

One City for All People

**Full Commission Meeting Minutes**

**Monday, March 3, 2016, from 4:00 PM to 5:30 PM**

**Metro Office Building, 800 Second Avenue South, 2nd Floor**

**Davidson Room**

***The mission of the Metro Human Relations Commission is to protect and promote the personal dignity,***

***peace, safety, security, health, and general welfare of all people in Nashville and Davidson County.***

**Commissioner Attendees**: Tasha French-Lemley, Jeff Gibson, Phyllis Hildreth, King Hollands,

Sharon Kay, Aisha Lbhalla, Oscar Miller, Abdishakur Mohamed, Alistair Newborn

Avi Poster, Erin Pryor, Frank Trew,

**Commissioner Absentees**: Samar Ali, Marcella Gomez, Deb Palmer George, Janice Rodriguez, Peter Woolfolk

**Others**: Executive Director Mel Fowler-Green and Director of Community Engagement Barbara R. Gunn Lartey—both from the Metro Human Relations Commission, and Josh Lee from Metro Legal

1. CALL TO ORDER

Meeting was called to order at 4:05PM by Commission Board Chair Frank Trew (CBC).

1. CONFIRM QUOROM

A quorum was confirmed by CBC Frank Trew. Before the meeting proceeded, CBC Trew acknowledged and congratulated Commissioner Hildreth on her reconfirmation by the Mayor for three additional years of service to MHRC. He noted that Councilman Jim Shuleman, among other attendees, seemed impressed by Commissioner Hildreth’s remarks.

1. CONSENT AGENDA

Commissioners reviewed Meeting Minutes from February 1, 2016. Minor revisions were offered.

CBC Trew moved to approve the Minutes; Commissioner Gibson seconded. Minutes were approved.

CBC Chair Trew announced that as this will be a jam-packed meeting and, given the urgency of certain Agenda items, we will not follow the Agenda as printed.

IV. FINANCIALS

Executive Director Fowler-Green said because MHRC is judiciously spending the budget, we will have room to make essential expenditures. One of them is *Stata*, a data analysis and statistical software program that will allow Sam to conduct more complex, sophisticated assessments of our data-driven initiatives.

Pursuant to questions from the last meeting, E.D. Fowler-confirmed that the 20K project request will become an automatic part of our budget and will not negatively affect it. She reiterated that this allotment will enable her leverage for finding matching funds options.

CBC Trew asked if there are any additional questions or concerns about the Financial Report. All said no. He then said there’s no need to approve.

V. DIRECTOR'S REPORT: Executive Director, Mel Fowler-Green

1. **Update on Recently-Completed Projects/Programs**

* **First Year Retrospective**

E.D. Fowler-Green asked Commissioners to review the document the enumerates the 39 events MHRC either coordinated, co-hosted, or contributed to as a speaker or other substantial participant. She noted that of these 39 events, 23 were speaking engagements.

E.D. Fowler-Green acknowledged that this document does not include on-going projects initiated under her tenure. As examples she cited SOW Nashville (urban gardens) and the ESL Map (an initiative that which identifies locale of Metro Nashville ESL classes)—both of which were envisioned, planned and currently managed by Director of Operations and Special Project Mark Eatherly.

Commissioner Poster emphasized E.D. Fowler’s efforts to heighten positive exposure for MHRC, including participating in The New Jim Crow, Passages, the Public Defenders’ discussions, and many others. He’s very impressed.

E.D. Fowler-Green noted that Commissioner Lbhalla, among others, attends many events that the attached retrospective does not capture. Commissioner Poster inserted that he is aware of additional social justice and community engagement events that are not described in the documents, including E.D. Fowler-Green’s involvement with A Voice; Director of Policy and Research Sam Perez’s work with Alignment Nashville and Director of Community Engagement Barbara Gunn Lartey’s role as a judge for Southern Word Poetry slams and the request for her to sit on the Ryan White Planning Council.

* **Complaints**

E.D. Fowler-Green referred Commissioners to the spreadsheet re calls for assistance. She noted that it wasn’t until August 2016 when MHRC began consistently recording constituent requests. The delay was due, in part, to the fact that there was no reliable system in place to record complaints and calls for assistance. Consequently, MHRC coordinated with ITS to build a database, which is linked to an imported online database. The database had to be built from scratch and tested; still a few adjustments must be made for flawlessly recording.

Regarding the complaints and requests fielded by MHRC, E.D. Fowler-Green seeks to identify patterns; Commissioners French-Lemley and Trew agreed with the importance of noting trends. E.D. Fowler-Green did note, however, that she doesn’t think we should expend an exorbitant amount of time investigating various forms of wrongdoing; she does not believe this will be a judicial use of our resources. She explained that given the limitations of our authority to resolve complaints, we should strategically craft a framework for managing complaints in the next fiscal year.

Commissioner Trew said he was under the impression that complaints were more numerous than the spreadsheet indicates, but noted that clearly that is not the case. He recalled being told that addressing complaints was a three-person job. Commissioner Trew continued that he finds great value in the report (spreadsheet) submitted by E.D. Fowler-Green and that he would like to review complaint stats more often; not monthly, but perhaps quarterly or biannually.

Commissioner Poster said it’s fascinating that they’ve never seen such a report and is interested in a conversation about MHRC navigating complaint-related traffic; he wants to

get a clearer insight into constituent issues. Commissioner Hildreth expressed appreciation for preparing and supplying this report in response to her request during the last (February) Commissioner Meeting.

Commissioner Hildreth inquired about MHRC’s mechanism for capturing ancillary activities, like the “expungement case,” for example. Do we record in an Annual Report or a database? E.D. Fowler-Green acknowledged that she offers a significant amount of conflict-resolution to various communities and parties, sometimes discretely or behind closed doors. She explained that depending on issue sensitivity, she discretionally informs the community. She also specified that a significant aspect of addressing issues includes referral advice, not legal advice.

Commissioner Hildreth requested Mr. Chair (CBC Trew) to add an item on the next Executive Meeting to address this idea. E.D. Fowler-Green agreed that memorializing MHRC’s role in conflict-resolution activities would be beneficial.

* **Public Identity**

Commissioner Kay initiated a discussion about the community’s awareness of MHRC, noting her constituents often say, “we don’t know what they do.” E.D. Mel Fowler-Green mentioned that this is a timely observation, because IT and the Office of Neighborhoods have partnered to create a 311 platform that will track questions and referrals; she also recommended that MHRC explore options for contributing to this project, noting that we have already agreed to attend and/or help coordinate community listening sessions.

Commissioner Poster referenced Lisa Chapman, a strategist who trained 10-12 volunteer operators to field questions and concerns regarding escalating violence (2005-2006). He suggested this could be a model worth revisiting. CBC Trew noted that Metro is considering simulating an interactive resource that is being developed in bigger cities, such as Boston.

Commissioner Kay reiterated her concern that constituents don’t know why we’re here or what we do. E.D. Fowler-Green agreed that the Commission needs a public relations strategy—and offered that this need has been discussed among staff. E.D. Fowler-Green acknowledged, however, that she didn’t want to embark upon creating a marketing campaign until she had a better sense of the direction in which MHRC was going. She has begun the process of drafting brochures and updating our web and social media presence in a way that reflect the commitment to our diversity and inclusion work.

Commissioner Kay responded that this would at least crystallize our purpose and image in the eyes of the community, particularly regarding complains and referrals. E.D. Fowler-Green cautioned against MHRC operating as a 311 platform, especially since we don’t the have the infrastructure to support such an involved undertaking. She explained that we can only fine bad actors $50 a day but can be more effective by referring constituents to “agencies that have muscle.”

Commissioner Poster suggested that we add a dimension to our current database structure to document how we dispensed with an issue (resolved? advised? referred?). E.D. Fowler-Green shared the anecdote of a fair housing complaint that she has followed up with because of our commitment to assist with this matter. CBC Trew enhanced this discussion by suggesting that MHRC investigate issues that are not adequately discussed, such as same sex discrimination or Title VI violations.

Commissioner Newbern said she’s impressed by the variety, depth and creativity of the referrals. Commissioner Pryor agreed—but recommended redacting the officer’s name (in the 1/12/2016) entry.

**B. Annual Review of Executive Director**

CBC Trew asked the Commissioner to review E.D. Fowler-Green’s performance. He noted that the Executive Committee reviewed and accepted her self-evaluation as a review document which he distributed to the Commissioners. He explained it was modeled after the rubric used by the Search Committee. CBC Trew welcomed discussion and feedback.

CBC Trew noted that the measuring parameters had to be revised. He also explained that the numerical evaluations are a continued work in progress. Commissioner Gibson asked for clarification of the Commission’s role regarding final review. Commissioner Poster noted that it is industry standard/customary for the Executive Committee, or Boardappointed designees, to conduct the evaluation of the Executive Director. He also mentioned that the Executive Committee has been assessing E.D. Fowler-Green over the course of three meetings.

Among the others, Commissioners Hildreth, French-Lemley and Newbern to the lead to discuss the interpretation of the numerical ratings assigned to E.D. Fowler-Green. Commissioner Hildreth said that unless there is strong dissent among the Commission, the numbers assigned will stand.

Commissioner Gibson asked if E.D. Fowler-Green’s assessment would be reviewed by anyone beyond the Commission. E.D. Fowler-Green said that all related documents constitute a public document and will likely be reviewed by persons other than Commissioners. Commissioner Gibson subsequently inquired if comments would be in permanent form. Commissioner Board Chair Trew replied affirmatively—comments would remain in permanent form. Commissioner Newbern expressed concern about the

perpetuity of this issue, noting that it feels weighty, and requested time for the Commission to review and discuss E.D. Fowler-Green’s review. E.D. Fowler-Green said that is this possible; CBC Trew agreed.

Significant discussion ensued about completing E.D. Fowler-Green’s review. Commissioner Miller asked if there was a public portfolio of E.D.’s Fowler-Green’s work. E.D. Fowler-Green explained that in lieu of a portfolio, she offered a retrospective that offered an overview of the work that she and her staff accomplished over the past year. Commissioner Poster did note, however, that a public portfolio should be part of the evaluation process moving forward, recognizing that a discussion would have to suffice this year in the interest of time.

Commissioners Lbhalla and French-Lemley asked for clarification about the metrics used to evaluate E.D. Fowler-Green (*e.g.*, requests to explain “exceeds major requirements” and the numbering system). Commissioner Hildreth explained the ratings. Commissioner Mohamed said he understands why the numbering system was used and how it is helpful. CBC reiterated that the evaluation was derived from the metrics used throughout both talent searches for the E.D. position. He further offered that regarding the two-year search for an Executive Director, the Commission did not get what it wanted (re ideal candidate skills and experience); it got much more because E.D. Fowler-Green exceeds expectations and desired requirements.

CBC Trew requested the Commission’s insight on E.D. Fowler-Green’s strengths. Commissioner Newbern inquired if the Executive Committee had already discussed her performance. Commissioner Poster said they had and asked CBC Trew to share their comments. Before doing so, Commissioner French-Lemley asked if the Executive Committee’s ratings and comments would be presented to the Commission; CBC said no they would not—that they will remain an internal document. CBC Trew summarized the Executive Committee’s discussion as follows:

1. It is difficult to evaluate the extent to which E.D. Fowler-Green surpassed expectations because she came on board during a difficult time. For example, in the short time she’s been in her position, E.D. Fowler-Green has demonstrated a strong understanding of MHRC policy, purpose and vision; has a firm grasp of navigating Metro; and has raised the MHRC’s public persona in a very positive and effective manner. In short, the Executive Committee agreed that E.D. Fowler-Green, through creative and visionary programming, had met and exceeded the goals enumerated in the Strategic Plan.
2. Given the Commission’s size (17 Commissioners), knowing each Commissioner personally is a daunting task; moving forward they suggested she seize the opportunity to establish a relationship with each Commissioner individually.
3. That rating her at a “three” instead of a “four” does not indicate E.D. Fowler-Green has not impressively fulfilled her job duties. They concluded that she needs more time to be evaluated with a comparative analysis.

Commissioner French-Lemley said she doesn’t agree with the distinction between the “three” and “four” ratings because she believes E.D. Fowler-Green’s performance has been outstanding. Commissioner Kay asked why such an unpolished evaluation tool would be used, asserting that it feels like the E.D. is being thrown under the bus. Commissioner Poster said that as they mature as purveyors of the instrument, they will have a better sense of how to adapt and apply it. Commissioner Kay conceded that while this will be a better tool next year, she believes E.D. Fowler-Green has performed impressively during her first year.

1. **Budget/Salary Review of Executive Director**

* **Budget Request**

E.D. Fowler-Green shifted the Commission’s review, saying that CBC Trew was going to request them to consider a budget request to enhance her salary with evidence that they are satisfied with her work. She said that is important because if there is an audit or request to review the salary-related budget proposal ever a review, she wants the Commissioners to be in the position to demonstrate the thoroughness of their decisions.

Commissioner Pryor noted that they have to pass a budget today. Because the budget discussion is predicated on the evaluation, Commissioner Pryor’s comment reignited concerns about whether E.D. Fowler-Green is being fairly evaluated. Commissioner French-Lemley said, for example, that since the evaluation tool will be made public, using the term “exceed” could send a contradictory message that the Commission might be unhappy, especially since she was not ranked as having exceeded certain standards. Commissioner Newbern said that is not a sales pitch; we are simply noting that we are extremely pleased with E.D. Fowler-Green’s work and are using the evaluation rubric to support this position.

The Commissioners again engaged in a vibrant dialogue about evaluating E.D. Fowler-Green. Elements of her responsibilities, including community leadership, management and administration were discussed as proof of her stellar performance. Commissioner Poster said he would, however, like to see more presence, more contact from her through emails.

* **Pay Parity**

CBC Trew said that E.D. Fowler-Green’s salary is particularly low, especially when compared with directors in similar departments. He then deferred to E.D. Fowler-Green to elucidate. E.D. Fowler Green asked Commissioners to review the salary scale included in their meeting packet. She said that she earns less than the average of department heads in a similar range.

Commissioner Miller asked if cost-of-living increases would attain parity. Commissioner Gibson inquired shether a decision they make will have to be ratified by Metro Council. CBC Trew said no; E.D. Fowler=Green the said Commission has the authority to increase the salary today. Commissioner Pryor clarified that we’re asking for an increase in budget so we don’t have to exhaust the Commission’s existing budget. E.D. Fowler-Green cautioned there’s no guarantee the Mayor would approve this request. Moreover, even if she did, Metro Council could still deny the request. CBC Trew said there’s another option: The Mayor could deny this request and Metro Council could override her decision and approve it.

Commissioner Kay asked if a three percent increase is not automatically apportioned to the department heads. Commissioner French-Lemley said at least we didn’t pay her the least. Commissioner Pryor countered that E.D. Fowler-Green was hired offering a caliber of talent that was higher than the minimum qualifications; consequently she should have been hired at higher salary. Commissioner Hildreth said the pay parity document would have been helpful when considering E.D. Fowler-Green’s salary; that as a Board we did not have the salary information presented in today’s packet.

(Significant discussion ensued re pay parity.)

Commissioner French-Lemley asked if there is a distinction between salary adjustment and merit increase. Commissioner Pryor suggested that an adjustment that achieves pay parity for the position and a merit increase for the performance.

Commissioner Newbern motioned for a budget increase of 14.92% to be amended as necessary through the budget. Commissioner Poster seconded. Commissioner French-Lemley agreed--as long as the adjustment is not presented as a 15% raise. Commissioner Gibson expressed preference for the bifurcated approach (*i.e.,* a salary adjustment and a merit increase.

E.D. Fowler-Green shared that she is uncomfortable advocating for such a sizeable increase. Commissioner Newbern amended the motion to 12.63% raise—emphasizing that’s she’s worth much more. Commissioner French-Lemley seconded the motion. Commissioner Hildreth expressed that she does not see this motion as adequately rectifying the income structure; they will advocate for a more robust increase in succeeding two years. Commissioner Hildreth requested E.D. Fowler-Green to show that they will be asking for increase. E.D. Fowler-Green said the Commission can accomplish this as a Commission.

Metro Legal Representative Josh Lee asked for clarification of the motions: Is the Commission adopting the draft (of the pay parity request) presenting in the meeting packet? CBC Trew requested Commissioners Newbern and Gibson to amend and revise the pay parity request pursuant to the draft. Specifically, he wants the amendment to reflect the pay parity discussion, *i.e.*, the 12.63% merit, with the expectation that upon continued excellent performance there will be pay increases in the second and third year budgets. Metro Legal Representative Lee reminded that the Commission can amend the hiring contract.

Commissioner Gibson asked if second round of the evaluation discussion needed to happen. Commissioner Newbern deferred to CBC Trew; he said no. Commissioner Newbern motioned for the amended pay parity. Commissioner Gibson seconded. The motion carried.

VI. OLD BUSINESS

1. **Commissioner Term Limits**

Executive Director Fowler-Green announced that the proposal regarding term limits passed. Now there’s clarity: If someone has served less than half of another Commissioner’s term, that service does not count towards the Commissioner’s term limit. E.D. Fowler-Green said this was her first time shepherding an ordinance through Metro Council.

E.D. Fowler-Green commenced reviewing attached chart that details the status of current Commissioner’s term, notably noting that names in red indicate Commissioners who have completed their service and are rolling off (Commissioners King and Palmer-George). Commissioner French-Lemley inquired about Commissioner Ali’s term. E.D. Fowler-Green said that since she’s served less than half of Drost Kokoye’s term, her time doesn’t count towards the term-limit. Commissioner Lbhalla requested clarification on what constitutes a full term; CBC Trew responded 36 months, or three years.

Commissioner French-Lemley asked if the Mayor offers input or other influence on whom should be selected to replace Commissioners. CBC Trew responded that it depends on the Administration. Commissioner French-Lemley noted that there’s benefit to waiting to see who’ll remain on the Commissioner before considering new talent. Commissioner Post asked if we can get a message to the Mayor regarding the types of Commissioner profiles we need. CBC Trew said that during transition meetings, Mayor Barry emphasized that she wants Commissions and related Boards to have input on the selection process.

VII. New Business

* **MNPD Mobile Diversity Bus Seminar**

E.D. Fowler-Green is thrilled to announce that Captain Stephens of MNPD approached MHRC to design, implement and facilitate a Mobile Diversity Bus Seminar for their entire class of cadets. The all-day diversity training is scheduled for Tuesday, June 7th and she is open to suggestions and ideas for designing the training.

E.D. Fowler-Green added that the MNPD is so receptive to the concept of the Mobile Diversity Bus Seminar that they’d like MHRC to consider offering a similar training to their entire lieutenant class.

* **Music City Iftar**

E.D. Fowler-Green said as a result of capacity issues at Music City Center, we need an alternative locale and may have to spend money for this important cultural celebration. She said among several options being considered, War Memorial has several assets, including being a civic space and not religiously affiliated.

Commissioner Newbern asked if we could hold the Iftar at a school. E.D. Fowler-Green said we could. She said we want to avoid any place with a religious affiliation. While a school could achieve this, she prefers a place that sends a strong civic engagement signal. She seeks to retain the ambience that Music City Center was able to communicate.

Commissioner Poster suggested the Martin Center. E.D. Fowler-Green asked about contracts with caterers. She said she is firmly opposed to going with another caterer because the one they’ve engaged over this last several years is not only culturally appropriate, but excellent and affordable. Commissioner Poster said there’s no catering requirement for the Martin Center.

Commissioner French-Lemley suggested library. Commissioner Newbern asked about the Farmer’s Market. E.D. Fowler-Green said we’re researching the Farmer’s Market, but that the acoustics are horrible. E.D. Fowler-Green asked if anyone knows of a benefactor with 5K.

* **Neighborhood Resource Center**

E.D. Fowler-Green reported that the Neighborhood Resource Center has asked MHRC to develop a cultural competency program to address conflicts neighborhood organizations are facing in light of changing community demographics. She explained that since neighborhoods are in transition, MHRC has been brought to the table to develop a strategy designed to sensitively explore and perhaps mitigate conflict.

* **Fisk University Sesquicentennial Community Festival**

Commissioner Kay said she needs vendors for the Community Festival that is being planned as one of many events to commemorate the 150th Anniversary of Fisk University’s excellence in education. She said MHRC is a community partner, represented by Barbara Gunn Lartey with a booth; Metro Parks and others have also stepped up to support this celebration. Commissioner Kay said the booth fee is $75 for non-profits and $125 for businesses.

VIII. Pubic Comment

There were no statements for Public Comments.

IX. Upcoming Commission Events

There were no comments regarding Upcoming Events.

X. Announcements

There were no Announcements.

XI. Adjourn

CBC Trew motioned to adjourn. Commissioner Gibson seconded. The Motion was approved and carried. Meeting was adjourned at 6:25pm.