

**Human Right Commission
March 3, 2009 Meeting Minutes**

Members Present: Mary Bixby, Glenn Glasgow, Negar Jackson, Jessica Spanglehour, Mark Thomas

Members Excused: Oona Paredes

Staff Present: Steve Hollis, Marie Glaze, Shawna Victor, Fred Boeckmann

Others Present: Bruce Alspaugh, Randy Cole, David Huddlestonsmith

- I. **Call to Order/Introductions:** The meeting was called to order at 7:01 p.m. by Acting Chair Thomas. Spanglehour introduced herself to the commission.
- II. **Approval of Agenda:** Bixby moved to approve the agenda. The motion was seconded by Glasgow and passed unanimously.
- III. **Approval of February 3, 2009 meeting minutes:** Glasgow moved to approve the February 3, 2009 meeting minutes. The motion was seconded by Bixby and passed unanimously.
- IV. **Scheduled Public Comment**

- A. **Bruce Alspaugh regarding the proposed ordinance amending Chapter 12 of the City Code to establish a domestic partnership registry:** Alspaugh said he has been working with a group to establish a domestic partnership registry for the city. There are 73 other cities that have such a registry.

Alspaugh said those wanting to sign up for the registry would be able to go to the Health Department and sign an affidavit. This would be kept on file at the Health Department and subject to open records laws. There is ongoing discussion about the filing fee. Boeckmann said he believes it will be \$25.

Alspaugh said the city offers domestic partnership benefits to its employees. There are other employers in Columbia that offer a similar domestic partnership benefits. He does not believe there is opposition to this draft ordinance. This ordinance would require that domestic partnerships be treated the same as married couples for purposes of access and family discounts to City-owned recreation facilities.

Alspaugh said they have conducted two public hearings and will conduct two more, March 11 and April 1. Both will be at 7:00 p.m. in the Friends Room at the Columbia Public Library.

Glasgow asked if the Mayor and Council are aware of this draft ordinance. Alspaugh said the group has been working with John Coffman, former Council member, who is an attorney for the ACLU. Boeckmann has also looked over the draft. They have also shown the draft to the mayor, Karl Skala, Jerry Wade, Barbara Hoppe, and all have expressed support for this draft ordinance. Paul Sturtz has said he would support the draft ordinance no matter what. Also, Barbara Hoppe's opponent, along with those candidates running for the 2nd Ward seat, has expressed support.

Boeckmann said he has reviewed this draft ordinance and sees no legal issues with the draft.

Hollis said this draft has been discussed at City Council. Council has asked this commission for their comments before Council considers this for a first reading.

Bixby asked how "City of Columbia" is defined. Hollis said his impression was that it would follow the city boundaries.

Boeckmann said there are no limitations. Alspaugh said Kansas City and St. Louis do not have boundary restrictions with their registry.

Jackson asked if someone from Ashland could then sign up for the registry. Hollis said this will need to be discussed further with the Health Department Director.

Bixby said she believes this is a good thing for the community but wants to make sure that everyone understands what Columbia means so no one is excluded.

Thomas asked Alspaugh if he would be the Human Rights Commission's representative to take their opinions to City Council. Hollis said the commission has been asked by council for their thoughts and opinions on this draft ordinance. Any communication regarding this would need to be sent directly from the commission.

Thomas opened the floor for public comment.

Cole said he believes the City does not care where someone lives if they are doing business inside the city limits. Boeckmann said the City does not limit those using the recreation facilities to those only living inside the city limits and that is what this ordinance is for.

David A. Huddlestonsmith said he had a medical issue and his partner would not have had the same rights if he hadn't signed a domestic partner registry. Also, for everyone that does sign up for this registry will receive information regarding living wills.

Cole asked if this is approved by Council will hospitals or doctors in town have the right to refuse visitation rights. Huddlestonsmith said he did not think they would have the right to refuse. He told a story of a couple in Florida where one had a massive stroke and the other partner was denied visitation rights but could make medical decisions from another room.

Boeckmann asked if Alspaugh has checked with the hospitals about this. Alspaugh said he has not but knows that Boone Hospital has a domestic partner benefits policy but does not know if they have domestic partner visitation policy for patients. Alspaugh discussed the Florida case. He is hoping to do educational outreach about this and visitation rights.

There was no further public comment. Thomas closed the public comment period.

V. New Business

A. Council request to review and provide feedback on the proposed ordinance amending Chapter 12 of the City Code to establish a domestic partnership registry: Thomas said Paredes was unable to attend the meeting but e-mailed comments to staff regarding this ordinance. Her comments are as follows:

"I am wholeheartedly in support of this amendment. While it does not give the marital status and the consequent legal rights that I believe are due to everyone regardless of sexual orientation, it is -- at least -- a practical provision that will give some sense of legal recognition for the time being, until the larger legal provisions are hammered out at the national level."

*"My only comment for the City Council is that this registry should be limited *ONLY* to those for whom legal marriage is currently unavailable. I don't want this law abused by heterosexuals who simply don't want to make the long-term commitment to marriage. They already have established rights. This registry should be limited to those who are denied those rights due to the prejudice and ignorance of others. I'm sure the employers who already offer benefits to domestic partners would also appreciate that."*

Boeckmann said the city does not discriminate between heterosexuals and homosexuals. He does not know how many people have signed up for the city's

benefit registry. Jackson said it might become a liability if it was to be limited to heterosexuals or homosexuals.

Alspaugh said the Kansas City ordinance is open to same sex and opposite sex couples however there is a restriction that neither partner can be married. This draft states the couple cannot be married to someone other than the domestic partner. This way a married opposite sex couple could be domestic partners.

Huddlestonsmith said this would also cover many retired couples who live together. They wanted this ordinance to include everyone that is in a committed relationship.

Thomas moved to send a letter of support of the proposed ordinance amending Chapter 12 of the City Code to establish a domestic partnership registry. The motion was seconded by Bixby and passed unanimously.

VI. Old Business

- A. Review of educational outreach efforts:** Glaze said she and Hollis had a meeting with staff from Missouri Commission on Human Rights (MCHR). They discussed possible collaborations with MCHR for trainings. Glaze would be building relationships with businesses in order to provide brief trainings regarding pertinent civil rights issues covered by the local ordinance. Hollis said the trainings would be tailored to each business' needs such as public accommodation training for certain businesses. Staff would also share information about state and federal laws.

Jackson asked if Glaze would like commission support at the trainings. Glaze said she would not reject any support. Hollis said he would not want to come across as pushy toward the businesses. A similar program was proposed several years ago but lost support at the Chamber as it was perceived as being too aggressive toward businesses.

Thomas asked if they also discussed training seminars. Hollis said they have discussed building an enterprise with the state but the state has a robust yet underutilized program. The state program is affordable. He would like for Glaze to go to the state to learn more about these programs and then be a local "salesperson" of these programs.

- B. Review of investigative process:** Glaze said the federal offices, EEOC and HUD, are very understaffed. She believes future dual filings should be directed as much as possible to the State MCHR as it is much easier to communicate with the state compared to the federal agencies. Hollis said other than issues investigated by the Department of Justice; the State can perform all investigations on behalf of federal agencies in the areas of housing and employment.

Hollis said he and Glaze had a meeting with Boeckmann and Rose Wibbenmeyer, City Prosecutor, to discuss the investigation process. One of the main topics of discussion was the re-opening of dually filed cases for which the state or federal agency found no probable cause. They discussed looking at the documents for the case from the other agency investigation in order to reduce duplication of efforts. It is relatively easy to obtain investigation documents from the state and more difficult from the federal agencies. He believes in the future, staff will encourage complainants to file with the state when possible.

They also discussed the complaint form with MCHR. MCHR believes the document is sufficient and meets their needs.

Hollis said the electronic database is up and working in a beta phase. Once the database goes live staff will add previous complaints to the database.

Jackson asked about the conversation with sexual orientation cases being forwarded

to the City Prosecutor's Office. Hollis said their general question was what will happen with sexual orientation cases if they are brought forward for prosecution. Wibbenmeyer discussed what she would need to accept the case for prosecution. City law staff will offer a training to educate City staff about what they need to collect and present in order for the prosecutor to accept a case.

Boeckmann said Environmental Health, Animal Control, and Protective Inspection are just a few of the city divisions that bring cases to the prosecutor.

Jackson asked if a case was strong enough, would the prosecutor be willing to accept the case. Hollis said he believes so. Wibbenmeyer is a former Human Rights Commissioner so she is aware of and supportive of the work of the commission.

- C. Utilizing additional FY2009 Human Rights Enhancement funding:** Thomas proposed issuing a RFP for teaching tolerance to youth. Cole said the commission had discussed possibly partnering with Parks and Rec or an existing program in the community.

Thomas asked what the time table would be for issuing a RFP. Hollis said they will need to issue the RFP as soon as possible as the funds will need to be encumbered by September 30, 2009.

Jackson asked if the commission could pick a group in town they want to work with. Boeckmann said the commission would have to have an open process but could let a local organization know about the RFP if they believe they have a program that would fit the guidelines.

Spanglehour asked if all original proposals were funded. Hollis said no.

Hollis noted he has spoken with Marie Hunter, Office of Cultural Affairs, and she has agreed to discuss the Cultural Affairs Commission's process for issuing quarterly RFPs.

Bixby asked about veterans rights. Boeckmann said veterans are not a protected class. Hollis said the Boone County Community Services Advisory Commission does fund Welcome Home, which is a local organization serving homeless veterans. He believes Columbia is a very veteran friendly community.

Jackson said she would be ok with issuing a RFP for a program for teaching tolerance to youth.

Hollis said if the commission does issue another RFP, they will have to change their calendar and will have to conduct a public hearing.

Cole asked if money is not spent then would the commission receive less money next year. Hollis said he didn't think so as this has occurred in the past and the funding has actually increased.

Cole said a few years ago there was extra money that was used for the alternate event when the National Socialist movement came to Columbia.

Hollis asked if the money could be used for some type of training. Boeckmann said staff would have the authority to do a budget revision to move the funds to the appropriate account. Hollis noted these funds are already in miscellaneous contractual.

Jackson said this money could be used to send Glaze to trainings at the state. Hollis wondered if the funding couldn't be utilized to offer free training to the community.

Thomas said the commission could give additional consideration to utilizing the funds for training. The commission agreed to discuss this issue in April.

- D. Commission FY2009-10 Plan or Work for Council:** Thomas said he drafted

answers for the commission's consideration. The commission discussed the following questions and answers:

1. What projects/issues do you expect your board or commission will work on for the balance of this fiscal year and the next fiscal year?

Pursue dialog with the Missouri Commission on Human Rights (MCHR) toward joint-sponsorship of human rights-related training seminars for local businesses. These fee-based workshops will promote an understanding of human rights law in Columbia, diversity education and best practices to achieve tolerance in the workplace.

Follow discussions pertaining to the Citizen's Review Board and request a Human Rights Commission presence on this Board.

Continue sponsorship of the Columbia Values Diversity Celebration.

Continue local human rights investigation services.

Continue promotion of human rights education including the issuing of an RFP to dispense Human Rights Enhancement Program funding.**2. Are there policy changes and/or issues in your commission's area of responsibility that you believe need attention?**

We see an ongoing need to educate local businesses about discrimination in the workplace. By partnering with an agency such as MCHR, we can proactively offer training sessions that will better equip managers and business leaders to establish work environments that promote diversity and tolerance.

3. What results/end products do you plan to achieve?

The commission's goal is to foster a greater understanding of human rights issues in the community.

The commission will ensure the delivery of programs pertaining to the issues of discrimination, diversity, inclusion, tolerance, multicultural education and related human rights issues.

The commission seeks to create the highest possible quality of life in Columbia.

4. Will any of these projects require additional funding? If so, please explain and provide a budget estimate.

We do not anticipate any additional expenses

5. Are there additional duties/responsibilities which your commission would like City Council to consider officially addition to the commission? Other changes to the legislation creating your commission (e.g. membership)?

The commission would like the City Council to establish a liaison or other formal relationship between this commission and the Citizen Review Board.

Part 2 Question 1. Does your Commission have suggestions for improving communications?

None.

Part 2 Question 2. Is there anything else you would like Council to be aware of?

The commission would like to thank the City Council for approving supplemental funding in the FY2009 budget to create a permanent, part-time Human Rights Specialist position.

We would like to formally acknowledge the outstanding work of the individuals, Steve Hollis, Shawna Victor, and Marie Glaze, who support the commission.

The commission would like to thank the City Council for their support of the commission and for the council's voluntary service to our community.

Jackson moved to approve the above answers to the FY09-10 Work Plan for City Council. The motion was seconded by Bixby and passed unanimously.

VII. Staff Reports

A. Community Services: No report at this time

B. Law Department: No report at this time.

C. Human Rights Specialist: Glaze said she and Hollis had a meeting with Missouri Commission on Human Rights staff and City law staff as mentioned previously.

Glaze said she participated in Parkade Elementary's Celebrate the Dream program and she and Hollis attended the celebration luncheon.

The Department of Public Health and Human Services will have a booth at the Pridefest in June and human rights staff will be present.

April is Fair Housing Month. Glaze said the City will hold an event jointly with the MCHR including a panel discussion and the issuance of a proclamation.

Hollis noted there is discussion for a possible Fair Housing commission.

Hollis noted staff is developing a newsletter which will be issued quarterly. Staff is also working on a policy for forwarding information on behalf of other organizations. This will likely be done on a weekly basis.

Glaze noted the commission has had previous discussions about the human rights situation in Darfur and heard there will be an arrest warrant issued for the president of Sudan this week.

VIII. Public Comment: There was no public comment.

IX. Commissioner Comment: There was no commissioner comment.

X. Closed Session to Discuss Pending Cases Pursuant to Section 610.021 (1) RSMo.:

Bixby made a motion to move to closed session to discuss pending cases pursuant to Section 610.021 (1) RSMo. The motion was seconded by Glasgow and a roll call vote was taken. Bixby called the roll with the following vote: Bixby – Aye, Glasgow – Aye, Jackson – Aye, Spanglehour – Aye, Thomas – Aye.

XI. Adjournment: The meeting adjourned at 8:49 p.m.

Respectfully Submitted,

Steve Hollis, Manager

Office of Community Services