

MICHIGAN CIVIL RIGHTS COMMISSION SPECIAL MEETING

Monday, June 15, 2020 ~ 6:00 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 Laura Reyes Kopack
Commission Secretary Jeff Sakwa
Commissioner Zenna Elhasan
Commissioner Denise Grim
Commissioner Portia Roberson

EXCUSED: Commissioner Ira Combs, Jr. *(joined the meeting later, as noted)*
Commissioner Regina Gasco-Bentley *(joined the meeting later, as noted)*

CALL TO ORDER / ROLL CALL

The meeting of the Michigan Civil Rights Commission was called to order by Chair Clayton at 6:11 P.M. Roll Call of the Commissioners was taken to determine a quorum. Commissioner Clayton, Commissioner Kopack, Commissioner Sakwa, Commissioner Grim, Commissioner Elhasan, Commissioner Roberson were present. With 6 of 8 Commissioners present, quorum requirements were met.

WELCOME

Chair Clayton welcomed participants to be meeting by way of Zoom web conferencing and Facebook Live/You Tube livestream platforms, noting that this is the first Commission convening since the start of the COVID-19 pandemic. Chair Clayton also spoke briefly on the civil unrest protests due to the recent murders of George Floyd and Rayshard Brooks at the hands of the police, indicating the following statement:

"Martin Luther King, Jr. said, 'For evil to succeed, all it needs is for good men to do nothing.' The Michigan Civil Rights Commission stands with the many good men and women in cities such as Detroit, Flint, Eastpointe, Warren and Grand Rapids who are doing something by engaging in peaceful protests against police brutality and the outright murder of George Floyd. The loud and overt objection of diverse groups of citizens to prejudiced behavior and cowardice is the action needed to dismantle the ingrained, implicit, and often explicit, racial bias that is at the heart of the killings of Mr. Floyd, Ahmaud Arbery, Breonna Taylor and far too many others."

"Hundreds of thousands of people across the country are taking to the streets, seeking to change the culture that tacitly allows the killing of unarmed African Americans. These protests are occurring because African American citizens are being killed because of the

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color of their skin, instead of receiving the fair treatment that other races enjoy. Not only must we demonstrate in the streets, we must demonstrate better respect for life. We must demonstrate in places such as courtrooms by serving on juries to fulfill our civic duty. We must demonstrate at the polls by exercising our right to vote. These are the actions needed to redress institutionalized racism, eradicate systemic disparities and provide for better treatment of people of color."

"So, let us not be distracted by the ignorant violence of outside agitators seeking to infiltrate a righteous cause for their own agenda. Let us grasp the opportunity of having a national spotlight on racially motivated killings and bringing to the forefront the images of Michael Brown, Trayvon Martin and others. In a collective voice let us say, 'We see you still and will never forget you.' I pray that the fight to end inequity and discrimination based on a person's religion, race, color, sex, age or national origin continues long after the last protest has ended."

HOUSEKEEPING RULES FOR MAKING PUBLIC COMMENT

Interim Executive Director Mary Engelman provided instructions regarding Public Comment.

APPROVAL OF MEETING AGENDA

MOTION: Move to Approve the Meeting Agenda as submitted.
On Motion duly made (Kopack) and supported (Roberson), the Meeting Agenda was Approved. *Motion carried unanimously.*

ADOPTION OF CONSENT AGENDA

MOTION: Move to Adopt the Consent Agenda as submitted.
On Motion duly made (Elhasan) and supported (Sakwa), the Consent Agenda was Adopted. *Motion carried unanimously.*

APPROVAL OF MARCH 9, 2020 SPECIAL MEETING MINUTES

MOTION: Move to Approve the Minutes as submitted.
On Motion duly made (Grim) and supported (Elhasan), the Minutes were Approved. *Motion carried unanimously.*

PUBLIC COMMENT

Mr. Chuck Grigsby – Mr. Grigsby brought forth no concerns, but commended the Commission on their work and thanked them for their service.

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COMMUNICATIONS

This Agenda item was Waived.

DIVISION REPORTS

Interim Executive Director Mary Engelman provided an update on the Department's activity, the budget, the impact of the COVID-19 pandemic, the Governor's recent Executive Orders that include the Department, the Department's media response to the civil unrest protests (police brutality and racial injustice), and next steps regarding the Grand Rapids Police Department.

(Commissioner Ira Combs, Jr. joined the meeting at 6:30 P.M.)

COMMISSION BUSINESS

CHAIR REPORT, Stacie Clayton

Chair Clayton provided an update on the Education Report; the expected completion date is late summer 2020.

ATTORNEY GENERAL REPORT, Ron Robinson

Mr. Robinson provided a brief report, including updates on the American Freedom Law Center case as well as the Thomas Moore Law Center case.

COMMISSION COMMITTEE REPORTS

This Agenda item was Waived.

EXECUTIVE DIRECTOR SELECTION UPDATE

March 9th Action Items, Sylvia Elliott

"There were five items that were requested during the March 9th special meeting.

Item 1: the Commission requested of Assistant Attorney General Ron Robinson to research possible legal conflicts regarding the candidates' service on boards, task forces, etc.. This includes issues of remuneration, compensation, reimbursement, etc., and the scope of work for the boards and task forces. AAG Robinson's response is that he is unable to verify whether there are any current conflicts of interest related to Mr. Harvey Hollins' board work with HAP because the MDCR does not have access to its old database and is not able to provide information related to current complaints against HAP or complaints against them within their seven year retention period. Any pending current complaints would present a conflict of interest. The question then becomes whether potential cases against HAP in the future would disqualify Hollins from the executive director position. The Attorney General's opinion is that this is a possibility

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even if likely it's speculative and should not disqualify him from consideration at this time. As for the nature of the work of the organizations that Harvey Hollins serves as a board member, the AG saw no inherent conflict with those activities and the work and mission of the Michigan Department of Civil Rights. That was the response to the first question.

The second item the Commission requested also of the Attorney General to provide a time specific where a candidate would have to comply with any applicable state law for when the final candidate would need to resign from any board positions that create a conflict in order to accept the executive director position. The Attorney General's response is as follows: I have found no state statute that sets forth a time period for when a final candidate would need to resign from a board position that has deemed to create a conflict of interest. Theoretically, the resignation would occur just prior to or simultaneously with the offer of employment and or the signing of the letter of appointment. In fact, the letter of appointment could be made conditionally upon a candidate's resignation from a board deemed to be in conflict. Moreover, the appointment letter could state in specific terms that as a condition of continued employment that the individual must immediately resign from any board which may be deemed to be in conflict in the future. So that was the response to the second item.

The third item the Attorney General was asked to obtain official communication from the Michigan Attorney General's Office regarding the status of Harvey Hollins as it relates to any pending or ongoing investigations. In particular, the Commission was concerned about any of the lawsuits pending involving the Flint water crisis. The response in that case is that based on my direct conversation with the Solicitor General Fadwa Hammoud, Harvey Hollins is not a target in the Flint water crisis or any pending/ongoing investigations or lawsuits related to that matter.

The two remaining issues were asked of myself and they are as follows: I was asked to confirm the salary range, which I did. The salary range of (illegible---) is correct and consistent with the salary paid to directors of other state agencies with a similar level of duties and responsibilities.

The fifth item was to confirm the candidate's references. I spoke with HR on this subject and HR advised me that usually checking references is not standard practice when filling unclassified positions. Upon further review of the candidate's references indicated on their applications, it appeared to be of little value and pursuing. Candidate Conrad Mallett at that time provided one reference that was Mayor of Detroit Mike Duggan, and of course he's since been made Deputy Mayor of the City of Detroit under Mayor Duggan. And candidate Hollins has been self-employed for a number of years. The majority of his references were personal, and his professional references were not reflected on his application, as were any prior employers.

Those were the responses to the five items that you requested at the March 9th meeting."

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CHAIR CLAYTON

"Thank you Attorney Elliott, and I should have said this at the beginning of this discussion: on March 9th when we tabled the vote there were two candidates that were still waiting selection by the Commission – Harvey Hollins and Conrad Mallett. Since that time, Conrad Mallett has withdrawn himself from consideration for the executive director position of the Michigan Department of Civil Rights. That leaves us with Mr. Harvey Hollins, and per the opinion we received from our Attorney General, we are still required to take that vote on Mr. Hollins because that vote was just tabled on March 9th. So that brings us to where we are today."

DISCUSSION ON EMPLOYEE SURVEY

The Commissioners brought comments and concerns regarding the survey and their thoughts on the final executive director candidate.

(Commissioner Gasco-Bentley joined the meeting at 7:07 p.m.)

VOTE ON CANDIDATE HARVEY HOLLINS FOR THE POSITION OF EXECUTIVE DIRECTOR

MOTION: Move to Vote on candidate Harvey Hollins for the position of Executive Director.

On Motion duly made (Combs) and supported (Kopack), the Commission's vote was 4-4-0. *In the absence of a majority vote, Motion failed.*

Roll Call Vote:

Yea: Clayton, Kopack, Sakwa, Combs
Nay: Gasco-Bentley, Grim, Elhasan, Roberson
Abstention: None

ONGOING BUSINESS

DISCUSSION ON CONSIDERATION OF OTHER CANDIDATES

MOTION: Move to proceed with consideration of the current list of 64 who were already credentialed and open up the process for others to apply with a certain time period, with a cut-off date, once that cutoff date is reached look at those new applicants, they will be equally credentialed as the other 64 were to determine if they are part of that pool of individuals credentialed enough to proceed to the next part of the process, and we follow the same process as we did the last time around. So those names will all be provided to us; there will need to be consensus on whatever number we determine. Additionally, the current interim executive director may also apply, as they were not allowed to so in the previous process.

On Motion duly made (Elhasan) and supported (Sakwa), the Commission's vote was 7-0-1. Motion carried by majority vote.

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Roll Call Vote:

Yea: Clayton, Kopack, Sakwa, Gasco-Bentley, Grim, Elhasan, Roberson

Nay: None

Abstention: Combs

MOTION: Move to allow the current interim executive director to apply for the executive director position

On Motion duly made (Grim) and supported (Gasco-Bentley), the Commission's vote was 5-2-1. Motion carries by majority vote.

Roll Call Vote:

Yea: Clayton, Combs, Gasco-Bentley, Grim, Elhasan

Nay: Sakwa, Roberson

Abstention: Kopack

EXECUTIVE DIRECTOR SEARCH COMMITTEE

Chair Clayton called for volunteers to serve on the Executive Director Search Committee. Commissioner Grim, Commissioner Roberson and Commissioner Elhasan volunteered their service, indicating that additional support is needed from Sylvia Elliott and possibly others. Following discussion, the following Motion was brought forth:

MOTION: Move that the committee for the selection process be comprised of Commissioner Grim, Commissioner Elhasan and Commissioner Roberson, with the possibility of added committee members, of non-commission members and possible staff; any additional committee members or simply advisory members that we will inform this body of those individuals.

On Motion duly made (Elhasan) and supported (Combs), the committee for the selection process was Approved. Motion carried unanimously.

NEW BUSINESS

There was no new business.

COMMISSIONER COMMENT

Commissioner Sakwa acknowledged the work of Sylvia Elliott and Shawn Sanford in preparation for this meeting.

ADJOURNMENT

MOTION: Move to Adjourn.

On Motion duly made (Kopack) supported (Sakwa), the meeting of the Michigan Civil Rights Commission Adjourned at 8:10 P.M. Motion carried unanimously.

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The next regular meeting of the Michigan Civil Rights Commission is July 27, 2020 at a time and location to be determined.