

Presented by: The Manager
Introduced: 10/27/2003
Drafted by: Hartle / Corso

RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2209

A Resolution Reestablishing the City and Borough of Juneau Human Rights Commission.

WHEREAS, discrimination against a resident of the City and Borough 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 the policy of the municipality to uphold the principles of the Universal Declaration of Human Rights and to eliminate, prevent and remedy discrimination and harassment; and

WHEREAS, to implement this policy, the City and Borough seeks to identify and prevent invidious discrimination and harassment whenever possible; and

WHEREAS, to further implement this policy, the City and Borough investigates and remedies claims of discrimination through its own officers and agencies, through contracts with other agencies, and by working with state and federal civil rights organizations; and

WHEREAS, these resources include City and Borough compliance officers assigned pursuant to the Americans with Disabilities Act, the Equal Employment Opportunity Act, the Family and Medical Leave Act, the Pregnancy Discrimination Act, the Age Discrimination in Employment Act, the sexual harassment provisions of Title VII of the Civil Rights Act and other federal statutes; and

WHEREAS, other City and Borough resources include Assembly investigations pursuant CBJ 01.55, staff investigations of harassment or discrimination pursuant to the Personnel Rules, guidance from the CBJ ADA Advisory Committee; and

WHEREAS, further resources include the Alaska Human Rights Commission, a City and Borough contract with the Alaska State Ombudsman, and other state and federal agencies; and

WHEREAS, these resources can be confusing to the victims of discrimination and harassment; and

WHEREAS, in order to aid victims of discrimination and harassment, the Assembly in 1992 by Resolution 1615(am) established the City and Borough of Juneau Human Rights Commission; and

WHEREAS, to more effectively use the resources described above in today's complex and constantly changing regulatory environment, it is appropriate to reexamine the legislation establishing the Commission.

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

Section 1. Human Rights Commission Reestablished. (a) 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 balanced membership. 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 without an excusable absence, 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) The Commission is charged to:

- (1) Develop educational and informational programs designed to bring about the prevention and elimination of all forms of human rights violations.
- (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 concerned with human rights.
- (3) Examine sources of tension, practices of discrimination, hate crimes, and acts of prejudice and other human rights violations in Juneau.
- (4) Make recommendations concerning solutions to community problems of human rights violations, 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) Facilitate resolution of individual complaints of human rights violations in accordance with the following procedures:
 - (A) A person aggrieved by any alleged human rights violations may request assistance from the Commission.
 - (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 assistance and may offer assistance if :

- (i) The facts asserted in the request for intervention, if true, would constitute a violation of human rights;
 - (ii) The complainant has a sufficient personal interest in the subject matter of the request;
 - (iii) The request is neither trivial nor made in bad faith.
- (C) Action by the Commission may include any or all of the following:
- (i) Assistance to the complainant in identifying the issues in the complaint and which agency or agencies would be best suited to resolving them;
 - (ii) Support and advocacy for the complainant in agency or legal proceedings;
 - (iii) Should the complaint not fall under the jurisdiction of the Alaska Human Rights Commission, the Alaska Ombudsman, the US Equal Employment Opportunity Commission or the US Office of Civil Rights, the Juneau Human Rights Commission may attempt to resolve the complaint directly.

(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 information obtained by the Commission from the complainant to the extent permitted by law and may not be made available by the Commission for inspection by the public.

(d) Definition of Human Rights Violation. For purposes of this section, "human rights" are defined by Article 2 of the Universal Declaration of Human Rights, which provides:

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

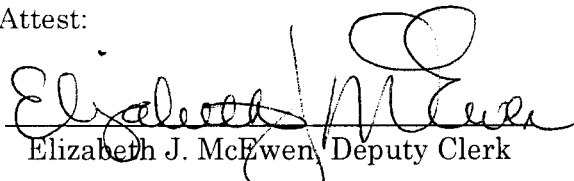
Section 2. Repeal of Resolution. Resolution 1615(am) as amended by Resolution 1869, is repealed.

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

Adopted this 27th day of October, 2003.


Bruce Botelho, Mayor

Attest:


Elizabeth J. McEwen, Deputy Clerk

Vote: Unanimous