

**CITY OF COLUMBIA
HUMAN RIGHTS ORDINANCE AD HOC COMMITTEE
MEETING REPORT
FEBRUARY 24, 2014 – 12:00 P.M.
CITY HALL - 1737 MAIN STREET
2ND FLOOR CONFERENCE ROOM**



Members of the Columbia City Council conducted a Human Rights Ordinance Ad Hoc Committee Meeting on Tuesday, February 24, 2015 at City Hall, 1737 Main Street, Columbia, South Carolina. The Honorable Mayor Stephen K. Benjamin (Chair) called the meeting to order at 12:08 p.m. and the following committee members were present: The Honorable Tameika Isaac Devine and The Honorable Brian DeQuincey Newman. The Honorable Leona K. Plough, The Honorable Cameron Runyan and The Honorable Moe Baddourah were also present. The Honorable Sam Davis joined the meeting at 12:36 p.m. *Committee recommendations to Columbia City Council, if any, will be made only by the committee members. There will be no official City Council action or votes taken at the committee meeting.*

COMMITTEE DISCUSSION

Mayor Benjamin announced that the meeting will begin with a discussion around the proposed ordinance led by Teresa Knox, our city attorney and Christine Johnson, who the City is contracted with to help with the Human Rights Commission. He reminded everyone that we are all brothers and sisters, let's keep it positive, we are talking about building a great city together and let's make sure everything we say is reflective of that. He acknowledged that other issues may come into the discussion and there are several other issues that need to be addressed separate and apart from the human rights ordinance. He noted that the City needs to provide more financial support for the Community Relations Council (CRC) this year. He reiterated the necessity to keep things positive.

[Ordinance No.: 2015-007](#) – Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, to add Chapter 9.5, Human Rights

1. Overview of Proposed Human Rights Ordinance – Ms. Teresa Knox, Esq., City Attorney and Ms. Christine Johnson, Human Rights Commission Consultant

Ms. Christine Johnson, Human Rights Commission Consultant explained that she is here to work with the Mayor, Council, the City Attorney and the hopeful establishment of a Human Rights Commission. She explained that because of the leadership of this City Council and Mayor, the City of Columbia has seen substantial economic development, a flourishing arts community and steady population growth. With development and growth comes diversity and with diversity comes the need for awareness and understanding. She acknowledged that there are noble organizations in South Carolina whose mission is to bridge community relations, but there's no organization with the sole purpose of evaluating the City of Columbia's policies or creating educational opportunities within this City for Council and the

community at large. She said we are so much more than African American and Caucasian; we are Asian, Asian-Indian, Chinese, Pilipino, Japanese, Korean, Vietnamese, Native Hawaiian, Chamorro, Samoan and we have approximately 6,000 people that identify as some other race. She explained that discriminatory practices are detrimental, because they impede the social and economic progress of the City, by preventing all people from contributing to or fully participating in the cultural, spiritual, social and commercial life of this community. She noted that there are over 300 human rights ordinances throughout the country and over 35 municipalities with human rights commissions to include Charlottesville, Myrtle Beach, Atlanta, Raleigh, Louisville and New Orleans. She explained that the purpose of the commission is to educate the community along with municipal departments and leadership about the ever expanding diversity of this City and to provide focused attention on cultural sensitivities, necessary protections and understanding those individuals and their differentiating characteristics. After the commission is created, we will educate the community about the opportunities to serve on the commission and we will work with Council members to identify those who will serve on the commission. The commission will establish bylaws, evaluate non-profits and other organizations to investigate collaborative opportunities; evaluate city demographics; and determine the necessary scope, outreach and breadth of education. She acknowledged that creating a commission is not a magic pill; it will not stop discrimination, but it will help us create a new generation of understanding; it will help us to find alternatives to violence; and demonstrate to minority communities in this City that the City of Columbia cares about their experience in Columbia as part of this community.

Ms. Teresa Knox, Esq., City Attorney explained that it is a standard ordinance as the one used to establish twenty other City commissions. She said the terms and definitions were pulled from our existing Code of Ordinances, Federal law and State law. She said the commission will be comprised of seven members serving staggered terms and members are required to be a resident in the City. She added that members must also participate in a diversity education program. She said the powers and duties include review, education, and guidance to City Council. She stated that the only penalty in this ordinance applies to the commission members if there is a breach of confidentiality.

2. Discussion of Proposed Human Rights Ordinance – The Honorable Stephen K. Benjamin

Councilor Devine said this would be a City commission. She asked what the authority of this commission is and if its authority extends beyond the City of Columbia proper.

Ms. Teresa Knox, Esq., City Attorney said the commission will be able to educate the community and bring back recommendations to City Council for changes in ordinances or policies.

Mayor Benjamin said this commission will not investigate other organizations; we are talking about the way we do business as a city.

Ms. Teresa Knox, Esq., City Attorney said it would take another ordinance to give them the authority to investigate other organizations.

Councilor Devine asked if the commission has the authority to dictate to anybody, including the City on how we operate.

Ms. Teresa Knox, Esq., City Attorney said no, the commission can only make recommendations to City Council.

Councilor Devine said there have been amendments to what we previously looked at. She noted that income was added to the definition of discrimination.

Ms. Teresa Knox, Esq., City Attorney said they reached out to human rights commissions all over the United States and most of them recommended that we add income. She clarified that she added income to the definition of discrimination and the requirement for members to participate in a training program.

Councilor Runyan asked Ms. Johnson to outline her qualifications for leading this process along with her history.

Ms. Christine Johnson, Human Rights Commission Consultant noted that she has been a human rights activist since she was thirty years old. [*Click here to view Ms. Christine Johnson's resume*](#)

Councilor Runyan asked what her duties at Planned Parenthood entailed.

Ms. Christine Johnson, Human Rights Commission Consultant reported that she managed four departments.

Councilor Baddourah inquired about the educational requirements for appointees. He asked who will train them. He requested additional details or a plan for training.

Ms. Christine Johnson, Human Rights Commission Consultant said that is at the discretion of City Council. She suggested working with the Riley Institute and others to create a comprehensive curriculum for diversity education.

Mayor Benjamin said the goal was to have Council appoint the members of the commission and you would want someone with relative experience and a deep well of compassion and competency.

Councilor Devine added that this proposed commission isn't dissimilar to other commissions appointed by this Council, but there are requirements for training that other commission members go through. She said we as a City can certainly be a leader in making sure we have comprehensive training. She said we've always had a Mayor's Commission on the Employment of People with Disabilities and they've always wanted to be included in training. She noted that the establishment of the Bicycle Pedestrian Advisory Committee came from people who saw a need and asked this Council to look at creating a commission and we've seen the benefits of that. She said the proposed Human Rights Commission has received a lot of attention, but it's not out of the ordinary.

Councilor Newman asked if Ms. Johnson has dealt with commissions similar to this. He inquired about the pros and cons of it.

Ms. Christine Johnson, Human Rights Commission Consultant said yes as Vice Chair of the Salt Lake City Human Rights Commission and several other boards. She said setting up this type of commission for the City of Columbia is a great idea, because it's a low cost way to evidence that this is a City that cares about inclusion, diversity and creating a community in the sense of family. She noted that the commission members won't be compensated.

Councilor Plough inquired about the specific complaints of a discriminatory nature that we are trying to fix. She asked isn't this what the CRC has done for years. She said the beauty of that organization is that it isn't limited to our corporate limits; it truly is an effort to build more collaboration on issues like human rights.

Ms. Teresa Knox, Esq., City Attorney said we have 25 discriminatory cases dealing with employees at any given time and most of the complaints are related to age and race.

Councilor Devine said we have a lot more cases that are income based as well.

Councilor Plough asked if this would replace our grievance committee.

Mayor Benjamin said no.

Councilor Plough asked how this would work.

Ms. Teresa Knox, Esq., City Attorney said the commission would be allowed to look at all patterns and systemic issues.

Mayor Benjamin said we are talking about forward thinking; where we are going, how we are going to get there; and having people working at the same time to bring us ideas about how the City can become better. He said this is not meant to respond to existing discrimination complaints.

Councilor Devine said this is not just about complaints; it's important to have someone out there educating the community. She said we can't let the establishment of this commission interrupt an established process that we have in dealing with people's due process within the City, but we can look to expertise in the community and the volunteer efforts of our citizens who want to be involved in raising a consciousness in our community and among Council as we address ordinances and policies in making sure they are sensitive to the diversity needs in our community.

Councilor Plough asked how things would be different in terms of our employee grievance process.

Ms. Teresa Knox, Esq., City Attorney reiterated that it won't change our grievance process and it won't change their ability to sue us.

Councilor Plough asked what will change.

Ms. Teresa Knox, Esq., City Attorney said it will help educate; it will help us stay ahead of the game. She said a lot of businesses do things not because they intend to discriminate, but they don't know the current laws; it's about education and building bridges in the community.

Mayor Benjamin reiterated that the commission will have as much or as little authority as we give it.

Councilor Plough said she is trying to understand what this commission is going to do.

Councilor Devine said Ms. Plough is combining two issues. She said she received a complaint about a lower income person who came in for a water issue, but the person had to share information through a glass that they were uncomfortable sharing. She said we never thought about how that would impact someone. A commission like this could educate us as a city about how low income residents may feel intimidated by that. She said as policy makers, these things may not come into our consciousness, but a dedicated committee may be able to identify these matters before they arise to the level of a complaint. This is how we are forward thinking and making sure we are addressing diversity needs in our community instead of always reacting to things once they happen.

Councilor Newman said as an attorney he thought about the liability issues and how any change made at a Council level can create liability for the City, but obviously this situation doesn't do that. He stated that this commission will provide non-binding recommendations for best practices.

Councilor Davis said this commission will function in an advisory capacity on issues that may come up or be referred to them.

Ms. Teresa Knox, Esq., City Attorney said it is her hope that we will have fewer grievances in the City.

Ms. Teresa Wilson, City Manager added that if an employee files a complaint it will go through the grievance process.

Councilor Davis added that complaints can result from a lack of knowledge.

Councilor Runyan asked the City Attorney to outline the classes of discrimination.

Ms. Teresa Knox, Esq., City Attorney cited the following:

Discrimination means a practice in employment, immigration, housing, public safety, public transportation or in other city departments or services that unfairly segregates or separates on the grounds of age, ancestry, color, disability, gender, national origin, marital status, medical condition, physical limitation, race, religion, sexual orientation, or gender identity or is unlawful under the United States Constitution, the South Carolina Constitution, Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act, the Americans with Disabilities Act or the South Carolina Fair Housing Act.

Councilor Runyan asked which of those classes are protected under State law.

Ms. Teresa Knox, Esq., City Attorney acknowledged that Mr. Runyan is referring to gender identity, because the State hasn't moved for the federal protections, but gender identity and sexual orientation have been in the City's Code since 2008 and in the handbook policy since 2012.

Councilor Runyan said there are already protections in the law for those in the City so this would duplicate something that's already done.

Ms. Teresa Knox, Esq., City Attorney said we're not adding any classes of protection.

Councilor Plough asked if this is what the CRC does.

Ms. Henrietta Baskins, Executive Director of the Community Relations Council said no.

Mayor Benjamin reiterated that the CRC's funding comes from several different sources; that funding has decreased, but Council needs to step up and make the funding more meaningful and reflective of the contribution made by Richland County. He said this is a fundamentally different thing from what the CRC has done.

Councilor Devine envisioned this commission working with the CRC. She said this could be a powerful partnership if we allowed it to be.

- **Council opened the meeting for public input at 12:49 p.m.**

PUBLIC INPUT

Reverend Tiffany Adams, Kingdom Outreach Fellowship said it is amazing to be a part of something as groundbreaking as this. She said she loves Columbia and she looks forward to reporting back to the members of her congregation that the City of Columbia is considering an ordinance/commission that is focused on protecting the most vulnerable in our City. She said the City is being proactive and she is behind this 100%.

Reverend Tim Bupp, Reformation Lutheran Church said he is glad that we have this listing; it's not duplicative; loopholes are dangerous things; and listing those who are considered is a good thing, because it gets rid of some of the loopholes. He asked if this is mostly for City government and not businesses.

Mayor Benjamin said yes; it doesn't include non-profits, churches or anyone else.

Reverend Tim Bupp, Reformation Lutheran Church said the idea is to head off lawsuits that come before the City and this will result in fewer expenses. He said it's a statement that we are an inclusive City and it's great that we are including everyone. He noted that his church is open to all people. He thanked Council for considering this.

Mr. Oran Smith, Palmetto Family Council said the organization stands for truth, temperate analysis of public policy and principle persuasion from a biblical point of view. He said they spend a lot of time looking at religious liberty issues and family issues. He said he has been drilled today about the fact that we are a welcoming City and we certainly want that. He said the organization lost the fight over the 2008 ordinances and this new ordinance could be a mechanism for policing and operationalizing those ordinances. He asked what the affect will be on families as far as public accommodations such as bathrooms and bath houses. He said his daughter could be in the restroom with someone who is not a woman. He mentioned that a service provider may not feel comfortable providing services at a same sex wedding and this ordinance could be a natural slippery slope leading to this commission looking at such cases and bringing some form of disrepute upon people in that situation.

Mayor Benjamin said we can always be concerned about slippery slopes, but this is not a forum for people to bring outside complaints to this body or to have this body involved in investigations and that needs to be clearly articulated. He said we do want to stay ahead of curve and try to make this City as welcoming as possible.

Mr. Oran Smith, Palmetto Family Council said they are concerned about this body becoming a permanent City entity that advocates a particular point of view in opposition to people that have a different point of view. He said the City has been getting most of its advice from one particular point of view and in order to have diversity on a point of view you would want to make sure religious freedoms are protected and that you don't use the educational piece to go after someone for their religious beliefs. He said we are clearly in favor of a welcoming City and I am paid to look after religious freedoms and family.

Mayor Benjamin said individual members of Council will have an appointee and there will be diversity.

Councilor Devine said everything proposed by this commission has to be reviewed and approved by Council and we hear from citizens at every Council meeting.

Mr. Tim Caiello, Policy Associate for Palmetto Family Council reported that he has done a lot of legal research on this issue and we must ask if this kind of thing is needed; will it work; and is it worth it. He said if you can't answer yes to any of the three questions then we need to step back and think very carefully. He isn't entirely sure that this kind of commission is needed in the State of South Carolina. He said we are starting to see a nationalized push to circumvent State and national legislation by focusing on City Councils. He noted that the City of Columbia is a very diverse and very welcoming community. He reported reading an article on the Human Rights Commission website that said Charlotte should become more in line with what South Carolina has done. He concluded that the sexual orientation and gender identity piece of this legislation is a very slippery slope.

Mr. Matthew Butler expressed his support for this, noting that it's a step in the right direction. He said he grew up in a conservative Baptist family, but he converted to Catholicism at USC and the church taught them about the notion that the best response for a community is handled at the most basic and local level. He said we have a diverse community; we have an open and welcoming community. He said if it is the will of this Council under the advice of this community to establish a commission, because we want to advance our City and grow in diversity and inclusion, then by all means please do.

Ms. Catherine Bruce, Historic Waverly Community Resident added her support for this excellent commission. She asked that Council add the Universal Declaration of Human Rights and other human rights treaties as the basis for this.

Bishop Eric Davis, Word of God Ministries appeared before Council on behalf of a conservative ministerial group of predominantly African-American pastors representing nearly 100,000 congregants. He said they see some challenges with the ordinance. He said they understood that the commission was created to ensure that the City of Columbia doesn't fall into some of the same issues that Ferguson and similar cities have fallen into.

Mayor Benjamin said we first rolled out the proposal as part of the justice for all package and we need to separate that as well.

Bishop Eric Davis, Word of God Ministries said our constituency is under the impression that this was proposed primarily for that and the supporters in the religious community are under that impression. He said we have a challenge in the African-American community, because even though all of these issues are significant; the potential to convolute our issues is significant. He said as a conservative group, we are very concerned about gender identity; the advocacy of it; the aggressiveness of the advocacy; and the fact that the City has hired a consultant who specializes in that area. He said we are opposed to the gender identity issue. He asked if this is needed at this time and if there's an issue that we as a City have to put on the table. He said we don't believe this has been parsed out enough for us to forge in and give our carte blanche approval. He said a larger group will convene on Thursday to discuss this. He said the issues of the constituency that put you here have to be prioritized and gender identity is not a major issue for us. He noted that the City Attorney identified the primary issues as age and race. He said we have an issue with overlap and we haven't delineated what the CRC does. He asked if we have to form another full commission. He said we love, we accept all people, but we don't condone all lifestyles.

Ms. Terri Prince said she is a student in Augusta and she is more passionate about children and the future. She said children need this, because they are not accepted and they need to know that they have advocates. She said children are struggling with suicide, because they can't identify themselves. She said she has a daughter who struggles with who she is because of religion. She said God just wants us to love and have unity as a whole. She said this will be a larger issue in the future.

Mayor Benjamin said we will have another meeting of this subcommittee. He thanked everyone for being here while noting that there are strongly held personal, social and religious views and to be able to have this type of conversation as a community as civil and respectfully as we had, makes me very proud. He acknowledged that several issues came up to include funding for the CRC. He talked about the newer initiatives of the Columbia Police Department that will lead to a new level of transparency and inclusion. He said the flashpoint surrounds gender identity. He noted that the City has made steps in the right direction. He clarified that this is a commission for the City of Columbia; this commission will have no authority to pass laws; only this Council can; this commission will not investigate businesses, non-profits, churches or anyone else; this commission will not make people establish new rules regarding their restrooms; and it won't affect your 501(c) (3) status. He said let's continue talking and we'll get something good done at the end of the day.

Councilor Plough said the Council needs to look at building a budget for the components of this commission.

Mayor Benjamin said Council hasn't made a decision to establish the commission. He noted that other commission expenses are met with staff time.

- **The meeting adjourned at 1:27 p.m.**

Respectfully submitted by:

Erika Moore
City Clerk