

Civil Rights Committee Meeting Minutes  
Thursday, October 15, 2020, at 7:15 PM

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As a result of the COVID-19 virus, the Civil Rights Committee conducted the meeting via Zoom remote access as provided by Maine law. Zoom allowed all Civil Rights Committee members and members of the public to hear all discussion and hear votes, which were taken by roll call, as required by law.

Present: : Valerie Deveraux, Keyla Alston-Griffin, Dheeraj Khare, Miriam Esch Levanos, Kimberly Monaghan, Paul Seidman, Jim Sparks, Melanie Thomas, Rafina Young, Rachel Davis ( Director, Thomas Memorial Library)

Absent:

1. Call to Order: The meeting was called to order at 7:18 p.m.
2. Citizen comments of items not on the agenda: none
3. Acceptance of minutes from the September 30 meeting
  - a. Correction: Melanie, not Rafina, nominated Keyla to be chair
  - b. Keyla motioned acceptance of the minutes as corrected; second by Jim
  - c. Vote to approve: unanimous
4. Right to Know/Freedom of Access Training with Town Attorney Mike Hill: Mr. Hill provided the committee with basic information and points of interest about the Freedom of Access law as it pertains to public proceedings and the work of this committee
  - a. The public must have the ability to observe the workings of the committee
  - b. The goal is to have transparency in conducting the people's business
  - c. Anything that pertains to the development of public policy must happen in the public view
  - d. Exceptions would be the circulation of a report or information that will later be discussed in public view
  - e. Mr. Hill noted that a common question of protocol is "If members of the committee meet at a social event, can they discuss the work of the committee?" The answer is no. In further discussion Mr. Hill clarified that general comments about how a meeting went are fine, but comments that have bearing on the development of public policy or the work of the

committee are not allowed. Talking about process is okay, but strategizing is not.

- f. Question: Can two members of the committee work on a project together outside of regular meetings to bring the larger group. Answer: The work of a subcommittee would not need to be noticed, as long as the materials prepared by the subcommittee are discussed and voted on in public view. Mr. Hill underscored that every effort should be made to avoid the appearance of impropriety, and that the ultimate goal is to do the people's business in public view.
  - i. In further discussion of this question, Mr. Hill clarified that as long as documents or issues are fully disclosed and discussed at the next full meeting the work of a subcommittee is okay. But it is not okay if what a subcommittee works on will only be "rubber stamped" by the larger committee in public view. The goal is transparency
  - ii. Keyla asked if it is best if individuals work on projects outside of the group and bring them back for discussion; Mr. Hill responded that it is safer to do it that way and share back with whole group.
- g. Question: Melanie asked if the two co-chairs could discuss the committee outside of meetings. Answer: Discussion of how to run a meeting, or procedural issues are acceptable; policy discussions are not.
- h. Question: Rachel asked if the sharing of articles and circulating documents outside of the meetings is okay. Answer: sharing articles and documents is okay, as long as comments on those articles will be made in public view.
- i. Rachel asked about the difference between a workshop and a regular meeting in terms of posting agendas and minutes. Mr. Hill clarified that a workshop is still a public meeting that needs to be noticed, but there is no requirement for public comment; the public can observe and make notes, but there is no obligation to allow the opportunity for public comment (although the committee does have the option of allowing public comment if it chooses to do so.)
  - i. Valerie provided perspective on how the Town Council workshops are run; she said sometimes people in attendance are allowed to speak at the beginning.
  - ii. Kim said that in her experience, sometimes people who are present can offer a unique or relevant perspective to offer and may be asked to participate by commenting.
- j. Dheeraj asked if committee emails are public records. Mr. Hill responded that all emails, notes, and other communications between committee members are

all public records and could be accessed under the Freedom of Information Act.

- k. Executive Session: Mr. Hill noted that an exception to the rules applies in the case of Executive Sessions, where there will be no votes or decisions, no minutes taken. But in the context of the work of the Civil Rights Committee, everything is public.
  - l. Melanie asked if we would be able to share screens during workshops or pull up documents that all committee members can view at once; Mr. Hill responded that this was very appropriate, and no different from sharing a document on a screen or a whiteboard in person.
  - m. Kim clarified that the purpose of a workshop is to discuss more focused matters that might take more time than is available in a regular meeting.
  - n. Paul asked if we receive mails on a topic, would those need to be disclosed? Mr. Hill stated that if the email was sent to someone in their capacity as a member of this committee, once it is received it becomes a matter of public record.
  - o. Kim asked if this committee would have a public meeting to give the public an opportunity to to comment on the committee's recommendations to the Town Council. Mr. Hill replied that doing so would be at the discretion of the committee and the Town Council.
  - p. Jim asked if we could contact Mr. Hill directly if we have further questions; Mr. Hill said such communication should be channeled through the committee co-chairs and the Town Manager.
5. Committee Member Updates:
- a. Valerie compiled a list of all the Town departments, which was shared with the committee and posted with the meeting documents; she had spoken with the Town Manager, who suggested that she include the Town's personnel policies as well.
  - b. Paul shared a draft document of terms and definitions, which was shared with the committee and posted with the meeting documents
  - c. Jim began working on critical questions, and quickly became overwhelmed because there were so many things to consider; Keyla had a similar experience; it is difficult to narrow down what questions we actually want to ask; Paul offered to help out with research if there is a specific question we are looking to answer. Jim suggested that we look at the historical and current barriers to equity and how they apply to Cape Elizabeth citizens.
  - d. Melanie suggested that, rather than tackling a lot of different issues at once, that we work as a group on one item at a time. Rachel suggested that we start

with definitions so we are all speaking a common language, then address questions, and apply them to different departments and policies

- i. Valerie suggested that it would be helpful to link to different articles and documents in the posted agenda for easy access; Rachel said she would do so.
- e. Valerie wondered if we might want to provide some kind of training for Town staff. She also wondered if we might want to explore setting up sister city; she wondered if we should have a workshop to brainstorm these ideas.
- f. Kim said she likes the idea of surveying the public to get an idea of what people think is important for the committee to do
- g. Keyla identified three ideas from the discussion so far: 1. Work through definitions; 2. Then questions; 3. Then policies.
  - i. Jim said he would expand that to look at the historical context of systemic racism in Maine, and in Cape Elizabeth in particular. Paul agreed, and liked the idea of a survey to get at the experiences of community members.
  - ii. Paul urged committee members to send him additional terms that need to be defined, and agreed with Jim that it was important to look at context.
  - iii. Valerie wondered if there was anyone on the committee who wanted to give a presentation on the history of racism in Cape Elizabeth; Paul offered to ask people he knows who might speak to the committee on the subject; Valerie suggested that Kim could share information on Wabanaki and Malaga Island history. Kim suggested that someone from the Cape Elizabeth Historical Preservation Society could offer perspective on how life has changed in the last 40 or 50 years with regard to race. Valerie wondered if the library might offer some programs on these subjects for the public; Rachel said she would discuss possibilities with her staff.
  - iv. Paul asked to what extent the Town Council and Town Manager should be on the same page with regard to racism; should the voting body have a shared knowledge
    1. Valerie suggested that the committee could recommend training for the Town Council
    2. Rachel suggested that the committee provide a preamble to the final report outlining definitions of key terms and concepts
- v. Keyla suggested that a work plan for the committee might be:
  1. Review definitions

2. Get a preliminary idea of how to assess policies in different departments
  3. Conduct a citizen survey
  4. Provide some committee education--perhaps reading a common book
  5. Apply what we've learned to policies that exist
  6. Present a report to the Town Council
- vi. Melanie made a motion to make our October 28 meeting a workshop; seconded by Dheeraj
1. Discussion: the focus for the workshop should be definitions
  2. Rafina felt that the discussion had lost track of the agenda and that we had jumped ahead without finished the committee reports
  3. Keyla thought that it seemed prudent to approach one thing at a time, rather than all different projects at once, given the FOIA training
  4. Kim said she thought it made sense for the committee to address definitions first, then policies within departments, and put out a survey as the last effort
- vii. Keyla made a motion to vote on the making the meeting a workshop; seconded by Paul; approved by unanimous vote
1. Next meeting is a workshop to be held on Wednesday, October 28 at 6:45, two hours maximum meeting length
6. Additional discussion: Rachel clarified a point discussed in the previous meeting; the School Resource Officer's salary is paid for entirely by the Town, not partially by the school department. His work as the SRO will be examined by the School Department's task force and does not fall under the committee's purview. There was a question about whether he has duties that are not part of the school department and whether we would look at his work in that regard. Valerie clarified that yes, he does work that is not at the school, and that work would fall under our committee's general examination of the police department's work and policies.
7. Citizen comments of items not on the agenda: none
8. Motion to adjourn by Keyla; seconded by Melanie. Meeting adjourned at 9:01 p.m.

Minutes respectfully submitted by Rachel Davis, 10/21/20