

**CONTRACT COMPLIANCE COMMITTEE**  
**and**  
**BLOOMINGTON HUMAN RIGHTS COMMISSION**  
**Minutes of December 23, 2019 Meeting**  
**Contract Compliance Committee**

The Contract Compliance Committee of the BHRC met on Monday, December 23, 2019, beginning at 5:32 p.m. in the McCloskey Conference Room of Showers City Hall. Present for this meeting were commissioners Ryne Shadday, Pam Jackson, Byron Bangert, Irena Micajkova Otten and Carolyn Calloway-Thomas. Commissioners Haughton-Motley and Jacob Simpson had notified staff that they could not attend. A quorum was present. Also present was Barbara E. McKinney, BHRC Director/Attorney.

**Appeal of unacceptable findings regarding James Babcock, Inc.'s and Hoosier Glass Company, Inc.'s affirmative action plans:**

McKinney explained that the City had been soliciting bids for the new Fourth Street parking garage. All bidders were required to submit their affirmative action plans to her no later than 24 hours before the bids were due on December 13. Babcock submitted its AAP to her on December 13, before the bids were due but after the 24-hour deadline. Hoosier Glass submitted its AAP to her on December 23. She found them both unacceptable as they had not submitted their plans to her in a timely fashion.

She asked the CCC to admit the following documents into the record: the notice for bids, the AAPs the two companies submitted, emails between her and the companies, her findings, the companies' appeals, the CCC rules and regulations and the Bloomington Human Rights Ordinance. Bangert moved; Calloway-Thomas seconded; passed unanimously.

**Discussion:** Shadday said that when a similar issue had come up before and the CCC had granted the appeals, he had noted that the committee was rewarding people for ignoring deadlines.

Calloway-Thomas asked what information the bidders receive. McKinney said they receive a cover letter explaining the requirements, a model AAP, a workforce breakdown and a checklist in their bid packet. They also have her email address and telephone number. She offered to send the information to anyone interested.

Bangert said that in his experience, the CCC always overturns McKinney's finding if there is a shred of a credible excuse. In this case, we have one company that was barely late and one that was grossly late.

Calloway-Thomas asked what recourse the companies would have if the CCC upheld McKinney's findings of unacceptability. McKinney said they could go to court. She said one bidder did take the CCC and the City to court, more than 30 years ago, and the City won.

Shadday suggested overturning McKinney's finding in Babcock's case and overturning Hoosier Glass. Hoosier Glass submitted its plan more than a week late, only after it knew it was the lowest bidder. Overturning Babcock would be consistent with precedent.

McKinney read the appeal letters from both companies.

Calloway-Thomas said that sustaining McKinney's Hoosier Glass finding would be a message to bidders that the City heeds its deadlines.

Otten said that it was bothersome to her that companies didn't submit their AAP until they knew they were the lowest bidder.

Calloway-Thomas asked if the project were on hold because of the eminent domain decision against the City the week earlier. McKinney said it was in limbo at the moment but a decision would be made soon about how to proceed.

**Decision:** Bangert moved that the CCC overturn McKinney's Babcock decision and sustain her Hoosier Glass decision. Jackson seconded. Passed unanimously.

### **Adjournment:**

The meeting of the CCC was adjourned at 5:50.

## **BLOOMINGTON HUMAN RIGHTS COMMISSION**

The BHRC met immediately following the adjournment of the CCC, with the same members and staff present.

**Approval of minutes of the November 25, 2019 BHRC meeting:** The minutes were approved by consensus.

### **Unfinished business**

**Human rights award:** The commissioners discussed the nomination of City Church, submitted by Jessica Oswalt. Calloway-Thomas and Jackson agreed that the letter of nomination was lovely. Calloway-Thomas noted that the letter discussed what the church did globally and asked what they did more locally. Jackson, a member of the church, discussed several of their local programs. Calloway-Thomas asked what the church was doing beyond the normal work of a church.

Bangert said he could not support recognizing a church for doing good work. He said many churches, including his own, do good work. He didn't see anything to set this church apart.

Jackson asked if churches should not be eligible for the award. Bangert said he would not want to say a church could never be recognized, but they shouldn't be recognized in the absence of taking on activities beyond what many churches do. He said a church that acts as a sanctuary church, or a church that fought for civil rights in the 1950s, could be recognized, for example.

Other possible nominees were discussed. Shadday said he had considered nominating IU GLBT Alumni Services, which helps students at all IU campuses, including providing scholarships for students who lost support from their parents when they came out. Otten talked about a development director who does amazing work for students and employees, but again, it's that person's job. Bangert said it was easier to recognize people who do volunteer work instead of people who are doing their job well. Shadday read a partial list of previous winners. Jackson mentioned Noah's Ark as a possible nominee - they engage people in conversations on race and healing and urge participants to come up with something to benefit the community. Shadday mentioned Cindy Stone as someone who is quite deserving.

The commissioners agreed to discuss the issue at the January meeting.

**Essay/art contest update:** McKinney thanked the commissioners for their input on the flyers. She said the flyers had gone out and submissions are due on February 7. The commissioners will need to decide who is judging essays and who is judging art. She said she had brought the WonderLab passed, which are the prizes for the winners, with 2019 money. She will work out a time for the awards ceremony with the mayor's office.

**King Commission donation update:** McKinney said that her boss had approved the BHRC donating \$250 the King Day celebration, which means the BHRC will be recognized on the program.

## **New business**

**Staff update:** McKinney announced with sadness that Jessica Oswald had accepted a new job with the City, as a neighborhood resource officer. Her last day with the BHRC will be on December 27 and her first day with BPD will be on December 30. She said the position had been posted; applications are due on 1/1. The commissioners wished Oswald well.

**Assignment of new cases:** McKinney said that one, maybe two, cases are in the works but neither had been officially filed yet.

**Other business:** No other business.

**Public input:** No public input.

**Adjournment:** Meeting adjourned at 6:45 p.m.

Respectfully submitted,

Barbara E. McKinney, BHRC director/attorney