

CEDAR RAPIDS CIVIL RIGHTS COMMISSION
Second Floor, Veterans Memorial Building
28 May 2008

Commissioners and staff met for the special meeting of the Cedar Rapids Civil Rights Commission at Noon, Wednesday, 28 May 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
Ms. Janet Johnson
Mr. Momodu Kamara
Mr. Kavi Parupally
Mr. Roy Porterfield
Ms. Dolores Reisinger
Ms. Tara Youells
Ms. Nancylee Ziese

Commissioners Absent: Mr. Virgil Gooding

Staff Present: Mr. Kenneth White, Director
Ms. Christina Larsen, Staff Administrative Assistant
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. Emily Evers, University of Iowa
Ms. CJ Schmidt, NAACP

Noting a quorum, Miriam Amer, Chair, called the meeting to order at 12:05 PM.

APPROVAL OF MINUTES

MAY 3, 2008

Roy Porterfield motioned the approval of the May 3, 2008 meeting minutes with Tara Youells seconding. The minutes as printed were approved by unanimous vote.

MAY 22, 2008

It was noted that guest Robin Kash, Neighborhood Network News, was omitted from the heading. Nancylee Ziese also requested that the minutes reflect the names of the three Commissioners who called the special meeting: Nancylee Ziese, Tara Youells, and Momodu Kamara. Kavi Parupally motioned the approval of the May 22, 2008 minutes with Dolores Reisinger seconding. The minutes as printed, with the above-noted edits, were approved by unanimous vote.

PARLIAMENTARY PROCEDURE

Janet Johnson reviewed a segment from parliamentary procedures, Calling for the Orders of the Day, by summarizing if a member feels that the Chair is not following the official agenda, the member can request for the Chair to return to the official agenda by calling for the orders of the day. Roy further explained that either the Chair can do so or decline. A member can appeal the decision of the Chair, which then would move to a vote.

OLD BUSINESS

REVIEW OF CITY OF CEDAR RAPIDS CHAPTER 69 ORDINANCE

Roy motioned to table the discussion regarding revisions of the ordinance to the next regular meeting unless there is a special meeting called to specifically address the topic. Dolores seconded the motion which passed by unanimous vote.

Janet recommended a special meeting. Roy suggested that instead Commissioners plan to allow for an extended timeframe at the next regular meeting on June 25, 2008. NancyLee suggested beginning the meeting at 4:00 PM noting some scheduling issues with several Commissioners. General consensus was to begin the regular Commission meeting scheduled on Wednesday, June 25, 2008 at 4:00 PM with Commissioners making personal arrangements to allow a longer meeting.

ANNUAL REVIEW OF COMMISSION EXECUTIVE DIRECTOR

Janet updated the Commissioners regarding the work the subcommittee has performed thus far. Minor edits were suggested and general discussion ensued. It was emphasized that the document presented is solely a draft tool that is open to ongoing editing and final discussion. Kavi noted that expectations and review issues should be separated. Roy suggested that the subcommittee meet one additional time to separate the topics as suggested. Kavi requested that the subcommittee notify the Commission of their next meeting time and place. Miriam assigned the subcommittee to submit their final draft to the Commission by June 9 and each Commissioner is to have their review of Kenneth White completed and submitted to the review committee prior to June 18. She added the compiled results are to be reviewed June 25.

SPECIAL INVESTIGATION

It is noted that George Holmes, Vice-Chair, assumed the lead of the Commission.

NancyLee motioned to waive privileged status on a document received from Jim Flitz dated May 20 regarding the special investigation. Roy seconded the motion. NancyLee noted that she requested to waive the privileged status of the document to allow for open discussion. Further discussion ensued regarding the reasoning and specifically what would be disclosed. NancyLee clarified that she motioned to remove the confidentiality from the finding of the report with Roy seconding.

NancyLee reviewed that special investigator, Amy Reasner, found that there was no probable cause regarding the complaint filed by Kenneth against Miriam. Momodu stated that as a Commission we should always attempt conciliation with our matters versus using legal methods adding that it seems as though we are not following our own mission. Kenneth stated that he did not request the investigation adding Jim Processor, City Manager, instructed him to request an investigation from the Commission. Tara questioned why he did not approach the Commission with his complaint as instructed by the City Manager with Kenneth replying that he did not know. Conni Huber briefly reviewed the city's practice of processing a complaint. Kenneth stated that he never mentioned race as the issue adding that he and his staff felt

verbally abused by Miriam. Kenneth further stated that he believes he can work with Miriam though they both have to give a little as they both have strong personalities.

Roy offered a friendly amendment to Nancylee's motion. Specifically, he wanted to release the first paragraph under 'Conclusions' from the special report. Nancylee accepted the amendment.

Discussion ensued regarding if what Kenneth filed was a formal complaint. Tara questioned if Kenneth requested this matter to be dropped. He replied that he did not stating the investigation was out of his hands. Momodu spoke regarding the mission and goals of the Commission. There was a majority vote to waive the confidentiality as stated by the friendly amendment with Roy and Miriam abstaining.

The following statements were released from confidentiality from the investigative report:

"Based not only on the written materials provided by the Complainant, but also direct questioning by the Investigator, the Investigator concludes that there is no claim about protected class status discrimination or harassment at issue. Additionally, based on the written materials provided by the Complainant, and the interview with the Investigator, the Investigator concludes there is no claim about retaliation based on a protected activity."

It is noted that Miriam resumed lead of the meeting.

NEW BUSINESS

PUBLIC HEARING REGARDING CRCRC 2889

George motioned to move forward to public hearing of Civil Rights case number 2889 with Dolores seconding the motion. The motion to proceed to public hearing was passed by majority vote with Tara and Miriam abstaining.

DIRECTOR'S REPORT

Kenneth handed out binders to Commissioners giving an overview of the material enclosed.

Roy questioned where Kenneth received the information that there had been \$100,000 set aside for capital improvements of city hall's second floor. Kenneth replied that he could not remember though he does recollect discussing with Casey Drew, City Finance Director, whether it was considered a savings to the city if we were to relocate noting if we were to do so then the \$100,000 could be reallocated elsewhere.

George inquired if Kenneth was surprised by the additional expenses. Kenneth replied no, that the costs are listed out in the counterproposal from Silent Woman. Tara noted that there are no documents showing communication with the Commission of the higher figures. Roy questioned information on a memo from August 1 from tab 23 of the binder asking if Kenneth knew the higher figures on August 1, why did he not report those to the Commission at the special meeting in September. Further discussion ensued regarding conversations at the special meeting in September.

Nancylee stated that the main point was, regardless of discussions, the Commission was still not made aware of different figures. Miriam added that the concern was if there were issues relating to spending in excess to an approved amount. Tara clarified that even if the council did approve the additional expenses, the Commission did not.

It is noted that Commissioner Kavi Parupally left the meeting at 1:45 pm

Kenneth requested Roy's cell phone records to illustrate that they discussed the lease multiple times stating that he is willing to turn over his as well. Roy replied that he would though noted that there were other topics discussed during this timeframe as well as the lease. He reiterated that he recalls discussing the lease with staff on only two occasions.

Dolores stated she believes we are losing our focus and our purpose.

Tara raised the subject of Kenneth's departure from City of Minneapolis. Kenneth explained that it was mutual agreement noting that Mayor Halloran questioned the City of Minneapolis and Roy spoke to the Mayor of Minneapolis as his top reference. Kenneth added that he signed a confidentiality document with the city of Minneapolis. Tara questioned if that document superseded the information found on the internet. Kenneth stated that the information he used on his application it was accurate as the confidential agreement covered all suspensions and discharges. George stated that Kenneth mentioned there was a mutual agreement with the City of Minneapolis in his interview.

NancyLee suggested that the Commission hold a special meeting to finish the director's report as many Commissioners needed to leave at this time. The special meeting was set for Wednesday, June 4 at 4:00 PM in the Commission office by general consensus.

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