

Date May 19, 2014

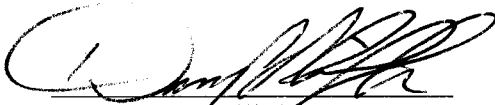
An Ordinance entitled, " AN ORDINANCE to amend the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, as heretofore amended, by amending Sections 62-1, 62-13, 62-41 and 62-42, relating to the Des Moines Human Rights Commission and duties of the Commission and the Director",

presented.

Moved by _____ that this ordinance be considered and given first vote for passage.

FORM APPROVED:

(First of three required readings)


Douglas P. Philiph
Assistant City Attorney

(Council Communication No. 14-245)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GATTO				
GRAY				
HENSLEY				
MAHAFFEY				
MOORE				
TOTAL				

MOTION CARRIED

APPROVED

Mayor

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

City Clerk

ORDINANCE NO. _____

AN ORDINANCE to amend the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, as heretofore amended, by amending 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.

Be It Ordained by the City Council of the City of Des Moines, Iowa:

Section 1. That the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, as heretofore amended, is hereby amended by amending 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, as follows:

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(l).

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.
- (b) This commission shall consist of seven members broadly representative of the community.
- (c) Commission members shall be appointed by the city council. All appointments shall be for a term of three years until the first Monday in April of the year in which the term ends. No member shall be appointed to serve more than two consecutive terms.
- (d) The commission shall elect a chair, vice-chair, and secretary and such other officers as it deems appropriate from its members on an annual basis.
- (e) Officers shall serve in their respective offices for a term of one year or until their successors shall be appointed and qualified.
- (f) Any four members shall constitute a quorum.
- (g) All commission members shall serve without compensation.
- (h) If any member dies or resigns, a successor shall be appointed to serve for the unexpired period of the member's term.
- (i) The commission may name subcommittees which in its judgment will aid in effectuating the purposes of this chapter and may empower it to study the problems of prejudice, intolerance, bigotry, and discrimination in any fields of human relationships within the purview of this chapter.
- (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 city manager ~~mayor and confirmed by the city council~~. The ~~executive~~ director shall be compensated in such amount as the city manager ~~council~~ shall fix. The ~~executive~~ director shall serve at the pleasure of the city manager ~~commission~~.
- (l) The removal of the ~~executive~~ director must be approved by a majority vote of all commission members and concurrence of the city manager ~~of all city council members~~. Removal may be initiated by either the commission or the city manager ~~body~~.

- (m) The ~~commission director~~ may ~~select~~ recommend to the city manager additional personnel deemed necessary to carry out the purposes of this chapter.
- (n) The expenses of activities shall be paid out of the funds appropriated for the purpose. The commission shall in addition be authorized to receive gifts and grants from any other sources to carry on its work.

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

- (a) The human rights commission shall have the power and duty to:
 - (1) Initiate, receive, hear, and investigate complaints of discrimination by or against any person or group and to make a report to the city council of any violations of this chapter and of any illegal discrimination found to exist and issue orders to remedy such discrimination.
 - (2) Seek to conciliate complaints.
 - (3) Direct the attorney for the commission to petition the district court to seek a subpoena for books, papers, records and any other material evidence necessary to the investigation and hearings of any complaint filed pursuant to this chapter.
 - (4) Hold hearings upon any complaint filed against any respondent pursuant to section 62-2 of this chapter; demand witnesses and compel their attendance, and compel respondents to produce for examination any books, papers, and materials relating to any matters material to the subject of the complaint; and administer oaths and take the testimony of any person under oath. Such hearings may be held by the commission itself or by duly appointed hearing officers. There shall be issued findings of fact, recommendations and orders. If a witness either fails or refuses to obey a demand issued by the commission, the commission may petition the district court having jurisdiction for issuance of a subpoena, and the court shall in a proper case issue the subpoena.
 - (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.
 - (6) Formulate and carry out a comprehensive educational program designed to prevent and eliminate discrimination because of age, race, religion, creed, color, sex, sexual

orientation, gender identity, national origin, ancestry, disability or familial status, including the provision of training and educational services to businesses, professional groups, and educational agencies requesting workshops, seminars, or speakers to address specific issues and concerns within the purview of this chapter, as well as maintaining as a part of the commission's formal educational program a series of public forums addressing upon a rotating basis the various matters within this chapter about which there is the need to increase public awareness and response. The commission shall prepare and distribute a brochure explaining its mission, purpose, and procedures for dissemination within the city and shall publish and distribute a quarterly newsletter of its activities and concerns. The commission's educational and training efforts shall be undertaken in cooperation with any private, quasi-public, or public organization, agency, or association offering its support to such endeavor by providing staff to be trained to assist in the workshops and seminars sponsored by the commission, by providing clerical support services or professional expertise in the preparation and release of the brochure and newsletter, or providing financial support for the commission's educational and training program.

- (7) Adopt such rules and regulations as may be necessary to govern, expedite, and effectuate this chapter and keep a record of its activities and minutes of its meetings.
- (8) Investigate and study housing patterns and group relationships within the city and the extent of discrimination, prejudice and segregation in public accommodations, employment, apprenticeship programs, on-the-job training programs, housing and public, private, and vocational schools because of age, sex, sexual orientation, gender identity, race, religion, creed, color, national origin, ancestry, disability or familial status and the effect of such discrimination, and segregation in public accommodations, employment, apprenticeship programs, on-the-job training programs, housing patterns and public, private and vocational schools; and advise and cooperate with the mayor, the board and officials with relation to any such problems. The commission shall from time to time make recommendations to the mayor, the city council, the city manager, agencies, and officials, for the betterment of housing patterns and intergroup relationships within the community.
- (9) Devise and recommend to the mayor and city council ways and means of discouraging and combating prejudice, intolerance, and bigotry in all groups and in their relations with one another.
- (10) Discover all practices and policies calculated to create conflicts and tensions and recommend ways and means for their elimination.
- (11) Report and recommend means of eliminating any unfair or unjust discrimination against any person or group which would be deemed detrimental to the best interests of the community.

- (12) Enlist the cooperation of all racial, religious, educational, community, civic, business, fraternal, and benevolent associations and all other groups, associations and societies and all constructive community forces and talents that might be helpful to it in discharging its duties.
- (13) Cooperate with federal, state, and city agencies, citizens, citizen organizations, the board of education, and parochial and private schools in formulating and developing courses of education to accomplish the objectives of this chapter.
- (14) Initiate and conduct voluntary surveys; assemble pertinent data, confer with groups and hold hearings; and expedite the work of the commission by making investigations and surveys through subcommittees.
- (15) Endeavor by persuasion and education to induce public and private owners, lay and professional organizations of the housing industry, contractors, and lending institutions to institute nondiscriminatory practices in the procurement and financing of housing accommodations, according to one's ability to pay, without regard to age, race, religion, creed, color, sex, sexual orientation, gender identity, national origin, ancestry, disability or familial status.
- (16) Assist in creating advisory agencies which will aid in effectuating the purposes of this chapter, which may be authorized to study the problem of discrimination in all or specific fields or instances of discrimination because of age, race, religion, creed, color, sex, sexual orientation, gender identity, national origin, ancestry, disability or familial status and which may be authorized to foster, through community effort or otherwise, good will, cooperation and conciliation among the groups and elements of the population of this city and make recommendations to the commission for the development of rules and procedures, and for the programs of formal and informal education, which the commission may recommend to the appropriate local agency. Advisory agencies shall be composed of representative citizens serving without pay. The commission may itself make the studies and perform the acts authorized by this subsection. The commission may, by voluntary conference with parties in interest, endeavor by conciliation and persuasion to eliminate discrimination in all the stated fields and to foster good will and cooperation among all elements of the population of this city.
- (17) Act as a deferral agency of the Iowa Civil Rights 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 Civil Rights Commission 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 Civil Rights Commission, 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 Civil Rights Commission 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.

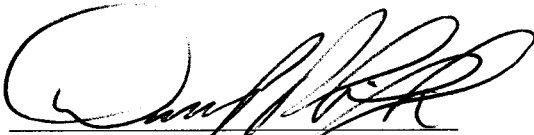
(b) The ~~executive~~ director shall exercise the following powers and duties:

- (1) Perform such duties as the commission or city manager may direct or delegate.
- (2) Assist the commission in exercising its powers and performing its duties as set out in this chapter.
- (3) Under the direction of the city manager, 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.
- (5) Develop a plan and procedure to prevent any case being on file with the commission for more than 120 days without having been preliminarily screened for probable cause.
- (6) Design and implement an orientation and ongoing training program for all staff and commissioners with emphasis on the commission's mandate, mission, and importance of each commissioner's participation and attendance.
- (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) ~~Act~~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) ~~Actively~~Under 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.

Section 2. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

FORM APPROVED:

A handwritten signature in black ink, appearing to read "Douglas P. Philip", written over a horizontal line.

Douglas P. Philip
Assistant City Attorney