

COMPARED VERSION
COMMITTEE SUBSTITUTE TO ORIGINAL ORDINANCE

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 200907

Amending Chapter ~~238~~, Article ~~V12~~ of the Code of Ordinances, entitled “~~Boards, Commissions and Committees~~Human Rights Commission,” by repealing and enacting a new ~~Division 22 consisting of Section 38-43~~ entitled “Human Rights Commission’s Powers and Duties” and enacting new Sections ~~2-970.6038-44~~ through ~~2-970.6438-46~~ entitled “Kansas City Lesbian, Gay, Bisexual, Trans and Queer ~~Commission~~” to formally establish such Task Force of the Human Rights Commission.

WHEREAS, the Mayor and City Council are committed to working with the Lesbian, Gay, Bisexual, Trans and Queer community of our City to address their concerns and needs; and

WHEREAS, a formally-appointed Kansas City Lesbian, Gay, Bisexual, Trans and Queer Task Force of the Human Rights Commission (~~LGBTQC~~) (“LGBTQ Task Force of the HRC”) will help broaden the perspectives of those presently serving in City government; and

WHEREAS, the City values enacting legislation, policies, programs, procedures or administrative actions that advance social, economic and political equality for the LGBTQ community and believes incorporating those ideas will make the City a better place; and

WHEREAS, the ~~Commission~~ LGBTQ Task Force of the HRC will provide Lesbian, Gay, Bisexual, Trans and Queer the opportunity to play a productive role within the entire community; and

WHEREAS, the City values the input of agencies and organizations who work on Lesbian, Gay, Bisexual, Trans and Queer issues and has a desire to have such groups represented on the ~~Commission~~ LGBTQ Task Force of the HRC; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter ~~238~~ Article ~~V12~~ of the Code of Ordinances, entitled “~~Boards, Commissions and Committees~~Human Rights Commission,” is hereby amended by repealing and enacting a new ~~Division 22~~Section 38-43, 43 entitled Human Rights Commission’s Powers and Duties and enacting new Sections 38-44 through 38-46 entitled “Kansas City Lesbian, Gay, Bisexual, Trans and Queer ~~Commission (LGBTQC)~~” consisting Task Force of ~~Sections 2-970.60 through 2-970.64~~the Human Rights Commission to formally establish such a ~~Commission~~task force, said sections to read as follows:

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Sec. 38-43. ~~Powers and~~ The Human Rights Commission's powers and duties.

(a) The ~~commission~~Human Rights Commission ("HRC") may adopt rules of procedure consistent with Chapters 213 and 536, RSMo, and this chapter.

(b) ~~The commission~~HRC shall prepare an annual report to be presented to the mayor and council concerning the conditions of minority groups in the city, with special reference to discrimination, civil rights, human relations, hate group activity, bias crimes and bias practices and attitudes among institutions and individuals in the community. The report may also include other social and economic factors that influence conditions of minority groups, as well as the causes of these conditions and the effects and implications to minority groups and the entire city. In preparation for the report the ~~commission~~may HRC may conduct hearings and conduct whatever other research is necessary. The report shall include appropriate recommendations to the mayor and the council.

(c) ~~The commission~~HRC shall form task forces as follows:

- (1) ~~The commission~~HRC shall form task forces including: youth, business, media, education, law enforcement, religion, labor, gay and lesbian issues, metropolitan area cooperation, and others as may be deemed appropriate.
- (2) One member of each task force may be appointed from each councilmanic district, that member to be agreed upon jointly by the councilmembers from that district. Councilmembers may recommend additional members as appropriate.
- (3) Except as provided in subsection (c)(2) of this section, the chairperson of the ~~commission~~HRC shall appoint the chairs and members of the task forces.
- (4) The task forces shall consist of no more than 15 members except where the ~~commission~~HRC chairperson specifically approves additional members.
- (5) The task forces will assist the ~~commission~~ HRC in the preparation of the commission's annual report to the mayor and council.

(6) The exception to this subsection is the Lesbian, Gay, Bisexual, Trans and Queer ("LGBTQ") Task Force as set forth in Sections 38-44-38-46.

(d) ~~The commission~~HRC is empowered to investigate hate group activity and incidents of bias crimes and work with law enforcement agencies and others to implement programs and activities to combat hate group activity and bias crimes.

(e) ~~The commission~~HRC may seek information from any and all persons, agencies and businesses, in both the public and private sectors, to identify and

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investigate problems of discrimination and bias as they affect the citizens of the city either directly or indirectly.

(f) ~~The commission~~HRC may cooperate with public and private educational institutions at primary, secondary and post-secondary levels to foster better human relations among the citizens of the city and within the metropolitan Kansas City area.

(g) ~~The commission~~HRC may work with civil rights organizations, community organizations, law enforcement agencies, school districts and others to collect and review data relating to patterns of discrimination, bias crimes, hate group activity, and general issues of civil and human rights.

(h) ~~The commission~~HRC may conduct studies, assemble pertinent data, implement educational programs and organize training materials for use by the commission to assist civil and human rights agencies, neighborhood organizations, educational institutions, law enforcement agencies, labor unions and businesses and others to prevent discrimination.

(i) ~~The commission~~HRC may serve as an advocate to prevent discrimination and bias crimes.

(j) The ~~commission~~HRC's chairperson may appoint such committees from its membership or other citizens to fully effectuate the purpose of this chapter.

(k) ~~The commission~~HRC is empowered to hold hearings regarding issues of general or specific civil and human rights affecting the citizens of the city, to review decisions of hearing examiners appointed by the city to hear charges of violations of Chapter 213, RSMo, to administer oaths, and to take the testimony of any person under oath.

(l) Based upon its hearings or those held by its hearing examiners, ~~the commission~~HRC shall issue such findings as it deems appropriate under the circumstances. If the commission finds that a respondent has engaged in an unlawful discriminatory practice as defined in Chapter 213, RSMo, the ~~commission~~HRC shall issue and cause to be served on the respondent an order requiring the respondent to cease and desist from the unlawful discriminatory practice. The order shall require the respondent to take such affirmative action or award such relief as in the ~~commission's~~HRC's judgment will implement the purposes of this chapter and of Chapter 213, RSMo, including but not limited to the assessment of civil penalties, reinstatement, back pay, making available the dwelling or public accommodation, actual damages, or any other relief that is deemed appropriate and which is consistent with Chapter 213, RSMo.

(m) Should the respondent also be a city contractor, upon complaint by the human relations department and after hearing duly held, the ~~commission~~HRC shall

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make findings of fact and conclusions of law; and when it finds a breach of conditions of any contract or franchise wherein compliance with this chapter is assured, it shall make an order specifying the terms and conditions under which any contract or franchise will be continued in force, or in the alternative shall order the cancellation, termination or suspension of such contract or franchise, or order that such contractor or franchise holder be ineligible to receive any city contract or franchise for a period of one year.

(n) The chairperson of HRC may appoint hearing review panels composed of not less three persons to review hearings conducted by a hearing examiner regarding violations of Chapter 213, RSMo. Panels shall be appointed on a rotating basis to ensure that all ~~commission members~~HRC members have an opportunity to review recommended findings of the hearing examiner. Any member of the ~~commission~~HRC who has a conflict of interest or the appearance of a conflict of interest regarding an issue to be heard by the ~~commission~~HRC will not participate in the proceedings regarding that issue.

(o) ~~The commission~~HRC is empowered to hold hearings, upon complaint of an aggrieved party or upon an investigation by the director to determine whether the owner, operator, agent or an employee of a business or facility within a redevelopment area is using a prohibited dress code. Based upon its hearings, or those held by its hearing examiners, the commission shall issue such findings as it deems appropriate under the circumstances. If the commission finds that the owner, operator or employee of such a business or facility has used, or is using, a prohibited dress code, and, therefore, has engaged in an unlawful discriminatory practice as defined in Chapter 213, RSMo, or in Section 38-113, the ~~commission~~HRC shall issue and cause to be served on the owner, operator, agent or employee an order requiring the owner, operator or employee to cease and desist from the use of the prohibited dress code. The order may also require the owner, operator, agent or employee to take further affirmative action or award such relief as in the commission's judgment will implement the purposes of this chapter and of Chapter 213, RSMo, including but not limited to the assessment of civil penalties, making access available to those individuals denied access to the public accommodation because of the use of a prohibited dress code, actual damages, or any other relief that is deemed appropriate and which is consistent with Chapter 213, RSMo, and Chapter 38, Code of Ordinances.

(p) ~~The commission~~HRC shall study, advise and make other recommendations for legislation, policies, procedures and practices of the city, other businesses entities, and other public entities as are consistent with the purposes of this chapter.

Sec. 2-970.60. Purpose: 38-44. Establish a Lesbian, Gay, Bisexual, Trans and Queer Task Force of the Human Rights Commission.

The Kansas City Lesbian, Gay, Bisexual, Trans and Queer Task Force of the Human Rights Commission (~~LGBTQC~~) will assist and support city leadership by serving as an advisory body to the Human Rights Commission, the Mayor, City Council and City Manager on LGBTQ matters and recommending legislation, policies, programs, procedures or administrative actions that advance social, economic and political equality

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for the LGBTQ community, or oppose those that do not and making the City a better place for all in which to live.

Sec. ~~2-970-61. Establishment; membership;~~ 38-45. Membership and appointment of members of LGBTQ Task Force.

(a) The Kansas City Lesbian, Gay, Bisexual, Trans and Queer Task Force of the Human Rights Commission (~~LGBTQC~~) is hereby established and shall be composed of up to ~~thirteen (13)~~ fifteen (15) members. Of initial appointments, seven members shall be appointed for terms of four years, and the remaining ~~six~~ eight members shall be appointed for a term of two years. Thereafter all members shall be appointed for a term of four years. All members shall serve without compensation.

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(b) One person from each Council district, each to be appointed by his or her respective council representatives.

(c) ~~Seven~~ Nine representatives from the community at-large comprised of both professionally qualified members and also citizens-at-large who may bring a broader perspective of community affairs, to be appointed by the mayor. To the maximum extent practicable, shall be comprised of members to be appointed as follows:

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- (1) One representative that has experience or knowledge relating to the business community;
- (2) One representative that has experience or knowledge relating to health issues;
- (3) One representative knowledgeable in housing issues;
- (4) One representative that has expertise in the education field;
- (5) One representative knowledgeable in community and public safety issues; and
- (6) ~~Two~~ Four at large members.

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(d) In making these appointments, they shall endeavor to represent a diversity of ethnicity, national origin, race, color, disability, religion, gender, gender identity, sexual orientation, age, and socioeconomic level. ~~The~~ The LGBTQ Task Force of the Human Rights Commission should include members who are broadly reflective of and sensitive to the needs of the LGBTQ community's diverse population.

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(e) Each member appointed must be a resident of the city.

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(f) An appointment to fill a vacancy shall be similarly made, with the replacement member serving the remainder of the succeeded member's term.

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(g) ~~The Commission~~LGBTQ Task Force shall select its officers. However, the initial Chair of this Commission will be appointed by the Mayor ~~and City Council~~.

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Sec. ~~2-970.6238-46~~. Duties of the LGBTQ Task Force.

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(a) The ~~Commission~~LGBTQ Task Force shall:

- (1) Serve as an advisory body to the Human Rights Commission, the Mayor and the City Council regarding issues actually or potentially affecting persons within the LGBTQ community or the LGBTQ community as a whole;
- (2) Serve in an advisory and consultative capacity to the Human Rights commission, the Mayor and City Council and any identified City departments with the aim of improving the ability of the City and its vendors, contractors, and consultants to serve, support, and employ the LGBTQ community;
- (3) Recommend to the Human Rights Commission, the City Council measures designed to enhance the health, safety, economic opportunity and affordability, mobility, cultural and learning opportunities, and government access and accountability for the LGBTQ community;
- (4) Coordinate and/or participate in educational programs to promote equal treatment, opportunity, and understanding of persons within the LGBTQ community, and facilitate gatherings such as meetings, institutes, forums, or courses of instruction designed to lead to greater understanding and crafting of solutions for issues of concern of the LGBTQ community;
- (5) Work with the Human Rights Commission and other City ~~Commissions~~entities to address issues of intersectionality; ~~and~~
- (6) ~~Create~~Propose, guide, support, and evaluate LGBTQ quality of life initiatives; ~~;~~ and
- (7) Work with outside LGBTQ organizations to address issues and initiatives of the LGBTQ community.

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~~(b) The LGBTQ Task Force of the HRC will conduct ongoing coordination with the Human Rights Commission to mitigate any duplication of duties and efforts by:~~

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- (1) Sharing data directly with HRC to drive and support data informed strategies;
- (1) Quarterly check-ins with HRC;
- (2) Ongoing collaborations to support HRC/LGBTQ initiatives; and

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(3) Regularly engage with all City LGBTQ organizations

~~(c) The Commission LGBTQ Task Force of the HRC shall not investigate and adjudicate civil rights complaints. Pursuant to Sections 38-41 – 38-43, the Human Rights Commission was established to be the City’s local commission as authorized by Sections 213.020 and 213.135, RSMo, and as such shall have the exclusive power and authority to hear complaints of violation of civil rights.~~

~~(d) The LGBTQ Task Force shall provide an annual report to the Human Rights Commission, the Mayor, City Council and City Manager on its activities and recommendations on matters and City programs affecting the LGBTQ community in the City.~~

~~Sec. 2-970.63. Meetings; Rules and Procedures.~~

~~(a) (e) The Commission LGBTQ Task Force shall meet a minimum of 12 times per year at a time and place determined by follow the commission.~~

~~(b) A quorum shall consist of a majority of seated members.~~

~~(e) The Commission shall be authorized to adopt rules to govern how it shall conduct its affairs.~~

~~Sec. 2-960.64 Removal of members.~~

~~(a) A member may be removed by and procedures of the mayor for cause. Human Rights Commission.~~

~~(b) Upon the recommendation of a majority of the Commission to the mayor, a member may be removed by the mayor for two consecutive absences or four combined absences from meetings in a one year period.~~

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Approved as to form and legality:

Lana K. Torczon
Assistant City Attorney