

Mayor's Commission on Human Rights and Community Relations

September 20, 2017

The Mayor's Commission on Human Rights and Community Relations met in regular session September 20, 2017 in the Busch Building First Floor Conference Room. The meeting was called to order by Todd Thomas.

Present	Larry Dinges, Heather Hardinger, Pamela Hernandez, Christina Ryder, Carlye Wannemacher, Bob Roberts, and Todd Thomas.
Absent	Angela Myers and Brittany O'Brien.
Staff	Bob Atchley, Planning and Development; Brendan Griesemer, Planning and Development, Nicholas Woodman, Law; Kris Wright, City Clerk's Office.
Guests	Tim Havens, Eric Wood, Katie Webb, and Isabelle Walker.
Approval of Minutes	Pamela Hernandez moved to approve the minutes from the July 19, 2017 Commission meeting. Christina Ryder seconded the motion and the minutes were approved unanimously.

Pamela Hernandez moved to approve the minutes from the July 26, 2017 Special Commission meeting. Heather Hardinger seconded the motion and the minutes were approved unanimously.

PUBLIC COMMENT

Public Comment	Chairman Todd Thomas stated each speaker's public comments will be limited to five minutes.
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Mr. Tim Havens addressed the Mayor's Commission on Human Rights and Community Relations (MCHCR) and read a statement until his five-minute time limit expired. The Commission read the remainder of his statement privately, which is attached as Exhibit A.

Christina Ryder asked Mr. Havens if he wants the Mayors Commission on Human Rights and Community Relations (MCHCR) to prepare a response to Mayor McClure requesting additional information on the Alberto Estrada Case. Mr. Havens responded in the affirmative. He expressed his opinion Mayor McClure did not provide an appropriate response or answer any questions included in the MCHCR's letter to Mayor McClure and presented at the August 7, 2017 City Council Meeting.

Heather Hardinger expressed her opinion another letter should be sent to Mayor McClure as she does not feel he sufficiently answered the questions in the original letter.

Pamela Hernandez expressed her opinion any further action on the Alberto Estrada case needs to be carefully planned as Corporal Estrada still works for the City of Springfield. She expressed her opinion the Commission does not want to make his job harder and the Alberto Estrada discrimination issue may be better served within the Missouri Human Rights Commission.

Todd Thomas expressed his opinion Mayor McClure provided a response, and while it may not have answered all the questions raised in the MCHCR's letter, it was a response from Mayor McClure. Mr. Thomas noted the Commission cannot hear statements about a complaint directly against the City of Springfield.

Heather Hardinger expressed her opinion the Alberto Estrada case should be forwarded to the Missouri Commission on Human Rights and City Leadership should participate in additional unconscious bias training to prevent future discrimination.

Pamela Hernandez expressed her opinion development of bias and anti-discrimination training can be incorporated into the Strategic Plan, which is currently being developed.

Christina Ryder expressed her opinion the Commission cannot forward a discrimination case on behalf of Alberto Estrada to the Missouri Commission on Human Rights, because Corporal Estrada has not made a request of the MCHCR.

Ms. Katie Webb addressed the Mayor's Commission on Human Rights and Community Relations. She expressed her opinion the Mayor's Commission on Human Rights should identify acts of discrimination and escalate them to the state level if necessary. Ms. Webb expressed her opinion the City of Springfield does not have hiring or non-discrimination policies.

Heather Hardinger asked for clarification on the City of Springfield's hiring and discrimination policies. Nick Woodman, Assistant City Attorney, responded he will provide the City's non-discrimination policy to the MCHCR.

Ms. Webb asked what human rights issues the MCHCR currently focusing on. Pamela Hernandez responded the MCHCR has a defined scope of authority and the current focus is the development of a Strategic Plan to help the Commission move forward. She expressed her opinion the recent community listening session provided valuable information for developing the Strategic Plan. Christina Ryder stated the Strategic Plan has been broken down into five categories and will continue to be developed with goals and activities within each category.

Ms. Webb asked for the timeline to finalize the Strategic Plan. Todd Thomas responded the Strategic Plan continues to be a priority for the MCHCR and is in development.

Ms. Isabel Walker addressed the Mayors Commission on Human Rights and Community Relations. She stated the recent passage of Senate Bill 43 limits the discrimination lawsuits and expressed her opinion Senate Bill 43 is negatively impacting businesses in the St. Louis area.

Mr. Eric Webb addressed the Mayor's Commission on Human Rights and Community Relations and asked what is being done to recruit new members to the MCHCR. He expressed his opinion the Commission lacks diversity by not recruiting new members from all areas within Springfield. Mr. Wood also expressed his opinion a five-minute time limit for each speaker during public comments does not allow the public to adequately express their concerns.

Todd Thomas declared the public comment period closed.

The following was discussed under Unfinished Business

Promotional Items

Todd Thomas noted the supply of promotional items is running low and the members of the Commission discussed items to be ordered, including pens, Frisbees and notepads. Christina Ryder asked for clarification on the amount of the previous order. Brendan Griesmer, Planning and Development Department, responded this will be provided to the MCHCR. Pamela Hernandez offered to prepare a promotional items order for review and approval at the next MCHCR Meeting.

NAACP Freedom Banquet	Todd Thomas noted the NAACP Freedom Banquet will be held on Saturday, October 21, 2017. He stated the black-tie event will feature a national speaker and separate levels of event sponsorship are available. Heather Hardinger moved the MCHCR purchase a one-fourth page advertisement and table for the banquet. Christina Ryder seconded the motion and it was approved unanimously.
Outreach Brochure	Todd Thomas presented the final draft of the Outreach Brochure, with recommended revisions from the Law Department. Nick Woodman, Assistant City Attorney, provided clarification on the edits made to the brochure. Commission members reviewed and discussed the brochure in its entirety. Heather Hardinger moved to approve all changes in the brochure and have the final brochure draft emailed to all members of the Commission. Christina Ryder seconded the motion and it was approved unanimously.
Strategic Plan	Commission members discussed the Strategic Plan development. Heather Hardinger expressed her opinion a special MCHCR Session of two to three hours should be dedicated to Strategic Plan development. The Commission members discussed possible dates and locations for a subcommittee to develop the Strategic Plan for presentation to the MCHCR. The Santa Fe Room at the Library Station was reserved for Wednesday October 11, 2017 beginning at 3:30 PM for development of the Strategic Plan.
The following was discussed under New Business	
Community Partnership of the Ozarks	Todd Thomas noted the Community Partnership of the Ozarks Annual meeting is Monday, September 25, 2017 and stated he will be attending the event. He stated the Council of Churches Annual Dinner is Thursday, September 28, 2017 at 5:30 PM.
Other Business	Dee Ogilvie, Co-Founder and Co-Chair of the Southwest Missouri National Organization of Women, spoke about an event on October 14, 2017 at the Square from 4:00 PM to 7:00 PM. She stated supplies, such as shampoo, toothpaste, and hygiene products will be collected and donated to Harmony House. Ms. Ogilvie asked for an endorsement by the MCHCR and asked for members of the Commission to attend the event.
	Pamela Hernandez asked if each MCHCR Agenda can be posted on social media. Nick Woodman responded in the affirmative.
	The newest Commission Member, Bob Roberts, introduced himself and stated he is a retired Postmaster, who entered the ministry after his retirement.
Adjourn	With no further business to come before the Commission, Bob Roberts moved to adjourn the meeting. The motion was seconded by Christina Ryder and the motion to adjourn was approved unanimously. The meeting adjourned at approximately 7:15 PM

Prepared by
Kris Wright

09/20/17

Congratulations on the way you met, and produced the questions for the City Council. Thanks to Todd for his presentation to Council. You all did a wonderful job!

However, the Mayor in his public response to answer your inquiry, may have avoided the issues that you were asking him to answer.

First let's look at the questions and explanations you ask for:

1 You wanted light shed on why the City was charged with, and found to have discriminated? What is the City's position on the Corporal Alberto Estrada discrimination case? Has the City changed any policy to limit discrimination in promotion of employees, police officers? What are those changes? What has the City and Police Department done to promote hiring practices that will lead to a more diverse force?

2 You wanted to know why there was such a lack of communication or, silence, by the City to inform the public of the Estrada discrimination case? You suggested that this was a major factor of concern by the citizens.

3 You wanted to know about the perception of lack of diversity on our civic boards and commissions? That these boards and commissions do not truly represent the diversity of Springfield?

These questions are what you took to heart, and deliberated about. You used up your limited time in their deliberation, before you requested an answer. You deserve no less than complete, true, and transparent answers. Although you asked your questions of the City Council, it is the Mayor who answered them. I am assuming that only the Mayor's voice is

① acceptable to your commission. I also assume, that this is the unanimous opinion of all the Council members, and that there was no dissent among the Council members, as none was expressed.

Let's look at the Mayor's answers and responses to see if you feel they are true, complete, transparent, and verifiable.

Question 1, Mayor's answer: How does the Mayor explain the Estrada case? The Mayor explains this as the city didn't discriminate, and quotes from a deposition in Estrada's own words. The Mayor says that Estrada was not promoted, solely because of his performance. The Mayor denies the jury and judge decision. The City has not changed, and does not plan any policy change because of this case. This is in both its hiring and promoting of employees policy. The Mayor recommends nothing different to do, than is already being done. The Mayor recommends no further investigation or study.

My Comment on question 1: The Mayor sites two quotes out of a four day trial, from a deposition, not a transcript, where the Mayor claims Estrada says "No" to two questions as if he Estrada ever heard, saw, or personally experienced the Chief of Police say or do anything racists. This is the basis for the Mayor's determination that there was no discrimination involved. Any expert in the employment discrimination field will tell you that in these types of cases, there is almost never anything like an overt quote or overt action. The experts will tell you that these cases are almost always cases of "disparate discrimination". Something the Mayor doesn't even address. As far as Estrada's job performance, the Mayor indicates it's a problem. However the Mayor sites no evidence, nothing about Estrada's performance in the four day trial. The Mayor tells us to check the transcripts ourselves. This is his effort for transparency. The problem is there is no transcript available to the public. Additionally, the depositions are

sealed. Even with special permission these depositions are 95% redacted (see sample).

Question 2, Mayor's answer: The Mayor said that, The City values the privacy of its employees. The City can't comment until the matter is resolved and no longer in litigation. "Now that it is resolved, we are at that point".

My comment on question 2: The issues of discrimination against our City are so important that the old excuse of, "We can't comment because the case is in litigation" won't work, especially when this case took over two years to decide. The City employs many lawyers. It would seem to me that they would be capable of crafting a statement to the public without prejudicing this case. Some questions are more important than the typical lawyer advice, to say nothing. Also, this case was over for eight weeks before the Mayor made his response. The Mayor, only then responded when prompted by this Committee. So what is the Mayor's answer? I guess it is that all the Cities silence is acceptable. The two years of silence and the eight weeks of no answer, and then if left up to the Mayor, no accounting ever. The Mayor seems to think the City did fine and no need for action, or change, or new policy.

Question 3, Mayor's answer: As to diversity of our City boards and commissions, the Mayor sites the status quo as adequate and successful, but a challenge.

My comments on question 3: There is much study and work to be done on this issue. To design a program of how we recruit. What we will ask on our applications. Should the applications be worded differently depending on what committee is involved? What is our interview procedure, do city council people really have the time to do the screening, should a separate group handle this and the interviews?

To get the most out of a bad situation, rather than be satisfied with vague answers and no recommended action, we must bring in an outside expert help to access our hiring and promoting policies and procedures. Outside help to design our applications and policies for how we choose our board members.

Finally, this Commission can make a big difference in our City. Your willingness to speak as a Commission directly to City Council is commendable. However without follow up the job is only half done.

This commission must make the council and the Mayor answer the questions that it spent it's time to comprise and put forth. The Mayor must not be allowed to say The City doesn't discriminate, when a jury says otherwise. We must hold the Mayor's feet to the fire and demand he study, and provide solutions. We need transparency!

Thank you,

Tim Havens