



APPROVED

**CITY OF YPSILANTI
HUMAN RELATIONS COMMISSION AGENDA
REGULAR MEETING
MONDAY, NOVEMBER 28, 2016
7:00 P.M.
CITY COUNCIL CHAMBERS**

I. CALL TO ORDER

Then meeting was called to order at 7:11 p.m.

II. ROLL CALL

Krista Nordberg	Present
Jennifer Symanns	Present
Theresa Saunders	Absent
John Shuler	Present
Tanasia Morton	Present
Sammy Jones-Darling	Present
Amber Fellows	Present

II. AGENDA APPROVAL

Commissioner Morton moved, seconded by Commission Jones-Darling to approve the agenda as submitted.

On a voice vote, the motion carried, and the agenda was approved as submitted.

IV. APPROVAL OF MINUTES

– August 22, 2016

Commissioner Jones-Darling moved, seconded by Commissioner Nordberg to approve the minutes.

On a voice vote, the motion carried, and the minutes were approved as submitted.

– October 24, 2016

Commissioner Symanns moved, seconded by Commissioner Nordberg to approve the minutes.

Clerk Hellenga brought an issue with the minutes to the attention of the Commission.

On a voice vote, the motion carried, and the minutes were approved as amended.

V. AUDIENCE PARTICIPATION/COMMISSION RESPONSE

None

VI. DISCUSSION ITEMS

- Discrimination Ordinance.
- Definition of Immigration Status.

Commissioner Nordberg stated she believes the definition of immigration status should be left broad. She said in the statutes she has read researched this is the practice that is followed. She stated the term "national origin" is sufficient in the definition of immigration status. She explained this definition precludes discrimination against people for which they originate. Commissioner Shuler asked if national origin is already included in the ordinance. Ms. Nordberg responded in the affirmative.

Commissioner Fellows stated there are instances that have an importance to be highlighted. Ms. Fellows explained national origin could be an individual that naturalized in the United States and became a citizen. Ms. Fellows added an undocumented immigrant might be viewed as different. Ms. Nordberg responded how an undocumented immigrant is different than a documented immigrant. Ms. Fellows responded the two have different immigration statuses. Ms. Nordberg replied they are not different in the fact they cannot be discriminated against on the basis of their national origin.

Commissioner Shuler stated couldn't an argument be made that an individual did not discriminate against a person because of their national origin, but because they are an undocumented immigrant. Commissioner Jones-Darling stated he would note that the Elliot Larsen's Civil Rights Act defines national origin as including the national origin of an ancestor. Mr. Jones-Darling clarified this act forbids discrimination based on where the ancestors came from, which would include a person's immigration status. Mr. Jones-Darling stated however when considering employment barriers would be created when considering federal law. Ms. Nordberg stated undocumented workers still have the ability to sue for worker's comp, lost wages, etc... Commissioner Fellows responded it is more difficult for an undocumented worker to sue. Ms. Nordberg agreed, and clarified it is more difficult because there is a fear of coming forward for undocumented people.

Commissioner Shuler stated a perspective employer can still not hire a person because they are undocumented. Commissioner Nordberg responded an employer cannot legally hire an undocumented worker. Mr. Commissioner replied in the affirmative. Ms. Nordberg responded if a person does employ an undocumented worker it is illegal to withhold their wages because they are undocumented. Mr. Shuler stated Commissioner Jones-Darling's argument was that an employer cannot employ an undocumented worker because that is what the law says. Ms. Nordberg agreed. Commissioner Jones-Darling stated the mechanisms already exist in employment law whether they are enacted by a municipal body to protect them because this country's laws protect an individual even if they are undocumented. Mr. Jones-Darling explained the issue is if those individuals are willing to come forward. Mr. Jones-Darling added

there is nothing this Commission can do to stop an employer from refusing to hire an undocumented worker.

Commissioner Shuler said a person could chose to discriminate against a person who is undocumented. Commissioner Nordberg asked how an employer would know a person's immigration status. Mr. Shuler responded he isn't certain. Ms. Nordberg stated what is about "immigration status" that provides greater protection than "national origin". Mr. Shuler stated if a person is aware of a person immigration status they would have the ability to discriminate based on employment. Commissioner Symanns stated it is illegal to employ people who are not authorized to work in this country. Ms. Symanns stated national origin is broad and would cover a number of aspects of this issue. Ms. Symanns suggested adding immigration status to the ordinance and suggested the City Attorney provide some case law research.

Commissioner Shuler stated he has been thinking about possible definitions for immigration status. Commissioner Nordberg interjected if it is defined the definition should include undocumented people, which might cause problems. Mr. Shuler agreed. Commissioner Symanns stated it might be best for the City Attorney to work through the definition of immigration status. Ms. Nordberg stated every definition she has seen includes a long inclusive list of possible peoples with an immigration status. Mr. Shuler suggested the definition of immigration status be "a US citizen, or a non-citizen, either documented or undocumented. Ms. Symanns responded that possible would work however she advised the City Attorney should examine this possibility.

Commissioner Symanns suggested immigration status be added to the ordinance. Commissioner Nordberg agreed and said the point is to protect all people in the City. Ms. Symanns stated there will be serious limits of what can be done to a person working in this City who is undocumented because of federal law.

Commissioner Jones-Darling stated he believes at this point the Commission is just spinning its wheels. Mr. Jones-Darling stated proposed ordinance language is complete, which was done at the August meeting. Mr. Jones-Darling stated there are things that need to be sent to the City Attorney and the Commission does not meet until January and the Commission should vote and move it forward to Council for approval. Mr. Jones-Darling stated dependent on the Attorney's opinion "immigration status" can be added later. Commissioner Shuler responded he believes this can be completed tonight with "immigration status" is included. The Commission agreed.

Commissioner Jones-Darling moved, seconded by Commissioner Nordberg, to include the words "immigration status" be added after the comma following "national origin" in the City's Non-Discrimination Ordinance.

Commissioner Shuler asked if the definition of "immigration status" should be added to the ordinance. Commissioner Jones-Darling responded no. Commissioner Symanns asked if every other term in the ordinance has a definition included. Mr. Jones-Darling responded not every term includes a definition. Ms. Symanns stated she personally does not believe this term requires a definition. Ms. Symanns added the arena that could cause a problem is in terms of employment but that should be left to the attorneys. Mr. Shuler stated he assumes the City Attorney would not see an issue with including "immigration status" because the City cannot

write an ordinance that supersedes State or Federal Law. Ms. Symanns replied even if a person has undocumented status they still have rights in this country.

Commissioner Jones-Darling moved to call to question on the amendment.

On a voice vote, the motion carried, and the amendment was approved.

Commissioner Jones-Darling moved, seconded by Commissioner Symanns, to approve the amendment to the current ordinance, including the amendments discussed on August 22, 2016 in full and that the amendment be forwarded to City Council for approval.

Commissioner Morton asked if the Commission decided to remove the definition of "minority" from the ordinance. Commissioner Jones-Darling added the Commission decided to remove the definition because it had no context within the ordinance.

Commissioner Morton asked if the Commission had decided to keep under sexual orientation "shall mean emotional, romantic, or sexual attraction, or the absence of thereof, to people". Commissioner Jones-Darling responded in the affirmative.

Commissioner Shuler asked if Commissioner Jones-Darling would be able to write a summary of the proposed changes to the ordinance. Commissioner Jones-Darling responded in the affirmative, and added he would be present at the Council meeting to field any questions.

On a voice vote, the motion carried, and the amendments to the Non-Discrimination Ordinance were approved.

— Proposed Human Relations Commission topics for 2017.

Commissioner Morton asked when a person is arrested is they made aware of the Police Complaint form. Commissioner Shuler responded not as a basis of arrest but if the individual has complaints of the arrest they are directed to the complaint form.

Commissioner Fellows stated she is interested in examining the membership of this committee, the possibility of adding youth members. Commissioner Nordberg responded the Commission vetted the possibility, and was informed that a state law prohibited non-qualified electors to vote. Commissioner Shuler stated the Commission could still address having youth membership on the Commission. Ms. Nordberg asked if there was anything specific the Commission would need to do to allow youth membership on the Commission. Clerk Hellenga responded he does not believe there is anything in the Charter prohibiting youth membership but it is listed as a nine member Commission. Mr. Shuler said in the ordinance there is nothing specifically limiting having non-voting youth members.

Commissioner Jones-Darling stated per Roberts Rules the Commission could allow an individual the right to speak during a meeting. Commissioner Nordberg responded that would be strange to have someone seated with the Commission and needing to give them permission to speak. Commissioner Shuler stated the process of needing to submit an application to the Mayor. Mr.

Jones-Darling asked how youth membership is positioned in the other Commissions that allow them. Clerk Hellenga replied it is in the resolution establishing that Board or Commission. Commissioner Fellows asked if there is a designation for non-voting members. Mr. Hellenga stated there is not an ordinance creating each city Board or Commission so the ordinance governing this Commission would require an amendment. There could be a resolution from this body requesting Council amend the ordinance to allow for two non-voting members.

Commissioner Shuler asked for that to be added to the January agenda. Commissioner Nordberg asked if there is community youth interested in sitting on this Commission. Commissioner responded in the affirmative. Mr. Shuler added an audience member from the September meeting informed the Commission they knew of two possible minors who would be interested, but not having voting ability might discourage them from applying. Ms. Fellows said at that meeting the audience discussed Grand Rapids having youth membership with the ability to vote. Commissioner Jones-Darling confirmed Commissioner Fellow's statement, and said he would contact Grand Rapid's Mayor to see how they navigated around State Law.

Commissioner Jones-Darling asked for an update on the Community-Policing Joint Task Force. Commissioner Shuler responded during the November 21st meeting a quorum was not present, however, the sub-committee provided its recommendation to create a Citizen Review/Advisory Board. Mr. Jones Darling asked if the report of the sub-committee to forward to Council a recommendation to create a Citizen Review/Advisory Board. Mr. Shuler responded in the affirmative. Mr. Jones-Darling asked when the Commission will meet again. Mr. Shuler responded the second Monday in December. Mr. Jones-Darling voiced a growing concern from the public resulting from the time this has taken, and in multiple meetings constituents commented that desire for this Board.

Commissioner Nordberg asked if a person would need to file a complaint in order for it to be heard by the Review Board. Commissioner Jones-Darling responded in the affirmative. Ms. Nordberg asked if there had been a complaint filed. Mr. Jones-Darling stated he was simply stating it is a concern that has been expressed to him. Commissioner Shuler asked if those individuals have filed a complaint and not had it addressed. Mr. Jones-Darling responded the fact there is no oversight is an obstacle for those that wish to file a complaint. Commissioner Morton asked if a complaint had been submitted that was not handled properly. Mr. Jones-Darling responded the question is what happens when people complain, the question is where the complaints go once they were submitted. Ms. Morton asked if there were complaints. Mr. Jones-Darling responded to his knowledge no. Commissioner Symanns stated there have been no complaints that could have been hindered. Mr. Jones-Darling asked how many complaints the Police Department has received since the Commission last met. Clerk Hellenga responded five complaints were received since the complaint form was put online, four of which were outside this jurisdiction and one was made in error.

Commissioner Jones-Darling asked if there was a complaint where would that complaint be filed. Commissioner Symanns responded there is a policy in place. Mr. Jones-Darling stated there is a policy but there is not a review board. Ms. Symanns stated probably a majority of jurisdictions in this country do not have review boards for their police departments. Mr. Jones-Darling responded Ypsilanti is not a majority of jurisdictions. Commissioner Shuler stated a review board is not necessary for the complaint process to function, a review board would add a layer of trust to the community. Commissioner Fellows asked who currently answers

complaints. Mr. Shuler responded the complaint can be submitted to the police, City Attorney, City Manager, or the City Clerk. Ms. Symanns added if the complaint is criminal in nature it would be investigated by an agency outside of the City.

Commissioner Jones-Darling stated he is originally from a jurisdiction that has a review board and in that system Internal Affairs submits a report to the review board for another layer of investigation.

Commissioner Symanns stated the sub-committee and the Task Force are making progress towards the formation of a review board. Ms. Symanns said Ypsilanti is a progressive community and this municipality wants to do the right thing for its citizens but the right combination for the City needs to be examined. Commissioner Fellows asked what the barrier would be in creating a review board. Ms. Symanns responded there are several barriers but there is not opposition at this level, however, the best structure for this community is being examined.

Commissioner Jones-Darling stated his concern is at what point does being thoughtful become delaying a process. Commissioner Shuler responded he thinks progress has been made during each meeting.

Commissioner Shuler stated the other recommendation of the sub-committee was once the review board is created the Task Force would dissolve and the review board would resume its function.

Commissioner Jones-Darling asked what the recommended structure of the review board was. Commissioner Shuler responded a nine member board with two members of each ward and three at large members. Mr. Shuler added the board had three major roles with one being review complaints and police malfeasance. Mr. Shuler said the members of the review board would first be required to attend the citizen police academy.

VII. AUDIENCE PARTICIPATION/COMMISSION RESPONSE

None

VIII. PROPOSED BUSINESS

None

VIV. NEXT MEETING DATE

— January 23, 2017

X. ADJOURNMENT

Commission Jones-Darling moved, Commissioner Morton seconded to adjourn the meeting.

On a voice vote, the motion carried and the meeting adjourned at 8:14 p.m.