

City of Tampa
Human Rights Board
Meeting Minutes
February 11, 2015

The City of Tampa Human Rights Board held their regular bi-monthly meeting on Wednesday, February, 11, 2015, at 8:30 a.m., in the 2nd floor conference room of the Neighborhood Empowerment Department, Community Affairs Division, 2105 N. Nebraska Avenue, Tampa, Florida.

MEMBERS IN ATTENDANCE:

Anthony Carswell	Anna Ramos
Laila Abdelaziz	Reginald Tim
Amy Mandel	Elias Vazquez
John Perry	

CITY OF TAMPA REPRESENTATIVES IN ATTENDANCE:

Maritza Betancourt	Colin Rice
Rebecca Cortes	Karen Sinnreich
Margarita Gonzalez	Jake Slater
Deborah Seigler	

Call to Order and Roll Call

The Chairman, Anthony Carswell, called the meeting to order at 8:45 a.m., and then continued with the roll call.

Approval of Minutes – December 10, 2014

The Chairman asked members present if they received the minutes for December 10, 2014, and if so, to take a few minutes to review them for approval (minutes had been mailed to members and copies were also available at this meeting). **Motion** was **made** by Mr. Vazquez and **seconded** by Mr. Tim, to accept the minutes as submitted. The **motion** was **accepted** unanimously by all members present.

Regular Reports

Administrator's Report

Mr. Slater began by announcing that the Mayor's Neighborhood Landlord Training has been scheduled for February 27, 2015, at Seminole Garden Center, from 8:30 a.m. to 12 noon. He extended an invitation to the board members and provided a copy of the flyer. The training is offered 3-4 times per year. Topics will include Code Enforcement and rental property maintenance, and one of the speakers is from the landlord academy. He made another announcement and extended an invitation to the board members, of the Riverwalk opening with Mayor Buckhorn. It is the last phase of the Riverwalk and has been scheduled for March 27, 2015, at 5:00 p.m., near N. Ashley and Curtis Hixon Park. Mr. Slater also referred to the Mayor's Neighborhood University class that was held on February 10, 2015, and which 48 persons attended. This is a 12-week program and covers topics on how the City operates, people behind the scenes, and is free of charge.

Mr. Slater informed the board members that HUD is conducting a performance review regarding fair housing for the Community Affairs Division. It is underway and a representative is scheduled to visit from May 20-21, 2015. Mr. Rice commented that FY2015 is the year for re-certification, and the City will use the opportunity to move forward with the performance assessment and re-certification. He is in the process of submitting a response at the end of this month. Mr. Slater will keep the board members posted.

HUD/Fair Housing, EEOC/Employment, and Public Accommodations

Ms. Betancourt – there are 5 closed housing cases, 3 open, and 2 pending for filing. The figures for the last fiscal year were affected and are low, due to the economy and closing of the HUD downtown and Hillsborough County offices. She mentioned that Ms. Seigler closed a case for \$15,000 in settlement. Since October 1, 2014, no employment cases were filed and none were closed, and for Public Accommodation, 2 cases are open and 1 has been closed.

In the area of education, Ms. Betancourt mentioned that Ms. Gonzalez and Ms. Sinnreich are making arrangements to attend national fair housing training at the academy, for completion of the five-week mandatory training as required by HUD for certification. Ms. Seigler will be taking an advanced course for investigators.

ADA Disability Rights

Ms. Sinnreich began by reporting that a job fair was held at Keiser University on January 23, 2015 for veterans and persons with disabilities. There were 32 employers and 513 applicants, and Clear Channel provided free billboards. A larger venue will be needed for next year. There will be an upcoming fair housing training on accessibility, on March 5, 2015, at Greater Tampa Association of Realtors, Inc. (GTAR), from 8:30 a.m. to 4:30 p.m. GTAR has donated the space. Details and the link for registration has been posted under the Mayor's Alliance for Persons with Disabilities tab, in the City Of Tampa Community Affairs home page, and a copy of the flyer was provided. Besides extending an invitation to the board members, an invitation will be extended to the persons who attend the Mayor's Neighborhood University class.

Ms. Seigler stated that she is currently on the planning committee for the fair housing consortium. Updates today include the date, which is April 17, 2015. Other agencies expected to participate are Pinellas County Office of Human Rights, City of Tampa, City of Largo, and City of Clearwater. A couple of speakers are in line. The timeframe has not been determined, and the event could be held from 9:30 a.m.-1:30 p.m., or 10 a.m. – 2:00 p.m. The price range is \$25 to \$30 and has yet to be determined. Once everything is final, a copy of the invitation is to be sent to Ms. Cortes, so that she can send to the Human Rights Board members.

Ms. Gonzalez provided a copy of the job fair program, which is included in the link that lists all presentations. Several sessions will cover training prospective employees on interview techniques and job search. She assisted Ms. Sinnreich with press releases, the posting of the online application for employers and applicants. Information and details for the fair housing accessibility training on March 5, 2015 is available online, and she will assist with the posting of the fair housing consortium.

Old Business

Status for Proposed Changes to Human Rights Ordinance, By-Laws and Board Structure

The Chairman said that variations of other City boards' and commissions' Robert's Rules of Order were reviewed. He wants the board to accomplish on bringing more clarity on how to run a meeting, not necessarily to make things too rigid in structure, but to give the board a little structure on how to be conductive. Later in the year, when getting with City Council members on the powers and what the board actually looks like, and the makeup of the board, it's clear now which segment is represented by each board member. He would like a little more latitude and he does not want someone excluded because they happen to be in the same venue as an existing board member or potential board member. He asked Mr. Perry if he had any questions, however, Mr. Perry did not have any questions at this time. The Chairman then took the lead.

The Chairman opened the floor for open discussion on adoption of by-laws. He then asked Mr. Rice on his opinion that if the board just wanted to have the part about the by-laws, on how the board members vote, how a meeting is called to order, etc. would the board have to adopt the entire Robert's Rules of Order, or list exactly what the board wants done? Mr. Rice said that the board that he is involved with, has not seen that any reference Robert's Rules of Order, and he thinks that the board has latitude for procedures.

Mr. Rice commented that certain things may require City Council approval. If the board's provisions do not lead to something, he thinks the board has something. The Chairman stated that the reason this came up was when talking about changing the makeup of the board, how many members, and what employment or field background the individuals would have to serve on the board. When City Council members got wind of this, they started diving into why don't we have a say on who gets appointed, how is the board's structure, and what do they do, etc.? The Ordinance allows a lot of latitude. He thinks this gave the City Council members an impression that anyone could make an opinion and put something in place, whatever the case may be. He wants a little mores structure that when board members are no longer serving, that there's actually an A-Z, appointments, people who serve, etc. He then asked if it was an overkill to even put something in place or about by-laws, and if it's not broken, then there's nothing to fix.

Mr. Perry said that what was asked was, on what constituted a quorum, the majority of the board as a whole, or the majority of the board of those present? That's how the issue came up, and there may be things like this that may need to be clarified. Mr. Rice said the definition of a quorum is defined. The Chairman would like to address that.

Mr. Tim said that having attended many board meetings, you do not see this as something that they want to implement, because once you begin the procedures, and you find yourself in the middle of the procedures, then you have to speak on anything that is outside of the procedures. Somebody may hold your feet to the fire. Mr. Perry said if you do not have a Parliamentarian, then you can get into trouble. Mr. Tim then said if you want to challenge another government body, then the person has to do one thing or another. He made a suggestion to back off and take a second look. He thinks everyone is comfortable with this level of operation.

Mr. Rice read Chapter 12, Article I, Section 12-5 of the Tampa Human Rights Ordinance and quorum means a majority of the members of the Tampa Human Rights Board. Ms. Mandel commented, that is, the whole board, not just those present. Mr. Rice said it would be 51% of number of board members. Mr. Perry said that tells how many people you need to have present, to be able to even vote on something, as opposed to approving something. That would be a separate issue, like, is anything that the board approves a simple majority vote? It's something separate. The quorum would be, how many members does the board need to have to even vote? The Chairman said that in reading the Ordinance, if Colin is right, five members would be needed. Currently, there is a body of nine. So, the majority would be five. Mr. Perry said there have been a couple of times where a number of people could not attend. So, if you had 3 people, the members could not vote. Ms. Mandel said when you vote, is it the same 51%? The Chairman said that's what needs to be looked at. Mr. Perry said that the definition for a quorum is clear.

Mr. Slater referred to copies of other City of Tampa boards and commissions that were previously sent to the board members for their review. It included how meetings are conducted, and overall definitions. He wondered if it helped members with ideas to make recommendations. The Chairman thanked Ms. Cortes for sending the copies last year. He commented that the Barrio Latino Review Commission is very detailed. He agrees with Mr. Tim's comment that he did not want the board to put something in place and so rigid that you can't get anything done. At the same time, it was more of a defensive tactic and he will take the lead. He was the person who said that if someone were looking at the board, he did not want the board to be viewed as, hey; these guys are kind of doing things how they want, voting, etc. He thinks the board members should look at the vote and keep the conversation going regarding the board's makeup. For example, in the Commercial Property Leasing category, the board has one person. What if there are two qualified persons that would like to serve on the board, we could only have one? He feels strongly about this.

Mr. Rice referred to Section 12-5, (e) (2) powers and duties: to adopt, promulgate, amend and rescind rules and regulations for the operation of the board and to effectuate the policies of this chapter. He said that if the members wanted to nail this down, it could be a conversation. The Chairman commented that on the second part of the meeting on the conversation regarding fair wages, it would put the board outside of the scope. He does not think that this is what the board wants to accomplish. Mr. Tim said that if the board members look at how the board and how it operates, he recalls a conversation how it would come to that point if the board was challenged by another body. He said that if the board wanted to initiate something like a Standard Operating Procedure (SOP), the board could pick out the pieces that apply and put it in writing. The Chairman asked how would that fit, versus just actually adopting by-laws, and what would be the difference, and would you put a SOP in an ordinance? Mr. Rice responded not necessarily, it just gives the board the power to adopt and promulgate the rules, as long as it is publicly available and could serve as a structure for operation of the HRB. Mr. Vazquez commented that the Tampa Police Department (TPD) has SOP's, which are modified and get you through thresholds. TPD does everything via SOP's. The Chairman mentioned that this was mentioned about one year ago, and it could be put down to lay by saying for by-law conversation, and thanked all members for their input. It literally had to do with conversations in 2013 when City Council was looking at things and possibly wanting to make changes to the board without proper input from persons working around the table, which is where this came from. Valid questions came up. If he would have known about SOP's he would have tried to put one in place, and it seems it would be the proper thing to do, where the board could speak to a quorum as far as voting is concerned. Mr. Perry asked what threshold was needed to pass a motion, and thinks assumption is a simple majority. This would be the only question left, since the Ordinance covers the quorum issue.

Mr. Tim suggested that a Standard Operating Procedure (SOP) could be used by stating board members wanting to review board categories by having conversation on an annual or semi-annual basis. Ms. Mandel said it would still have to go through City Council. Mr. Chairman rephrased that by adopting a SOP, it would allow the board to review board categories, clarification of voting and simple majority.

Mr. Slater said to be careful to not change content of the ordinance. The Chairman asked if these two subjects breach that. Mr. Rice said that he thinks there is an assumption about what the Ordinance says as to quorum. It should probably be 80/20 meaning the majority, and the board could clarify this. Mr. Rice said an example would be that a quorum is stated in Chapter 12, and state where found, followed by, shall mean the majority of the majority. As to the composition of the board, it could be for discussion and if changed, it would have to go through City Council. One option could be an amendment that adds a provision like whenever practicable, it shall be relief, board definitions; something to give the board breathing room, rather than tearing down and restructuring. **Motion** made by Mr. Tim and **seconded** by Mr. Vazquez, to move forward with the SOP versus by-laws, and the **motion carried** by all board members present.

Hearing Officer Term Expiration

The Chairman asked Mr. Slater for an update. Mr. Slater said that Clinton Paris has been confirmed for another term, and a second reading is scheduled for 3/5/15 at City Council.

New Business

The Chairman asked members to refer to the first bullet on exploring socio-economic imbalance regarding wage. The board is finding out where the City of Tampa ranges, not only within the state of Florida, but nationally to make sure we are not at the bottom of that particular lateral with the Human Rights Board, as discussed in the previous meeting. We have the protective classes, but now the way socio-economics works, wage has filtered into both categories that affect that. Since has become a board member, the board has not taken a look at this, where the board stands, and how could the board take a stand, if there is an imbalance. If there is no imbalance, how should the board speak on this? Chairman opened floor for discussion

Mr. Tim commented that this goes back to his question of whether or not the board was going to be more proactive. How far could the board go? And where should it stop. Mr. Slater stated he does not see any harm or conflict on discussion to see where the City fits in with a current event/topic. Mr. Rice stated that in terms of implementing something, it would be another story, but the board could put ideas on the table. Ms. Abdelaziz stated that there are a couple of things going on. The United Way of Florida recently released their ALICE Report. ALICE is an acronym for “Asset Limited, Income Constrained, Employed” Floridians, and can be found at <http://www.uwof.org/alice>. The report indicates that 49% of Tampa families and 45% of families in Florida are not able to afford basic costs, and 50% of students are below the poverty level. There is an upcoming event on April 15th, a rally in Temple Terrace, on socio-economic income, organized by many workers. This is becoming a topic of discussion. Her question is, that from a municipal perspective and the Sunshine Law, when Orange County tried to pass their wage laws, the legislature and business lobbyists got involved and there was conflict. As the community obtained the amount of signatures needed for the wage ballot, during the county commissioner hearing for acceptance of that petition, business lobbyists were texting all county commissioners on what to say, what to do, and how to vote. Because of the laws, they were caught. Then they wrote that if the communities

were trying to get their wage ballot passed in the county, they said to go to the legislature, but couldn't. Her other question is, that from a city's perspective, is there a restraint on a municipality to get involved in fair wages? She was looking into this, but it looks convoluted as it stands right now. She is not aware of the legality, for example, of municipalities and fair wages, and that we, as a board, wanted to be more proactive, whether it's on an issue of a proclamation, that the board supports fair wages, etc., whatever it may be, but is it in the board's capacity to do so? She can provide a copy of the ALICE report.

Mr. Perry did not have the bill readily available, but he was told that in 2013 a law was passed by State legislature and signed by the governor. It makes it a more expansive living wage laws, and they are only legal now if they cover public workers of the entity passing the law, and contractors doing public services for the entity passing the living wage law. They are limited to that, and he believes there's another issue, like wage theft, which many people are not aware of, but many people that make hourly wages, suffer wage theft, which is found in people who do not have resources to fight back in any way or have their issue heard. They might be restaurant workers, who clock out at a certain time, but then they have to finish their work, or any number of people who make hourly wages, who do work and it is not completely paid. Sometimes folks cannot do anything about it, except continue or lose their job. It is a huge issue, because some municipalities in Florida did pass wage theft laws, and then legislature got involved in that as well to squash it. The Chairman asked if it was at the state level and Mr. Perry responded yes. He said basically, there are two models, and the reason there are two models is because the people trying to squash it, did not completely succeed, and a version got through that allowed a wage theft ordinance, but only under two models. There are a couple of municipalities that they chose for their models. One can be enacted, as long as it is one of the models. He believes there is one in the Miami-Dade area, but does not recall where the other one is, and one is weaker than the other. There is a possibility of having a wage theft ordinance, and this is something that our City Council could do, but limited to one of the two models that were approved by law. Legislature is limited to this certain sphere. The Chairman asked how the figures are obtained for the living wage model, if from a national perspective, bumped down to the state level, and then to the municipalities. How does a municipality find out if they are skewed with that model? Mr. Perry said that he found a limit wage calculator online to get approximate living wage statistics for a particular city, and it includes the criteria. Mr. Perry can provide the link from MIT with information on calculations/details for the living wage law. The Chairman asked that he send it to Ms. Cortes, so that she can forward it to the members for review and see who the source is, in order to see if the data is correct. Ms. Abdelaziz took a few minutes to research online and found that back in 2013; cities do not pass minimum wage ordinances. She does not know if Tampa has a livable wage standard like Miami and Broward, who have an automatic adjustable livable wage standard. Right now this is being looked into by Senator Bullard, but not going anywhere, and Orlando passed one in 2013, but it was not implemented. Mr. Perry said there is a list of municipalities around the country, but because legislature has put a limit to two models, as far as living wage ordinances. The Chairman commented that if the board was a conduit for championing in the citizens, unless people work for the City of Tampa, City of Temple Terrace, or are contractors, who have thresholds, but would need to follow one of the models. Ms. Sinnreich said that the federal government has regulations for anyone making \$10,000 worth of business. Mr. Slater said that the information could be provided by the Minority Business Development office.

Mr. Tim made reference to the 8A Rule written by Richard Nixon. It was a minority policy and it got through somehow. It helped small businesses grow in America. Several policies followed afterwards, that affects spending of federal dollars, and the state has a few things in place as well. They're supposed to follow in the spirit of the country in terms of diversifying the dollar. Ms. Mandel, as well as the Chairman, asked if fair wages is not under the board's realm, who is it under and asked if anyone knew?

Mr. Slater said it might be in the best interest of the board to meet with City Council members and see how they feel, especially with new members coming on board. Ms. Abdelaziz felt that the community should be involved. Mr. Perry said that legislature has a limit on what you can do with wage theft ordinances or living wage ordinance, but on the other hand, it is laid out on what you can do, and he sees no reason why the board cannot advocate for the City under the existing state law. Ms. Mandel commented that Mayor Buckhorn should be informed, especially when Tampa is in tenth place. The Chairman asked if the board should engage the Mayor, City Council members, or both. Consensus was to engage both. Mr. Tim asked if a copy of what is in force could be sent to the Mayor. The Chairman recommended starting with the Miami-Dade area, because it's in place, and before it becomes a problem, which it may already be a problem. Ms. Abdelaziz will research livable wage information on the major cities and review copy of the ordinance. Ms. Mandel suggested researching economies in those cities. The Chairman asked that Mr. Perry send a copy of the 2011 report and links of other resources on fair wages to Ms. Cortes, so that she can forward to the board members. Mr. Perry said he had information on the Miami wage theft program. He does not think that many of the living wage ordinances have not been passed since 2011, like here in Florida where state legislature got involved and tried to squash it. This could have happened in other states and things slowed down. Some ordinances reflect late 90's and early 2000's. The Chairman said that as far as this topic, and as far as not defining the board's role, in referring back to the conversation on the by-laws, this is a good reason why the board should not pin itself in a square. He prefers that the board not get too deep in conversation, but rather get the Mayor and City Council involved. Ms. Abdelaziz asked if the board has ever issued a proclamation, resolution, or letter of support. Both the Chairman and Mr. Slater responded they were not aware since their involvement with the board.

Hearing Officer Term Expiration - The Chairman asked Mr. Slater for an update. Mr. Slater said that Clinton Paris has been confirmed for another term, and a second reading is scheduled for 3/5/15 at City Council.

Mr. Perry said there is an issue on the reduction of people eligible for overtime pay. The wage level under which one is required to pay overtime, is so low now, it affects persons below the poverty line. Employers are not required to pay overtime to middle class people who used to be able to get more income from overtime, and still do it. The amount of people making overtime has been greatly reduced since the 70's. That's something that has become part of the conversation. The President can issue an executive order changing that level. Ms. Mandel asked when that change occurred, because she pays her employees overtime. Mr. Perry did not have information if a change was made. He was referring to the government requiring payment of overtime. He will also send information on overtime. Ms. Sinnreich commented that the government got involved in certified nurses, because they were working 50-60 hours per week, and the government said they should be paid overtime. Employers did not want to employ more employees to not pay overtime because they were not getting the margin on the salaries. Mr. Perry referred to the report and said that in 1975, more than 65% of salaried American workers earned time and one-half pay for every hour worked over 40 hours worked per week. Now only worker earning an annual income under \$23,660 qualify for mandatory overtime, and some employers voluntarily do it. That salary is less than the poverty line for a family of four. The middleclass do not have mandatory overtime, but that means that the number of people actually earning overtime now is just 11%, where it used to be 65%. The Chairman reminded Mr. Perry and Ms. Abdelaziz to send the information to Ms. Cortes to disseminate to the entire board members.

The Chairman announced that Gregory K. Hart, Manager of the Small and Minority Business Development office is to make a presentation at the next meeting on April 8, 2015. The Chairman would like to hear his perspective and data that he may have, and this could be something that the board could carry into 2015, to make sure the right people are aware of where the board stands, what's out there, and give the board a hand of how to do better, etc.

Ms. Abdelaziz made a comment that in Florida, there is a problem with felons' rights not being re-stored. She is part of the campaign that is working on a constitutional amendment to allow felons get their rights re-stored. She said that she will send a copy of the petition to the Chairman. 68,000 signatures are needed so that the Supreme Court can review current laws. Once the review is completed, 680,000 more signatures are needed. Mr. Tim made a suggestion for her to send to Arthenia Joyner.

The Chairman informed the board members that Ms. Van Loveren submitted a letter of resignation from the board. Ms. Van Loveren will need to provide care for her mother. He is looking into the resignation process with the City Clerk's Office. If he receives an update, he will forward to Ms. Cortes to forward to the board members, Mr. Slater and staff.

The Chairman was pleased that the board members chose the topic of wages. He said things change, but it's the same type of deal, and that it is nice to be on the forefront of something. He asked if anyone had any other comments. Ms. Gonzalez chuckled that she is Ms. Sinnreich's public information officer, and the record to reflect this. The Chairman also congratulated Ms. Seigler.

The Chairman asked Ms. Abdelaziz to inform the board members of her new position at the Council on American-Islamic Relations (CAIR). She is their Legislative & Government Affairs Director. CAIR is involved in civil rights and civil liberties. Being a Muslim-American, she did not know how bad discrimination was. She said that last night three Muslim students in Capalino were murdered. CAIR represents people of all kinds. She said that when one does advocacy work, one has to pick up the legislative fight. She will put up a good fight with legislature at the federal level to get implementation of policy changes, discriminatory classes, and whatever clients need on advocacy. Ms. Gonzalez commented to keep in mind that Community Affairs also handle discrimination cases in public accommodations, and Ms. Sinnreich commented that the office handles employment and housing cases.

Mr. Tim said that the board seems to be moving in a direction where folk can make a difference. The Chairman thanked everyone for their input.

Next Meeting

The next meeting has been scheduled for Wednesday, April 8, 2015, at 8:30 a.m.

Adjournment

A **motion** to adjourn the meeting was made by Ms. Mandel, seconded by Ms. Ramos, and the **motion passed** by all members present, to adjourn the meeting. This concluded the business of the Board at 9:55 a.m.

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