

City of Tampa  
Human Rights Board  
Meeting Minutes  
June 10, 2015

The City of Tampa Human Rights Board held their regular bi-monthly meeting on Wednesday, June 10, 2015, at 8:30 a.m., in the 2<sup>nd</sup> floor conference room of the Neighborhood Empowerment Department, Community Affairs Division, 2105 N. Nebraska Avenue, Tampa, Florida.

**MEMBERS IN ATTENDANCE:**

Anthony Carswell  
Laila Abdelaziz  
Amy Mandel  
John Perry

Elias Vazquez

**CITY OF TAMPA REPRESENTATIVES IN ATTENDANCE:**

Thomas Snelling, Director, Planning and Development  
Maritza Betancourt  
Rebecca Cortes  
Margarita Gonzalez  
Deborah Seigler

Karen Sinnreich  
Jake Slater  
Justin Vaske

**Call to Order and Roll Call**

The Chairman, Anthony Carswell, called the meeting to order at 8:38 a.m., and then continued with the roll call.

**Approval of Minutes – April 8, 2015**

**Motion** was **made** by Ms. Abdelaziz and **seconded** by Mr. Vazquez, to accept the minutes as submitted. The **motion** was **accepted** unanimously by all members present.

The Chairman thanked Ms. Abdelaziz and Mr. Perry for conducting the meeting on April 8, 2015 in his absence.

**Regular Reports**

**Administrator's Report**

Mr. Slater announced that today would be his last day as liaison for the City of Tampa Human Rights Board (HRB), since the Community Affairs Division would be reassigned to the Planning and Development Department, which is under the Thomas Snelling, Director. Mr. Slater then extended a welcome to Mr. Snelling, and stated there was a recent change to the organizational structure, which he thinks will work out great. Mr. Slater went on to say that he has enjoyed working this group, when he was appointed by previous Mayor Sandy Freedman. He served on this board for ten years as Chairman, then as the board's contact. He wished everyone in Community Affairs the best and stated that they will be in good hands. He thanked everyone for their support and great work.

The Chairman commented to Mr. Slater that he would be missed, and was glad to meet Mr. Snelling. He mentioned he was with the board about six years, and that the board and the City of Tampa cannot thank him enough, although not him alone, since he is an extension of the staff in reaching out to the City. A round of applause followed.

Mr. Snelling stated that the reason for Community Affairs' reassignment is that the Mayor wants to better align services. The Housing and Community Development (HDC) division focuses on housing and community developments and has a direct correlation with Community Affairs. Staff is currently updating the one-year action plan for Housing and Urban Development (HUD), which includes accessibility, fair housing, and economic development. The core missions for Community Affairs and Housing and Community Development are very similar. He is very glad to have Community Affairs. Mr. Snelling thinks this is a calling and is very glad Community Affairs is now a part of Housing and Community Development. He said that the Housing and Community Development Manager, Vanessa Mc Cleary, could not attend the meeting today, due to training. He said that he will also be attending fair housing trainings, since it will be something that he has to learn.

Mr. Snelling will schedule one-on-one meetings with the Human Rights Board members. His department currently works with three other boards: Historical Preservation Board; Affordable Housing Committee and Code Enforcement Board. In working with board members, he likes to get to know their personalities, in order to provide better service as a liaison. The Chairman stated he looks forward to working with Mr. Snelling and was encouraged that he wants to reach out to the board members.

Mr. Slater announced that Mayor Buckhorn has appointed Parker Alexander Homans, a realtor with Smith and Associates in south Tampa. He has a copy of his application, however, he has not been sworn in yet. He will give the application copy to the Chairman for reference. This leaves one vacant position in Property Leasing.

### **HUD/Fair Housing, EEOC/Employment, and Public Accommodations**

Ms. Betancourt began by stating that 16 EEOC cases were filed and 2 cases closed. She contacted Ina De Paz at the Miami Equal Employment Opportunity Commission (EEOC) office to discuss the lack of cases and referrals. The Housing and Urban Development, a Performance Assessment Review was conducted May 19-20, 2015. There was a problem with the number of cases closed, which was zero. It is expected that the City of Tampa, based on the population, close eight cases a year. Being that eight have been closed and going on the ninth, this part of the assessment deficiencies is now fulfilled. The Performance Assessment Review is based on cases along with 9 other assessment areas. There was also a question about the budget and the substantial equivalency of the City of Tampa Human Rights Ordinance to the federal requirement. A proposed copy was sent to Housing and Urban Development for review and she has not received any response yet.

Ms. Betancourt announced that Jennifer Jones and Gloria Miranda from HUD will visit the Community Affairs Division June 17 & 18, 2015. They will offer training on The Intake Process for housing cases. Ms. Betancourt provided copies of the proposed brochure for Community Affairs. Instead of two brochures, there will be one.

Ms. Seigler provided her report. The Annual Fair Housing Consortium was held April 17, 2015, at GTAR. Ms. Gonzalez was also in attendance. The event was successful with about 140 plus people

in attendance. In May, she attended the National Fair Housing academy training in Washington, DC. She took the advanced conciliation course for investigators. The training included investigators from different FHAPs and agencies across the nation. She announced that she is scheduled to do a presentation at the Solita's House in Ybor City, on June 13, 2015. They offer the first-time homebuyer class.

Ms. Gonzalez attended the Mayor's Latinos annual luncheon, which was coordinated by the Mayor's Hispanic Advisory Council (MHAC). There were over 700 persons in attendance, and the speaker was Senator Mel Martinez. The Mayor's Hispanic Advisory Council raises funds to provide scholarships to students. She announced that she will be going to Washington, DC for NFHTA Week 5 training, which will complete the required five-week training program for HUD certification.

### **ADA Disability Rights**

Ms. Sinnreich began by announcing this year is the twenty-fifth anniversary of the Americans with Disabilities Act that was signed on July 26, 1990. There will be a celebration at the Museum of Science and Industry (MOSI) on July 18, 2015. It will open to the public from 10:00 a.m. to 2:00 p.m. She made a suggestion that time be allotted from 9:30 to 10:00 a.m. for sensory friendly for families with autistic persons. There will be about 40 vendor tables, out of which Community Affairs will have one to provide materials.

The Mayor's Alliance for Persons with Disabilities annual awards luncheon has been scheduled for October 16, 2015. The emcee will be Jack Harris, Mayor Buckhorn will hand out awards, and Professor Perkins from USF will be the speaker, who also attended the fair housing seminar.

Ms. Sinnreich has spoken to Vanessa M<sup>c</sup> Cleary, Manager, Housing and Community Development about the annual job fair. A large venue is needed, because last year, vendors were turned away. The Housing and Community Development office will host an event on November 11, 2015 at the Tampa Port Authority, and Ms. M<sup>c</sup> Cleary suggested the job fair take place there the next day.

Mr. Snelling mentioned that Community Affairs' relocation should take place within the next two weeks. He said remodeling is taking place at City Hall on the third floor. The Community Affairs staff will be moved to the fifth floor temporarily, until the remodeling is complete. Then they will be moved to the third floor, where the Housing and Community Development staff is now housed. He informed the board members that he may find another location for the Human Rights Board meetings. His main office is located at 1400 N. Boulevard, where there is a board room that serves as a training room. There's opportunity to meet at other locations, depending on schedules throughout the City. Ms. Mandel asked if the move would happen before the next meeting and Mr. Snelling responded that CAFF staff would move hopefully in two weeks. Construction at TMOB has begun and staff has begun to box things. Any time you go through a move, it's tough and emotional. He talked about his experience with a recent move for Citigroup. He closed by stating it happens to private and public sector all around.

### **Old Business**

Status for Proposed Changes to Human Rights Ordinance (increase in board members) –

The Ordinance was a little vanilla and the board needed to use Robert's Rules of Order, like trying to put together a definition for a quorum, just the basics, in case a third party would happen to take a look at the

board, and ask, hey, what are those guys doing? There's a little bit of guidance and a little thought process while the board has moved and made decisions and operate the way that the board does. You may hear conversation about conversation about the makeup of the board. One of the things he thinks, and he believes he speaks for the board members that are and are not present, was that the board was rigid in regards to trade of what's represented, as far as the board is concerned, banker, mortgage, property leasing, retail, etc., where the board does not be in a position on turning away potential board members, who are interested and ready to work, just because the board has two of the same industries represented. That was one of the things the board was trying to get flexibility for, and make sure the board can continue operating and have the best and brightest represented.

#### Board Structure and Adoption of By-Laws (move toward SOP)

The Chairman stated that the board should use a Standard Operating Procedure (SOP). For the board information, the Chairman wanted to yield to the board members or move through Old Business. For those who were not privy to ramblings the end of last year and the beginning of this year, the board talked about adopting by-laws to add a little more structure around the board. After research and conversation, the board will move into the form of using standard operating procedures as a guideline, and by no stretch of imagination, does the theme or thesis change, while the board was looking at by-laws versus while doing standard operating procedures.

The Chairman said due to time concern, this is where the board was at regarding Old Business, and stated there will be more gravity and conversation.

#### **New Business**

##### Exploring Socio-economic Imbalance (can this be discussed as a protected "class")

Mr. Perry stated that fair wages is an issue of discrimination in employment. There are things that government can do to help, but there is a hang up in legislature. The City of St. Petersburg has passed their ordinance, but it is limited to St. Petersburg. Mr. Perry stated that Mr. Tim and he began discussing this because it's been mentioned earlier in this meeting how many of the people that come to the City, because they have been discriminated against in housing or employment. Many of these people are in dire straits as far as their income. There are things that government can do to help those people, and so that's how the board got into discussion about minimum wage, living wage, and wage theft. Since the last meeting, he stated that Ms. Abdelaziz can go into more details, like the hang up with the County Commission on the wage ordinance.

Ms. Abdelaziz stated that wage theft is, when an employer withholds the legally owed wages or benefits due to employees in the service industry, and who do not have much employment opportunities. It is creating an impact in this community. It's the majority of the service industry employees, because they work very tough hours for very low wages, and they do not have much employment opportunity, so employers take advantage of them. Hillsborough County has the second highest amount of wage theft cases in the state, after Miami-Dade County. This creates a huge economic impact on behalf of this community. The Federal government enforces federal labor laws and has one person to every 1.5 million Floridians to enforce federal labor laws. Therefore, the Federal government does not have the band wit to enforce Federal labor laws properly. Basically, the remedy has been very clear, that at this point, the State is not going to take on the issue, like the kind of proper enforcement measure from a government's

perspective as for the State to say they're going to tackle it. The next remedy is for the Counties to say they're going to step in say they're going to provide a remedy to protect the people that are being preyed upon. By passing a wage theft ordinance, it creates an administrative remedy for people to, first of all, know that this service is available. Every time a county ordinance has been passed in Florida, it gets stronger and stronger, because everyone is looking at president in the formal ordinances and everyone is creating a stronger ordinance. There are basically two models in the State right now. We have what every single county has, which is a reached up ordinance that creates an administrative process for people that want to seek a remedy for stolen wages, to go to the county. There's one county from all the counties that passed a wage theft ordinance that is a one hundred thousand dollar check from the County Commission to legal aide service for lawyers to spend more time doing wage theft, like the ROY is not there. All the experts in the field have done extensive studies from Osceola County to Pinellas to Miami-Dade, and all the regions that have a wage theft ordinance, there has been extensive research done on cost effectiveness and the ROY. The Palm Beach model is just not effective. It's just a check to a charity, basically saying, oh, get your lawyers to pick up more wage theft cases. It doesn't help the court, like the clogged up court that does not provide that the government stepping in thing, we're going to take this seriously. Of course, the retail industry is really pushing for Hillsborough County to adopt the Palm Beach model, despite the ROY being in the numbers. Our county commissioners feel the need to save the Palm Beach model, which seems like a great option. The Hillsborough County staff created a great ordinance. They worked with all the president, experts, and everyone that knows something about wage theft and government ordinances to create this great solution. Now basically the county commissioners told them to go back and pump the Palm Beach model into, which is not an ordinance, to clarify that the Palm Beach one is not an ordinance, it's just like a line item as described by Ms. Mandel. We are frustrated with that and are hoping that the County would do something on passage of the ordinance, and they will continue fighting for that. Ms. Abdelaziz urged the board members to reach out to their County Commissioner and At-Large County Commissioners and talk to them about this. It just seems to be that there's no accountability. They think they can just get away with doing this. Obviously, if it fails in the County, then the City Council will pick it up most likely. It is ineffective government, like people working in one county and live in another county, and if we do this in the City of Tampa, what does that mean? It leaves out a lot of people. It puts a burden on the City to enforce this, when it really should be the State. The Chairman corrected this to say County. This is where she is with this issue. She says it's very frustrating, providing the service to people who are really being hurt and discontinuing to support big industry and retail in the State of Florida. Ms. Mandel asked if she gets to lobby the commissioners one-on-one. Ms. Abdelaziz stated she is in constant contact with them and her group is trying to submit a public records request across the City and meet with them. It's clear that every county has gotten some talking points. They can't defend their talking points and they don't know why they are arguing against a wage theft ordinance. Like Palm Beach, what does Palm Beach do? It's like a ROY. Our ordinance proposes creating a staffer that will get a \$45-thousand a year salary do to this. So, the Palm Beach model is like a \$100-thousand dollar check to legal services. Commissioner Murman is literally like, how dare us expand government and create a job, first defending a charity pack for twice that amount. It does not make sense for anything to basically not enforce the labor laws.

Mr. Perry commented that they claim that this is a problem and this is how we want to deal with it. At least they are on record admitting that wage theft is a problem, but they are proposing ineffective solution. The Chairman commented that it is not really a solution, if it points to a county, basically that is on a stand-alone. He asked if the board could see who is championing. Ms. Mandel responded that it is Commissioner Kevin Beckner and Ms. Abdelaziz added Commissioner Les Miller, and that they are the two strong proponents of the ordinance. She said that Commissioners Sandy Murman, Christ, White, and

Higginbotham are not. A member commented that more passion is needed on this subject. Ms. Abdelaziz said she is passionate about everything she does. Mr. Snelling said he was surprised about Commissioner Murman, because she is an advocate on the homelessness initiative that's in the same ballpark, with the same kind of social thing. Ms. Mandel commented that if Mr. Snelling could have Commissioner Murman's ear on that he can talk to her about how related these are. The Chairman said this is a perfect meeting to talk about these types of things. This is where the board gets passionate, as to what the board's role is as a board. This is not necessarily a covered class, but to him it screams human rights. He said that at one time, when a supreme judge had to make a point on child pornography back in the 90's, the judge commented that he did not know how to define it, but would know what it is when he sees it. This is one of those items that this is definitely a human rights issue, and whether the board would be educating the county commissioners, because he has the same feelings as the board members about Commissioners Murman and Higginbotham, where they are almost approaching it like, yeah, wage theft is definitely an issue and oh, this is how we can take care of that, but not really putting definition or gravity behind it. Just like when it came to housing, if we could put color behind it, where there are actual people and actual cases, and they heard those, then maybe it would spark genuine conversation and understanding more than anything. Where there's at least credible answer, as to this is why they shouldn't do it. It does not make sense, but that is what helps him as a citizen, when it is just no, for the sake of no, or I do not think it is a good idea, but this is why we can't or this is why we won't. This is what he thinks people need to hear, if there is any type of push-back. The wage theft ordinance is a topic that is simmering a little bit, because even at the larger level like Bank of America, Citigroup. He can say that there are numerous class-action suits that are in existence now and in internal conversations happening in those companies where, hey, make sure you take your 30-minute break, when you are working through your lunch, or if you are doing a conference call, while commuting to work, you are actually on the clock. This is coming from the company to the employee. The conversations are happening not only at the local level, but at the federal level, where it is picking up steam. He thinks Florida is at the forefront of addressing it last year, to see what can be done about it. Ms. Gonzalez commented that in the meantime, that this comes into fruition, to keep in mind that through employment discrimination complaints, we can remedy some of that. Many times the wage theft is based on some form of discrimination, because it may target a particular protected class. She forgot to mention that this afternoon she will view a webinar on back pay and other remedies dealing with employment complaints. She asked if anyone knew of any particular case now, we may be able to provide some help through Title VII.

The Chairman directed a comment to Mr. Vaske on the same subject, that members of the board are cognizant of the scope of what the board does. The members share their opinion and thoughts, and it is operative for staff. By all means with these meetings, he contacted Colin Rice, the former attorney assigned to Community Affairs, many times, for definite conversation, not just for things that the board wants to hear necessarily, but things to be mindful of. The board members are a lot smarter with communications and the Sunshine Law, and they want to make sure they are an advocate and resource for the City, and not over reaching. Mr. Vaske commented that anything that is to be done, requires an ordinance change, and to keep in mind that Hillsborough County does not enact anything that is within the City's jurisdiction, since only 1/3 covers the county population. It doesn't take care of the whole problem from a county-wide perspective. The Chairman said that what the board has seen in the City of St. Petersburg when it comes to social functions, is the social pressure kind of gets put on where Hillsborough County looked bad when it came to the legal partnership. You do not want to look like the out liar. The City of St. Petersburg and the City of Tampa are on board. The registry which was huge, was like knocking against a concrete wall with a thimble and nothing was happening. All of sudden when

everyone around you does something that kind of makes sense you wonder. Ms. Mandel commented that Mayor Buckhorn hates to be blast. The Chairman said there's about 376,000 people in the City and close to 2 million in the County, we are at the small piece, but want to try to bridge that gap. He asked if anyone had further comments. Being none, he said the board will be pushing things along and communications sent through Ms. Cortes soon on the Standard Operating Procedure (SOP) via email.

#### **Next Meeting**

The next meeting has been scheduled for Wednesday, August 12, 2015, at 8:30 a.m. Information will be provided for location of the meeting.

#### **Adjournment**

A **motion** to adjourn the meeting was made by Ms. Mandel, seconded by Mr. Vazquez, and the **motion passed**. This concluded the business of the Board at 9:35 a.m.

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