



Legislation Text

File #: 15-0961, **Version:** 1

An Ordinance to Amend Sections 1:221, 1:222, and 1:226, and to Delete the Existing Language of Section 1:223 and Add a New Provision Section 1:223 of Chapter 8, Organization of Boards and Commissions, Title I of the Code of the City of Ann Arbor to Implement Changes in Human Rights Commission Duties Consistent with Chapter 112, Non-Discrimination (Ordinance No. ORD-15-20) Attached is the proposed ordinance revision of Sections 1:221, 1.222, 1:223, and 1:226 of Chapter 8 of Title I of the City Code related to the appointment and duties of the City Human Rights Commission. It reflects changes which were made in Chapter 112 of the City Code, Non-Discrimination Ordinance, which were approved by the Council in October 2014, as well as changes necessitated by current City organizational structure.

One of the significant changes made in the restatement of Chapter 112, was to give the Human Rights Commission the authority to review individual discrimination complaints brought forth by residents. As a result, the proposed ordinance revision of Chapter 8 deletes language prohibiting the Commission from addressing issues related to specific instances of discrimination, and adds language granting the Commission the authority to review such complaints. In addition, the proposed changes specify the types of reports which the Commission is responsible for preparing and presenting to Council, and removes reference to a City Human Rights Department.

Prepared by: Nancy Niemela, Senior Assistant City Attorney

Reviewed by: Human Rights Commission

Approved by: Steven D. Powers, City Administrator

ORDINANCE NO. ORD-15-20

First Reading: August 17, 2015

Public Hearing: September 8, 2015

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ORGANIZATION OF BOARDS AND COMMISSIONS HUMAN RIGHTS COMMISSION DUTIES

AN ORDINANCE TO AMEND SECTIONS 1:221, 1.222, AND 1:226, AND TO DELETE THE EXISTING LANGUAGE OF 1:223 AND ADD A NEW PROVISION 1:223 OF CHAPTER 8, ORGANIZATION OF BOARDS AND COMMISSIONS, TITLE I OF THE CODE OF THE CITY OF ANN ARBOR TO IMPLEMENT CHANGES IN HUMAN RIGHTS COMMISSION DUTIES CONSISTENT WITH CHAPTER 112, NON-DISCRIMINATION

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The City of Ann Arbor Ordains:

Section 1. That Section 1:221 of Chapter 8 of Title 1 of the Code of the City of Ann Arbor be amended to read as follows:

1:221. Human Rights Commission-Created; appointment; term; compensation.

There is hereby created a Human Rights Commission. It shall be composed of 9 members, to be appointed by the Mayor with the approval of the City Council and shall be responsible directly to the Mayor and City Council. [In making appointments of members of the Human Rights Commission, the Mayor shall appoint persons who, insofar as possible, represent the City's diverse population and are committed to the protection of human rights.](#) The commission shall select 1 of its members as chairperson. Members shall serve staggered 3-year terms. The term as Chairperson shall be for 1 year with no limit on the number of times a member may be reappointed [re-elected](#) as Chairperson. Members, including the Chairperson, shall serve without compensation.

Section 2. That Section 1:222 of Chapter 8 of Title 1 of the Code of the City of Ann Arbor be amended to read as follows:

1:222. Same-Duties.

The commission shall:

- (a) [Receive and review complaints from individuals alleging violations of Ann Arbor's human rights ordinance, Chapter 112 - Non-Discrimination, and take appropriate action, including but not limited to referral of complaints to appropriate agencies or to the City Attorney, mediation of complaints, or dismissal of complaints;](#)Make periodic public reports and recommendations to the City Council and City Administrator on ways to improve city government programs and ordinances designed to eliminate discrimination or to remove the effects of past discrimination;
- (b) [Report annually to City Council regarding complaints received and actions taken;](#) Investigate, study, hold hearings and make recommendations to City Council regarding complaints from any class or group protected under the human rights ordinance;

- (c) With City staff, develop procedures to (1) enforce and (2) provide notice of non-compliance with nondiscrimination provisions of Chapter 112 - Non-Discrimination applicable to city contractors; Review and make recommendations to City Council on the affirmative action programs of persons or firms conducting business with the city;
- (d) With City staff, provide an annual report to City Council regarding compliance of city contractors with nondiscrimination provisions of Chapter 112 - Non-Discrimination; Research, formulate and carry out programs of community education with the objective of discouraging and eliminating racial tensions, and prejudice or discrimination against any groups of persons;
- (e) Investigate, study, hold hearings and make recommendations to City Council regarding complaints from any class or group protected under the human rights ordinance; Advise and communicate with federal and state agencies regarding their human rights and affirmative action programs for the purpose of making recommendations to City Council on more effective coordination of federal, state and city programs.
- (f) Make periodic public reports and recommendations to the City Council and City Administrator on ways to improve city government programs and ordinances designed to eliminate discrimination or to remove the effects of past discrimination;
- (g) Communicate with federal and state agencies regarding human rights and affirmative action programs for the purpose of making recommendations to City Council;
- (h) Provide education and programs about the human rights ordinance, other commission initiatives, and/or to discourage and eliminate racial tensions, prejudice, and/or discrimination.

Section 3. That Section 1:223 of Chapter 8 of Title 1 of the Code of the City of Ann Arbor be deleted and a new provision to read as follows be added:

1:223. Same-Other Powers and Duties To address city procedures and programs.

The commission shall not address itself to questions of whether specific instances of discrimination have occurred, but, rather, shall address itself to needed changes in city procedures and programs City Council may, in addition to the powers and functions provided here, delegate to the Human Rights Commission other powers and functions permitted by law concerning the protection of human rights.

Section 4. That Section 1:226 of Chapter 8 of Title 1 of the Code of the City of Ann Arbor be amended to read as follows:

1:226. Same-Time of meetings; attendance.

The commission shall meet at least once each 2 months at an established day and hour that it deems convenient for public participation. The Human Rights Department Director shall attend

commission meetings and provide clerical support.

Section 5: In the event any court of competent jurisdiction shall hold any provision of this Ordinance invalid or unenforceable, such holding shall not invalidate or render unenforceable any other provision thereof.

Section 6: This Ordinance shall take effect ten days after passage and publication.

CERTIFICATION

I hereby certify that the foregoing ordinance was adopted by the Council of the City of Ann Arbor, Michigan, at its regular session of September 8, 2015.

Jacqueline Beaudry, City Clerk

Christopher Taylor, Mayor

I hereby certify that the foregoing ordinance received legal publication on the City Clerk's Webpage on September 11, 2015.

Jacqueline Beaudry, City Clerk