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**RECOMMENDED BY: THE MAYOR
THE COMMITTEE OF THE WHOLE**

SUBMITTED BY: THE CITY ATTORNEY

ORDINANCE NO. 18-188

AN ORDINANCE TO AMEND SECTION 1, SUBSECTION (f) OF ORDINANCE NO. 17-121, “THE CITY OF BIRMINGHAM NON-DISCRIMINATION ORDINANCE” TO FURTHER PROVIDE FOR THE COMPOSITION AND APPOINTMENT OF A HUMAN RIGHTS COMMISSION.

SECTION 1.

BE IT ORDAINED by the Council of the City of Birmingham that Section 1, Subsection (f) of Ordinance No. 17-121 be and hereby is amended to read as follows:

“(f) Creation of Birmingham Human Rights Commission. The purpose of the Birmingham Human Rights Commission (“Commission”) shall be to promote principles of diversity, inclusion, and harmony in the City of Birmingham through education, community events, the provision of advice to the City Council and Mayor, and through receiving complaints made relative to this ordinance.

- (1) Composition. The Commission shall be composed of fifteen (15) voting members who shall be broadly representative of the population of the City, including representatives of the communities enumerated in this ordinance. Members shall be residents of the City.
 - a. The Council shall present a slate of nine (9) appointments for Council approval consisting of a representative resident from each Council District of the City recommended by the councilor for each respective district;
 - b. The Mayor shall appoint three (3) representatives from recognized nonprofit organizations with missions related to human rights, civil rights or other anti-discrimination perspectives and three (3) representatives of businesses or other employers with their principal places of business within the City;
 - c. In addition to the 15 voting members, the chief of police or his or her designee, the fire chief or his or her designee, the city’s ADA compliance director or his or her designee and the city’s Human Resources Department director or his or her designee shall be non-voting members of the commission. The Council may also designate a member from the Council staff to serve as a non-voting member.

- (2) Terms. Members shall serve a three-year term, provided, however, that five members shall serve an initial term of one year; five members shall serve an initial term of two years; and five members shall serve an initial term of three years. The non-profit and business representatives shall be distributed evenly across the staggered terms. The nine Council appointees shall also be distributed evenly across the staggered terms: the Districts 1, 2 and 3 representatives shall serve an initial one year term; Districts 4, 5 & 6 representatives shall serve an initial two-year term; and Districts 7, 8 & 9 representatives shall serve an initial three-year term. Members shall be appointed for terms beginning on December 1, 2018.
- (3) Governance. The Commission shall elect a chairman, vice-chairman and secretary. The Commission shall formulate its own procedures, and may create task forces or committees as it deems appropriate. These procedures are subject to review by the Law Department and approval of the City Council.
- (4) Responsibilities. The responsibilities of the Commission include managing Commission records and accounts, developing public education programs, providing Training for Commission members, managing citizen complaints, and any other tasks needed to help the Commission perform its functions. It may use the services of attorneys, clerks, or other City government employees as necessary.
- (5) Activities. The commission shall investigate, advise and report to the Office of the Mayor and each Council member on matters of resolving discriminatory practices, including potential legislative or administrative actions to eliminate discriminatory practices; develop public education programs regarding compliance with this ordinance and equal opportunity and treatment of all individuals; maintain and provide resources and contacts for appropriate local, federal and state agencies for persons complaining of violations of this ordinance and other acts of discrimination; receive and report to the mayor and council complaints related to City operations and contracts; and present an annual report to the mayor and council, which shall include the number and types of complaints received during the year. The commission shall seek to conciliate complaints with the consent of all parties.”

SECTION 2. OTHER REMEDIES. This ordinance may not be construed to limit any other remedies available under state or federal law.

SECTION 3. SEVERABILITY. In the event any section, subsection, subdivision, paragraph, subparagraph, item, sentence, clause, phrase or word of this ordinance is declared or adjudged to be invalid or unconstitutional, such declaration or adjudication shall not affect the remaining provisions of this ordinance which shall remain in full force and effect as if the portion so declared or adjudged invalid or unconstitutional was not originally a part of this ordinance.

SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect upon its passage and publication as required by law.

