



HUMAN RELATIONS COMMISSION FINDINGS AND RECOMMENDATIONS

Re: Alleged Discrimination Complaint August 23, 2022, File No. 2022-1

This report addresses an Alleged Discrimination Complaint (“the Complaint”) from Elizabeth Pell (“Complainant”), a citizen of Grand Haven, dated August 23, 2022, duly submitted to the office of the City Clerk, and received by Emily Nail, Chair of the Human Relations Commission (HRC) on the same date. A copy of the Complaint is attached hereto and incorporated herein by reference.

Complainant alleged that, during a special meeting of the BLP held on August 3, 2022, “the Board of the BLP and its administrative staff” discriminated against Board of Light and Power (BLP) Director Andrea Hendrick by using “intimidation, ridicule and mockery” to prevent Hendrick from speaking or asking questions about a proposed resolution, which was the subject of the special meeting, when other Directors and staff were “freely allowed to speak.”

HRC commenced an investigation, taking the following steps:

1. Chair Emily Nail opened a File (designated 2022-01).
2. City staff Liaison Ashley Latsch appointed Nail and immediate past chair Louann Werksma as lead investigators.
3. All members viewed the video of the meeting.
4. Working with City Attorney Ron Bultje, HRC developed a list of questions to ask the parties to the Complaint.
5. The HRC called a special meeting, held October 12, 2022, in Council Chambers to ask questions of all parties to the Complaint. In attendance from the BLP were General Manager David Walters, Administrative Services Manager Renee Molyneux, Board Chair Michael Westbrook and Director Hendrick. Attending from City of Grand Haven were City Manager Ashley Latsch, Director of Human Resources Amanda Burnett and City Clerk Maria Boersma. There were approximately a dozen interested citizens in the audience. Attorney Bultje was unable to attend. Minutes of the special meeting can be viewed at <https://grandhaven.org/city-services/meeting-minutesvideo/human-relations-commission-meeting-minutes/>.
6. The HRC considered its response and recommendations during its regular monthly meeting, held in Council Chambers on October 27, 2022. All HRC members attended, along with City Attorney Bultje and City Manager Latsch. Many members of the community attended, and several spoke during public comments before and after the meeting.

FINDINGS: It is difficult to prove discrimination based on sex or gender unless there is significant evidence. The burden of proof in these cases falls on the injured party to establish a pattern of behavior that is by a preponderance of the evidence distinguishable from how the accused would treat those of a different sex/gender. But we cannot rule out the possibility, nor do we discount the complaint that was raised. Hendrick is the only woman on the Board of Directors, and the staff of the BLP is also largely male. What this investigation *has* determined is that there is a pattern of highly concerning behaviors not only by members of the Board of

Directors but also by the administrative staff, and those behaviors have served to undermine and silence a Director who often holds a minority opinion on the Board.

Even the HRC was met with opposition from BLP staff to a request for information, to wit: When a commissioner emailed a BLP staff member requesting videos of earlier 2022 BLP Director meetings, the staff member did not comply but rather emailed the HRC chair to ask if the person requesting the video was a member of the commission and entitled to ask for it. A check of the City website could have verified that fact. Furthermore, the Freedom of Information Act requires that those recordings be made accessible to any member of the public who requests them. When the BLP staff member finally responded to the HRC member, less than an hour before the October 27 regular meeting, the staff member advised that the videos were no longer available, having been removed because the BLP “only had so much space on YouTube.” YouTube does not place limits on the number of videos that can be uploaded. If that were true, however, and the BLP staff were trying to “free up space” as they claimed, it stands to reason they would have removed older videos first; but older videos were left on the BLP’s YouTube Channel. If this had been any other investigative body, these actions by BLP staff would likely be under review for obstruction or at least lack of cooperation. Either the staff of the BLP is so inadequately trained as to be a liability, or they deliberately stalled to prevent the HRC’s receiving information that would have aided its investigation.

RECOMMENDATIONS: Based on our findings, in consultation with the City Attorney, our City staff liaison and each other--and taking into consideration the public comments made during our two meetings in October--we find that, while we cannot prove discrimination based upon sex or gender, there is an atmosphere of distrust and disrespect at the Board of Light and Power that is clearly interfering with its ability to do the vital work for which the citizens of Grand Haven elected the Directors; and, furthermore, there is discord and disdain between administrative staff and Directors that is also an impediment to the best interests of the City. This is no secret. When questioned, BLP staff and directors admitted that “meetings get chaotic” and for most of 2022 they have struggled to “control the room.” Myriad disagreements have spilled over to media reports. This is a poor reflection of our City; and, if allowed to continue, could have far-reaching and negative effects on BLP operations.

After the October 12 special meeting, BLP Chair Westbrook gave a letter to HRC Chair Nail in which he suggested that these problems could be solved by a “self-guided evaluation.” Our response to that is an unequivocal “no.” If self-governance and “in-house” solutions were possible, this situation would never have gone on this long and become so serious that a citizen filed a complaint and the HRC conducted a months-long investigation. Clearly the BLP’s attempts to guide themselves are at the root of the problem here, not the solution. Rather, we recommend that a **qualified, independent mediation firm** be hired by the BLP to help the parties hereto understand each other and, through learning to demonstrate respect for each other in words and actions, develop a culture characterized by collaboration and civil discourse. We recommend that the firm employed by the BLP to help the BLP be engaged to improve the following relationships and interactions:

1. Among the elected Board of Directors
2. Between the BLP staff and elected Directors
3. Between the BLP (all parties) and City Council

We urge that this measure be taken as soon as possible and that mediation begin in February, 2023. We recommend the services of **Mediation Services, an Ottawa County nonprofit organization** located in Holland with a long track record of successful mediation of community issues such as this. You can reach its **Executive Director, Attorney Elizabeth Scott, at 616.399.1600** or Director@mediationservices.works.

In addition, we make the following recommendations of BLP staff and Directors:

- Appoint a timekeeper during Directors' meetings who will collect and preserve data about how long and when each Director or staff member speaks.
- Record all requests for information from Directors and what was provided; maintain records of dates requests are received and dates that information is transmitted, to whom and how provided.
- Provide training to BLP Directors and key staff on subjects listed below.
 - Open Meetings Act
 - Robert's Rules of Order
 - Implicit Bias

Training to be provided by an independent party agreed upon by *all* BLP Board of Directors if possible (or at least four out of five) and approved by City Council and paid for by BLP.

The City of Grand Haven Human Relations Commission thanks Elizabeth Pell for bringing this matter to our attention and all the citizens who participated in and spoke at meetings during this investigation. We further urge City Council to address this issue as the tip of an iceberg that affects all who work and volunteer on citizen boards and commissions. It has been our experience that orientation and training for city government service are lacking at several city boards and commissions. As a city, we need to do better.

**Submitted to City Manager Ashley Latsch for
distribution to the Council and the BLP by
City of Grand Haven Human Relations Commission:**

Emily Nail, Chair & Investigator

Keith Colson, Co-Chair

Louann Werksma, Past Chair & Investigator

Annie Baker, Commissioner

D. Wesley McGee, Commissioner

Avery Rant, Student Commissioner

Brett Billedeau, Commissioner (non-voting member)

December 15, 2022



City of Grand Haven Human Relations Commission

Alleged Discrimination Complaint Form

Complainant Name: Elizabeth Pell		Address: [REDACTED]
City, State, Zip: Grand Haven, Mi 49417		Phone Number: [REDACTED]
Date of Incident: Aug 3, 2022	Time of Incident: 4pm	Location of Incident: BLP 1700 Eaton Dr, GH 49417

All information provided on this form will be kept confidential to the extent it is possible. Please understand that if you wish for your complaint to be investigated it may not be possible for all information to be kept confidential.

For complete details of how this complaint will be handled please review the HRC policies and procedures on the boards and commissions page at www.grandhaven.org.

Complaint Information (please be specific)

Attach additional pages if needed

~~Please refer to video of August 3, 2022 Board of Light and Power meeting held at 1700 Eaton Drive Grand Haven Michigan 49417. For further confirmation you may refer to any other BLP meeting video after the confirmation of the new board in November of 2021.~~

My complaint is to the Board of the BLP and its administrative staff for discrimination of one of its directors. They are using intimidation, ridicule and mockery which interferes with work place performance. I am sure you will agree to the egregious treatment of Director Hendrick. During the August 3rd meeting Director Hendrick was repeatedly asked to not speak or ask questions pertaining to a proposed resolution while other Directors were freely allowed to speak. The Board Chair continued to dismiss Director Hendricks pleas to ask and receive answers to her questions. A vote was then taken without the opportunity for Director Hendrick to be heard. At no time did any member of the BLP staff or the board step up to redirect the Chairman to allow open dialogue for all.

