

ORDINANCE 2022-041

PASSED: AUGUST 22, 2022

AMENDING CHAPTER 49 "HUMAN RELATIONS COMMISSION", SECTION 49.05 "MEETINGS", OF THE CITY OF DEKALB, ILLINOIS MUNICIPAL CODE AS IT PERTAINS THE FREQUENCY OF MEETINGS.

WHEREAS, the City of DeKalb (the "City") is a home rule unit of local government and may exercise any power and perform any function pertaining to its government and affairs pursuant to Article VII, Section 6, of the Illinois Constitution of 1970; and

WHEREAS, the City's corporate authorities find that it is in the City's best interests for the promotion of the public health, morals and welfare to amend Chapter 49 "Human Relations Commission", Section 49.05 "Meetings", of the DeKalb Municipal Code as it pertains to the frequency of meetings.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF DEKALB, ILLINOIS:

SECTION 1: The City's corporate authorities adopt an amendment to Chapter 49 "Human Relations Commission", Section 49.05 "Meetings", of the DeKalb Municipal Code as set forth in Exhibit A attached hereto and incorporated herein by reference.

SECTION 2: This Ordinance and each of its terms shall be the effective legislative act of a home rule municipality without regard to whether such ordinance should (a) contain terms contrary to the provisions of current or subsequent non-preemptive state law, or (b) legislate in a manner or regarding a matter not delegated to municipalities by state law. It is the intent of the City's corporate authorities that to the extent this Ordinance is inconsistent with any non-preemptive state law, this Ordinance shall supersede state law in that regard within its jurisdiction.

SECTION 3: This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

PASSED BY THE CITY COUNCIL of the City of DeKalb, Illinois at a Regular meeting thereof held on the 22nd day of August 2022 and approved by me as Mayor on the same day. Passed on First Reading by a 7-0-1 roll call vote. Aye: Morris, Larson, Smith, Perkins, McAdams, Verbic, Barnes. Nay: None. Absent: Faivre. Second Reading waived by a 7-0-1 roll call vote. Aye: Morris, Larson, Smith, Perkins, McAdams, Verbic, Barnes. Nay: None. Absent: Faivre.




COHEN BARNES, Mayor

ATTEST:



Ruth A. Scott, Executive Assistant

**CHAPTER 49
HUMAN RELATIONS COMMISSION**

LATEST REVISION: November 28, 2016 (Ordinance 2016-041)

SECTIONS:

49.01 ESTABLISHMENT.

49.02 DEFINITIONS.

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49.01 ESTABLISHMENT.

There is hereby established a Human Relations Commission for the City of DeKalb.

- a) Policy. It is the expressed intent of this Chapter to further the policy of the United States and the State of Illinois as expressed in their Constitutions and Law; to further understanding among people; and to protect and insure peace, health, safety and general welfare of all inhabitants of the City, it is hereby declared to be the policy of the City of DeKalb that discrimination based on race, creed, color, gender, religion, age, national origin or ancestry, physical or mental disability, marital status, matriculation, or sexual orientation is hereby prohibited.
- b) Mission Statement. The mission of the Commission shall be to foster a community that respects and supports the diversity and dignity of all people and promotes building strong relationships between its diverse citizens, groups, and organizations.

49.02 DEFINITIONS.

For the purpose of this Chapter 49, the following words shall have the meanings hereinafter assigned to them.

- a) "Age" as used in this Chapter shall be defined as eighteen (18) years of age, or older.
- b) "Commission" means the City of DeKalb Human Relations Commission.
- c) "Credit Transactions" means any application for credit, invitation to apply for credit, extension of
- d) "Disability" means any physical or mental impairment resulting from, or manifested from an anatomical, physiological, neurological, or psychological condition, demonstrable by medically accepted clinical or laboratory diagnostic techniques and which constitutes or is regarded as a substantial limitation to one or more of a person's major life activities. An individual with a disability is one who has a physical or mental disability as defined above, has a record of such disability, or is regarded as having such disability. For purposes of employment, a qualified person with a disability is a person who can perform the essential functions of the job, with or

without a reasonable accommodation.

- e) "Discriminate" and "Discrimination" mean any differences in treatment based on race, creed, color, gender, religion, age, national origin, or ancestry, physical or mental disability, marital status, matriculation, or sexual orientation.
- f) "Employee" includes any and all persons who perform services under the direction and control of, and for any employer for compensation, whether in the form of wages, salary, commission or otherwise, excluding the parents, spouses or children of the employer and excluding independent contractors, although they may be subject to this Chapter as employers or in any other capacity covered hereunder.
- g) "Employer" includes any person within the City of DeKalb, including but not limited to owners, managers, supervisors, or others who serve a supervisory function, who hires or employs any employee whose services are to be partially or wholly performed in the City of DeKalb.
- h) "Employment Agency" means any person regularly undertaking with, or without compensation, to procure employees for an employer, or to procure for employees opportunities to work for an employer, to recruit, refer, or place employees.
- i) "Gender" means a person's actual or perceived sex, and includes a person's gender identity, appearance, or behavior, whether or not that gender identity, appearance or behavior is different from that traditionally associated with the person's sex at birth.
- j) "Housing Accommodations" include all buildings, structures, or any portions thereof, within the City of DeKalb, which are used or occupied, or are maintained, arranged, or designed to be used or occupied as a home, residence or sleeping place for one or more human beings.
- k) "Marital Status" means the legal status of being married, single, separated, divorced, or widowed, and/or parental status with or without children and regardless of the age of the children.
- l) "Matriculation" means the condition of being enrolled in a college, university, professional, proprietary, vocational, technical school, or adult education program.
- m) "Person" includes one or more individuals, partnerships, associations, organizations, corporations, legal representatives, joint stock companies, mutual companies, trustee, trustees in bankruptcy, receivers and any other incorporated or unincorporated organized group. The term includes, but is not limited to, any real estate owner, lessor, assignor, builder, manager, broker, salesman or agent, or any lending institution.
- n) "Public Accommodation" means any business, enterprise or activity consisting of or involving furnishing, providing or making available to the public any goods, services, accommodations, entertainment, amusements, facilities, advantages or privileges, including but not limited to inns, cafes, restaurants, taverns, hotels, barber shops, salons, retail stores, restrooms, theaters, skating rinks, swimming pools, public golf driving ranges, concerts, crematories, cemeteries, airplanes, buses, boats and any other public conveyances on land, water or air, and other places of public accommodation and/or amusement. This paragraph shall not apply to any public school system.
- o) "Sex" means a person's identity as male or female as indicated by the designation of male or

female on any official identification form recognized within the State of Illinois, including a driver's license or state identification card.

- p) "Sexual Harassment" is a form of sex discrimination and is defined as any unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature or a discriminatory nature. In the context of employment, sexual harassment includes such conduct when:
1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or
 2. Submission to or rejection of such conduct by an individual is used as a basis for employment or decisions affecting an employee; or
 3. Such conduct has the purpose or effect of substantially interfering with an individual's employment or performance or creating an intimidating, hostile, or offensive employment environment.
- q) "Sexual Orientation" means heterosexuality, homosexuality, or bisexuality, actual or perceived. Sexual orientation shall not be construed to protect conduct otherwise proscribed by law.

49.03 MEMBERSHIP AND OFFICERS.

- a) Commissioners. The Human Relations Commission shall have seven (7) Commissioners, who shall be referred to and known as the Human Relations Commissioners, and who shall be appointed by the Mayor with the advice and consent of the City Council for terms of three (3) years.
- b) Chairperson. The Chairperson shall be appointed by the Mayor with the advice and consent of the City Council for a term of two (2) years. Reappointment shall be at the discretion of the Mayor with the advice and consent of the City Council. The Chairperson shall receive no salary but may be compensated for expenses incurred in the performance of commission duties, to the extent that any such expenses are budgeted for and are preapproved by the City Manager. The Chairperson shall supervise the activities and duties of the Human Relations Commission and shall preside over all of its meetings in addition to the powers enumerated below. The Chairperson shall participate in all matters and shall vote on all issues before the Commission.
- c) Residency. All persons appointed to the Human Relations Commission shall reside within one and one-half miles of the city limits of the City of DeKalb, Illinois.
- d) Coordination, Services, and Interns. The Human Relations Commission shall, if authorized and budgeted by the City Council, have a coordinator to assist with publicity, meeting arrangements, coordination of social events, coordination with other public and private entities, and to perform similar work. In addition, the Commission shall have the authority and ability to work with Northern Illinois University or other educational institutions to develop internships or cooperative agreements for the benefit of the City and Commission, subject to approval by the City Manager.

49.04 REMOVAL.

The Chairperson and the Commissioners appointed herein may be removed for cause by the City Council.

49.05 MEETINGS.

The Chairperson shall call meetings for the Commission on a regular basis, not less than ~~once~~ ~~per~~ every other month on a schedule to be established and published by the Chairperson as required by law. The Chairperson or any four (4) Commissioners may call additional meetings as may be deemed necessary by giving notice of the time and place of such meetings to all of the Commissioners, to the Chairperson, to others as required by law, and to the Coordinator, not less than ~~twenty-four (24)~~ forty-eight (48) hours prior to such meetings. All meetings shall be conducted in compliance with the Open Meetings Act.

49.06 DUTIES AND AUTHORITY.

It shall be the duty and authority of the Human Relations Commission to:

- a) Perform a mission of providing education and outreach programs to circulate information throughout the community regarding discrimination and human rights. As a component of this mission, the Commission shall develop and implement programs to educate the community, equalize opportunities, eliminate discrimination, and promote good will among all persons.
- b) Recommend to the appropriate agency or local, state, or federal regulatory or legislative body, administrative, legal, or other ameliorative action to be taken to eliminate discrimination and foster good will. In furtherance of this role, the Commission shall advise the City on issues of policy that relate to human relations or discrimination, shall interact with, advise, and consult with department heads of the City regarding City policy, and shall otherwise make recommendations of policy to the City to address, redress, prevent or discourage acts of discrimination.
- c) Invite and enlist the cooperation of any citizen, organization or committee which can be of benefit in fulfilling the responsibilities of the Human Relations Commission in carrying out specific programs designed to lessen conflicts and improve understanding in the community.
- d) The Commission may also cooperate and assist any person who requests such cooperation or assistance for the purpose of developing and maintaining programs to promote a non-discriminatory atmosphere.
- e) The Commission may work cooperatively with community groups, other governmental institutions, not for profit organizations and interested persons in furtherance of the goals and mission contemplated herein.
- f) The Commission shall also have those powers outlined in any other, separate section of this Chapter 49.
- g) The Commission may enter into written agreements for the provision of services or labor, or for other Commission business, when such agreements are: i) approved by the City Manager or City Council; ii) within budgeted and appropriated amounts for such purpose; iii) in a form acceptable to the City Attorney; and iv) in compliance with all applicable legal requirements.

The Commission shall not have the authority to bind or obligate the City in any fashion, except as the City Manager or City Council shall expressly authorize in writing.

- h) The Commission may work with City departments to resolve differences relating to discrimination or human rights/relations concerns. City staff shall meet with Human Relations Commission members from time to time to discuss such concerns as they arise, subject to the participation of the City Attorney.

49.07 MEDIATION, COLLABORATION AND DISPUTE RESOLUTION.

Any member of the public may request that the Commission assist with the mediation or resolution of a claim or dispute between two parties. Provided that all parties to the dispute agree to participate in a mediation, collaboration or dispute resolution process, the Commission shall have the authority to organize and conduct such discussions. All such discussions shall be conducted in open session meetings, and the Commission shall not have the authority to enter into confidential or caucus discussions with individual parties. The Commission may request the attendance of any person or entity at such meetings. At such meetings, the Commission shall work to devise a mutually acceptable, collaborative solution to a given dispute and, if such a resolution is reached, shall document said resolution in a fashion acceptable to all parties. In addition, Commissioners may meet with or participate in facilitation or dispute resolution efforts outside of an open meeting of the Commission, where permitted under applicable law, to act in furtherance of such dispute resolution.

49.08 CLAIM FACILITATION.

The Commission shall develop resources and partnerships so that it may provide information on identifying agencies responsible for investigation or prosecution of alleged incidents of discrimination or violation of human rights, identifying appropriate remedies and means of accessing those remedies, and other similar steps needed to ensure that residents of the City and surrounding areas have immediate, practical, efficient access to available tools for identifying, combatting and responding to discrimination. The Commission shall be authorized to partner with interested groups and local agencies, schools, universities, bar associations, not for profit entities, faith-based groups, and any other interested parties to develop educational information and to share such information, both on a general basis and on an individual basis when and if a person with a claim of discrimination comes forward. The Commission shall further be authorized and empowered to develop a system of providing individual responses to those with claims of discrimination, on a one-on-one basis, to ensure that claims are brought before agencies having jurisdiction over such claims within the time periods limited by law. The Commission shall not, itself, receive or process complaints, but shall work to make certain that existing external resources are made available to City residents.

49.09 SEVERABILITY.

If any section, paragraph, sentence, or clause of this Chapter is, for any reason, held to be invalid, unconstitutional or in conflict with any part of the DeKalb Municipal Code, such decisions shall not affect the validity of any other part of this Chapter.