

# Topeka Human Relations Commission

Meeting Minutes

August 28, 2014

Commissioners met on August 28, 2014 at 5:30 p.m. for the September monthly meeting  
Holliday Building – Conference Room  
620 SE Madison Street  
Topeka, KS 66603

To request an ADA accommodation, please contact 368-3606 between the hours of 8:00 a.m. – 5:00 p.m. no later than 3 working days in advance of this meeting.

## **Mission Statement:**

*The mission of the Human Relations Commission is to conduct outreach and educational activities that promote justice and cultural understanding, and improve relationships among all citizens of the City of Topeka.*

Commissioners present:

Ms. Lorean Williams  
Ms. Margo Rangel  
Ms. Stephanie Mott  
Ms. Amy Cohen  
Ms. Darcella Goodman  
Mr. Mike Padilla

Commissioners absent:

Ms. Joyce Grigsby  
Mr. Bill Beachy  
Mr. Anthony Fadale

City Present:

Ms. Shawn Maisberger

## **I. Call to order – Commissioner**

Noting a quorum, Lorean Williams, Chair, called the meeting at order at 5:30 p.m.

## **II. Pledge of Allegiance followed by a Moment of Silence**

## **III. Approval of Agenda**

Amy made a motion to adopt the agenda; Margo seconded. No discussion. Motion carried

## **IV. Approval of Minutes**

Minutes from July 7 were presented. Margo noted grammatical changes were made to the July 7 minutes under Margo's comments. Margo made a motion to adopt the

minutes as amended; Stephanie seconded. No discussion. Motion carried. Minutes of August 4 were presented. Mike made a motion to adopt the minutes; Margo seconded. No further discussion. Motion carried.

## **V. Staff Report**

No report.

## **VI. Committee Reports**

- *Prejudice & Poverty Committee Update*

Stephanie reported that that they are unable to present to the city council in September so she would like to recommend setting up a second pilot program. Darcella agreed. She would like to involve individuals from the city. She asked Chad Sublet to participate – he agreed. They will see if it can be worked out. Commissioners Lorean and Amy agreed to participate. Mike will give Stephanie Angela Valdivia contact information to help involve students.

- *Troy Scroggins Award Committee Update*

The committee will work with Shawn get an announcement out this month for nominations for an outstanding organization. Close nomination on October 24. Stephanie talked with Ally about getting information, past winners, etc. in the Topeka Capital Journal. The committee can put together language to be read by the Mayor during the presentation. Lorean stated that Mike Bell is the person that brought the idea to the commission.

- *Town Hall Committee Meeting Update*

Margo recommended holding off until later to host a THM on the social justice program. Margo would like to discuss a THM on voter registration and believes that would be more beneficial and timely for the commission. Inquired if there were any other suggestions? Stephanie thought it would be great since it is timely and there is confusion about what is expected and would be important to get information out. The primary has already taken place for the November elections. So it would be better to have a THM before February primaries. She would like to discuss having one in October. It was mentioned Get out to vote message.

Lorean would like to know what is on the minds of the community; find out what we would need to do for providing education. What concerns them and what do they want to see from the commission? Lorean - Open up to information of what is on their minds THM. The city communications staff could help through a survey of what is concerning the community.

Mike - isn't there a number of surveys that the public has identified already that the commission could get information on. He doesn't know if it will actually tell us what they are inquiring. If it is out there we can get it - Mike will contact John Hunter to see what community information.

Margo plans to move forward on the Get Out and Vote THM in October.

Stephanie inquired about having the social justice for a THM in October instead of waiting until they can move ahead without the council presentation. Stephanie would like to get it out there and have a second pilot in September then have THM in October. Lorean would like to see and experience it before presenting to the council. Margo does not object but thought they had a plan and things can change but assumed that we were waiting for the council presentation.

December is not a good month for the THM. Stephanie agrees just wanted to have the discussion. If not in October then it could be done in February. January is fine to have THM. She plans to start the second pilot program. She is concerned about losing the momentum. She has no objection to doing something in October if it can be put together. Stephanie would like to get energy and momentum going at the same time to get it going. Shawn stated that the city manager would like a summary and then a meeting can be set up to discuss when there would be an opportunity to present to the city council. Stephanie stated that she believes that it can change discrimination in Topeka.

Presentation is approximately 10-15min and only the commission members can make the presentation. Mike inquired about inviting the city council to a special meeting of the commission like a breakfast or dinner for the presentation. They could just need to notice up the meeting and it would be open to the public. Then it could move forward. Amy inquired if council has to see the presentation prior to hosting a THM. No it is not necessary to wait. Stephanie wanted it to be another way to get the word out. There has not been good media coverage for the meetings and other programs. Mike said now it a good time with a new police chief and Ferguson going on would interest the media. Amy inquired if social justice is just about the program or in general. Lorean said it is not just this program. That is why she asked because of Michael Brown and that fit more under social justice. Stephanie believes it could include anything that fit into that category.

Mike would like to know if the commission is moving forward in September for a special meeting for the council. Looking at dates September 22 or 29 work best. Stephanie would like to check with Precious to see if she is available. It was recommended that 6pm. Stephanie will let Shawn know so that it can be reimbursed. Margo is unavailable sept 22.

## **VII. Old Business**

**Liaison city attorney** - Mike stated that he spoke with Chad Sublet the city attorney to provide his view points and firsthand experience with Lawrence.

Chad - he appreciates being here tonight and will be brief. It is his understanding that there is a desire to move forward for an investigation. He is not here to represent the council or the city manager. If something moves forward it would be a policy decision and the mayor and city manager would work to assist. He has some experience Elizabeth Foker. These cases take a lot of time and investment. There is a

1/4 of position in Lawrence dedicated to it but he verifies that it takes more than that. It takes more than 30 hours week. General cases you have a group of people in a housing case you have to interview everyone, if there is a mental health issue then you are interviewing social workers etc. If police are involved you are working with them. There is a lot of time involved on the front end and that is just the interview process and process the paperwork just for the investigation. In Lawrence there was not one case that was probable cause found. Finding probably cause for discrimination is very difficult due to the laws. There is someone with a disability being ejected - they may have to paid in 3 mos. you have to look factually - you have to review records to evaluate the cases. Then you have to have support staff and one thing that happens is that we conflict out of cases. Where you may have prosecuted a person and then they have filed a discrimination case. Then you have to hire someone outside the city to investigate. Then there is jurisdiction. Chapter 10 of Lawrence ordinance on discrimination- it gives you the right to issue subpoenas then who is going to enforce them? The statue enables the city to enact an investigative body. The categories don't include transgender and sexual orientation. The commission can order subpoena what does this body have to enforce. If under the Kansas Act for Discrimination - then go to district court and file a case and get the subpoena. You are bound by the state laws.

An ordinance is no good unless you can enforce it. In a year and a half found No probably cause - right now they had a few cases of probably cause but found conciliation. If we filed a lawsuit in district court - go thru process - landlord then conciliates. There are monetary awards but he has never seen it because you have to show damages. It is difficult. We can argue about the state of Kansas -duplicative efforts. What is the solution -to make them do a better job or take over the duties. The state is backed up and don't do it in a timely manner is always the statements. He has had positive experience with the turnaround time the city has had 5 cases and had them in their office in 3mos.

#### Questions

Mike - he has heard the argument and Chad shared his experience. He wanted to get the practicality of taken on that piece again. He is not speaking against or advocating just wanted to get information to the commission. He has personally filed a case locally and had no response but when filed it with the state it was found valid.

Margo - when she began in 2006 they had enforcement powers. She did not realize what was truly involved. They were not involved in the day-today activities and only saw the after with the file being completed. She can appreciate the length of time that was involved.

Loren - it is a process and when they got it the work was done. It does take a lot of work. She thought you only had so many days to close the case. Chad said that housing is 180 days outlined by the ordinance - but you can always get extensions and he was never refused an extension. It was a huge thing and at the state they were back logged then and now. They said it was a duplication of services but there was enough cases for both the local and state. She is not saying that HRC got the cases done quicker but it appeared that way. They just want to help people in the

best way they can. They are helping people now but sitting down and helping from the beginning to the end. Margo you want a deterrence to stop doing such behavior. Lorean - just want to make sure people are being represented and not Waiting for a whole year wanted to see that HRC is more than talk.

Amy - her work fulltime involves people with disabilities. It would be a conflict of interest for her if the commission took on investigative duties. But the commission only determined if there was probably cause.

Margo - stated that she could excuse yourself from the specific case if need be.

Stephanie - the currently ordinance that is in place includes sexual - are they not being enforced. Chad said that there have not been any cases that have gone to litigation and he doesn't know how they can litigate those cases in district court due to the law. Does KHRC move faster due to the city working with them? Chad said they are in the adverse sides of the complaint. There is no relationship between the two agencies. It is not a contractual relationship if the city receives funding from the federal government. What will happen in Lawrence when they do get a complaint if it involves sexual orientation? Municipal court is not for civil only criminal - there is no mechanism.

Thanked Chad for being here. Feel free to contact him for further questions.

**HUD Grant Application** - Stephanie after meeting with Doug Gerber Director of Administrative and Financial Services.

Margo made a motion to extend the meeting by 15 minutes. Mike seconded. Motion carried.

They were given the okay to prepare the application prior to the commission meeting and city staff. When completing the application realized that it was not possible to complete within the timeframe and it needed letters of support. She would like to get others involved to help with making the application. They would like to take steps in getting better prepared for future applications. She will prepare a report for the next meeting. Margo is in an agreement. It was dishearten - it flat lined her and she is ready to get recharged. She would like to see about having an actual committee and see if commissioners have experience to help with grant experience. We can do this and going forward can be ready.

Lorean - we didn't lose anything - we can enhance things and will be ready for applying for the next thing. It will give us more time to get it together and ready to apply. If you have anything let Stephanie and Margo. Margo appreciates Doug's time and meeting with him. And the time that the city requires for review grants and them offering to expedite as well as Jim Colson too.

## **VIII. New Business**

Reponses to Ferguson, MO - Amy she wanted to know if there was something that

the commission wanted to do or organize in response to the Ferguson -with Michael Brown. Shawn reported that Chief Kirk was exploring opportunities to engage the Topeka community and she would report information as it became available. The City would make sure to invite commissioners to any meetings.

Mike - had a video on walking in Oak Creek. Community came together - he would like to show the commissioners. Shawn can share with Chief Kirk. He would on the agenda for future review.

**IX. Public Comments**

None.

**X. Commissioner remarks**

None.

**XI. Adjournment**

Mike made a motion to adjourn the meeting. Darcella seconded. Motion carried. Commission meeting adjourned.

The next meeting will be October 6, 2014 at 5:30 p.m.

Respectfully submitted by Shawn Maisberger.