

**CEDAR RAPIDS CIVIL RIGHTS COMMISSION
MEETING MINUTES
January 21, 2009**

Commissioners met on January 21, 2009, in the conference room, Civil Rights Commission office, 425 Second Street SE, Suite 960, Cedar Rapids, Iowa.

Commissioners Present: Ms. Miriam Amer, Chair
Ms. Tara Youells
Ms. Nancy Lee Ziese
Ms. Laura O'Leary
Mr. Eric Lam
Mr. Momodu Kamara
Mr. Rick Zingher
Mr. Bob Rush
Mr. Roy Porterfield
Mr. George Holmes, Vice Chair
Mr. Kavi Parupally (arrived at 5:40pm)

Staff Present: Mr. Karl Cassell, Executive Director
Mr. Darryl Lipscomb, Staff Investigator
Ms. LaSheila Yates, Staff Investigator
Ms. Stefanie Robinson, Administrative Assistant

Guests: Mr. Robin Kash, Neighborhood News
Mr. Jude Pannell, U of I College of Law Student
Professor Leonard Sandler, U of I College of Law Clinical Professor
Mr. John Crees, U of I College of Law Student

I. Call to Order

Noting a quorum, Miriam Amer, Chair, called the meeting to order precisely at 5:34pm.

II. Roll Call

Commissioners, staff and guest related names.

Roy Porterfield stated there is a Marriage Equality Forum by One Iowa, 7-9 pm tonight at Peoples Unitarian Universalist Church.

III. Approval of Minutes

Roy Porterfield moved to approve the minutes from the December 17 meeting.

The motion was seconded by Tara Youells.

Discussion – Tara asked if we should include names involved in cases or leave them out of the minutes.

Response: Better to leave names out of minutes.

Corrections

On page 2, under committee reports, add "Each commissioner can only speak for his or herself, but chair speaks for commission."

Page 3, correct name of commissioner.

Page 3, move section about the thank you card up.

The minutes were passed unanimously.

Bob Rush inquired why we do a hand count vs. voice count. Chair Miriam Amer stated she likes to be able to count the votes.

IV. Election of new chair and vice chair

Nominations for chair

Rick Zingher asked what was the prior process for nominations.

Roy Porterfield response: Accept nominations from the floor, all are eligible, self-nominations are in order. Nominees can accept or decline, no speeches needed, and then the vote occurs. They can only serve two consecutive terms with the limit of three terms.

Eric Lam asked what if commissioner term expires before chair term is done?

Commissioners can be reappointed or they can continue the term until new commissioner appointed.

Bob Rush stated that the rules of practice spell out the nomination process. A nominating committee is to be appointed at the regular meeting in November and share the nominations at the first regular meeting in January. It also says that the Chair and Vice Chair are not eligible to be elected consecutively.

Roy Porterfield response: Ordinance states they can serve twice and the Civil Rights Commission was against the nominating committee idea in the past.

George Holmes stated that as long as he has been on this commission there has not been a nominating committee in November.

Rick Zingher asked if there are any self-nominations; is anyone willing to commit? No self-nominations were made.

Miriam Amer offered to let commissioner another run election and Momodu Kamara volunteered and will run election.

Chair Nominations:

Roy Porterfield nominated Miriam Amer.

There were no more nominations for chair.

Miriam Amer accepted nomination for chair. Miriam stated it is an honor to serve, and we have accomplished a great deal in the past year.

Eric Lam moved that nominations be closed and Nancy Lee Ziese seconded. Discussion: none

Bob Rush stated that he does not think Miriam is eligible to serve so that is why he opposes Miriam as chair

Eric Lam asked about the possibility of having a motion to waive rule of order for one term limit?

George Holmes asked if Bob Rush is willing to serve as chair, Bob declined.
Bob Rush stated we should have the nominating committee to recruit people who are interested. We should follow rules

Kavi Parupally stated that we should amend the rule.

Nancy Lee moved to table Eric's motion until rule of practice resolved. George seconded.
Motion carries.

Eric Lam made a motion to waive the conflicting portion of the rules of practice for the January 21, 2009 meeting (Waive nominating Committee and term limit). Nancy Lee seconds the motion.

Discussion: George Holmes stated that Miriam accepted role of chair before any training occurred, there is a transition period, growth of leadership.

Kavi – comments are valid for tabled motion not the current motion on the floor.

Bob Rush stated that in the rules of practice it says that when rules are amended, you must give a three day notice of proposed changes.

Eric Lam responded saying to waive that part as well.

Roy reiterated that we are waiving rules for this meeting only. We are not amending rules so that is not applicable.

George Holmes asked if we should create a nominating committee now and the chair stays as chair until replaced?

Roy stated that the rules of practice are in conflict with the city ordinance, and the ordinance prevails if there is a conflict. Therefore, motion is probably not necessary.

Kavi asked if it is worth our time to have a nominating committee if there is no interest at this time. It would only be to satisfy a rule.

Momodu Kamara stated we are looking for the best option regarding the rules of practice but at same time to move forward.

Nancy Lee stated that the rules of practice are made by us to guide us. If we want to waive our own rules of practice, it should not be a problem.

Roy stated the Ordinance says Chair and Vice Chair have no more than three terms and are to be elected at the first scheduled meeting of the year.

Bob Rush said that we are not prohibited by the ordinance from limiting further if desired.

Nancy Lee stated that one year is not enough time to successfully learn the ins and outs of the commission, more than one term is needed.

Eric Lam read from the rules of practice section 1.2(8):

*1.2(8) Construction of Rules: The rules of the commission are intended to promote the purposes of the ordinance, the efficient operation of the commission, and the orderly administration of the ordinance. The rules shall not be deemed or construed to limit the powers conferred upon the commission by the ordinance. **They are to be liberally construed to ensure the accomplishment of these purposes and may in specific instances be waived by the commission in its discretion for good cause shown.***

Eric stated that we do have good cause at this time because no one else is willing to serve as chair.

Roy stated that traditionally the commission has not followed the nominating procedure in the past.

Tara asked if we can we move on, should we convene a nominating committee?

Roy stated that is not compatible with the current motion on floor, which is to waive conflicting portions of rules for this meeting, would Eric and NancyLee accept that as a friendly amendment?

Eric and NancyLee do not accept friendly amendment to create a Nominating Committee.

Rick Zingher called the question for a vote on waiving the conflicting portion of the rules of practice for the January 21, 2009 meeting, (Waive nominating Committee and term limit).
Discussion, none

Momodu called for a vote

Vote results

8 yes :Tara Youells, NancyLee Ziese, Laura O'Leary, Eric Lam, Rick Zingher, Roy Porterfield, George Holmes, Kavi Parupally

1 no: Bob Rush

1 abstention: Miriam Amer

Motion carried

George Holmes made a motion to close nominations for chair for chair. Eric Lam seconded.
Discussion, none

George – call the question

Momodu called for a vote

Vote results:

8 yes :Tara Youells, NancyLee Ziese, Laura O'Leary, Eric Lam, Rick Zingher, Roy Porterfield, George Holmes, Kavi Parupally

2 abstentions: Bob Rush and Miriam Amer

Motion carried

George Holmes called the question to vote on chair position.

Momodu Kamara said he would like to take the opportunity to thank Miriam, he understands demands of position and she weathered the storm and executes the position with courage and initiative.

Momodu called for a vote.

Vote results:

8 yes: Tara Youells, NancyLee Ziese, Laura O'Leary, Eric Lam, Rick Zingher, Roy Porterfield, George Holmes, Kavi Parupally

1 no: Bob Rush

1 abstention: Miriam Amer

Motion carried, Miriam Amer is chair for 2009

Nominations for Vice chair:

George Holmes nominated Eric Lam, Eric accepted

Eric stated he may develop conflicts in work life but has created procedures to make sure an information barrier is implemented within his firm to separate him from conflicting information.

Momodu Kamara nominated Kavi Parupally; Kavi respectfully declined

George Holmes made a motion to close nominations.

Tara seconded motion

George Holmes called the question

Momodu called for a vote

Vote results:

7 yes: Tara Youells, NancyLee Ziese, Laura O'Leary, Rick Zingher, Roy Porterfield, George Holmes, Kavi Parupally

3 abstentions: Bob Rush, Miriam Amer, and Eric Lam

Motion carried

Momodu called for a vote on Vice Chair.

Vote results:

7 yes :Tara Youells, NancyLee Ziese, Laura O'Leary, Rick Zingher, Roy Porterfield, George Holmes, Kavi Parupally

3 abstentions: Bob Rush and Miriam Amer, and Eric Lam

Motion carried, Eric Lam is the Vice Chair for 2009.

V. Old Business

Update on K. White EEOC Complaint

Miriam Amer stated there has been no movement, nothing to report at this time.

Update to changes to Darryl Lipscomb's title, duties, and payscale

Title will be Senior Civil Rights Investigator rather than Compliance Manager.

Darryl Lipscome serves as the Civil Rights Director in absence of Civil Rights Director.

Kavi Parupally asked how does job description differ?

George Holmes stated that the commission should see new job description.

Miriam Amer said she has the job description and it expands duties and allow Darryl to step up to another level of pay, it's very comprehensive.

Darryl is at the ceiling for payscale, this provides opportunity for growth.

Ordinance Revision

Eric Lam introduced the Iowa law students here and asked if the commission could let them know the timeline of amending ordinance

Professor Sandler stated that HUD is aware the ordinance is coming to them for review

Roy suggested the following timeline: have the ordinance in the best possible condition, have the city attorney review, review by HUD, it comes back to the Civil Rights Commission. At that point, public comment, (public workshops, to explain changes, educate and gather concerns). After public comment, Commission will finalize it and then it goes to city council for three readings.

Should the Government subcommittee take this on? Roy Porterfield stated he does not have the time during the work hours to accomplish this.

Professor Sandler agreed this is a good timeline and suggested that the vice chair and director meet with city attorney.

Karl Cassell and Eric Lam will take ordinance to the city attorney and schedule HUD to review. Kavi Parupally suggested that a clean copy and the stricken copy are taken to city attorney.

Outreach committee to get it into public information session(s).

Momodu Kamara asked if a summary that can be easily reviewed could be created. Professor Sandler and students agreed to do this.

Thank you to George Holmes for serving as vice chair this past year.

George Holmes departed at 6:45 p.m.

VI. New Business

Nancylee Ziese: Discussion of subcommittee to work on designing a way of interacting with the public.

Concern about how handled public response (not only our commission).

The Commission should accommodate people who wish to provide input.

Draft of Rules for public response:

Prior to voting on motions, the Chair will ask if there is any public response. Time allowed will be allocated according to the importance and amount of interest shown and will be determined by the Chair. Public responders must observe the time limit and the request to speak must be submitted in writing to the Chair. If the matter has pros and cons, each side will have an opportunity to speak.

Roy stated he is in favor of sentiments expressed, however wishes to remove the “in writing to the chair” portion of this draft.

Momodu stated we should determine a mechanism to make this effective. The Outreach committee should interact with public and ask their advice.

Nancylee Ziese withdrew “in writing to the chair” section of draft.

Tara Youells asked about the portion stating “*Time allowed will be allocated according to the importance and amount of interest shown and will be determined by the Chair.*” She said this is very subjective.

Roy stated the body is able to overrule the chair if necessary.

Rick Zingher asked if there is a limit to three minutes; we want people to be welcomed and heard.

Kavi Parupally stated there is a need to look back at our rules of practice and make them current.

Miriam stated it is on the agenda to discuss the rules of practice this upcoming year.

Bob Rush asked if we should appoint a committee in regards to updating rules of practice. Bob is willing to serve.

Miriam called for a 10 minute break

Committee reconvened at 7:05.

Pictures were taken of the Commission for the Annual Report.

Roy Porterfield left 7:15, for a prior engagement.

Miriam asked for volunteers to be on the Rules committee – Eric Lam volunteered, Kavi suggested that Karl be a member, Karl accepted. Laura O’Leary agreed to be on committee. Rules Committee consists of Eric Lam, Bob Rush, Laura O’Leary and Karl Cassell.

Bob Rush invited commissioners to share ideas and suggestions regarding the rules. Stefanie Robinson will e-mail rules of practice and ordinance to Eric, Bob, Laura

Miriam suggested that after committee completes their revision, have reviewed by law students.

Bob Rush suggested they enlist city attorney office as well.

Bob Rush: Issues with Lease discussion

Concern of cost, we currently pay \$5000/month for lease (\$60k/year).

Occupying very excessive and expensive space.

Bob suggested we sublease entire office and move out.

Finance committee discussed the options and Karl in process of looking into subleasing office space.

We have the lease until 2010.

NancyLee likes idea of subleasing entire office and moving out, saying we need to be more accessible, not on the 9th floor.

Rick asked if it is realistic that we can sublease entire area.

Bob Rush suggested we enlist a professional realtor.

Kavi suggested we share idea with city, to see if it is a good fit for another department.

Miriam stated we can legally sublease area (per the city)

Sublease individual offices or entire office.

Commission paid for remodeling/renovations and the Commission owns furniture and would have to remove all technology if leave (\$55,000 worth of technology).

Bob commented on subleasing a couple of the offices, he is concerned about confidentiality issues.

Tara made a motion to explore subleasing the offices (whole or in part).
Nnancylee seconded the motion.

Miriam asked if the same committee should look at renting an alternative space and bring back the information to Commission.

Tara and Nancylee accepted the friendly amendment to the motion.

Vote was called and the motion was unanimously approved.

Eric suggested that Karl and Bob work together on this, they agreed.

VII. Committee Reports

Outreach Committee: Tara Youells reported that the committee did not meet because of weather, they will meet next week. Moundview Neighborhood meeting canceled because of weather.

Budget/Finance Committee: Eric Lam reported that the committee met with Darryl and Karl on January 21, 2009. Every month Karl will submit financial report to committee. Karl will make presentation to city council regarding the budget at 5:30pm on January 22, 2009, commissioners are invited and encouraged to attend.

Personnel Committee – Momodu reported the committee is putting together a tool for 6 month evaluation of the Executive Director. They want it to cascade down to other staff members.

VIII. Director's Report

Review of the Director's Case Report

Checks issued for the Ting case

New intern José Santiago – MWF, 4 hours/day

Presentation to city council:

Challenges

- FY 2009 Budget projections were not accurate
- There are 3 new staff, out of 5, time will be needed to bring each person up to speed
- Surplus is being depleted by rent cost
- Producing significant amount of revenue
- Finding adequate office space before lease expires
- Minimizing expenses

Directions/Goals

- Eliminating 1 of the projected staff positions and spreading that work to current employees
- Leasing unused office space for revenue generation
- Contracting w/surrounding cities to handle civil rights investigations
- Continue to maintain FHAP Grant
- Generate FHAP case processing revenue and substantial equivalency status

- Continue to take advantage of funding opportunities through HUD FHAP program

Marion is in need of a Civil Rights department, they will have a population of over 30,000 in the 2010 census. Karl is looking into getting a contract for providing Civil Rights Investigation services and receive payment for those services.

We will operate on smaller budget until we determine lease space issue.

January 22, 2009 City Council meeting is an initial meeting. In spring, there will be finalization of the budget

E-mail handout-

The House has adopted and sent to the Senate the "Lily Ledbetter Act" which will correct the action of the U.S. Supreme Court which severely limited the ability of an employee who is discriminated against from seeking redress of the discriminatory act at the time they become aware of the discrimination as opposed to when the discrimination actually begins.

IX. Public Response

Chair: called for public response; there was none.

X. Adjournment

Nancylee Ziese made a motion for adjournment. Tara Youells seconded the motion for adjournment, motion passes unanimously. The meeting was adjourned at 8pm

The next meeting will be held on February 18, 2009 at 4:30 p.m.

Respectfully submitted by Stefanie Robinson, Administrative Assistant.