

MICHIGAN CIVIL RIGHTS COMMISSION MEETING

Monday, May 24, 2021 ~ 5:00 P.M.

Virtual Meeting: Zoom web conferencing platform; Livestreamed via You Tube and Facebook

In compliance with the State of Michigan's Open Meetings Act, "the minutes must show the date, time, place, members present, members absent, any decisions made at a meeting open to the public, and the purpose(s) for which a closed session is held; the minutes must also include all roll call votes taken at the meeting." The minutes are limited to these requirements and do not reflect all subject matter that occurred during the Commission meeting. Meetings are audio recorded and kept on file with the MDCR.

MINUTES

PRESENT: Commission Chair Stacie Clayton
Commission Vice-Chair Zenna Elhasan
Commission Secretary Ira Combs, Jr.
Commissioner Richard Corriveau (joined later)
Commissioner Regina Gasco-Bentley
Commissioner Anupama Kosaraju (joined later)
Commissioner Gloria Lara
Commissioner Portia Roberson

CALL TO ORDER / ROLL CALL

The meeting of the Michigan Civil Rights Commission was called to order by Chair Clayton at 5:01 P.M. Roll Call of the Commissioners was taken by Clerk Dan Levy to determine a quorum. Chair Clayton, Commissioner Combs, Commissioner Gasco Bentley, Vice-Chair Elhasan, Commissioner Roberson, Commissioner Lara. With six of eight Commissioners present, quorum requirements were met. *Commissioner Corriveau and Commissioner Kosaraju arrived after the meeting was in progress.*

WELCOME

Chair Clayton welcomed participants to the meeting by way of Zoom web conferencing and Facebook / You Tube livestream platforms.

APPROVAL OF MEETING AGENDA

MOTION: Move to Approve the Meeting Agenda as submitted. There was no discussion. On Motion duly made (Combs) and supported (Lara), the Meeting Agenda was Approved. Motion carried unanimously.

OPENING MATTERS

ACKNOWLEDGEMENT OF SYLVIA ELLIOTT

Chair Clayton recognized Sylvia Elliott for returning from retirement to the Department as Special Advisor to the Commission and assisting Director White's transition team. Vice-Chair Elhasan and Director White also chimed in, providing remarks of gratitude and congratulations for Ms. Elliott.

In compliance with the State of Michigan's Open Meetings Act, "the minutes must show the date, time, place, members present, members absent, any decisions made at a meeting open to the public, and the purpose(s) for which a closed session is held; the minutes must also include all roll call votes taken at the meeting." The minutes are limited to these requirements and do not reflect all subject matter that occurred during the Commission meeting. Meetings are audio recorded and kept on file with the MDCR.

PUBLIC COMMENT PROTOCOL

Deputy Director Mary Engelman provided instructions to members of the public who wish to address the Commission during the Public Comment segment of the meeting.

ADOPTION OF CONSENT AGENDA

MOTION: Move to Adopt the Consent Agenda as submitted. There was no discussion. On Motion duly made (Combs) and supported (Roberson), the Consent Agenda was Adopted. Motion carried unanimously.

APPROVAL OF MINUTES FROM MARCH 22, 2021 MEETING

MOTION: Move to Approve the Meeting Minutes as submitted. There was no discussion. On Motion duly made (Gasco-Bentley) and supported (Lara), the Minutes from the March 22, 2021 Commission Meeting were Approved. Motion carried unanimously.

GUEST PRESENTATIONS – Economic Equity for Minority & Women-Owned Businesses

Michelle Sourie Robinson, President and CEO, Michigan Minority Supplier and Development Council (MMSDC)

Guillermo Cisneros, Executive Director, West Michigan Hispanic Chamber of Commerce

Dr. Ken Harris, President and CEO, National Business League, Inc.

Kimberly Rustem, Director, Detroit Civil Rights, Inclusion and Opportunity Department

Carla Walker-Miller, Founder and CEO, Walker-Miller Energy Services

Commissioner Corriveau joined the meeting at 6:30 p.m.

RESOLUTION SUPPORTING MORE CONTRACTING OPPORTUNITIES FOR DISADVANTAGED BUSINESS ENTERPRISES (DBE)

The following Motion was introduced by Chair Clayton:

WHEREAS, United States Department of Transportation Disadvantaged Business Enterprises ("DBEs") are for-profit, small business concerns where social and economically disadvantaged individuals own at least 51% interest, and also control management and daily operations;

WHEREAS, African Americans, Hispanics, Native Americans, Asian-Pacific and Subcontinent Asian Americans, and women are presumed to be socially and economically disadvantaged;

WHEREAS, As Michigan continues to become more diverse, the support of DBEs is an increasingly important part of an economic development strategy. These businesses are a crucial part of the state's economy, both in terms of economic impact and job creation;

WHEREAS, As the number of small, women- and minority-owned businesses grows, the success of these businesses translates to more jobs, increased wealth and long-term prosperity for the state's residents, and more must be done to ensure that these entrepreneurs have the tools, resources and access they need to be successful;

WHEREAS, In 2006, Michigan voters adopted Proposal 2, which amended Article I, Section 26 of the Michigan Constitution, and prohibits affirmative action programs that give preferential treatment to groups or individuals based on their race, sex, color, ethnicity, or national origin. Proposal 2 applies to public employment, public education, or public contracting.

WHEREAS, The amendment "does not prohibit action that must be taken to establish or maintain eligibility for any federal program, if ineligibility would result in a loss of federal funds to the state;"

WHEREAS, U.S. Presidential Executive Order 11246 prohibits federal contractors and federally-assisted construction contractors and subcontractors, who do over \$10,000 in government business in one year, from discriminating in employment decisions on the basis of race, color, religion, sex, sexual orientation, gender identity or national origin, and Executive Order 11375 banned discrimination on the basis of sex in hiring and employment in both the United States federal workforce and on the part of government contractors;

WHEREAS, Transportation and public works agencies spend hundreds of millions of dollars annually on infrastructure, much of it in urban environments and within communities of color and areas of economic challenge;

WHEREAS, Citizens in these communities want to enjoy their equitable share of the economic opportunity these construction and service contracts present, especially in the area of DBE business growth and development;

WHEREAS, According to a 2020 study conducted by the Tax Foundation, federal grants-in-aid to Michigan comprise 33.1 percent of the state's general fund budget, the 23rd highest rate among the 50 states;

WHEREAS, Governor Gretchen Whitmer has issued Executive Directive 2019-9, which provides for "Equal Opportunities in State Contracting and Loan Programs", and requires the Executive Branch to include in all contracts a provision that prohibits contractors and subcontractors from discriminating against an employee or an applicant for employment on the basis of religion, race, color, national origin, age, sex, height, weight, marital status, partisan considerations or a disability or genetic information that is unrelated to the person's ability to perform the duties of a particular job or position;

WHEREAS, This prohibition against discrimination on the basis of religion, race, color, national origin, age, sex, height, weight, marital status, partisan considerations or a disability or genetic information that is unrelated to the person's ability to perform the duties of a particular job or position applies "without limitation, to the exercise of procurement authority by the Department of Technology Management and Budget...and to contracts entered into by departments or agencies exercising procurement authority delegated by the Department of Technology Management and Budget";

WHEREAS, The Michigan Department of Transportation (“MDOT”) receives about \$1.1 billion annually in Federal road dollars, of which 75 percent is used to fund state projects, with the remaining 25 percent divided between counties and cities;

WHEREAS, MDOT has formed the Partnership for Diversity and Opportunity in Transportation (“Partnership”), which includes 33 partners working in tandem to provide equal opportunities for DBEs;

WHEREAS, The Partnership’s successes include:

- The establishment of an I-94 Small Business Initiative, which includes “mentor-protégé” strategies by which small business consultants work with prime consultants to learn MDOT’s quality expectations, but have direct contracts with MDOT so they also learn MDOT administrative procedures;*
- Specific technical and business training programs for DBEs;*
- The creation of a Bonding Education Program, which assists DBEs to be better prepared to secure bonding and working capital in order to participate in federal transportation programs that are paid on a reimbursement basis, and has helped DBEs secure more than \$5 million in bonding capacity;*

WHEREAS, The Michigan Civil Rights Commission (“MCRC”) nonetheless, sees a continued need to provide enhanced business and equal contracting opportunities for DBEs;

BE IT RESOLVED by MCRC That we applaud and support Governor Gretchen Whitmer’s Executive Directive 2019-9;

BE IT FURTHER RESOLVED by MCRC That we confirm our staunch commitment to the support of DBEs and MDOT’s Partnership for Diversity and Opportunity in Transportation;

BE IT FINALLY RESOLVED by MCRC That we support the goal of the equitable utilization of women-owned and minority-owned businesses, and the provision of maximum, practicable opportunities for increased participation in public contracting and purchasing.

MOTION: Move to Adopt the Resolution supporting more contracting opportunities for Disadvantaged Business Enterprises. There was no discussion.

ROLL CALL VOTE: 7-0

Clayton - Y	Gasco-Bentley – Y
Elhasan – Y	Kosaraju – not present
Combs - Y	Lara - Y
Corriveau – Y	Roberson - Y

On Motion duly made (Combs) and supported (Gasco-Bentley), the Resolution was Adopted. Motion carried unanimously.

In compliance with the State of Michigan's Open Meetings Act, "the minutes must show the date, time, place, members present, members absent, any decisions made at a meeting open to the public, and the purpose(s) for which a closed session is held; the minutes must also include all roll call votes taken at the meeting." The minutes are limited to these requirements and do not reflect all subject matter that occurred during the Commission meeting. Meetings are audio recorded and kept on file with the MDCR.

PUBLIC COMMENT

There was no Public Comment.

DIVISION AND OTHER REPORTS

Executive Director's Report, James White

Director White submitted a full written report to the Commission; reported on the Director's activity from March 2021 to May 2021.

Commissioner Kosaraju joined the meeting at 7:00 p.m.

Legislative Liaison/Commission Advisor Report, John E. Johnson

Mr. Johnson reported on the status of the Administrative Rules; reported on the status of several bills introduced to the legislature since March 2021 including HB-4720, several election bills, SB-460, Senate Joint Resolution 1; status of work with Grosse Pointe-Harper Woods NAACP on the current Ethnic Intimidation Act.

Attorney General Report, AAG Tonya Jeter and AAG David Cannon for Ron Robinson

Mr. Cannon and Ms. Jeter submitted a full written report to the Commission and provided a status update on the ***Rousch World v. MDCR*** case.

COMMISSION BUSINESS

Chair Report, Stacie Clayton

Chair Clayton discussed Director White's new appointment as Interim Chief of Police for the Detroit Police Department; last day with MDCR is June 1, 2021. Chair Clayton also established a Personnel Committee comprised of Chair Clayton, Vice-Chair Elhasan and Commissioner Lara; who will develop recommendations for the Commission in determining next steps for hiring a permanent executive director.

Interim Director Discussion

Chair Clayton opened the floor for discussion on appointing an interim executive director of the Michigan Department of Civil Rights. There was no discussion.

MOTION: Move to Appoint an interim executive director of the Michigan Department of Civil Rights, to begin on June 2, 2021.

ROLL CALL VOTE: 6-0

Clayton - Y
Elhasan - Y
Combs - Y
Corriveau - Y

Gasco-Bentley - not present
Kosaraju - not present
Lara - Y
Roberson - Y

In compliance with the State of Michigan’s Open Meetings Act, “the minutes must show the date, time, place, members present, members absent, any decisions made at a meeting open to the public, and the purpose(s) for which a closed session is held; the minutes must also include all roll call votes taken at the meeting.” The minutes are limited to these requirements and do not reflect all subject matter that occurred during the Commission meeting. Meetings are audio recorded and kept on file with the MDCR.

On Motion duly made (Roberson) and supported (Lara), the Commission Approved appointing an interim executive director. Motion carried unanimously.

MOTION: Move to Appoint John E. Johnson as interim executive director of the Michigan Department of Civil Rights, to begin on June 2, 2021

ROLL CALL VOTE: 7-0

Clayton - Y	Gasco-Bentley – not present
Elhasan – Y	Kosaraju - Y
Combs - Y	Lara - Y
Corriveau – Y	Roberson - Y

On Motion duly made (Roberson) and supported (Combs), the Commission Approved appointing John E. Johnson interim executive director. Motion carried unanimously.

NEW BUSINESS – VOTING MATTERS

RESOLUTION SUPPORTING THE FEDERAL GEORGE FLOYD JUSTICE IN POLICING ACT

The following Resolution was introduced by Chair Clayton:

WHEREAS, In 2020, we witnessed incident after incident of violence against African Americans by current and former police officers: February: Ahmaud Arbery, March: Breonna Taylor, May: George Floyd;

WHEREAS, For three weeks, sustained protests erupted worldwide after graphic video emerged of George Floyd’s slow and excruciating death. It was only after protests erupted and the killings received national attention that police departments expedited their investigations and arrested the killers of Ahmaud Arbery and George Floyd;

WHEREAS, Public safety is primarily the responsibility of state and local governments, but there are precedents for federal action. In 1994, Congress passed the Violent Crime and Law Enforcement Act, after the brutal highly-publicized police beating of Rodney King. It allowed the United States Attorney General to investigate police departments engaging in patterns or practices of unlawful policing. There have been 69 investigations since then, resolving civil rights violations resulting in 40 agreements from 1994-2017;

WHEREAS, On Wednesday, April 21, 2021, The George Floyd Justice in Policing Act (“Act”) was introduced in this 117th Congress as H.R. 1280 and passed 219 to 213, and is now pending in the United States Senate;

WHEREAS, the U.S. House of Representatives promulgated this Act to address the law enforcement concerns that have led to police brutality in the African-American community to ensure that policing rises to standards that ensure justice and fairness to ALL Americans;

WHEREAS, This Act would:

- ***Forbid religious, racial and discriminatory profiling for all local, state and federal law enforcement while mandating anti-bias training for all levels of law enforcement. Further, this Act would require that data such as the use of force be collected by race, sex, disability and religion by law enforcement officials;***
- ***Ban carotid holds and chokeholds for federal law enforcement officers. Funding for state and local law enforcement departments would be tied to whether these departments utilized chokeholds and carotid holds. In the case of federal drug cases, this Act would ban no-knock warrants;***
- ***Require that all other de-escalation methods be tried and exhausted before the use of deadly force. Grants would be made available to local and state law enforcement agencies who exhausted non-lethal methods of de-escalation before potentially using lethal methods of force;***
- ***Require federal police officers in uniforms to wear body cameras. State and local law enforcement departments could use existing federal funding to ensure that body cameras were being used. The Act would require identifiable federal police vehicles to have dashboard cameras;***
- ***Address Qualified Immunity, and make it easier to prosecute officers by changing the “criminal intent” or “guilty mind” requirement in 18 U.S.C. Section 242 from a ‘willfulness’ standard to a ‘recklessness’ standard. This Act would allow individuals to recover damages in civil court when their constitutional rights were violated by ending the protective qualified immunity shield;***
- ***Re-imagine public safety by providing grants to community-based organizations. These grants are earmarked for local commissions and task forces to help develop concrete, actionable and equitable public safety programs;***
- ***Create law enforcement development and training programs to develop best practices;***
- ***Create a nationwide police registry to track officers who have been fired or placed on leave due to disciplinary action(s); and***
- ***Make it a crime for federal law enforcement officers to engage in sexual activity with someone who has been arrested, in custody or detention;***

WHEREAS, While this Act takes important steps to address police violence and accountability, the United States Congress should also re-examine federal spending priorities and consider shifting billions of federal, taxpayer dollars away from criminalization, including policing, toward rebuilding communities of color, which have been historically underfunded, under resourced and decimated by systemic racism;

WHEREAS, civil rights organizations have recommended strengthening it in the following areas:

- ***Congress should use its legislative authority to ensure that federal agencies providing funding to state and local law enforcement comply with Civil Rights laws, such as Title IV of the Civil Rights Act of 1964;***
- ***Limitations on qualified immunity should apply retroactively;***
- ***National police misconduct database should be expanded in its scope and accessible to all; and***
- ***Further limitations of the transfer of military equipment to the police;***

THEREFORE, BE IT RESOLVED, That the Michigan Civil Rights Commission supports the passage of The George Floyd Justice in Policing Act and urges and requests the United States Senate to strengthen and pass the bill with all due haste;

BE IT FURTHER RESOLVED, That this resolution is effective immediately upon its passage;

BE IT FINALLY RESOLVED, That this resolution be forwarded to the Speaker of the United States House of Representatives and the President of the United States Senate.

MOTION: Move to Adopt the Resolution supporting the federal George Floyd Justice in Policing Act.

ROLL CALL VOTE: 6-0

Clayton - Y	Gasco-Bentley – not present
Elhasan – not present	Kosaraju - Y
Combs - Y	Lara - Y
Corriveau – Y	Roberson – Y

On Motion duly made (Roberson) and supported (Kosaraju), the Resolution was Adopted. Motion carried unanimously.

RESOLUTION SUPPORTING THE FEDERAL FOR THE PEOPLE ACT OF 2021

The following Resolution was introduced by Chair Clayton:

WHEREAS, as of March 24, 2021, lawmakers in 47 states have this year introduced more than 360 bills with provisions that restrict voting access, constitute an all-out assault on voting rights across the country, and underscores the need for - and urgency of - reform;

WHEREAS, both the Michigan Senate and House of Representatives have introduced bills that would significantly affect Michigan voters access to the ballot by imposing several voting restrictions, including requiring stricter voter ID requirements for absentee voters; shortening the deadline for returning absentee ballots via drop boxes; prohibiting clerks from paying for postage on absentee ballot return envelopes; and restricting the Michigan Secretary of State’s ability to make absentee voting applications available to voters;

WHEREAS, the United States House of Representatives passed House Resolution 1 (H.R. 1), otherwise named “For the People Act of 2021”, on March 3, 2021, and a companion bill (S.1) is pending in the United States Senate;

WHEREAS, H.R. 1 and S.1 would:

- Expand voter registration and access by requiring automatic, same-day and online registration; vote-by-mail; two weeks of early voting, and implement no-excuse mail voting;***
- Limit removing voters from voter rolls;***
- Require states to establish independent redistricting commissions to carry out congressional redistricting;***
- Set forth provisions related to election security, including sharing intelligence information with state election officials, supporting states in securing their election systems, developing a national strategy to protect U.S. democratic institutions, establishing in the legislative branch the National Commission to Protect United States***

Democratic Institutions, and other provisions to improve the cybersecurity of election systems;

- *Address campaign financing, including an expansion of the prohibition on campaign spending by foreign nationals, requiring additional disclosure of campaign-related fundraising and spending, requiring additional disclaimers regarding certain political advertising, and establishing an alternative campaign funding system for certain federal offices;*
- *Strengthen small donor public financing to empower ordinary Americans instead of the big donors;*
- *Address ethics in all three branches of government, including requiring a code of conduct for Supreme Court Justices, prohibiting Members of the House from serving on the board of a for-profit entity, and establishing additional conflict-of-interest and ethics provisions for federal employees and the White House;*
- *Require the President, the Vice President, and certain candidates for those offices to disclose 10 years of tax returns;*
- *Help safeguard our sacred and constitutional rights and increase access to the vote by ending congressional gerrymandering;*
- *Restore the full protections of the Voting Rights Act; and*
- *Preempt state laws on felons voting in elections;*

WHEREAS, H.R. 1 and S.1 respond to two crises facing our country: the ongoing attack on democracy — reflected in the assault on the United States Capitol on January 6, 2021, and the subsequent flood of voter suppression bills across the country — and the urgent demand for racial justice, and is based on the principle that the best way to defend democracy is to strengthen democracy;

WHEREAS, if enacted, H.R. 1 and S.1 would be the United States' most significant voting rights and democracy reform in more than half a century;

WHEREAS, in 2018, Michigan voters passed Proposition 3, which significantly enhanced our voting rights and provided equal access to the ballot;

WHEREAS, those rights and access are now in jeopardy as a result of the introduction of several voter suppression bills in both the Michigan Senate and House of Representatives;

WHEREAS, Michigan voters voiced their support for the strengthening of their voting rights by passing Proposition 3 with a 67-33% margin, thus rejecting Michigan's former restrictive standards;

THEREFORE, BE IT RESOLVED that the Michigan Civil Rights Commission supports the enactment of the "For the People Act of 2021", designed to protect and strengthen the voting rights of United States citizens, and provide the unfettered and unencumbered access to the ballot that is guaranteed by the United States and Michigan Constitutions, and request that the United States Senate to pass the bill with all due hast;

BE IT FURTHER RESOLVED, That this resolution is effective immediately upon its passage;

BE IT FINALLY RESOLVED That this resolution be forwarded to the Speaker of the United States House of Representatives and the President of the United States Senate.

In compliance with the State of Michigan’s Open Meetings Act, “the minutes must show the date, time, place, members present, members absent, any decisions made at a meeting open to the public, and the purpose(s) for which a closed session is held; the minutes must also include all roll call votes taken at the meeting.” The minutes are limited to these requirements and do not reflect all subject matter that occurred during the Commission meeting. Meetings are audio recorded and kept on file with the MDCR.

MOTION: Move to Adopt the Resolution supporting the federal For The People Act of 2021.

ROLL CALL VOTE: 5-0

Clayton - Y	Gasco-Bentley – not present
Elhasan – not present	Kosaraju - Y
Combs – not present	Lara - Y
Corriveau – Y	Roberson – Y

On Motion duly made (Lara) and supported (Roberson), the Resolution was Adopted. Motion carried unanimously.

ADJOURNMENT

MOTION: Move to Adjourn. No discussion initiated. On Motion duly made (Roberson) and supported (Lara), the meeting of the Michigan Civil Rights Commission Adjourned at 7:41 P.M. Motion carried unanimously.

The next regular meeting of the Michigan Civil Rights Commission will convene on July 26, 2021 at a time and location to be determined.

Chair

Secretary

DRAFT MINUTES TO BE SUBMITTED FOR APPROVAL AT JULY 26, 2021 MEETING