REACH

Suggested Training Locations
South Portland Library
South Portland Recreation Center
Red Bank Community Center
South Portland High School Auditorium
Southern Maine Community College
Boys & Girls Club Gym

Presented by Margaret Brownlee
July 28, 2020
Three Pillars of Excellence

Responding

To respond to incidents of hate, bias, and discrimination

Provide information
Host Monthly Meetings
Circle of Directors

HRC will support BIPOC
Offer community support

*Monthly meetings

Educating

Host FREE quarterly workshops

Provide Workshops
Paid professional trainers
Certificate of Completion

HRC will conduct 4 workshops per calendar year

*Expected attendance (1,000)

Community Building

Host FREE quarterly celebrations

Host celebrations & events
Food & Childcare Available

HRC will host 4 community events per calendar year

*Expected attendance (1,000)

Adapted from Arlington Human Rights Commission

Presented by Margaret Brownlee
July 28, 2020
# Proposed Budget for Human Rights Commission

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<tr>
<th>Line Item</th>
<th>FY21 Proposed</th>
<th>FY21 Actual</th>
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<tbody>
<tr>
<td>Training, Workshops, and Speakers</td>
<td>$20,000</td>
<td>Pending City Council</td>
</tr>
<tr>
<td>HRC Chair/ Administrative Liaison</td>
<td>$3,000</td>
<td>Pending City Council</td>
</tr>
<tr>
<td>HRC Supplies (phone, website, etc)</td>
<td>$2,000</td>
<td>Pending City Council</td>
</tr>
<tr>
<td>Community Read (for books)</td>
<td>$2,000</td>
<td>Pending City Council</td>
</tr>
<tr>
<td>MLK Dinner (or Day of Service)</td>
<td>$1,500</td>
<td>January</td>
</tr>
<tr>
<td>International Refugee Day Celebration</td>
<td>$500</td>
<td>June</td>
</tr>
<tr>
<td>Pride Week Celebration</td>
<td>$500</td>
<td>June</td>
</tr>
<tr>
<td>Indigenous People’s Day Celebration Maine Wabanaki &amp; Penobscot Nation</td>
<td>$500</td>
<td>October</td>
</tr>
<tr>
<td><strong>Total Budget</strong></td>
<td><strong>$30,000</strong></td>
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Presented by Margaret Brownlee  
July 28, 2020
SPHRC Community Supporters

Pedro A. Vazquez
Christopher O’Connor
Jake Kulaw
Kara Auclair
Jen Waite
Renee Berry-Huffman
Sage Edwards
Megan J.A. Farrar
Ethics Maine
Michael Kebede
Jennifer Pirkle
Elyse Tipton
Kathleen Doan
Alex Redfield
Jill Barkley Roy
Christopher O’Connor
Aury & Sabushimike
Heather Murphy
Marie Follayttar
Sara Treible
James LaPlante
Hillary Barter
Barbi Ives
Marie Boynton
Hillary Barter
Carlton Parson
Gabriel Faulker-Macklin
Sascha Braunig
Colleen Kinsella
Hannah Kinsella
Brianna Bowman
Damas Rugaba
Jodie Lane
Jenna Daly
Bri Bowman
Colleen Kinsella
Karen Gelardi
South Portland Councilor Deqa Dhalac
South Portland Councillor April Caricchio
Orono Town Council, Meghan Gardner
Maine State Senator Rebecca Millett
State Representative Victoria Morales
State Representative Christopher Kessler
State Representative Lois Galgay Reckitt
State Representative Anne Carney
South Portland - Superintendent Ken Kunin
South Portland Police Chief Tim Sheehan
Hallowell City Councilor Maureen AuCoin
Up With Community - Nicola Chin
Maine Intercultural Communication Consultants
Greater Portland Immigrant Welcome Center

Presented by Margaret Brownlee
July 28, 2020
Next Steps

Model City Ordinance for the Human Rights Commission
Charlottesville Ordinance: www.charlottesville.gov/DocumentCenter/View/3504/Charlottesville-Human-Rights-Ordinance
Medford Ordinance: www.medfordma.org/storage/2012/12/Fair-Housing-Human-Rights-Ordinance.pdf

City Council Approves Ordinance (1st and 2nd reading)
City Council advertises and appoints the “Circle of Commissioners”
The Human Rights Commission creates the By Laws (do not use Robert’s Rules)
The Human Rights Commission creates the website, email address, and hotline
The Human Rights Commission creates the calendar of events

Assuming a best case scenario, this is the envisioned timeline:

- July 28: Council approves of creating a Human Rights Commission (HRC), provides guidance to staff
- July 29 - August 20: Draft ordinance language created, reviewed by legal counsel
- August 25: Council holds first reading on HRC ordinance
- September 8: Council holds second reading/public hearing on HRC ordinance
- September 9: City begins advertising for HRC positions
- September 28: HRC ordinance becomes effective
- September 29 - ???: Council begins making appointments to HRC

November: HRC has enough members for a quorum, can begin meeting to select officers, create bylaws/operating rules, etc

Presented by Margaret Brownlee
July 28, 2020
Online Resources


No Place for Hate (2020). Anti-Defamation League https://www.adl.org/who-we-are


QTBIPOC (2020). UCSC Queer Center https://queer.ucsc.edu/resources/qhoc.html

Southern Poverty Law Center https://www.spicenter.org/

Restorative Justice Institute of Maine https://www.rjjmaine.org/

Maine Intercultural Communication Consultants https://www.maineintercultural.com/

Up with Community - Turning Ideas Into Action https://upwithcommunity.org/

Maine TransNet https://www.mainetransnet.org/

Maine Immigrant Rights Coalition https://maineimmigrantrights.org/

Disability Rights of Maine https://drme.org/

Equality Maine www.equalitymaine.org

NPR Code Switch Podcast www.npr.org/podcasts/510312/codeswitch

Presented by Margaret Brownlee
July 28, 2020
Human Rights for ALL

LIFE NO TORTURE
NO SLAVERY
OR FORCED LABOUR
LIBERTY
AND SECURITY
RESPECT FOR PRIVATE
AND FAMILY LIFE
FREEDOM OF
THOUGHT, CONSCIENCE
AND RELIGION
FAIR TRIAL
NO PENALTY
EDUCATION
MARRIAGE
NO DISCRIMINATION
PUNISHMENT
WITHOUT LAW
MARITAL RIGHTS
PROTECTION
OF PROPERTY
BLACK LIVES MATTER
Questions/ Discussion

1) Do you wish to create a Human Rights Commission?
2) If so, is the proposed purpose, membership, etc. acceptable?

For more information, contact
Margaret Brownlee
margaret.irving007@gmail.com
(508) 868-7638
Circle started around the cook-fires of humanity's ancestors and has accompanied us ever since. We remember this space. When we listen, we speak more thoughtfully. We lean into shared purpose.

COMPONENTS OF CIRCLE
What transforms a meeting into a circle is the willingness of people to shift from informal socializing or opinionated discussion into a receptive attitude of thoughtful speaking and deep listening that embodies the practices and structures outlined here.

START-POINT OR WELCOME
Once people have gathered, it is helpful for the host, or a volunteer participant, to begin the circle with a gesture that shifts people's attention from social space to council space. This gesture of welcome may be a moment of silence, reading a poem, or listening to a song – whatever invites centering.

SETTING THE CENTER
The center of a circle is like the hub of a wheel; all energies pass through it, and it holds the rim together. To help people remember how the hub helps the group, the center of a circle usually holds objects that represent the intention of the circle. Any symbol that fits this purpose or adds beauty will serve: flowers, a bowl or basket, a candle.

CHECK-IN / GREETING
Check-in helps people into a frame of mind for council and reminds everyone of their commitment to the expressed intention. It insures that people are truly present. Verbal sharing, especially a brief story, weaves the interpersonal net.

Check-in usually starts with a volunteer and proceeds around the circle. If an individual is not ready to speak, the turn is passed and another opportunity is offered after others have spoken. Sometimes people place individual objects in the center as a way of signifying their presence and relationship to the intention.

GUARDIAN
The single most important tool for aiding self-governance and bringing circle back to intention is the role of guardian. One circle member volunteers to watch and safeguard group energy and observe the circle's process. The guardian usually employs a gentle noise-maker, such as a chime, bell, or rattle, that signals to everyone to stop action, take a breath, rest in a space of silence. The guardian makes this signal again and speaks to why s/he called the pause. Any member may call for a pause.
The Circle Way
BASIC GUIDELINES FOR CALLING A CIRCLE

SETTING CIRCLE AGREEMENTS
The use of agreements allows all members to have a free and profound exchange, to respect a diversity of views, and to share responsibility for the well-being and direction of the group. Agreements often used include:
- We hold all stories or personal material in confidentiality
- We listen to each other with compassion and curiosity
- We ask for what we need and offer what we can
- We agree to employ a group guardian to watch our need, timing and energy. We agree to pause at a signal when we feel the need to pause

THREE PRINCIPLES
1. **Leadership rotates** among all circle members
2. **Responsibility is shared** for the quality of experience
3. **Reliance is on wholeness**, rather than on any personal agenda

THREE PRACTICES
1. **Speak with intention**: noting what has relevance to the conversation in the moment
2. **Listen with attention**: respectful of the learning process for all members of the group
3. **Tend to the well-being of the circle**: remaining aware of the impact of our contributions

FORMS OF COUNCIL
1. **Talking piece council** is often used as a part of check-in, check-out and whenever there is a desire to slow down the conversation, collect all voices and contributions, and be able to speak without interruption.
2. **Conversation council** is often used when reaction, interaction and an interjection of new ideas, thoughts and opinions are needed.

3. **Reflection, or silent council** gives each member time and space to reflect on what is occurring, or needs to occur, in the course of a meeting. Silence may be called so that each person can consider the role or impact they are having on the group, or to help the group realign with their intention, or to sit with a question until there is clarity.

CHECK-OUT AND FAREWELL
At the close of a circle meeting, it is important to allow a few minutes for each person to comment on what they learned, or what stays in their heart and mind as they leave. Closing the circle by checking out provides a formal end to the meeting, a chance for members to reflect on what has transpired, and to pick up objects if they have placed something in the center.

As people shift from council space to social space or private time, they release each other from the intensity of attention being in circle requires. Often after check-out, the host, guardian, or a volunteer will offer a few inspirational words of farewell or signal a few seconds of silence before the circle is released.

May your circles be great teachers and places to rest on the journey.

This handout is a gift from THE CIRCLE WAY, a loosely connected global circle of colleagues who practice, consult, and teach The Circle Way. Originally mentored and guided by Ann Linnea and Christina Baldwin of PeerSpirit Inc., we offer our own consulting services and training opportunities all over the world. Drawing on the same set of teachings and practices, we work both independently and in partnership with one another to spread what we have learned further into the world.
HUMAN RIGHTS COMMISSION

City of South Portland

Maine Freedom of Access Act ("Right-to-Know" Law) Training
November 4, 2020

Presented By:
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Jensen Baird Gardner & Henry
Freedom of Access Act Overview

YOUR RIGHT TO KNOW

- Public Meetings
- Public Records
- Record Retention
FOAA Declaration of Intent

“... public proceedings exist to aid in the conduct of the people’s business. It is the intent of the Legislature that their actions be taken openly and that the records of their actions be open to public inspection and their deliberations be conducted openly...”

1 M.R.S. § 401
FOAA Liberal Construction

“This subchapter shall be liberally construed and applied to promote its underlying purposes and policies...”

1 M.R.S. § 401
FOAA

Maine’s Freedom of Access Act (a/k/a “Right-to-Know” law)

- First enacted in 1959, then replaced in 1976 with current structure
- Covers public records and proceedings
- Applies to executive and legislative officials and bodies

FOIA

U.S. Freedom of Information Act

- Became law in 1967, then amended in 1974 to protect citizens’ rights to information about themselves
- Covers only records
- Applies only to federal executive agencies and not to Congress
What Does the Maine Law Cover?

Public Records

- Written, graphic or electronic
- Possession or custody of an agency or official of State or political subdivisions
- Received, prepared or containing information related to transaction of public business

Public Proceedings

- Transaction of any function affecting citizens
- By one of the covered bodies
- Applies to subcommittees and task forces
Public Meetings: Open to the Public

"...all public proceedings must be open to the public and any person must be permitted to attend a public proceeding."

1 M.R.S. § 403
Rights of the Public: Meetings

- To attend any public proceeding and get minutes
  - BUT not to speak unless the body permits it (or it is a public hearing)

- To record or broadcast
  - BUT not in a way that interferes with or disrupts the meeting

- To get advance notice of when and where
  - EVEN emergency meetings, if practicable

- To challenge in Superior Court the legality of final actions taken in executive session
  - AND have the court declare the action null and void
Can a Board or Committee Meet Privately?

- Committees and subcommittees must conduct business in public with *limited exceptions* for executive session topics
- Must give notice of meeting time and place

> Emergency meetings: Must notify local media in same or faster means used to notify members
What Requirements Apply to the Commission?

- Must keep a "record" of meetings:
  - Date, Time, Location, Attendees, Actions Taken
  - Record available to public in a reasonable time
- Members must be present to participate in meeting
Exceptions: Executive Sessions

- Strictly limited grounds

- Subjects:
  - Confidential by statute
  - Certain employment related matters
  - Consideration of the sale or acquisition of real property or economic development, but only if premature disclosure would hurt the municipality’s competitive or bargaining position
  - Labor contracts
  - Consultations with legal counsel concerning pending or anticipated litigation, settlements or other legal rights and responsibilities of the public body
  - Student suspension or expulsion
Executive Sessions

- Procedural Safeguards
  - Motion must state “precise nature of the business of the executive session”
  - Motion must cite statutory authority for the executive session
  - 3/5 vote of the members present and voting
  - Cannot take formal action or vote in executive session
- Cannot discuss the budget or a budget proposal in executive session
- Public records do not include documents prepared for use during or notes made in proper executive session
- Consider a policy or protocol on how to handle executive session privilege information
- Understand what MUST be kept confidential and what MAY be kept confidential
- Public disclosure of executive session privileged discussions could have a prejudicial effect on the City
Public Meetings

Can e-mail or other electronic communications turn into a meeting?

- Yes. Communications by telephone, e-mail, blog or otherwise that turn into a dialogue with other board members about substantive board matters can violate the law.
Public Meetings

If you must use electronic communications, follow these Electronic Communications Guidelines:

1. Limit e-mail to non-substantive matters:

   • Scheduling of meetings
   • One way dissemination of information or reports
   • Developing future agendas
Public Meetings

Electronic Communications Guidelines (cont’d):

2. Does it meet the municipal stationery test?
Before you push the “send” button, ask yourself if you want the e-mail to be printed on the front page of the newspaper
Public Meetings

Electronic Communications Guidelines (cont’d):

3. Make sure e-mails are entered into the record of the proceedings if acting in quasi-judicial mode
Public Meetings

Electronic Communications Guidelines (cont’d):

4. Work at being inclusive
Public Meetings

Electronic Communications Guidelines (cont’d):

5. E-mail, etc. is not okay for deliberation, discussion or voting on municipal business
Public Meetings

Social networking platforms, Internet chat rooms, instant messaging, blogs and the FOAA

- FOAA does not discriminate based on the medium used to transfer public information
Public Meetings

Social networking platforms and FOAA (cont’d)

- Public records – Electronic communications may create “public records” for the purposes of both access and retention

- Public meetings - Electronic communications may turn into an illegal “public meeting”
Public Meetings

On the Horizon?

- Current use of remote participation is due to emergency legislation (PL 2019, Ch. 617, Part G)
- Possible additional legislation authorizing the use of technology to permit remote participation in public meetings beyond the state of emergency?
Public Records

Public Records Open to Disclosure

• Law contains broad definition of “public record” (1 M.R.S. § 402(3)):
  “any written, printed or graphic matter or any mechanical or electronic data compilation…
  received or prepared for use in connection with the transaction of public or governmental business or contains information relating to the transaction of public or governmental business…”

• Exemptions are construed narrowly due to public policy in favor of open government
Exceptions: 1 M.R.S. § 402(3)

- Records designated confidential by statute
- Medical and EMS records
- Attorney-client privileged communications
- Collective bargaining materials
- Security plans and procedures for purpose of preventing terrorism
- Information re security of information technology infrastructure
- “Personal contact information” of public employees (but not elected officials); employees’ “private information”
- Social security numbers
- Personal information obtained as part of well-being check
Should a municipal officer or official’s e-mail include a disclaimer about privacy?

- YES, even though some information is protected by the exception, constituents should be aware that the contents of e-mails they send to municipal officers, officials and employees could be released as a public document under FOAA.
Rights of the Public: Records

To receive an acknowledgement within five working days

To be told within five working days if the request will be denied, in whole or in part

To receive an estimate of costs in a reasonable amount of time

To inspect and copy records within a reasonable time after making a request
  • BUT agency/official is not required to create records or arrange information in a specific form

To appeal a denial of records to Superior Court
How to respond to a FOIAA Request?
Public Records

Are Electronic Mail, Text Messages and Other Electronic Communications Covered?

• If it relates to municipal business, it is a “public record” with only limited exceptions
Public Records

Is Your Personal Record?

- Is there a definable, well-publicized, non-official use of the site (i.e., purely personal use, separate business use, acting as a candidate)?

- Do users visit the site based on your personal contacts or your official contacts?
Public Records

Is Your Personal facebook a Public Record (cont.)?

• Are public resources being used?

• Is the site being used for any official purposes?
Public Records

Steps to Minimize your Risk of Personal Facebook Account as a Public Record

• Include a disclaimer that this is a personal account

• Do not use your official title

• Do not solicit “friends” or use contacts gained through your duties at the City
Public Records

Steps to Minimize your Risk of Facebook as a Public Record (cont.)

• Do not reference your site at public meetings or in any official City documents

• Do not use your site to gain or disseminate information about official City business

• Always keep your expectation of privacy very low!
Public Records

Is my personal computer, tablet and cellphone, which includes my work calendar and personal information, subject to discovery if I use it to conduct municipal business?

- Yes, if the communication relates to municipal business, with only limited exceptions; the fact that privately owned equipment or communications device is used is irrelevant.
Public Records
Public Records

Public Records Compliance

How do you produce a copy of a social media post?

- Printed screen shots if no format has been requested?
- Facebook and Twitter have improved archive retrieval process
Record Retention

Do State of Maine Record Retention Schedules apply to e-mail and other public records? (see 5 M.R.S. § 95-B)

• Consider how long the e-mail or other public record must be kept
Record Retention

Record Retention Schedules (cont’d)

- Archives Advisory Board Local Government Record Retention Schedules
Record Retention

Record Retention Schedules (cont’d)

• E-mail is considered general correspondence
• What about voice mail, instant messaging and social media?
• Retention period depends on content
Record Retention

Record Retention Schedules (cont’d)

- What about voice mail, instant messaging, and social media?
Record Retention

What happens when e-mails, etc. are missing from a public records request response by a municipality?

- Red flag to requester that municipality not properly retaining records
- Beware of e-mail threads
Record Retention

What about printing a paper copy and then deleting the e-mail?

- Metadata is often what requester is after, so destroying it by deleting it even after saving a paper copy may be treated by courts as a deliberate act of bad faith
Penalties

- A willful, intentional, or knowing violation of FOAA is subject to a civil penalty of $500-$2,000
- It is a Class D crime to intentionally remove, alter or destroy public records
- It is a Class E crime to violate the record retention law
Attorneys’ Fees

- Reasonable attorneys’ fees can be awarded to a plaintiff who substantially prevails if a public agency or official acted in bad faith:
  - In denying access to public records, or
  - In taking final action in an executive session
Questions & Answers