



CITY OF ANN ARBOR

HUMAN RIGHTS COMMISSION

Prepared for informational purposes only

Date: May 11, 2011

Time In: 7:05pm

Time Out: 9:12pm

Location: City Hall - 4th Floor

Commission Members Present:

- Leslie Stambaugh
- André Wilson
- Eleanore Adenekan
- Victor Turner
- Mohamad Issa
- Neal Elyakin
- Linda Winkler

Also Present Were:

- Council Member Sandi Smith
- City Attorney Stephen Postema
- City Attorney Nancy Niemela
- Guest Joshua Kay ACLU
- Guest William Leaf
- Guest Patrick Zieske
- Guest Adam Angeli
- Guest Alexandra Brill
- Guest Craig Wright

Call to Order:

Chairperson Leslie Stambaugh called the meeting to order and Brittani McPherson recorded the minutes for members' information. A quorum of Committee members was present, and the meeting, having been duly convened, was ready to proceed with business.

Matters Addressed by the City Attorneys:

1. **Surveillance vs. Privacy:** Seven individuals made up of Ann Arbor Residents and U of M students spoke about the issues they had with the installation of surveillance cameras the City, including areas that are deemed as high crime areas. William Leaf, who with others (Students Against Surveillance) submitted a draft video privacy ordinance to the Commission that would impact the way surveillance cameras could be used in Ann Arbor in order to protect people's privacy. Leaf submitted changes to the original draft that reflected input he received in discussions with the Commission, the AAPD, and the City Attorney's office.

- Attorney Postema stated that there might be some legal issues that he would take to the Council when the ordinance was submitted to City Council, around the storage period, how FOIA would impact this, etc. and noted that surveillance cameras are already in use in stake-out situations and that this would not be affected by this ordinance.

2. **No Thai! Restaurant:** Commission noted that the name "No Thai!" was offensive to individuals who were of Thai decent.

- Attorney Postema stated that the restaurant name did not violate the law. He felt that nothing can be done under the City or State law and he believed that the market would eventually "correct this."

3. **Political Beliefs:** Commission noted that people have the right to their own beliefs and that should not cost them their job as long as they are doing what they were hired to do and requested feedback on the proposed addition of "Political Belief".to the protections given in the City's Non-Discrimination Ordinance.

- Attorney Postema stated that this is a difficult issue for Council to address. The definition of political speech is very broad and many people may find some political stands offensive. Postema asked the commission what are they trying to protect with this issue? What is the problem that needs to be fixed? Political speech can collide with other Human Rights issues, such as someone making a political speech about another race.

4. Non-Discrimination Ordinance: The Commission asked Attorney Postema to advise them on the pros and cons of the Commission committing time to the updating of this ordinance. There are provisions in that ordinance that need to be changed: Affirmative action provisions, references to a Human Rights Department and Director, and others.

- Attorney Postema believed that this would be a valuable contribution and that the Commission should undertake it. Attorney Niemela said that she may have drafted changes regarding affirmation action and, if so, she would send the HRC a her initial draft.

5. Domestic Partner Benefits: HRC wants specifics about the health benefits that may discriminate against domestic partners of LGBT employees. The commission wanted the history on how the policy was formed. Why is there an 18 month waiting period? Why aren't the children of a partner covered? Is transgender surgery covered ?

- Attorney Niemela explained the history of the policy and explained how it has to be in line with the State law. The City is self-insured and pays dollar one for each medical claim. City Attorneys also believed that the health plan does not discriminate against same sex couples, because the "Other Qualified Adult" provisions are the same for same sex and opposite sex couples. She did not think that transgender surgery is covered, but suggested that hormone treatments are likely to be covered by the City's prescription plan.
- Attorney Niemela will send the health plan descriptions to HRC for all union plans to the HRC.

6. Same Sex Marriage: Some same sex couples suggested that litigation (and the possibility of overturning barriers to same sex marriage in this State) would be facilitated if the County Clerk's office was willing to give marriage license applications to same sex couples.

- Attorney Postema explained that the above statement was not true and that a license would not be needed to sue. Postema explained how this is already a topic with the State, and suggested that this might not be a good time for this issue to arise at the local level, because of the possibility of action at the State level .

Matters Discussed Regarding the Commission's Special Meeting on May 17:

The Commission will hold a special meeting on May 17 at the Neutral Zone to explore issues of harassment, discrimination, and bullying of LGBT students in the City's public schools. This meeting will, of course, be open to the public and there will be invitations sent out as well. Some planning was done.

