



Carbondale Human Relations Commission
Minutes – May 6, 2013
Carbondale Civic Center ~ 6:30 p.m.

Commissioners Present: Lauren Bonner, Jessica Bradshaw, Jeraldine Brown, Joseph Brown, Jovan Gathings, Sidney Logwood, Les O'Dell, Dora Weaver

Commissioners Excused: Peg Falcone

Commissioners Absent: Jerrold Hennrich, Blaine Tisdale

Study Circle Staff Present: Sarah Heyer

Guests Present: Carolin Harvey, Eric McMillan

Staff Present: Deborah McCoy, Lieutenant Mark Stearns

Call to Order

The meeting was called to order by Chair Bradshaw at 6:37 p.m.

Minutes

Motion was made by Commissioner Logwood and seconded by Commissioner Joseph Brown to approve the minutes from the March 4, 2013 meeting, and notes from the April 1, 2013 meeting. Motion carried.

Announcements

My 19, 2013 – Rock Hill Missionary Baptist Church's 142nd Anniversary, 3:00 p.m.

Public Comments

None

Study Circles Report

Coordinator Sarah Heyer reported the Housing and Neighborhood Group would meet on Wednesday, May 14, 2013, 5:00 p.m. at City Hall.

Non-Violent Carbondale Project Progress Report

Chair Bradshaw reported that the group has not met lately. A \$5,000 grant was received by the Carbondale Public Library and Diana Brawley Sussman for 11 Days of Compassion. The Compassionate City campaign is on hold until the new City Council is in place.

May 6, 2013

Old Business

Illinois Municipal Human Relations Association (IMHRA) Annual Conference was held on May 2, 2013, in Springfield, IL. Commissioner Logwood reported that the conference was very informative and addressed issues regarding migrant farm workers, Latino and African Americans forming coalitions to address common concerns, and the work being done at human relations agencies by employees who have not received proper training. Commissioner Joseph Brown spoke about the United African Organization, one of the most fastest growing, educated international groups in the U.S. He spoke about the need to have workshops on multiculturalism across cultures and the need for the grassroots community to be active. Commissioner Logwood distributed copies of an email from Mark Barthelemy, facilitator of the Commissioners Workshop (attached). He stated that the HRC must be empowered to address real issues such as the housing issue brought forth by Mr. Tankersley. There was much discussion about what is needed to move the HRC forward. Suggestion was made by Mr. McMillan that the discussion start with a review of the Bylaws and City Code. Motion was made by Commissioner Jeraldine Brown and seconded by Commissioner Joseph Brown that a meeting be held for the purpose of reviewing the Bylaws and strategize on ways to implement them more effectively. Motion carried.

May 13, 2013, was agreed upon as the follow-up meeting date.

Law Enforcement Reports – Motion was made by Commissioner O'Dell and seconded by Commissioner Logwood that HRC request from the Carbondale Police Department the report that the Bylaws indicate and use the wording outlined in that document. Motion carried.

HRC Responsibilities, Role, Charges – Commissioners agreed that the roles, responsibilities, and charges will be identified as strategies are identified with the review of the Bylaws.

Follow-Up: Mr. Tanksley and Ms. Iwant – No report.

Continuing the Dialogue – Discussion will continue at a later meeting.

New Business

Mayor's E-Mail – The Mayor's e-mail was discussed (attached). Commissioners agreed that a formal letter will be sent to Council when strategies have been determined regarding the role of the Human Relations Commission.

Recommendation of New Chairman – Motion was made by Commissioner Weaver and seconded by Commissioner Jeraldine Brown that Commissioner Logwood be recommended to Mayor Fritzler.

Next Meeting: June 3, 2013

Adjournment - There being no further business, the meeting was adjourned.

Recorded by Deborah McCoy, _____

Subject: Review of Carbondale's Human Relations Commission Documents

Good morning, Reverend:

I took a look at the by-laws and ordinance you provided to me yesterday afternoon as our conference was ending. The ordinance and by-laws look very similar to what Decatur had prior to the community and members of our human relations commission demanding more authority for our commission. The Decatur commission at that time, like Carbondale's current commission, was largely an advisory board to the city council. Our commission's reports and recommendations tendered to the city council were read and considered by some council members but rarely, if ever, did the council comment on what the commission and commissioners had done or take a serious interest. The Illinois Department of Human Rights and the EEOC are both very fine organizations which I respect. However, due to budget concerns, their personnel have been reduced and overloaded with cases/charges to investigate which has continued to stockpile and accumulate from year-to-year. That means that the average complainant filing charges with either of those agencies is automatically asked to consent to a 300(+) day extension of time in which to allow the IDHR to investigate the charges. By statute, the IDHR already is allowed a 300 day period to investigate charges filed, so basically they are asking the complainants to give them roughly two years to investigate their charges. Since the IDHR does all the investigations for the EEOC, that means both agencies won't provide a decision to the complainant for a long time. The Decatur community would not accept that long a wait for their concerns to be addressed. They began to demand, as did the commissioners on our human relations commission (in the late 1990s), that the council grant the commission the authority to accept, investigate, mitigate, and-if necessary adjudicate allegations of unlawful discrimination within the corporate limits of the city of Decatur.

Honestly, I believe the city fathers here capitulated and granted the demands very reluctantly, but the public pressure and presence at council meetings was a formidable voice. The community and the commissioners cited the following reasons for the additional authority being granted to the commission:

1. The reality that unlawful discrimination exists within the city of Decatur and harms individuals in protected classes within the city, demands that the city council effectively and formidably address those issues to send a message to employers, lenders, real estate brokers, and owners of public places of accommodation, that the council does not, and will not, accept or tolerate discriminatory practices in the city.
2. The council cannot accept the fact that injustice toward members of protected classes is left to linger, fester, and languish, literally for years, in the minds and hearts of the complainants, while the overburdened state and federal governments process their charges. If the council is to show the community that it takes unlawful discrimination seriously and will not tolerate it within the corporate limits of the city, then they must establish their own legal process and procedures to expedite investigations and dispositions of complaints of unlawful discrimination as they arise from complainants.
3. The authority necessary to provide the commission with investigative and adjudicatory powers requires that the member of city staff assigned as a liaison between the commission and city government, be granted the authority to receive, investigate, mitigate, and file complaints and schedule public hearings on behalf of the commission, whenever a complainant comes forward with charges of unlawful discrimination.
4. For the public hearings to solicit the most honest, reliable and necessary evidence which would provide the commission with sufficient documentation and information to make an informed and credible decision as to whether or not unlawful discrimination did occur, the commission must have subpoena power included in their authority under city code.
5. For the commission to sufficiently address those instances when the evidence received during the public hearings constitutes unlawful discrimination, the commission must be given the authority under city code to:
 - a. Order the respondent to cease and desist from any further unlawful discriminatory practices; and
 - b. Order the respondent to take such actions as necessary to "make the complainant whole" which include but are not limited to:
 - i. Restore the complainant to employment by the respondent; or award the complainant a denied promotion; or order the complaint to be hired by the respondent if the discrimination occurred during the application process; and
 - ii. Pay the complainant for actual loss of wages which resulted from the act(s) of unlawful discrimination; and
 - iii. Award complainant the payment of all or a portion of the reasonable attorney fees incurred by the complainant in bringing the action against the respondent; and
 - iv. To order the respondent to reimburse the city of Decatur for all costs and fees associated with bringing the action before the Commission, including the costs of the public hearing (hearing officer fees (if any), and costs of the court reporter and transcripts of the hearing; and
 - v. Pay the complainant for actual damages and consequential damages which resulted from the act(s) of unlawful discrimination; and

- vi. Take such other steps as are necessary to "make the complainant whole" such as awarding interest on monetary damage awards and to award damages for "pain and suffering" of the complainant as deemed appropriate in accord with the evidence received during the public hearing.
- c. They may also require the respondent to report their compliance with each condition levied by the commission against them including allowing inspection and inquiry by the city liaison between the commission and the city council.

The council initially granted all of the requests except allowing the commission to have subpoena power for the hearings. However, under further pressure in the subsequent years, they eventually granted the subpoena power to the commission in 2003.

Only those of you serving on your commission can assess the climate of your community in Carbondale and determine if your commission's current role and authority is meaningful and effective in dealing with the concerns of your community. If it is not, then it may be something that the commissioners want to discuss and approach your city council about. If that be the case, of course, I doubt your concerns would be heard or seriously considered by the council unless the community is behind the commission and will make its desires known to the council.

I hope this is what you asked and expected of me. If you and your current fellow commissioners believe the existing ordinance and by-laws effectively address and serve the concerns of your community, then I think they are great and wish you and your fellow commissioners the best of luck in the future.

I've taken the liberty to attach Chapter 28 of the Decatur City Code which governs the authority and powers of our commission, as well as a copy of our commission's current by-laws. You may find them interesting and wish to share them with your fellow commissioners.

One last point, would you like for me to mail you the documentation which you asked me to review or just destroy it? I will retain it until I hear back from you.

Have a GREAT day and God Bless You!!

Mark D. Barthelemy

From: Joel Fritzler [jfritzler@ci.carbondale.il.us]

Sent: Sunday, April 07, 2013 5:38 PM

To: Jessica Bradshaw; Peg Falcone; Les O'Dell; Joseph Brown; 'Jerrold Hennrich'; Jeri Brown; Sidney Logwood; Blaine Tisdale

cc: Kevin Baity; Jody O'Guinn; Deb McCoy; Sarah Heyer; Jennifer Sorrell

Subject: HRC history and membership

Dear Members of the City of Carbondale's Human Relations Commission,

First and foremost, I want to thank you all again for your time and your willingness to serve on the HRC. Tomorrow (Apr. 8, 2003) marks the ten-year anniversary of the HRC and, I'm guessing that close to 100 residents have served on the commission since it was created. The HRC (and the Study Circles Program) has always been an active group that has assisted the City Council to make -some positive changes within Carbondale.

In the last few years, there has been a great deal of turnover of HRC members which means some historic and institutional knowledge may have been lost. Only two of the current eleven members have been with the HRC for more than a year and a half so, I want to remind everyone of the duties that were assigned to you via City Ordinance No. 2003-13. Your primary responsibility is to serve as an advisory body to the City Council on human relations. The HRC's other duties include: to study problems relating to relationships among individuals and groups of all kinds; to coordinate the establishment and maintenance of educational programs in the community designed to bring about better human relations; to promote mutual understanding and foster equality among all persons in the community; to institute and conduct educational and other programs to promote the equal rights and opportunities of all persons; to assist the general public in contacting the appropriate agency and/or person to file a complaint with the Illinois Human Rights Commission and/or the Equal Employment Opportunity Commission for alleged discrimination; to prepare an annual report; to make recommendations regarding positive human relations; and to receive report from law enforcement agencies regarding a summary of complaints and their disposition in order to monitor trends and problems.

I understand the topic of "subpoena power" has come up; as it has a few other times since 2003. Essentially, since the HRC has no accountability except to the City Council so, it would not be appropriate. If the HRC determines that there are issues that need to be addressed, you need to advise the City Council on your findings or direct the matter to the Illinois Human Rights Commission; which is better suited for violations of state or federal laws. However, as with the City's Liquor Advisory Board, Sustainability Commission, and Planning Commission, the HRC can request anyone to attend a meeting to respond to questions/concerns of the HRC but, as with the LAB, SC, and PC, the person(s) do not legally have to attend. Failing to attend though may lead to strained relations with the City Council and the City's staff.

One of the keys for the HRC to be successful is to have a good understanding of the Carbondale Police Department (CPO). After hearing some grumblings from a few City Council members about the CPO, I publicly encouraged all members of the council to go on a Friday or Saturday night ride-along with the police. I wasn't surprised to hear from council members that they had a better understanding of the CPO after their ride-along experience. So, I would strongly encourage each of you to schedule a Friday or Saturday night ride-along as soon as you can (preferably before SIU lets out for the summer) in order to gain some firsthand experience. If nothing else, you will find that our police officers are indeed human so, I would ask that you walk (but most likely ride) a few miles in their shoes. For the rest of my tenure as Mayor, future HRC members will have gone on a Friday or Saturday night ride-along before I will recommend them to the City Council for council consent.

Happy Anniversary and, again, thank you for serving Carbondale to make it a better place to live, work, and visit.

Joel Fritzler, Mayor