

 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date: July 23, 2018
	Agenda Item No. 15 Roll Call No. [_____] Communication No. <u>18-394</u> Submitted by: Joshua V. Barr, Civil and Human Rights Director

AGENDA HEADING:

Approving amendments to the Civil & Human Rights Commission Rules and Regulations.

SYNOPSIS:

During the June and July 2018 Civil & Human Rights Commission meetings, the Commission voted to update its rules and regulations regarding regular meeting dates, Commission committee meeting dates, and the investigations appeals process.

FISCAL IMPACT: NONE

ADDITIONAL INFORMATION:

- 3-1. MEETINGS - REGULAR. The regular meetings of the Commission shall be held in the months of January, March, May, July, September, and November on the second Thursday of each respective month at 4:30 p.m. in the City Council Chambers, City Hall, 400 Robert D Ray Drive, Des Moines, Iowa or at other designated locations.
- 3-3. NOTICE AND AGENDA. The notice of regular and special meetings shall include the time, date and place of each meeting and the tentative agenda of the business to be conducted at the meeting in accordance with §21.4 of the Iowa Code. The notice and tentative agenda shall be prepared by the Director and submitted to the Chair for review and approval. The notice and tentative agenda shall be provided to each Commission member not less than seven (7) days in advance of the regular meeting and not less than three (3) days in advance of a special meeting. If such advance notice cannot be reasonably given, notice of at least 24-hours shall be given prior to the commencement of the meeting. The notice shall be provided to the news media who have filed a request for such notice. In addition, notice of all meetings shall be posted on the bulletin board maintained for public notices by the Des Moines City Clerk.
- 3-14. NOMINATION OF OFFICERS. Nominations for officers of the Commission shall be made at the July meeting. Officers presently serving on the Commission shall be eligible for nomination and election to successive terms of office.
- 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) The two (2) committees shall meet a minimum of three (3) times per year and shall alternate their meetings in succession in the months of February, April, June, August, October, and December at 4:30 P.M. in the City Council Chambers, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa or at other designated locations. Additional meetings may occur as deemed necessary and are excepted from the alternating schedule required by this rule.
- 4-12. APPEAL OF NO PROBABLE CAUSE. An appeal of a finding of "No Probable Cause" shall be limited to a summary of any material evidence newly discovered which, despite the diligent efforts of the Complainant and the Commission, was not available at the time of the determination that No Probable Cause existed, or action which has happened since the finding was entered or agency or court decisions rendered in similar circumstances which were overlooked or ignored in the entry of the finding. The Complainant's basis for appeal must be in writing composed with or without assistance from the Commission staff. The Respondent shall be informed when an appeal is pending. An appeal of an Administrative Closure is also permitted. The evidence to be presented for the appeal of an Administrative Closure shall be limited to facts appropriate to refute the basis for the case closure.

PREVIOUS COUNCIL ACTION(S):

Date: July 24, 2017

Roll Call Number: [17-1278](#), [17-1279](#), and [17-1280](#)

Action: Items regarding the Civil and Human Rights Commission:

- A. [First](#) consideration of an ordinance amending Chapter 62 of the Municipal Code regarding establishment, appointment, composition and terms. ([Council Communication No. 17-564](#))

Moved by Gatto that this ordinance be considered and given first vote for passage. Motion Carried 7-0.

- B. Final consideration of ordinance above (waiver requested by the Human Rights Director), requires six votes. Moved by Gatto that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #15,598. Motion Carried 7-0.
- C. Approving amendments to the Civil and Human Rights Commission Rules and Regulations. Moved by Gatto to adopt. Motion Carried 7-0.

BOARD/COMMISSION ACTION(S):

Board: Des Moines Civil & Human Rights Commission

Date: June 14, 2018

Resolution Number: N/A

Action: Proposed Change to Commission Rules and Regulations Section 3-1: Meetings – Regular: Garza moved to pass. Middlebrooks seconded. Pass 6-0. Barr added that the commission would meet in July, pending council approval.

Proposed Change to Commission Rules and Regulations Section 3-3: Notice and Agenda: Middlebrooks moved to accept. Ouya seconded. Pass 6-0.

Proposed Change to Commission Rules and Regulations Section 3-14: Nomination of Officers: Middlebrooks moved to accept. Garza seconded. Pass 6-0.

Board: Des Moines Civil & Human Rights Commission

Date: July 12, 2018

Resolution Number: N/A

Action: Proposed Change to Rules and Regulations Sections 3-20: Committees: Garza moved to accept. Ouya seconded. Pass 5-0.

Proposed Change to Rules and Regulations Sections 4-12: Appeal of No Probable Cause: Garza moved to accept. Ouya seconded. Pass 5-0.

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

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:

Civil & Human Rights Commission will now have their regular meetings in the months of January, March, May, July, September, and November. In the other months the Commission committees will meet at the regular scheduled Commission meeting time. All persons who appeal their civil rights cases must submit their appeal in writing.

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