

CEDAR RAPIDS CIVIL RIGHTS COMMISSION
3851 River Ridge Drive NE, Cedar Rapids, Iowa
09 July 2008

Commissioners and staff met for the special meeting of the Cedar Rapids Civil Rights Commission at 4:30 PM, Wednesday, 9 July 2008, in the conference room, City Hall North offices (AEGON), 3851 River Ridge Drive NE, Cedar Rapids, Iowa.

Commissioners Present: Ms. Miriam Amer, Chair
Mr. George Holmes, Vice Chair
Mr. Virgil Gooding
Ms. Janet Johnson
Mr. Momodu Kamara
Mr. Kavi Parupally
Mr. Roy Porterfield
Ms. Tara Youells
Ms. Nancy Ziese

Commissioners Absent: Ms. Dolores Reisinger

Staff Present: Mr. Kenneth White, Director
Ms. Christina Larsen, Staff Administrative Assistant
Mr. Darryl Lipscomb, Staff Investigator
Ms. Michelle McMurray, Staff Investigator
Ms. LaSheila Yates, Staff Investigator

Guests: Ms. Conni Huber, Human Resources Director
Ms. Erika Binegar, Gazette Communications
Ms. CJ Schmidt, NAACP
Mr. Bill Hood
Ms. Gwendolyn Hood
Mr. MD Wolfgram

Noting a quorum, Miriam Amer, Chair, called the meeting to order at 4:36 PM.

APPROVAL OF MINUTES

It was noted that the minutes should reflect travel requires approval for a distance more than 150 miles from Cedar Rapids one way, the location of the meeting was incorrect in the header, and Miriam had stated she did not complete the Director's evaluation due to legal reasons. Roy Porterfield motioned the approval of the minutes with Nancy Ziese seconding. The minutes to the 25 June 2008 meeting with the above-noted change were approved by unanimous vote.

OLD BUSINESS

ANNUAL REVIEW OF COMMISSION EXECUTIVE DIRECTOR

George Holmes stated he would like to formally address the May 27, 2008 confidential communication from Lynch Dallas. Miriam reminded the Commission that the document was to remain confidential under the direction of the City Attorney, Jim Flitz. George motioned to waive the confidentiality of pages four and five of the Lynch Dallas communication with Virgil Gooding seconding the motion. Nancy Ziese made a friendly amendment to restrict the waiver to

the recommendations stated in the document. George and Virgil accepted the friendly amendment. The motion to waive the confidentiality of the recommendations stated in the Lynch Dallas document was approved by a majority vote with Miriam and Tara Youells abstaining.

George read the released portion of the document stating he would like to pursue the recommended avenues prior to the formal evaluation of Kenneth White.

Please note: Commissioner Janet Johnson arrived at 4:50 PM.

Tara stated she preferred to proceed with the evaluation noting the Lynch Dallas document was from May 27 and most of the Commissioners had completed their evaluation reports adding the recommendations can be considered in the future. NancyLee stated with regard to item #2, the rules of practice and code made it clear the Commission's powers and duties. George added he believed the Director's job description might not have matched the expectations of the Commission. NancyLee stated she agreed with Tara regarding the recommendations to be considered in the future.

Tara motioned to hear the results of the combined report from the evaluation committee with NancyLee seconding the motion. The motion to hear the report passed by a majority vote with Virgil abstaining.

There was a 10-minute recess to allow the Commission to digest the printed report.

Please note: Commissioner Kavi Parupally arrived at 5:25 PM

The Commission briefly discussed the scale used to evaluate Kenneth. Janet thanked the evaluation committee then reviewed excerpts from the report.

George questioned what the Commission's intentions were regarding the collected information. Tara motioned to accept the report as written with NancyLee seconding.

Virgil maintained the report was based from an invalid instrument and did not believe it can be accepted. Janet reminded the Commission the evaluation tool was designed to be modified and improved as the Commission moves into the future. Roy stated he believed the rating areas were very useful and that the tool is valid. Conni Huber addressed the Commission stating the only illegality would come if the report contained any sort of non-factual information reminding the Commission that there is no perfect evaluation tool used or available.

After brief discussion regarding timeliness of the evaluation submissions, Janet made a friendly amendment to accept the report including George's evaluation information. Tara and NancyLee accepted the amendment. Momodu Kamara stated he disagreed as George did not follow the established instructions. Janet stated she believed his evaluation should be included due to a miscommunication in the evaluation committee. Kavi Parupally stated he agreed with Momodu.

Roy called to question with NancyLee seconding. Those in favor of ending discussion and moving to vote: Tara, George, Janet, Kavi, NancyLee, and George. Momodu and Miriam abstained and Virgil opposed.

There was a 10-minute recess to allow the report to be refigured with the inclusion of George's information.

After the recess, Janet stated there were no changes in any of the calculated ratings with the exception that the Communications went from an average 1.6 to a 1.7 rating. George stated the Commission should acknowledge what Kenneth has done well and note what he needs to improve as these are the most valuable portions adding that he believes they have not done this.

Tara questioned what the next steps should be as there was no significant change by recalculating the evaluation figures adding that having an overall score of '2 - Periodically Meets Expectations' speaks volumes.

Nancylee addressed Kenneth directly stating she was disappointed in him and at the next meeting she intended to make a motion to terminate Kenneth. She noted, among other issues, specifically his inability to complete work, issues regarding flood response, and failures to communicate with staff and Commissioners. Nancylee stated she was recommended to suggest giving the Commissioners time to digest the full report then calling a special meeting of the Commission.

Nancylee motioned for a special meeting of the Commission at 4:30 PM on Wednesday, 16 July 2008 with Roy seconding the motion.

Janet amended her calculations stating that Professional Competencies rose to a 2.5 from 2.

Momodu again questioned what direction the Commission should take moving forward specifically to enable it to be credible to the community and with confidence. Tara agreed stating these issues have been discussed since April adding again that a '2' rating speaks volumes. Kavi agreed with Momodu stating the Commission is dealing with business other than what it should be adding that there was a need to address this issue as quickly as possible.

George requested adding to the special meeting agenda the option to consider hiring an outside consultant.

Virgil stated he believed the Commission is using this tool as a punitive tool and there will be no credibility of the Commission in the African American community if actions continue in the path they are headed. Virgil also questioned the potential to have the Commission changed in form, for example to be under the direction of the City Manager. He added that he will be resigning from the Commission.

The motion to hold a special meeting at 4:30 PM on Wednesday, 16 July 2008 passed by majority vote with Miriam, Janet, and Virgil abstaining.

Momodu requested to have Kenneth prepare a response to the evaluation report to be presented at the special meeting. Kenneth responded that there was no need to comment as he had submitted a 250-page report to the Commission and that should be considered as his formal response.

There was general discussion regarding the evaluation tool the Commission used in comparison to what tools other City departments and commissions utilize and the Commission's authority to use and modify the document.

Tara requested that Kenneth formally respond to the report at the special meeting with Kenneth answering that it did not make sense at this point. Roy stated that termination revolves around professional competency noting that Kenneth stated the 250-page binder had made that accomplishment. Kenneth remarked that he believed a 360 evaluation was to be performed. He added he is concerned that after he took the initiative to assemble the binder, he is now being requested to give another response as it appears as though Commissioners had not read the materials. Several Commissioners spoke stating they had reviewed the documents. Janet suggested that now Kenneth would have the opportunity to respond to the comments in the report also stating that the 360 evaluation was never formally agreed upon with the Commission. Generally it was agreed that a 360 evaluation was never approved though it had been discussed.

Tara questioned if it wasn't the role of the Director to answer questions from the Commission and public. Virgil stated that for Kenneth to respond now would put him in a position of defending himself against charges and accusations noting that he has also been forewarned that the intent was to dismiss him. Janet responded that the report did not contain charges or accusations, these were concerns. Kavi stated he also did not agree with Virgil, this was constructive feedback.

George recommended that staff complete an evaluation of Kenneth.

PUBLIC RESPONSE

Bill Hood addressed the Commission saying to use a first-time evaluation to push for a termination shows complete disrespect for the director adding that he believed the Commission needed an evaluation.

CJ Schmidt questioned why there wasn't evaluations performed on previous directors.

Gwendolyn Hood stated she was very upset.

Erica Binegar questioned if the formal, completed evaluation report would be made public to which the response was that it is considered a personnel document, therefore could not be released.

Tara addressed Bill Hood questioning if he agreed with Virgil's comment that the Commission would lose all credibility in the community if we terminated Kenneth. Mr. Hood stated he could not comment. Tara questioned if credibility would be lost in his personal view. He responded that he believed the Commission would lose professional credibility.

Virgil stated there would be legal issues if this process proceeds.

Janet stated she would incorporate George's comments to the final evaluation report and email it to the Commission.

Virgil motioned to adjourn at 7:38 PM with Tara seconding. The meeting was adjourned by unanimous vote.

NEXT MEETING

THERE WILL BE A SPECIAL MEETING OF THE COMMISSION HELD WEDNESDAY, 16 JULY 2008 AT 4:30 PM IN THE TRAINING ROOM, CITY HALL NORTH (AEGON), 3851 RIVER RIDGE DRIVE NE.

The next regular meeting will be at Noon, Wednesday, 23 July 2008, with the location to be announced.

Respectfully submitted,

Christina Larsen
Administrative Assistant III