

EUGENE CITY COUNCIL

AGENDA ITEM SUMMARY



Public Hearing: An Ordinance Concerning the Human Rights Commission and Amending Sections 2.013, 2.265, 2.270, 2.275 and 2.280 of the Eugene Code, 1971

Meeting Date: November 21, 2011
Department: Central Services
www.eugene-or.gov

Agenda Item Number: 2
Staff Contact: Raquel Wells
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ISSUE STATEMENT

This is a public hearing on an ordinance concerning changes to the Human Rights Commission Code. The proposed ordinance amends sections 2.013, 2.265, 2.270, 2.275 and 2.280, and would update the commission's structure and focus. No other changes to the Human Rights Code are affected by the proposed ordinance.

BACKGROUND

Earlier this year, staff and members of the Human Rights Commission began a community outreach project to look at potential improvements to the current human rights system. Broad input from commissioners, staff and key stakeholders was needed to build understanding of:

- the commission's role with the Mayor and council, City staff, and the community;
- best practices, needs and trends that impact the City's role and practices around human rights; and,
- models for an effective and efficient structure to support the City's human rights goals.

The Human Rights Listening Project has been a six-month, intensive project with several phases. The project was overseen by a project team with equal representation from commissioners and City staff. The project reached over 600 community members to understand their views on the current status of human rights within the Eugene community and what they would like to see the commission and City focus efforts on. Special outreach specifically to youth (14 - 24), immigrant communities, and community members who are currently homeless were a priority of this project.

Listening sessions included perspectives from and about accessibility, housing, communities of color, elected officials, City staff, and the general public. All of the information gathered from surveys, stakeholder interviews, focus groups, listening circles, and community events was compiled and provided to the University of Oregon Community Planning Workshop whose members performed an independent analysis of the comments received. Staff researched other municipal models to help guide an understanding of national best practices. All of the information provided a clear picture of some of the key issues to be addressed or considered.

A “think tank” representing current and past Human Rights Commissioners, current and past human rights staff, key community stakeholders, and City staff reviewed findings. The group then shared ideas about what opportunities or solutions might be considered by the commission and staff, with items divided into three areas: 1) items that required City Council direction or ordinance changes; 2) items that should be considered for Human Rights Commission work planning; and 3) items that should be given to the City Manager and staff for consideration. Human Rights Commissioners and committee members and staff refined the recommendations. These items are the focus of this work session. They are:

- **Updating Language in Chapter 2 of City Code**

- The current language is about 20 years old and needs to be updated to align with current human rights City efforts moving from civil rights to human rights framing.
- *Commissioners and community members would like the council to consider updating the overall introduction in Chapter 2 to reflect current human rights work and conditions. A human rights orientation moves the ordinance from a civil rights only focus to an inclusive broader framework.*

- **The size of the Human Rights Commission**

- Feedback from commissioners and think tank members is that the current size of the commission is too large and the City should consider reducing the size to increase effectiveness. Case study research shows nationally there is an average of 9 - 11 members for similar commissions in other communities.
- *The commission would like the council to consider reducing the commission to 10 community members and one city councilor.*

- **The current commission has four standing subcommittees codified in City Code**

- Feedback from commissioners and community members clearly asks for the commission to be nimble and to tie task team and subcommittee work to the current work plan.
- Maintaining the current structure is neither sustainable nor effective.
- *The commission would like the council to consider repealing provisions for the four subcommittees. These groups would be established as needed, on a short-term basis, to support adopted work plans. An accessibility committee would be created as a department advisory committee to work directly with departments and City staff on the broad range of accessibility challenges.*

- **Effective commission appointments**

- Feedback from commissioners and community members is that more focus on the recruitment and appointment process is critical to the commission’s success.

- There is a strong desire to increase the commission's role in supporting the council in making effective appointments.
- *The commission would like the council to consider clarifying the commission's role in recommending candidates for council approval.*

RELATED CITY POLICIES

- **Council outcomes for advisory groups include:**
 - *Board, commission and committee member development*
 - Potential outcome: Advisory group members are effective and feel satisfied because they have the training and support to be successful contributors – both before becoming candidates for board and commission vacancies and following their appointments.
- **Human Rights Commission FY10-11 Work Plan, Goal Number 4** – Move to a Human Rights Community Framework
- **Diversity & Equity Strategic Plan Goal 1.6** – City of Eugene develops a plan for an organizational human rights framework
- **City Code Chapter 2.013** and Chapter 4.613

COUNCIL OPTIONS

No formal action is required as this is a public hearing. Council action has been scheduled for November 28, 2011.

CITY MANAGER'S RECOMMENDATION

This item is scheduled for public hearing only. No action is required at this time.

SUGGESTED MOTION

No motion is proposed for the public hearing.

ATTACHMENTS

A. Proposed Ordinance

FOR MORE INFORMATION

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ORDINANCE NO. _____

AN ORDINANCE CONCERNING THE HUMAN RIGHTS COMMISSION AND AMENDING SECTIONS 2.013, 2.265, 2.270, 2.275 AND 2.280 OF THE EUGENE CODE, 1971.

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. The “Human Rights Commission” entry set forth in the listing of Boards, Commissions and Committees of Subsection (1) of Section 2.013 of the Eugene Code, 1971, is amended to provide as follows:

2.013 City Council - Boards, Commissions and Committees.

- (1) Except for boards, commissions or committees established pursuant to ordinance, state statute, or intergovernmental agreement, the following are the presently constituted boards, commissions and committees of the city with the number of members and names of the appointive authority indicated thereafter, together with the term and the authority for such board, commission or committee:

Human Rights Commission

No. of Members:	[14 Citizens] 10 Community members 1 Councilor or the Mayor
Appointment Process:	Commission reviews applications and makes recommendations to Council; Council appoints
Term:	3 years
Authority:	EC 2.260

Section 2. Sections 2.265, 2.270, 2.275 and 2.280 of the Eugene Code, 1971, are amended to provide as follows:

2.265 Human Rights Commission - Duties and Powers.

- (1) The commission shall affirm, encourage and initiate programs and services within the **community and advise and support city of Eugene services** designed to ~~[eliminate discrimination, improve human relations, and effectuate the spirit and intent of applicable human rights legislation. In these efforts, the commission may enlist the support of community groups and public agencies.]~~ **place priority upon**

protecting, respecting, and fulfilling the full range of universal human rights as enumerated in the Universal Declaration of Human Rights. To support and promote human rights, the commission will:

- (a) **Provide human rights education;**
 - (b) **Be proactive in human rights efforts;**
 - (c) **Address human rights violations;**
 - (d) **Ensure active public participation;**
 - (e) **Be transparent and open; and**
 - (f) **Be publicly accountable for human rights progress.**
- (2) **The commission shall help the city of Eugene and the community work toward the elimination of systemic barriers to equitable treatment and toward inclusion and accommodation of differences among people. The commission will promote justice and equal opportunity for all. In these efforts, the commission may enlist the support of community groups and public agencies.**
- (3) **The commission shall endeavor to ascertain the status of civil and human rights in the community. The commission may explore, research and hold hearings to effectuate this provision.**
- (24) The commission shall make periodic recommendations to ~~[the mayor and council]~~ **elected officials and the city manager** concerning the civil and human rights of persons and groups in the community.
- (35) The commission shall cooperate with the city officials to ensure that the city **of Eugene** ~~[continues to be]~~ **is** a leader in extending equal opportunity to its ~~[citizens]~~ **community members**, including but not limited to:
- (a) Employment opportunities in city government;
 - (b) Training for city jobs;
 - (c) Equality of **city** services provided;
 - (d) Equality of all before the law; and
 - (e) Equal treatment of all by holders of city licenses, contracts and privileges.
- (46) The commission shall cooperate with the ~~[State Bureau of Labor and Industries and other governmental agencies]~~ **city of Eugene** in **ensuring that the city is** receiving, referring and/or investigating specific acts of discrimination against individuals in the community.
- (57) The commission shall ~~[endeavor to ascertain the status of civil and human rights in the community. The commission may investigate, research and hold hearings to effectuate this provision]~~ **work to educate and encourage community members to report acts of discrimination, hate and bias, to the city of Eugene.**

2.270 Human Rights Commission - Membership.

- (1) The commission shall consist of:
- (a) One member of the city council or the mayor;
 - (b) ~~[Fourteen citizens]~~ **Ten community members** with a

demonstrated [~~interest in or~~] knowledge **and interest** [of] **in** the **civil and** human rights concerns of the community [~~, chosen to ensure a balance between men and women on the commission as well as representation from the racial, ethnic, religious, and disabled groups and any other group subject to discrimination or harassment in the community~~]. Members shall be appointed [~~by the council~~]***in a way that strives to have balance on the commission that reflects the community and has protected class representation.***

- (42) Members of the commission shall be persons who have actively demonstrated an interest and expertise in efforts to promote diversity, equality, equity and understanding of human rights, and to dismantle injustice, discrimination, bigotry, hatred and harassment within the city.
- (3) ***Members shall be appointed by the council. The commission shall perform the initial review of applications and make recommendations to council for its consideration.***
- (24) Vacancies on the commission shall be filled in the same manner as original appointments. Except where the vacancy occurs because the member from the council or the mayor ceases to serve on the commission, the council shall appoint, within 90 days of the position becoming vacant, a person to complete the member's unexpired term from the non-commission members of the commission's standing committees. A position becomes vacant upon:
- (a) The death or resignation of the incumbent;
 - (b) Removal of an incumbent for nonperformance of duty or upon recommendation by the commission after the commission has determined that the incumbent has failed to properly represent the commission or otherwise damaged the work of the commission, and the council has concurred with that determination;
 - (c) Failure of the council to reappoint an incumbent at the expiration of his or her term; or
 - (d) The incumbent ceasing to be qualified for initial appointment.
- (35) Each [~~citizen~~] **community** member **of the commission** shall serve a three-year term. No member of the commission shall serve more than six consecutive years as a member of the commission.

2.275 Human Rights Commission - Officers, Meetings, Rules and Procedures.

- (1) The officers of the commission shall be a chairperson and a vice-chair elected by the commission from among the [~~citizen~~] members of the commission. The chairperson shall preside over meetings of the commission and shall have the right to vote. The vice-chair shall perform the duties of the chairperson in the absence or disability of the chairperson. The officers shall serve for terms of one year.
- (2) The commission shall meet at least six times a year, with such additional meetings as it deems necessary to properly perform its duties.

- (3) The commission may make and alter rules for its conduct and procedure, providing they are consistent with state law and applicable provisions of the city charter, ordinances and policies.
- (4) ***The commission may approve a leave of absence, not to exceed three months, for a commissioner who is temporarily unable to fulfill the duties of a commissioner.***
- (45) Fifty percent plus one of the current membership, ***not including any commissioner who is on leave of absence***, shall constitute a quorum.
- (56) The city manager may, within his or her discretion, furnish staff assistance to the commission or to the commission's [~~committees~~] ***working groups***.

2.280 Human Rights Commission – [~~Committees~~]Work Plan and Task Groups.

- ~~(1) The Agenda Committee of the Human Rights Commission is hereby created:

 - ~~(a) The members of the agenda committee shall be the elected chairperson and vice chair of the commission, the chair of the committee on education and outreach, the chair of the committee on accessibility, and the designated representative of the advocate response team.~~
 - ~~(b) The agenda committee shall be responsible for the preparation of the agenda and for planning the meetings of the commission. The agenda committee shall also provide membership services by the orientation of new members of the commission and the commission's committees, by assisting all members and the council concerning member's attendance and responsibilities, and by providing a link among the commission and the committees when these are not meeting. The agenda committee may take other actions, at the request of the commission, including preparing recommendations on commission bylaws and other administrative matters.~~~~
- ~~(2) The Advocate Response Team, the Committee on Education and Outreach, and the Committee on Accessibility, hereinafter referred to as the "standing committees," are hereby created:

 - ~~(a) The committee on accessibility and the committee on education and outreach shall have ten members each who shall serve three year terms. The commission shall appoint members of each committee according to the criteria specified in section 2.013 of this code. These committees shall elect a committee chairperson and vice chairperson. The chairperson must also be a commissioner. Officers shall serve for terms of one year.~~
 - ~~(b) Vacant positions on a standing committee shall be filled by appointment by the commission. A position shall be considered vacant under the same conditions as set forth for a vacancy on the commission.~~~~

- ~~(c) Each standing committee shall meet at least nine times a year, with such additional meetings as it deems necessary to properly perform its duties.~~
- ~~(d) Each standing committee may make and alter rules for its conduct and procedure, providing they are consistent with state law and applicable provisions of the city charter, ordinances and policies.~~
- ~~(e) Fifty percent plus one of the current membership of a committee shall constitute a quorum.~~
- ~~(3) The advocate response team shall coordinate the program that aids in the resolution of incidents of discrimination and harassment. The committee shall also:
 - ~~(a) Coordinate recruitment and training of volunteer advocates;~~
 - ~~(b) Establish policies and procedures for management of individual cases;~~
 - ~~(c) Assign and monitor work of volunteers;~~
 - ~~(d) Prepare agendas and facilitate meetings;~~
 - ~~(e) Analyze and report to staff and the commission on trends; and~~
 - ~~(f) Make recommendations on identified community issues.~~~~
- ~~(4) The committee on education and outreach shall plan, conduct and co-sponsor forums, coordinate a speaker's bureau, act as a publicity arm for programs, and assist community organizations in raising awareness and staging events relating to human rights issues. The committee shall have the primary responsibility to recruit, train and coordinate volunteers to assist in human rights program activities, and shall work to keep the program and the city open to members of the protected classes served by the program. The committee shall also assist the city in employment outreach and shall actively solicit protected class participation on all citizen advisory boards.~~
- ~~(5) The committee on accessibility shall monitor accessibility and recommend policies and actions to improve accessibility in such areas as transportation, public meetings and events, employment opportunities and to overcome such barriers as cultural and linguistic differences and physical barriers, including sidewalks and curbs. The committee shall develop an accessibility guidebook and act as a resource on accessibility issues. The committee shall establish and maintain working relationships with the city staff most closely involved with physical accessibility questions and citizen access to city services and programs.~~
- ~~(6) The commission may recommend the council establish any additional committee or task force which the commission feels will assist the commission and the city in meeting the goals of the human rights program.~~
- ~~(7) Nothing in this section shall preclude the commission or any standing committee from forming such temporary working groups from among existing members as the commission or committee may feel is necessary to accomplish its duties.]~~

- (1) The Commission shall create a work plan that is reviewed by the city manager and approved by the mayor and city council.**
- (2) The commission may create working group(s) to help achieve the work plan goals.**
 - (a) Each working group will be led by a commission member.**
 - (b) Membership, powers and rules of conduct and procedure of the working group(s) will be determined by the whole commission.**
 - (c) Commission working group(s) will abide by Oregon public meetings law.**
- (3) The commission shall present its work plan accomplishments and work plan status annually to the city council.**

Section 3. The City Recorder, at the request of, or with the consent of the City Attorney, is authorized to administratively correct any reference errors contained herein, or in other provisions of the Eugene Code, 1971, to the provisions added, amended or repealed herein.

Passed by the City Council this

___ day of _____, 2011

Approved by the Mayor this

___ day of _____, 2011

City Recorder

Mayor