

MICHIGAN CIVIL RIGHTS COMMISSION MEETING

Tuesday, August 27, 2019 - 2:00 P.M.
MDCR Detroit Office, Cadillac Place Building
3054 W Grand Blvd., Suite L-150
Detroit, MI 48202

MINUTES

PRESENT: Commission Chair Alma Wheeler Smith
Commission Vice Chair Stacie Clayton
Commission Secretary Laura Reyes Kopack
Commissioner Ira Combs, Jr. (arrived at 2:30 p.m., excused at 5:38 p.m.)
Commissioner Rasha Demashkieh
Commissioner Regina Gasco-Bentley
Commissioner Denise Grim
Commissioner Jeffrey Sakwa

CALL TO ORDER / ROLL CALL

The meeting was Called to Order at 2:07 p.m. by Chair Alma Wheeler Smith. Roll call of the Commissioners was taken to determine a quorum. Commission Chair Smith, Commissioner Clayton, Commissioner Demashkieh, Commissioner Gasco-Bentley, Commissioner Grim, Commissioner Kopack, Commissioner Sakwa. With seven of eight commissioners present, quorum requirements were met. (Commissioner Combs joined the meeting later.)

APPROVAL OF MEETING AGENDA

MOTION: Move to Approve the Meeting Agenda with the following Amendments: Amend to 1) take Item 11 at 3:30 p.m., and 2) add Consider compensation of Acting Director under Item 10. Following discussion, the Motion was brought forth: **On Motion duly made (Commissioner Clayton) and supported (Commissioner Demashkieh), the Amended Meeting Agenda was Approved.** *Motion carried unanimously.*

ADOPTION OF CONSENT AGENDA

***MOTION: Move to Adopt the Consent Agenda as submitted.** Following discussion, the Motion was brought forth: **On Motion duly made and supported (Commissioner Demashkieh), the Consent Agenda was Adopted.** *Motion carried unanimously.*

APPROVAL OF MINUTES FROM JUNE 3, 2019 MEETING AND JULY 29, 2019 SPECIAL MEETING

MOTION: Move to Approve the Meeting Minutes from June 3, 2019 Meeting and July 29, 2019 Special Meeting as submitted. Following discussion, the following Motion was brought forth: **On Motion duly made (Commissioner Gasco-Bentley) and supported (Commissioner Grim), the Minutes were Approved.** *Motion carried unanimously.*

PUBLIC COMMENT

Barbara Wynder
Jesse Anguiano
Jose Cuello
Diana Rivera
Elena Herrada
Juan Marinez
Rubin Martin
Mary Carmen Munoz
Jayne Collins
Victoria McCasey
Jody White
Chris Abood
Enrique Rodriguez
Martha Gonzalez-Cortes

Public comment closed at 2:55 p.m.; comments to be transcribed and included in the official meeting record.

CORRESPONDENCE

Draft Response to Great Lakes Justice Center, Chair Smith

MOTION: Move to Approve the draft response letter. Following discussion, the following Motion was brought forth: **On Motion duly made (Commissioner Demashkieh) and supported (Commissioner Combs), the response letter to the Great Lakes Justice Center was Approved.** *Motion carried unanimously. The letter will be finalized and sent immediately.*

DIVISION REPORTS

DIRECTOR'S REPORT, Mary Engelman – In Director Arbulu's absence, Ms. Engelman provided status updates on the Department's activity.

PUBLIC AFFAIRS AND BUDGET UPDATE, Mary Engelman - Deputy Director Engelman provided an update on the activity of the Public Affairs Division, as well as the status of the Department's budget.

ENFORCEMENT UPDATE, Lori Vinson – Ms. Vinson provided an update on the Enforcement Division.

COMMUNITY ENGAGEMENT UPDATE, Anthony Lewis – Mr. Lewis provided an update on the Community Engagement Unit.

RACIAL EQUITY UPDATE, Alfredo Hernandez – Mr. Hernandez provided an update on the Department's racial equity trainings and initiatives.

LEGISLATIVE AFFAIRS UPDATE, Lee Gonzales - Deputy Director Gonzales provided an update on Legislative Affairs.

DODDBHH UPDATE AND NOT WITHOUT US UPDATE, Annie Urasky – Ms. Urasky provided an update on the Division On Deaf, Deaf Blind and Hard of Hearing.

ADA COMPLIANCE REPORT, Kim Woolridge - Ms. Woodridge provided an update on the activity of the ADA Compliance Unit.

NEW BUSINESS

Presentation on the state of minority and women owned businesses seeking to do business with the State of Michigan.

- Dr. Ken Harris, President, National Business League
- Armando Ojeda, Executive Director, Michigan Hispanic Chamber of Commerce
- Jesse Venegas, Chair, MHCC Board of Directors
- Michelle Sourie Robinson, President and CEO, MMSDC

MOTION: Move to receive the recommendations as presented by the business panel, and to work with them toward the outcomes of the recommendations. Following discussion, the following Motion was brought forth: **On Motion duly made (Commissioner Combs) and supported (Commissioner Sakwa), the Commission will receive the recommendations and work with the business panel toward the outcomes of the recommendations.** *Motion carried unanimously.*

Next steps include scheduling a meeting with the business panel and white paper recommendations.

*State Representative Sherry Gay-Dagnono brought concerns regarding measurement reporting requirement of minority and women-owned businesses by DTMB, as data is not readily available; requested the Commission's support on a Resolution on vendor certification presented to the Legislature earlier today.

MOTION: Move to Support State Representative Sherry Gay-Dagnono's Resolution. Following discussion, the following Motion was brought forth: **On Motion duly made (Commissioner Combs) and supported (Commissioner Clayton), the Commission Approved support of the proposed Resolution.** *Motion carried unanimously.*

COMMISSION BUSINESS

Chair Report, Alma Wheeler Smith
The Chair Report was waived.

Waiver of attorney-client privilege around the memorandum from the Attorney General to the Commission regarding the complaint against Director Arbulu, Commissioner Kopack

MOTION: Move to Waive the attorney-client privilege issued for the special meeting on July 22, 2019 (should be July 29th) utilized by the Commission in making their decision regarding Director Arbulu's reprimand and ultimately the restorative justice plan with his employment at the Michigan Department of Civil Rights. Following discussion, the following Motion was brought forth: **On Motion duly made (Commissioner Kopack) and supported (Commissioner Grim), the attorney-client privilege was Waived; Chair Smith called for a Roll Call Vote:**

Clayton – Y
Demashkieh – Y
Gasco-Bentley – Y
Grim – Y

Kopack - Y
Sakwa - Y
Smith - Y
Motion carried unanimously.

The memo was immediately uploaded to the MDCR website.

Application for Leave for Appeal re: fair housing and disability law filing an Amicus Curiae Brief, Ron Robinson.

MOTION: Move to File the Amicus Brief and whatever other timetables needed to meet responsibilities for the case. Following discussion, the following Motion was brought forth: **On Motion duly made (Commissioner Kopack) and supported (Commissioner Demashkieh), the Amicus Brief filing was Approved.** *Motion carried unanimously.*

Next Commission Meeting, September 23, 2019

Chair Smith indicated interest in convening a Hearing/Public Forum on Migrant and Seasonal Farm Workers following the September 23, 2019 Meeting. A time and location would be determined. Commissioner Demashkieh indicated she will be out of the country during this time; Commissioner Clayton indicated she may be out of town and unavailable to attend.

Reorganization of Commission and Department, Chair Smith

Chair Smith introduced a proposal to move the legislative and budget units under the Commission umbrella, as the Department has no role in legislative or policy aspects of civil rights.

MOTION: Move to Table the reorganization item until the next meeting and more information is provided. Following discussion, the following Motion was brought forth: **On Motion duly made (Commissioner Sakwa) and supported (Commissioner Kopack), the reorganization item was Tabled until the next meeting.** *Motion carried unanimously.*

Commissioner Smith requested volunteers for a reorganization committee and a website update committee. Commissioner Grim volunteered for the website update committee and will work alongside Chair Smith.

ONGOING BUSINESS

Contract Compliance Update, Sylvia Elliott – Ms. Elliott provided an update on Contract Compliance.

Attorney General Report/Update, Ron Robinson – Mr. Robinson provided an update on the case, ***State of Michigan v. M. Mason.***

Consideration of Acting Director Salary, Chair Smith

MOTION: Move to make the acting director's salary the same as the current director's salary retroactive to her date of hire as acting director. Following discussion, the following Motion was brought forth: **On Motion duly made (Commissioner Clayton) and supported (Commissioner Gasco-Bentley), the acting director's salary will be adjusted from \$142,000 to \$159,000, and will be retroactive to her date of hire as acting director.** *Motion carried unanimously.*

CLOSED SESSION

MOTION: Move to Adjourn to Closed Session under Section 8h for the purpose of approving the minutes of July 29, 2019 and for review of the attorney general memo regarding permissive activities during the director's medical leave under Section 13 1h of the Freedom of Information Act. Following discussion, the following

Motion was brought forth: **On Motion duly made (Commissioner Clayton) and supported (Commissioner Sakwa), the Commission approved Adjourning to Closed Session; Chair Smith called for a Roll Call Vote:**

**Clayton – Y
Demashkieh – Y
Gasco-Bentley – Y
Grim – Y**

**Kopack - Y
Sakwa - Y
Smith - Y**
Motion carried unanimously.

The Commission Adjourned to Closed Session at 7:16 p.m.

The Meeting was re-called to order at 8:47 p.m.

MOTION: Move to Return to Open Session. Following discussion, the following Motion was brought forth: **On Motion duly made (Commissioner Demashkieh) and supported (Commissioner Grim), the Commission approved Returning to Open Session; Chair Smith called for a Roll Call Vote:**

**Clayton – Y
Demashkieh – Y
Gasco-Bentley – Y
Grim – Y**

**Kopack - Y
Sakwa - Y
Smith - Y**
Motion carried unanimously.

MOTION: Move to Approve the Minutes of the Closed Session on July 29, 2019. Following discussion, the following Motion was brought forth: **On Motion duly made (Commissioner Grim) and supported (Commissioner Demashkieh), the Minutes were Approved.** *Motion carried unanimously.*

Attorney-Client Privilege Memo

MOTION: Move to Dismiss the Director (terminate employment of...). Following discussion, the following Motion was brought forth: **On Motion duly made (Commissioner Gasco-Bentley) and supported (Commissioner Clayton), the Commission Approved Dismissal of the Director; Chair Smith called for a Roll Call Vote:**

**Clayton – Y
Demashkieh – Y
Gasco-Bentley – Y
Grim – Y**

**Kopack - N
Sakwa - N
Smith - Y**
Motion carried by majority vote of 5-2.

COMMISSIONER COMMENT

There was no commissioner comment.

ADJOURNMENT

The meeting of the Michigan Civil Rights Commission was Adjourned at 8:55 p.m.

The next meeting will convene on September 23, 2019.