
M E M O R A N D U M

DATE: June 14, 2005
TO: Members of the City Council
FROM: Council Members Eric Jergensen and Jill Love
RE: Adaptation of Multi-Ethnic Community Resource Board into the Human Rights Commission
CC: Rocky Fluhart, Sam Guevara, Ty McCartney, Diana Karrenberg, DJ Baxter

Attached is a draft ordinance detailing the purpose and duties of the proposed Human Rights Commission.

The purpose of the Commission is defined in the draft ordinance as the following:

- A. The City of Salt Lake is comprised of diverse and varied groups, communities, and individuals. The practice of discrimination against these groups, communities, or individuals on the grounds of age, ancestry, color, disability, gender, national origin, marital status, medical condition, physical limitation, race, religion, or sexual orientation, and the related exploitation of prejudice, adversely affects the general welfare of the City and the vitality of its neighborhoods.
- B. Discriminatory practices are detrimental because they impede the social and economic progress of the City by preventing all people from contributing to or fully participating in the cultural, spiritual, social and commercial life of the community, essential to the growth and vitality of its neighborhoods and businesses.
- C. In developing this ordinance, the Salt Lake City Council has investigated other urban centers throughout the nation and studied the effectiveness of commissions empowered to study issues of diversity, to work with city government and the community, to eliminate potential discrimination in existing and future ordinances and policies, and to encourage and educate its citizenry to facilitate full and equal participation in the life of the City.
- D. This chapter repeals and reenacts Section 2.78.010 et seq. for the purpose of creating the Salt Lake City Human Rights Commission, adapted and enhanced from the herein repealed Multi-Ethnic Community Resource Board, for the general purpose of advising the Council and Mayor on nondiscrimination policy and providing resources for educating the citizenry on issues of discrimination and equal treatment in all segments of society. The Commission shall also provide advice and recommendations to address specific complaints of discrimination involving City departments and services.

The powers and duties of the Commission are defined in the draft ordinance as the following:

- A. The commission shall make recommendations to the Mayor and the Council regarding the commission's:

1. ongoing review of ordinances or policies;
 2. use of educational resources on issues of discrimination and equal treatment;
 3. review and investigation of specific complaints of discrimination involving City departments or city services including employment, housing, immigration, public health, public safety, public transportation, and parks or recreation;
 4. review of legislation, policies, or other action by the City designed to further the elimination of prejudice and discrimination;
 5. review of any pending legislation, policy changes, or other City action that may impact human rights and relations;
 6. research conducted or factual data obtained, within budgetary constraints, on the status and treatment of diverse populations and the best ways to improve human relations, to eliminate discrimination and to secure full and equal participation;
 7. investigation of opportunities to collaborate with other groups to foster nondiscrimination education;
 8. work in partnership to foster positive intergroup relations by instituting and conducting educational programs; and
 9. actions as a resource at the request of Community Councils.
- B. The commission shall report to the Council and the Mayor, no less than once each year on its activities, recommendations, and findings concerning matters on human rights and nondiscrimination policies. The report shall be in writing and made public.

This item is scheduled for a follow-up briefing on the Tuesday, June 14th work session, and is also tentatively listed on the formal agenda so that the Council can adopt it on the same evening if there are no follow-up questions or concerns. If Council Members do have questions or concerns, this item can be forwarded to a future meeting date for discussion and/or consideration.

The following memo from Council Members Eric Jergensen and Jill Love was provided previously for the Council Work Session on May 3, 2005. It is provided again for your reference.

We are requesting the Salt Lake City Council consider adopting an ordinance to adapt the current Multi-Ethnic Community Resource Board into the Human Rights

Commission. The existing board has activities and purposes that are compatible with the proposed Human Rights Commission.

While the Multi-Ethnic Community Resource Board deals with discrimination and human relations based on race and ethnicity, the proposed Human Rights Commission would expand the role of the board to address issues of discrimination based on race, religion, color, ancestry, age, sex, sexual orientation, disability, medical condition, physical limitations, or national origin. The goal of eliminating prejudice and discrimination in all segments of our City organization, neighborhoods and businesses is a positive direction for the City.

The proposed Human Rights Commission would expand upon the non-discrimination education and policy goals embarked upon by the Multi-Ethnic Community Resource Board. The Commission's focus is proposed to be in three areas:

1. Address the existence of or potential for discrimination in city policies and ordinances and advise the Mayor and City Council on future policies and ordinances as they may relate to potential for discrimination.
2. Act as a resource to and partner for community organizations within the city promoting education and understanding of non-discrimination issues.
3. Within budgetary confines, obtain data and factual information (through public hearing or other processes), to study and track the status of treatment of the city's diverse population, with the goal of gaining a better understanding of any discrimination and/or prejudice which may exist.

These focus areas for the Human Rights Commission are in addition to the current goals outlined in the Multi-Ethnic Community Resource Board ordinance (Ord. 101-99 S 1, 2000):

1. Empowering neighborhoods and involving various ethnic groups in City government and decision making.
2. Promoting grassroots participation in neighborhood improvement initiatives;
3. Establishing models for positive, proactive community development; and,
4. Collaborating with community councils in addressing the challenges of diversity.

We propose that the Human Rights Commission replace the Multi-Ethnic Community Resource Board, as currently only 3 of the 9 spots are filled, and the board has held no meetings for the last two years of its three year existence.

MEMBERSHIP

The Commission is proposed to consist of nine (9) members, to serve a four (4) year term each. All nine members would be appointed with advice by the Mayor, and consent by the City Council. The initial terms of the members would be staggered as is typically done with other Boards, Commissions and Committees established by the City.

Attached is more specific draft language that we propose be included in the ordinance creating the Human Rights Commission.

ATTACHMENT A

HUMAN RIGHTS COMMISSION DRAFT PURPOSE STATEMENTS

The following is proposed to be included in the purpose section of the ordinance creating the Human Rights Commission.

- A. The City of Salt Lake is comprised of diverse and varied groups, communities, and individuals. The practice of discrimination on the grounds of race, religion, color, ancestry, age, sex, sexual orientation, disability, medical condition, physical limitations or national origin, and the exploitation of prejudice related thereto, adversely affects the welfare of the City as a whole, and the vitality of its neighborhoods.
- B. Such discriminatory practices are detrimental to the public welfare in that they impede the social and economic progress of the city by preventing all people from contributing to or fully participating in the cultural and business life of the community. Such participation is essential to the growth and vitality of the city's neighborhoods and businesses.
- C. The effectiveness of commissions empowered to study issues of diversity, to work with the city government and the community, to eliminate potential discrimination in existing and future ordinances, and to encourage and facilitate full and equal participation in the life of the city, has been studied in the development of this ordinance.
- D. This chapter is enacted and intended for the purpose of establishing a Human Rights Commission, to be adapted from and add scope to the former Multi-Ethnic Community Resource Board, for the general purpose of advising the City Council and Mayor on current and future non-discrimination policy and acting as a resource in educating the citizenry on issues of discrimination and equal treatment of all segments of society. The Commission would examine existing policies and ordinances, and advise on and propose policies that could address specific complaints of discrimination involving City departments and services. The more specific powers and duties of the commission shall be defined more specifically in the ordinance.

SALT LAKE CITY ORDINANCE
No. _____ of 2005
(Salt Lake City Human Rights Commission)

AN ORDINANCE REPEALING AND REENACTING CHAPTER 2.78, SALT LAKE CITY CODE, RELATING TO THE PURPOSE AND CREATION OF THE SALT LAKE CITY HUMAN RIGHTS COMMISSION.

Be it ordained by the City Council of Salt Lake City, Utah:

SECTION 1. That Section 2.78.010, *Salt Lake City Code*, pertaining to the purpose of the Salt Lake City Human Rights Commission be, and the same hereby is, repealed and reenacted to read as follows:

2.78.010 Purpose:

A. The City of Salt Lake is comprised of diverse and varied groups, communities, and individuals. The practice of discrimination against these groups, communities, or individuals on the grounds of age, ancestry, color, disability, gender, national origin, marital status, medical condition, physical limitation, race, religion, or sexual orientation, and the related exploitation of prejudice, adversely affects the general welfare of the City and the vitality of its neighborhoods.

B. Discriminatory practices are detrimental because they impede the social and economic progress of the City by preventing all people from contributing to or fully participating in the cultural, spiritual, social and commercial life of the community, essential to the growth and vitality of its neighborhoods and businesses.

C. In developing this ordinance, the Salt Lake City Council has investigated other urban centers throughout the nation and studied the effectiveness of commissions empowered to study issues of diversity, to work with city government and the community, to eliminate potential discrimination in existing and future ordinances and policies, and to encourage and educate its citizenry to facilitate full and equal participation in the life of the City.

D. This chapter repeals and reenacts Section 2.78.010 et seq. for the purpose of creating the Salt Lake City Human Rights Commission, adapted and enhanced from the herein

repealed Multi-Ethnic Community Resource Board, for the general purpose of advising the Council and Mayor on nondiscrimination policy and providing resources for educating the citizenry on issues of discrimination and equal treatment in all segments of society. The Commission shall also provide advice and recommendations to address specific complaints of discrimination involving City departments and services.

SECTION 2. That Section 2.78.020, *Salt Lake City Code*, pertaining to definitions be, and the same hereby is, repealed and reenacted to read as follows:

2.78.020 Definitions:

Unless otherwise specified, as used in this section:

- A. “City” means the Salt Lake City, a municipal corporation of the State of Utah.
- B. “Commission” means the Salt Lake City Human Rights Commission created in Section 2.78.030.
- C. “Council” means the Salt Lake City Council.
- D. “Disability” means a physical or mental impairment that substantially limits one or more of a person’s major life activities, including a person having a record of such impairment or being regarded as having such an impairment or defined and covered by the Americans With Disabilities Act of 1990, 42 U.S.C. 12102.
- E. “Discrimination” means a practice in employment, immigration, housing, public safety, public transportation or in other City departments or services that unfairly segregates or separates on the grounds of age, ancestry, color, disability, gender, national origin, marital status, medical condition, physical limitation, race, religion, or sexual orientation or is unlawful under the United States Constitution, the Utah Constitution, Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act, the Americans with Disabilities Act, the Utah Antidiscrimination Act of 1965, or the Utah Fair Housing Act.
- F. “Gender” means sex and includes pregnancy, childbirth, and disabilities relating to pregnancy or childbirth.
- G. “Mayor” means the duly elected or appointed and qualified mayor of Salt Lake City.
- H. “Marital status” means a person is either single, married, divorced, or separated.
- I. “Member” means a person appointed by the Mayor with the advice and consent of the

Council who is duly qualified as an acting and voting member of the commission.

- J. “National origin” means the place of birth or an individual or any lineal ancestors.
- K. “Person” means an individual.
- L. “Sexual orientation” means the direction of ones sexual preference.

SECTION 3. That Section 2.78.030, *Salt Lake City Code*, pertaining to creation of the Human Rights Commission be, and the same hereby is, repealed and reenacted to read as follows:

2.78.030 Human Rights Commission -- Creation:

- A. There is created the Human Rights Commission.
- B. The Commission shall be composed of nine members.
- C. The Mayor shall appoint, with the advice and consent of the Council:
 - 1. seven representatives with one representative from each of the seven Council districts; and
 - 2. two representatives from the community who represent the diversity of the City.
- D. Each member of the commission shall:
 - 1. be at least eighteen (18) years of age;
 - 2. be a resident of Salt Lake City;
- E. Each member of the commission initially appointed shall serve from the time of date of the appointment until his or her term expires. Members shall be appointed as provided in Subsection D except that those appointed shall draw by lot for terms of office of two, three, or four years each so that terms of office expire on a staggered basis. Each member’s term shall expire on the applicable last Monday in December. All appointed members of the commission shall serve no longer than two consecutive terms.
- F. Each member shall perform duties on a voluntary basis without compensation and shall be immune from liability with respect to any decision or action taken during the course of his or her services as provided in Utah Code Annotated, Section 63-30-1, et seq. A member

may receive reasonable compensation for authorized administrative, professional, or other bona fide services to the commission pursuant to a written contract in a capacity other than as a commission member.

G. If a vacancy occurs for any reason before the member's term expires, the Mayor shall appoint the replacement, with the advice and consent of the council, to fill the vacancy for the unexpired term. In exercising his or her discretion in making appointments, the Mayor shall, when advisable, take into consideration the geographic diversity of the city and the bipartisan nature of the commission.

SECTION 4. That Section 2.78.050, *Salt Lake City Code*, pertaining to removal from office be, and the same hereby is, repealed and reenacted to read as follows:

2.78.050 Removal from Office:

A. Any member may be removed from office by the Mayor for cause prior to the normal expiration of the term for which such member was appointed.

B. If any member engages in conduct that, in the opinion of the commission, is prejudicial to its best interests, the commission may recommend removal of such member to the Mayor.

C. Any member who shall be absent for one-half of the meetings in any consecutive 12-month period may be removed by the Mayor.

SECTION 5. That Section 2.78.060, *Salt Lake City Code*, pertaining to members' ethics be, and the same hereby is, repealed and reenacted to read as follows:

2.78.060 Members' Ethics:

Members shall comply with the provisions of the city's Conflict of Interest Ordinance, Chapter 2.44 of this Title. Any violation of the provisions shall be grounds for removal from the commission.

SECTION 6. That Section 2.78.070, *Salt Lake City Code*, pertaining to eligibility for membership be, and the same hereby is, repealed and reenacted to read as follows:

2.78.070 Meetings—Quorum:

A. The commission shall meet no less than quarterly. The annual meeting schedule will be set at the first regular meeting after the third Monday in January of each year. The meetings

shall comply with Title 52, Chapter 4, Open and Public Meetings, Utah Code Ann. (1953) if applicable.

B. Special meetings may be called by a majority of the commission, the chair, or the mayor. The member calling the special meeting must sign the call, and, unless waived in writing, each member not joining in the call must be given not less than 24 hours notice. The notice shall be served personally or left the member's residence or business office. A quorum shall constitute a majority of the commission positions filled for the transaction. The commission may act officially by an affirmative vote of the quorum.

C. The commission shall keep a written record of its proceedings which shall be available for public inspection in the office of the city recorder. The commission shall record the yea and nay votes.

D. The commission shall adopt a system of rules of procedure for conducting meetings. The commission may suspend the rules of procedure by unanimous vote of the members present. The commission shall not suspend the rules of procedure beyond the duration of the meeting when the suspension of rules occurs.

SECTION 7. That Section 2.78.080, *Salt Lake City Code*, pertaining to meetings be, and the same hereby is, repealed and reenacted to read as follows:

2.78.080 Elections of Officers:

At its first regular meeting after the third Monday in January, the commission shall select one of its members as chair and another as vice-chair. The vice-chair shall perform the duties of the chair during the chair's absence or disability. A member may not serve more than two consecutive terms as chair.

SECTION 8. That Section 2.78.090, *Salt Lake City Code*, pertaining to elections of officers be, and the same hereby is, repealed and reenacted to read as follows:

2.78.090 Advisory Authority:

A. Any action taken by the commission shall be advisory in nature and shall constitute recommendations to the Council and the Mayor. The Council and Mayor shall consider the recommendations and review, ratify, modify, or disregard any recommendation submitted.

B. The commission may not implement any action until the Council or Mayor notify in writing that the recommendation is ratified or modified and adopted. If modified, the commission shall implement the action only as modified.

SECTION 9. That Section 2.78.100, *Salt Lake City Code*, pertaining to scope of board's authority be, and the same hereby is, repealed and reenacted to read as follows:

2.78.100 Committees:

A. The commission may designate such committee or committees as it desires to study, investigate, consider, or make recommendations on matters which are presented to the commission or undertaken by the commission.

B. In the event the commission desires nonmembers to serve on such a committee, the commission may request the administrator of the Police Civilian Review Board, Department of Management Services, to make the appointment.

C. Committee members shall serve without compensation and shall be immune from liability as provided in Section 2.78.030 F.

SECTION 10. That Section 2.78.110, *Salt Lake City Code*, pertaining to committees be, and the same hereby is, repealed and reenacted to read as follows:

2.78.110 Powers and Duties:

A. The commission shall make recommendations to the Mayor and the Council regarding the commission's:

1. ongoing review of ordinances or policies;
2. use of educational resources on issues of discrimination and equal treatment;
3. review and investigation of specific complaints of discrimination involving city departments or city services including employment, housing, immigration, public health, public safety, public transportation, and parks or recreation;
4. review of legislation, policies, or other action by the City designed to further the elimination of prejudice and discrimination;
5. review of any pending legislation, policy changes, or other City action that

may impact human rights and relations;

6. research conducted or factual data obtained, within budgetary constraints, on the status and treatment of diverse populations and the best ways to improve human relations, to eliminate discrimination and to secure full and equal participation;

7. investigation of opportunities to collaborate with other groups to foster nondiscrimination education;

8. work in partnership to foster positive intergroup relations by instituting and conducting educational programs; and

9. actions as a resource at the request of Community Councils.

B. The commission shall report to the Council and the Mayor, no less than once each year on its activities, recommendations, and findings concerning matters on human rights and nondiscrimination policies. The report shall be in writing and made public.

SECTION 11. That Section 2.78.120, *Salt Lake City Code*, pertaining to powers and duties be, and the same hereby is, repealed.

SECTION 12. This ordinance shall take effect on _____ 1, 2005.

Passed by the City Council of Salt Lake City, Utah this ____ day of _____, 2005.

CHAIRPERSON

ATTEST:

CHIEF DEPUTY CITY RECORDER

Transmitted to Mayor on _____.

Mayor's Action: _____ Approved. _____ Vetoed.

MAYOR

ATTEST:

CHIEF DEPUTY CITY RECORDER

(SEAL)

Bill No. _____ of 2005.

Published: _____.