



METROPOLITAN HUMAN RELATIONS COMMISSION

January 9, 2017
4:30 PM
METRO CONFERENCE ROOM
2310 PARNELL AVENUE
FORT WAYNE, IN 46805

Meeting called by: STATUTORY MONTHLY MEETING
Type of meeting: FIRST MONDAY OF EACH MONTH
Note taker: SAMANTHA CHENERY, ADMINISTRATIVE ASSISTANT IV

Metro Commissioners: Dorian Maples, Chair; Rick Trevino, Vice Chair; Larry Wardlaw, Michelle Chambers, Kody Tinnel, Lana Keesling and Frances Ganaway

Agenda

Call to Order
Roll Call of Commissioners
Reading of Minutes
Office Report
Old Business
New Business
Concerns/Comments from the Public
Adjournment

Call to Order and Roll Call at 4:30 p.m.

Commissioners Chambers, Trevino, Wardlaw and Tinnel Present.

Other Persons Present: Dawn Cummings, Executive Director
Nikki Quintana, Staff Attorney
Samantha Chenery, Admin IV
Dennis Sorg, Investigator
Amber Nancarrow, Investigator
Mark Burks, Investigator

November 7, 2016 meeting minutes were read and approved.

OFFICE REPORT

EEOC

EMPLOYMENT CASE PROCESSING (10/1/16 – 9/30/17):

- **Intakes (by 9/30/17): 176 (contract number) 42(current status)**
- **Case Closures: 74 (Last Year Contract 210)**
 - o 46 No Probable Cause
 - o 22 Settlements
 - o 6 Withdrawals
 - o 0 Lack of Jurisdiction
 - o 0 Right to Sue or Full Credit Transfer to the EEOC

HUD

HOUSING CASE PROCESSING (7/1/16 - 6/30/17):

30 Cases closed for contract

- o 9 HUD Settlements
- o 2 Lack of Jurisdiction/withdraw/admin
- o 16 No reasonable
- o 3 Conciliated Reasonable cause (\$14,929.98)

11 Pending (Open being investigated)

ATTENDED EVENTS/OUTREACH:

November 10, 2016: Staff Attorney Quintana and Investigator Sorg conducted Fair Housing training per request.

December 1, 2016: Director Cummings attended the YWCA Circle of Women Luncheon.

December 1 and/or 6, 2016: Investigators attended mediation training.

December 6-9, 2016: Director Cummings and Staff Attorney Quintana attend Human Resources Training.

December 14, 2016: Director Cummings conducted the quarterly fair housing training at Upstar.

December 23, 2016: Investigator Flores conducted fair housing training per settlement agreement.

PERSONNEL ISSUES:

Introduction of new staff members; Mark Burks, Investigator & Leslie Hernandez, Administrative Assistant III. Also re-introduction of Amber Nancarrow and acknowledgement of her promotion from Administrative Assistant to Investigator.

BUDGET:

Information provided by Admin Chenery.

LEGAL UPDATE/MATTERS:

Seven mediations were held and four were successful.

OLD BUSINESS:

Director Cummings asked for the floor to discuss issues indicated on the Agenda. Initial four points were as follows:

1. The staff of this Commission did not deserve the derogatory and disparaging comments made about the Commission at the December 6, 2016 City Council meeting. They have outworked every staff since the Commission has been established.
2. Director Cummings has not lied, cheated, or tried to deceive this Commission.
3. She did not send the Chronic Problem Property Ordinance memo to anyone until she was directed to send it to City Council.
4. On three occasions, she sent the Commissioners documentation concerning the proposed salary increases and/or budget via email. However, she admits to making mistakes.

A. Director Cummings then passed out a memo entitled "Submission of the memo concerning the Chronic Problem Property Ordinance to City Council on December 6, 2016." This memo is attached in its entirety to these minutes and is part of the minutes. The memo, along with Director Cummings presentation detailed the chronological timeline along with documentation of how the memo came to be given to City Council. Director Cummings starts with a brief summary of the memo, reiterating that she never intended to send the memo to City Council until she was directed to do so. She also stressed the point that she did not send the memo to anyone else until after she sent it to Commissioner Keesling at her adamswells.com email. Before going through the chronological listing of events, Director Cummings remarked on some of the disparaging comments made by Councilman Hines during the council meeting. She specifically commented on the conversation where Councilman Hines asked if anyone sitting at the council table asked for this memo from Metro, to which no one affirmatively replied. Additionally, Director Cummings also outlines in her memo all of her contact between to Apartment Association and Upstar as it pertains to the legal memo presented to City Council. This is to clear up the accusation that the memo prepared by Director Cummings was provided to these other associations before City Council, which Director Cummings adamantly denies. Director Cummings also stated that she stands by her legal analysis stated in the memo. It directly aligns with HUD's guidance as of the date of the memo.

B. Director Cummings then passed out a second memo entitled "Submission of the 2017 Budget." This memo is attached in its entirety to these minutes and is part of the minutes. The memo, along with Director Cummings presentation of the memo is a chronological timeline along with documentation of various budget submittals to both the Commission Board and the Controller's office, along with discussion pertaining to staff raises. As with the CPP memo, Director Cummings started with a brief statement before going through the chronological order of the attached memo. She began by emphasizing she did not lie or sneak or in any way intentionally try to deceive the Commission when submitting the 2017 budget. She reiterated there were at least three different occasions where the numbers were sent to the Commission Board. During an executive session on November 7, 2016, Commissioner Keesling stated the following in summary:

1. City Council was upset with the budget submission and believed that the Director was attempting to deceive
2. Council made reference to complaints made about Metro
3. Director Cummings made Commissioner Keesling look like an "idiot" because she was not aware of the increases in the salary line
4. Councilman Crawford wanted to "shut Metro down"
5. Metro will be scrutinized on further budget submissions

After emphasizing those points that were made to her during the executive session, Director Cummings explained she does admit she made some mistakes, but never once withheld information or mislead the Commission. She did acknowledge that she will no longer accept an email as acceptance for the budget. She also indicated that she will turn in the budget late to the

Controller if need be but will not submit the budget to the controller's office until it has been voted on in public meeting by the Commission board. After this explanation and concession Director Cummings proceeds to go through the attached memo.

C. Director Cummings reviews quotes from Councilman Hines, quotes that were made during the December 6, 2016 City Council meeting that were derogatory in nature towards Metro. Such quotes included: "I am disappointed in Metro based on the few filings that they do have you would think they would be more pro citizens who they should be here to serve" and "you don't find that Metro has taken up cases saying oh yeah, we know for a fact that we are not financing homes in those areas." The most upsetting to Director Cummings aside from the quote previously mentioned where Councilman Hines asked if anyone asked for this document and no one spoke up was this one: "You have actual other examples of discriminatory practices which Metro is WOEFULLY inadequately approaching" After reviewing these quotes with the Board, Director Cummings asked for permission to draft an outline of an article to address these statements made about the department and defend it. There was back and forth discussion amongst the Board members regarding how best to handle this. Commissioner Tinnel indicated it sounds as if Council does not have a good understanding of how we operate and perhaps a general piece of information to highlight all of our successes and also defending ourselves would be in order. Commissioner Trevino suggested putting something "to paper" but of course letting the Commissioners review it first. He also suggested at the end of the article perhaps offering to let Council come here and see what we do and how we do it. Director Cummings did let the Commissioners know she has done that with every annual report she submits and also reaches out to each new Council member when they are elected and offers the same thing. Commissioners Chambers and Wardlaw both felt a presentation to Council would be a good idea with Commissioner Wardlaw suggesting that it be done by a member of the Commission board, as he felt like that would be more appropriate than putting it on a staff member to do.

At this point there was some general discussion and questions regarding the information presented up to this point in the meeting. Commissioner Trevino asked Director Cummings if there was any information presented in the memo to City Council about the CPP that differed in the opinion Director Cummings offered to the City Attorney when she met with them briefly, and she said no. Director Cummings also indicated she never said to pass it or not to pass it-that is not Metro's job or within its authority. She just explained the potential risks involved and possible liabilities.

There was a discussion as to what process should be in place as to how Metro provides information to Council. The discussion then turned to the subject of a potential conflict of interest between Commissioner Keesling serving as a Metro Commissioner and her serving as City Clerk. It was mentioned that the City Attorney advised at the time of Commissioner Keesling being elected for the position that it was not a conflict.

At this point Commissioner Chambers needed to leave for an appointment and the Board lost its quorum.

NEW BUSINESS:

- Staff Attorney Quintana has been accepted into the leadership program through YLNI. Director Cummings asked for permission for Metro to fund this due to Staff Attorney Quintana's leadership responsibilities here at Metro. The fee for this is \$375.00. Commissioner Tinnel made a motion to pay for the leadership program for Staff Attorney Quintana, Commissioner Chambers 2nd the motion, and motion passed unanimously.
- MLK Breakfast is January 16, 2016 and we have 6 tickets available. Commissioner Chambers

expressed interest in a ticket.

CONCERNS FROM THE PUBLIC:

MEETING ADJOURNED at 5:33 PM (To be continued)