

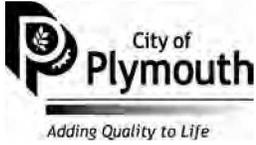
**CITY OF PLYMOUTH
AGENDA
SPECIAL COUNCIL MEETING
JANUARY 15, 2013, 6:00 p.m.
MEDICINE LAKE CONFERENCE ROOM**

1. CALL TO ORDER

2. TOPICS

A. Board and Committee Interviews

3. ADJOURN



**SPECIAL
COUNCIL MEETING**

January 15, 2013

To: Mayor and City Council

Prepared by: Laurie Ahrens, City Manager

Item: **Board and Commission Interviews –
Human Rights Committee Options**

The City Council has scheduled interviews for board and commission appointments on January 15. Applicant packets have been supplied to the Council for consideration. The Council also requested a staff report on the Human Rights Committee. This report will include information on history and membership of the committee, as well as what other cities are doing, and options for how the work of the HRC could be done in the future.

HRC Structure and Membership

1968 -- The Plymouth Human Rights Commission (HRC) was established with 15 members appointed by the Mayor. In 1983, the City Council established a Task Force to evaluate the HRC due to “lack of work for the HRC and a variety of problems which the HRC had experienced.”

1984 -- The HRC was disbanded by the City Council. The duties of the HRC were carried out by an ad-hoc committee comprised of the City’s representatives to two local human service planning boards, a councilmember, and a staff member. By the early 1990s, one of the human service planning boards had disbanded and the City was no longer a member of the other board.

1993 -- The HRC was re-established as an 11-member group appointed by the City Council. Membership was comprised of a resident from each ward (4), a member appointed by each school district (4), and 3 residents appointed at-large.

2003 -- The HRC membership was expanded to 15 by adding four youth members who were appointed at-large.

2007 – HRC membership was changed from 15 to 7 at-large members.

2011 – The HRC was changed from a Commission to a Committee when the HRC suggested administering the no-fault grievance process.

As noted, the HRC membership has varied over time from 7 to 15 members. There were difficulties reaching a quorum when the membership was larger because the school district positions were often vacant and youth attendance was inconsistent. The appointments to the HRC were initially made by the Mayor and more recently by the City Council.

A councilmember has been assigned as the Council Coordinating Representative to the HRC, similar to other advisory groups. However, since 2010 two elected officials and a staff member have been appointed as members of the Committee. The Housing and Redevelopment Authority and the Plymouth Advisory Committee on Transit also have council members serving as committee members. Several members of the HRC have strongly objected to elected officials and staff serving on the HRC.

Purpose, Expectations and Work Plan

The duties of the HRC are identified in the Plymouth City Code Section 305.11, Subd. 4 (attached). This section states that the HRC works in an advisory capacity to the Council and that the group considers matters pertaining to human rights that are either referred to the Committee by the Council or which are contained in a work plan approved by the Council. The City's expectation of the HRC is that the group will do two things: 1) Respond to bias/hate incidents and inquiries by providing support and referral using the Bias/Hate Incident Response Plan; and 2) Conduct activities to educate about human rights in the community, such as an essay contest, forums, workshops, presence at community events, etc.

Several members of the HRC have objected to being held to a Work Plan that is approved by the City Council. Committee members believe that they need the flexibility and authority to handle any issues that arise or that they desire to pursue. This has resulted in some conflict, as well as difficulty for staff tasked with ensuring that the HRC stays within its work plan.

Other Cities

We have checked with a number of cities to inquire about human rights commissions. Many of our comparable cities do not have a commission – Minnetonka, Maple Grove, Eagan, Woodbury, Burnsville, Lakeville, Inver Grove Heights, Savage, Apple Valley.

The following area communities have Human Rights Commissions: Bloomington, New Hope, Shoreview, and Maplewood. Eden Prairie has a Human Rights and Diversity Commission. Edina has a Human Rights and Relations Commission. Brooklyn Park has a Human Relations Commission. Shakopee has established the Shakopee Diversity Alliance.

The cities of Hopkins and Golden Valley have recently disbanded their Human Rights Commissions. I spoke with representatives from each City who indicated that their commissions were disbanded due to lack of work, as well as HRC involvement in issues that conflicted with the direction of the City Council and best interests of the City. The City of Golden Valley disbanded its commission. They subsequently appointed a 19-member task force and hired a consultant to solicit feedback on the need for a HRC. That work is pending. Hopkins left its ordinance in place regarding the HRC, but ended all appointments. They said that the Council could reinstate the HRC in the future if needed. The City of Hopkins also has a multi-cultural advisory committee which works closely with their police department and has proven a valuable resource.

Options

There are many options for how the work of the HRC could be conducted:

- 1) Continue the status quo.
- 2) Continue the HRC, but make changes in membership or the work plan. The work plan could either be more specific to avoid conflicts in interpretation, or the work plan could be eliminated as desired by several members of the HRC. If members of the Council will continue serving on the HRC, the HRC members need to be told to accept it so that meeting time can be productive. Discussion about whether elected officials should be serving has had frequent discussion during meetings and outside of meetings. The staff member appointed to the HRC recently resigned due to the time wasted in these discussions about the work plan and membership, as well as frustrations in lack of progress by the group. The conflicts also make it difficult to assign staff support for the group.
- 3) Disband the HRC and repeal the ordinance. The City has disbanded advisory groups in the past, such as the Financial Advisory Committee, the Board of Zoning Adjustment and Appeals, the Public Safety Advisory Board, the Youth Advisory Council, and many ad hoc advisory groups.
- 4) Disband the HRC and retain the ordinance (similar to Hopkins). If desired, the HRC could be reinstated in the future by making appointments.
- 5) Change from a committee structure to an ad hoc group with no direct relationship to the City. The City could solicit members or the group can select its own members, the City could look to the group for assistance if an issue arises, but otherwise the group would not be bound by a work plan, the open meeting law, data practices act, or staff direction.

If an option to disband the HRC is selected (Options 3-5), human rights work would continue in the City:

- The Bias/Hate Incident Response Plan would still be in place and support/referrals would be administered by staff and council, which is usually the case now.
- The Police Department has a response protocol to calls for service related to bias-related crime. This includes a comprehensive investigation and a mandated reporting process to the state that is directed under state statute.
- The Park Department could offer a human rights education event, such as an essay contest, art contest or forum. In the past, the Park Department has recognized diversity through art and music events, and held forums on intergenerational topics and bullying.
- The Fire Department and Police Department would continue educational programs designed to target specific populations found to be at risk due to age, mobility, language spoken and cultural practices. Current examples include our water safety/drowning prevention program, ECHO partnering, ECFE education, Welcome to Plymouth, Smoke Buster, and apartment outreach programs.
- The City works closely with our schools and nonprofits, and is an active member of the Communities in Collaboration Council.
- A committee comprised of city staff meets regularly to identify emerging issues and develop solutions. Often these issues involve diverse populations.
- Training is provided on human rights and inclusion to city employees, and the City recently established a paid internship program for minority individual or veteran who is training for a police position.

1. ATTACHMENTS:

Ordinance 68-6 Establishment of a Human Rights Commission
Bias/Hate Crime and Bias Incident Response Plan

~~Subd. 5. Reports. The Commission shall make an annual written report to the Council, no later than the last day of February of each calendar year, containing the Commission's recommendations for the ensuing year.~~

305.07. Board of Adjustments and Appeals. Pursuant to Minnesota Statutes, Section 462.354, a Board of Adjustments and Appeals is hereby established. The Council shall serve as the Board of Adjustments and Appeals. The Planning Commission shall conduct required hearings for the Board and make recommendations to it on all variance applications.

305.09. Removal of Appointees to Boards and Commissions. A member of any advisory board or commission appointed pursuant to the provisions of this Section or the Zoning Ordinance may be removed at any time by the Council.

305.11. Human Rights Committee. Subdivision 1. Committee Established. The Human Rights Committee is established.

Subd. 2. Membership. The Human Rights Committee consists of seven members appointed from the City at large. Members of the Committee shall be appointed by the Council for staggered terms of three years, expiring on January 31 of each year.

Subd. 3. Officers; Meetings. The Chairperson and Vice Chairperson of the Human Rights Committee shall be appointed by the Committee from among the members of the Committee, subject to the approval of the Mayor, for a term of one year. The Committee shall adopt its own rules and procedures with approval of the Council. All members of the Committee, including the Chairperson, may vote on any question before the Committee. No member of the Committee shall pass upon any question in which he or she is directly or indirectly interested. The Committee shall determine the date and time of meetings and shall set such public hearings as are necessary and desirable, or required by law or the City Code or City Charter.

Subd. 4. Powers and Duties. The Human Rights Committee has the following powers and duties:

- A. To hold meetings of its members, to consider such matters pertaining to human rights in the City as shall be referred to the Committee by the Council or which are contained in a work plan approved by the Council.
- B. Prepare a plan, for consideration by the Council, for providing liaison between local government, state government and other voluntary organizations on matters relevant to human rights.
- C. To act in an advisory capacity to the Council in all matters relating to human rights.

D. To prepare an annual written report to the Council no later than the last day of February of each calendar year, outlining the Committee's activities over the past year and outlining those activities for the coming year.

Subd. 5. Annual Review of the Plymouth Human Rights Committee. The Council shall annually review the performance of the Plymouth Human Rights Committee. The Committee must demonstrate that its activities and accomplishments fulfill the duties set out for the Committee in the City Code. The Council may dissolve the Plymouth Human Rights Committee if the Committee has not met the duties set forth in the City Code.

305.13. Resignations and Removal from Commissions or Committees. Commission or Committee members may resign voluntarily or may be removed from office by a majority vote of the Council. Any vacancy in any advisory board, commission, or committee shall be filled by appointment with a majority vote of the Council. Vacancies shall be announced in the City's official newspaper and posted within the City Hall. Applications shall be available at the City Clerk's office and shall be forwarded within a time to be prescribed to the Council.

305.15. Compensation. Commission and Committee members shall serve without compensation.

(Ord. 2003-23, 7/22/2003; Ord. 2007-02, 1/09/2007; Ord. 2011-10, 4/12/2011; Ord. 2011-29, 10/25/2011)

**City of Plymouth
Bias/Hate Crime and Bias Incident Response Plan**

PURPOSE

To establish a local response to bias/hate crimes and bias incidents and to join with the League of Minnesota Human Rights Commission (LMHRC) in establishing a state-wide response mechanism to counter hate and bias crimes. The Plymouth Human Rights Commission (HRC) will not be involved in the investigation of such crimes, but will provide or coordinate support for the victims of such crimes and incidents. Through the implementation and administration of this plan, the HRC will attempt to:

- Ensure the victim is safe and free from immediate threat.
- Ensure the incident is or has been properly reported.
- Listen to the victim and offer support.
- Advise victim of the role of the HRC, Police Department, State Department of Human Rights, and others in the process.
- Inform victim of his/her rights.
- Offer resources and referrals.
- Review incident to determine if HRC has a role in education or proactive actions to prevent repeat of similar incident in the future.
- Evaluate each incident to verify that the Plan has been followed and to recognize if changes are needed in responding to future crimes or incidents.

ROLES AND RESPONSIBILITIES

The Plymouth City Council shall approve and support the Response Plan as developed by the Plymouth Human Rights Commission.

The Plymouth Police Department shall notify the Plymouth Human Rights Commission after confirmation of a bias/hate crime or bias incident complaint and the victim has agreed to such notification. Contact shall be made through the city staff liaison or the chairperson of the Human Rights Commission.

The Plymouth Human Rights Commission shall develop a community network, which can be activated quickly to support victims of bias/hate crimes and bias incidents. The Plymouth Human Rights Commission shall raise community awareness of prejudice and bigotry, and the availability of this Response Plan to victims of bias/hate crimes and bias incidents. The Plymouth Human Rights Commission shall maintain readiness to activate this Response Plan and keep it current.

PROCESS

Upon receiving notice of an incident, the Plymouth Human Rights Commission (HRC) will respond as follows using the steps that are applicable for the particular incident:

I. Immediate Response

- A. Ensure victim is safe and free from immediate threat.
- B. If there is an immediate threat, or in the event of a crime, notify the Plymouth Police Department. Ensure that the victim understands the HRC has an obligation to report the crime to the Police Department.
- C. Call the victim(s) immediately.
- D. Conduct a phone or in-person interview (preferable in person)
 1. Listen to the victim.
 2. Express regret over the incident.
 3. Explain HRC role, as well as roles of others involved in the process.
 4. Explain options available, including referral to State Human Rights Dept.
 5. Offer support, referrals, and resources from community network groups.
- E. Exchange telephone numbers.

II. Activate Network to Notify and Deliver Support (after consulting with victim)

- A. Contact Plymouth City Council liaison and the Mayor.
- B. Contact League of Minnesota Human Rights Commissions and confirm notification of crime to Minnesota Department of Human Rights.
- C. Contact Plymouth Police Department and contact appropriate Neighborhood Watch Block Captain (if area participates).
- D. Contact Ministerial/Clergy Association Liaison, and /or the victim's rabbi, pastor, priest, etc.
- E. Contact appropriate human service agencies.
- F. Contact HRC school district liaison.

III. Community Response to Create Awareness and Support

- A. Contact Media (after gaining victim's approval)
 1. Plymouth Sun Sailor
 2. Wayzata Weekly News
 3. Cable Television
- B. School Awareness
- C. Religious Groups

IV. Follow-Up

- A. HRC Chairperson or member re-contacts victim(s) within one week
 - 1. Ask about recurrences
 - 2. Ask about other problems
 - 3. Offer continued support.
- B. Contact Police Department to relate victim(s) status/concerns.
- C. Contact Police Department for periodic updates on the status of criminal case and the outcome.
- D. HRC Chairperson or member re-contacts victim(s) after one month.
 - 1. Ask about recurrences
 - 2. Ask about other problems
 - 3. Offer continued support.
 - 4. Discuss whether the victim was satisfied with the process, whether this Plan was properly executed, and invite comments/suggestions for future changes.

V. Report and Evaluation

- A. HRC reviews the process and implements improvements
- B. HRC sends letters of appreciation to involved network representatives
- C. HRC provides summary reports:
 - 1. Plymouth City Council
 - 2. Plymouth Chief of Police
 - 3. League of Minnesota Human Rights Commissions