

FREDERICK COUNTY HUMAN RELATIONS COMMISSION

CITIZENS SERVICES BUILDING

401 Sagner Ave.

Frederick, MD 21701

Minutes of the September 16, 2019 Special Meeting

The meeting was held at Winchester Hall.

Members present: Mari Lee, Lisa Clark, Chris Isleib, Annette Breiling, Cindy Shubin, Michael Baran, Georgette Hughes, Francisco Alves, and Paula Glascoe. FCPS liaison member Dana Falls.

Members absent: Roger Sobkowiak, Desiree Tucker, Lee Whisner, Irene Packer-Halsey. County Council liaison member Jessica Fitzwater and City of Frederick liaison member Ben MacShane.

Rick Harcum, Frederick County Chief Administrative Officer; and Dr. Monica Bearden, Frederick County Deputy Chief Administrative Officer, were present as invited guests.

Members of public present: Theresa Hennessy, Carol Antoniewicz, Veronica Lowe.

Miles Ward, HRD Director, was present.

Chair Mari Lee stated that the agenda for this special meeting consisted of one item – the scope of the authority of the Frederick County Human Relations Commission. This issue has been discussed recently, and came to a head at the HRC's August meeting when Miles Ward gave the HRC direction on the limited scope of the HRC's authority and how it impacted the selection of a program topic for the December Human Rights Day lunch. Mari Lee explained the ground rules for the meeting, and invited Rick Harcum and Monica Bearden to speak.

Chief Administrative Officer Rick Harcum explained that it is clear from reading the County Code what the HRC is supposed to be doing. Its duties are narrow in

scope and clearly defined. The HRC is expected to deal with specific categories of discrimination in housing, employment and public accommodations. The HRC has no jurisdiction or authority over law enforcement in any respect. The County Code sets the rules, and as a County Commission the HRC is expected to follow them. The County Code creates the HRC and defines its responsibilities, so when questions arise the HRC should go back to the County Code and check on its authority.

Rick Harcum said that the HRC can try to expand its authority, but should do so by first preparing a list of the specific changes it is seeking. It will be important for the HRC to discuss these changes fully and then speak with one voice. The proposed changes should then go to Frederick County Executive Jan Gardner to see if she supports them. The HRC members should expect the County to carefully review their recommendations and ask questions about why the changes are really necessary. Ultimately, though, it is up to the Frederick County Council to vote to approve any changes to the County Code.

Deputy Chief Administrative Officer Dr. Monica Bearden addressed a question that was asked about the HRC's authority to review statistics from the Sheriff's Office about a disproportionate percentage of actions involving African Americans. Dr. Bearden reminded the HRC that it has no purview over the Sheriff's Office, and no authority to take up a discussion of those statistics. The sole source of accountability over the County Sheriff is with the voters.

Rick Harcum said it is important to remember that the Frederick County Sheriff is an elected official, whose office is created in the Maryland Constitution. Accordingly, the Sheriff is not accountable to the County Executive or to the County Council, and certainly not to the HRC. The County Executive and the County Council have recently initiated several actions to work with the Sheriff on specific matters, and the HRC has been made aware of this.

Dr. Bearden addressed a question about a section in the HRC's Regulations that authorizes it to make surveys, studies and recommendations to "promote human rights." The question was whether that language would allow the HRC to consider some topics that may not be specifically related to discrimination in housing, employment and public accommodations. Dr. Bearden said that yes, it could be possible for the HRC to do this, as long as care was taken to "promote" human

rights. That term generally implies something positive and educational that helps human relations by raising the common good. The HRC's efforts should not be divisive or antagonistic, and it would not be appropriate to engage in "gotcha" actions.

Regarding the objections that had been raised to the proposed Human Rights Day lunch program ("*The Three Whites: White Privilege, White Supremacy, and White Nationalism*"), Dr. Bearden said that while the decision has been made to move on, there should be a better way to bring some of those underlying concerns forward at some point in the future, possibly at a public forum. But the HRC should give serious consideration to using different terminology in order to be more inclusive.

Several members expressed disagreement with what they perceived as the County's censoring of the topic, and said they felt it was important for the HRC to be willing to have honest discussions about significant racial issues, even when the conversations might become difficult. Several members said they did not understand how anyone could object to the term "white privilege." Dr. Bearden indicated she agreed it was very important for the HRC to continue to oppose race discrimination in the manner outlined in the County Code, but it was also important to remember that the HRC is part of Frederick County Government. The HRC is expected to bring our community together. It would be preferable to use language that will get people together to discuss these difficult subjects.

Rick Harcum said that in many contexts, including this one, perception is reality. The use of the term "white privilege" is upsetting to some people, and that is a reality that needs to be taken into account by the HRC. Dr. Bearden mentioned that one technique she has heard about is "infiltrate and woo." When you want to try to convince people to change their minds about something of importance, you need to first approach them in a cooperative and professional manner and engage them in a discussion. Then you can use your powers of persuasion and argument in a respectful, interactive dialogue.

One member said it would be nice to build a better relationship between the HRC and the Sheriff in order to get him more involved in HRC activities. Another member said it should be possible for the HRC to be an ally with many different

factions in our community, but still have the difficult conversations that are needed.

A member said she believes that since the County Code gives the HRC authority over discrimination in “public accommodations,” that includes everything that was discussed at this meeting, and no Code changes are needed to expand the authority of the HRC, since it already has authority over everything discussed. Dr. Bearden recommended that at some point in its discussions the HRC consider asking the office of County Counsel for a legal opinion and guidance on this point.

At the end of the meeting many members expressed their thanks to Rick Harcum and Monica Bearden for addressing their concerns and questions, and said they were hopeful the HRC would be able to move forward in a positive and productive manner.