

In the Council Chamber of the Municipal Building on Thursday, May 11, 1972, at 6:30 p.m., E.S.T., with Council President Charlotte T. Zietlow, presiding.

SPECIAL MEETING OF THE
COMMON COUNCIL OF THE
CITY OF BLOOMINGTON,
INDIANA, TO CONSIDER
HUMAN RIGHTS ORDINANCE
72-15.

Members present:

ROLL CALL

James Ackerman, Richard Behen, Hubert Davis, Brian de St. Croix, Wayne Fix, Sherwin Mizell, Jack Morrison, Alfred Towell, Charlotte Zietlow.

Members Absent: None.

Russell Parks, Director of Public Safety, Grace E. Johnson, City Clerk, LaVerta Terry, Member Board of Public Safety, Patricia Gross, Member Board of Zoning Appeals, Tim Hodenfield, Administrative Aide, John Irvine, Administrative Aide.

CITY OFFICIALS PRESENT

Approximately 20 including members of the press.

OTHERS PRESENT

Councilman Behen questioned the inclusion of "other attorneys" in the Ordinance, and wondered why additional attorneys would ever be needed. Mr. Irvine explained that civil rights litigation requires very specialized knowledge. Councilman Behen then questioned whether the ability to hire additional attorneys did not give the Commission a great deal of budgetary flexibility. Mr. Irvine answered that the Commission would only be able to spend what the Council appropriated.

CONSIDERATION OF HUMAN
RIGHTS ORDINANCE 72-15.

Councilman Ackerman requested a run-down on the number of needed permanent positions required to implement this ordinance. Mr. Irvine answered that this would be difficult to predict. It would be necessary to wait and see what the future funding was. He felt the City should be able to get by with one attorney, but he pointed out that HUD thinks at least two are necessary. There is a possibility that HUD would pay for one attorney. Mr. Irvine pointed out that the Ordinance is flexible and can work with either a paid staff or the Commission members themselves doing the work.

Councilman de St. Croix made the following statement:

I am opposed to the calling of this Special Meeting, but I am in favor of attending the meeting, because I support the ordinance. I'd like to state publicly my sympathy with having a Special Council meeting to consider this Ordinance. However, I have a feeling that the Community and this Ordinance are not being served by having a Special Meeting so recently called. It was tabled at our last regular meeting because we recognized that public discussion was needed and it was getting very late. I am afraid that some people interested in speaking for or against this ordinance may not have learned about tonight's meeting. I feel this should be discussed and voted on at a regular Council Meeting.

Councilman Behen wondered whether CAP attorneys could be utilized instead of the City hiring additional personnel. Mr. Irvine explained that the CAP attorneys not only could not be used in that way, but that they also did not have the needed expertise.

Councilman Behen asked how many cases claiming discrimination had been filed in Bloomington in the last twelve months. Mr. Irvine answered that he did not know, nor did he feel that it mattered. He explained that there would be more cases filed under this new Ordinance because it better enables people to make a complaint. The fear should be that we would have more complaints than we could handle.

Councilman Morrison expressed apprehension about the Mayor having all the appointments to the Commission. He felt the Common Council should have at least 50% of the appointments. Mr. Irvine explained that the Ordinance was written this way to follow the structure of the State Civil Rights Law. He indicated that it could be amended if the Council wished.

Councilwoman Zietlow pointed out that the Ordinance did not make clear who would appoint the nine present members when their term expires. Mr. Irvine agreed that this point needed correction.

Councilman Towell made the following statement:

I sense some Council members are concerned about economic concerns. I would like to point out that if we are parsimonious and don't staff the Commission we will have to have very special Commissioners who can do these special things. So we should not tie ourselves down to certain types of people. We will be lucky to find them anywhere. I hope we don't tie ourselves down to too many categories.

Councilman Ackerman inquired if there was someone in the audience from the present Human Rights Commission who could indicate whether they had felt a need for special competence beyond that of the members. The present Vice-President of the Commission answered that they had felt such a need. He indicated that it had taken months for the present members to prepare themselves to handle the questions before them. They still feel a need for experts to turn to. They also feel that the present Commission members should continue to serve because of the knowledge they have accumulated.

Council President Zietlow asked if there was discussion from anyone in the audience.

Mrs. Yesuda asked to make two points. First, the State Civil Rights Commission has made the point that when there is a competent staff more complaints are filed. Second, there has definitely been a need for expertise on the present Commission.

Mrs. Connors indicated that at the present time most local complaints by-pass the City. And the word is out that the State is far behind so one can't get anything done. We have the feeling that many complaints would come forward if we had a paid, competent staff.

Mrs. Terry said Bloomington needs to set priorities. Look at the history of other Human Rights Commissions which have died for lack of funding. The tax rate does not have to go up. We can change priorities. It is time to make human relations a top priority in this community.

Councilman Behen responded by saying that he felt that conditions in our community had improved. But he was willing to be enlightened before the budget hearings were held if his impression had been in error.

Councilman Towell moved to amend the Ordinance, Section 2 a, line 6 by omitting one or more families. Councilman Ackerman seconded the motion. Carried unanimously.

Councilman de St. Croix moved to amend section 2, h, line 6 by omitting racial and adding on the basis of the above categories. Councilman Ackerman seconded the motion. Carried unanimously.

Councilman Ackerman moved to amend Section 3, a, line 2 by deleting racial, ethnic, religious, economic, and educational groups in the. Councilman Morrison seconded the motion. Carried unanimously.

Councilman Towell moved to amend Section 3, a, line 7 by inserting after shall be the words made by the Mayor with the advice and consent of the Common Council. Councilman de St. Croix seconded the motion. Carried unanimously.

Councilman Towell moved to amend Section 3, b by adding as a last sentence: Any Commissioner who has an interest, direct or indirect, shall be disqualified from participation in any case under investigation. Councilman de St. Croix seconded the motion. Carried unanimously.

Councilman Ackerman moved to amend Section 3, b, line 5 by deleting but not for no reason and inserting but not without reason. Councilman Towell seconded the motion. Carried unanimously.

Councilman Towell moved to amend Section 4, a, line 2 by deleting at the discretion of the Mayor. Councilman de St. Croix seconded. Carried unanimously.

Councilman Ackerman moved to amend Section 4, a, line 2 by inserting after Bloomington the words when the Common Council has provided funds for such an office. Councilman de St. Croix seconded. 8 ayes, 1 nay (Towell)

Councilman Towell moved to amend Section 4, e by adding as a second sentence: Upon the request of the Complainant, the Commission or staff shall aid the Complainant in drafting the complaint. Councilman Morrison seconded the motion. Carried unanimously.

Councilman Towell moved to amend Section 4, f, line 9 by inserting or after Commission. Councilman de St. Croix seconded the motion. Carried unanimously.

Councilman Towell moved to amend Section 4, f, line 19 by inserting after final the words upon adoption by a majority of the Commission. Councilman de St. Croix seconded the motion. Carried unanimously.

Councilman de St. Croix moved to amend Section 4, f, line 35, by inserting the sentence: The finding of no probable cause shall state the reasons the allegations in the complaint are deemed insufficient. Councilman Ackerman seconded the motion. Carried unanimously.

Councilman de St. Croix moved to amend Section 4, f, line 45 by inserting after final the words upon adoption by a majority of the Commissioners. Councilman Ackerman seconded the motion. Carried unanimously.

Councilman de St. Croix moved to amend Section 4, k, 3, line 6 by inserting after allowed the words within the discretion of the Commission. Councilman Fix seconded the motion. Carried unanimously.

Councilman Towell moved to amend Section 4, l, line 1, by inserting after desist order the words or other final order. Councilman de St. Croix seconded the motion. Carried unanimously.

Councilman Ackerman moved to amend Section 5, d, 3 by deleting time and inserting sum. Councilman Towell seconded the motion. Carried unanimously.

Councilman Towell moved that Human Rights Ordinance 72-15 be adopted as amended. Council Mizell seconded the motion.

Roll Call Vote: ayes 9, nays 0.

There being no further business, the meeting was adjourned at 8:10 p.m.

Charlotte T. Zietlow
Charlotte T. Zietlow, President

ATTEST:

Grace E. Johnson
Grace E. Johnson, City Clerk