

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING ARTICLE 28 OF CHAPTER 1 OF THE INDEPENDENCE CITY CODE PERTAINING TO THE COMMISSION ON HUMAN RELATIONS.

WHEREAS, the City Council passed Ordinance 19195 to increase membership on the Commission on Human Relations and merge it with the Diversity and Inclusion (DEI) Taskforce; and,

WHEREAS, in passing Ordinance 19195, the City Council indicated that the vision of the DEI Taskforce be reflected in the work of the Commission on Human Relations, and,

WHEREAS, the Commission on Human Relations is empowered to make recommendations to the City Council regarding legislation to assist in achieving its goals and objectives, and,

WHEREAS, on May 3, 2021, the newly expanded Commission on Human Relations voted in favor of recommending to the City Council that Article 28 of Chapter 1 of the Independence City Code be amended to reflect the expanded mission of the Commission on Human Relations.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI, AS FOLLOWS:

SECTION 1. That Article 28 of Chapter 1 is hereby amended as follows:

Sec. 1.28.001. Establishment.

There shall be an Advisory Commission, to be known as the Independence Commission on Human Relations. The Independence Commission on Human Relations shall foster mutual understanding and respect among ~~all ethnic, racial, and religious groups of the City,~~ diverse groups, and work to prevent discrimination against any person in the areas of employment, recreation, education, housing or other phases of public welfare and interest, based on race, creed, color, religion, national origin, sex, ancestry, age, gender identify, sexual orientation, genetic information, and/or disability, shall discourage and prevent discrimination against any such group, shall, where advisable, cooperate with federal, state and municipal agencies and nongovernmental organizations with the purpose of effectuating its general aims. The Independence Commission on Human Relations may also make such investigations and studies in the field of Human Relations, which in its judgment, will be helpful in carrying out its general purposes.

Sec. 1.28.002. Structure of Commission—Quorum—Compensation.

- A. The Independence Commission on Human Relations shall consist of thirteen (13) members who shall serve without compensation, and who shall be broadly representative of the religious, racial, educational, labor, civic, commercial, management, ethnic, and governmental groups of the community. All members of the Independence Commission on Human Relations shall be appointed by the Council. Of the thirteen (13) members, the terms of office of such appointed members shall be three years; however, all members shall continue in office until their successors shall have been appointed. In the event of the death or resignation of any member, the successor shall be appointed by the Council to serve for the unexpired term.

- B. From the thirteen (13) members of the Independence Commission on Human Relations, the chairman shall be nominated by the commission. The chairman shall be the presiding officer at all meetings of the Independence Commission on Human Relations. The Commission, itself, may at its first meeting elect a vice chairman, a secretary, ~~and a treasurer~~ or any combination of officers which it finds advisable for the efficient carrying out of its purposes.

Sec. 1.28.003. Powers and duties.

The powers and duties of the Independence Commission on Human Relations established by this article shall be as follows:

1. To foster, through community effort or otherwise, good will, cooperation, conciliation, and sympathetic understanding among all groups, elements, and individuals.
2. To formulate and carry out educational programs that will aid in eliminating and preventing prejudice, discrimination, intolerance and bigotry which is based on race, creed, color, religion, national origin, sex, ancestry, age, gender identity, sexual orientation, genetic information or disability.
3. To receive, hear, and investigate complaints and to initiate its own investigations, and report to the Council on all racial, religious and ethnic group tensions, prejudice, intolerance, bigotry and discrimination, and any breach of the peace or disorder occasioned thereby.
4. To receive, hear, and investigate complaints and initiate its own investigations, and report to the Council on practices of discrimination against any person and retaliation harassment, because of race, creed, color, religion, national origin, sex, ancestry, age, gender identity, sexual orientation, genetic information or disability in the areas of employment, recreation, education, housing and other phases of public welfare and interest.
5. Inform and warn the public of false and sinister propaganda subversive to the public interest in the area of human rights.
6. To initiate and conduct voluntary surveys, assemble pertinent data, hold hearings, and issue such publications and reports of investigations as, in its judgment, will tend to minimize, prevent or eliminate prejudice, intolerance, with bigotry and discrimination based on race, creed, color, religion, national origin, sex, ancestry, age, gender identity, sexual orientation, genetic information or disability.
7. To recommend to the Council legislation to aid in carrying out the purposes of the Independence Commission on Human Relations.
8. To make recommendations to the Mayor and Council regarding methods of eliminating any unfair or unjust discrimination, prejudice, intolerance or bigotry against any person or group based on race, creed, color, religion, national origin, sex, ancestry, age, gender identity, sexual orientation, genetic information or disability which are deemed detrimental to the best interests of the community.
9. To hold public hearings and request the attendance of witnesses when the Independence Commission on Human Relations deems it necessary or advisable to accomplish its purposes.
10. To create such advisory committees and subcommittees, as, in its judgment, will aid in effectuating its purposes.
11. To hold and conduct meetings, public and private, calculated to enlist the cooperation of all groups in the community to cooperate in eliminating and preventing group tensions, prejudices, intolerance, bigotry and discrimination on the grounds of race, creed, color, religion, national origin, sex, ancestry, age, gender identity, sexual orientation, genetic information or disability.

12. To request of the City Manager suitable and qualified staff personnel assistance should the Independence Commission on Human Relations ever have need for such services.
13. To make a report of its activities, together with the recommendations, from time to time, to the Mayor and the Council and to make a full report of all activities and progress annually, which report may be published, with the approval of the Council.
14. To adopt rules for the transaction of business and keep a record of its activities and minutes of all meetings.
15. To further the policies of the Fair Housing Act for the City of Independence, Missouri, and to prevent or eliminate discriminatory housing practices based on race, creed, color, religion, national origin, sex, ancestry, age, gender identity, sexual orientation, genetic information or disability.
16. To cooperate with and render technical assistance to federal, state, local, and other public or private agencies, organizations, and institutions which are formulating or carrying on program to prevent or eliminate discriminatory housing practices based on race, creed, color, religion, national origin, sex, ancestry, age, gender identity, sexual orientation, genetic information or disability.
17. To serve as a resource to the City and its staff in complying with federal, state and local laws and regulations prohibiting discrimination against persons with disabilities or establishing accessibility requirements for City facilities, programs, and services.
18. To receive, hear and investigate complaints filed under this article.

Sec. 1.28.004. Expenditure of funds—City Manager as contracting officer.

- A. The City Manager is hereby designated as the contracting officer for the Independence Commission on Human Relations.
- B. In the event that private funds or funds other than funds from the City of Independence, Missouri are made available to the Commission, the City Manager is authorized, upon recommendation of the Commission and Council approval, to enter into such contract or contracts that would be necessary to obtain such funds.
- C. In the event that any funds of the City of Independence, Missouri are to be expended by said Commission, said funds shall be expended only after Council approval and compliance with applicable rules, regulations, Charter and ordinances of the City of Independence, Missouri.

Sec. 1.28.005. Disability defined.

As used in this article, "disability" means, with respect to an individual, a physical or mental impairment that substantially limits one or more of the major life activities of such individual, a record of such an impairment, or being regarded as having such an impairment.

Sec. 1.28.006. Complaints.

- A. Any person who believes that he or she has been discriminated against by the City by reason of his or her disability, or who has been denied access to City facilities, programs or services by reason of his or her disability may file a complaint with the City's ADA Coordinator asking that the discrimination cease and/or that the barrier to access be corrected. **In the absence of an ADA Coordinator, complaints may be filed with the City Human Relations Commission Liaison or their designee.**

- B. A complaint may be filed as a result of discrimination with regard to:
 - 1. An application for employment.
 - 2. The provision of services by the City.
 - 3. The policies or procedures of the City.
 - 4. City programs.
 - 5. Accessibility of City facilities.
- C. All complaints must be filed on forms provided by the City within 60 days of the alleged act of discrimination. Forms shall be made available in the office of the ADA Coordinator and by mail.
- D. Complaints shall be investigated by the City's ADA Coordinator. The Coordinator shall contact the complainant within ten working days of the filing of a complaint to discuss the complaint. The complaint shall be resolved by the Coordinator either by: (a) a recommendation by the Coordinator that the City take specified action within a specified time to correct the situation; or (b) a decision by the Coordinator that no corrective action is required. The Coordinator shall note the complainant in writing of his or her recommendation or decision within 20 working days of the filing of the complaint.
- E. If the complainant disagrees with the recommendation/decision of the ADA Coordinator, the complainant can appeal that recommendation/decision to the Human Relations Commission. This appeal must be made by filing a written request for a hearing before the Commission no later than 20 working days after the recommendation/decision of the ADA Coordinator. Requests for a hearing must be filed with the ADA Coordinator.
- F. If the complainant files a request for a hearing, he or she shall be sent a notice of a hearing date. Enclosed with that notice shall be a copy of the rules/procedures governing hearings before the Human Relations Commission. The hearing will be scheduled before the Commission within 20 working days of the filing of the request for hearing.
- G. All hearings before the Human Relations Commission are open to the public. The complainant is not required to have an attorney, but he or she may be represented by an attorney. Within ten working days of the hearing, the Commission shall send the complainant written notice that it is either recommending that the City take specified action within a specified time to correct the situation or that it has decided that no corrective action is required. The recommendation(s) of the Commission are not limited to, and are not required to include, any recommendation(s) made by the ADA Coordinator.
- H. The recommendations/decision of the Human Relations Commission, or the recommendations/decision of the ADA Coordinator if it has not been appealed as set out in this article, shall be directed to the City Manager. The City Manager shall have final authority to direct what corrective action shall be taken, if any. The City Manager will notify the complainant in writing of his or her final direction within ten working days of the Manager's receipt of the recommendations/decision from the ADA Coordinator or the Human Relations Commission.

Secs. 1.28.007—1.28.999. Reserved.

SECTION 2. That all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3. That all other parts and provisions of the City Code shall be in full force and effect unless previously or subsequently amended or repealed.

PASSED THIS ____ DAY OF _____, 2021, BY THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI.

Presiding Officer of the City Council
of the City of Independence, Missouri

ATTEST:

City Clerk

APPROVED AS TO FORM AND LEGALITY

City Counselor

REVIEWED BY:

City Manager

NOTE: Words struck through and bolded are being removed by this ordinance and words underscored and bolded are being added by this ordinance.