

ORDINANCE NO. 30-10 N.S.

AN ORDINANCE OF THE COUNCIL OF THE CITY OF RICHMOND, CALIFORNIA, AMENDING CHAPTER 3.58 OF THE MUNICIPAL CODE OF THE CITY OF RICHMOND. THIS ORDINANCE AMENDS CHAPTER 3.58 TO CREATE THE HUMAN RIGHTS AND HUMAN RELATIONS COMMISSION

The Council of the City of Richmond do ordain as follows:

Section I. Amendment of Chapter 3.58. Chapter 3.58 of the Municipal Code of the City of Richmond is hereby amended to read as follows:

Chapter 3.58

HUMAN RIGHTS AND HUMAN RELATIONS COMMISSION

Sections:

- 3.58.010 Findings.**
- 3.58.020 Purpose.**
- 3.58.030 Definitions.**
- 3.58.040 Creation of Commission.**
- 3.58.050 Scope of Chapter.**
- 3.58.060 Duties and functions.**
- 3.58.070 Appointment and qualifications of members.**
- 3.58.080 Terms of office.**
- 3.58.090 Officers.**
- 3.58.100 Meetings.**
- 3.58.110 Rules and records.**
- 3.58.120 Absence from meetings.**
- 3.58.130 Relations with city departments and agencies.**
- 3.58.140 Cooperation with other communities.**

3.58.010 Findings.

The City Council of the City of Richmond, California, hereby finds that:

(a) The population of the City of Richmond, California, is composed of people of various racial, religious and ethnic groups.

(b) In November of 2009, the City Council of the City of Richmond declared the City of Richmond to be a Human Rights City, adopting the Universal Declaration of Human Rights as guiding principles.

(c) Discrimination based on the actual or perceived grounds of race, religion, color, sex, ancestry, marital status, familial status, economic status, age, sexual orientation, gender identity, weight, height, place of birth or disability poses a substantial threat to the health, safety and general welfare of the City's residents.

(d) There is a recognizable nexus between the spawning of discrimination, distrust, poverty and crime. These factors, along with a lack of education, contribute to human rights violations and the breakdown of human relations.

(e) The products of discrimination accumulate continuously, resulting in ever-widening social, economic, and educational gaps within the community. Consequently, the mere prohibition of

present and future discrimination, while essential, will not greatly reduce the violations, inequalities and disadvantages which a history of discrimination has produced.

(f) Affirmative remedial action must be initiated, encouraged and coordinated.

(g) Experiences of other urban centers throughout the nation have proved the need for, and effectiveness of, commissions empowered to study community relations problems, to work with interested parties to develop programs to ameliorate tensions and reduce cultural, social and economic disadvantages and to encourage and coordinate implementation of such programs consistent with the needs and rights of all members of the community.

Section 3.58.020 Purpose.

a) The City of Richmond values the dignity and worth of all human beings and is committed to promoting human rights, justice, equity and an inclusive and peaceful environment by respecting cultural and individual diversity and fostering mutual understanding among all people regardless of race, religion, color, sex, ancestry, marital status, familial status, economic status, age, sexual orientation, gender identity, weight, height, place of birth or disability.

(b) It is the intent of the City of Richmond that all people have an equal opportunity to participate fully in the life of the City and that discriminatory barriers to equal participation be removed.

(c) The City has a compelling interest in human rights education, in eradicating and preventing discrimination, and in ensuring equal opportunity.

(d) The following sections of this Chapter represent the least restrictive means of achieving the City's objectives.

Section 3.58.030 Definitions.

For the purposes of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them in this section unless the context specifically indicates otherwise:

(a) "City" shall mean the City of Richmond.

(b) "City Council" shall mean the City Council of the City of Richmond.

(c) "Commission" shall mean the Human Rights and Human Relations Commission.

(d) "Human Rights Violation" shall mean any violation of basic human rights as defined by the United Nations' Universal Declaration of Human Rights, as modified and adopted as guiding principles by the City of Richmond on November 3, 2009.

3.58.040 Creation of Commission.

There is hereby created a Human Rights and Human Relations Commission.

3.58.050 Scope of Chapter.

This Chapter applies to all discriminatory practices, tensions and human rights violations that occur within the City of Richmond and to such practices, tensions and human rights violations outside the City which reasonably affect Richmond residents. Nothing in this Chapter, however, shall be interpreted or applied so as to create any power or duty in conflict with the preemptive effect of any federal or state law.

3.58.060 Duties and functions.

The duties and functions of the Commission shall be as follows:

(a) The Commission shall investigate and/or receive and hear complaints of:

- (1) Community tensions;
- (2) Practices and effects of discrimination;
- (3) Acts of prejudice against any party because of race, religion, age, sex, ancestry, marital status, familial status, economic status, sexual orientation, gender identity, weight, height, place of birth or disability;
- (4) Violations of basic human rights; or
- (5) Issues of environmental rights.

(b) The Commission shall attempt to resolve such matters through consultation with, or with the advice of, the City Council or City staff, and may refer such matters to appropriate agencies.

(c) The Commission shall provide assistance; consultation and mediation to such parties as shall request its help in matters, controversies or disputes which may arise between said parties and any department, agency or commission of the City of Richmond.

(d) In instances involving City officials or agencies, the Commission shall work toward facilitating communication, understanding and improved relationships between City employees and the City, and shall not be construed as constituting an abridgement of the responsibilities, duties and functions of any department, agency or other commission of the City.

(e) The Commission shall promote a culture of peace within Richmond communities, contributing to violence prevention efforts, and building tolerance and understanding among diverse populations. To this end, the Commission shall partner with the City of Richmond's Police Department, Office of Neighborhood Safety, Mayor, City Manager, and other City departments, commissions, community groups, organizations, businesses and collaboratives.

(f) As deemed appropriate, the Commission may conduct any educational or informational programs, cultural exchanges or events which would promote human rights and build peaceful human relations in the City.

(g) As deemed appropriate, the Commission may prepare and disseminate educational and informational materials.

(h) The Commission shall consult with, and maintain contact with, other cities on human rights education and violence prevention efforts.

(i) In collaboration with other organizations, the Commission shall educate the City of Richmond and the City of Richmond business community about the benefit of developing employment practices that promote the hiring of Richmond residents and groups that are statistically identified as challenging to employ.

(j) The Commission shall consult with, and maintain contact with, other public agencies and with representatives of employers; labor unions; property owner associations; realtor associations; religious denominations and institutions; youth-based groups; professional associations; national origin groups; corrections departments; community organizations concerned with interracial, interreligious and intercultural understanding; social service organizations; and such other public and private organizations and institutions as the Commission shall deem advisable to further the objectives of this Chapter.

(k) As deemed appropriate, the Commission may initiate, coordinate, sustain and expand a strategically studied plan to reduce violations of human rights and to promote human relations.

(l) The Commission shall also perform any other duties as may be requested by the City Council.

3.58.070 Appointment and qualifications of members.

(a) The Commission shall consist of nine members who shall be broadly representative of the community, including a range of employer, labor, religious, racial, sex, sexual orientation, gender identity and ethnic groups in the City.

(b) The members of the Commission shall not be officers or employees of the City.

(c) The members of the Commission shall be appointed by the Mayor with the concurrence of the City Council.

(d) Any vacancies on the Commission shall be filled by appointment by the Mayor with the concurrence of the City Council for the unexpired portion of the term of the appointee's predecessor.

(e) At least six members of the Commission shall be residents of the City of Richmond.

(f) Members of the Commission shall serve without compensation, provided that the City Council may authorize reimbursement of reasonable expenses incurred by the members in the performance of their duties.

3.58.080 Terms of office.

The term of each member of the Commission shall be for three years. No member shall serve for more than three consecutive full terms.

3.58.090 Officers.

(a) The Commission shall elect from their own number a chairperson and vice-chairperson. Said officers shall serve a period of one year.

(b) In the case of a vacancy in the position of chairperson or vice-chairperson, the Commission shall elect a successor who shall serve for the balance of the predecessor's term.

(c) The Commission shall appoint a secretary who may be, but need not be, a member of the Commission.

3.58.100 Meetings.

The Commission shall fix the time and place of regular meetings of the Commission which shall not be less frequent than once each month between the months of January and November. All meetings of the Commission shall be open to the public.

3.58.110 Rules and records.

(a) The Commission shall adopt rules for the transaction of the business of the Commission, which rules shall, among other things, include the term of the secretary of the Commission, the manner of calling and giving notices of special meetings and hearings, and the appointment and powers of standing committees.

(b) The Commission shall keep records which shall be open to the public of its resolutions, transactions, motions, orders, findings and determinations.

3.58.120 Absence from meetings.

The absence of any member of the Commission from more than three regularly scheduled meetings in a calendar year shall constitute an automatic resignation from the Commission. Such a resignation shall not, however, disqualify an individual from subsequently being appointed to the same or any other City commission or board. In the event of any such resignation, the vacancy shall be filled by appointment for the unexpired portion of the term of the appointee's predecessor in the manner prescribed in Section 3.58.070.

3.58.130 Relations with city departments and agencies

So far as practicable and subject to the approval of the City Manager, the services of all other City departments and agencies shall be made available by their respective heads to the Commission for the purpose of carrying out the responsibilities of said Commission. The City Attorney may assign legal counsel to assist the Commission in the conduct of its investigations or hearings.

3.58.140 Cooperation with other communities.

The Commission may consult with, and maintain conduct with, the human rights and human relations officials and other appropriate persons of other communities, and shall cooperate in the development and implementation of inter-community human rights and human relations programs to further the objectives of this Chapter.

Section II. Severability. If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or

unconstitutional by the decision of any court of competent jurisdiction, such a decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, or phrase of this Ordinance irrespective of the unconstitutionality or invalidity of any section, subsection, subdivision, paragraph, sentence, clause, or phrase.

Section III. Effective Date. This Ordinance becomes effective thirty (30) days after its final passage and adoption.

First read at a regular meeting of the Council of the City of Richmond held October 5, 2010 and finally passed and adopted at a joint meeting thereof held October 19, 2010, by the following vote:

AYES: Councilmembers Bates, Butt, Lopez, Rogers, Vice Mayor Ritterman, and Mayor McLaughlin

NOES: None.

ABSTENTIONS: None.

ABSENT: Councilmember Viramontes

DIANE HOLMES
Clerk of the City of Richmond

(SEAL)

Approved:

GAYLE MCLAUGHLIN
Mayor

Approved as to form:

RANDY RIDDLE
City Attorney

State of California }
County of Contra Costa } : ss.
City of Richmond }

I certify that the foregoing is a true copy of Ordinance No. 30-10, finally passed and adopted by the City Council of the City of Richmond at a joint meeting held on October 19, 2010.