

ORDINANCE NO. 2023-28

AN ORDINANCE AMENDING CHAPTER 2 OF THE CITY CODE RELATED TO THE HUMAN RIGHTS COMMISSION AND CONTRACT COMPLIANCE

The City Council for the City of Bloomington, Minnesota, ordains:

Section 1. That Article V relating to City Boards and Commissions in Chapter 2 of the City Code is hereby amended by adding those words that are underlined and deleting those words within brackets [] and stricken through, to read as follows:

ARTICLE V: CITY BOARDS AND COMMISSIONS

...

DIVISION E: HUMAN RIGHTS COMMISSION.

§ 2.83.01 PURPOSE.

The purpose of the Human Rights Commission shall be to [~~aid and~~] advise the City Council in ensuring for all citizens of the city equal opportunity in those areas protected by law and in such other affairs as may affect the social standards of the city.

§ 2.83.02 DUTIES AND RESPONSIBILITIES.

The Commission shall:

(a) Study and review programs and policies and [~~aid~~] advise the City Council [~~in~~] on enlisting the cooperation of agencies, organizations, and individuals in the city in an active program directed to create equal opportunity and eliminate discrimination and inequalities;

(b) Advise [~~and aid~~] the City Council [~~in~~] on implementing such recommendations as may be appropriate to the city, including, but not limited to, such things as:

(1) Specific programs of public information regarding the statutory requirements of the [~~State~~] Minnesota Human Rights Act (M.S. Chapter 363A [~~, as it may be amended from time to time~~]);

(2) Comprehensive studies and surveys of practices in the community;

(3) Programs of affirmative action to be developed with employers, the housing industry, the educational institutions, and governmental agencies;

(4) Programs of review to give and gain information regarding compliance with state requirements concerning equal opportunity;

(5) Programs designed to alleviate community tension; and

(6) Programs designed to create a genuine climate of community readiness to accept orderly and demonstrable change in eliminating barriers of equal opportunity.

(c) ~~[Attempt to conciliate, within its authority,]~~ Refer all grievances received involving discrimination occurring within the city to the appropriate state or federal enforcement departments or agencies and make all appropriate reports to the City Council ~~[and State Department of Human Rights];~~

(d) Advise the Bloomington Independent School District No. 271 on matters relating to human rights, in accordance with the resolution of the City Council adopted May 4, 1970;

(e) Establish committees, as the Commission finds it to be necessary, in the following areas:

- (1) The various areas of concern under the ~~[State]~~ Minnesota Human Rights Act;
- (2) Public information;
- (3) Legislation; and
- (4) Liaison with other organizations including other city commissions and agencies.

; and

(f) Perform such other functions concerning human rights as the ~~[e]~~City Council may from time to time direct ~~[; and]~~.

~~[(g) Hold hearings and make recommendations to the City Council when a complaint is brought against a contractor for violation of §§ 2.100 to 2.104 of this code. Hearings for all contract compliance complaints shall be conducted in accordance with the procedures stated in § 2.104 of this code.]~~

§ 2.83.03 MEMBERSHIP.

(a) The Commission shall be composed of nine members. Two of the nine members shall be young adults.

(b) The members of the Commission shall be appointed by the City Council after due consideration has been given the interest and commitment of such individuals to civil and human rights principles; to their knowledge in the fields of employment, housing, public accommodations, public services, education and other areas affected by the Minnesota ~~[State]~~ Human Rights Act; to their ability to serve in a genuine leadership role in the community by virtue of their positions of responsibility in business and civic affairs; to adequate representation of the classes of persons protected under the ~~[State]~~ Minnesota Human Rights Act; and to recommendations obtained from various sources including any local human rights committee.

Section 2. That Article VII relating to Contract Compliance in Chapter 2 of the City Code is hereby amended by adding those words that are underlined and deleting those words within brackets [] and stricken through, to read as follows:

ARTICLE VII: CONTRACT COMPLIANCE

§ 2.104 ENFORCEMENT PROCEDURES.

(a) *Written allegations or complaints.* When the City Manager receives written notice of an allegation or complaint that a contractor has violated the contract terms enumerated in city code § 2.101, the City Manager or a qualified designee appointed by the City Manager shall conduct an investigation to determine the merits of the complaint or allegation and shall recommend to the City Council that either no action be taken or certain sanctions be imposed. Pending a decision on the recommendation, the City Manager or the qualified designee may suspend the contract in accordance with city code § 2.101(4).

(b) ~~[Hearing. Upon receipt of the recommendation from the City Manager or the Manager's qualified designee, the City Human Rights Commission shall hold a hearing by a panel composed of three members of the Commission, designated by the Chair of the Commission, at a place, time and date agreed upon. The hearing shall be held to determine the merits of the allegation or complaint and the sanctions, if any, recommended by the City Manager. The city shall proceed first with such witnesses or testimony as may establish the basis for the City Manager's recommendation, followed by the contractor and/or the complainant, who may proceed with such witnesses and testimony as may be desired.~~

(c) ~~Evidence.~~ The Commission panel shall keep a record of the hearing, including testimony and exhibits and such other documentary evidence as may be received. All testimony shall be received under oath and all witnesses shall be subject to cross examination. The panel shall receive and give appropriate weight to all evidence, including hearsay evidence, which possesses prohibitive value commonly accepted by reasonable and prudent persons in the conduct of their own affairs.

(d) ~~Decision.~~ The Commission panel shall deliberate at such times as may be necessary to arrive at its determination in the case. The final panel determination shall be put in the form of findings and a motion for a resolution to be presented to the full Commission at its next regular meeting. The resolution shall either recommend that the Commission propose one or more of the sanctions against the contractor listed in City Code § 2.101(4) or that no action be taken. The findings and resolution motion shall be served on or mailed to the contractor and the complainant in advance of the Commission meeting at which the panel recommendation will be considered.

(e) ~~Commission action.~~ The Commission shall thereupon, at its next regular meeting, consider the findings and the resolution motion of the Commission panel and any written statements submitted by the contractor and/or the complainant concerning the panel's determination. The record of the panel hearing shall be available to the Commission, and the Commission shall not be required to hear any additional testimony.

(f) *Final action.* The findings of the investigation will be provided to the contractor and the complainant in advance of the City Council meeting at which the City Manager's recommendation will be considered. The ~~[Commission]~~ City Council may adopt the ~~[panel's]~~ City Manager's

~~[determination]~~ recommendation, with or without amendment, or may decline to take any action.
~~[The panel determination shall be served upon the contractor and the complainant and forwarded to the City Council.]~~ The City Council shall thereafter take final action including final imposition of sanctions under City Code § 2.101(4) or any other action it deems just and proper to resolve the matter.

Section 3. Effective Date. This Ordinance shall be in full force and effect from and on January 1, 2024.

Passed and adopted this 27th day of November, 2023.

/s/ Tim Busse

Mayor

ATTEST:

/s/ Matt Brillhart

Secretary to the Council

APPROVED:

/s/ Melissa J. Manderschied

City Attorney