

Presented by: Committee of the Whole
Introduced: 12/07/92
Drafted by: J.R.C.

RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 1615am

A RESOLUTION CREATING A CITY AND BOROUGH OF JUNEAU HUMAN RIGHTS COMMISSION, AND URGING THE STATE OF ALASKA TO REESTABLISH ALASKA HUMAN RIGHTS COMMISSION SUPPORT FOR SOUTHEAST ALASKA .

WHEREAS, discrimination against an inhabitant of the municipality because of any characteristic unrelated to merit is a matter of public concern, and

WHEREAS, this discrimination not only threatens the rights and privileges of the inhabitants of the municipality but also menaces the institutions of the municipality and threatens peace, order, health, safety, and general welfare of the municipality and its inhabitants, and

WHEREAS, it is therefore the policy of the municipality to eliminate, prevent and remedy discrimination, and

WHEREAS, it is also the policy of the municipality to encourage and enable individuals with physical or mental disabilities to participate fully in the social and economic life of the municipality and to engage in remunerative employment, and

WHEREAS, it should be a priority of state government to join with local and federal efforts and to do its part to meet the unaddressed needs of its citizens in Southeast Alaska, and

WHEREAS, until recently, the Alaska Human Rights Commission maintained an office in Juneau providing services for Southeast Alaska, and

WHEREAS, there is a continuing need for human rights services in Southeast Alaska;

NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

* Section 1. (a) Human Rights Commission Established. There is established a human rights commission of nine persons, which shall be known as the City and Borough of Juneau Human Rights Commission.

(1) The Assembly shall appoint members of the Commission, to three-year terms. Members shall be selected to provide the most balanced representation possible. Of those members first appointed, three shall be appointed for a term of one year, three for a term of two years, and three for a term of three years. A member chosen to fill a vacancy other than by expiration of a term shall be appointed for the unexpired term of the member whom he or she is to succeed. A member of the Commission shall be eligible for reappointment. No member may hold office in a political party.

(2) The presence of five members constitutes a quorum and any action of the Commission requires five or more affirmative votes to be approved.

(3) The Commission shall elect a chair to conduct the meetings of the Commission and a vice chair to serve in the absence of the chair.

(4) If a member misses three consecutive regular meetings, that member's position shall become vacant without action by the Commission. The Commission or its chair shall immediately inform the Assembly of the vacancy.

(5) Regular Meetings. The Commission shall hold at least one regular meeting each month.

(6) Special Meetings. The Commission may hold special meetings upon the call of the chair or any two members. At least twenty-four hours before the meeting, personal notice shall be given to each Commission member designating the time, place, and purpose of the special meeting, or written notice shall be left at each member's usual place of residence. At least twenty-four hours before the meeting, copies of the notice shall also be delivered to the newspapers of general circulation in the municipality and to the commercial radio and television stations operating in the municipality. No business may be transacted at any special meeting except as stated in the notice of the meeting.

(b) Commission Powers. The Commission may:

(1) Develop educational and informational programs designed to bring about the prevention and elimination of all forms of discrimination, including hate crimes;

(2) Promote harmonious intergroup relations within the City and Borough of Juneau by enlisting the cooperation of various racial, religious and nationality groups, business, community, labor, and governmental organizations, fraternal and benevolent associations, education and other groups.

(3) Examine sources of tension, practices of discrimination, hate crimes, and acts of prejudice in the City and Borough of Juneau.

(4) Make recommendations concerning solutions to specific problems of prejudice or discrimination, including hate crimes.

(5) Recommend to the Assembly, action, policies, and legislation to be considered by state and local governments.

(6) Submit an annual report to the Assembly.

(7) Attempt to resolve individual complaints of discrimination in accordance with the following procedures:

(A) A person who believes he or she is aggrieved by any discriminatory conduct may request that the Commission intervene by filing a written request for intervention with the City Clerk within one hundred and twenty days from the date of the alleged discriminatory conduct stating the name and address of the person alleged to have engaged in discriminatory conduct or hate crimes, and the particulars of the act.

(B) The City Clerk shall distribute copies of the request to all members of the Commission. At its next regular meeting, or at a special meeting called for that purpose, the Commission shall review the request for intervention for the purpose of determining whether intervention is appropriate. The Commission may intervene upon a written finding that:

(i) The facts asserted in the request for intervention, if true, would constitute unjustified discrimination;

(ii) The complainant has a sufficient personal interest in the subject matter of the request;

(iii) The request is not trivial or made in bad faith;

(iv) Intervention by the Commission would be reasonable, taking into account the availability, cost, and effectiveness of other remedies available to the complainant; and

(v) The resources available to the Commission are sufficient for adequate intervention.

(C) If the Commission finds that the matter is appropriate for intervention, it shall schedule the matter for further proceedings and shall promptly provide the complainant and the respondent with copies of the request for intervention, the Commission's findings under subsection (b)(7)(B), and a proposed schedule of further proceedings.

(D) Further proceedings by the Commission may include any or all of the following, which shall be conducted in accordance with written procedures adopted by the Commission and approved by the Assembly by motion:

(i) Investigation of the facts by a member or members appointed by the Commission for that purpose.

(ii) Conciliation or mediation meetings agreed to by both parties for the purpose of resolving differences between them by educating them as to the causes and effects of discrimination, and proposing solutions.

(iii) Arbitration agreed to by both parties and conducted in accordance with the rules of the American Arbitration Association or similar rules.

(E) If the Commission finds that a person against whom a complaint was filed has not engaged in the discriminatory conduct alleged in the complaint, it shall issue a finding to that effect.

(c) Confidentiality of Records. To the extent permitted by law, the Commission shall keep confidential the name of a person initiating a complaint or a person alleged to have committed a discriminatory act or practice during an investigation conducted by the Commission. The records of investigation and information obtained by the Commission during an investigation are confidential to the extent permitted by law and may not be

made available by the Commission for inspection by the public. However, the records and information compiled by the Commission during an investigation shall be available to the complainant or respondent (1) at least ten days before proceedings under Section (b)(7)(D)(ii) or (iii) of this resolution; and (2) in accordance with the rules of discovery if any action relating to the charge is commenced in court. In addition, the Commission may, without identifying the parties, issue public statements describing or warning of a course of conduct that constitutes or will constitute unjustified discrimination.

(d) Termination of Commission. The Commission shall terminate on July 1, 1997. Upon termination, the Commission shall continue in existence until June 30 of the next succeeding year for the purpose of concluding its affairs. During this period, termination does not reduce or otherwise limit the powers or authority of the Commission, except that it may not accept new requests for intervention. One year after the date of termination this resolution shall expire and the Commission shall cease all activities.

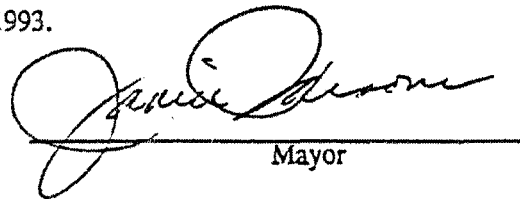
(e) Definition of Discrimination. For purposes of this section, "discrimination" means unjustified discrimination.

* Section 2. State Human Rights Support. (a) The Assembly urges the State of Alaska to reopen the Juneau office of the Alaska Human Rights Commission, to schedule regular visits to Southeast Alaska by Commission personnel, or to provide such other support as will effectively meet the needs of the region.

(b) The Manager is directed to work with Juneau's legislative delegation and with the Office of the Governor to identify issues and solutions toward the goal of reestablishing human rights services in Juneau.

* Section 3. Effective Date. This resolution shall be effective immediately upon adoption.

Adopted this 11th day of January, 1993.



Mayor

Attest:



Clerk