



CITY HALL • 100 STATE STREET • BELOIT, WI 53511

**MINUTES  
BELOIT EQUAL OPPORTUNITIES  
AND HUMAN RELATIONS COMMISSION**

**Wednesday, June 18, 2014 at 5:30 PM**

1. Call to Order and Roll Call:

The meeting was called to order at 5:35 pm by Chair Marilyn Sloniker

Present: Commissioners Marilyn Sloniker, Joseph Hansen, Steve Howland, Mary Weaver, Rick Valdez, Mike Zoril, Councilor Sheila DeForest and Staff Representative Teri Downing.

2. Approval of Minutes of the April 16, 2014 Meeting

Commissioner Valdez moved for approval and Commissioner Howland seconded.

Commissioner Zoril requested corrections to the following typos: Commissioner Sloniker's name is misspelled on pages 5 and 39, and on page 6 that the word "Commission" should be "Commissioner". **Motion carried.**

3. Public Participation

There were no members of the public present.

4. Review and Approval of EOC Rules of Procedure

Staff explained that the Analysis of Impediments to Fair Housing identified inconsistent administration of the Fair Housing Code as an impediment to Fair Housing choice and that the EOC has been working on creating Rules of Procedure to create consistency to address this impediment. During the previous EOC meeting the Commission requested clarification from the Deputy City Attorney regarding three questions to which she responded via email, which were copied or paraphrased and provided in the staff report for the Commissioners. The questions and responses provided to the EOC are listed below:

Q1. Guidance regarding section 4.3(b)(1) regarding whether it should be put in the bylaws that mediation services are to be paid by the City of Beloit. The Commission requested to ask the City Attorney's office for their recommendation either way.

A. *There is no legal requirement for the City to pay for mediation services. It is within the scope of the EOC to define who should pay for mediation services. The EOC could remove the provision in its entirety if it wants. The net result of the removal would be an attempt at conciliation by the Investigator and if that failed a hearing in front of the EOC.*

Q2. Staff is to check whether it is a City policy to charge \$.25 per page or can the Commission waive this charge for the parties in housing discrimination cases, and only have third parties pay these charges.



CITY HALL • 100 STATE STREET • BELOIT, WI 53511

- A. *The City Council would have to approve such a request. There is an ordinance that requires a fee for copies of documents. As an alternative, the EOC can require that documents submitted by a party be provided in multiple sets or that one party serves a copy on the other party so that each side is provided a copy of what is submitted by another party.*

Q3. Legal guidance regarding whether to remove or reword section 10.2(b) “or at the location where the alleged act of discrimination occurred” so it cannot be misconstrued in its intent. Also request clarification on what that means.

- A. *Eliminate the provision*

Commissioner Howland made a motion to approve the Rules of Procedure and Commissioner Hansen seconded. Discussion followed.

Commissioner Zoril asked the Commission regarding question one whether or not the City should pay for mediation services. Commissioner Howland asked who the City uses for mediation and investigation. Staff explained that Markley Investigations provides investigative and conciliation services were obtained through an RFP process a number of years ago. Staff explained that mediation services would be procured by contacting at least two agencies and choosing the lowest bidder.

Discussion continued regarding the contract for investigations being renewed annually and there having been three complaints in 2014, with two having no cause and one being referred to the State for investigation. Staff explained that all costs associated with fair housing investigations in paid for with CDBG administrative funding.

The Commission requested that the RFP for fair housing investigations be placed on the next agenda for review.

Commissioner Zoril requested to move on to question two, regarding the \$.25 per page charge for copies. He suggested having language in the bylaws that allows for complimentary copies of the investigative file for two parties involved in a fair housing complaint and only apply copy charges to 3<sup>rd</sup> parties. He referred to City Ordinance 1.024(f)(8) that allows copies to be provided at no charge if it is in the public interest

Councilor DeForest suggested requiring parties to provide copies of information submitted to each side. Chairperson

The Commission discussed whether the ordinance provided for waiving fees in the case of hardship and whether the bylaws could just reference the ordinance in this section.

Commissioner Hansen suggested having the investigator issue all copies to the City and the two parties. The Commission discussed that there are multiple people besides the investigator that may be submitting documents in cases such as attorneys, mediators, and



CITY HALL • 100 STATE STREET • BELOIT, WI 53511

witnesses. Staff suggested having all documents routed through the City's EOC staff liaison, to make sure all parties receive a complete file.

Commissioner DeForest asked whether this happens infrequently enough that would not be burdensome on staff. Staff asked for clarification of whether the intention is to have the file available at any time, or to have copies sent to each party every time a new document is submitted. Commissioner Valdez suggested having copies available upon request.

Commissioner Zoril suggested that whichever way the documents are provided, there be a notice sent to the parties that states how the parties would obtain the documentation. Staff suggested putting that notice on the bottom of each notice.

Commissioner Howland made a motion that part 5.3(e) of the Rules of Procedure state, "Either party may request to view the investigative file and/or request a copy of the same file" and delete the remaining language in that section.

Staff asked for clarification of whether the Commission would like to include language regarding fees for copies requested by a third party. Commissioner Zoril agreed. The Commissioners discussed that this would be appropriate since there are copy charges for numerous other documents i.e. court, accident reports, and open records requests.

Councilor DeForest said that this is where it gets into the realm of public interest; where an alleged complaint of discrimination has larger ramifications than for one particular individual. She said the Commission wouldn't want anything to get in the way of allowing the most judicious process possible. Commissioner Howland said that he also would like set as few barriers as possible for the complaint to go forward without hassle. He said the intent is for the person to be able to have access, so the file should remain at City Hall, and can be viewed there, and anyone wanting a copy can request it, which allows flexibility on a case by case basis.

Commissioner Zoril said that he want the Rules of Procedure to specifically mention that there is no charge to the two parties of a complaint for their first copy, so it is clear.

The Commission discussed whether this provision would contradict the ordinance regarding copy fees, and the consensus was that it does not as providing the first copy to the parties is in the public interest.

Commissioner Valdez said there was not a second on the motion and asked Commissioner Howland to re-state his motion. Commissioner Howland made a motion that part 5.3(e) of the Rules of Procedure state, "as a matter of public interest, either party may request to view the investigative file, and/or request a complimentary copy of the same. Any others parties shall pay the reasonable fee." Commissioner Hansen seconded. **Motion carried.**

Commissioner Zoril referenced question three in the staff report regarding section 10.2(b) that allows notice to be served at the location where the alleged act of discrimination occurred. He said he agreed with the Deputy City Attorney's suggestion to eliminate the provision. He



CITY HALL • 100 STATE STREET • BELOIT, WI 53511

suggested the Commission eliminate the language “or at the location where the alleged act of discrimination occurred” and change (b) to the address used on their Rental Permit application. If they did take out a Rental Permit and in all other circumstances the address for service of notices would be the address the City has on file for tax purposes. Commissioner Howland agreed.

Staff informed the Commission that legal service must be served on the Registered Agent for businesses, but a copy could be sent to address on the Rental Permit.

Commissioner Valdez asked how service would be performed if the discriminatory act happened at a public place, or over the phone due to responding to a newspaper ad, and the address is not known. Staff explained that this has happened with complaints in the past and the investigator was able to find the location and an address for service.

Commissioner Valdez asked about how accurate the addresses are when submitted on Rental Permit applications. Staff member Joan Chesmore explained that she tries to always get a street address for the owner, but it is not uncommon for owners to list a PO Box, and that when address changes occur it is not reported to the City.

He said that because of this he suggests that the Rules of Procedure retain the language allowing for service at the principal place of business because if the complaint does not list a residence and the Rules state we can only deliver to a residence then we have eliminated our option to send to that address. Commissioner Howland suggested that the language be reduced to read, “where the respondent is known to receive mail” and which allows staff and the investigator to use their best judgment in how to contact this person.

Commissioner Howland made a motion to change the language in 10.2(b) to read, “Service by mail on a respondent shall be made where a respondent is known to receive mail.” Commissioner Valdez seconded. Discussion followed.

Commissioner Zoril asked who would determine that the investigator or City staff knows where the respondent receives mail. Commissioner Howland said that it would be a matter of process and investigation. He said we do our best to investigate and sort it out. That is what we are facing, the uncertainty we don’t know at times, so you leave it to the investigator to track it down.

Commissioner Hansen asked whether it is okay to serve notice on a PO Box. Commissioner Howland suggested modifying the language to read “where respondent is able to receive Certified Mail”, which will then eliminate PO Boxes.

Commissioner Zoril suggested changing the language to read “service by Certified Mail where the respondent is known to receive mail” and then the City will know right away whether the respondent received their notice.



CITY HALL • 100 STATE STREET • BELOIT, WI 53511

Chairperson Sloniker repeated the seconded motion on the floor as modifying the language in 10.2(b) to read "Service by Certified Mail on a respondent shall be made where respondent is known to receive mail." **Motion Carried.**

Commissioner Valdez said that there was a motion made by Commissioner Howland and seconded by Commissioner Hansen still on the floor to approve the Rules of Procedure, which opened the previous discussion of the three points.

**Motion Carried.**

5. Commissioner Comments and Upcoming Events

Commissioner Zoril asked staff to check into whether Commissioners could have internet access during their meetings. He then asked the Commission if they would be opposed to changing the EOC meeting start time to 5:45 PM instead of 5:30PM. Councilor DeForest explained that since the meeting time is in the ordinance, it would need to be an ordinance change. Chairperson Sloniker asked staff to place this item on the next agenda for discussion.

Commissioner Howland asked staff to provide a "revised" or "updated" date at the bottom of all EOC flyers and publications to avoid disseminating outdated information. Commissioner Hansen agreed, and said there have been a number of changes in the law over the last few months.

Commissioner Hansen said that about a month ago he attended an intercultural event at Beloit College which he found very interesting. He said the new City Councilor, Regina Hendricks was in charge of the event and it was very nice.

Staff reminded the Commission that that Chair and Vice Chair will be up for nomination at the next meeting in August.

6. Next Meeting Date: August 20, 2014

Chairperson Sloniker announced the next meeting date of August 20, 2014.

7. Adjournment:

Commissioner Valdez moved for adjournment and Commissioner Howland seconded.

**Motion carried.** The meeting was adjourned at 6:29PM by Chairperson Sloniker.

---

Date approved by EOC

---

Teri Downing  
Director of Community and Housing Services