THE CITY OF ASHEVILLE

STAFF REPORT

City Council Meeting Date: January 10, 2023

Subject: Amendment to Human Relations Commission of Asheville (HRCA) Membership Structure

Staff Resources: Alayna Schmidt, Office of Equity and Inclusion
Brenda Mills, Director of the Office of Equity and Inclusion
Brad Branham, City Attorney

Actions Requested: Adoption of an ordinance to 1) reduce the total number of members on the Human Relations Commission of Asheville from 15 to 9, 2) retaining existing members until their present term expires, resignation, or removal; and to 3) allow up to 3 members to be non-city residents who currently reside within Buncombe County.

Background:

- The HRCA was established by Ordinance 4663 in July of 2018.
- In July 2017, the City Council established The Blue Ribbon Committee (BRC) Task Force and charged the task force with developing the mission, duties, and membership structure of the HRCA.
- The BRC's final recommendations included a 15-member board of city residents (attached below).
- In September 2022, City Council amended the Ordinance to remove membership quotas and expand the list of groups to outreach for appointment.
- The HRCA is currently a 15-member commission.
- The HRCA has not met its full 15 person membership since February 2022, just prior to some resignations and removals for non-attendance.
- The Commission has struggled to fill vacancies with active members.
- On October 20, 2022, the HRCA voted unanimously to recommend an update to the Ordinance reducing total membership to 9, retaining existing members until roll-off or resignation (currently 11 of 15 filled).
- The current establishing ordinance for the HRCA also requires that members be residents of the City in order to be eligible to serve on the commission.
- Providing some allowance for non-city residents to serve would help alleviate the difficulties in filling the full commission membership.

Committee(s):

- HRCA - October 20, 2022 - Voted 7-0 to recommend amending ordinance to reduce membership from 15 to 9, retaining existing members.
- Boards & Commissions Committee - November 15, 2022 - Voted 2-1 to move forward to City Council

Pros:

- Reducing total membership makes it easier to make quorum.
- Allowing some non-city residents helps alleviate difficulties in filling the full membership.

Cons:

- Reduced total membership requires further recruitment efforts to maintain diverse representation on the commission.

Fiscal Impact:

- This action requires no additional City resources and has no fiscal impact.

Suggested Motions:

- Move to recommend amending Ordinance 4663 to change the Human Relations Commission of Asheville to a 9-member board; and to allow up to 3 members to be non-city residents who currently reside within Buncombe County.

Attachment(s)

- Ordinance
- Final Recommendations of the Blue Ribbon Committee (see p. 7)

ORDINANCE NO. _____

ORDINANCE AMENDING SECTION 2-185.25 OF ARTICLE 3, CHAPTER 2 OF THE CITY CHARTER, ESTABLISHING THE HUMAN RELATIONS COMMISSION OF ASHEVILLE

WHEREAS, the City has the authority, pursuant to Section 160A-92 of the North Carolina General Statutes to appoint such human relations committees as it may deem necessary; and

WHEREAS, the City adopted sec. 2-185.25 of Article 3, Chapter 2 of the City's Charter establishing the Human Relations Commission of Asheville on April 10, 2018 to promote and improve human relations and achieve equity among all citizens in the City by carrying out the City's human relations program; and

WHEREAS, the amendments to sec. 2-185.25 have been recommended by the Human Relations Commission of Asheville and are consistent with City Council's goals and the nature of the original establishment of the Human Relations Commission of Asheville;

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

1. Sec. 2-185.25 of Article 3, Chapter 2 of the City's Charter is repealed in its entirety, and replaced with the following:

Sec. 2-185.25. Duties, membership, and rules of procedure.

(a) *Duties.* The HRCA is charged with carrying out the human relations program in accordance with the authority set forth in the North Carolina General Statutes, and in doing so its duties will include, but will not be limited to, the following:

(1) Make policy recommendations to the Asheville City Council which promote and improve human relations and advance equity in the city;

(2) Support the city's office of equity and inclusion in its duties and responsibilities;

(3) Provide a forum where residents can raise, and bring to the HRCA's attention, issues and complaints relating to human relations issues in the city;

(4) Engage the community and gather community input regarding the utilization of city-funded programs and policies for the promotion of human relations;

(5) Promote and improve human relations and advance equity in public safety;

(6) Promote and improve human relations and advance equity in educational, art and cultural opportunities;

(7) Promote and improve human relations and advance equity in economic development in the city, including but not limited to city-funded economic development programs and opportunities;

(8) Promote and improve human relations and advance equity in health and human services in the city, including but not limited to city-funded health and human services programs; and

(9) Promote and improve human relations and advance equity in housing in the city, including but not limited to working with the city and other agencies to enhance opportunities and programs related to affordable housing and to address issues related to gentrification.

(b) *Membership and appointment.*

(1) The HRCA shall be comprised of 9 members appointed by the Asheville City Council, for staggered two-year terms. Priority will be given to appointing members who are residents of the city, with an allowance for up to 3 members to be non-city residents who currently reside within Buncombe County. Members can be removed at the discretion of the city council for good cause.

(2) In appointing members to the HRCA, the council should endeavor to use the following criteria:

a. Members should have demonstrated an interest and experience in human relations;
b. Membership should reflect the groups of individuals that the human relations program is intended to assist and protect, including but not limited to, individuals from different races, ethnicities, sexual orientation and socioeconomic backgrounds. Commission representation shall take into consideration the diverse nature of the Asheville community. Membership on the Commission shall include, but not be limited to, the following:
    - Black or African Americans;
    - Latino/a or Hispanic individuals;
    - Native Americans and Indigenous People;
    - Asian Americans;
    - members of the LGBTQ+ community;
    - Youth members between the ages of 18 and 25;
    - Individuals who live in public housing;
    - Individuals with a disability or disabled individuals;
    - Individuals who are recognized as community leaders.
c. Council shall appoint members who reside in the various geographical areas of the city to include: north Asheville, south Asheville, west Asheville, east Asheville and the downtown area.

(c)*Rules of procedure.* The HRCA shall adopt rules of procedure necessary for the proper discharge of its duties, which govern, among other things, the election of a chair, and the conduct and time of its meetings.

2. Nothing in this Ordinance shall be interpreted or applied so as to create any requirement, power, duty in conflict with any existing federal or state law.

3. Should any provision of this Ordinance be found to be unconstitutional by a court of law, such provision shall be severed from the remainder of the Ordinance, and such action shall not affect the enforceability of the remaining provisions of the Ordinance.

4. The provisions of this Ordinance shall go into effect on January 10, 2023.

Read, approved, and adopted this 10th day of January, 2023.

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City Clerk Mayor

Approved as to form:

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City Attorney