



Roll Call Number

Agenda Item Number

54C

Date July 24, 2017

APPROVING AMENDMENTS TO THE CIVIL & HUMAN RIGHTS COMMISSION RULES AND REGULATIONS

WHEREAS, at its July 2017 meeting, the Des Moines Civil & Human Rights Commission passed a motion to amend its rules and regulations by adding new sections 3-16 ANNUAL RETREAT, 3-17 COMMISSIONER & COMMISSION EVALUATION, and 3-22 ACTIVE PARTICIPATION REQUIREMENT, and renumbering sections 3-16 thru 3-19; and

WHEREAS, these amendments will take effect upon approval by the City Council per Municipal Code section 2-1055(a); and

WHEREAS, the proposed amendments are incorporated into the Des Moines Civil & Human rights Commission Rules and Regulations on file with the City Clerk's Office;

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA that:

The amendments to the Des Moines Civil & Human Rights Rules and Regulations passed by the Commission at its July 2017 meeting are approved and the Commission's Rules and Regulations as amended shall be effective upon passage of this resolution.

MOVED BY _____ TO ADOPT.

APPROVED AS TO FORM:

Assistant City Attorney

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, GATTO, GRAY, HENSLEY, MOORE, WESTERGAARD, and TOTAL.

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.

MOTION CARRIED

APPROVED

Mayor

City Clerk

CHAPTER 3 - GENERAL PROCEDURAL RULES

3-1. MEETINGS - REGULAR. The regular meetings of the Commission shall be held on the second Thursday of each 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.

3-2. MEETINGS - SPECIAL. Special meetings may be called at the discretion of the Chair and Vice Chair or Secretary in consultation with the Executive Director, or upon the written request of any four Commission members, whenever there are matters requiring the Commission's deliberation and action before the next regular meeting.

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 Executive 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.

3-4. SUBMISSION OF AGENDA ITEMS. Any person wishing to place an item on the agenda of a regular meeting shall submit the item to the Executive Director, in writing, at least ten (10) days prior to the meeting. At the discretion of the Commission, the provisions of this rule with regard to time of submission may be waived, so long as there is sufficient time before the meeting to allow compliance with the provisions of the open meetings law, Chapter 21 of the Iowa Code.

3-5. OPEN MEETINGS. Meetings of the Commission, including all hearings, shall be open to the public and shall be conducted in compliance with the provisions of the Open Meetings Law, Chapter 21 of the Iowa Code.

3-6. ROLL CALL AND QUORUM. Before proceeding with business at the regular or special meeting, the Recording Secretary shall call the roll of Commission members and enter the names of those present in the minutes. The Recording Secretary shall determine and announce the presence of a quorum (four members); no vote on any matter shall be taken unless a quorum is present.

3-7. ATTENDANCE REQUIREMENTS. The Recording Secretary shall maintain a record of attendance of members at regular and special meetings during the calendar year. The members of the Commission are subject to the attendance requirement set in §2-1050 of the Des Moines Municipal Code, providing that no member shall miss more than four regularly scheduled meetings in a calendar year. Whenever any Commission member fails to meet this requirement, the Recording Secretary shall immediately after the calling of roll at such meeting, inform the Chair. The Commission may authorize an immediate written report to the City Council of such

failure and may direct whether it is the recommendation of the Commission that the member be removed or be retained and the reasons supporting such action.

3-8. OFFICERS. The Commission shall elect a Chair, Vice Chair, and Secretary and other such officers it deems appropriate from its members.

- (1) Chair: The Chair recommends policies, procedures, and programs to the Commission, presides at each meeting and conducts other functions which are authorized by the rules or by the Commission or are necessary and proper for carrying out the powers granted by the Human Rights Ordinance.
- (2) Vice Chair: The Vice Chair, in the absence of the Chair, shall preside over the meeting(s), assume the duties, powers, and authority conferred upon the Chair by the Ordinance and Rules. The Vice Chair shall also perform such other duties as the Chair may assign.
- (3) Secretary: The Secretary may be responsible, whenever necessary, for taking notes or recording minutes at an Executive Session or other meetings. In the absence of the Chair and Vice Chair, the Secretary shall preside until a temporary Chair can be selected to serve for the duration of the meeting or until the Chair or Vice Chair is in attendance, whichever occurs first.
- (4) In the absence of the Chair, Vice Chair and Secretary, the Commissioner with the most seniority on the Commission, being the Commissioner first appointed of those present, shall preside for the duration of the meeting or until the Chair, Vice Chair or Secretary arrives.

3-9. CONDUCT OF MEETING. The presiding officer shall call the meeting to order at the appointed hour and shall preside over the discussion on each Agenda item in a manner which assures full participation of all Commission members and members of the general public desirous of being heard upon such issue and subject to rules 3-9.1 and 3-9.2. The presiding officer, as a member of the commission, may enter into any discussion and has the right to close debate and speak last on any item, but may not make a motion. A member of the Commission shall move all action requiring a vote. A motion to reconsider must be made by a Commission member who was on the prevailing side of the original motion or by a Commission member absent at the time of the original action.

3-9.1 TIME LIMIT ON CITIZEN'S REMARKS.

Members of the general public shall be limited to three minutes speaking time per item, unless additional time is granted by the presiding officer. Total general public in-put on any subject under Commission consideration can be limited to a fixed period by the presiding officer. A majority vote of the Commission may extend the time limitations of this rule.

3-9.2 REMARKS OF CITIZENS TO BE GERMANE.

Comments from members of the general public must be directed to the subject under consideration. The presiding officer shall rule on the germaneness of such comments. Citizens making personal, impertinent, or slanderous remarks shall be barred by the presiding officer from further comment before the Commission during the meeting.

3-10. MATTERS NOT COVERED. Any matter of order or procedure not covered by these rules shall be referred to the presiding officer, who shall decide the matter with the assistance and advice of the Commission's legal counsel in conformity with the purpose of these rules in a fair and expeditious manner. The decision of the presiding officer may be reversed by a majority vote of the Commission.

3-11. MINUTES. Accurate minutes of each meeting shall be kept and maintained, including the vote of each Commission member upon each question submitted to the Commission for consideration, deliberation and action. A copy of the minutes of the proceedings at its last meeting in the form proposed for the Commission's adoption shall be forwarded with the notice and agenda for the next regularly scheduled meeting. Upon approval and adoption, a copy of the minutes shall be filed by the Recording Secretary with the City Clerk as required by §2-1050(c) of the Des Moines Municipal Code.

3-12. RECORDING SECRETARY. The Executive Director shall assign a member of his or her staff to serve as the Commission's Recording Secretary. Such employee of the City is hereby designated pursuant to §2-1055(d) and §2-1050(c) of the Des Moines Municipal Code to make detailed handwritten notes and to tape record all regular and special meetings of the Commission and to serve as the official custodian of all records. After each meeting he or she shall promptly prepare minutes of the meeting in draft form from such notes and tape recording for the review and approval of the Secretary and the Chair. Once such minutes are in the form proposed for the Commission's adoption, they shall be forwarded to the members as provided in these rules.

3-13. RECORDS. All records of the Commission relating to the filing and disposition of complaints shall be retained for at least five years from the date of final action. Any disposal of such records after five years shall be in compliance with the requirements of §2-1055(e) of the Des Moines Municipal Code. All other records of the Commission shall be retained for at least three years after final action is taken.

3-14. NOMINATION OF OFFICERS. A nominating committee of three members shall be appointed by the Chair at the regular meeting in July and shall report its proposed nominations for officers at the regular meeting in August. Nominations from the floor shall be permitted at the August meeting. Officers presently serving on the Commission shall be eligible for nomination and election to successive terms of office.

3-15. ANNUAL MEETING. The regular meeting in September is fixed in §62-42(a)(5) of the Municipal Code as the Commission's annual meeting at which time the officers are elected. The Commission's annual report to the City Council shall be approved at the annual meeting. In forwarding the annual report to the City Council, a request for setting the date of the annual joint meeting with the City Council shall be included. Alternative dates within the latter part of September and the month of October shall be suggested to the City Council as possible dates for the joint meeting.

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 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 three-year term is considered to have served one term of office.

3-18. 3-20. COMMITTEES. To assist the Commission in fulfilling its duties and responsibilities under the Ordinance two 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 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 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 Commission activity per year.
- (3) Attend at least one Commission activity per year.
- (4) Advocate for the mission of the Civil & Human Rights Commission.