

CEDAR RAPIDS CIVIL RIGHTS COMMISSION
Second Floor, Veterans Memorial Building
4 June 2008

Commissioners and staff met for the special meeting of the Cedar Rapids Civil Rights Commission at 4:00 PM, Wednesday, 4 June 2008, in the conference room, Civil Rights Commission office, 425 Second Street SE, Suite 960, Cedar Rapids, Iowa.

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

Commissioners Absent: Mr. Kavi Parupally
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
Mr. Tom Podzimek, City Council
Ms. Erika Binegar, Gazette Communications
Mr. Robin Kash, Neighborhood Network News
Ms. Evelyn Huh, KCRG
Mr. Tim Conklin, Preferred Property Management
Ms. Carolyn White
Ms. Anecia White
Mr. Marquis White
Mr. Roy Marble
Ms. Jennifer Krackler
Ms. CJ Schmidt, NAACP
Dr. Michael Jackson
Mr. Seth Mossman
Mr. Vahn Halyard
Mr. Dedric Doolin, NAACP
Ms. Star Holmes, Waypoint Services
Mr. Jerry Matchett

Noting a quorum, Miriam Amer, Chair, called the meeting to order at 4:00 PM.

APPROVAL OF MINUTES

Tara Youells noted to correct the spelling of City Manager, Jim Prossers' name in the Special Investigation section. NancyLee Ziese suggested striking the word 'it' so the sentence in the Director's Report reads as follows:

Kenneth stated that the information he used on his application was accurate as the confidential agreement covered all suspensions and discharges.

Tara motioned to approve the minutes as printed with the above-noted changes. Roy Porterfield seconded the motion which was approved by unanimous vote.

DIRECTOR'S REPORT

Kenneth White continued his Director's Report from the previous meeting, May 28.

Janet Johnson requested to have the following report shown in the minutes:

Executive Director's Report
June 4, 2008

Madam Chair,

I would like to present my Director's report uninterrupted and I will entertain questions upon completion of the report.

I would like to amend the minutes of the May 28, 2008 Commission meeting to reflect my conversation about the \$100,000 capital improvements were with Mayor Halloran and not Casey Drew as previously stated.

I have reviewed my job description and my responsibilities in the administrative rules (rules of practice).

In the eleven months, I have addressed several concerns. I will address the office move, the housing program, travel, case processing changes, creation of a mediation program; grant proposals, the establishment of a presence in the community.

The Office Move

From day one, I was concerned about the location and physical condition of the Civil Rights office. It would be difficult to put a new face and increase visibility in that space in City Hall. There was a huge stain in the carpet that each visitor faced as they entered to office. The Mayor described the space as "wretched". No other space in a City facility was available for to rent. I requested staff to look at space in the community. The staff identified the GTC building as a possible location.

The September 13, 2007 Commission meeting minutes states "Noting a quorum.....After a brief discussion regarding the lease, the following order was presented: The City of Cedar Rapids Civil Rights Commission hereby orders the Executive Director to obtain space in the GTC.....The motion to order the Executive Director to obtain the above-noted space passed by unanimous voice vote.

The Commission minutes states: "At GTC we will be getting about 3,000 square feet @ \$5 per square feet; He (Kenneth) stated we are looking into a turnkey lease where they supply the furniture that would be amortized in the lease which also includes remodeling. Commissioner Amer questioned if the cost of the furniture was included in the lease quote? Kenneth responded no, it would be additional but amortized throughout the lease. Commissioner Miriam questioned who would pay the utilities...stating that it would probably be an additional \$10,000 per year for the utilities and the furniture. Kenneth replied that information was correct."

"Chair Porterfield noted that the City bus system is already on the first floor, so the city phone and network system is already in the building. Commissioner Amer stated that she has talked to staff members and there are a number of personality problems in the office and she worries about personality conflicts within the staff whether having them in the same office would be viable. George stated in his view this is separate issue from the lease and should be handled by the Director. The majority of the Commissioners agreed."

I submitted all the information related to office move and the lease to Chair Porterfield, City Attorney, James Flitz, City Auditor, Casey Drew, and the City Council. Iowa statutes states; "leasing of private property requires that before a lease may be entered into notice of the hearing at which the lease will be considered and acted upon must first be published in the newspaper." The notice was published in the Gazette.

An email from City Attorney James Flitz addressed to me dated September 20, 2007 and copied to Mayor Halloran, Jim Prosser and Casey Drew states, "Kenneth, as you know our office reviewed the proposed lease." In an September 20, 2007 email reply to City Attorney James Flitz I asked ".....At this point, do you foresee any additional information and/or documentation that you would need.....and City Attorney James Flitz replied on September 20, 2007 "I don't".

In an email to me from City Attorney Jim Flitz sent on September 24, 2007 with copies to Asst. City Attorney Mo Sheronick, City Manager Jim Prosser and paralegal Evalina Sieck stated"The Commission has not, heretofore, been granted power to execute contracts such as this real estate lease....provisions of Iowa Code Section 392.3 states that contracts and agreements are subject to review and approval by the City Council".

I reviewed the lease with Chair Porterfield and Chair Porterfield stated he read the lease. I followed City Policy and submitted appropriate lease documents to the City Attorney and to the City Council for approval. I have not signed any documents or authorized any actions related the lease.

The Council had in their possession at the time of the vote to approve the lease correspondence from citizens and former staff persons opposing the move. The City Council unanimously approved the lease.

Housing Program

Yesterday, we filed 7 complaint-based housing cases. Between May 31 and September 20, 2007, no housing cases were filed and investigations were averaging 207 days; considerably above the required 100 days. As a result, HUD penalized the Commission \$10,800 for failing to comply with 100 day

requirement. I reassigned the fair housing responsibilities and excluding the housing audit, 21 housing complaints were filed between November 2007 and May 2008 and 22 were closed during that same period. A total of 29 complaint based housing cases and 30 housing audit cases for a total of 59 cases have been filed since I reassigned the housing responsibilities in September.

Travel

In my job description it states, Director represents Commission at state, regional, and national conferences. HUD requires staff to complete a five-week certification. HUD also holds a Policy Conference requiring attendance by Director, staff and one Commissioner. HUD has reimbursed the Commission \$8500 for attendance at fair housing training. In addition, every training program I have attended was attended by the former director and staff over the past two years, except the for National Forum on Black Public Administrators and the Conference of Minority Public Administrators of which I began my membership in those organizations in late 1980's. Organizations that provide support to Public administrators of color.

I'm a member of National Forum for Black Public Administrators' Executive Committee and I attended the COMPA conference for their strategic planning track seminar.

Additionally, I had an opportunity to join National NAACP President and University of Virginia Professor Julian Bond 50 others including Professors, teachers, scholars, PhD students, CNN reporter, radio show hosts on his Journey to "Retrace the Footsteps of the Civil Rights Movement". This bus tour takes you to the pivotal destinations in the Civil Rights movement. We had an opportunity to meet the actual players who were involved in the movement and told there stories first hand. Pictures are on the wall; Obama spoke last night about the Selma Bridge, there's a picture of the Edmund Pettis Bridge in Selma; Professor Bond is seen somewhat dejected sitting on the steps of the 13th St. Baptist church after hearing someone who was there tell the story of the bombing.

There's another piece to the bombing that killed the 4 girls that a lot of people don't know. 10 year old Condoleezza Rice lived in Birmingham at the time and her father was a Presbyterian minister. Condoleezza Rice was best friends with Denise McNair who was killed in the bombing Mrs. McNair (Denise's mom) taught Condoleezza Rice to play piano. It has been said that Condoleezza Rice was in route to the church for the youth day program that Sunday when the church blew up.

Case Processing

My concerns focused on any case under investigation for over 1 year. In July 2007 the Commission had eight cases under investigation for over a year. As of today, we have 2 cases currently under investigation over a year and they both will be completed this month. I established deadlines for all cases under investigation for over 1 year. Additionally, it was my decision to outsource investigations to eliminate the backlog of cases. I have established January 2009 as the date that I will impose a 180 limit on all investigations except housing cases HUD requires that we complete our investigation in 100 days.

Since arriving 10 months ago, 85 cases have opened and 62 cases have been closed. There are fewer old cases, but we still have work to do to complete

cases within 180 days by January 2009. I have implemented a new system and continue to review barriers to timely case completion.

AGREE (Area Grievance REsolution Enterprise)

Michelle and I have worked on alternative dispute resolution program at the request of City Manager, Jim Prosser. In my job description, it states that I must develop and monitor a mediation program. As of May 2008, AGREE, a community mediation center was created by a grant from the Greater Cedar Rapids Community Foundation. Additional grants and community cooperation will be needed to continue to provide mediation services to the Cedar Rapids community.

In the past two months we have had 31 mediation requests and have conducted 18 mediations. All professional staff members are certified mediators.

Grants

My job description states that I must secure additional funding as necessary. I have completed a grant writing course at Kirkwood Community College.

3 HUD grants totaling \$125,000 were unsuccessful

HUD Fair Housing and Equal Opportunity Grants

- Translation services (\$50,000, unsuccessful)
- Fair Housing Media Campaign (\$5,000, unsuccessful)
- Housing Testing (\$70,000, unsuccessful)

2 CDBG Grants totaling \$275,000 were unsuccessful

Community Development Block Grant (CDBG):

- Fair Housing Education (\$175,000, unsuccessful)
- Mediation Program (\$100,000 unsuccessful)

Submitted a RFP to U.S. Department of Commerce: Minority Business Enterprise Program

- \$1.1 million grant
- review pending;
- 1 of 3 finalists waiting scheduling of an in-person interview.
- Senator Hogg and Congressman Keith Ellison Congressperson from Minnesota wrote letters of support.
- Senator Hogg sponsored House File 890 a bill strengthening Iowa's Targeted Businesses program and it passed last month.

Responded to a RFP to U.S. Department of Justice Immigration/National Origin Discrimination Education Program

- \$100,000 grant
- review pending

Equal Employment Opportunity Commission Work-sharing Agreement

I met with Chester Bailey Western Regional EEOC Director regarding EEOC contract and he introduced me to Mr. Rowe.

- I have had conversations with the James Rowe, the District Director Chicago Equal Employment Opportunity Commission regarding a work sharing contract.

Presence in the Community

I have written over 300 letters to public and private organizations, including community and faith-based groups introducing myself and announcing my initiatives for the department. I have made over 20 presentations, speeches and lectures, including the Chamber of Commerce Leadership Academy, Neighborhood Fair and Task Force, NAACP Freedom Fund Banquet, Diversity Network, Landlords of Linn County, Wellington Heights Neighborhood Association and others. I have also developed and produced 3 commercials that have resulted in more visibility for the department.

I have met with community leaders and school officials to discuss a possibility of introducing a civil rights curriculum into the Cedar Rapids elementary and middle schools including a bus tour during spring break chronicling the Civil Rights Movement in the South.

I have worked with the students in the Wright Elementary School's Home Schooling Program discussing civil rights issues surrounding Stumptown Kids a book detailing discrimination in the 1950s in Cedar Rapids, written by Carol Gorman a Cedar Rapidian. I have also worked with Taft Middle School's staff and student leaders to address bullying and discrimination. I have discussed with Taft officials establishing Stumptown Kids as a required reading for middle school students as a part of their civil rights discussions. Additionally, I worked with Westover Manor staff and residents to address bullying and hurtful behaviors including name calling; Westover Manor is a housing facility for low-income and disabled seniors.

The Budget

In my review of the last three years of Commission meeting minutes I was unable to locate any discussion or actions by the Commission relative to any budget. The FY2008-09 budget was prepared by the Finance Department; however I was responsible for identifying the 10% budget reduction (\$34,400) FY2008-09. I eliminated the Administrative III position and replaced it with a Customer Service Representative and reassigned a portion of each staff person to be paid by external funds to meet the required 10% cut. The Budget Hearings are public meetings open to the public and are required to be published in the Newspaper. I shared with Chair Porterfield my proposed budget prior to the budget presentation.

Thank you.

Tara and Virgil Gooding thanked Kenneth for his report.

Tara reviewed statistics regarding Kenneth's travel stating that, taking into consideration city holidays and personal time being excluded, Kenneth had been traveling 65% of the days in August 2007, 57% of the days in March 2008, and a total of 23% of the days during his tenure.

Kenneth responded that the initial travel when he begun his position was required by HUD. He also noted that the majority of his travel has been required

national forum for minority public administrators, meeting was for learning about strategic plan

noted he has not supervised investigators for 8 years and decided to take classes to refresh (?) his skills

kw stated every bit of training, the previous staff has attended outside of the administrator forums.

Tara

How much time does hud give someone to complete their training and is that the only time that it was available

Kw

Should fixate on what he's accomplished while he's in the office vs. how many days he has been gone

Tara

Not saying he has not accomplished a lot, indeed he has

Kw

Myrtle is the one who set the timeline 'right away'

Tara

Asks again about how long hud gives to complete training and if that was the only time available

Kw

Says again that it was on the request of myrtle

Tara -

So it was requested, not required

Kw -

The six weeks, you can have two years to complete

Roy

Brought up that kw said roy said he had read the lease

Kw

Said that he said he had read the lease during the last meeting

Roy -

In tab 23, first document

Who is todd barker

Mm -

The realator for silent woman

Roy -

That email is from 07/26

Tab 22, Memo to kay halloran

September 10 from kw to mayor

Stated lease is approximately \$1200/month

Compared to email from todd barker where the lease is quoted as \$2900????

Roy -

Why did he only mention the \$1200 and not the additional money?

Kw -

Stated the lease had been in the hands of the city atty since the end of august. Said mayor reviewed the actual lease. The council had the full numbers when they voted.

Roy -

Why were the numbers not presented at the special meeting in september?

Kw -

Roy you saw the lease

Roy - no I did not

Kw -

All he can go by is what is in the minutes

Momodu arrived at 4:40

Kw -

Wants to know where it is in writing where he was limited to \$1500

Roy -

Requested clarification on the numbers stated at the September meeting

Kw -

The remodeling amount was not there because there was no amount at that time. The lease stated approximate numbers.

George -

Remembers the \$5/sq ft. it was his recollection was that the furniture came out of the FHAP funds. It was the decision to pay cash so we would not have to pay interest. It is stated in the minutes that we authorized the director to obtain the office

Miriam -

For the amount that was approved

Virgil -

Congratulates kw on the work he has done since he's been here. Glad he is traveling because it has put us on the map. We understand that when the feds tell us to travel, we do. We have to

network beyond marion. Noted that he also has to travel to accomplish the networking he needs to

Noted that 15 kw trips have been within iowa.

Virgil asked if kw was told that he had to submit the budget to the commission prior to going through council. As senior member, he does not recollect seeing a budget prior to council. If the budget was approved by the people that have the power to approve it, as long as there are no changes, then there should be no problems.

Tara recalls seeing the budget prior to going to council before

NancyLee reads from the administrative rules about how the commission hires the director, etc etc and how the commission dictates the budget

NancyLee asked for copy of lease several times, though never received it

Miriam - The icrc as a whole has not spent as much as crcrc. The council did not know that the commission did not see the budget.

Tara clarified that her stats did not include the instate travel. If she had, it would have upped the percentage of time in the office.

Virgil -

Still supports his travel. It will have a positive impact in cedar rapids

George -

Noted that we requested the director to obtain an eeoc contract

Where did you travel to visit the eeoc?

Kw -

Eeoc was in Denver

Tara left at 5:00 PM

Miriam -

Asked kw if he would like to close the meeting. He declined.

Miriam noted the correspondence with myrtle Wilson from packets

Myrtle called Miriam stated that she has been bombarded with phone calls from cedar rapids regarding the audit. She stated that the audits were incomplete and she is not going to pay for the cases related to the audit. She was quite upset about us and stated that our office is 'a complete mess'.

Kw -

Myrtle and him had numerous conversations re the audit. He states they are on the same page.

Virgil -

Much of what has been in the media has been presented that it is the point of view from the entire commission. These have not been his views.

Mm -

Cases are currently under investigation, no one can say how they will end up. Noted that staff and others have been threatened, blogs have been set up by landlords admitting discrimination

Roy -

Mm eluded to retaliation? Against staff members?

Mm -

That is correct. Phone calls, written statements

Kw -

The audit -

Before we could file the complaints from the audit, the chair had to sign each complaint

Miriam -

Was not given much information regarding what the complaints were regarding, signed because she was asked to, was not told re: the audit ahead of time

Nancylee -

It's also in our rules

Miriam -

It's in the council reso a specific amount of money, that was ignored. Our hud money is gone and we may not get any additional funds. Hud is not happy with us right now. There is a severe lack of communication within this commission. This money belongs to the city of cedar rapids and it's citizens. We are here for the civil rights of the citizens, and we are bogged down in miscommunications.

Tom podzimek

Reviewed the coversheet to the council meeting. It stated the commission has requested... and if the commission did not approve, then it was incorrect statement. Tom read from the rules: the executive director 'under the supervision of the commission...' (exact words?). this should have been followed

Momodu

If there was a level of transparency, we would not be sitting here at this time. Executive director needs to bring in a sense of humanness and tgrty to relate to the commission as part of the body. The human element requires mutual respect. Let's go forward, admit our mistakes, and go forward.

George -

Has been on the commission a long time, first time as vice-chair. Though many have been chairs and they know that they have not been presented a budget. The commission is to blame, not the director.

Kw -

The commission meets once a month. He stated he shared everything with roy when he was chair. He said he has done many director reports.

Virgil -

One thing we are not good at is giving kw clear direction re: expectations and how they may have changed since the last director.

Miriam -

Talked to casey drew, he said that kw had someone working on the budget for months, not in three days as kw stated.

Mm -

Got very little information from finance.

Miriam -

Casey said there was a consultant working with kw on the budget
This is all hinging on written documentation from myrtle Wilson that will be dispensed once received

Roy -

Requested to have myrtle attend a meeting

Miriam -

Myrtle requested that Miriam and Kenneth visit her offices

Jerry matchett arrived

Janet -

It would nice to have a summary of travel so that everyone can benefit from the learning.

Momodu -

Noted that kw is not new in this business, with his experience he could have offered or volunteered the information without being requested. We would not be expecting too much of him to think he would volunteer this information.

Kw -

Noted open meeting laws and how that limits his communications with groups of commissioners. Stated roy made it really clear that kw reports to him. That is what he did.

Roy -

The only thing that kw and he discussed that he did not bring forward was amortizing the furniture into the lease. Kw had mentioned he would like to pay for it vs amortizing because we would spend less in interest than we were gaining in interest with the hud money in 'hold.'

Janet -

The open meeting law is only if a quorum is present so you can talk to up to five at once

Kw -

Said roy said he brought everything back to the commission, then why is it that the commission is not getting the information

Momodu -

Reminded us that we can call a special meeting to discussing important/essential meeting. That provision is there.

Miriam -

Now that the federal money is gone, where is the money going to come from?

Kw -

He understands what the costs were and based on money coming in, he does not see a problem paying the rent

Miriam -

Suggested that he contact Casey Drew to clarify where we are setting

Darryl -

There is already monies allocated that we will be paid for that we will be paid for in the next fiscal year.

Mm -

We have approximately \$20,000 guaranteed for cases already processed. We have additional cases that will be processed prior to the end of the fiscal year that will be paid as well. There are an additional five months that are not on the report.

Miriam -

Noted that the commission can request from that staff anything and staff should turn it over without feeling as though it is harassment.

Roy -

Clarified that the commission agreed that the commissioners would communicate to the staff through the chair to the director to the staff though retain the

Roy marble -

Truly embarrassed. Did not know what was going on. He thinks this is a waste of time and we should have kept this all inhouse

Vaugh hilard -

Produced a movie locally. Concerned with the amount of time that has been spent on these issues when we should be discussing true issues. Should have done in a private session.

Jennifer ??

Said miriam stated she signed audits without reading. Miriam clarified that she had read them, and had found several typographical errors. Jennifer stated that she signed them without knowing what they were. Said we crucified kw in the press.

Tim Conklin - preferred property management

He said he was the one to have people call Myrtle because he can't get answers from staff

Dedric doolin -

Has had problems having people come forward because they don't trust the commission. With the audit, now they have that confidence.

Virgil -

The minute that we begin talking about the audit, that makes the meeting somewhat about the audit

Cj Schmidt -

She has been hearing over the last few meetings that we have a director who has a clue though we have a few commissioners who want to micromanage.

Marquis white -

Would like us to dig deep. Why are we here as a commission?

Miriam -

All the commissioners are volunteers and are dedicated to civil rights regardless of what people think about us.

Nancylee -

We are all members of protected classes and some members are members of more than one protected class

Robin kash -

Is there an allegation of wrongdoing by KW?

Miriam -

No one has made an allegation. This is being accountable.

Virgil -

No allegations

Roy -

Reemphasied that there are no allegations. At worst, he believes that we were misled regarding the leased space. No problems with his travel as this would have been expected giving his length of time since he was in the area.

Vaughn -

Is there documentation that we are out of money -

Miriam -

Yes, there was a memo to the commission from Casey Drew stating such. Also reminded everyone that this is the commission's job - oversight.

Virgil -

The mistakes have been equal opportunity mistakes. Not only mistakes made by Kenneth, there were mistakes made by the commission. The commission also has admit it has made mistakes

Seth -

Does the commission have someone who does media relations?

Miriam -
No

George -
Might look at it at the next commission meeting.

Cj -
There is a difference between oversight and micromanagement. He and his staff need credit for the jobs they are doing.

Robin -
Is there any relationship between the timing of the audit and the timing of the articles of late?

Commission unanimously stated no

Kw -
I saw you on august 15 at walmart. You need to watch your back, staff doesn't want you here.

Miriam -
Denied it

Kw - stated those were her exact words

Momodu -
African saying -
If you draw the rope, you draw the bush, you draw the bush, the leopard will come to town.

Virgil -
In America we say timing is everything. What happens and what order they happen in matters. Commended kw for being level headed and able to manage his emotions throughout this meeting.

Vaugh -
Are there metrix for development?

Miriam -
The commission is working on it.

Erica -
The ordinance states that the director is under the direction of the commission.

George
Motioned to adjourn
Virgil seconded
6:13 PM

The meeting was adjourned at 2:20 PM by general consensus

NEXT MEETING

A special meeting will be held at 4:00 PM, 4 June, 2008. The next regular meeting will be held at 4:00 PM, 25 June 2008, in the Civil Rights Commission office conference room.

Respectfully submitted,

Christina Larsen
Administrative Assistant III