

MICHIGAN CIVIL RIGHTS COMMISSION MEETING

Monday, October 24, 2022 ~ 10:00 A.M.

Park Place Hotel & Conference Center, Grandview Room
300 East State Street, Traverse City, Michigan 49684

Hybrid Meeting: Zoom web conferencing platform; Livestreamed via 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 Portia Roberson
Commission Secretary Gloria Lara
Commissioner Regina Gasco-Bentley
Commissioner Richard Corriveau
Commissioner David Worthams
Commissioner Luke Londo (NEW)

EXCUSED: Commission Vice-Chair Zenna Elhasan
Commissioner Anupama Kosaraju

CALL TO ORDER / ROLL CALL

The meeting of the Michigan Civil Rights Commission was called to order by Chair Roberson at 10:10 A.M.

Chair Roberson welcomed participants to the meeting, including in-person and virtual guests by way of Zoom web conferencing and Facebook livestream platforms.

Roll Call of the Commissioners was taken by Clerk Lamont Satchel to determine a quorum. Chair Roberson, Secretary Lara, Commissioner Corriveau, Commissioner Gasco-Bentley, Commissioner Worthams. With five of seven Commissioners present, quorum requirements were met.

SWEARING-IN OF NEW COMMISSIONER LUKE LONDO

The Oath of Office is administered by the Commission Chair; Commissioner Luke Londo took the Oath of Office as directed by Chair Portia Roberson. Commissioner Londo was appointed by Governor Whitmer on September 19, 2022.

Chair Roberson noted Commissioner Londo's presence as Roll Call was taken during the previous Agenda item, six of eight Commissioners were present.

APPROVAL OF MEETING AGENDA

Chair Roberson brought the following Motion:

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

OPENING MATTERS

WELCOME

Chair Roberson provided welcoming remarks, thanking the Traverse City community for welcoming the Commission.

Lamont Satchel, General Counsel and Commission Advisor was called upon to provide a brief overview on the role of the Commission and its authority.

RECOGNITION OF SIGNIFICANT OBSERVANCES DATES IN OCTOBER

Chair Roberson recognized significant observances for the month of October, including the birthday of Fannie Lou Hamer (October 6), National Indigenous People's Day (October 11), International Day for the Eradication of Poverty (October 17), as well as National Hispanic Heritage Month, National Disability Employment Awareness Month, National Bullying Prevention Month, Global Diversity Awareness Month, and LGBT History Month.

PUBLIC COMMENT PROTOCOL

Deputy Executive Director Kim Woolridge provided instructions to in-person and virtual audiences who wish to address the Commission during the Public Comment segment of the meeting.

ADOPTION OF CONSENT AGENDA

Chair Roberson brought the following Motion:

MOTION: Move to Adopt the Consent Agenda as submitted. There was no discussion or amendment. **On Motion duly made (Londo) and supported (Worthams), the Consent Agenda was Adopted.** *Motion carried unanimously.*

APPROVAL OF MINUTES FROM JULY 25, 2022 MEETING

Chair Roberson brought the following Motion:

MOTION: Move to Approve the Meeting Minutes as submitted. There were no revisions or discussion. **On Motion duly made (Lara) and supported (Worthams), the Minutes from the July 25, 2022 Commission Meeting were Approved.** *Motion carried unanimously.*

PUBLIC COMMENT

There was no In Person or Virtual Public Comment.

DIVISION AND OTHER REPORTS

A. Executive Director Report, John Johnson, Jr.

Director Johnson submitted a full written report to the Commission on the activity of the Executive Director and the major divisions of the Department from July to October 2022, as well as personnel updates, and a budget update.

B. MCRC/General Counsel Report, Attorney Lamont Satchel

Mr. Satchel serves as Advisor to the Commission and General Counsel for the Department. Mr. Satchel submitted a full written report to the Commission on the activity of General Counsel from July to October 2022, including an update on amending the procedural/administrative rules, update on the regulatory impact statement, and provided information regarding convening Closed Session for Agenda Item XII.

MOTION: To publish announcement for Administrative Rules Hearings in two newspapers, Detroit Free Press and Lansing State Journal, as well as a newspaper in the Upper Peninsula. Upon Motion made (Worthams) and supported (Gasco-Bentley), there was discussion and a request (Lara) to include a newspaper for the Western side of Michigan. The Motion was amended.

AMENDED MOTION: To publish announcement for Administrative Rules Hearings in three newspapers, Detroit Free Press, Lansing State Journal, and Grand Rapids Press, as well as a newspaper in the Upper Peninsula. There was no additional discussion. **On Motion duly made (Worthams) and supported (Gasco-Bentley), the Commission Approved publishing the announcement for the Administrative Rules Hearings in the publications stated. Motion carried unanimously.**

C. Indian Boarding School Study Presentation, Melissa Kiesewetter

Ms. Kiesewetter serves as the Tribal Liaison for the Department. Ms. Kiesewetter provided an update on the Statewide Indian Boarding School Study. There was no action taken.

D. Attorney General Report, First Assistant AG Kimberly Pendrick

AAG Pendrick appeared on behalf of AAG Tonya Jeter, who submitted a full written report to the Commission and provided a brief status update on the following cases: ***Estate of Romig and Kooman v. Boulder Bluff Condominium Association; Riverbrook v. Abimbola Fabode; Rouch World, LLC and Uprooted Electrolysis v. MDCR; Marta McGraw-Shore v. MAHLE Engine Components USA, Inc.; Christian Healthcare Centers v. Attorney General, et al.***

COMMISSION BUSINESS

A. Chair's Report, Portia Roberson

Chair Roberson's report included appreciation to the Traverse City community for welcoming the Commission to Traverse City, emphasizing the importance of the Commission traveling to different locations throughout the state so that communities are able to participate in these meetings and be heard; additional welcoming remarks to new Commissioner Luke Londo to the Commission; expressed appreciation to Commissioner Gasco-Bentley for bringing the Indian Boarding Schools issue to the forefront, as this Statewide Study is a priority for the Commission; highlighted statement from Angela Baldwin, recently elected president of the Hispanic Bar Association regarding an incident at a Council meeting in Los Angeles, CA, emphasizing the importance of keeping the conversation going between communities to prevent these types of incidents from happening in the future, Ms. Baldwin's statement will be submitted for the record; acknowledged looking forward to the next Civil Rights Summit, and the Commission addressing issues raised at the 2022 Summit, as well as addressing priorities set by the Commission.

B. Update on Dynamic Character Public Act. Dr. Jerome Reide and Atty. Tyra Khan

Dr. Reide and Attorney Khan provided an update on legislation regarding the Dynamic Character Public Act. Attorney Satchel indicated that a legal matter pertaining to this issue will be taken up during Closed Session. There was no action taken.

C. Committees Updates for Commission's 2022 Priorities

Chair Roberson called for updates from the Committee Chairs (Commissioner Kosaraju leads the Voting Rights Committee, Vice-Chair Elhasan leads the Safe Learning Environments/Education Equity Committee, Secretary Lara leads the Diversity, Equity and Inclusion Committee). There were no Committee updates.

D. Commission 2023 Priorities

Chair Roberson called for suggested priorities for next year. During discussion, the following priorities were suggested:

Secretary Lara – To ensure there is a Resolution for ongoing funding of implementing recommendations for the Statewide Indian Boarding School Study, Secretary Lara volunteered to lead this effort;

Commissioner Londo – As it relates to academic freedom, to expand focus to include LGBTQ Youth, book censorship and other issues;

Secretary Lara – To follow up on items raised during 2022 Civil Rights Summit, and make certain those are addressed appropriately;

Commissioner Worthams – To continue to monitor the Enforcement Division address of the backlog, ensure that Staff is doing all they can, and that the Commission provides support where needed;

Chair Roberson - Continue priorities from 2022.

MOTION: To Approve the Commission's 2023 Priorities as follows - Continuation of the Commission's 2022 Priorities, addressing the issues raised at the 2022 Civil Rights Summit, addressing issue around the Indian

and Tribal boarding schools, expansion of Academic Freedom to LGBTQ Youth and Book Censorship and other items, addressing the case backlog. There was no discussion. **On Motion duly made (Worthams) and supported (Lara), the 2023 Commission Priorities were Approved.** *Motion carried unanimously.*

E. HR Committee Update for Director Johnson's Annual Performance Evaluation

This Agenda item will be taken up in Closed Session, Agenda item XII.

F. 2023 Commission Meeting Schedule, Chair Roberson

Chair Roberson offered the following dates for next year's Commission meetings: January 23, 2023, April 24, 2023, July 24, 2023, October 23, 2023.

Secretary Lara suggested that the Commission set the meeting locations as well. Following discussion, Detroit, Grand Rapids, Marquette and Traverse City were selected.

Chair Roberson brought the following Motion:

MOTION: Move to Adopt the 2023 Commission Meeting Schedule with locations – January 23, Detroit; April 24, Grand Rapids; July 24, Marquette; October 23, Traverse City. There was no discussion. **On Motion duly made (Gasco-Bentley) and supported (Londo), the 2023 Commission Meeting Schedule was Adopted.** *Motion carried unanimously.*

G. Nominating Committee for 2023 Election of Officers

Chair Roberson called for Commissioners to volunteer to serve on the Nominating Committee for the 2023 Election of Officers, to be held during the first meeting of 2023. Commissioner Worthams volunteered to Chair the Committee; Commissioner Corriveau and Commissioner Londo volunteered to serve on the Committee. There was no action taken.

H. Subcommittee for Commission's 60th Anniversary (2023)

Chair Roberson called for Commissioners to volunteer to serve on the 2023 Commission 60th Anniversary Subcommittee. Chair Roberson, Secretary Lara volunteered to serve on the Subcommittee, and will ask Commissioners not in attendance to serve as well. This item will be taken up again at the January 23, 2023 meeting. There was no action taken.

NEW BUSINESS

A. Public Hearing on Amendment to Commission Rules, Atty. Lamont Satchel

Attorney Satchel requested of the Commission to: set the date of Public Hearing on January 23, 2023 in Detroit, set end date for Public Comment at 11:59 p.m. on January 23, 2023, provide a hybrid format.

MOTION: Move to designate the January 23, 2023 meeting scheduled in Detroit to be synonymous with the Public Hearing for purposes of amending the Administrative Rules of the Michigan Department of Civil Rights, and that the Public Comments regarding those rules shall end on January 23, 2023 at 11:59 p.m., and further include that the Public Hearing on January 23, 2023 shall be a Hybrid format to allow for virtual attendance. There was no discussion. **On Motion made (Worthams) and supported (Lara), the Public Hearing on Amendment to Commission Rules was Approved. Motion carried unanimously.**

B. Pending Emotional Support Animal Legislation, Atty. Tyra Khan

Attorney Khan provided a debriefing of pending Emotional Support Animal legislation.

MOTION: Move to oppose HB-5751, and authorize Staff to communicate to the Chair of the Senate Regulatory Reform Committee, Senator Eric Nesbit of our position, and to explain our reasons why, stressing the loss of the HUD funds. There was no discussion. **On Motion duly made (Worthams) and supported (Londo), the Commission Approved the plan as stated. Motion carried unanimously.**

PUBLIC COMMENT

There was one In-Person Public Comment: Brittany Bentley, Petoskey

Ms. Bentley brought concerns regarding the impact and generational trauma of the Indian residential schools.

There was no Virtual Public Comment.

CLOSED SESSION

Chair Roberson called for Closed Session to discuss personnel and legal matters.

MOTION: In accordance with the Open Meetings Act, Public Act 267 of 1967, I move that we go into Closed Session as authorized under Section 8 of that Act. There was no discussion. **On Motion duly made (Worthams) and supported (Lara), the regular business meeting went into recess for Closed Session at 12:05 P.M. Motion carried unanimously.**

ROLL CALL VOTE

Roberson: Y
Elhasan: Absent
Lara: Y
Londo: Y

Gasco-Bentley: Y
Corriveau: Y
Kosaraju: Absent
Worthams: Y

MOTION: To Reconvene the meeting of the Michigan Civil Rights Commission from Closed Session. There was no discussion. **On Motion duly made (Worthams)**

and supported (Londo), the regular business meeting reconvened at 1:13 P.M.
Motion carried unanimously.

ROLL CALL VOTE

Roberson: Y	Gasco-Bentley: Y
Elhasan: Absent	Corriveau: Y
Lara: Y	Kosaraju: Absent
Londo: Y	Worthams: Y

MOTION: Based on the discussion on a formal complaint received by the Chair, I move that an investigation will be conducted by a person in a department completely removed from the Department of Civil Rights, and the scope the Commission will instruct them to investigate any current unresolved complaints, the actual report will be submitted to the Chair of the Commission, who will then distribute it to the rest of the Commissioners. There was no discussion. On Motion duly made (Lara) and supported (Worthams), the Motion was approved. *Motion carried unanimously.*

MOTION: With regards to a legal matter related to Dynamic Character legislation, I move that the Commission directs the Michigan Department of Civil Rights Staff to work with the Governor's Office as well as the Secretary of State's Office to help us resolve any outstanding issues with implementation of this legislation. There was no discussion. On Motion duly made (Lara) and supported (Worthams), the Motion was approved. *Motion carried unanimously.*

MOTION: With regards to the Executive Director's annual performance evaluation, based upon the priorities of the 2021-2022 Fiscal Year, we asked the Executive Director to provide feedback on all the particular items that were the priorities that the Commission established. And based on his performance, we are recommending commensurate with the salary increase of 5% to the rest of the Department for the Director to receive a salary increase of 5%, along with a lump sum bonus of 5%, which is also commensurate with what the rest of the Department received this past fiscal year. There was no discussion. On Motion duly made (Lara) and supported (Worthams), the salary increase and lump sum bonus for the Executive Director's annual performance evaluation was Approved. *Motion carried unanimously.*

COMMISSIONER CLOSING COMMENTS

Chair Roberson presented Commissioner Gasco-Bentley with a service award, as her term expires December 31, 2022. Commissioner Gasco-Bentley gave brief remarks.

Commissioner Worthams provided brief remarks, acknowledging returning to Traverse City citing personal and professional experiences. Also encouraged any Commissioners who are interested in serving as officers to reach out to anyone on the Nominating Committee.

Commissioner Lara congratulated Commissioner Gasco-Bentley on being honored, and spoke on her thoughts regarding the Council meeting incident in Los Angeles.

Commissioner Londo thanked Governor Whitmer, the Commission and the Staff for making him feel welcome, looking forward to returning to his hometown of Marquette for the Commission meeting in July 2023, and indicated that he is the first out LGTBQ member of the Commission, and provided words of encouragement to the Youth and members of the LGBTQ Community that “it can and it does get better”.

ADJOURNMENT

Chair Roberson brought the following Motion:

MOTION: Move to Adjourn. There was no discussion. **On Motion duly made (Worthams) and supported (Londo), the meeting of the Michigan Civil Rights Commission Adjourned at 1:27 P.M.** *Motion carried unanimously.*

The next meeting of the Michigan Civil Rights Commission is scheduled for Monday, January 23, 2023 in Detroit, and will convene at a time and location to be determined.

MINUTES WILL BE SUBMITTED FOR APPROVAL AT THE JANUARY 23, 2023 MEETING.

Minutes were approved at the January 23, 2023 Meeting.