THE CITY OF ASHEVILLE

Staff Report

Council Meeting Date: January 24, 2023

Subject: Authorization to Develop a Scope of Work for an Official Audit in Response to the Community Reparations Commission's Immediate Recommendation to cease harm impacting the African American community.

Staff Resource(s): Brenda Mills, Director - Equity & Inclusion Department

Action Requested: Adoption of a resolution authorizing the City Manager to develop a scope of work for an official audit in response to the Community Reparations Commission's Immediate Recommendation to cease harm impacting the African American community.

Background:

- At their December 5, 2022 meeting, the Community Reparations Commission unanimously approved an immediate recommendation for the City of Asheville and Buncombe County to stop further harm by ceasing the repetition of institutional processes that lead to racially disparate outcomes.
- The immediate recommendation included conducting an official audit to ensure compliance with federal and state laws, regulatory bodies, codes of conduct, court orders, and consent decrees to allow for the acceptance of guarantees that the City and County have ceased to inflict further harm on the African American community.
- The intent from the Community Reparations Commission is for the City and County to select an independent third-party firm to conduct the audit as described by the immediate recommendation.
- The proposed resolution directs the City Manager to work collaboratively with Buncombe County and the Community Reparations Commission to develop a scope of work, which will ultimately be used in a formal solicitation to select a firm to conduct the recommended audit.
- The proposed resolution also commits and provides assurances that necessary and reasonable action will be taken to address intentional and unintentional harm committed against the African American community.
- The draft resolution was reviewed by the Community Reparations Commission at their January 9 meeting. Feedback provided by the Community Reparations Commission has been incorporated into the attached draft of the resolution.
- Additional feedback was received from the Chair and Vice Chair of the Community Reparations Commission during the January 17 City Council Equity & Engagement Committee meeting. That feedback was distributed to the full Community Reparations Commission and is reflected in the latest version of the resolution, which is attached in redline format for reference purposes.
- The draft resolution was prepared collaboratively between the City and County. The Buncombe County Commission was briefed on the proposed resolution at their January 17 meeting.
- Following City Council consideration of the resolution on January 24, the County Commission will then take a vote on February 7.
- Upon resolution adoption, City and County staff will work collaboratively with the Community Reparations Commission to finalize the scope of work and subsequently advertise a solicitation to select a firm to complete the recommended audit.
- Upon audit completion, the resolution directs the City Manager to review audit findings and evaluate and prioritize remediation opportunities.

Council Goal(s):

- Reparations

Committee(s):

- Reparations Commission - January 9, 2023 - Reviewed provided feedback
- Equity and Engagement Council Committee - January 17, 2023 approved 2-0.

Pro(s):

- This action will allow staff to develop a scope of work to effectuate the audit.

Con(s):

- Additional work time for staff to do research and develop a work plan on this recommendation.

Fiscal Impact:

- Previously budgeted reparations funding will be used to complete the audit.

Suggested Motion:

- Move to recommend authorizing the City Manager to develop a scope of work for an official audit in response to the Community Reparations Commission's Immediate Recommendation to cease harm impacting the African American Community.

Attachment(s)

- Resolution (Clean)
- Redlined Resolution
- Revised Redlined Immediate Recommendation from the Community Reparations Committee
- Presentation
- Original Immediate Recommendation
- Original Draft Resolution

RESOLUTION NO. 23- _____

RESOLUTION AUTHORIZING ADDITIONAL STAFF WORK TO DEVELOP A SCOPE OF WORK FOR AN OFFICIAL AUDIT TO ENSURE COMPLIANCE WITH APPLICABLE REGULATIONS, STATUTES, AND LOCAL REQUIREMENTS TO CEASE HARM IMPACTING THE AFRICAN AMERICAN COMMUNITY.

WHEREAS, on July 14, 2020, the City Council of the City of Asheville adopted a resolution supporting community reparations for Black Asheville, acknowledging that Black people have been unjustly enslaved, segregated, incarcerated, and denied housing through racist practices; and

WHEREAS, the July 2020 resolution committed to establishing a Community Reparations Commission within one year with the stated purpose of issuing a report including budgetary and programmatic priorities on areas including, but not limited to, increasing minority homeownership and access to affordable housing, increasing minority business ownership and career opportunities; strategies to grow equity and generational wealth; closing gaps in healthcare, education, employment, and pay; neighborhood safety and fairness within criminal justice; and

WHEREAS, on December 5, 2022, the Community Reparations Commission, unanimously approved an immediate recommendation for the City of Asheville and Buncombe County to stop further harm by ceasing the repetition of institutional processes that lead to racially disparate outcomes; and

WHEREAS, the immediate recommendation included conducting an official audit to ensure compliance with federal and state laws, regulatory bodies, codes of conduct, court orders, and consent decrees to allow for the acceptance of guarantees that the City and County have ceased to inflict further harm on the African American community; and

WHEREAS, the City and County acknowledges compliance does not, in full,eliminate negative impacts to the African American Community and the City and County have implemented measures intended to cease further harm on the African American community to include the creation of the Equity & Inclusion Department and Equity and Human Rights Office, respectively; and utilization of equity analysis tools to evaluate policies, procedures and decisions; an

WHEREAS, the magnitude of the effort and the intent from the Community Reparations Commission, an independent third-party firm (s) will need to be selected to conduct the audit as described by the immediate recommendation;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The Asheville City Council commits and provides assurances that it will take necessary and reasonable action to address harm due to intentional and unintentional policies, programs, practices and procedures that produce disparities as well as racially and gender-based discriminate outcomes in Education, Health Care, Housing, Economic Development and Justice as identified or discovered from the audit or during the process.

2. The Asheville City Council also commits to take measures to create and/or strengthen the following:

    - Confidence building between government and African Americans;
    - Truth seeking mechanisms and processes; and
    - Timely accountability of the dispensation of the Community Reparations Commission's immediate recommendations.

3. The Asheville City Council directs the City Manager to work collaboratively with Buncombe County and the Community Reparations Commission to develop a solicitation that includes a formal scope of work to implement the immediate recommendation approved by the Community Reparations Commission at its December 5, 2022 meeting. The scope of work should include a financial assessment and policy assessment for programmatic areas related to governmental operations.

4. Upon audit completion, the Asheville City Council directs the City Manager to review the findings and evaluate and prioritize remediation opportunities.

    Read, approved and adopted 24th day of January, 2023.

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City Clerk Mayor

Approved As To Form:

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City Attorney