



MINUTES OF A REGULAR MEETING

APPROVED

HUMAN RELATIONS COMMISSION

DATE: Wednesday, March 10, 2021

TIME: 5:30 p.m.

PLACE: Urbana City Council Chambers
Urbana City Building
400 South Vine Street
Urbana, Illinois 61801
*Virtually Via Zoom

MEMBERS PRESENT: Rev. Florence Caplow, Peter Resnick, Frances Rigberg, Julie Robinson Schaeffer.

MEMBERS ABSENT: Carol Bradford, Stacie Burnett, Megan McKissack

1. CALL TO ORDER, ROLL CALL, AND DECLARATION OF QUORUM

Chair Frances Rigberg called this meeting of the Urbana Human Relations Commission to order at 5:30 p.m. Roll was taken. A quorum was present.

2. APPROVAL OF AGENDA

Chair Frances Rigberg called for a motion to approve the agenda. Rev. Florence Caplow moved to approve the agenda. Julie Robinson Schaeffer seconded the motion. The motion was approved by a roll call vote.

3. APPROVAL OF MINUTES

a. February 10, 2021

Julie Robinson Schaeffer made a motion to approve the minutes from the February 10, 2021 meeting. Rev. Florence Caplow seconded the motion. The motion was approved by a roll call vote.

4. PUBLIC PARTICIPATION

a. None.

5. UNFINISHED BUSINESS

a. Review of HRC By-Laws

Commission members discussed bylaws, hearing procedures and suggested changes. Current bylaws and discussion points documents mentioned are attached to these minutes.

Commissioners discussed the difficulty of completing these documents and developing them further without the help of an Officer. Commissioners agreed that sending a letter from the HRC to the Mayor encouraging the hiring of this position to be higher priority would be a good idea and could potentially speed up the process.

Chair Rigberg agreed to make the changes and bring them to the next meeting.

6. NEW BUSINESS

a. EEO Workforce Statistics

- **Growmark**
- **Hoerr Construction**
- **Mid Illinois Concrete and Excavation**

The EEO Workforce Statistics applications were reviewed. Peter Resnick made a motion that the Commission approve Growmark for 1 year, Hoerr Construction for 1 year, and ask staff to contact Mid Illinois Concrete and Excavation to request more information to discuss again at the next meeting. Rev. Florence Caplow seconded the motion. Discussion followed. The motion was approved by a roll call vote.

b. Staff Report

Elizabeth Hannan reviewed contacts received regarding discrimination issues. Ms. Hannan also discussed Senate Bill 1480 and how it might be of interest to HRC members.

7. ANNOUNCEMENTS

Peter Resnick discussed attending the upcoming Council meeting and encouraged others to attend.

8. ADJOURNMENT

There being no further business to come before the Commission, Frances Rigberg declared the meeting to be adjourned at 6:37 p.m.

Respectfully submitted,
Tamra Jane Corbin
Recording Secretary

BY-LAWS OF THE URBANA HUMAN RELATIONS COMMISSION

ARTICLE I AUTHORITY

Section 1:

The authority to establish the Urbana Human Relations Commission is set forth pursuant to the Urbana Human Rights Ordinance, as amended. Urbana Human Relations Commission herein after “Ceommission” is defined in Ordinance No. 7879-92, as amended, of the City of Urbana Municipal Code, hereinafter “HRO.”

ARTICLE II GENERAL PROVISIONS

Section 1:

These rules are supplementary to the provisions of the HRO as they relate to procedures of the Human Relations Commission. If there is a conflict between these rules and the HRO, the HRO shall prevail.

Section 2:

Nothing herein shall be construed to give or grant to the Commission the power of authority to alter or change the HRO.

Section 3:

The City of Urbana Attorney shall be consulted regarding questions of law. The Human Relations Officer shall be consulted regarding provisional interpretations of the HRO.

ARTICLE III CHAIRPERSON – VICE CHAIRPERSON

Section 1:

All proceedings and administrative functions of the Commission shall be directed by a Chairperson, who shall preside over all meetings of the Commission and otherwise supervise the affairs of the Commission as outlined in Section 3 herein.

Section 2:

The Governing Body Commission shall designate the Chairperson and a Vice-Chairperson by majority vote. In the event of death, absence, removal of cause, or resignation of the Chairperson, the Vice-Chairperson shall preside. Upon vacancy of the Chairperson, the Commission may vote to recommend a current serving member of the Governing Body Commission for appointment as Chairperson.

Section 3:

If present and able, the Chairperson shall supervise the affairs of the Commission and shall:

- a) shall preside at all hearings and meetings of the Commission.;
- b) shall assure and maintain proper order and decorum of the Commission and the public in all proceedings.;

- c) ~~shall~~ decide all points of procedure or order in accordance with these and other applicable rules.;
- d) ~~shall~~ provide for the oath or affirmation to be administered to all witnesses in cases before the Commission, and;
- e) ~~and~~ shall take such actions and exercise such powers as are specifically outlined herein.

Section 4:

There shall be an annual election of the Chair and Vice-Chair in June of each year. The newly elected officers will take office at the first meeting of the next fiscal year.

ARTICLE IV MEETINGS

Section 1:

No less than one regular meeting shall be held each month at a place to be specified, unless the Chair~~person~~ or Vice Chair~~person~~ determines that cancellation of a regular meeting is appropriate under this Article, Section 2.

Section 2:

Regular meetings may be cancelled by the Chair~~person~~ or Vice Chair~~person~~ when the Chair~~person~~ determines that because of the requirements of these ~~b~~By-laws of the HRO the Commission will be unable to conduct any business, or in the event of hazardous or inclement weather.

Section 3:

Special meetings may be called at the discretion of the Chair~~person~~, or upon the request of two (2) or more members, provided that no less than forty-eight (48) hours' notice is given to each member, and provided that all notice requirements have been met for those hearings requiring notice pursuant to Section 4 of this Article. Additionally, no special meeting shall be held without the oral approval of a quorum of the Commission.

Section 4:

All meetings shall be open to the public, noticed, and posted in accordance with the *Illinois Open Meetings Act*, (ILCS 120/1.01 ~~et seq.~~).

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Section 5:

A quorum shall consist of the number of members defined by the Human Rights Ordinance for any regular or special meetings, and is required for any decision, determination, or official action by the Commission.

~~Section 6:~~

~~Public hearings shall not be held by less than a quorum of the Commission. Public hearings may be conducted by a bare quorum, but shall be continued.~~

Section ~~6~~7:

All meetings of the Commission shall proceed as follows:

- a) Call to order, roll call, and declaration of a quorum
- b) Approval of the agenda
- c) Approval of minutes of previous meeting(s)
- d) Public participation
- e) Invited participation
- f) Unfinished business
- g) New business
- h) Officer's report
- i) Announcements
- j) Adjournment

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- a) ~~Roll call and declaration of quorum~~
- b) ~~Request for persons wishing to testify to any agenda item.~~
- e) ~~Correction and approval of minutes of previous meeting~~
- d) ~~Communications~~
- e) ~~Officer's Report~~
- f) ~~New Business~~
- g) ~~Old Business~~
- h) ~~Audience Participation~~
- i) ~~Adjournment~~

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Section ~~7~~10:

All regular meetings of the Commission shall begin at 5:30 p.m. All meetings of the Commission shall end no later than 7:00 p.m., unless the Commission shall vote to extend the meeting to a specified time.

ARTICLE V HEARINGS

Section 1:

All hearings held before the Commission shall be pursuant to Hearing Procedures as adopted by the Commission.

Section 2:

All hearings held before the Commission shall be public and subject to the *Illinois Open Meetings Act* (ILCS 120/1.01 *et seq.*).

Section 3:

Public hearings shall not be held by less than a quorum of the Commission. ~~Public hearings may be conducted by a bare quorum, but shall be continued. [Currently per HRO, informal hearing has panel of 3, including only 1 Commission member. This should be changed.]~~

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Section 4:

Public hearings held before the Commission may be either formal or informal. The outcome of an informal public hearing will be advisory only, given that the participants are not under oath.

ARTICLE VI FORM AND CHARACTER OF MOTIONS AND DECISIONS

Section 1:

The Commission shall conduct its vote in public session.

Section 2:

The form and character of motions shall conform to those offered in *Robert's Rules of Order, Revised*, except as specified herein, provided however, that all motions and decisions shall conform to applicable Illinois Law.

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Section 3:

Any Commissioner may make a motion.

Section 4:

A Motion to Approve which fails, either by failure to receive a second or by failure to receive the required number of affirmative votes, shall be deemed a denial and shall be dispositive of the issue.

Section 5:

Any Commissioner may second any motion, provided that he/she has not offered the motion pursuant to Section 3 herein. Alternately, the Chairperson may declare a motion dead for lack of second.

Section 6:

A second shall be required prior to the Commission's voting on any motion; however, a second shall not be construed as an indication of how the member offering the second intends to vote.

Section 7:

In the event of a tie vote, the motion shall be defeated.

Section 8:

Any member who becomes aware that he/she has a potential conflict of interest regarding a matter shall notify the Chairperson at the earliest opportunity. If it is determined that the member does have a direct conflict of interest, or prejudice sufficient to impair their ability to fairly weigh evidence, such member shall not participate in the public hearing or discussion at any meeting that relates to that particular matter, nor shall the member vote on the matter.

Section 9:

On any matter before the Commission, any member declining to vote for any reason shall announce their intention to abstain before the public hearing is closed and shall state the reason for abstention.

Section 10:

An abstention shall not be counted in the determination of a motion, but shall be recorded.

Section 11:

Voice votes requiring the affirmative vote of a majority may be taken on procedural matters including, but not limited to:

- a) approval of minutes of previous meetings,
- b) changes ~~to~~ *in* the agenda,
- c) continuing *of public* hearings,
- d) closing *of* public hearings
- e) adoption of the Summary of Evidence, *and*
- f) adoption of Findings of Fact, either individually or *en masse*.

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Section 12:

Any member of the Commission may request a roll call vote in lieu of a voice vote on any matter.

ARTICLE VII RECORDS

Section 1:

Minutes of each meeting shall be maintained and kept on file with the City of Urbana.

Section 2:

All minutes of the Commission shall be public records. Such records shall be maintained in accordance with the *Illinois public Records Act*, (50 ILCS 205/1 *et seq.*) *and the Freedom of Information Act*, (5 ILCS 140/01 *et seq.*)

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Section 3:

The Human Relations Officer shall serve as Secretary to the Commission except during hearings involving ordinance violations where the chairperson deems it appropriate and necessary in which case the chairperson may serve as, or appoint, a secretary.

Section 4:

The secretary shall perform or supervise all clerical work of the Commission and shall:

- a) maintain the case docket, case log, and all case files,
- b) prepare an agenda as directed by the Chair~~person~~,
- c) send out or cause to be published all required notices and publications,
- d) furnish the Commission with all pertinent information and memorandum regarding items before the Commission,
- e) attend all meetings and hearings of the Commission,
- f) summarize the testimony of those appearing before the Commission,
- g) record and maintain permanent minutes of the Commission proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating that fact,
- h) make record of examinations and official actions,

- i) record the names of all persons appearing before the Commission,
- j) conduct the routing correspondence of the Commission and such other correspondence as directed by any member of the Commission, and
- jj) post the agenda and all accompanying documents provided to the Commission in notices of upcoming meetings.

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ARTICLE VIII AWARDS

Section 1:

Each year, the Chairperson shall appoint one member to serve on the Martin Luther King, Jr., Celebration Committee.

~~The commission shall each year award one or more awards to “A person or entity having made outstanding strides in attaining or promoting equal rights resulting in the equal treatment of all individuals without regard to race, color, religion, national origin, ancestry, physical condition and sexual preference.” Such award shall be entitled the “Dr. Martin Luther King Outstanding Achievement Award.”~~

Section 2:

~~Solicitation for award nominees shall be taken each fall prior to a deadline to be set by the chairperson, if not otherwise set by the commission by September 1st of each year. All nominations shall be considered by the commission at a public meeting with awardees to be selected and approved by majority vote. Awardees shall be notified of the award with formal presentation to be made at such time and place as designated by the chairperson unless otherwise directed by the commission by majority vote. Notwithstanding the solicitation deadline, nominations may be tendered by any commissioner at any time. A certificate, plaque or other object commemorating the award may be given on behalf of the commission at the direction of the commission or, absent such direction, at the direction of the chairperson.~~

Section 3:

~~The Urbana Human Relations Commission has established this award to recognize the achievements of individuals/organizations who have made outstanding contributions in human relations in the Community.~~

NOMINATION CRITERIA

- ~~1. Self nominations will not be considered.~~
- ~~2. Nominations from Urbana Human Relations Staff and Commissioners will not be considered.~~
- ~~3. Current Urbana Human Relations Staff and Commissioners are not eligible to receive the award, and are not eligible for two (2) years after their term/employment ends.~~
- ~~4. Urbana City Council Members and current City employees are not eligible to receive the award.~~

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- ~~5. Past award recipients are ineligible to receive the award.~~
- ~~6. The Qualifying activities for individual nominees must be “not for profit” agencies. Individual and organizational nominees must have measurable success in area or areas outlined under “selection criteria.”~~

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All nominations must include:

- ~~1. Nomination Form accurately completed; and~~
- ~~2. Written Narrative (1000 words or less) describing the nominee’s contributions and significant accomplishments.~~

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SELECTION CRITERIA

Nominees will be judged by their outstanding achievements in improving human relations based on activities implemented, services performed or programs operated in the Community.

Outstanding achievements in human relations, for the purpose of this award, are understood to result from activities that:

- ~~1. Demonstrate a commitment to improving cooperation and understanding among people of different racial, ethnic, religious and other backgrounds; and/or~~
- ~~2. Use new and creative measures to fight discrimination, prejudice and the effects of past discrimination; and/or~~
- ~~3. Foster tolerance and mutual respect among community members.~~

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Suggested Commissioner Award Section 2:

After some-one leaves the Commission after serving at least one full term, they should, if they wish, be given a certificate of appreciation at their last known Commission meeting or at the next meeting following their leaving the Commission. This could be a framed certificate signed by the Mayor and Commission Chair.

ARTICLE IX SEPARABILITY

Section 1:

Should any Article or Section of these by-laws be found to be illegal, the remaining sections shall remain in effect.

ARTICLE X AMENDMENT TO THE RULES

Section 1:

These rules may be amended by an affirmative majority vote of all members of the Commission.

Section 2:

The proposed amendment must be presented at a regular or special meeting preceding the meeting at which the vote is taken.

Section 3:

These rules may be suspended for cause upon affirmative vote of a majority of members, unless such rule is required by state statute or other applicable law.

The foregoing rules and regulations are hereby adopted by the Urbana Human Relations Commission this _____ day of _____, 2002.

SIGNED:

| _____ Marion Knight, Chairperson
Urbana Human Relations Commission

ATTEST:

| _____ Lester Pritchard, Vice Chairperson
Urbana Human Relations Commission

Informal Appeals Hearings & Our By-Laws

I apologize if this is tl/dr, but I hope you can read it before the meeting when we start discussing possible changes to the by-laws. Many of my suggested changes to the by-laws are editorial. (It's my day job; I can't help myself.) The substantive changes are to the order of business (updated to reflect current practice), awards (again to reflect current practice), and the section on hearings.

Currently the Ordinance, which trumps our by-laws, specifies a public *informal appeals hearing* (IAH) that complainants can request if they are not happy with a determination of lack of probable cause by the Human Relations Officer. (It's described in Section 12-82, d-e.) This appeals procedure seems to me to have three problems:

1. Our by-laws don't currently discuss informal hearings. They do, however, assume that HRC hearings will include testimony under oath, which is not required in an IAH. Despite this lack of rigor, the ruling of the IAH panel is dispositive.
2. The by-laws specify that no HRC hearing shall be held before less than a quorum of the Commission (four commissioners). The IAH is held before an ad-hoc panel consisting of one commissioner and two other people, appointed by the Chair, who have familiarity with the Ordinance (something which, along with objectivity, is not easy to ensure). This also tends to make the process less rigorous, since unlike a jury, the panel might find itself wandering into interpreting or evaluating the law, but without legal training or guidance.
3. Our complaint-handling system is designed specifically so that a complainant does not have to argue their case pro se or hire counsel; they are represented throughout by the City. In the IAH, however, the complainant must present their own case, since they are taking issue with the City. That is a difficult position to put a complainant in. It, too, makes the hearing less rigorous because the complainant may not be skilled at defending themselves publicly.

I'm not sure what we can or should do about these problems, if anything. In my edits, I propose that the outcome of the IAH (as currently designed) be advisory only, not binding. Other possibilities include: the hearing could be formal and before an HRC quorum; a written appeal could be made to the HRC, who could consider it and advise the Officer; or there could be no appeal within the City at this point in the process, as in Champaign. All these suggestions would require some changing of the Ordinance.

Other ideas?

FR 3/3/21