

July 15, 2022

HAND DELIVERY

Rich John, Chairman
Tompkins County Ethics Advisory Board
121 East Court street, 2nd Floor
Ithaca, New York 14850

Re: Tompkins Co. Ethics Investigation Upon C. Brock Complaint

Dear Mr. John:

Please be advised that I have recently been engaged as legal counsel by the Center for Transformative Action ("CTA") to assist in their response to all inquiries made in connection with the above-referenced investigation. On behalf of CTA and the Dorothy Cotton Institute ("DCI"), a project of CTA, we ask that future correspondence on this topic be directed to my attention.

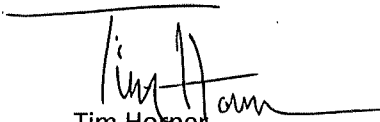
You have submitted a letter to DCI, dated June 21, 2022, seeking certain information regarding the respective missions and purposes of both DCI and CTA, as well as a range of details as to their activities. CTA and DCI are happy to provide background information and will assist you in your investigation to the extent that we understand CTA/DCI activities to be relevant to your efforts.

Enclosed with this correspondence are replies to your inquiries prepared by Anke Wessels, the executive director of CTA, and Laura Branca, the project director at the DCI. We believe that these replies fully address your concerns and explain the purpose and practices of CTA/DCI, both generally and in respect to your specific investigation.

As made clear by Ms. Wessels and Ms. Branca, it is our position that the intentions and the actions of CTA and DCI as they pertain to the City of Ithaca's Reimagining Public Safety initiative have been unflinching ethical and consistent with federal policy regarding the participation in government by community members with lived experience.

Should you feel the need for further information, you can call or email me, as needed.

Sincerely,


Tim Horner

To: Rich John, chair of the Tompkins County Ethics Advisory Board
From: Anke Wessels, executive director of the Center for Transformative Action
Date: July 14, 2022

As the executive director of the Center for Transformative Action (CTA), I am responding to your June 21, 2022, letter to the Dorothy Cotton Institute (DCI), a project of CTA.

CTA is an independent 501(c)3 organization affiliated with Cornell University that helps create communities that are socially just, ecologically sound, and work for everyone. We do this by providing educational programs and fiscal sponsorship services to innovative social change initiatives. Our mission statement reads that “(w)e are an alliance of individuals and organizations inspired by principles of nonviolence and committed to bold action for justice, sustainability, and peace. CTA supports change makers with the tools to build thriving, inclusive communities that work for everyone. We serve our projects, the public, and Cornell University by offering educational programs and strategic organizational resources.”

CTA currently houses over 30 projects under its umbrella, one of which is the Dorothy Cotton Institute. DCI’s mission is to 1) develop, nurture and train leaders for a global human rights movement, 2) build a network and community of civil and human rights leadership, and 3) explore, share and promote practices that transform individuals and communities, opening new pathways to peace, justice and healing.

I have served as the executive director of CTA since 1998. During this tenure we have not awarded, contributed, donated, funded, granted, or otherwise provided financial support to the City of Ithaca. No officials, employees, or representatives of the City of Ithaca have approached, contacted, requested or solicited any award, contribution, donation, endowment, funding, grants or other financial support from CTA. We control, manage, and disperse all charitable funds entrusted to us in compliance with the IRS rules and regulations governing organizations with 501(c)3 status.

With respect to the City of Ithaca’s Reimagining Public Safety (RPS) process, CTA and DCI staff had no influence over the ad hoc RPS working group members Mayor Myrick selected from Black, Brown and other vulnerable communities in Ithaca. CTA, on behalf of its project, the Dorothy Cotton Institute, applied for and received a \$60,000 grant from the Park Foundation to compensate the community members with lived experience of local policing who participated in the RPS working group for their time and expertise, using best practices from the U.S. federal government as guidance.

The U.S. Departments of Housing and Urban Development (HUD) and Health and Human Services (HHS) describe best practices for including people with lived experience and expertise

(PLEE) in government related activities such as community meetings, advisory committees and governance boards, and the evaluation, restructuring and implementation of policy (HUD Exchange; Office of Child Support Enforcement, U.S. Department of Health and Human Services, Jan. 2022; Office of the Assistant Secretary for Planning and Evaluation, U.S. Department of Health and Human Services, Dec. 2021).

These guidelines not only explain why it is imperative that government agencies seek opportunities for PLEE to contribute as meaningful and valued community partners in decision making, but also why they must be compensated for their time and expertise.

Creating community models that inclusively acknowledge and value the agency of PLEE across all decision-making aspects is essential, especially as we collectively work to advance equity and inclusion. As this capacity-building work continues in our communities, it is vitally important that PLEE are appropriately compensated for contributing their time, energy, and valuable expertise. Compensation acknowledges and affirms the contributions of PLEE, addresses inequalities between those who are and those who are not paid to engage in the work, and helps break down barriers to participation...In creating equitable systems, PLEE must be seen and valued as equal partners who are paid equitably for the work. Compensating PLEE insufficiently or expecting them to volunteer without compensation is inequitable and disrespectful, and it creates financial barriers. (HUD Exchange)

The documents provide framing for determining rates of compensation for people with lived experience.

Financial compensation for PLEE's time and expertise must be considered and be similar to others serving in the same capacity. Compensation should also be provided for any training, orientation, and/or capacity-building needed so that individuals feel like they are adequately prepared to contribute and engage in the work. (HUD Exchange)

One critical factor in establishing equitable compensation is assessing the level of effort, duration, and type of work people with lived experience will perform. Consider compensating longer, more intensive work with a higher level of effort (e.g., developing and delivering a training) differently than a task that is time-bound and requires lower effort (e.g., participating in a one-time interview or listening session). (Office of Child Support Enforcement, U.S. Department of Health and Human Services, Jan 2022)

Compensation for participation may range from gift cards, to honoraria, to contracts and employment depending on the level of engagement.

The U.S Department for HHS provides suggestions on where to find funding streams (for instance from foundations and philanthropists) and emphasizes that setting up internal systems and infrastructure to pay PLEE, while critical, may also require ingenuity, such as partnering with foundations, businesses, or nonprofit organizations who "may have more flexibility and capacity to arrange timely pay for people with lived experience" (Office of Child Support Enforcement, U.S. Department of Health and Human Services, Jan 2022).

Because of its commitment to “*explore, share and promote practices that transform individuals and communities, opening new pathways to peace, justice and healing*” the Dorothy Cotton Institute stepped up as a nonprofit partner to ensure that the PLEE participating in the City’s RPS working group would be acknowledged and thanked for their time, effort and much needed expertise through financial compensation. DCI secured funding from the Park Foundation that was not forthcoming from the City itself. In its grant proposal, DCI requested honoraria support for the community members with lived experience based on the number of meetings they attended. While the federal guidelines mentioned above recommend that PLEE be compensated at the same rate as others providing similar work/expertise, we didn’t know how much participating Ithaca Police Department employees, City of Ithaca staff, and Common Council members were compensated for their time. DCI decided to base honoraria amounts on the number of meetings the PLEE attended: \$250 /day for the two-day onboarding and \$75 per working group or subcommittee meeting, up to a maximum of \$2,000. DCI proposed honoraria of \$500 for community members who only served on RPS subcommittees. In addition, the grant budget included \$10,000 apiece for the working group Project Co-leads (who also identified as people with lived experience) for a 6 month (July-December 2021) contract. This figure was 50% of their assumed fee, which at the full rate would have been within range of equivalent compensation provided by the City for similar facilitation work.

DCI submitted the grant proposal to the Park Foundation on June 12, 2021. The RPS working group meetings began in July 2021. The Park Foundation board of directors approved DCI’s grant proposal on September 15, 2021. On October 2, 2021, well after their meetings had begun, Schelley Michell-Nunn, Director of Human Resources at the City of Ithaca, sent an email to the community members on the RPS working group explaining that honoraria acknowledging their time, courage, and invaluable contributions would be available thanks to DCI and the Park Foundation. The PLEE who participated in the RPS subcommittee meetings learned of the availability of honoraria from Ms. Michell-Nunn on November 10, 2021. It is our understanding that the RPS working group meetings ended in January 2022. All PLEE who accepted the offer of compensation, submitted honoraria requests via invoices to DCI *after* their attendance at meetings had ended.

In her complaint, Ms. Brock suggests that participants of the RPS working group were City Officials, which would make them ineligible to accept honoraria for their service, in keeping with Chapter 55 of the City Code, Code of Ethics. Curious about this, I reached out to both co-leads and learned that the participating PLEE members were actually never notified they were City Officials. They weren’t oriented, required to sign forms, or given the rules of conduct standard when non-City employees agree to serve as City Officials. It is reasonable to assume the typical process used to vet, select, orient, and swear in City Officials was not followed because, at the time, the City did not consider the RPS working group members to be City Officials. An

alternative explanation is that the City did consider them City Officials, but failed to inform them and chose to skip over the formal designation process. Either way, it is unjustified to claim now, many months after their participation, that the honoraria they accepted from CTA violated a City code of ethics about which the PLEE members knew nothing and to which they did not agree.

Ms. Brock also asserts that CTA and DCI influenced the PLEE members of the RPS working group. Yet, we had no role in selecting the PLEE working group members, nor did we communicate with them while their meetings took place. Indeed, we did not know who they were. We had only minimal communication with them *after* their participation had ended in order to facilitate the transfer of funds to those who accepted the honoraria. In contrast to the members of the RPS working group who were paid employees of the Ithaca Police Department and the City, or paid City representatives, the PLEE members were independent, representing only themselves.

With respect to the co-leads, CTA and DCI staff were not involved in their selection, nor did we communicate with them about their work. The content of the RPS working group meetings were, in fact, confidential. In keeping with the federal government guidelines for compensating PLEE referenced above, CTA developed a contract based on the services they provided the public in leading the City's ad hoc Reimagining Public Safety working group and paid them after their work was completed, according to the 50% rate of \$10,000 for 6 months, as approved by the Park Foundation grant budget.

We believe these facts render moot the accusations that staff at CTA or DCI influenced any of the RPS working group members' participation, either through payment, contact, or communication. Our actions were aligned with the best practices described by the U.S. Departments of HUD and HHS, practices we strongly encourage the City of Ithaca to adopt.

Anke Wessels, PhD
Executive Director, Center for Transformation
P.O. Box 760
Ithaca, NY 14851
(607) 255-5027
akw7@cornell.edu

References:

HUD Exchange. *Covid 19 Homeless System Response: Paying people with lived experience and expertise*. Accessed 7 July, 2022. <https://files.hudexchange.info/resources/documents/COVID-19-Homeless-System-Response-Paying-People-with-Lived-Experience-and-Expertise.pdf>

Office of Child Support Enforcement, U.S. Department of Health and Human Services. *A starter kit on engaging people with lived experience in child support programs*. January 2022. https://www.acf.hhs.gov/sites/default/files/documents/ocse/engaging_starter_kit.pdf

Office of the Assistant Secretary for Planning and Evaluation, U.S. Department of Health and Human Services. *Methods and emerging strategies to engage people with lived experience: Improving federal research, policy, and practice*. December 20, 2021. <https://files.hudexchange.info/resources/documents/COVID-19-Homeless-System-Response-Paying-People-with-Lived-Experience-and-Expertise.pdf>

To: Rich John, Chair of the Tompkins County Ethics Advisory Board

From: Laura Branca, Project Director and a Senior Fellow at the Dorothy Cotton Institute (DCI)

Re: Ethics Investigation of (Complaint of Cynthia L Brock).

Date: July 14, 2022

DCI's Vision is the full realization of a just and peaceful community in which all people understand, respect, protect, and exercise full human rights.

DCI's purpose and programs focus on promoting and providing human rights education, encouraging civic participation and through community engagement, facilitating civil conversations and dialogue, study groups, supporting collective impact efforts, etc., and building Beloved Community. We strive to carry on the spirit and lifework of the late Dr. Dorothy Cotton, focusing on contemporary issues, supporting emerging leaders and social transformation. We promote the principles of popular education, human rights, collaboration across sectors and agencies for collective impact, and working towards a **socially just, ecologically sound local economy that works for all of us.**

DCI's Mission is to develop, nurture and train leaders for a global human rights movement, and to explore and promote practices that transform individuals and communities, opening new pathways to peace, justice and healing

The Dorothy Cotton Institute (DCI) is a project of our fiscal sponsor, the Center for Transformative Action (CTA). CTA is home for thirty remarkable projects, and it is through CTA that we are able to apply for grants and use the funding we receive.

In 2021, the City of Ithaca Common Council unanimously approved the 19 recommendations of Public Safety Reimagined, approved the creation of a new department of public safety, and Council directed former Mayor Myrick to convene a task force comprised of police, City staff, Common Council alderpersons, and representatives of people from communities and identity groups who have been most impacted by police contact, i.e., people with lived experience and expertise (PLEE). Locally, collective impact efforts have referred to such community voices as "context experts." Increasingly, municipalities, institutions, businesses, and community-based organizations recognize those voices and perspectives as vital and essential to the legitimacy of efforts to identify and remedy how their existing policies and practices may disproportionately impact, exclude, harm, alienate or otherwise fail to serve segments of our community. As the disability rights movement has proclaimed, "*Nothing About Me Without Me!*"

I have a decades-long relationship with Director of Human Resources, Schelley Michell-Nunn, who is both a colleague and a friend. Living in this relatively small county and city, we develop professional connections and opportunities for meaningful collaboration. Schelley and I have worked together on many collaborations for collective impact and community benefit. For example, the creation of the Hospitality Employment Training Program, the Ultimate Re-entry Opportunity, Understand to Overcome; the Diversity Consortium of Tompkins County and the Diversity Roundtable, the Equity Inclusion Leadership Council, to name only a few of the valuable programs and collaborative efforts that Schelley Nunn either initiated or helped to develop from the ground up with my late partner Kirby Edmonds and myself. I am always happy and honored to design, implement and support worthy efforts that produce community benefit. DCI is likewise committed to building stronger relations across race, class, place and other ways that our people are socially separated and become

alienated from one another. I consider Schelley a truly visionary leader with whom we have partnered on innovative efforts that are now part of Ithaca and Tompkins County's social landscape and reputation as a progressive and caring community that values diversity, equity, inclusion and justice.

In all of her tenure as Director of Human Resources for the City of Ithaca, neither Schelley nor any other City staff has ever solicited any award, contribution, donation, endowment, funding, grant support for a City department or program from DCI or CTA.

Allow me to share the ways that DCI has supported Reimagining Public Safety.

On June 12, 2020, New York State Governor Andrew Cuomo issued Executive Order 203 to call upon local governments that operate police agencies to study their current operations and develop a plan to address "the particular needs of the communities served by such police agency and promote community engagement to foster trust, fairness, and legitimacy, and to address any racial bias and disproportionate policing of communities of color".

The six-month effort called Reimagining Public Safety resulted in an exhaustive document with nineteen recommendations to improve public safety, centered on the BIPOC and most vulnerable communities, although benefiting *all* communities.

In June 2020, our late Program Coordinator, Kirby Edmonds, applied for a \$5,000 Park Foundation mini-grant with which we were able to offer gift cards to those PLEE without housing and the most vulnerable community members as an incentive to participate in interviews and focus groups. It is highly unlikely that these individuals would ever have otherwise come forward and shared their experiences, insights and perspectives with Common Council and the Legislature in Zoom focus groups. Our mini-grant provided gift cards to over thirty participants whose voices were significant and immeasurably valuable in determining the nineteen recommendations. Without an incentive or a thank you, RPS would not have captured these perspectives. Although an ad hoc Community Engagement committee determined participant recruitment and logistics to bring them to interviews and focus groups, DCI had absolutely no contact with the participants nor influence over their recruitment or testimonies. We bought gift cards that were distributed by others in thanks to PLEE participants. It is notable that none of these participants called for defunding or abolishing police. They called for being treated by police with respect. They did not need or receive any coaching or influence from DCI. They are experts on their own lived experience.

During this data collection phase of RPS, I voluntarily participated in a focus group for BIPOC individuals and was later hired by the City through a Professional Services Contract to facilitate two other focus groups during December of 2020. These were among the 23 focus groups that generated qualitative data that led to the 19 recommendations in Public Safety Reimagined.

As you are aware, on March 31, 2021, Common Council unanimously adopted the 19 recommendations and passed a resolution, in response to the community feedback, to address systemic inequities including disparate treatment of people of color, specifically Black people's encounters with the Ithaca public safety system.

Specific to the City of Ithaca is Common Council's charge to create a new Department of Public Safety and tasking former Mayor Myrick to create a Working Group to design the department which would include unarmed and armed first responders. The Working Group would comprise Ithaca Police Department representatives, Council members, City staff, community members, and outside consultants with expertise in community engagement and in public safety transformation.

It is our understanding that the mayor carefully selected the make-up of the Working Group to include community members from Black, Indigenous and People of Color (BIPOC) and the most vulnerable communities. Neither I nor anyone else in DCI or CTA were involved in identifying or recruiting the Working Group representatives. I was not aware of who or how many community representatives agreed to participate.

When the Working Group was convened, I asked Schelley Nunn whether the community reps with lived experience and expertise would be paid by the City for their participation. She said she wasn't sure, but that it was her understanding that the working group project leader would be paid. She later reported that the City would not be able to pay the community reps.

Early in June 2021, DCI expressed our interest in support of the IGND; civics education; and community engagement of PLEE in Reimagining Public Safety. It was then clear that the second phase of RPS would be asking for a much deeper level of commitment and time from the Working Group members than a one-time interview or one-hour focus group. Therefore, DCI submitted a new grant proposal to the Park Foundation to support community engagement in RPS which was approved in September 2021. The purpose of the grant was to provide honoraria for community members from marginalized and minoritized groups to fully participate on the Reimagining Public Safety Working Group. Individuals would be expected to attend ongoing meetings throughout the remainder of 2021 to design the new Department of Public Safety. We anticipated that this was not a firm deadline. For the project co-leads, the work of preparing then presenting and explaining the Working Group Report did continue well into April.

The organization and membership of the Working Group did not involve any DCI, CTA or Park Foundation input. The Working Group had already been established, and community members had agreed to join without any knowledge or promise of future stipends or honoraria. Facing a tight July submission deadline, I asked Schelley to sketch out the basics such as the number of community reps who might need a stipend or honoraria. We agreed that working Group reps might get up to \$2,000 (\$500 for attending a two-day orientation training, and \$75 per meeting) and that PLEE on subcommittees could get \$500 total. Schelley let me know that the City was likely going to offer project leaders \$10,000 each. We agreed that given a 6-month commitment to facilitate many meetings and write and present a report, that fee was inadequate, so I included a match of an additional \$10,000 for each co-leader. Over 50 meetings, it might be equivalent to the rate of \$400/meeting that I had been paid as a focus group facilitator the previous year. In fact, their work was much more extensive and time-consuming.

I wrote and submitted the DCI proposal in July 2021. We received approval of the grant in September. My role on this grant was administrative. When community reps logged the dates of their meetings, they submitted them to Schelley for verification; she forwarded their reported dates to me, and I submitted them to CTA for payment based on the number of meetings they attended. I had no communication with the PLEE on the working group, subcommittees, nor with the project co-leaders about the RPS effort. I simply processed disbursement of the honoraria following CTA guidelines.

In response to the Brock complaint that we were asked to get money for the City or a City program, we were not. In response to the accusation that Park, CTA and DCI exerted third-party influence over the integrity of the RPS working group's independence, we did not. We had no written or spoken contact with any participants. Regarding whether the honoraria we offered influenced how people behaved or the positions they took, they did not request or receive any money until weeks or months after their attendance and input. I personally learned about the Working Group's recommendations only after the report was published and presented to the public.

The Code of Ethics governing these matters was no doubt written to discourage influence peddling, bribes, quid pro quo transactions, lobbying, kickbacks, etc. However, our national and local governments are now

increasingly trying to be inclusive of groups and voices that have historically been intimidated, ignored, intentionally discouraged or dismissed. Too often, people have given up on expecting government and elected officials to take them seriously. Participation often requires persistence and emotional stamina and sustaining one's engagement can be personally costly and burdensome. To expect people to provide their expertise for free is based on an old assumption that everyone is resourced enough to be able to do their civic duty and participate in *government by the people*. But the disparities in wealth, stable circumstances and quality of life can mean that some people most affected simply can't afford to do so. The impact of expecting people to donate their work as volunteers can quickly become unsustainable, inequitable, extractive and exploitative. This is the opposite of applying an equity lens to public participation and it thwarts the goals of equitable inclusion. In this instance the PLEE were invited to a process at which everyone else at the table was being paid to be present except the very people who are most negatively impacted by the problems the City ostensibly wanted them to help solve. They had already agreed to serve as volunteers. The City staff and elected officials were paid by us, i.e., the taxpayers.

In the absence of a local policy on how to incentivize, recognize, or respectfully compensate people with lived experience and expertise serving on the Working Group, DCI and CTA looked to Federal guidelines and best practices. We are confident that our actions represent current best practices that call for meaningful collaborations between municipalities, not-for-profits, businesses, community groups and philanthropies. The City of Ithaca and Tompkins County governments might review Federal resources shared in Dr. Wessels' response and create new infrastructure and thoughtful policies for our local needs and purposes.

DCI wishes to thank and acknowledge the RPS Working Group and subcommittees. We applaud their work and are pleased that Common Council has approved their report and is planning action on its recommendations. The Working Group Report on Reimagining Public Safety contains impressive evidence of months of intensive labor, deliberation, due diligence, consensus building and compromise for the collective benefit of our community. This work has been shepherded, accessibly reported, presented and defended by project co-leads Eric Rosario and Karen Yearwood. We've all seen them at many Common Council meetings and town halls, patiently and graciously explaining the process, answering questions educating the public. The excellent work produced speaks to their skill and fidelity to the best thinking of people with diverse perspectives and interests. Kudos and respect to Eric Rosario and Karen Yearwood.

Laura Branca (she/her)
Senior Fellow and Project Director
Dorothy Cotton Institute
PO Box 321
Ithaca, NY 14851
(607) 272-1590 (home office)
laurabranca0@gmail.com
info@dorothycottoninstitute.org