



Office of Equal Opportunity  
**CIVIL RIGHTS DIVISION**

Government Center Annex

115 S. Andrews Avenue, Room A680 • Fort Lauderdale, Florida 33301 • 954-357-7800 • FAX 954-357-7817

## Meeting Record

<b>Subject: Human Rights Board Meeting</b>	<b>Date: 07/20/09; Call to Order 1:04 p.m.</b>
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### Attendees

1.	Patrick Bailey	2.	Miya Burt-Stewart	3.	Randy Fleischer
4.	George Kling	5.	Al Martinez	6.	Anthony Niedwiecki
7.	Robert Rawlins	8.	Mary Anne Robertson	9.	Amy Shoosmith
10.	Hillary Tescher	11.	Earlene Striggles Horne, Director, Civil Rights Division	12.	Robert Teitler, Asst. County Attorney
				13.	Barbara Ann McGovern, Assistant to Earlene Striggles Horne

### Key Decisions

- Board approval to recommend the Board of County Commissioners adopt the resolution to overturn the current U.S. Military policy of "Don't Ask, Don't Tell."
- 2009 – 2010 quarterly meeting dates.

### Action Items

#	Description	Resource	Status
1.	Memorandum to Board of County Commissioners re: Resolution	Randy Fleischer	

### Discussion Points

- 7/20/09 Agenda Adopted; 6/15/09 Minutes Approved.
- Division Report
  - Intake Referrals & Assessments: FY09/1,953 versus FY08/2,347; Complaints Accepted for Investigation: FY09/305 versus FY08/380; Alleged Discriminatory Action- Layoffs: FY09/20 versus FY08/6.
  - FY09 EEOC Contract: 201 charge resolutions; to date, we have processed 213 dual-filed charges.
  - Monetary Settlements: Year-to-date/\$394,760.
- Chair's Report:
  - Chair attended June 23, 2009, Commission Meeting; prepared a memo to the Commission in response to the meeting; the County Attorney will assign an Assistant County Attorney for the Board to fill the vacant position resulting from the retirement of Assistant County Attorney Beth-Ann Herschaft.

***These minutes are summarized from the recorded compact disc of the Human Rights Board Meeting. If any Board Member or other party would like more detailed information about the contents of these summarized minutes, the compact disc will be available by contacting the Civil Rights Division at 954-357-7800.***



Broward County Board of County Commissioners

- Old Business:

- *Resolution to Overturn "Don't Ask, Don't Tell" Policy.* Mr. Niedwiecki stated that Oakland Park and Wilton Manors have passed resolutions asking Congress to overturn this policy. He presented his draft resolution to the Board for review. He advised that the Servicemembers Legal Defense Network asked him if Broward County would help to move this along. He stated that New York, San Francisco, Chicago, and Atlanta have passed such resolutions. The members began a cursory review of the draft. The Chair asked if there was a motion. Ms. Shoosmith stated that this was a "no brainer;" and stated she wanted to make a motion to go ahead and adopt this. The Chair stated there was one change: the Board's vote would be to recommend that the County Commissioners approve this. The Chair asked if there was a motion on the floor; Dr. Kling stated he supported the motion. The Chair stated that the motion was to recommend that the County Commissioners pass a resolution.

Mr. Martinez inquired if there was to be any discussion on the matter before a vote. The Chair asked if there was any discussion. Ms. Tescher stated that she would like to read the draft resolution. Mr. Bailey stated that it was too little time for him to go through the draft. The Chair responded that he wanted to get this done, since he didn't know when the Board would begin quarterly meetings or when the Commission meets again. He stated that he agrees with Ms. Shoosmith that other than a few small changes, this is a "no brainer." Mr. Martinez stated if the Board wants to send this to the Commission, the Board should analyze things before sending it to the Commission; and he did not see the rush to get this done. He stated that the situation with the military is a very complex one. Mr. Martinez advised that he was a former and is a current contractor with the U.S. Military, and this has intricacies that go beyond just reading this paper and making a vote on it; I am not ready to vote on this. Mr. Martinez concluded by indicating he also served in the military. Mr. Bailey stated that he was not ready to vote on this, as he needed more time to review it.

Mr. Niedwiecki stated that there is a rush on this item as more people are being dismissed under this policy. He advised that Representative Patrick Murphy introduced a bill to put a moratorium on this practice. Over 70% of the American public support overturning "Don't Ask, Don't Tell." He stated that the Board could just pass a simple resolution, today, asking the County Commission to pass a resolution, and giving them the examples. Mr. Niedwiecki stated that a packet of information on this topic accompanied the Agenda for this Board meeting. Dr. Kling stated he saw no reason to delay passing this onto the Commission. He stated he spent time in Vietnam; he stated this policy is not right and this is harassment of these people. He concluded saying that if this were other areas, the Board would pass this immediately.

Ms. Shoosmith stated she did not see any reason to wait on this; this is clearly discrimination – there is no other way to look at it, there is no other way to analyze it. These gay and lesbian service members have to lie about who they are, or they are discharged from their jobs; they lose their pensions, they lose everything. This is not gray at all. This has been out in the media, lately; former generals are coming out saying that twenty years ago they were against it, but now say that they were wrong. The generals stated that having gays and lesbians serve openly does not affect morale. All their own studies demonstrate that; they said they lied about what their own studies said twenty years ago. Ms. Shoosmith stated she agreed with Mr. Niedwiecki that they should support their elected officials to move forward with this issue; this item keeps getting delayed and people say it needs to be studied more; this is absolutely absurd. We can vote and see where the vote lies.

Mr. Martinez stated he is not suggesting to vote for or against, as that is a decision they all have to make as members; he suggested that they look deeper into this issue and get more information. Mr. Martinez stated he was not ready to vote on this issue; he stated he would abstain and would not vote for or against it. He stated he wants more information; he is not denying support to fellow members of the military either gay, lesbian, black or white – the military only wears one color, and that is green. Mr. Martinez stated, with all due respect to Dr. Kling, that the Vietnam era was a long time ago and the military has changed. Mr. Martinez stated that he was "fresh out of two years in the war in Iraq – we cannot make comparisons about what happened then and what happens today." He stated that the military is a very complex structure and the rules and regulations for which the military rules itself are made with one mission and that is "mission accomplished." Before we make a hasty vote, we need to look into why these rules and regulations are made the way they are. Remember this is not a corporation, but the military who defends our mission in the world. Ms. Robertson stated that since this is only a two-page resolution, they have time to read it now and consider if they want to vote for it or against it.

The Chair noted that each reference to the Human Rights Board would be changed to the Broward County Board of

County Commissioners; and Section 4 would be deleted. Ms. Tescher asked, when the Board votes to unanimously recommend something, is it pointed out to the Commissioners how we voted on it; postponing this issue might get a better outcome. Mr. Bailey stated he has been on the Board over three years, and the Board has always discussed things. He stated that he needs an opportunity to go over this and to check his facts to know what he is voting on; "I know a little about this, but not all about it; I am not comfortable with this and this is not how we do things here." Mr. Bailey stated he would vote what is in his heart and that he shares the sentiments of the Board. He concluded, "We work on stuff to get it right; we may get something better." The Chair responded that he had just read the draft twice during the time Mr. Bailey was speaking. Mr. Niedwiecki, again, stated that this information was on the previous agenda and was placed on the current agenda; all this information was made public to this Board for a month. This is something the Board discussed. Mr. Niedwiecki stated that the draft resolution given to the Board at this meeting summarized what was previously given to the Board and makes no real changes to what the Board previously received.

The Chair called for a vote on the MOTION TO APPROVE the resolution, as amended, to recommend the Board of County Commissioners adopt the resolution. A raised hand count vote was taken of the ten (10) members present, of the current fourteen (14) Board members: APPROVED / 6; OPPOSED / 4. The Chair stated he would send a letter to the Commissioners. Mr. Martinez requested that the reasons the respective members provided for their vote in opposition be contained in the record of the minutes.

Mr. Niedwiecki stated that he would be more than happy to consider this at the next meeting to give members time to look at this issue and a chance to have more consensus. Dr. Kling stated he disagreed; "The background of individuals does not go forward for a vote, and if they do, then we will want the service record of everybody at this table pulled and I don't believe that is the function of the Commission or this Board."

- New Business:

- *Quarterly Meeting Dates:* The Board agreed to meet in the months of February, April, July and October on the second Monday of these months.

- Members Concerns:

- *Lawyer versus non-lawyer members.* Mr. Rawlins stated that there are questions before the Board wherein the lawyers need to spend less time thinking about an issue than the non-lawyer members. He stated that having non-lawyers on the Board makes sense, since the non-lawyers will ask questions that the lawyers will not. "An issue before the Board in which some members feel strongly about, and the lawyers say it makes perfect sense to them; then to force it down the throat of non-lawyer members who don't have strong feelings; it just doesn't feel right."

The Chair stated it was a 6 – 4 vote on the "Don't Ask, Don't Tell" Policy; not everything will be unanimous. He stated he felt it was timely and needed to go through.

With no further discussion, the meeting was adjourned at 2:02 p.m.

**The next scheduled Board meeting will convene on October 12, 2009.**