Minutes of the Des Moines Civil & Human Rights Commission Meeting on September 12, 2019, 4:30 PM at Municipal Services Center, 1551 E. Martin Luther King Parkway, Des Moines, IA 50315.

Commissioners present: Emily Shields, Claudia Schabel, Izaah Knox, Veronica Ouya, Rachelle Hunt Russian
Commissioners absent: Kameron Middlebrooks
QUORUM PRESENT
Staff present: Doug Philip, Joshua Barr, Manisha Paudel

Middlebrooks called the meeting to order at 4:34pm. Schabel took roll.

Approval of Minutes –

Committee Reports –

Officers Report: Shields reported back on the negotiations with the City Manager, City Attorney, and Chief of Police and how the city could define and ban racial profiling in the city, the best vehicle for doing that, looking at how we can have better data collection about law enforcement and a community role in looking at data. Shields spoke about having a plan drafted by the November meeting.

Internal Committee Report: Shields shared that the committee discussed the budget for the Commission, and how they can advocate for a larger budget with the city, and the #LadderUp grant. Shields also shared the suggested format for sub-committee and bringing new members on. The proposal would be for sub-committees to review and suggest new members to their groups but the Commission having final approval on who those new committee members would be. Shields also mentioned that RIAS would be put on hold to ensure that if the Commission attempts to reinvigorate or relaunch that group, they would have the capacity to make it successful due to department restaffing and capacity issues.

External Committee: Schabel reported that at their last meeting they discussed the desire to hold conversations with the community about housing, and that’s why Polk County Housing Trust Fund was there today. Schabel also discussed doing some research to find out some best practices on housing issues to discover what other communities have done to address housing in their own communities and go from there. Schabel also discussed looking into some opportunities with community foundation and external grants as well.
Community Spotlight:
A. Civil Service Commission

Polk County Housing Trust Fund representatives Eric Burmeister and Lauren Johnson spoke on the current housing needs and housing equity implications in Polk County.

Lauren stated that our present workforce housing needs is more than 58,000 households in the Des Moines metro in need of affordable housing. She further stated that more than 41,000 workers cannot afford to pay rent alone, even when they are earning at the 90th percentile of their occupation. She went on to state that due to the burden of housing, families won't be able to spend as much on food, or child care, education, or if their 3rd grader needs that tutor to get through the summer, but that's not an option because too much of that family's income is going towards housing costs. According to Johnson, more than 4,000 downtown employees earn $15,000 or less annually. She also stated that the Greater Des Moines area will need to add 57,000 new units before 2038 to accommodate new workers. She added that a total of over 33,000 of these new units are going to be owner occupied. The rest of those over 23,000 will have to be rental units and over 75% of those units are going to have to be under $1,250 a month. According to Johnson, half of the future jobs won't be able to afford new construction because these families are making less than $50,000 a year. Johnson closed by stressing that we need to add pressure to have affordable housing near job centers, housing that reflects the jobs and employment that the city needs to prioritize income diversity because many of the new jobs will be service workforce, minimum wage jobs, so someone who's making $7.25 to $10 an hour isn't going to be able to afford a $175,000 home or a down payment for that home.

Eric Burmeister spoke on housing equity issues and how do we make sure, as we talk about housing plans that we're being mindful of the neighborhoods and the communities of color that we have in our cities and that as we're building new neighborhoods or new projects for affordable housing, that those communities of color are included in, not only the discussion in how to do that, but that there are opportunities for lower income folks to find places within the newer communities that they can afford. Burmeister spoke about the Analysis of Impediments to Fair Housing and about how we're getting better at expressing and showing data. He stated that the data revealed most of the affordable housing and the largest concentration of our communities of color are in the inner ring neighborhoods around downtown Des Moines and apart from a couple of pockets, that the farther out from downtown, the population clearly gets whiter and the housing gets more expensive. Mr. Burmeister spoke on the return of the Un-design the Red Line to Des Moines on November 1, 2019 that traces federal, state, and local housing policy from about 1900 to the present that has had a negative impact on our communities of color. He further stated that the project also takes a look at things like racially restrictive covenants, at urban renewal, at freeway construction, at all of those kinds of things that have, in many cases, had unfairly targeted black home-ownership, property ownership, and neighborhoods. Burmeister also reviewed the redline map of the 1930s with the Commission.

Ordinance and Policy on Equitable Provision of City Services and Racial Profiling Prohibition: Commissioner Middlebrooks stated that he met with the city manager, chief of police, and city attorney post the June 17th special meeting and further stated that the draft submitted to the commission would not be supported by the commission as is. Commissioners in the research and gathering phase of what can and cannot be done. Commission needs to do their own independent research and understand what the city is willing to do. The commission understands

Human Rights Commission Webpage:
humanrightsDSM.org
that they’re not going to get everything but are willing to meet with the city and understand what the city is willing to do and negotiate along those lines.

**Director’s Report:** Barr reported that Commission had 18 complaints filed in the months of July and August. 12 of those cases were fair housing cases, the department had 3 formalized investigations open, two in housing, one in public accommodations. The department closed five cases and waived two cases to the ICRC. Barr mentioned that a dialogue on zoning was held by himself and the Equity Coordinator in July with 36 people in attendance to speak on the zoning ordinance before it went to city council.

Director Barr also spoke about the department budget. According to Barr, he asked budget review committee for an increase of 814,000 dollars to the budget of DMCHRC. If you look at the page that’s included in your report as well. Barr pointed out that he calculated the amount dedicated to human right and equity matters per resident in Iowa. He noted that Des Moines is the largest city in Iowa but only dedicates $2.24 per resident to human rights/equity matters and on average spends two dollars less per resident than the other cities in Iowa noting that there is a huge gap between the Des Moines population and what we invest in the community regarding civil and human rights matters. Barr stated that he asked the city to dedicate 6 dollars per resident based on our population size which would give the Commission a budget of 1.3 million. Barr stated that the committee told him he probably won’t get that but they wanted to know what was his priority? Barr mentioned that the intake officer position and a civil right enforcement manager position are priorities the investigation unit is set it just needs to be managed. Barr stated this would be a working manager, one who trains, investigates a few cases as well as makes sure they’re following procedure. Barr mentioned that if someone looks at the organizational structure of the city, the Commission is the only department that does not have any divisions.

Barr also spoke on increasing the pay level of the Equity Coordinator position. According to Barr, if you look across the region, Minnesota, Iowa, Wisconsin, Des Moines has the second-largest population out of the municipalities, but pays lower than every municipality including Dubuque, Iowa, who has a third of our population. He further stated that currently the equity coordinator is in the 24 pay range, but we ask that it be bumped to a 27. According to Barr, he looks at the equity coordinator as an inspector. They go in, they identify the issues and they come up with solutions.

**Equity Report:** Equity Coordinator Manisha Paudel spoke about the Equity Team comprised of the various departments and how it is her goal to present to the city council their work by the end of the year. Paudel mentioned the MEI Index score by the Human Rights Campaign. Barr mentioned that the scoring criteria has changed which caused a slight reduction in the Des Moines score from 97 to 93.

**NEW BUSINESS**

**Proposed Amendment to Human Rights Ordinance, Chapter 62, Section 62-3: Procedure for Processing Complaints:** Barr gave some background on the rule changes. According to Barr under the current rules, they had a few cases where they would send a final determination to a complainant, no one would pick it up and the letter would be returned to the office but based on the way the rules were written until the complainant is actually served and actually received it, they could appeal the decision, even though the rules said 10 days, but it was 10 days based on service. Barr also stated that the rule change would add the Secretary of the Commission to the
appeals process in the event there is a tie on the appeal review. The new rule changes would also allow a complainant to appeal a mixed determination case where part of the case is probable cause discrimination and the other part is no probable cause. Complainant can now appeal the no probable cause portion even if they have a probable cause case. Hunt Russian moved, Ouya second. PASS 4-0

**Proposed Amendment to Human Rights Commission Rules & Regulations Section 4-12: Appeal of No Probable Cause:** Barr noted that the key change was that the Commission would actually have a conference with the chair, the vice chair, the secretary, the director, and the attorney to discuss the case. Previously, everything was done via email, but the update states that everyone comes together, discuss the matter together, then a decision is made by the executive officers. The also states now that a a complainant can also appeal an administrative closure. Schabel moved, Hunt Russian second. PASS 4-0

**Proposed Amendment to Human Rights Commission Rules & Regulations Section 3-21: Subcommittees:** Shields stated that the new process would allow existing subcommittees to select new members and the Commission would confirm the members. For new subcommittee the Commissioners would be the interview and selection team. Barr noted that he also made a change to require only one member of the Commission to be part of a subcommittee rather than the chair or vice chair and one commission member. Schabel moved, Hunt Russian second. PASS 4-0

**#LadderUp Policy:** Shields stated that the Commission is asking the city council for $100,000 for a grant programs supporting organizations and programs addressing disparities or filling a gap in economic achievements, primarily among non-white residents. Shields noted that the Commission is not looking to support or create new programs but rather enhance programs in ways that reach new people who have been underrepresented in those programs. #Ladderup is modeled on some things that other communities have done, including Iowa city. The selection process includes the full application to be reviewed by a committee to include some commissioners, but potentially others from the community. The applications will be further narrowed down to a group that will make a presentation to the commission, and then the applications will be evaluated and then that committee will make recommendations to the commission, which will have the final vote. Barr stated that based on their recommendations he will speak with the city manager. Paudel stated that she had concerns about groups that didn’t have 501(c)(3) status. Schabel and Shields noted that their needs to be someone accountable so maybe there could be a fiscal agent that is responsible until the group has legal entity paperwork. Barr noted that Drake Legal Clinic assist in the 501 paperwork process.

**Human Rights Award Matrix:** Schabel spoke on having a more formalized scoring system Human Rights Awards. Schabel stated the External Committee will review it and send it to the Commission for thoughts.

**Joint Council-Commission Meeting: Date & Focus:** Shields stated that racial profiling can be part of the joint council meeting but not the focus. Shields emphasized that the focus should be on the continued conversation about the bridging the gap recommendations. Barr mentioned the immigration status policy, cultural competency/implicit bias training, and equity teams as things that could be mentioned. Schabel mentioned that the conversation needs to continue to be about the major projects they are working on under Bridging the Gap. Barr stated that the Commission should think about based on Commission’s Bridging the Gap recommendations, what are some
additional asks that we want to ask for and what’s the next phase of what those implementation items are.

OLD BUSINESS:

Proposed Hate Crimes Ordinance: Erica Barz of the LGBTQAC spoke on a potential hate crimes ordinance for the City of Des Moines. According to Barz, the proposal is modeled off of similar ordinance that Iowa City recently passed expanding on existing state hate crimes law adding gender identity as a protected class and adding harassment as something that can apply under the hate crimes law. Barz believes that the ordinance is important because we are seeing a rise in hateful and harmful acts in the Trans community. Barz gave examples of other cities that are expanding their laws to protect Transgender persons. Barz wanted the Commission to vote to support the ordinance but Barr stated that since it is criminal code it is outside of the jurisdiction of the Commission but they could vote to support the measure. Barr made a note that Commissioners should speak to their respective Council person to see if they would support the ordinance. The Commission encouraged Barz to seek out other organizations to support the measure and then bring it back before the Commission for a request of support.

LGBTAC: Barr and Barz noted that 32 persons applied for the LGBTQAC and that interviews would be happening soon.

Commissioner Announcements: Schabel, Shields, and Paudel will be presenting at the Way Up Conference in November. Hunt-Russian announced that Dr. Angela Sadler, cousin of Rosa Parks will be presenting at the Iowa Women’s Foundation on October 3rd.

Public Comment: N/A

Adjourn: Meeting adjourned at 7:14 pm.