

MINUTES

Monday, May 09, 2016



Sioux Falls
Human Relations
Commission

12 Noon—1 p.m.
Commission Room
First Floor, City Hall

Commissioners:

Present: Sarah Bouwman, Deborah Deng, John Jones, Jack Mortenson, Bill Wood, Alex Rameriz, Henry Scere, Joanne Haase

Absent: James Larson, Stephen Brennan

Staff: Colleen Moran, Human Relations Manager; Tina Lemieux, Human Relations Coordinator; Brooke Pape, Paraprofessional

DAC Member Present: Lori Lewison

Guests Present: None

1. Call to Order/Welcome Guests

Commissioner Joanne Haase called the meeting to order at 12:00 p.m.

2. Approval of Minutes

Bouwman moved to approve the April 11, 2016 meeting minutes. Wood seconded the motion. The minutes were unanimously approved.

3. Civil Rights Update

A. The Department of Justice announced it settled a lawsuit against the city of Beaumont, Texas for violations of the Fair Housing Act against persons with intellectual or developmental disabilities who live in small group homes in the cities residential neighborhoods. The city violated the Fair Housing Act and the Americans with Disabilities Act when it imposed a one-half mile spacing rule that prohibited many small group homes from operating in Beaumont. The suit further sought to prohibit the city from imposing fire code requirements that exceeded those imposed by the state of Texas as part of its certification and funding of such homes. These restrictions prohibited numerous persons with intellectual or developmental disabilities from living in Beaumont and resulted in the institutionalization in a nursing home of a woman who was forced to move out of her home. Under the terms of the consent decree, the city will allow small group homes to operate in any residential district and will not subject such homes to fire code requirements that exceed the state's requirements for certification of such homes. The city will also pay \$435,000 in monetary damages to 11 individuals with disabilities, their family members and companion care providers who were subject to the city's discriminatory code enforcement practices. The city will also pay \$15,000 to the United States as a civil penalty and \$25,000 to Disability Rights Texas, the organization that represents the

individuals who filed the U.S. Department of Housing and Urban Development (HUD) complaints and intervened in the United States' lawsuit.

- B. May 2, 2016: The Justice Department released its findings that South Dakota unnecessarily relies on nursing facilities to provide services to people with disabilities, in violation of the community integration mandate of the Americans with Disabilities Act (ADA) and the Supreme Court's decision in *Olmstead v. L.C.* The report indicated South Dakotans with disabilities do not have a meaningful choice to receive the services they need in their own homes and communities. The ADA and the *Olmstead* ruling require states to make services available to people with disabilities in the most integrated setting appropriate to their needs, regardless of age or type of disability. The department's findings, detailed in a letter to South Dakota Governor Dennis Daugaard, follow an investigation into the state's system of care for people who receive services and supports in nursing facilities. The department found that thousands of people who rely on South Dakota for needed services must live in nursing facilities to receive those services, isolated from their communities. With access to adequate home- and community-based services, these individuals could instead live in their homes and communities.

4. Appointment of Case Panel B

Deborah Deng, John Jones, Jack Mortenson, Bill Wood and Stephen Brennan

5. Continuing Business

a. Outreach Events

- A. Cinco de Mayo: The event took place on May 7. Wood reported this year the booth was closer to the crowd up was not faced toward them. Haase suggested having a traveling suitcase next time with more promotional materials, as it attracts people to the booth. Haase did refer two people to the Human Relations office during her time.
- B. Festival of Cultures: June 11. Mortenson moved to not attend Festival of Cultures unless the committee could speak; Wood seconded. Moran will inquire about speaking at Festival of Cultures. Moran suggested carrying the flag for the parade.
- C. Pride Festival: June 18. Mortenson moved to not attend Festival of Cultures unless the committee could speak; Wood seconded. Wood will confirm the HRC to speak at Pride festival since he is on the committee.

6. New Business

A. Election of Officers – May 2016

- a. The mayor has accepted Wood's, Ramirez's, and Brennan's reappointment; waiting for counsel's confirmation.

- b. Appointment of Chairs: The commission elected Mortensen as Commission Chair, Ramirez as Commission Vice-Chair, and Bouwman & Wood as the Commission's third Officer.

B. Communication & Outreach Committee breakout

- a. Mortenson motioned for committees to breakout at the next meeting; Bouwman seconded.

C. Chapter 98 Ordinance Amendments

- a. Haase and Mortenson addressed concerns on the Chapter 98 Ordinance Amendments. The commission will have a meeting Thursday May 12th, 12 p.m. at 3401 S. Duluth St. The informational meeting for City Council will be May 24, 4 p.m. at Carnegie Town Hall.

7. Disability Awareness Commission Report – Provided by Lewison

- A. The DAC hosted Artability 2016 – The artist reception took place on April 8, 2016, from 6-8 P.M. Lewison reported there was a good turnout from the public and participating artists. Lewison heard people were impressed with the event.

8. Public Comment

9. Adjournment

Having no further business, Commissioner Mortenson moved to adjourn; Bouwman seconded. The meeting adjourned at 1:17 p.m.

Minutes respectfully submitted by Brooke Pape.