

 <p style="text-align: center;"><b>Council Communication</b> Office of the City Manager</p>	<b>Date:</b> May 19, 2014
	<b>Agenda Item No.</b> [ ] <b>Roll Call No.</b> <u>14-0778</u> <b>Communication No.</b> <u>14-245</u> <b>Submitted by:</b> <b>Richard A. Clark, City Manager</b>

**AGENDA HEADING:**

Approval of amendments to Sections 62-1, 62-13, 62-41, and 62-42, relating to the Des Moines Human Rights Commission and duties of the Commission and the Director.

**SYNOPSIS:**

Recommend approval of amendments to Sections 62-1, 62-13, 62-41, and 62-42, relating to the Des Moines Human Rights Commission and duties of the Commission and the Director.

**FISCAL IMPACT: NONE**

**ADDITIONAL INFORMATION:**

On May 23, 2013 at the Joint City Council and Human Rights Commission meeting, Council approved the hiring of a consultant to complete a strategic plan for the Human Rights Commission and Department. This plan was received by the Commission and Council at the March 27, 2014 joint meeting and Council instructed the City Attorney and City Manager to provide recommendations for implementation. At the April 28, 2014 Joint City Council and Human Rights Commission meeting, the Council approved a motion directing the City Attorney and City Manager to put the appropriate segments of the implementation plan and recommendations into ordinance form and to present the ordinance changes at the May 19<sup>th</sup> Council meeting. The following language changes will begin this process.

The recommendations include the following:

**Sec. 62-1. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

City Manager means the city manager of the City of Des Moines, or his or her designee, or any acting or interim city manager.

**Sec. 62-13. ~~Executive d~~Director.**

- (a) Subject to the review and direction of the city manager after consultation with the commission,~~The executive the~~ director of the human rights commission shall serve as the principal administrative officer of the commission. The ~~executive~~director shall be a person

skilled in human relations, knowledgeable by training and experience in civil rights law and procedure with sufficient management and communication skills to effectuate the purposes of this chapter and work effectively within the established parameters of city government. The ~~executive director shall provide a written self-evaluation to the commission~~ city manager shall conduct a performance evaluation at least ten days before the commission's annual meeting, at which meeting the commission shall review the city manager's evaluation of the ~~evaluate the~~ executive-director's performance for the year.

- (b) In addition to such evaluation, the commission may from time to time, as it deems it necessary or advisable, confer with the ~~executive director~~ city manager regarding the relative strengths and weaknesses of the director's job performance and the steps needed to maximize or correct the job performance. If such steps are not promptly taken with a measurable improvement in the performance of duty by the director, the commission may initiate appropriate action including directing the city manager to consider and initiate the director's removal, subject to section 62-41(1).

### **Sec. 62-41. Established; appointment; composition; terms.**

- (a) There is established in the city government a commission to be known as the Des Moines Civil and Human Rights Commission.
- (j) ~~Reserved. When appropriate, the commission shall nominate three candidates to fill a vacancy in the executive director position. In forwarding the nominations for executive director to the mayor and the city council, the commission may indicate the order of its preference for appointment. The executive director shall not be a commission member.~~
- (k) The appointment of the ~~executive~~ director shall be made by the ~~mayor and confirmed by the city council~~ city manager. The ~~executive~~ director shall be compensated in such amount as the city manager shall fix. The ~~executive~~ director shall serve at the pleasure of the ~~commission~~ city manager.
- (l) The removal of the ~~executive~~ director must be approved by a majority vote of all commission members and ~~of all city council members~~ concurrence of the city manager. Removal may be initiated by either ~~body~~ the commission or the city manager.
- (m) The ~~commission~~ director may ~~select~~ recommend to the city manager additional personnel deemed necessary to carry out the purposes of this chapter.

### **Sec. 62-42. Powers and duties of commission and director.**

- (a) The human rights commission shall have the power and duty to:
- (5) From time to time, but not less than once a year, render to the city council a written report of its activities and recommendations; hold regular meetings as otherwise required by this Code, including an annual meeting in September of each year at which officers shall be elected, the ~~executive~~ city manager's evaluation of the director's performance shall be ~~evaluated~~ reviewed, and the commission's annual report to the city council, if not already filed, shall be approved and forwarded to the city clerk for receipt and filing by the city council; hold a joint meeting with the city council at least once each year.
- (17) Act as a deferral agency of the Iowa ~~e~~ Civil ~~r~~ Rights ~~e~~ Commission, the equal employment opportunity commission and of other regulatory governmental agencies deemed appropriate; receive such complaints as the state commission may refer; investigate and process them in the same manner as a complaint originally filed with the city commission; and report its investigative results, findings, conclusions, recommendations and orders to the state commission or other agency.

- (18) Apply for and maintain referral agency status with the Iowa eCivil rRights eCommission as set out in I.C. § 216.1 et seq., and the administrative rules promulgated pursuant to such chapter in the Iowa Administrative Code; correct any deficiencies which prevent the referral status being granted, including seeking any necessary city council action; and negotiate and present for city council approval and consent a referral contract with the Iowa eCivil rRights eCommission, including a provision that charges involving city staff as complainants or respondents, or otherwise aggrieved parties or alleged perpetrators, may be referred to and may be accepted by the Iowa eCivil rRights eCommission for investigation and determination.
- (19) Any of the powers and duties described above may be delegated to the ~~executive~~city manager or to the director.

(b) The ~~executive~~director shall exercise the following powers and duties:

- (1) Perform such duties as the commission or city manager may direct or delegate.
- (3) Under the direction of the city manager, ~~S~~supervise and manage the staff of the commission.
- (4) Report to the commission and the city manager at each monthly meeting the activities and performance of duties of the ~~executive~~director and commission staff. Copies of this report shall be submitted to the mayor and city manager.
- (7) Perform any and all responsibilities set out in this chapter to be performed by the ~~executive~~director.
- (8) Perform any and all other tasks and duties which the commission deems necessary or appropriate to effectuate the purposes of this chapter as assigned by the city manager after consulting with the commission.
- (9) Prepare and submit for commission comment and approval and city manager review the annual comprehensive report of the commission's activities and recommendations to the city council pursuant to this chapter.
- (10) ~~A~~Under the direction of the city manager, act as the legislative liaison for the commission for all matters within the purview of this chapter.
- (11) ~~A~~ctivelyUnder the direction of the city manager, actively seek grants and other types of funding consistent with the commission's mission for presentation to and consideration of the commission after official approval and direction from the commission and council.

#### **PREVIOUS COUNCIL ACTION(S):**

Date: April 28, 2014

Roll Call Number: [14-0662](#)

Action: Follow up discussion regarding the Strategic Plan. Moved by Coleman to direct the City Attorney and City Manager to put the appropriate segments of the implementation plan and recommendations into ordinance form and to present the ordinance changes at the May 19th Council meeting. Motion Carried 7-0.

Date: March 27, 2014

Roll Call Number: [14-0509](#)

Action: Presentation of Strategic Plan by James Ferguson and Matt McCoy (RDC). Moved by Coleman to receive and file the report, and to refer to the City Manager and City Attorney to review and make suggestions to the Commission; refer to the Human Rights Commission to report back in 30 days with an implementation plan. Periodic updates will be given at Council workshops. Motion Carried 7-0

**BOARD/COMMISSION ACTION(S):**

Board: Des Moines Human Rights Commission

Date: May 8, 2014

Resolution Number: VII

Action: Recommendation to change the name of the Des Moines Human Rights Commission to the Des Moines Civil and Human Rights Commission.

**ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE**

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