Minutes

REGULAR MEETING OF THE CITY OF GOSHEN COMMUNITY RELATIONS COMMISSION Tuesday, October 9, 2018 - 7pm. Goshen City Hall

CRC mission: Our mission is to foster a climate of positive community relationships and non-discrimination in which all Goshen citizens enjoy equal opportunity for education, employment, and access to public conveniences, accommodations and real property.

CRC members present: Glenn Null, Evan Miller, Sreekala Rajagopalan, Michele Fanfair-Steury; Not present: Lizzy Diaz, Jose Rocha, David Araujo

CRC consultants: Philip Thomas and Darin Short; City Council Liaison Julia King not present

- 1. Call to Order & Opening: 7:02
 - Review of the CRC Mission and Principles
 - Introduction of visitors Angie Troyer
 - Review the agenda
- 2. For the Good of the CRC (public comment) no comments offered
- 3. Reviewed and accepted September minutes
- 4. Evan reported he was contacted by Philip Shelton as part of a standard HUD (Federal Housing and Urban Development department) monitoring review. Mr. Shelton coordinates the review with Rhonda Yoder who is with the Goshen City Planning department. In addition to simply making a connection to the CRC, Mr. Shelton encouraged Evan and the CRC to be in contact with Greg Wilson who is the Executive Director of the Indiana Civil Rights Commission. In the future Mr. Shelton can be reached at:

 Philip C. Shelton, MSEd

Director, Fair Housing and Equal Opportunity Indianapolis Field Office Minton Capehart Federal Building 575 N. Pennsylvania Street, Suite 655 Indianapolis, Indiana 46204-1555 317.957.7333

- 5. Strategic Direction discussion Phil Thomas presented a summary document of the CRC conversation that took place on Oct. 2nd regarding the options for structuring the CRC so as to gain clarity about how the CRC will function going forward. Summary document is attached to these minutes. Ultimately, the decision of the CRC will be offered to the Mayor and City Council for their review, consideration and support. A motion was offered by Sreekala to adopt the following resolution, Michele seconded:
- Whereas, the CRC affirms the importance of both aspects of the ordinance 4339 addressing cases of discrimination and proactive community building.
- Whereas, the current CRC does not possess the required resources to sufficiently address both aspects of the ordinance

 Therefore, the CRC will retain the responsibility to address and focus on positive community building and the City assumes the responsibility for those aspects in the ordinance pertaining to the handling of discrimination complaints via local resources (preferred) or alternatively via the Indiana Civil Rights Commission.

The motion passed unanimously.

- 6. Consultant's 2018 contract A resolution was presented to modify the 2018 Consultant Contract with Darin Short. Resolution and supporting documents are attached. Consultant Darin Short also agreed to the resolution. Sreekala moved to adopt the resolution, Michele seconded; motion passed by a vote of 3 to 1.
- 7. Motion by Evan to ask Angie Troyer to speak on behalf of CRC at the City Council meeting which was taking place concurrently with this CRC meeting. Specifically, she would be asked to read the resolution adopted in minute number 5 above. Sreekala seconded; motion passed by a vote of 3 to 1.
- 8. Discussion of encumbrances and potential 2019 contracts was held with no action taken. It was noted a consultant contract and contract with DGI (Downtown Goshen, Inc.) for the 2019 Taste of Goshen are potential contracts for which funds can be encumbered. Ultimately, it depends on what happens with CRC as per the influence and support of the City Council and Mayor.
- Reports and Statistics Darin reported there was no activity since the September 18 CRC meeting.
- 10. Treasurer's report was presented by Glenn. Diversity Day fund still is out of balance; Glenn will inquire with City Treasurer.
- 11. Announcements by CRC members, closing comments, reflections on the meeting Evan proposed the CRC have a discussion about drafting a job description and job qualifications for prospective CRC commissioners. A decision was made to ask each commissioner to make an attempt at drafting a job description that includes responsibilities and qualifications. Lizzy's attendance during 2018 was noted. Encuentro in the Alley, a community event funded in part through the CRC grant program, will take place on Oct 27 from 12-5pm.
- 12. Adjournment

Re-imagining the Community Relations Commission

- Developing and Discerning Pathways Forward -

Problem Statement

Ordinance 4339 creates the Community Relations Commission and outlines three main functions of this city mechanism:

- Study and recommend policies that enhance communications and understanding
- Develop and maintain programs that positive community relations.
- Receive, investigate and adjudicate reports of discrimination in the city of Goshen.

The last expectation (*receive, investigate and adjudicate reports of discrimination*) makes up about 80 percent of the text of the ordinance. The adoption of Ordinance 4339 and the creation of the CRC reflects, in part, a clear interest from many Goshen residents that the city have a legitimate and impartial mechanism for receiving and addressing complaints of discrimination through legitimate use of due process.

Since its inception, there have been significant constraints that have impeded its ability to embrace and enact its full mandate. These have included:

- Prevailing advice from the city attorney to not engage in the type of investigative actions identified in Ordinance 4339 since doing so could put the city at risk of litigation;
- Even if members of the CRC decided to take on the work of investigating and adjudicating reports of discrimination, its members are not equipped or trained to carry out this work;
- In addition to a lack of preparation and training, members of the CRC do not have the time required to engage in the time-intensive work inquiry into reports of discrimination would require and the structure of the CRC has not included the staffing positions required to conduct such work;
- The dual mandate of "promoting positive community relations" and "investigating and
 adjudicating reports of discrimination" is itself difficult to achieve within one body since the first
 requires the ability of the CRC to gain the trust and build relational capital with all residents of
 Goshen and the latter task of investigation and adjudication risks jeopardizing the level of trust
 and good will some place in the CRC.

While the CRC has been able to work proactively at building positive community relations through programming initiatives over the past years, it has not yet found an effective and viable way to deal with alleged acts of discrimination in the way called for in the ordinance.

The inability of the CRC to carry out this dual mandate effectively has given rise to ambiguity and tensions around what is the core purpose of the CRC and how should it be structured to achieve this purpose.

The Mayor and senior representatives of City Council have asked the CRC to propose a path forward. There are many options for us to consider.

Refocus CRC primarily on discrimination:

Dedicate limited CRC funds to hire, train and equip staff to deal with allegations of discrimination.

Rational:

The city needs to concentrate its limited funding resources to handle discrimination complaints. This gives the community a local resource for handling discrimination complaints. It also gets the city out of the business of community building more generally, which some believe is better handled by non-governmental organizations.

Implications for CRC:

- CRC funding used to hire, train and equip staff to handle discrimination complaints as well as carry out activities focused on educating community around discrimination
- CRC oversees this work
- The social standing, moral authority and impartiality of CRC members brings legitimacy and credibility to this mechanism
- While the CRC can encourage and promote proactive work of other groups and organizations aimed at fostering positive community relations, it no longer has funds to plan and implement this work directly

Benefits:

		Offers local resource trained and equipped for dealing with serious allegations of discrimination as opposed to having to rely on State mechanism
		Communicates clear message that the City takes discrimination seriously Sends a positive message to persons at risk of discrimination Gives CRC a clear and unambiguous focus and mandate and clarifies role of commissioners Focuses proactive work of the CRC (via trained staff) on awareness-raising and education around issues of discrimination
	u	With appropriate training and clear protocols established, lowers risk of potential liability issues
Γra	deo	ffs:
		Loss of community building (social relations) role of CRC. An exclusive focus on discrimination limits the possibility of the CRC to plan and support other important initiatives and programs that aim to promote positive community relations (e.g., promoting positive communication and dialogue around issues that risk deepening divisions in our community like immigration, race, police/community relations, politics, etc.)
		 Even with the positive work of other organizations (groups, churches, NGOs), there are

and is much broader than just focusing on discrimination)

still gaps where important community building work can/should be carried out by the City via CRC (The important work of promoting positive community relations includes

	A narrow focus on discrimination might make it hard to find willing members to serve on CRC – those interested in more proactive programming that moves beyond the work of reducing discrimination may not have interest in serving Risk of being perceived by some as only contributing to division in the community if CRC focuses only on addressing allegations of discrimination (in the current social and political context, this risk is even higher)
Under	lying assumptions:
	This can only work if there is sufficient funding This is what the community most wants and supports There are enough complaints (and need for education on discrimination) to justify the staff position CRC members would require training to equip them in their role in providing impartial oversight and to prevent exposure to liability concerns What oversight means and how it works would need to be clear and unambiguous (how to address unresolved cases or appeals, with what authority, through what decision-making procedure, etc.)

Option 2

Two-track approach to enacting the Ordinance:

Track 1: Address discrimination complaints through City staffed position trained and equipped for this work

Track 2: CRC focuses its resources and attention on proactive programming aimed at promoting positive community relations.

Rational:

The city needs to fund discrimination complaint handling. This gives the community a local resource to work with. At the same time, it cannot abandon proactive community building. Proactive community building, by this rationale, is an important job of city government. The CRC played a vital role in the past with programs such as passing the sundown resolution, the resolution against the proposed immigrant detention center, and program that took the police into area churches for community conversations.

Implications for CRC:

- City allocates funding to create and equip a staff position (possibly housed within legal department) charged with handling reports of discrimination.
 - One variation could be that the city allocates funds and retains outside locally-based legal services equipped to deal with cases as they emerge until such time when the demand justifies dedicated internal staff.
- The work of the CRC is focused on supporting proactive initiatives aimed at education and building positive community relations. A decision to allocate funding to City position to deal with discrimination will likely result in decreased allocation to CRC.
- While the CRC might be the point of entry for cases of alleged discrimination, these would be referred to the city staff position to if and how the case will be handled. The CRC would not involve itself in the processing of discrimination complaints.

Benefits:

	u	This approach honors both priorities contained in the Ordinance (dealing with discrimination allegations and promoting positive community relations)
		Communicates clear message that the City takes discrimination seriously and also recognizes its role in promoting positive community relations
		Sends a positive message to persons at risk of discrimination
		City provides local mechanism for dealing with discrimination, facilitating more accessible option to individuals with discrimination complaints
		Clarifies focus and role of the CRC – planning and support proactive work to strengthen positive community relations
Tra	adeo	ffs:
		Limited resources might not be sufficient to adequately fund both CRC programming and a City staff position charged with handling cases of alleged discrimination
		Risk of confusion around the role and responsibilities of these two tracks or mechanisms – clarity will be needed on how these two relate to each other

Underlying Assumptions:

	Funding both is possible and probable
	The staff person responsible for handling discrimination complaints is approachable, credible,
	safe and accessibleand has the technical competencies required for this work
	There is sufficient need to justify dedicated staff time for handling discrimination complaints.
	Part of this role could include proactive work of education around discrimination to raise
	awareness and inform people about this service and how to use it.
	Thought the CRC role is not to actively engage in handling discrimination complaints, it may will
	require explicit onboarding and training to ensure the effective exercise of its mandate (which
-	includes ensuring clarity on whether and how to respond to cases of alleged discrimination that
	come initially to the CRC and what is the relationship between the CRC and the City staff person
	handling these cases.
	Track 1 mechanism for dealing with discrimination cases will keep a database that can enable
	the identification and tracking of patterns of discrimination. This data can be used to inform the
	CRC's proactive work of education and relationship building.

Option 3

Primary work of CRC is awareness-raising, education and promoting positive community relations.

In situations of alleged discrimination, the role of the CRC is <u>limited to referring and connecting</u>
complainants to the external mechanisms equipped to deal with these cases (state human relations office)

Rational:

The proactive work of awareness-raising and education citizens on discrimination as well as supporting other work that promotes positive community relations is an important role and responsibility of the City. In situations of alleged discrimination, the CRC can help guide individuals to useful resources and refer them to the appropriate mechanisms to deal with their complaints. Given the current budget and capacity constraints, this option recognizes the limitations of the CRC and prioritizes the use of limited budget to the important task of proactive community building.

Implications for CRC:

- CRC recognizes explicitly its inability to carry out a large portion of its mandate as reflected in the current ordinance and limits its role in cases of reported discrimination to connecting complainants with other existing mechanisms duly equipped to address such complaints
- CRC focuses its attention and funding on the work of building positive community relations, which can include the important work of education and awareness-raising around issues of discrimination
- Possibly amend the Ordinance, or recognize explicitly in the internal rules and procedures of the CRC that until conditions permit otherwise, its role in dealing with discrimination complaints will be limited to referring and connecting complainants without engaging directly in the content of the allegation

Benefits:

		Addresses explicitly the current structural limitations that impede the ability of the CRC to deal
	1000000	adequately with discrimination allegations as outlined in the current ordinance.
		Being clear about current limitations and the priority focus of the CRC clarifies its role in the
		current context and reduces frustration within the CRC as well as in the broader public
		Allows the CRC to move forward with the important work of education and awareness-raising
		without becoming enmeshed in concrete situations of alleged discrimination where their ability
		to act appropriately is constrained.
		Helps clarify and manage expectations about what the CRC can and can not do
Tra	deo	ffs:
		Risk of sending the message that the City does not take discrimination seriouslydoes not value
		it enough to provide local capacity to deal with discrimination allegations
		Risk of being perceived as going backwards and not fully honoring the ordinance that many in
	10.00	the community worked so hard to develop and get passed
		If people understand the CRC is unable to act directly in cases of alleged discrimination, those
		with complaints may not come to the CRC. This then means it will be difficult to identify and
		monitor important patterns or trends in real or perceived discrimination - data that is useful for
		informing proactive programming of the CRC.

Under	ying Assumptions:
	Requires clear and explicit onboarding and training of CRC members to ensure clarity about
	roles, responsibilities and procedures for dealing with discrimination allegations that come to
	the CRC. It will be important to establish clear expectations within the CRC regarding the leve of support and effort the CRC can offer in terms of referring and accompanying complainants in

the process.

People with complaints have the necessary resources to go the distance required to receive the attention they deserve

☐ With appropriate guidance and training as well as clear and agreed upon procedures, the CRC can provide a trusted and safe space that communicates authentic care and concern for those involved in situations of alleged discrimination while also being clear about its limitations in direct intervention.

Option 4

Continuation of Status Quo

Rational:

No change is needed. The CRC moves forward as best it can in fulfilling its mandate as outlined in the Ordinance.

Implications for CRC:

- Nothing changes
- Structural constraints (that have nothing to do with personalities) on CRC continue to fuel tensions that at times have become personalized where intentions and motives get questioned.

Benefits:

☐ Kicks the can down the road, ignoring or masking structural limitations of the CRC

Tradeoffs:

- The tension between the dual mandate of "dealing with discrimination" and "promoting positive community relations" and the structural constraints placed on the CRC that limit any real action it can take in cases of alleged discrimination fuels confusion and creates conditions for conflicting priorities and expectations among those that make up the CRC and in the broader public
- ☐ Lack of clarity on appropriate mechanisms for addressing dual mandate risks further loss in credibility and legitimacy of the CRC
- □ Lack of clarity leads to lack of vision, lack of vision results in ineffective or fragmented programming which results in little to no real positive and sustained impact. leads to questions about use of tax payer money

	Option 1	Option 2	Option 3
	Refocus CRC primarily on discrimination	Two-track approach to enacting the Ordinance	CRC refers complainants to Indianapolis
Thinking	The city needs to concentrate its limited funding resources to handle discrimination complaints. This gives the community a local resource for handling discrimination complaints. It also gets the city out of the business of community building more generally, which some believe is better handled by non-governmental organizations.	Track 1: Address discrimination complaints through City staffed position trained and equipped for this work Track 2: CRC focuses its resources and attention on proactive programming aimed at promoting positive community relations. The city needs to fund discrimination complaint handling. This gives the community a local resource to work with. At the same time, it cannot abandon proactive community building. Proactive community building, by this rationale, is an important job of city government. The CRC played a vital role in the past with programs such as passing the sundown resolution, the resolution against the proposed immigrant detention center, and program that took the police into area churches for community conversations.	The proactive work of awareness-raising and education of citizens on discrimination as well as supporting other work that promotes positive community relations is an important role and responsibility of the City. In situations of alleged discrimination, the CRC can help guide individuals to resources and refer them to the appropriate mechanisms to deal with their complaints. Given the current budget and capacity constraints, this option recognizes the limitations of the CRC and prioritizes the use of limited budget to the important task of proactive community building.
Implication	 CRC funding used to hire, train and equip staff to handle discrimination complaints and educate public on discrimination CRC oversees this work The social standing, moral authority and impartiality of CRC members brings legitimacy and credibility to this mechanism While the CRC can encourage and promote proactive work of other groups and organizations 	■ City allocates funding to create and equip a staff position (possibly housed within legal department) charged with handling reports of discrimination. - One variation could be that the city allocates funds and retains outside locally-based legal services equipped to deal with cases as they emerge until such time when the demand justifies dedicated internal staff.	 CRC recognizes explicitly its inability to carry out a large portion of its mandate as reflected in the current ordinance and limits its role in cases of reported discrimination to connecting complainants with other existing mechanisms duly equipped to address such complaints CRC focuses its attention and funding on the work of building positive

aimed at fostering positive community relations, it no longer has funds to plan and implement this work directly

- The work of the CRC is focused on supporting proactive initiatives aimed at education and building positive community relations. A decision to allocate funding to City position to deal with discrimination will likely result in decreased allocation to CRC.
- While the CRC might be the point of entry for cases of alleged discrimination, these would be referred to the city staff position to if and how the case will be handled. The CRC would not involve itself in the processing of discrimination complaints.
- community relations, which can include the important work of education and awarenessraising around issues of discrimination
- Possibly amend the Ordinance, or recognize explicitly in the internal rules and procedures of the CRC that until conditions permit otherwise, its role in dealing with discrimination complaints will be limited to referring and connecting complainants without engaging directly in the content of the allegation

- Provides local resource trained and equipped for dealing with allegations of discrimination
- Communicates clear message that the City takes discrimination seriously
- Sends a positive message to persons at risk of discrimination
- Gives CRC a clear and unambiguous focus and mandate and clarifies role of commissioners
- Focuses proactive work of the CRC (via trained staff) on awareness-raising and education around issues of discrimination
- With appropriate training and clear protocols established, lowers risk of potential liability issues

- This approach honors both priorities contained in the Ordinance (dealing with discrimination allegations and promoting positive community relations)
- Communicates clear message that the City takes discrimination seriously and also recognizes its role in promoting positive community relations
- Sends a positive message to persons at risk of discrimination
- City provides local mechanism for dealing with discrimination, facilitating more accessible option to individuals with discrimination complaints
- Clarifies focus and role of the CRC – planning and support proactive work to strengthen positive community relations

- Addresses explicitly the current structural limitations that impede the ability of the CRC to deal adequately with discrimination allegations as outlined in the current ordinance.
- Being clear about current limitations and the priority focus of the CRC clarifies its role in the current context and reduces frustration within the CRC as well as in the broader public
- Allows the CRC to move forward with the important work of education and awarenessraising without becoming enmeshed in concrete situations of alleged discrimination where their ability to act appropriately is constrained.
- Helps clarify and manage expectations about what the CRC can and can not do

Benefits

- Loss of community building (social relations) role of CRC. An exclusive focus on discrimination limits the possibility of the CRC to plan and support other important initiatives and programs that aim to promote positive community relations (e.g., promoting positive communication and dialogue around issues that risk deepening divisions in our community like immigration, race, police/community relations, politics, etc.)
- Even with the positive work of other organizations (groups, churches, NGOs), there are still gaps where important community building work can/should be carried out by the City via CRC (The important work of promoting positive community relations includes and is much broader than just focusing on discrimination)
- A narrow focus on discrimination might make it hard to find willing members to serve on CRC – those interested in more proactive programming that moves beyond the work of reducing discrimination may not have interest in serving
- Risk of being perceived by some as only contributing to division in the community if CRC focuses only on addressing allegations of discrimination (in the current social and political context, this risk is even higher)

- Limited resources might not be sufficient to adequately fund both CRC programming and a City staff position charged with handling cases of alleged discrimination
- Risk of confusion around the role and responsibilities of these two tracks or mechanisms

 clarity will be needed on how these two relate to each other
- Risk of sending the message that the City does not take discrimination seriously...does not value it enough to provide local capacity to deal with discrimination allegations
- Risk of being perceived as going backwards and not fully honoring the ordinance that many in the community worked so hard to develop and get passed
- If people understand the CRC is unable to act directly in cases of alleged discrimination, those with complaints may not come to the CRC. This then means it will be difficult to identify and monitor important patterns or trends in real or perceived discrimination data that is useful for informing proactive programming of the CRC.

Assumptions

Tradeoffs

- This can only work if there is sufficient funding
- This is what the community most wants and supports
- Funding both is possible and probable
- The staff person responsible for handling
- Requires clear and explicit onboarding and training of CRC members to ensure clarity about roles,

- There are enough complaints (and need for education on discrimination) to justify the staff position
- CRC members would require training to equip them in their role in providing impartial oversight and to prevent exposure to liability concerns
- What oversight means and how it works would need to be clear and unambiguous (how to address unresolved cases or appeals, with what authority, through what decision-making procedure, etc.)
- discrimination complaints is approachable, credible, safe and accessible...and has the technical competencies required for this work
- There is sufficient need to justify dedicated staff time for handling discrimination complaints. Part of this role could include proactive work of education around discrimination to raise awareness and inform people about this service and how to use it.
- Thought the CRC role is not to actively engage in handling discrimination complaints, it may will require explicit onboarding and training to ensure the effective exercise of its mandate (which includes ensuring clarity on whether and how to respond to cases of alleged discrimination that come initially to the CRC and what is the relationship between the CRC and the City staff person handling these cases.
- Track 1 mechanism for dealing with discrimination cases will keep a database that can enable the identification and tracking of patterns of discrimination. This data can be used to inform the CRC's proactive work of education and relationship building.

- responsibilities and procedures for dealing with discrimination allegations that come to the CRC. It will be important to establish clear expectations within the CRC regarding the level of support and effort the CRC can offer in terms of referring and accompanying complainants in the process.
- People with complaints have the necessary resources to go the distance required to receive the attention they deserve
- With appropriate guidance and training as well as clear and agreed upon procedures, the CRC can provide a trusted and safe space that communicates authentic care and concern for those involved in situations of alleged discrimination while also being clear about its limitations in direct intervention.

Resolution to Modify 2018 Consultant Contract

Whereas:

- Due to unforeseen circumstances that came about during 2018 consultant has not been able to fulfill the hours requirement of the Memo of Understanding (MOU) for 2018 signed on December 12, 2017
- Mayor Jeremy Stutsman, CRC Chair Evan Miller and Consultant met on September 26 to discuss above circumstance
- Consultant acknowledged during meeting on September 26 that the hours requirement of the MOU has not been met and will not be met by the end of 2018
- Consultant agrees to reduce the compensation under the MOU by fifty percent (50%) for the payments due in November and December 2018
- Consultant agrees to continue to carry out the "Consultant's General Responsibilities" section of the MOU
- Mayor Jeremy supports this change

Therefore be it resolved:

- The CRC approves/supports the change of compensation to Consultant, specifically that Consultant will receive only fifty percent (50%) of compensation outlined in the MOU for the months of November and December
- The CRC acknowledges verbal consent by the consultant to agree to this change in compensation

Dec. Total	12/11/2018	Nov. Total	11/13/2018	Oct. Total	10/27/2018	10/9/2018 10/2/2018	Sept. total	Date
	Other meetings Other meetings Monthly meeting Content creator position development Independent time working on CRC responsibilities Meetings with individual CRC members By stander planning ?? Community conversations planning ??		Meetings with Evan Other meetings Monthly meeting Retreat follow up Content creator position development Independent time working on CRC responsibilities Meetings with individual CRC members By stander planning ?? Community conversations planning ??		Retreat follow up Meetings with individual CRC members Encuentro in the Alley Write 2017 Annual Report Independent time working on CRC responsibilities	Meetings with Evan Other meetings Attend City Council meetings re: budget Monthly meeting Retreat		Event/Activity
29.0	αω α 4ω Φ	29.0	αω 0 4 0 0	8.00	4	NN	10.0	Vision related Time (hrs.)
2.0	N	2.0	N	5.50		ω σ Ν	2.0	CRC Meetings
0.0		0.0		6.00	4	N	0.0	Other/Community Engagement
30.0	30	40.0	30	36.00	10 6		24.0	Other
609.5		548.5		477.5			422.0	YTD
832.0		762.0		691.0			621.0	YTD Budget
-222.5		-213.5		-213.5			-199.0	YTD Overage/ Shortage

^{*} Vision related includes work related to marketing, facilitating CRC retreats, community conversations planning, bystander training planning.