

Decorah Human Rights Commission

City Hall, 400 Claiborne Drive

Tuesday, October 1, 2019

- 1) Welcome
 - a. The meeting opened at 5:32 PM. Carol Hemesath, Melissa Koch, and Brent Parker were present. Chad Bird, Decorah City Manager, and John Anderson, City Attorney, were present as well as future member of the commission, Laura Wright.
- 2) Approval of Meeting Notes from September meeting.
 - a. Approval of September's meeting notes and the October agenda were postponed because a quorum was not present.
- 3) Community Comment
 - a. No comments from community members.
- 4) Old Business
 - a. As discussed last year, the policy currently states that two members of the commission are to be selected to do inquiries and interviews and issue subpoenas. Therefore, the commission consulted with the city attorney, John Anderson. John Anderson noted that we have the authority to perform these duties in the state code, but the process is highly detailed. Melissa Koch noted that staff and lawyers perform these duties in other municipalities, like Iowa City and Des Moines. Decorah does not have the resources to do likewise. John Anderson noted that the code differentiates between cities over 25k and under. If the municipality has over 25k, they must have staff devoted to incidents of discrimination. Melissa Koch noted that micropolitan like Mason City send their cases to the Iowa Civil Rights Commission. John Anderson noted that investigations are within his wheelhouse, but it is not clear that he should be doing them due to the costs that accrue to the city. Also, the person who does the investigation cannot be involved in the adjudication. So, the city of Decorah might need to hire a second person outside of Anderson's law firm for each incident. Mr. Anderson also noted that while the commission has been around for 10 years, the commission has never done an investigation. Complaints never developed into a full investigation. For all these reasons, Mr. Anderson advises that we follow Mason City's model where cases are sent to the Iowa Civil Rights Commission. If code were to be rewritten, it is possible to say that the investigations will be sent to the ICRC after (?) consultation with the City Attorney and the DHRC. Under this model, the DHRC would be a body of referral and the DHRC would assist complainants in submitting the necessary forms to the ICRC. Melissa Koch highlighted a few negative aspects of the system of referral. She noted the distance of Des Moines. Brent noted that a person files the complaint and then a person from the ICRC contacts the complainant depending on the type of case. Once the forms were submitted, a representative of the commission was on the phone with the complainant within 24 hours, and an advocate was assigned to the complainant. Members of the commission wondered about how much mediation the DHRC should do. Melissa suggested that we go back to the ICRC and ask them about the path. Chad noted that the code may have been adopted from another municipality, and it may not work for our context. Chad will send around a link to the city codes used by other municipalities so that the DHRC can begin the work of modifying the

code with the assistance of the city council. Chad Bird noted that the current code gives the impression that the DHRC is supposed to take care of these complaints though the DHRC is ill-equipped to do so and he wonders if the DHRC is liable when a matter is not addressed. So the changing of the code would helpfully eliminate this liability.

- 5) Question: Who (residence) can be on DHRC?
 - a. Melissa Koch noted that the library has two members on their board who are not residents from the municipality of Decorah. Melissa wondered if it would be possible to have participation in the commission by residents who are not within the city limits but have a Decorah address. John Anderson was reluctant to open the commission to voting members who are not residents of the Decorah municipality. He noted that there is no provision within the code to permit or forbid a commission such as this one from doing it. However, since the authority to do so is never explicitly stated in the code, he is reluctant to do so. Anderson found ex-officio members with no voting power acceptable.
 - b. Reviewing Decorah's Code:
 - i. Laura will ask the Iowa Civil Rights Commission, "What is the path for making a complaint? What resources do we need to provide?"
 - ii. Melissa will talk with the new ED of the ICRC and investigate the benefits to signing the contract with the ICRC if the DHRC does not intend to investigate complaints themselves.
 - iii. Chad will send DHRC a word doc with the current code in it to begin revising
- 6) Upcoming Events
 - a. Indigenous Peoples Day – The mayor declared it Indigenous People's Day.
 - b. Day of the Dead – Sue Otte is doing a religious ceremony through the Unitarian Universalists, and she will keep the altar up at the Lingonberry for an extra day, Monday, October 28. Adults and children are welcome to attend. There will be Day of the Dead arts and crafts.
- 7) The meeting adjourned at 6:35 PM.