# Friday, August 18, 2023, at 1:15 p.m.
# Grime State Office Building, B100
# 400 E 14th Street
# Des Moines, IA 50319

## ICRC Approved Minutes - August 18, 2023

### I. Roll Call

Meeting called to order at 1:17 p.m.

Present Commissioner Holly White
Present Commissioner Marcelena Ordaz
Present Commissioner Dennis Mandsager
Present Commissioner Sam Kooiker
Present Commissioner Don DeKock
Present Commissioner Dr. Kit Ford (Virtual due to schedule conflict)
Present Commissioner Daniel Kennedy

### II. Recognition of ICRC Staff, Interns, Public, and Press

### III. Approval of Minutes from June 16, 2023 meeting

Motion to approve minutes as presented by Commissioner. Motion seconded by Commissioner. Motion unanimously approved.

### IV. Acceptance of Agenda

Discussion regarding the cancellation of the July meeting Commissioner Mandsager did not recall a vote. Clarification made by Commissioner Ordaz that a vote was not taken. Due to scheduling availability, it was canceled by Commissioner Ordaz as Chair. At this time there is no rule that says a Chair can or cannot cancel the meeting. Concern discussed on delay for vote on previous hearing. Commissioner White confirmed the delay was not due to the cancellation of the July meeting as the document was not submitted by the AAG until the week prior to the August meeting. This topic will continue in a working session starting September, 2024, to begin to establish meeting processes and procedures.

Motion to amend agenda to move Agenda item "VI" Closed Session and "VII" Findings of the Commission to the end due to time needed to complete the closed session by Commissioner White. Motion seconded by Commissioner Mandsager. Motion unanimously approved.

Motion to accept the temporary rules adopted on May 19th and amended on Jun 16, 2023 made by Commissioner Mandsager. Motion seconded by Commissioner White. Motion unanimously approved.

### V. Public Comment (oral or written) – pursuant to temporary public decorum rules adopted on May 19, 2023 public comment shall be limited to four minutes

No public comment

**VI. Standing Business**

a. Director's Written Report – Executive Director, Kristen Stiffler and AAG, Katie Fiala

i. DIAL Merger – Attached Unit - Commissioner Mandsager asked if ICRC had a say in the moves or if it was all a directive. ED Stiffler confirmed it was all a directive from the Governor and team in charge of the realignments.

ii. Red Tape Review pursuant to Executive Order 10

iii. Office Updates (legislative,federal contracts, staff update, education and outreach, litigation and case law) - all updates in written report

Not in the written report - Had first staff town hall meeting in quite some time and employee gathering. Had an outside picnic and outdoor games for employees to enjoy the afternoon. Commissioner White asked if there was anything to share that was shared with the team. ED Stiffler noted they spoke about performance metrics and set new goals. There are updated goals not included in this packet. It has been 5-10 years since performance metrics have been changed at the state level. They are lofty but doable. ED Stiffler continued to note that the annual report does not tell the story. There will be some changes in upcoming annual reports to reflect the data and work as it is being done today. Because of the new system it may be about 18 months before the data catches up to show the true picture of the work. ED Stiffler congratulated the team on all of their hard work.

AAG Fiala noted the two cases she reported on in her written report are not particularly relevant. There were no additional questions for AAF Fiala.

ED Stiffler did request the Commission discuss in the working session what information is wanted in the written report to ensure she is providing the information that Commissioner's want to see and not spend time on information that is not needed.

**VII. Old Business**

a. Discussion of ICRC's Red Tape Review pursuant to Executive Order 10 and opportunities and challenges to conducting substantive rule changes simultaneously (Executive Director, Kristen Stiffler) - Duplicate topic, ED Stiffler noted the one page document she provided with the bullet points outlining what the Governor is wanting in the review process for every single chapter. All of this will be done before the Commission comes in on the process. This is all that is required for EO10 and once this is done, ED Stiffler will present the information to the Commissioners. At that time the Commissioners will decide on whether or not to initiate rulemaking. The Commissioners did not engage in the EO10 process.

b. Iowa Advisory Committee to the U.S. Commission on Civil Rights Report (Overview, Background, Methodology, Finding I: pgs. 1-16) (Executive Director, Kristen Stiffler). Will break down sections during regular meetings. This first one will be reviewed in the September meeting.

c. Presentation and discussion of drafted public decorum commission rules (Chairwoman Ordaz and Vice Chairwoman White). Commissioner White went over the work put in on the proposed public forum process. Language used from previous documents provided. AAG Fiala will review for legal purposes. No comments at this time but can engage on it if added to the next agenda for the working session. Any Commissioner can provide insight on the document and make recommendations for changes. Commissioner Mandsager asked about the orange paper. Addressed that this process can be used where those that signed up will get an orange paper to identify who is approved to speak during public comment. Will need to address how it will be addressed to allow for Commissioner engagement within public comment. At times it works when there are follow up questions. It is not a standard to engage in public comment but can have it as an agenda item for future or special meetings as needed to address topics further.

d. Recap and discussion of Deputy Director Stone's May visit from Dept. of Human Rights (Commissioner Kooiker) - Discussed with ED Stiffler. At this time, the question is what is the purpose and at this time no clear reason to require liaisons between the two. Visit from Director Stone was a great idea. Would still like to see the Commission stay connected between the departments inviting reps to the ICRC meeting and Commissioners going to their meetings. Commissioner Kooiker turned over to ED Stiffler for additional thoughts. ED Stiffler shared she

did not have this group in her previous area. Did enjoy having the Director present. They are not part of Health & Human Services. In speaking with Commissioners, there is not a solid understanding of what ICRC does. Would love to see the Commissioners become knowledgeable of ICRC first and become more involved with project opportunities. Currently working with Commissioner DeKock on a police project, which he will talk about in his report today. Have plenty of areas of focus to meet passions of the Commissioners and all are welcome to reach out with interests. No motion needed on this to pursue it further. Topic can be closed.

Additional conversation on Commissioner processes. Commissioner Mandsager asked about public affairs and when does the Commission release a statement to address topics as they arise as needed. This topic will be discussed in the Commissioners' upcoming work sessions. Example discussed is an article in the Des Moines Register. ED Stiffler will not respond publicly and do responses as directed by her boss, the Governor. This particular article was from ED Stiffler and information submitted by her on behalf of the ICRC and it was written on what the publication chose to use of the provided information. The Commissioner's can write a letter to the editor of a publication if agreed upon. Commissioner Mandsager inquired about strategic planning and noted again there is no public relations plan in helps to address criticism of the ICRC and the work of the staff.

To get more public involved, discussed posting the Draft Agenda up sooner, still as a working document as long as the final is up with the 24-hour requirement.

Further discussion continued regarding analysis of the Iowa Advisory Committee to the U.S. Commission on Civil Rights Report. This will be reviewed monthly with the help of staff to provide knowledge and expertise as needed. Discussed end product could be a letter acknowledging the review and what is agreed or not agreed upon. Part of the EO10 process is clearing up terminology which could be a cause of issues raised in the report.

Motion to keep the owa Advisory Committee to the U.S. Commission on Civil Rights Report in Standing Business for monthly reviews until it is completely reviewed made by Commissioner Kooiker. Motion seconded by Commissioner. Motion unanimously approved.

**VIII. New Business**

a. Establish formal liaison of an ICRC commissioner to Human Rights Commission meetings and invite HRC to do the same (Commissioner Kooiker) - Topic closed

b. Commissioner discussion around roles responsibilities to public emails - discussion in working session. Voting cannot be done in working session meetings.

c. Board Meeting Cadence - to be discussed in working meeting session.

**IX. Commissioners' Reports**

*Commissioner Holly White - No Report*

*Commissioner Marcelena Ordaz - No Report*

*Commissioner Dennis Mandsager - No Report*

*Commissioner Sam Kooiker - No report*

*Commissioner Don DeKock - Working with Kristen and started reviewing reports that have been filed against law enforcement. Looking at questions asked and responses. ED Stiffler asked to speak at Sheriff and Deputiy Association winter school in December. Will be present with ED Stiffler as both Past President of the association and as a Commissioner. Will attend some future meetings with ED Stiffler as well around law enforcement. Excited to be a part of helping these departments understand topics around Civil Rights so they are not scared away by these situations.*

*Commissioner Dr. Kit Ford - Not present*

*Commissioner Daniel Kennedy - No Report*

**X. Closed Session** pursuant to Iowa Code §21.5(1)(f). ("A governmental body may hold a closed session only by affirmative public roll-call vote of either two-thirds of the members of the body or all of the members present at the meeting. A governmental body may hold a closed session only to the extent a

closed session is necessary . . . to discuss the decision to be rendered in a contested case conducted according to the provisions of chapter 17A.)

Motion to move to Closed Session made by Commission Kooiker. Motion seconded by Commissioner White.

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|---|---|
| Yes | Commissioner Holly White |
| Yes | Commissioner Marcelena Ordaz |
| Yes | Commissioner Dennis Mandsager |
| Yes | Commissioner Sam Kooiker |
| Yes | Commissioner Don DeKock |
| Not Present | Commissioner Dr. Kit Ford |
| Yes | Commissioner Daniel Kennedy |

Closed Session started 3:20
Closed Session ended 4:15

**XI. Findings of the Commission regarding *ICRC, ex rel Kristi McMillin v. Teresa Roby***

Commissioner Ordaz announced the final decision made regarding the above case.
"In regards to the case presented, it is therefore ordered that the administrative law judges' proposed decision be rejected."

**XII. Set Next Meeting**

Next ICRC meeting is scheduled for September 15, 2023 at 1:15 p.m. Will keep all meetings through the rest of the year every 3rd Friday of the month, including December.

**XIII. Adjournment**

Meeting adjourned at 4:19 p.m.

Marcelena Ordaz

Marcelena Ordaz

4-19-24

Date