

ORDINANCE TO MAKE
THE HUMAN RIGHTS COMMISSION OPERATIONAL
ORDINANCE 06-2020

Procedural History

At its September 8, 2020, meeting, the Town Council adopted Resolution 02-2020, which stated in pertinent part:

“Now, therefore, be it Resolved that the Mayor and Council of Chestertown:

1. Deeply apologizes for slavery, the slave trade and the lives, the wealth and the freedoms that were stolen from enslaved people entering our port and our town.
2. Acknowledges and honors the positive contributions of African Americans in the creation and the endurance of Chestertown, Maryland.
3. Strongly affirms that all the citizens of Chestertown Maryland have equal rights--equal access to goods and services in our businesses, equal rights to be treated fairly by law enforcement and the criminal justice system, equal rights to start and maintain businesses, and equal access to housing and employment.
4. Proclaims that racism is a Human Rights issue.
5. Commits to establishing a Human Rights Commission in Chestertown within 60 days of this Resolution. The Human Rights Commission will be empowered to investigate and resolve allegations of discrimination in employment, housing, by town agencies and by businesses. (under revision) The Commission will be comprised of at least 5- percent People of Color. The Commission will issue an annual racial justice and equity report.” (emphasis added)

The second sentence of Paragraph 5 of the Resolution was to be discussed further by the Council.

At its September 21, 2020, meeting Council member, Ellsworth Tolliver, introduced his proposal for a new Paragraph 5 of the Resolution:

“5. Commits to establishing a Human Rights Commission to be empowered as an **independent board with the task of gathering information for review, analyze data and make necessary recommendations toward the effort of resolving allegations of discrimination in employment, housing, education, recreation and others human relation areas** by Town agencies and by businesses. The Commission will be comprised of at least fifty percent People of Color. The commission will issue an annual racial justice and equity report.” (emphasis added)¹

¹ In his new proposed Paragraph 5, Council member Tolliver has combined the first and second sentences of the previous Resolution. This is a distinction without a difference since the new Paragraph 5 still mandates the creation of a Human Rights Commission (as done in sentence one of the original, approved Resolution) and revises the Commission’s mandate (as contemplated by the Council’s action on September 8.).

This revised Paragraph 5 is scheduled for further discussion at the Council’s meeting of October 5, 2020.

ORDINANCE 06-2020

In order to ensure the timely creation and operation of the Human Rights Commission, approved by the Council on September 8, 2020, Council member Rev. Ellsworth Tolliver, Ward 3, hereby proposes Ordinance 06-2020. ²

Composition of the Commission on Human Rights

The Chestertown Human Rights Commission shall consist of seven residents of the Town of Chestertown, of which not less than four shall be People of Color. Each member shall have demonstrated an interest and have acquired experience in matters relating to human rights concerns in the Town. Residents interested in serving shall apply by letter or email to the Commission Chair and Vice Chair, who will nominate Commission members to the Mayor and Town Council. All Commission members shall be approved and confirmed by the Town Council. Each member of the Commission shall serve for a term of three years, or until a successor is appointed and qualifies, commencing on July 1st in the year in which appointed. The Town Council shall designate the initial terms of the members of the Commission so that the terms of not more than three members expire in any one year.

Rules/Duties

With the adoption of this Ordinance, the Town Council shall appoint an interim Chair and an interim Vice-Chair, who shall be responsible for nominating the initial seven Commission members. Upon the Council’s approval of the full Commission, its members shall elect a Chair and a Vice-Chair from among its membership, each of whom shall serve for one year. The

² This proposal is based on the adopted and operating Human Rights Commissions for the cities of Annapolis and Cumberland.

For Annapolis, see <https://www.annapolis.gov/Faq.aspx?QID=299;https://www.annapolis.gov/DocumentCenter/View/1313/Human-Rights-Commission-Brochure-PDF>

<https://www.annapolis.gov/AgendaCenter/Human-Rights-Commission-11> ;
<https://www.annapolis.gov/1397/Commission-Duties>

For Cumberland, see: <https://www.cumberlandmd.gov/312/Human-Rights-Commission> ;
<https://www.cumberlandmd.gov/DocumentCenter/View/1290/Human-Rights-Commission-Brochurepdf>

Commission may adopt such rules and regulations as it deems necessary and desirable for the regulation and conduct of its meetings and activities.

Authorities and Responsibilities

The Commission is authorized to:

- A. Conduct public meetings and survey current practices and conditions relating to the treatment of citizens in areas of public accommodations, employment, housing, recreation, education and other human rights areas;*
- B. Conduct programs for the purpose of informing the general public regarding matters of human rights and of bettering human rights within the community; Accept complaints relating to discrimination and refer the complaints to appropriate authorities;*
- C. Make recommendations to appropriate authorities and propose legislation with regard to human rights practices and conditions;*
- D. Accept complaints relating to discrimination and refer the complaints to appropriate authorities;*
- E. Act as a mediator to resolve disagreements in matters of human rights if the parties so desire, or to refer to a local mediation group if the parties prefer;*
- F. Coordinate activities with and utilize the resources of other public and private human rights bodies;*
- G. Issue an annual report of its activities and on the status of the Town's racial justice and equity.*
- H. Perform other duties and functions as may be specified by the Town Council from time to time.*

How does this Commission compare to other Chestertown Commissions?

Chestertown has five entities called commissions, three committees, and a zoning board of appeals. Four of the commissions have 5-7 members, appointed by the mayor and approved by the Town Council. It is important to note that the mayor's appointments are in fact nominations. No one can be seated without Council approval.

The same applies for the Zoning Board of Appeals, which has three members and two alternates. The fifth commission, the Utilities Commission, is not a true commission. It has but one member, who is a Town employee.

Those seeking appointment to the four commissions and Zoning Board contact the mayor by writing a letter (or email) of interest, with or without a resume.³ The mayor alone decides whom to nominate. There is no recorded or recollected instance of a mayor's recommendation being rejected by the Council. So, the real decision-making process goes on outside of public view. The Town residents never know who may have asked to be considered or see the letters and resumes of those who expressed interest. These letters and resumes, according to one town employee, are confidential. Nor is the public routinely made aware in any way that there are vacancies available on these commissions or the Zoning Board. It is this lack of transparency that makes the process so suspect to some parts of our community.

It is also instructive to note that of the 31 persons serving by appointment on these four commissions and the Zoning Board, only two are minorities.⁴ Does Chestertown have no qualified or interested members of Chestertown's minority community who might serve on the Historic District Commission, the Planning Commission, or Zoning Board?

Two of the Town's three committees are nominated by the mayor and approved by the Town Council; the third committee—the Public Art Committee is nominated by the Town's part-time manager of the Arts and Entertainment District and then approved by the Town Council. (See minutes of July 20, 2020, Council meeting.) This Public Art Committee follows a different pattern despite its enabling ordinance mirroring that of the other commissions and committees, apparently because of the specialized expertise of its members. Of these, two are minorities. It is this Public Art Committee model the Human Rights Commission seeks to follow with a similar logic.

Why is the Human Rights Commission Different?

The Human Rights Commission is the sole authorized commission that must be racially balanced. This very special requirement mandates that the selection process be more transparent than that used for other commissions and must acknowledge that there is a whole community of residents who are not comfortable coming forward to our elected officials. It further mandates that this selection process reach out to the minority community—unlike the selection process for other commissions, which relies on self-selection.

³ From time to time, the Town Council has formed special committees using a different formula. Most recently, the Council created a Redistricting Committee with each ward member nominating two members. A similar procedure is set out for the yet-to-be designated, 10-member Equity Advisory Committee, with two members each selected by the Mayor and by the Council members. Significantly, despite its charter and duties, there is no requirement that any of the Equity Advisory Committee members be from the Town's minority community.

⁴ This compilation is based on the Town's website as of September 24, 2020. While it is apparent that the listings of the commission and committee members are out of date, they are the only publicly available listings available. An email to Town Hall with a request for updated lists has not received a response as of the writing of this document.

The Human Rights Committee will also seek to attract residents with specialized experience in mediation, conflict resolution, human resources, and community rights such as ministers. The Human Rights Commission will seek the peace-makers in our Town as is evident from the Commission's mandate: "...gathering information for review, analyze data and make necessary recommendations toward the effort of resolving allegations of discrimination."

This special selection process is not about our current elected officials—it is about decades of mistrust of Town Hall; it's about the institutional and deep-set racism that Chestertown has recently acknowledged and is now actively seeking to thwart. Transferring the nominating process to a group that can be viewed to be outside the same-old, same-old politics of Chestertown extends a hand to these previously disenfranchised residents and promises to expand the base of citizen participation in our local government. And, most important, it will encourage those residents with complaints to feel safe and confident in bringing their complaints to the commission. In a nutshell, this is the **independence** referenced in the new Paragraph 5 of Resolution 02-2013.

This proposal does not diminish the role of the mayor or the Town Council. Their votes will still be required to seat the Commissioners. In that way, the Human Rights Commission members must pass the same scrutiny as all other Town commissions and committees. Adopting this proposal is a show of good faith to a community which for too long has been marginalized and left out of Town government.