

CEDAR RAPIDS CIVIL RIGHTS COMMISSION

MEETING MINUTES

Commissioners and staff met for the regular meeting of the Cedar Rapids Civil Rights Commission at 4:30 p.m., Wednesday, August 27, 2008, in the conference room in the Commission Office, Ninth Floor, Plaza 425, Cedar Rapids, Iowa.

Commissioners Present: Ms. Miriam Amer, Chair
Mr. George Holmes, Vice Chair
Mr. Momodu Kamara
Mr. Roy Porterfield
Ms. Tara Youells
Ms. Nancylee Ziese
Mr. Rick Zingher
Ms. Laura O'Leary
Mr. Eric Lam

Commissioners Absent: Mr. Kavi Parupally

Staff Present: Mr. Darryl Lipscomb, Interim Executive Director
Ms. Michelle McMurray, Staff Investigator
Ms. LaSheila Yates, Staff Investigator

Guests: Ms. Christina Larsen, Former Administrative Assistant
Professor Leonard Sandler, University of Iowa College of Law
Ms. Lauren Hensen, University of Iowa College of Law, Student
Ms. Jayne Lady, University of Iowa College of Law, Student
Mr. Steve Schmidt, Cedar Rapids Gazette
Mr. Karl Cassell, Jane Boyd
Ms. CJ Schmidt, NAACP
Mr. Dedric Doolan, NAACP
Mr. MD Wolfgram
Mr. Robin Kash, Neighborhood News

Noting a quorum, Miriam Amer, Chair, called the meeting to order at precisely 4:30 p.m.

APPROVAL OF MINUTES

Roy moved to approve the minutes from the July 23, 2008 meeting. Tara Youells seconded. The minutes to the July 23, 2008 meeting were approved by unanimous vote.

PARLIAMENTARY PROCEDURE

Nancy moved, seconded by Tara, to dispense with formal parliamentary procedure, until the next meeting. The motion was approved unanimously.

INTRODUCTION OF NEW COMMISSIONERS

Miriam introduced three new commissioners.

OLD BUSINESS

A. Management Consultant Election. Miriam observed that in light of the appointment of three new commissioners, the discussion of this topic should be deferred until the September meeting. Also, perhaps at the September meeting the several candidates might provide a presentation to the entire commission.

B. Committee Assignment. Miriam noted that four Committees need volunteers to serve as members: (1) Financial/Expenditure/Budget Oversight Committee; (2) Personnel; (3) Outreach; and (4) Government Liaison.

The Personnel Committee obviously will be tasked with the search for the new Executive Director. That Committee is chaired by Momodu Kamara, who reported that the committee had met at least three times, and the Committee has developed a timeline, and the Committee will attempt to follow the timeline so as to hopefully have a new Executive Director on board by December 2008. NancyLee currently serves on the Committee. Rick volunteered to serve on the Committee as well.

George, Laura, and Eric volunteered to serve on the Financial/Expenditure Committee.

Tara and Momodu will serve on the Outreach Committee.

Roy and NancyLee volunteered to serve on the Government Liaison Committee.

Miriam observed that each Committee should have three members. In other words, the Outreach Committee and the Government Liaison Committee need one additional member.

C. Hiring of New Executive Director. Momodu gave a brief report of the status of the search for the new Executive Director, and Momodu thanked former Commissioner Janet Johnson for her help and assistance. Hopefully, an offer for employment could be extended in the Fall, and a new Director should commence his or her engagement in December 2008. George observed it would be a good idea to have a more open process, so that the potential candidates might be known to the community. NancyLee and Momodu concurred and observed that the Committee had considered more transparency. Ideally, we will want to conduct a nationwide search. However, obviously there are significant costs associated with such a search. Momodu observed that the last search cost \$5,000, whereas this search is estimated to cost no more than \$1,000. The Committee will also attempt to use more e-mail and on-line modes of communication, so as to reduce cost.

NEW BUSINESS

A. Amendment of Minutes. CJ Schmidt addressed the Commission, and asked the July 16, 2008 meeting minutes be amended to more accurately reflect that Roy had brought Roy's resume into the office, and discussed the resume with then Executive Director White, and

Roy and then Executive Director White concurred that the qualifications stated in Roy's resume were insufficient to enable Roy to serve as investigator or other positions.

Tara and CJ concurred that it is important to accurately reflect conversations. Momodu asked the relevance of such an amendment to the minutes. CJ responded that if Roy was not looking for a job, then why would Roy have brought his resume to the office. NancyLee observed that Roy's resume might have been used to demonstrate the quantum of qualification that may be required for the Executive Director job. Roy reported that it was a causal conversation and meeting with then Executive Director White, and Roy agreed that CJ's recollection of the July 16, 2008 Commission Meeting was correct.

Miriam asked for a motion to amend the July 16, 2008 minutes. NancyLee so moved, and George so seconded. Miriam and NancyLee observed that typically it is unusual in the minutes to record each word said at a meeting. NancyLee asked if we should record each meeting. Miriam inquired whether the meeting minutes should not contain conversations, but merely action points and items. Tara and Roy concur that typically meeting minutes should simply show action items and nothing else, and should merely record the "will of the body."

Roy raised a point of order, and asked for the precise and specific language that CJ sought to be included in the meeting minutes. CJ then suggested specific language. Momodu again expressed some discomfort with such a procedure, and was unsure about the implication of such a motion. NancyLee accepted a friendly amendment to her motion, so as to include the specific language suggested by CJ, and George likewise accepted the friendly amendment. Upon calling for a vote, NancyLee and George voted yes, and Momodu and Tara opposed. Roy abstained, as did Eric, Laura, and Rick. The Chair then observed that while she did not perceive the need for such a change, she nonetheless voted yes. The motion passed.

B. Former Director White. Miriam reported that there simply has been no legal development with respect to the situation concerning former Interim Director White.

C. Amended Meeting Schedule. Miriam distributed the amended meeting schedule for the balance of the year.

D. Public Input and Citizen Addresses to Commission. Miriam then raised the issue of what procedures should be adopted for guests and citizens, etc. to address the Commission. Miriam suggested the Commission simply adopt the rules used by the City Council. Briefly, everyone has a right to address the Commission, but the person must sign up before the meeting, and the person may only speak on the subject for which the person has signed up to speak, and the person cannot lodge any personal attack, and must maintain decorum. Miriam was merely seeking a discussion at this time, and not a vote. Tara suggested the City Council Rule 19 provision be amended to state that anyone who signs up 10 minutes after the start of the meeting may nonetheless be allowed to address the Commission. Rick observed that a 10-minute window seems arbitrary. George likewise observed that if someone is present at the meeting, was listening to discussions, but then wished to provide input, that person should be allowed to speak, even though the speaker had not previously signed up to speak. Roy also observed that our agenda items are typically terse, and perhaps others might not have sufficient information beforehand as to the specific topics that will be discussed. In other words, Roy suggested some accommodation. NancyLee reminded everyone that at the City Council, there is

typically a second opportunity for citizens to address the Council, and perhaps that “second chance” open forum procedure may be adopted. Rick asked the impact or effect of any disrespectful comment, and Miriam reported that a warning would be issued, and then if the disrespectful behavior continues, the person would be asked to leave. Eric suggested language to the effect that at the discretion of the Chair, or upon motion by the Commission, that rules can be waived or modified, which would then hopefully accommodate each and every situation. Miriam again emphasized that she welcomed constructive input, but the Commission cannot allow the meeting to deteriorate into mayhem. Tara also agreed that public input should be maximized. Miriam concluded the discussion by asking everyone to e-mail suggestions to Darryl, and hopefully at the next meeting, we can develop a set of rules.

E. Omaha Regional Meeting. Miriam and Darryl reported from the Omaha regional meeting, and shared confidentially with the Commissioners only a HUD case timeline. The HUD timeline is an example of how HUD handles fair housing cases, and HUD investigations ideally to be completed within 100 days.

Miriam reported that the Omaha session had many good ideas. For example, apparently Sioux City held a “wheelchair day,” during which each city official must work in a wheelchair for one day. Michelle mentioned that Cedar Rapids did have such an event. Miriam observed that maybe we should have another one. George observed that in addition to the accessibility housing issues, there are also disability and elderly issues that ought to be addressed. Particularly now that the Department is back in its downtown office, George suggested a press release, so that members of the public will know that the Department is open for business.

F. Public Officials at Meetings. Miriam also observed that the Government Liaison Committee should work with legislators, and invite public officials and legislators to attend our meetings. There are many pieces of legislation that will be faced by the legislature in 2009, such as gay rights and equal pay for women, etc. To that end, Miriam observed that our next meeting will not be in the Department Office, but will be off-site somewhere else, so that other members of the public can participate and join our meeting. Tara remarked that legislators need to realize the many have lost their homes after the flood. Momodu observed that we have previously invited input from and presence of City Council members to our meetings.

INTERIM EXECUTIVE DIRECTOR REPORT

Darryl reported that the fair housing exhibit has been destroyed in the flood. That exhibit was prepared in conjunction with the 40th anniversary of the Fair Housing Act. The replacement cost will be \$1,000. Miriam observed that our budget is tight. Roy likewise concurred that we should limit our discretionary spending. NancyLee concurred. We therefore decided not to spend \$1,000 to repair the exhibit.

Darryl reported that we have received a new HUD contract, which raised our HUD money from \$12,000 per year to approximately \$38,000 per year for fiscal 2008-2009. The new money will be available hopefully by October 2008. This will provide funds for training, and to enable staff to attend meetings. In that light, LaSheila reported her attendance at Altoona EEOC Regional Seminar, which was very helpful and educational.

Darryl also shared with each Commissioner the case closure report for each investigator for the last five years. CJ asked that such a report be distributed publicly. Darryl and Miriam will distribute the report, *sans* the specific name of the investigator involved, because of personnel issues and concerns.

Darryl observed that the Department has no clerical assistant this month, because of the departure of Christina. Hopefully, next month Darryl will have a more elaborate report. Indeed, Darryl and the Department are looking for a replacement.

With respect to the appointment of three new Commissioners, Darryl will have the “playbooks” available soon, and probably will have an orientation meeting.

REVISIONS TO CHAPTER 69

Professor Leonard Sandler and the law students from the University of Iowa College of Law provided an update on the endeavors toward production of revisions to City Code Chapter 69. Charts, etc. have been prepared. Professor Sandler will work primarily with Eric, who will then share the work product with Darryl, and eventually of course with the entire Commission. Professor Sandler reported that the endeavor is in its fine-tuning phase. Roy observed that because Iowa state law now prohibits discrimination based on gender identity, the City needs to similarly amend its Code accordingly. Also, our ordinance has antiquated language. In any event, eventually, if and when the Commission approves a new version of Chapter 69, the City Council will be asked to adopt the new version.

OTHER MATTERS

CJ asked about the replacement for clerical personnel. Darryl reported that the matter is proceeding through Human Resources, and the position will likely be posted soon.

CJ also asked for the timeline to which Momodu made reference, concerning the hiring of the new Executive Director. Momodu reported that the timeline is a “live” document, subject to changes, etc.

Tara will attempt to find a location for the September off-site meeting.

Robin asked for a description and elaboration of each Committee’s role. Miriam suggested that each Committee Chair should develop a description of each Committee’s role and function.

Robin also asked about the fair housing audit. Miriam reported that the audit has not been completed, and because the audit is continuing, Miriam asked staff and Commissioners not to comment on the subject at this time.

Robin also asked about the recent news concerning the Commission, in light of the situation involving former Executive Director White. Tara reported that hopefully the Outreach Committee will make the Commission more accessible, such as by meeting at other places, and by posting our meeting agenda at various web sites. Momodu welcomed Robin’s comments, and affirmed that the Commission and its members wish to be as approachable as possible. Tara will

work on a PSA for radio, and Darryl is working with cable TV. CJ concurs that the *Gazette* does publish meeting notices, but sometimes the *Gazette* publishes the meeting notices on the day of the meeting, *i.e.*, meeting locations and time, etc. publication should be timelier.

Nancylee moved to adjourn, and Tara seconded. The motion was approved unanimously.