

FILED

JUL 16 2015

GENERAL ORDINANCE NO. 7, 2015
AS AMENDED

CITY CLERK

AN ORDINANCE TO AMEND *TERRE HAUTE CITY CODE* SEC. 2-65 HUMAN RELATIONS COMMISSION.

SECTION 1. *Terre Haute City Code* Section 2-65 is hereby amended by deletion of the stricken text and insertion of the underlined text as follows:

Sec. 2-65 Human Relations Commission.

The Common Council of the City of Terre Haute finds that prejudice and the practice of invidious discrimination in employment, housing, public accommodations, education, and financing practices against any individual or group based on race, color, religion, national origin, age, gender, sexual orientation, gender identity, marital status, or physical or mental disability are a menace to the public peace and welfare, inimical to democracy, and harmful to the health and welfare of our citizens. The Common Council of the City of Terre Haute desires to better serve the residents of the City of Terre Haute and in an attempt to better meet the purpose of eradicating prejudice and the practice of invidious discrimination. The Common Council of the City of Terre Haute deems that it is necessary and appropriate and in the best interest of the residents of the City of Terre Haute to establish the Human Relations Commission.

a. **Definitions.** For the purposes of this Section, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

(1) “Discrimination” means any difference in treatment based upon race, color, religion, national origin, age, gender, sexual orientation, gender identity, marital status, or physical or mental disability. Discrimination also shall mean the exclusion of a person from or failure or refusal to extend to a person equal opportunities because of race, color, religion, national origin, age, gender, sexual orientation, gender identity, marital status, or physical or mental disability.

(2) “Gender Identity” means a person’s actual or perceived gender or gender-related attributes, self-image, appearance, expression or behavior, whether or not such characteristics differ from those traditionally associated with the person’s assigned sex at birth.

(3) “Sexual Orientation” means male or female sexuality, real or perceived, by orientation or practice.

ab. Establishment; Membership; Vacancies.

(1) To assist in the elimination of discrimination in Terre Haute, there is hereby created a Commission to be known as the Terre Haute Human Relations Commission.

(2) The Commission shall consist of seven (7) members, not more than four (4) of whom shall be members of the same political party. Three (3) of whom shall be appointed by the Common Council and four (4) of whom shall be appointed by the Mayor. (Gen. Ord. No. 7, 2006, 5-11-06)

(3) Terms shall be for a period of three (3) years and until a successor has been appointed and qualified, except for one (1) Commissioner appointed by each the Common Council and the Mayor for an original term of (2) years, and until a successor has been appointed and qualified. The effect of this original appointment is to establish a staggering of terms such that there will never be a complete turnover of Commissioners at the end of any given three (3) year term. All Commissioners appointed shall be limited to not more than two (2) consecutive terms.

(4) As of the time of the establishment of this Commission, all seven (7) commission positions are vacant and therefore Common Council shall appoint members to fill three (3) of the vacancies, and thereafter shall be responsible for appointing their successors, and the Mayor shall appoint members to fill the remaining four (4) vacancies, and shall thereafter be responsible for appointing their successors.

bc. Qualifications of Members.

(1) All members shall be residents of the City of Terre Haute or a property owner within the City of Terre Haute and who also resides within Vigo County. The Mayor and Common Council shall make only those appointments which ensure: (Gen. Ord. No. 6, 2006, 5-11-06)

(A) That members are persons who have demonstrated a commitment to the purpose for which the Commission is created; and

(B) That the Commission is broadly representative of the community in regard to race, religion, national origin, gender, sexual orientation, gender identity, and abilities; and

(2) It shall be the duty of the Mayor and the Common Council publicly to solicit suggestions for Commission appointments from organizations having an interest in the improvement of inter-group relations in the community, and to give thoughtful consideration to the appointment of persons so suggested.

ed. Officers.

(1) At the first meeting of the Commission, which shall be called by the Mayor, the Commissioners shall elect one of their number to serve as chairman, and also shall elect such other officers as the Commission shall desire from among its members.

(2) If the Commission employs an Executive Director as permitted herein, the Commission may appoint the Executive Director to serve as Secretary to the Commission. In

such an event, the Executive Director/Commission Secretary shall not be required to meet the qualifications for membership on the Commission, and shall not be compensated for the services as Commission Secretary other than the salary established for the position of Executive Director.

de. Death, Incapacity or Resignation of Member; Removal.

(1) In the event of a death, incapacity, or resignation of any member, his or her successor shall be appointed by the one who appointed such member and the newly appointed member shall serve for the unexpired period of the term of the one replaced.

(2) Either the Mayor or the Common Council shall have the right to remove, at any time for cause, any member of the Commission appointed by that person or body.

ef. Powers and Duties.

(1) The Commission shall have only those powers which are conferred herein and which are permitted to be exercised by a Human Relations Commission under the applicable provisions of Indiana law, including the power to:

- (A) Investigate and conciliate complaints of prejudice or invidious discrimination in employment, housing, public accommodations, education and financing practices;
- (B) Refer to the appropriate governmental entity those complaints which cannot be conciliated by the Commission;
- (C) Employ an Executive Director and other staff personnel as determined appropriate by the Commission and funded by the Common Council;
- (D) Adopt rules and regulations to conduct its business and its meetings;
- (E) Conduct programs and activities to carry out the purposes of the Terre Haute Human Relations Commission provided for in this Chapter within the territorial boundaries of the City.

(2) The Commission shall hold regular meetings and as called by the elected Commission President or two (2) Commissioners. All meetings and notices thereof shall be conducted in conformity with *I.C. § 5-14-1.5-1, et seq.*

(3) The Commission shall endeavor to keep itself fully informed concerning the studies and findings of private organizations in respect to the practices falling within the Commission's purpose.

(4) The Commission shall render an annual report of its activities to the Mayor and to the Common Council, and shall render such other additional reports as the Mayor or the Common Council may from time to time request. The reports shall describe in detail the investigations and conciliation proceedings it has conducted, the outcome of such proceedings,

the progress made and any other work performed and achievement toward the elimination of discrimination.

fg. **Responsibilities.**

(1) Study the relationship between persons of various races, sexes, creeds, abilities and nationalities within the City and to advise and assist the various City departments in matters involving relationships between such groups to the end that prejudice, intolerance, bigotry, and discrimination will be eliminated in Terre Haute;

(2) Identify and recommend ways to eliminate discrimination based upon gender, race, sexual orientation, gender identity, religion, handicap, ancestry, national origin or place of birth in education, employment, public accommodations and housing;

(3) Study, investigate and recommend action in regard to any condition having an adverse effect upon relations between persons of various races, genders, sexual orientation, gender identities, needs, abilities and nationalities;

(4) Institute and conduct educational and other programs intended to promote the equal rights and opportunities of all persons;

(5) Solicit the cooperation of the various racial, ethnic, disability, women's rights, and religious groups within the community in order to improve the quality of communications and understanding within the community; and

(6) Stimulate private and governmental departments and agencies to develop and foster meaningful programs in support of the objectives and purposes of the Terre Haute Human Relations Commission. (Gen. Ord. No. 4, 1999, 4-12-99)

SECTION 2. All the provisions of any ordinances previously or now in existence and regulations which may be in conflict with this Ordinance are hereby repealed as of the date this Ordinance takes effect.

SECTION 3. If any section, subsection, paragraph, sentence, clause, phase or provision of this Ordinance is for any reason held to be invalid, ineffective or unconstitutional by the final decision of any court of competent jurisdiction, the remainder of this Ordinance shall remain in force and effect. The invalidity of any section, subsection, paragraph, sentence, clause, phase or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid part or parts.

SECTION 4. An emergency exists for the immediate taking effect of the Ordinance, the same shall be in full force and effect from and after its passage by the Common Council of Terre Haute, Indiana and its approval by the Mayor and publication as required by law.

Introduced by: Robert All Robert All, Councilman

Introduced by: Amy Auler Amy Auler, Councilwoman

Introduced by: George Azar George Azar, Councilman

Introduced by: James Chalos James Chalos, Councilman

Introduced by: Neil Garrison Neil Garrison, Councilman

Introduced by: Norman Loudermilk Norman Loudermilk, Councilman

Introduced by: Don Morris Don Morris, Councilman

Introduced by: John Mullican John Mullican, Councilman

Introduced by: Todd Nation Todd Nation, Councilman

Passed in open Council this 16th day of July, 2015.

John Mullican John Mullican, President

ATTEST: Charles P. Hanley Charles P. Hanley, City Clerk

Presented by me to the Mayor this 17th day of July, 2015.

Charles P. Hanley Charles P. Hanley, City Clerk

Approved by me, the Mayor, this 17th day of July, 2015.

Duke A. Bennett Duke A. Bennett, Mayor

ATTEST: Charles P. Hanley Charles P. Hanley, City Clerk