

MICHIGAN CIVIL RIGHTS COMMISSION SPECIAL MEETING

Monday, March 9, 2020 ~ 6:00 P.M.
MDCR Detroit Office, Cadillac Place Building
3054 W Grand Blvd, Suite L-350
Detroit, MI 48202

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 Ira Combs, Jr.
Commissioner Zenna Elhasan
Commissioner Regina Gasco-Bentley
Commissioner Denise Grim
Commissioner Portia Roberson

CALL TO ORDER / ROLL CALL

The meeting of the Michigan Civil Rights Commission was called to order by Chair Clayton at 6:01 P.M. Roll Call of the Commissioners was taken to determine a quorum. Commissioner Combs, Commissioner Gasco-Bentley, Commissioner Grim, Commissioner Kopack, Commissioner Sakwa, Commissioner Elhasan, Commissioner Roberson, Commissioner Clayton. With 8 of 8 Commissioners present, quorum requirements were met.

APPROVAL OF MEETING AGENDA

MOTION: Move to Approve the Meeting Agenda as submitted.
Motion was duly made (Sakwa) and supported (Combs), followed by new discussion.

MOTION: Move to Amend the Meeting Agenda to include new Item III (a), Attorney General Opinion regarding boards and committees pursuant to the Michigan statute, and also to include his opinion as part of the record.
On Motion duly made (Kopack) and supported (Combs), the Meeting Agenda was Amended to add Item III (a) to the Agenda. Motion carried unanimously.

MOTION: Move to address an e-mail communication sent earlier to the Commission, for discussion prior to the interviews to include new Item III (b).
On Motion duly made (Roberson) and supported (Grim), the Meeting Agenda was Amended to add Item III (b) to the Agenda. Motion carried unanimously.

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APPROVAL OF FEBRUARY 29, 2020 MEETING MINUTES

MOTION: Move to Approve the Minutes as submitted.

Motion duly made (Combs) and supported (Grim), followed by new discussion.

MOTION: Move to Amend the Minutes by adding that the meeting was audio recorded, and the Minutes are a summary and not reflective of all dialogue that took place.

On Motion duly made (Elhasan) and supported (Combs), the Amendment to the Minutes was approved. Motion carried unanimously.

ATTORNEY GENERAL REPORT, Ron Robinson

At the last meeting, AAG Robinson was asked to provide an informal legal opinion at the division level as to whether the board activities of either finalist for the executive director position with the Michigan Department of Civil Rights would represent a conflict of interest in their role as executive director. Mr. Robinson provided the report to the Commission. He stated that Michigan Compiled Law 16.108(b) specifically provides that directors of departments shall not engage in any other business, vocation, or employment other than their office. Further, Attorney General opinion 4479(a) supports that view.

With regards to the candidates, Harvey Hollins currently sits on two boards, the Health Alliance Plan, and the Detroit Local Initiative Support Corporation. Both are non-profit and uncompensated. Conrad Mallett currently sits on two boards, he is a member of the board of directors for Lear Corporation, a private for-profit corporation, and his participation on this board is compensated. He indicated previously that he would assume responsibility as chair of the Detroit Economic Growth Corporation later this month. The DEGC is a private non-profit corporation, and Mr. Mallett's participation on the board is uncompensated. Both candidates indicated willingness to recuse themselves from their respective boards, should they be selected as executive director of MDCR.

The Commission followed with discussion, no action took place. AAG Robinson was asked to find out if there are any additional conflicts regarding compensation or reimbursement for travel expenses.

MARCH 9, 2020 E-MAIL COMMUNICATION, Commissioner Roberson

Commissioner Roberson read and explained the e-mail she sent to the Commission earlier in the day. The Commission followed with discussion, the following action(s) took place:

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MOTION: Move to interview two finalists, make final decision at the March 23, 2020 Commission meeting.

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

Roll Call Vote:

Yea: Combs, Grim, Elhasan, Roberson

Nay: Gasco-Bentley, Kopack, Sakwa, Clayton

PUBLIC COMMENT

Nabih Ayad - Former Michigan Civil Rights Commissioner Nabih Ayad voiced concerns regarding the choice of finalists for the executive director position, and strongly encouraged the Commission to reconsider before making a final decision based on reasons brought forth during his testimony.

Cynthia Thornton - Michigan Civil Rights Department employee and union steward brought concerns regarding the choice of finalists for the executive director position, as well as the transparency of the process, lack of communication with staff, and the need for staff input due to high turnover rate for the executive director position.

INTERVIEWS FOR MDCR EXECUTIVE DIRECTOR

CANDIDATE #1: Conrad Mallett, Jr.

CANDIDATE #2: Harvey Hollins, III

Both candidates submitted to the Commission a written proposal addressing how each would restore the reputation of the Michigan Civil Rights Department, increase awareness of services offered, and what role the MDCR plays in community engagement and support. During the interviews both candidates agreed to step down from their respective boards when the Commission decides; in accordance with MCL 16.108(b).

COMMISSION DELIBERATIONS (3:01:07)

MOTION: Move to extend the voting time until the next meeting on March 23, 2020 meeting, giving us enough time to do our due diligence as requested by one of our candidates and requesting as a Commissioner. Reasons cited: 1) Concern regarding the lateness of the hour; 2) Commissioner Roberson was made aware that only a few MDCR Staff participated in a survey regarding feelings about the departure of the former executive director, others feared retaliation and did not participate; 3) Commissioner Roberson was made aware that MDCR Staff only learned of the names

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of the executive director candidates during the interviews on February 29, 2020 and not prior to the interviews; 4) Commissioner Roberson brought concerns regarding the Commission asking the candidates' willingness to step down from their boards, she believes the Commission is doing a disservice by not having a defined timeline in which they will need to resign from those boards, as both candidates indicated in their responses "when the Commission decides"; 5) Concerns regarding salary negotiations and the ability to stay within the proposed range. 6) Commissioner Elhasan also indicated that during Mr. Hollins interview, he encouraged the Commission to do some additional due diligence with regards to the investigation by the Solicitor General; she encourages the Commission to take the time to honor this request.

AMENDED MOTION: Move to reconsider the previous Motion.

Following discussion, additional reasons were cited to extend the voting time: 1) For AAG Ron Robinson to go back and look at whether or not there are any additional conflicts that we are unaware of; we know that there's state law that bars participation on compensated boards. 2) A decision of the Commission to determine when we expect someone to resign from their board posts if they are selected as the executive director. 3) Mr. Hollins' request for the Commission to go back and do due diligence as to whether or not he is a target of the Solicitor General's investigation into the Flint Water Crisis; 4) Question regarding references with Human Resources. 5) Develop a mechanism for employees to share their thoughts about the final candidates and the search process with the Commission; an e-mail inbox was suggested, anonymity is a concern.

Discussion

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

Roll Call Vote

Yea: Gasco-Bentley, Grim, Elhasan, Roberson

Nay: Combs, Kopack, Sakwa, Clayton

MOTION: Move to vote for the executive director tonight under the following criteria: 1) If the candidate accepts the position, the candidate must simultaneously step down from their board post on the day they sign their contract; 2) Human Resources must meet with the candidate within two weeks to negotiate salary and reach compensation; 3) MDCR Staff weigh-in will not be considered by the Commission.

On Motion duly made (Sakwa) and supported (Combs), the Commission's vote was 3-5. *Motion failed.*

Discussion (Statements indicated below were specifically for the record.)

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Commissioner Roberson indicated that she is beyond troubled at the pace in which the Commission is flying through this process without any consideration about input from MDCR Staff.

Commissioner Combs indicated that the work of the special advisor to the Commission has been noteworthy, as well as the work of the racial equity officer to survey the MDCR Staff on their input regarding the new executive director. Any further delays deprive the Department of permanent leadership, and puts the solidification and unification of the Department at risk as well as the future of the Department; he believes it is appropriate to move forward with the vote for executive director at this time.

Commissioner Sakwa indicated this process has been ongoing since August 2019, and for the employees who have not had the benefit of attending the hearings, it is unfortunate. He believes it is appropriate to move forward with the vote for executive director at this time.

Commissioner Elhasan indicated that there is no reason for a Motion to vote, as the Commission voted on the Agenda earlier during the meeting.

Roll Call Vote

Yea: Combs, Sakwa, Kopack

Nay: Gasco-Bentley, Grim, Roberson, Elhasan, Clayton

MOTION: Move to reconsider (Amend) the Agenda to remove Agenda Item #VI (6) and postpone the vote for executive director until the March 23rd meeting with the five issues that were detailed and expressed in a previous motion be satisfied before the March 23rd date.

On Motion duly made (Roberson) and supported (Elhasan), the Agenda was Amended. Motion carried with majority vote of 5-3.

Roll Call Vote

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

Nay: Combs, Kopack, Sakwa

ADJOURNMENT

MOTION: Move to Adjourn.

On Motion duly made (Roberson) supported (Sakwa), the meeting of the Michigan Civil Rights Commission Adjourned at 9:55 P.M. Motion carried unanimously.

The next regular meeting of the Michigan Civil Rights Commission is March 23, 2020 in Grand Rapids.

MINUTES APPROVED AT JUNE 15, 2020 SPECIAL MEETING.

NOTE: MARCH 23, 2020 REGULAR MEETING WAS CANCELLED DUE TO COVID-19 PANDEMIC.