

**MICHIGAN CIVIL RIGHTS COMMISSION MEETING**

May 23, 2016 ~ 4:30 P.M.

MDCR Executive Offices, 8<sup>th</sup> Floor Commission Room  
110 West Michigan Avenue, Suite 800  
Lansing, Michigan 48933

**MINUTES**

PRESENT: Commission Co-Chair Rasha Demashkieh  
Commission Co-Chair Arthur Horwitz  
Commission Secretary Mumtaz Haque  
Commissioner Ricardo Resio  
Commissioner Laura Reyes-Kopack  
Commissioner Linda Lee Tarver  
Commissioner Bradley Voss

EXCUSED: Commissioner Deloris Hunt

*The meeting was called to order by Commission Co-Chair Demashkieh at 4:35 p.m.*

I. WELCOME

Commission Co-Chair Demashkieh opened the meeting with Roll Call of the Commissioners and welcoming remarks.

ROLL CALL: Commissioner Voss, Commissioner Tarver, Commissioner Resio, Commissioner Horwitz, Commissioner Reyes-Kopack, Commissioner Haque, Commissioner Demashkieh

II. APPROVAL OF MEETING AGENDA

Commissioner Demashkieh proposed that the Agenda be amended by moving item 12 before item 11.

**MOTION: To approve the Meeting Agenda with amendment. On Motion duly made (Commissioner Reyes-Kopack) and supported (Commissioner Tarver), the Meeting Agenda was approved with amendment. Motion carried unanimously.**

III. ADOPTION OF CONSENT AGENDA

**MOTION: To approve the Consent Agenda as submitted. On Motion duly made (Commissioner Haque) and supported (Commissioner Reyes-Kopack), the Consent Agenda was adopted as submitted. Motion carried unanimously.**

IV. APPROVAL OF MEETING MINUTES

**MOTION: To approve the April 28, 2016 Meeting Minutes as submitted. On Motion duly made (Commissioner Voss) and supported (Commissioner Haque), the Minutes were approved as submitted. Motion carried unanimously.**

V. DIVISION REPORTS

Director's Report, Dr. Agustin Arbulu – In addition to Director Arbulu's submitted report, he highlighted his work activity since the April 28<sup>th</sup> meeting, which included Cabinet-level meetings with the Executive Office and state directors, meetings with legislators, and networking opportunities with existing and potential partnering agencies. Other areas of focus included update on the roll-out of the Statewide Equal Opportunity and Diversity Council (SEODC) online training module on disabilities, update on minimum wage of Migrant Seasonal Farm Workers (MSFW) and new executive order, HUD funding for MIAAHC (Michigan Alliance Against Hate Crime) Conference to be scheduled later this year, as well as for development of additional ALPACT (Advocates and Leaders for Police And Community Trust) coalitions in Kalamazoo and Battle Creek, directives assigned by the Governor's Flint Mission Team (DDBHH and Hispanic Latino Communities to ensure information is ADA compliant and resources are available), and the activity of the major department divisions including Enforcement, Law and Policy, Public Affairs, DODDBHH.

#### VI. COMMISSION MATTERS

Chair Report, Rasha Demashkieh – Co-Chair Demashkieh provided a brief report, first thanking DODDBHH Director Annie Urasky for facilitating the educational session for the Commission; indicated the Commission is working on identifying a focus and planning for the next two public hearings on the Flint Water Crisis; also discussion on questions surrounding SB-90 for the creation of an African American Commission.

Attorney General Report, Ron Robinson – In addition to Mr. Robinson's submitted written report, the following status updates were provided on the following cases: *Barbara Smith v. Countryside Townhomes*, awaiting scheduling of oral arguments; *Angela Bercheni v. Charlie's Family Dining*, arguments heard on May 6<sup>th</sup>, motion for failure to respond to complaint was filed; a judgement was entered in favor of Bercheni, and a judgement has been entered against the respondent; *Marian Gillespie v. Bron Enterprises, Inc.*, enforcement to compel discovery has been filed, respondents have been served, case is scheduled for arguments on June 24<sup>th</sup>.

#### VII. COMMISSION COMMITTEE REPORTS

The Commission Committee Reports were waived.

#### VIII. ONGOING BUSINESS

Develop a framework for the second hearing on the Flint Water Crisis, Director Arbulu

Director Arbulu distributed a memo distributed for the Commission's review, possible focus of second hearing are Housing and Environmental Justice based on public comments during the April 28<sup>th</sup> hearing, recommending a visit / tour of the city of Flint; Environmental justice was referenced by the Governor's Task Force in March 2016. Possible dates and venues in the city of Flint were also presented. After discussion, the Commission determined that the two major focuses of the next two hearings would be Housing and Environmental Justice respectively; July 14, 2016 was selected as the potential date for the next hearing.

**MOTION: That the Commission direct the Michigan Department of Civil Rights to take the necessary steps to plan and schedule a second public hearing in accordance with the Commission's unanimous resolution of January 25, 2016 regarding the crisis in Flint, Michigan and its' public water supply and delivery system on July 14, 2016 at a time to be determined to take testimony regarding Flint's housing crisis. Testimony shall focus on, but not be limited to redlining, reduction in housing values, property**

taxes, inability to obtain appraisals, and disparities on how properties are maintained after foreclosure caused as a result of the provision of unsafe water to Flint residents through the public water system. Additionally, the Commission shall direct the Michigan Department of Civil Rights to take the necessary steps to plan a third hearing in accordance with the Commission's afore-mentioned resolution for the purpose of taking testimony that further explores the role of environmental injustice as identified by the Governor's Task Force in its' March 2016 report regarding the public water crisis in Flint, Michigan and its public water supply and delivery system. The Commission shall select a date and time to be determined for this hearing within a number of days following the conclusion of its second hearing.

**On Motion duly made (Commissioner Kopack) and supported (Commissioner Tarver), Motion to schedule two additional hearings on housing and environmental injustice related to the Flint Water Crisis was approved. *Motion carried unanimously.***

Update on Implementation of new ASL Interpreter policies, Annie Urasky

Ms. Urasky reported that 108 applications have been received thus far with regards to the endorsements, the most credentials to be approved are the Medical/Mental Health endorsement. For Legal and Deaf Blind, numbers are expected to increase. 655 registered interpreters are on the list. New ASL Interpreter rules are effective as of July 7, 2016.

Progress on SB-90, Ron Robinson

As Senate Bill 90 has progressed, questions arose surrounding this bill on whether the powers and responsibilities of an African American Affairs Commission (AAAC) would conflict with those of the Michigan Civil Rights Commission (MCRC), and if the MCRC would take a position. AAG Ron Robinson was asked to examine the duties and responsibilities of both Commissions, as well as the ethnic advisory commissions (Hispanic Latino Affairs, Asian Pacific American Affairs, Middle-Eastern American Affairs) and provide an opinion on potential conflicts. After discussion, the following Motion was proposed.

**MOTION: As this commission has been recently contacted regarding Senate Bill 90, which would establish an African American Affairs Commission (AAAC), and whereas, there were some concerns as to whether the powers conferred upon the AAAC might conflict with this commission's constitutional and statutory authority, including the Asian Pacific American Affairs Commission; we contacted our legal counsel regarding this matter. As a result of his advice, we still believe there remains an issue regarding this matter, not only regarding the AAAC, but possibly with the general powers of other ethnic commissions. As a result, it is felt that this commission should require a formal or informal opinion by the Attorney General. Therefore, I move that the Commission direct the Department of Civil Rights to draft a letter, for the co-chairs signatures, Rasha Demashkieh and Arthur Horwitz, to the Attorney General requesting a formal or informal opinion on whether the proposed powers granted to the African-American Affairs Commission under Senate Bill 90 conflict with this commission's constitutional or statutory authority under Article V, Section 29 of the Michigan Constitution, the Elliott-Larsen Civil Rights Act, and the Persons with Disabilities Civil Rights Act.**

**On Motion duly made (Commissioner Reyes- Kopack) and supported (Commissioner Haque), Motion to request an opinion from the Attorney General was approved. *Motion carried unanimously.***

**MOTION:** Whereas Article 5, Section 29 of the Michigan Constitution grants the Commission authority to ensure the enjoyment of civil rights guaranteed by law and to ensure the equal protection of civil rights in this state without discrimination. Whereas Article 1h of the Elliott-Larsen Civil Rights Act authorizes the Commission to promote and cooperate with the public or governmental agency as in the Commission's judgement will aid in effectuating the Elliott-Larsen Civil Rights Act and the State Constitution of 1963. And whereas the Commission recognizes that there exists some unique challenges within the African-American community that are in need of special attention in terms of employment, housing, community development, education, entrepreneurship, etc. Therefore, the Commission supports the establishment of an African-American Affairs Commission to address those specific concerns of the African-American community consistent with the authority granted to similar ethnic commissions.

**On Motion duly made (Commissioner Tarver) and supported (Commissioner Reyes-Kopack), Motion to support establishment of an African-American Affairs Commission was approved. *Motion carried unanimously.***

IX. NEW BUSINESS

There was no new business.

X. PUBLIC COMMENT

Kimberly Grech – Ms. Grech brought concerns regarding the filing of complaints with the Michigan Department of Civil Rights due to alleged disability discrimination with Ford Motor Company resulting in termination of employment. Ms. Grech spoke about her experiences with the complaint process and difficulty with access to resources, and indicated that stronger advocacy is needed for People With Disabilities.

XI. CLOSED SESSION

**MOTION:** That the Board meet in closed session under Section 8a of the Open Meetings Act at the request of Dr. Arbulu to consider a periodic personnel evaluation of the executive director of the Department of Civil Rights.

**On Motion duly made (Commissioner Tarver) and supported (Commissioner Haque), Motion for closed session was approved. *Motion carried unanimously.***

The Commission closed the meeting for Closed Session at 6:20 p.m.

XII. RETURN TO OPEN SESSION

The Commission returned from Closed Session at 7:57 p.m.; Commissioner Haque was excused at 6:35 p.m.

XIII. COMMISSIONER COMMENT

There was no comment.

XIV. ADJOURNMENT

**MOTION: I move that the meeting of the Michigan Civil Rights Commission be adjourned.**

**On Motion duly made (Commissioner Voss) and supported (Commissioner Horwitz), Motion to adjourn was approved. *Motion carried unanimously.***

*Meeting adjourned at 7:59 p.m.*

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Secretary

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Director