

 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date: July 24, 2017
	Agenda Item No. 54 Roll Call No. <u>17-1278</u> Communication No. <u>17-564</u> Submitted by: Joshua V. Barr, Civil and Human Rights Director

AGENDA HEADING:

Approving amendments to Municipal Code Chapter 62 and to the Civil & Human Rights Commission rules and regulations.

SYNOPSIS:

During the July 2017 Civil & Human Rights Commission meeting the Commission voted to update its rules and regulations. The updates to the rules and regulations also require a change to the Human Rights Ordinance giving City Council the power to remove or retain a Commission member pursuant to the Commission Rules & Regulations.

FISCAL IMPACT: NONE

ADDITIONAL INFORMATION:

Chapter 62. Human Rights Ordinance

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

- (J) ~~Reserved.~~ In addition to the general requirements applicable to boards, commissions, committees and agencies under Chapter 2 Article VI of this Code, commission members are subject to the removal or retention requirements as stated in the commission rules and regulations and the City Council may remove or retain a commission member pursuant to those rules.

Des Moines Human Rights Commission Rules and Regulations

Chapter 3 - General Procedural Rules

3-16. ANNUAL RETREAT. The Commission will have an annual retreat once each year for the upcoming calendar year. The retreat will take place in December or January based on the Commissioners' schedules. The agenda items for the annual retreat will be discussed at the November Commission meeting and the final date for the retreat will be set by, if not before, the December Commission meeting.

3-17. COMMISSIONER & COMMISSION EVALUATION. At the annual retreat, the Commissioners will conduct a self-evaluation of the Commission as well as evaluate the individual Commissioners.

Commissioners who fail to comply with the active participation rules and regulations will meet with the Commission Officers to discuss ways to improve participation. If an Officer fails to meet the active participation requirements, the officers who are in compliance will meet with the officer who is not in compliance. If after the meeting the Officers determine that the noncompliant Commissioner cannot meet the requirements of active participation in Commission activities, the officers can make a recommendation to the Commission to authorize an immediate written report to the City Council of such failure and may state whether it is the recommendation of the Commission that the member be removed or be retained and the reasons supporting such action.

~~3-16.~~ 3-18. VACANCY. If a vacancy occurs in the office of the Chair, the Vice Chair shall become the Chair for the unexpired term of the Chair. If a vacancy occurs in either the office of the Vice Chair or the Secretary, the Commission shall select another member to serve the unexpired term of such officer. If a vacancy occurs in a commission seat, for whatever reason prior to its term of expiration, a successor shall be appointed and approved by the City Council to serve the unexpired term, pursuant to §2-1047 of the Des Moines Municipal Code.

~~3-17.~~ 3-19. REAPPOINTMENT TO SECOND CONSECUTIVE TERM. No later than the last day of November of each year, the Executive Director shall remind each Commissioner whose first term of office is expiring the following April of such expiration. Each such Commissioner shall inform the Chair no later than three (3) months in advance of the expiration of the term as to whether he or she desires to be reappointed for a second consecutive term. The Chair shall immediately forward such information to the City Council.

In the event a vacancy occurs or a commissioner is unable, for whatever reason, to complete his/her term, then the individual who is appointed to replace that commissioner and serves at least 2/3 or more of the unexpired 3-year term is considered to have served one (1) term of office.

~~3-18.~~ 3-20. COMMITTEES. To assist the Commission in fulfilling its duties and responsibilities under the Ordinance two (2) permanent advisory committees are hereby established: the Education, Employment and Public Relations Committee and the Finance, Rules and Procedures Review Committee. Each committee shall be composed of at least three (3) Commissioners with the Chair or Vice Chair serving as an ex officio member. The Chair shall make committee assignments at the annual meeting. To the extent possible the expressed preferences of each Commissioner as to assignments shall be honored. Each newly appointed Commissioner shall designate one (1) or two (2) of the committees upon which he or she desires to serve until the annual committee assignments are made. Each committee shall elect its own Chair from its membership and shall report directly to the Commission as a whole, as follows:

- (1) The Education, Employment and Public Relations Committee shall review and recommend public awareness activities, education and any other action deemed necessary to effectively present the Commission's functions in the prevention and elimination of discrimination or illegal discriminatory practices to various groups and organizations. The Committee shall also review and recommend to the Commission, initiatives toward enhancing employment related issues and opportunities.
- (2) The Finance, Rules and Procedures Review Committee shall provide a continuing review of the ongoing budgetary needs of the Commission and recommend action by the Commission needed to assure the adequacy of the funding allocated to the Commission.

The Committee shall also provide a continuing review of the Commission's rules, procedures and the Ordinance and recommend revisions needed to conform to legislative changes and the developing needs of the Commission.

~~3-19.~~ 3-21. SUBCOMMITTEES. Subcommittees shall be established from time to time, as the Commission deems necessary to study the problems of prejudice, intolerance, bigotry and discrimination in any field of human relationships within the purview of the Ordinance. In creating each subcommittee, the Commission shall specify a fixed term for its existence and a specific mandate as to its goal and function. The Chair or Vice Chair and at least one (1) other Commission member shall serve on any subcommittee established pursuant to this rule and the Ordinance. At the conclusion of the subcommittee's work the Commission shall hold one (1) or more public hearings to consider the findings and recommendations of the subcommittee. The Commission shall determine the further action or study it should undertake at the conclusion of the hearings.

3-22. ACTIVE PARTICIPATION REQUIREMENT. Each Commissioner must:

- (1) Meet with their designated City Council Member at least once a year to discuss matters related to the Commission and Des Moines human rights issues.
- (2) Actively participate in the planning of at least one (1) Commission activity per year.
- (3) Attend at least one (1) Commission activity per year.
- (4) Advocate for the mission of the Civil & Human Rights Commission.

PREVIOUS COUNCIL ACTION(S):

Date: February 6, 2017

Roll Call Number: [17-0179](#)

Action: [Approving](#) changes to the Civil & Human Rights Commission rules and regulations and reaffirming approval of the Commission's rules and regulations. ([Council Communication No. 17-071](#)) Moved by Coleman to adopt. Motion Carried 7-0.

BOARD/COMMISSION ACTION(S):

Board: Des Moines Civil & Human Rights Commission

Date: July 13, 2017

Resolution Number: N/A

Action: Proposed Addition to Commission Rules and Regulations Section 3-16: Annual Retreat – Book moved to adopt. Red Wing seconded. Motion Passed 5-0.

Proposed Addition to Commission Rules and Regulations Section 3-17: Commissioner & Commission Evaluation and Update Ordinance based upon Rule change. Book moved to adopt. Red Wing seconded. Motion Passed 5-0.

Proposed Addition to Commission Rules and regulations Section 3-22: Active Participation Requirement. Book moved to adopt. Red Wing seconded. Motion Passed 5-0.

*Des Moines Civil & Human Rights Commission will approve the above action at next meeting.

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:

Civil & Human Rights Commission will now have a scheduled annual retreat in December/January of each year where they will evaluate the Commission, each individual commissioner, and themselves. Commissioners must actively participate in the work of the Civil and Human Rights Department.

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