

HUMAN RIGHTS COMMISSION MINUTES

Approved: 4-25-17

The Human Rights Commission met on Tuesday, April 18, 2017 at 5:00 p.m. in the Multi-Purpose Room at the Kandiyohi County Historical Society.

Members present were: Shelly Huseby, Kristal Dahlager, Barbara Little, Marlin Breems, Jill Benson, Lynn Travaglio, Shawn Mueske, Fernando Alvarado and Janell Sommers, Recording Secretary.

Item No. 1 Call to Order

The meeting was called to order by Chair Shelly Huseby at 5:00 p.m.

Item No. 2 Approve Minutes of Meeting

Commission Member Breems moved to approve the Human Rights Commission minutes of March 21, 2017. Commission Member Travaglio seconded the motion, which carried.

Item No. 3 Public Comment

There were no public comments at this point in the meeting.

Item No 4 Other Business:

Chair Huseby announced that Commissioner Kevin Lindsey was in route and the Commission would move to Other Business on the agenda. A clarification of Member-at-Large was given as being one member of the Commission for the Executive Committee. Council Member Mueske nominated Barbara Little for the position of Member-at-Large. Council Member Breems seconded the nomination, which upon acceptance of the nomination by Commissioner Little, passed unanimously by the Commission. Chair Huseby brought forward the annual review of the Bylaws for discussion. There being no proposed revisions, the Bylaws stand as revised in May of 2016.

The Commission went over the questions that were posed to be asked of Commissioner Lindsey. It was felt the list was a good representation of the issues that have come before the Commission over the past year.

Commissioner Mueske informed the Commission that he had received an email from Jason Baskin as Chair of the Human Rights Commission in Austin, MN as they are beginning their Commission. Commissioner Mueske is planning to talk at their meeting on April 24th via Skype if any others are interested in joining him. They are very interested in what Willmar is doing as they have similar demographics.

An affiliate of the Wilmar Soccer Association spoke in support of the organization stating there are approximately 225 children ages 8 – 17 years involved in the program and it is a very diverse group. Discussion was held pertaining to the development of indoor soccer to expand the program.

The Commission touched briefly on how to break apart the issues of a sanctuary concept and a separation agreement with the Police Department and what statement can come from the Commission to the City Council to move forward. Commissioner Alvarado mentioned he had received comments from members of ISIAAH expressing they feel comfortable in Willmar and feel they are part of the community and we want our population to feel comfortable calling emergency services. It was noted the Commission can advocate for a position, but without legal counsel everything must go through the City Council. Comments were received from Nancy Chamberlain of the ISIAAH Group that at a recent meeting of Latino friends and neighbors she learned that 50% of the people are living in the shadows and that a lot of them are not in the City proper and as a group they feel a need not only to work with the City, but also the County Commissioners.

Item No. 5 Presentation - Human Rights Commissioner Kevin Lindsey:

Human Rights Commissioner Kevin Lindsey arrived at the meeting at 5:35 p.m. After a welcome and introductions he presented information relating to the activities of the Minnesota Department of Human Rights to include "Then and Now" showing the increase in activities in the department in the last five years. He touched on the duties of the Department of Human Rights which include: investigate discrimination, ensure equal opportunity exists on state contracts and thirdly to use education to eliminate discrimination. He overviewed new activities of the department that have developed between 2012 and 2016 and the efficiencies. Most cases investigated are disability discrimination cases and the most common subject category is employment-related discrimination. If their office is unable to resolve a dispute, it is then given to the Attorney General's office. Most cases, about 98%, do get resolved without going to the Attorney General's office. He gave his background prior to becoming Commissioner as an experienced attorney which helped him identify whether each case had merit. He reviewed statistics and challenges that will be increasing in our work force.

Commissioner Lindsey stated there are approximately 37-38 local Human Rights Commissions with the State of Minnesota. He reviewed the Civic Engagement Structure to have all the administrative agencies in the Governor's Cabinet be included in the process and make it reciprocal and authentic.

Chair Huseby explained the growth of Willmar's Human Rights Commission over the past year and the different groups that have come before the Commission. She explained that what the Commission desires is to know what our role is, what our boundaries are and explained things have come before the Commission since the new Presidential administration has taken affect. There is a group that has come before the Commission to request a recommendation for an ordinance or a policing agreement with the City of Willmar through the City Council.

Chair Huseby went through the questions presented by the Commission Members of Commissioner Lindsey in seeking direction on how to move forward. Commissioner Lindsey stated that in general the local Human Rights Commissions have no statutory relationship between the Minnesota Department of Human Rights and for example the Willmar Human Rights Commission. Members of local commissions cannot do investigations on his behalf and the local commission's power comes from its City.

Chair Huseby gave a couple examples of situations from individuals that have come before the Commission and questioned what is the power of the Commission and what recommendation the Commissioner would give in those particular situations? Commissioner Lindsey recommended contacting the St. Cloud Human Rights Commission office to investigate those particular incidents or the main office in St. Paul. The extent of the Commission's involvement and suggestions for educational opportunities were overviewed with the offer of reaching out to the Human Rights Office as a source. He was asked if without legal power the Human Rights Commission can support certain issues such as community policing agreements or sanctuary ordinances which are a current issue before the Commission. Commissioner Lindsey responded that most of these types of issues are to be determined by the local governing unit. He referred the Commissioner Members to "MDHR Enforcement Case Summaries" which contains cases with probably cause determinations.

Commission Member Breems expressed a great concern of the Commission is undocumented individuals being able to report violations or discrimination. Commissioner Lindsey stated his department does not share information with law enforcement entities. Unlike a criminal or civil complaint the Department of Human Rights can bring a case to the State as the Commissioner of Human Rights leaving the individual unidentified.

Commission Member Mueske stated the authority of the local Human Rights Commission given by the City of Willmar was to basically educate and advocate. Does this Commission have the authority to bring forward a claim on behalf of the individual? Commissioner Lindsey clarified in this situation to have it communicated as soon as possible to the Department of Human Rights or have them contact an attorney to

preserve their right because if you wait beyond a year from the act they could lose their claim. He stated cities can have different end results as long as it does not violate the State or Federal law.

Commissioner Lindsey was asked for his guidance as to if a City or County does not want their policing departments to be an extension of ICE would you have an opinion if they should have an agreement or enact an ordinance? Commissioner Lindsey's response was this is an open question as it relates to whether the Federal Government has the authority given the 10th Amendment to compel states or local units of government that their law enforcement officials have to carry out the duties of the Federal Government on immigration. What is the work of the State is the States, what is the work of the Federal Government is the Federal Governments, which is something that remains to be played out.

Commissioner Mueske asked if the protection still exists in the separation of the Federal Government and local units with policing jurisdiction. Commissioner Lindsey stated in investigating local law enforcement agencies to see if they are complying with the Human Rights Act and Federal they have found when individuals don't have guidance or training or clear direction their actions vary greatly they can tend to violate State of Federal law. As a taxpayer this would be a legitimate issue to bring up.

Commissioner Lindsey appreciated the opportunity to come before the Commission. Chair Huseby thanked him for his presentation before the Commission.

The next meeting date of the Commission will be next Tuesday, April 25th at 5:00 p.m. to review the materials received. A motion was made by Commission Member Mueske and seconded by Commission Member Alvarado to adjourn. The motion carried and the meeting was adjourned at 6:35 p.m.

Respectfully submitted,

Janell Sommers
Recording Secretary