

## HUMAN RIGHTS COMMISSION MINUTES

TUESDAY, NOVEMBER 20, 2012

**Members Present:** Jeff Crosby, Pamela Freeman, Audrey Jimenez, Jake Keo, Laura McGaughey-Marquez, Jeanne McAuley, Thomas Sheehan, Robert Tucker, Jesse Warren, Jr., and Attorney Vincent Phelan.

**Members Not Present:** Jordan Avery and Mary Trahan

**Others Present:** Councillor Net, Councillor Capano, Councillor Barton, and Terry Young

Acting Chairman Tucker stated that he spoke with both Mayor Kennedy and Council President Timothy Phelan asking their assistance for support in placing a Clerk on the Commission to take the minutes, receive complaints to be stamped, processed and recorded, etc. Acting Chairman Tucker introduced Terry Young as the new Clerk to the Human Rights Commission.

Acting Chairman Tucker asked for a motion to accept the Meeting Minutes of October 12, 2012. Pam Freeman stated that she had some concerns with the Election process. She stated that some conversation was available to the Commissioners and that electing a Chairman was a process to be taken. However, she noted that she needed to voice her opinion, and directed her concerns to Bob Fricaprelli stating that he and Attorney Phelan had a vision and that vision was clouded. Pam stated that she is very passionate and after voicing her opinion, she made a Motion to accept the Meeting Minutes.

Acting Chairman Tucker stated that when he came to the meeting in October, he did not know that Mary Trahan was putting his name in to be nominated as the Acting Chairman. He stated that anyone could have submitted a name, and that he was not a part of any pre-discussions.

Attorney Phelan stated that in regards to prior discussions, the Commission has to be in conformity with the Open Meeting Law and transparent. Whether it be appropriate to take a vote for a Chairman, he did not talk to a non-member of the Board. He stated that he had conversations with Board members.

Pam Freeman stated that she is very happy that Acting Chairman Tucker took the role as Acting Chairman. She just feels that the Board should have had a conversation between themselves. Jeff Crosby asked how long the Acting Chairman term was. He was told until the first meeting in January. Laura McGaughey-Marquis said the Board should put together some ground rules to effectively communicate, how we are going to breakdown the agenda, etc. Whoever is going to be leading the Commission needs to be creative. She stated that anyone wants to put their name in – fair election process. Acting Chairman Tucker stated that the election process was fair.

Motion made by Jeanne McAuley and seconded by Jessie Warren to accept the Meeting Minutes of October 12, 2012.

Motion carried.

A discussion regarding Acceptance of Robert Rules was held. Jeff Crosby was in favor of accepting the abbreviated pamphlet. After a lengthy discussion, the Commission moved to the next item.

Acting Chairman Tucker stated that he met with Mayor Kennedy and that the Commission has the full support of the Mayor. He spoke to her regarding the city's website and the Mayor stated when ready, the Commission can be put on the city's website.

Acting Chairman Tucker stated that he and Councillor Hong Net met with Sonja Darai, Director of Somerville's Human Rights Commission. He stated that they have full-time staff, enforcement authority, and they can investigate police matters. The Director reviews the complaints and brings them before the Board.

A discussion was held regarding the recent amendment to the Human Rights Commission Ordinance. Acting Chairman Tucker stated that Attorney Phelan can represent and advise the Commission, however, he will be a non-voting member. Attorney Phelan stated that if he did vote and a legal challenge was filed, the Commission would have to bring in another Attorney.

Jeff Crosby asked Attorney Phelan for clarification. He stated that a person makes a complaint, they have a certain time period, the Commission can make a recommendation for mediation and/or recommend the individual to go to an agency? Attorney Phelan stated yes, but the Commission does not have the authority to compel someone to attend. The Commission has no "subpoena powers". We have to be very careful in our recommendations. Our goal is to educate, mediation, and discussion to correct the problem. He said that the Commission will see a large number of complaints in the housing area. He stated that he has spoken to the Housing Court and they will be sending over an informational package for the Commission.

Jeanne McAuley stated she feels the Commission needs a clear understanding of what types of complaints and issues the Commission should act on. She said that the Commission should not be bogged down with frivolous neighborhood issues. We should deal with clear cut issues where we can act on a complaint and/or tell people where to go to resolve the issues.

Pam Freeman asked Attorney Phelan if the Commission can refer non-human rights complaints to other departments/agencies as she feels this would be helpful. Attorney Phelan stated that there will be a screening process for complaints. The Commission should notify those as to why they are being screened out. Acting Chairman Tucker stated that the Commission can establish a 2-3 member Screening Committee.

Jessie Warren asked for clarification from Attorney Phelan. He just wanted to clarify that the Commission is not working with the Lynn Police Department and the Court. Attorney Phelan stated no. Attorney Phelan stated that the Commission can look at the complaint, the Commission can request a person to appear and listen to the complaint and discussion be held on the matter. If nothing happens, it can be referred to Neighborhood Legal Services, an Advocate/Probate, Housing Court, and/or document can be sent the MCAD for them to address. Jeff Crosby suggested workshops can be conducted by Neighborhood Legal Services, Housing Court, etc. We could make a recommendation to Mayor Kennedy and the Council. Pam also added building neighborhood coalitions.

Audrey Jimenez asked if Cambridge and Somerville have enforcement rights. Acting Chairman Tucker stated yes. He stated that we are in a good position as this is the first Board, and we are setting precedent for the future. We have a chance to do good.

Acting Chairman Tucker asked for volunteers to put the Commission on the website. He stated that the Ordinance should be on-line too. Laura McGaughey-Marquis stated that Cambridge and Somerville have great sites.

Jeanne McAuley stated that we should discuss the By-Laws first, and then put them on the website. Attorney Phelan suggested that the Commission adopt Robert Rules of Order. Pam Freeman agreed that the Commission should approve By-Laws and stick to them. Attorney Phelan stated that setting the By-Laws is a great idea as long as they are consistent with the Ordinance and Law. Acting Chairman Tucker handed out a copy of Somerville's By-Laws.

Acting Chairman Tucker asked if anyone wanted to volunteer to do the By-Laws. Pam Freeman and Audrey Jimenez volunteered and said they would e-mail their draft to Terry Young.

Laura McGaughey-Marquis and Acting Chairman Tucker stated that they will work on creating a website for the Commission.

Attorney Phelan stated that the members will need to take the Ethics test online.

Acting Chairman Tucker stated that the next meeting is scheduled on Tuesday, December 18, 2012 at 6:00 p.m.

Motion made by Laura McGaughey-Marquis and Jeff Crosby to adjourn.

Meeting adjourned.

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Theresa C. Young, Clerk