

# Meeting Minutes

City of Ypsilanti  
Human Relations Commission

Special Meeting  
City Council Chambers – One South Huron St.  
Ypsilanti, MI 48197

Monday, May 21, 2018 – 7:00 p.m.

I. **CALL TO ORDER:** 7:08 p.m.

II. **ROLL CALL:**

Commissioner Jones-Darling	Present
Commissioner Saunders	Present
Commissioner Shuler	Absent
Commissioner Fellows	Present
Commissioner Gaines	Present, (arrived at 7:16 p.m.)
Commissioner Hunter	Present
Commissioner Choudhuri	Present
Commissioner Krupin-Carter	Present (non-voting member)

Staff present: Nancy Hare-Dickerson, Commission Secretary

III. **AGENDA APPROVAL:**

**Fellows (second Saunders) moved to approve the Agenda as submitted.  
Unanimous approval. Motion carries.**

IV. **AUDIENCE PARTICIPATION/COMMISSION RESPONSE**

None

## V. DISCUSSION ITEMS

### A. Bylaws

#### Article II, Section 5

Fellows: Directed the commissioners to Article II Section 5 of the Bylaws draft copy, which is where they left off from the last meeting. She clarified that the bolded language items are to solicit discussion and any necessary changes of things that have come up in conversation before.

Hunter: Suggested that the word “racial” be removed.

Jones-Darling: Asked Commissioner Hunter for further explanation.

Hunter: Responded that if race is a construct and it's had nothing but negative implications for those who ascribe to it, at some point we're going to have to start detaching from it in our political language while still respecting people's ethnicity.

Choudhuri: Replied that provided that the underlying piece that reads, “receive and review complaints from individuals alleging violations of Ypsilanti's Non-Discrimination Ordinance, and take appropriate action, including but not limited to referral of complaints to appropriate agencies or to the City Attorney, mediation of complaints, or dismissal of complaints” is not based about race or any social identity but it's based on the Non-Discrimination Ordinance.

Hunter: Responded that it puts a lot of weight on the Non-Discrimination Ordinance to justify actions taken and complaints respected.

Krupin-Carter: Asked, isn't the Commission supposed to use the Non-Discrimination Ordinance as precedent as to what they're supposed to do as a commission; and so wouldn't it make sense referring to that, making sure that the Commission is aware of what the Non-Discrimination Ordinance says in order to be able to judge and make decisions about potential complaints.

Hunter: Replied that that made sense.

Jones-Darling: Summarized that based on the discussion, the bold language would be struck and the underlined language would be inserted.

## Article II, Section 6

Hunter: Expressed that in the underlined section of Article II Section 6, the words “eliminate racial tensions, prejudice and/or discrimination”, is better than the word “discourage”.

Krupin-Carter: Responded that the words “discourage” and “eliminate” say different things in a different connotation.

Choudhuri: Expressed that she would to see “address” or “respond to”.

Hunter: Asked if they are talking about addressing structural or personal examples.

Choudhuri: Replied that she thinks the personal examples are in Section 8, so that this would be structural.

Hunter: Asked if that should then be in the language - “eliminating structural discriminatory...”.

Fellows: Responded that she supports having something about structural oppression; that she sees the point that it could be taken that we’re just a body that’s mediating over individual disputes instead of going after patterns and policies, etc.

Hunter: Expressed his desire that the Commission be an active body and not a reactionary body.

(Discussion continued re: proposed Section 6 language)

Jones-Darling: Summarizing the discussion, noted his draft of the following - “Promote education and enforcement of the Non-Discrimination Ordinance, provide programming for this and other Commission initiatives and advocate to discourage the promulgation of and eliminate structural racial tensions, prejudices, and discrimination”.

Hunter: Responded that the word “tensions” is almost kind of a non-word.

Krupin-Carter: Added that she doesn’t like the word “eliminate”; that she likes it more in context of structural components rather than personal beliefs because the Commission can’t change what people believe; that it’s a good goal to have but not necessarily something the Commission can achieve.

Choudhuri: Stated that, in another body, there was language of “advocating for accountability in leadership for broad-based structural changes that impact the climate of equity”.

Krupin-Carter and Saunders: Responded that they liked the language presented by Choudhuri.

Fellows: Offered the language - "To advocate for accountability among City Council for broad-based structural changes that impact the climate of community equity".

(Discussion continued re: proposed Section 6 language)

Jones-Darling: Summarizing the discussion, noted his draft of the following - "The Commission shall from time-to-time conduct public forums, town hall meetings, educational and other programs to promote the equal rights and opportunities of all persons. This shall include advocating for accountability of City Council for broad-based change that impacts structural inequity".

Fellows: Indicated that Section 5 had not been completed.

## **Article II, Section 5 Continued**

Choudhuri: Offered that instead of having the whole litany of social identities, to just word it as "all persons" as was done in Section 6 - "foster equality and respect among all persons".

Saunders: Expressed that she liked the words "all persons" because of its consistency with the next paragraph. She voiced her concern with the underlined section of Section 5 that reads, "referral to the appropriate agencies or to the City Attorney"; that the Commission wouldn't refer to the City Attorney.

Jones-Darling: Responded that the Commission is required by Ordinance to refer complaints to the City Attorney for investigation if they involve the City.

Saunders: Agreed but added clarification that the Commission would not refer persons.

Krupin-Carter: Asked if, with that said, then shouldn't it be "and the City Attorney"; that if the Commission is required to send complaints to the City Attorney for investigation, then appropriate agencies would also be involved in addition to the City Attorney.

Jones-Darling: Stated that he would add "and/or".

Choudhuri: Asked if the Commission should have the power to either mediate or dismiss complaints.

Jones-Darling: Responded that the Commission does have that power under the City Ordinance.

Fellows: Added that she thinks it's a legitimate question because, as far as she knows, this commission doesn't mediate complaints as much as the Ann Arbor Human Rights Commission does; that they have a whole process for it that is set up.

Jones-Darling: Replied that this commission has the same authority.

(Discussion continued re: proposed Section 5 language)

Jones-Darling: Summarizing the discussion, noted his draft of the following - "The Commission shall promote mutual understanding and foster equality and respect among all persons which shall include receiving and reviewing complaints from individuals alleging violations of Ypsilanti's Non-Discrimination Ordinance and taking appropriate action, including but not limited to referral of complaints to appropriate agencies and/or to the City Attorney, mediation of complaints, or dismissal of complaints".

## **Article II, Section 7**

Jones-Darling: Read the following current language of Article II Section 7 - "The Commission shall from time-to-time issue publications, studies or reports to promote good will in the community as a whole and spotlight points of necessary research. Such reports shall not include names of parties or other facts which might clearly identify parties without their consent. The Commission shall also study problems which may result in patterns of tension, discrimination or prejudice within the city, and offer assistance and attempt conciliation or mediation".

He read the underlined portion as follows - "Make periodic public reports and recommendations to the City Council on ways to improve city government programs and ordinances designed to eliminate discrimination or to remove the effects of past discrimination".

Hunter: Stated his thought that there was more detail in the previous language.

(Discussion continued re: proposed Section 7 language)

Choudhuri: Asked how commissioners felt about the language - "The Commission shall from time-to-time issue publications, studies, reports or recommendations to the City Council and community as a whole".

Krupin-Carter: Replied that she felt it was fine.

Saunders: Added that it leaves intact what the Commission can do rather than just limiting scope to discrimination cases. She expressed that she hoped there would also be positive reports.

Hunter: Added that maybe it should be more specific as to what publications, studies and reports the Commission should be focusing on because now there are sections that specifically read "eliminate structural discrimination".

Choudhuri: Suggested the language - "issues of structural discrimination and suggested interventions".

Fellows: Expressed that in keeping some alignment with the previous language, that the past discrimination wording should also be kept - "The Commission shall from time-to-time issue public reports and recommendations to City Council on ways to improve city government programs and ordinances designed to eliminate structural discrimination".

Hunter: Agreed.

Fellows: Added - or "to remove effects of past discrimination", or "respond to the effects of past discrimination."

Jones-Darling: Offered - "remediate the effects of past discrimination."

Choudhuri: Responded that sometimes the first step is to highlight or to make it visible before it can be eliminated.

Jones-Darling: Offered that the word "remediate" includes everything from visibility to elimination.

(Discussion continued re: proposed Section 7 language)

Fellows: Offered that, rather than "remediate", the words "addressing the effects of past discrimination".

Jones-Darling: Affirmed the consensus for the word "addressing".

## **Article II, Section 8**

Jones-Darling: Read the following current language of Article II Section 8 -: "The Commission shall acknowledge and review requests from citizens of the city for the study of matters that may result in patterns of tensions, discrimination or prejudice. The Commission shall not receive or deal with complaints between individuals, but may refer persons with complaints concerning individuals to appropriate agencies".

He read the underlined portion as follows - "Investigate, study, hold hearings and make recommendations to City Council regarding complaints from any class or group protected under the Non-Discrimination Ordinance".

Saunders: Expressed that the language flies in the face of taking requests from citizens; that it's a tough deal because a person might have an issue with the police department who is not a citizen of Ypsilanti but, yet, their complaint should be heard.

Krupin-Carter: Added that there could be a complaint against one specific police officer which is technically a complaint between two people but is also a complaint against a person and the surrounding body of that person.

Choudhuri: Offered - "The Commission shall acknowledge and review requests for --"

Saunders: Offered - "-- the investigation of matters".

Krupin-Carter: Responded that it's the City Attorney's job to investigate; not the Commission's.

Saunders: Offered - "The Commission shall acknowledge and review requests".

Choudhuri: Offered - "The Commission shall acknowledge and review complaints that --"

Saunders: Offered - "-- may result in patterns of tension, discrimination or prejudice".

Choudhuri: Offered - "-- that may arise from violations of the Non-Discrimination Ordinance".

Saunders: Agreed.

Choudhuri: Summed up with the following language - "The Commission shall acknowledge and review complaints that may arise from violations of the Non-Discrimination Ordinance."

Fellows: Voiced that although the language in Section 3 was talked about, it was not finalized.

### **Article II, Section 3**

Saunders: Asked if the language, "The Commission as a whole shall be representative of the diversity of the entire community" is what the Commission wants.

Hunter: Stated that It's a mouthful.

Saunders: Added that they'd have to run the numbers; that if it's going to be representative of the diversity, the community is majorly white and the school district is majorly African-American.

Fellows: Agreed and added that if it were interpreted by the word, it could mean representation is proportional to the community.

Saunders: Added that there are age differences; that that would be one statistic if they're going to try to mirror the diversity of the entire community.

Choudhuri: Asked if representation is wanted by social identity or representation of perspective.

Fellows: Offered that the language, "The Commission as a whole shall be representative of the diversity of the community" instead of "the entire community", makes her think more about advocating for better representation for marginalized populations but that it's up for interpretation.

(Discussion continued re: proposed Section 3 language)

Choudhuri: Asked about using the word "expressive" instead of "representative".

Hunter: Responded that it's a nice clarification.

Saunders: Agreed.

Choudhuri: Summarized that just the underlined piece will be sufficient for Section 3.

Krupin-Carter: Added to change "representative".

Fellows: Clarified the language - "expressive of the diversity of the entire community".

### **Article III, Section 1 and 2**

Fellows: Explained that work was done on this as a subgroup; so that work is now being brought to the larger Commission.

Jones-Darling: Read Article III Section 1 language as follows: "Membership of the Human Relations Commission shall consist of nine voting members, and two youth commissioners with no vote. Members of the Commission shall be appointed as provided in Section 9.03 of the City Charter of the City of Ypsilanti."

Read Article III Section 2 language as follows: "The first priority of each member of the Commission shall be to represent and advocate for equality and social justice in the City of Ypsilanti, putting aside personal or special interests."

Fellows: Suggested for Section 1 - "nine voting members, and two non-voting youth members".

Choudhuri: Clarified - "Membership of the Human Relations Commission shall consist of nine voting members, and two non-voting youth members. Members of the Commission shall be appointed as provided ..."

#### **Article III, Section 4**

Choudhuri: Stated that the only change is, “shall remove himself” to “themselves”.

#### **Article III, Section 5**

Jones-Darling: Read the Article III Section 5 language as follows: “Members shall avoid *ex parte* contact about cases before the Commission whenever possible. If such contact occurs, the member shall make a report of the discussion to the Commission at the deliberation of the case.”

Saunders: Asked if the language should be “before the deliberation of the case” as opposed to “at”.

Choudhuri: Responded that she would then add “as possible” because sometimes you don’t know.

Saunders: Responded that she could live with that.

Jones-Darling: Read the remaining language, as follows: “Once a vote is taken and an issue is decided by vote, the duty of each member of the Commission is to accurately represent the position reflected by the outcome of the vote. From time-to-time, or on a specific issue, the Commission may appoint a spokesperson for the Commission on all matters which occur outside of the meeting of the Commission. Otherwise, this shall fall to the Chairperson.”

#### **Article III, Section 6**

Jones-Darling: Read the Article III Section 6 language as follows: “If any discussion occurs regarding a member or officer performance leading to recommendation for dismissal, such discussion and identification of persons shall occur in closed session to protect privacy”.

He stated that the language is in violation of the Open Meetings Act; that “closed session” cannot be done.

Saunders: Responded that it can be done.

Krupin-Carter: Agreed with Saunders that it can be done.

Jones-Darling: Indicated that Commission members are all public appointed officials and that any discussion that happens about one of us, because we are not under contract with the City, we do not fall under the exemption of the Open Meetings Act.

Saunders: Stated that there's not an exemption; that you can't have a hearing about a member and call that person's name in public.

Krupin-Carter: Added that it can't be without their consent.

Fellows: Replied that Council does closed sessions for personal matters.

Jones-Darling: Replied that that's because those people are under contract with the City; that they're employees with the City and it's an employee exemption under the Open Meetings Act.

Saunders: Stated that she would like an opinion from the City Attorney.

Jones-Darling: Replied that he will type that in and send it immediately; that, in the meantime, they should move on.

#### **Article IV, Section 5**

Jones-Darling: Read the Article IV Section 5 language as follows - "Nomination of officers shall be made from the floor at the annual organizational meeting which shall be the regular meeting in January each year, and the election shall be immediately thereafter. Members may self-nominate or be nominated prior to the meeting where elections will occur and will be asked to provide a statement of service".

Saunders: Asked if they would be asked to provide a statement of service prior to or at the meeting.

Krupin-Carter: Added that if they're nominated at that meeting, they may not have time to prepare.

Fellows: Responded that she thinks it would happen before or during because the sentence before it says, "election shall be immediately thereafter".

Jones-Darling: Indicated he added - "...before a vote shall be taken".

#### **Article IV, Section 7**

Jones-Darling: Read the Article IV Section 7 language as follows - "Vacancies in office shall be filled immediately by regular --"

Choudhuri: Indicated the correction that "immediately by regular election procedures" is cancelled out and it goes to "by the next scheduled meeting"; that it would read - "Vacancies in office shall be filled by the next scheduled meeting".

## **Article IV, Section 9**

Jones-Darling: Read Article IV Section 9 language as follows – “The Commission may vacate an officer from their seat during a regular meeting only by affirmative vote of at least two thirds of the current voting roster of the Commission”.

He indicated that no comments were expressed regarding Section 9.

## **Article V, Section 5**

Jones-Darling: Asked if there's a cancellation.

Choudhuri: Replied that the second sentence is cancelled out completely; that the language would read - “Audience participation shall be limited to 3 minutes per person, per participation period. The Chairperson may extend the time limit at their discretion”.

Hunter: Asked if they wanted to have a time limit.

Jones-Darling: Responded in the affirmative.

Saunders: Agreed with Jones-Darling.

Choudhuri: Explained that there may be more than one person who wants to speak.

Jones-Darling: Added that the Commission could open themselves up to an OMA legal liability if there is a time frame, for example, that is only judged by the Chair.

## **Article V, Section 6**

Jones-Darling: Read the Article V, Section 6 language as follows – “A quorum shall consist of a majority of the current voting Human Relations Commissioners. When all 9 voting Commission seats are not filled, a quorum will be not less than four (4) voting commissioners”.

## **Article V, Section 10**

Jones-Darling: Read the Article V, Section 10 language as follows – “Parliamentary procedure in Commission meetings shall be governed by Roberts Rules of Order, as amended. A copy of Roberts Rules of Order will be available at Human Relations Commission meetings”.

Hunter: Indicated that he's not seen a copy of Roberts Rules.

Jones-Darling: Responded that he would work with Andrew to make sure he gets one.

Hunter: Expressed that they should be given out to each commissioner upon being sworn in.

(Discussion continued re: Roberts Rules)

Jones-Darling: Summarized that based on the discussion, he added in between the two sentences, “The Commission shall establish procedures as it deems necessary” which, essentially, is giving the Chair the authority to run Roberts Rules outside of not violating Roberts Rules.

Saunders: Responded that that is fine.

### **Article VI, Section 1**

Jones-Darling: Stated that the only change made was in the line that states, “five concurring votes or a majority of the voting members present”.

Hunter: Responded that that is okay.

### **Article VII**

Jones-Darling: Stated there were no changes in Article VII.

### **Article VIII, Section 1b**

Jones-Darling: Read Article VIII, Section 1 language as follows – “In order to maintain maximum participation of all appointed Human Relations Commission members at all regularly scheduled meetings of the Ypsilanti Human Relations Commission, the following attendance guide and Commissioner replacement policy for ‘excused’ or ‘unexcused’ absences should be implemented;

When appointed, each Commissioner shall be aware of the expectation to attend each scheduled monthly meeting of the Human Relations Commission;

In the event of an unplanned personal matter, business trip, family vacation trip, changed job requirement, sickness, religious practice, or other physical disabilities that prohibit the Commissioner from attending the scheduled monthly meeting, the Commissioner shall notify professional staff at City Hall or the Human Relations Commission Chairperson as early as possible, or at least an hour prior of their inability to attend the scheduled meeting. The Human Relations Commission member upon this

notification will receive an 'excused absence' for the involved scheduled meeting. During meeting roll call, professional staff at City Hall or the Human Relations Commission Chairperson shall make note of the excused absence."

Jones-Darling: Asked if there were any changes for Section 1b.

Hunter: Asked about the inclusion of "weather" – snow, Acts of God.

Krupin-Carter: Agreed that "weather" should be included.

Choudhuri: Added that religious practice should be included.

(Discussion continued re: religious holidays)

Fellows: Suggested that instead of "Commissioner shall notify professional staff", it should be clarified that "Commissioner shall notify clerical staff" because that's what we do.

Choudhuri: Asked if the Chair is called.

Jones-Darling: Responded that either way is fine because he is called by the Clerk's office if a commissioner calls them to say they'll be absent.

He summarized the language as, "Commissioner shall notify the Clerk's office at City Hall".

### **Article VIII, Section 1c**

Choudhuri: Asked the meaning of "the Commissioner will be canvassed".

Jones-Darling: Replied that "canvass" means to discuss thoroughly.

(Discussion continued re: language meaning)

Fellows: Stated that the Section reads that you would have to tell the Clerk's office or the Chair.

Choudhuri: Added that even if that is done three times, they're still out.

Krupin-Carter: Expressed that if there are three absences, that's 30% of the scheduled meetings for the year, with the exception of any special meetings and that that is a lot.

(Discussion continued re: possible medical/hospitalization issues)

Choudhuri: Suggested the following language - "... the commissioner would be canvassed and recommended for dismissal unless the Commission considered there to be extenuating circumstances".

Saunders: Asked that Section "c" be repeated.

Jones-Darling: Indicated that "c" reads – "There will be a limit of three consecutive excused absences or two consecutive unexcused absences for any member of the Human Relations Commission. If any member meets the above criteria for consecutive yearly scheduled regular meetings, the Commissioner will be canvassed and recommended for dismissal unless extenuating circumstances exist".

### **Article VIII, Section 1d**

Jones-Darling: Indicated that "d" reads – "If any Human Relations Commission member is absent from any five scheduled monthly Human Relations Commission meetings during any one-year period, whether consecutive or not, the Commissioner is subject to recommendation for dismissal immediately after the fifth missed meeting –"

Krupin-Carter: Expressed that the word "consecutive" is redundant because it's already established if you miss three consecutive meetings, then you're out; that if you're missing five, then you should have been out two meetings ago.

Fellows: Suggested that "d" be eliminated, as this is five of the total in a year which would be hard to track.

### **(Consensus to eliminate 1d)**

### **Article VIII, Section 1e [changed to d]**

Jones-Darling: Indicated that "d" [formerly "e"] reads, "The recommended for dismissal action as required will be initiated by City Clerk's office staff and forwarded on to the City Council for official action. The commissioner should be replaced as soon as possible by the Mayor and City Council in order to maintain the prescribed number of Human Relations Commission members."

Choudhuri: Stated that this is all punitive and asked what happens if a commissioner resigns and there's a vacancy.

Jones-Darling: Replied that the commissioner would be replaced; that if a Commission member resigns, per the City Ordinance, then the process for their appointment goes back to the Mayor's office and the Mayor has the right to appoint another.

## **Article IX, Section 1**

Choudhuri: Indicated that in Article IX Section 1, everything from “at least” to “Commission” is cancelled out and that it would read, “These rules and regulations may be amended or altered during a regular meeting by the affirmative vote of at least two thirds of the current voting roster of the Commission, provided notice of the proposed change is given to the Commission at a preceding regular meeting”.

Jones-Darling: Stated that was okay.

Hunter: Stated to everyone, “Good work”.

**Choudhuri (second Hunter) moved to place Discussion of the Bylaws – Third Reading on the Agenda for the June 25, 2018 Human Relations Commission meeting, barring an opinion from the City Attorney’s office.  
Unanimous approval. Motion carries.**

### **VI. AUDIENCE PARTICIPATION/COMMISSION RESPONSE**

None

### **VII. NEXT MEETING DATE: Monday, June 25, 2018**

### **VIII. ADJOURNMENT:**

**Commission Chair Jones-Darling adjourned the meeting of the Human Relations Commission at 8:34 p.m.**