



Draft

**City of Ypsilanti
Human Relations Commission
Regular Meeting
City Council Chambers - One South Huron St.
Ypsilanti, MI 48197
Monday, July 23, 2018, 7:00 P.M.**

I. CALL TO ORDER

The meeting was called to order at 7:27 p.m.

II. ROLL CALL

Commissioner Jones-Darling	Present
Commissioner Saunders	Present
Commissioner Shuler	Present
Commissioner Fellows	Absent
Commissioner Gaines	Absent
Commissioner Hunter	Present
Commissioner Krupin-Carter	Present
Commissioner Devika Choudhuri	Absent
Commissioner Avonte Browning	Absent
Commissioner Josephine Hicks	Present

III. AGENDA APPROVAL

Commissioner Hunter moved, seconded by Commissioner Saunders to approve the agenda.

On a voice vote, the motion carried, and the agenda was approved as submitted.

IV. APPROVAL OF MINUTES

A. June 26, 2018

Commissioner Shuler moved, seconded by Commissioner Hicks to approve the minutes.

On a voice vote, the motion carried, and the minutes were approved as submitted.

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V. AUDIENCE PARTICIPATION/COMMISSION RESPONSE

None

VI. DISCUSSION ITEMS

A. Annual Letter to Council

The Commission engaged in discussion regarding edits to the previously submitted Annual Report. **(The final copy of the report is below)**

City of Ypsilanti Human Relations Commission Annual report to the Mayor and City Council

The members of the Human Relations Commission (HRC) respectfully submit the following report to inform the Mayor and City Council of Ypsilanti, Michigan what the Commission accomplished in 2017 and has set as priorities for 2018.

Commissioners:

The Commission finished 2017 with the following individuals as commissioners: Amber Fellows, Ka'ron Gaines, Kyle Hunter, Sam Jones-Darling, Willow Krupin-Carter (Youth Member), Tanasia Morton, Theresa Saunders, and John Shuler.

Throughout 2017 we saw D'Real Graham, Krista Nordberg, and Jennifer Symanns depart the Commission.

Commissioners Ka'Ron Gaines, Kyle Hunter, and Willow Krupin-Carter joined us in 2017.

We were delighted to have Dr. Devika Choudhuri and Josie Hicks join us in 2018. Our current number as of July 31, 2018 is 8 commissioners and 2 youth commissioner, this leaves one regular commissioner vacancy.

Accomplishments of the 2017 year:

- **Goals:**

The HRC conducts our goal setting session as our first meeting in January. In 2017, we set forth three major goals for the 2017 year and I am happy to report that each of them have found resounding success within our community.

1. *Immigration Enforcement Forum*

- *This forum hosted in September brought together members of law enforcement, policy makers, and the community, to discuss the rising presence of the Immigration and Customs Enforcement Agency in the Ypsilanti area. In addition, members of the community were briefed on city ordinances preventing the disclosure of information related to immigration status and city Non-Discrimination Ordinance protections for immigration status. The forum was attended by over 50 individuals at Ypsilanti Community High School.*

2. *Strategies to Combat Gentrification and Housing Discrimination*

- *The Commission agreed that Housing is considered a basic human right and that the right to be secure and safe within one's housing is as important as being physically and psychologically safe in the workplace. The Commission is uniquely aware that implicit racism and classism exists within all economic development due to systemic issues within our country. The Commission has acknowledged that the City of Ypsilanti cannot be insulated from the effects of housing discrimination and the forces of gentrification being conducted in other*

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portions of the county. As part of this discussion, we agreed also that source of income discrimination includes the refusal of acceptance for federal housing vouchers (Section 8) and student loans.

- The Commission met in joint session with the Planning Commission and Sustainability Commission to discuss how each commission could act within their jurisdictions to combat gentrification. This meeting has resulted in a master plan update process including a Planning Commission sub-committee, with Amber Fellows acting as our representative.

3. Amendment to the City's Non-Discrimination Ordinance

- The HRC provided City Council with an amendment to the City's Non-Discrimination Ordinance (NDO) in mid-2017. The updated NDO included language from the Michigan Department of Civil Rights' model ordinance with the addition of Immigration Status as a protected class.
- The HRC believes that the Ypsilanti NDO is the most progressive ordinance to protect marginalized and historically disadvantaged persons anywhere within the State of Michigan.
- In addition to adding several more protected classes, the ordinance cleaned up language and specified some ambiguity which will allow the HRC and the City to enforce the ordinance to the best of our ability.

Goals for 2018:

For 2018, the Commission has determined the following goals:

1. Implementation of Commission Bylaws

- The Commission has drafted and is preparing to adopt a set of bylaws. The bylaws will set out standards for compliance with policies, how the Commission approaches discrimination cases, and how the Commission handles the behavior of its members.
- The Bylaws are expected to be adopted at the regular meeting to take place at the end of June 2018.

2. Housing Discrimination and Gentrification

- The Commission has determined that housing discrimination and gentrification are two of the most important issues to the City of Ypsilanti's long-term future as a diverse community. Housing, which in our belief is the ability to have a solid roof over one's head that is hazard free and enables the person to develop naturally is a basic human right.
- The Commission has determined that as a body we must provide input into development and planning to ensure our community is educated on historical patterns of discrimination, which includes gentrification.
- The Commission wishes to target the core mechanisms of gentrification which have been facilitated by the federal, state, and local government programs that include red-lining, targeted development, economic disparity, educational deprivation, and government profiling.
- The Commission has directed the Chair and Vice-Chair to work closely with the Planning Commission to ensure a coordinated citywide effort on affordability.
- The Commission has directed the Chair and Vice-Chair to work with the City of Ann Arbor's Human Rights Commission to establish a future time and day for a joint-session of the two bodies to discuss Housing Affordability and Source of Income discrimination within our two communities.

3. Cultural Competency

- The Commission has determined an urgent need for cultural competency training, and this is an ongoing concern for the city. We are currently evaluating options for potential policy and training opportunities, in which the Commission wishes to engage. This will include a hard definition of what cultural competency means, including what a result should be for members of our local government.

Statement on Community Input:

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As a Commission, we believe that the right of the community to provide valuable input into the workings of their government is beneficial to the City of Ypsilanti. We wish to see continuing opportunities for dialog between neighbors both within the city, and within our surrounding communities. This dialog should uplift the voices and experiences of individuals from marginalized backgrounds, especially those noted in our Non-Discrimination Ordinance as this is the only way to effectively combat. The Commission believes this type of input is the best possible method to ensure that tensions between the citizenry and the City are minimal and to expand the base of understanding that is required within our diverse and growing community. As part of the bylaw discussions we have determined that our public comment procedures were arcane, we have reformed them and sought to grant a person a minimal of three minutes and granted the Chairperson the ability to extend that time based on the amount of people wishing to participate in public comment. In addition, we have added an additional public comment period at the end of the meeting.

On Gendered Language:

It is the intent of the Commission to eliminate all gendered references within city ordinances as is legally possible to do. This is to ensure that we are inclusive of the diversity within our community, and to acknowledge that gendered language seeks to establish a binary which may not exist, except within a social construct.

Finally, on behalf of the Human Relations Commission, I would like to thank the community for being supportive of our initiatives. We, as a Commission, know that some of the issues we discuss are not always easy conversations to have, or politically correct; and many topics are loaded with a history of intolerance. We must continue to look forward as a community to develop the best possible outcomes for every person that resides within our community, whether it be for a day or for decades. It is upon each of us to think about these decisions we make now and look to the future.

Respectfully,

Sam Jones-Darling

Chairperson, Human Relations Commission

Commissioner Shuler moved, seconded by Commissioner Saunders to resubmit the amended report to Council for review.

Approved: Yes – 5; No – 0; Absent – 3 (Fellows, Gaines, Choudhuri)

B. Article III - Discrimination Amendments

Commissioner Jones-Darling explained the changes to the ordinance he is proposing.

Commissioner Shuler asked if a civil infraction is found to be valid, would the \$500 daily fine commence after due process has been met. Commissioner Jones-Darling responded he believes the daily fine would commence after the civil infraction has been issued, and would continue as the violation persists. Commissioner Shuler asked for the Attorney's Office to provide opinion regarding the function of the fine.

Commissioner Jones-Darling asked what would happen if the HRC mediation fails. The ordinance only says the HRC can mediate, but there is not an enforcement mechanism other than court. He asked how the city can enforce the ordinance for a citizen with no other course of action. Commissioner Hunter asked is that based on the assumption the City Attorney would accept the request.

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Commissioner Jones-Darling responded it would depend, and he has not been able to find a case regarding the violation of the NDO.

Commissioner Shuler asked in what cases an NDO violation would go to mediation. Commissioner Jones-Darling responded after the investigation, if probable cause has been determined, the HRC notifies the complainant of mediation. Mediation can only occur if both parties agree. Commissioner Shuler asked would a mediation result in a fine being levied. Commissioner Jones-Darling replied that is not clear. Commissioner Hunter added the ordinance reads "a court of competent jurisdiction may issue and enforce any judgment necessary to enforce this article". He asked would be that court. Commissioner Jones-Darling responded the district court. Commissioner Hunter stated that would be the body to be relied on to enforce this article. Commissioner Jones-Darling replied the ordinance does not state any specific connection to the court after mediation. He added from what he knows of municipal government if probable cause is established the city could issue a civil infraction, even without mediation. Commissioner Hunter asked if that should be included in the language of the ordinance. Deputy Clerk Andrew Hellenga suggested the Commission request an Attorney Opinion if the Commission has the ability to establish probable cause, and if so that could be reflected in the ordinance.

Commissioner Krupin-Carter stated the public needs to be aware of the Non-discrimination Ordinance (NDO), she suggested developing a simplified version of the ordinance to distribute to the public. Deputy Clerk Hellenga suggested the Commission undertake a marketing campaign to inform the public, and to request Council to budget funds to do so.

Commissioner Hicks stated there needs to be away for the public to report a violation of the ordinance. Commissioner Shuler replied there is a compliant form a person could submit. Deputy Clerk Hellenga suggested reviewing the complaint form and make possible edits.

The Commission developed the following questions to submit to the Attorney's Office;

- 1. How many times has the City's Non-Discrimination Ordinance (NDO) been violated?*
- 2. How many fines have been assessed as a result of an NDO violation?*
- 3. What is the enforcement mechanism for establishing a civil infraction resulting from an NDO violation?*
- 4. Does the Human Relations Commission have the authority to establish probable cause during a mediation resulting from an NDO violation?*
- 5. What can the Commission or the city do to enforce the results of mediation? What has been done in other Michigan cities?*

Commissioner Shuler moved, seconded by Commissioner Hicks to forward the proposed questions to the City Attorney's Office.

On a voice vote, the motion carried, and the Deputy Clerk was directed to submit the formed questions to the Attorney's Office.

Commissioner Hunter moved, seconded by Commissioner Hicks to create sub-committees to review and edit the current Citizen Complaint Form and to create a marketing campaign for the Non-Discrimination Ordinance.

On a voice vote, the motion carried, and the sub-committees were created.

Commissioner Hunter moved, seconded by Commissioner Hicks to table this item until.

On a voice vote, the motion carried, and Article III, Non-Discrimination Ordinance Amendments was tabled.

VII. AUDIENCE PARTICIPATION/COMMISSION RESPONSE

None

VIII. PROPOSED BUSINESS

- Attorney opinion regarding Commission questions regarding the Non-discrimination ordinance.
- Sub-committee reports
- Gender neutral wording recommendation
- The AAATA bus stop at Washtenaw and Summit has a rusted railing that poses a serious safety risk.

IX. NEXT MEETING DATE: Monday, August 27, 2018

X. ADJOURNMENT

Commissioner Shuler moved, seconded by Commissioner Hicks to adjourn the meeting.

On a voice vote, the motion carried, and the meeting adjourned at 9:25