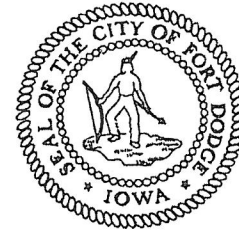


December 11, 2012

To: Mayor Bemrich and City Council  
From: David Fierke, City Manager  
Jamie Anderson, Human Rights Director  
Subject: Amendments to Fort Dodge Human Rights  
Commission By-laws



APPROVED BY COUNCIL

on 12-17 2012  
Minute Book 41 Page

ACTION: For vote Monday, December 17, 2012

City Clerk JN

**Brief History**

The By-Laws of the Fort Dodge/Webster County Human Rights Commission were originally approved and adopted by the Fort Dodge City Council and Webster County Board of Supervisors on October 16, 1980. Webster County withdrew funding from the Commission in July of 2006 dissolving the joint 28E agreement. The By-laws need to be updated accordingly.

**Analysis of Issue**

The By-laws have been revised in a manner similar to other local human rights commission by-laws. Some articles have been rearranged in a more logical order. The following changes were made:

- "Fort Dodge Ordinance 1768 and Webster County Ordinance 019" has been changed to reference "Fort Dodge Municipal Code Chapter 2.16, Human Rights Commission."

Old	New
Article 1 - Officers	Article 1 - The Commission
Article 2 - Duties of the Officers	Article 2 - Purpose
Article 3 - Schedule, Quorum & Order of Meetings	Article 3 - Duties
Article 4 - Attendance at Meetings	Article 4 - Membership
Article 5 - Committees	Article 5 - Attendance at Meetings
Article 6 - Conflict of Interest	Article 6 - Officers
Article 7 - Confidentiality	Article 7 - Schedule, Quorum, and Order of Meetings
Article 8 - Amendment to the By-laws	Article 8 - Staff
Article 9 - Ordinance	Article 9 - Subcommittees
NA	Article 10 - Conflict of Interest
NA	Article 11 - Confidentiality
NA	Article 12 - Amendment to the By-laws
NA	Article 13 - Ordinance

**Budget Impact**

There is no cost to the city.

**Strategic Plan Impact**

N/A

**Comprehensive Plan Impact**

N/A

**Subcommittee or Commission Review / Recommendation**

The amendments to the By-laws were reviewed and approved by the Fort Dodge Human Rights Commission at the November 7<sup>th</sup>, 2012 monthly meeting.

**Staff Conclusions / Recommendations**

Staff is recommending that the amendments to the By-laws be approved and adopted by the City Council.

**Alternatives**

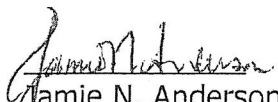
No action can be taken by city council. Commission would continue to operate under the current By-laws, which are out-of-date.

**Implementation and Accountability**

The Human Rights Director will implement the By-laws to ensure effective operations of the Commission.

Signed

Approved

  
Jamie N. Anderson  
Human Rights Director

\_\_\_\_\_  
David R. Fierke  
City Manager

**RESOLUTION NO. 12-12-260**

**A RESOLUTION FOR APPROVAL AND ADOPTION OF THE AMENDMENTS TO  
THE FORT DODGE HUMAN RIGHTS COMMISSION BYLAWS**

**WHEREAS**, the By-laws of the Fort Dodge/Webster County Human Rights Commission were first approved by the Fort Dodge City Council and Webster County Board of Supervisors on October 16, 1980;

**WHEREAS**, Webster County withdrew funding from the Human Rights Commission in July of 2006, therefore dissolving the joint 28E Agreement;

**WHEREAS**, the By-laws have now been updated and revised to show accurate information;

**WHEREAS**, the By-laws serve to govern the operations of the Commission;

**WHEREAS**, the City Council of the City of Fort Dodge, Iowa, deems it in the best interest of the City of Fort Dodge, Iowa to approve and adopt said Bylaws;

**NOW THEREFORE, BE IT RESOLVED** by the City Council of the City of Fort Dodge that said amendments to the Fort Dodge Human Rights Commission By-laws are hereby approved and

**PASSED AND APPROVED** by the City Council of the City of Fort Dodge, Iowa this 17th day of December 2012.

Ayes: Patterson, Flattery, Wilson, Fritz, Alstott, Taylor and Hill

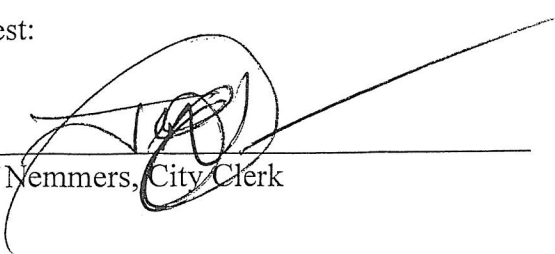
Nays: None

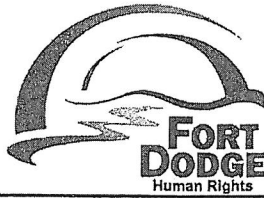
Other: None

City of Fort Dodge, Iowa

  
\_\_\_\_\_  
Matt Bemrich, Mayor

Attest:

  
\_\_\_\_\_  
Jeff Nemmers, City Clerk



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# *Fort Dodge Human Rights Commission*

819 1<sup>st</sup> Avenue South Fort Dodge, IA 50501 Telephone: (515) 576-2201 Fax: (515) 576-2301

## ***BY-LAWS***

### **ARTICLE I**

#### **THE COMMISSION**

**SECTION A.** The name of this organization is the Fort Dodge Human Rights Commission, referred to in these By-Laws as the Commission. The Commission is authorized by the City Council of the City of Fort Dodge under Fort Dodge Municipal Code Chapter 2.16.

### **ARTICLE 2**

#### **PURPOSE**

**SECTION A.** As stated in Chapter 2.16 of the Fort Dodge Municipal Code, Human Rights Commission.

**SECTION B.** The purpose of the Commission is to provide for execution within the City of Fort Dodge, the policies of the Iowa Civil Rights Act of 1965 and the Federal Civil Rights Act. The Commission also promotes cooperation between the City of Fort Dodge and the State and Federal agencies enforcing these acts.

### **ARTICLE 3**

#### **DUTIES**

**SECTION A.** Duties of the Commission shall include: 1) disseminate information, educate the public on illegal discrimination and civil rights, and provide the enforcement necessary to further the goals of Chapter 2.16 of the City Code; 2) cooperate within the limits of any appropriations made for its operation, with other agencies or organizations, both public and private, whose purposes are not inconsistent with those of Chapter 2.16 of the City Code; 3) plan and conduct programs designed to eliminate racial, religious, cultural and other intergroup tensions; and 4) educate the public on illegal discrimination.

**ARTICLE 4****MEMBERSHIP**

- SECTION A.** The Fort Dodge Human Rights Commission shall consist of seven (7) members, broadly representative of the community, appointed by the Mayor and confirmed by the City Council of Fort Dodge, Iowa. All members shall be qualified electors of the City of Fort Dodge, Iowa, and shall serve as such without compensation but shall be entitled to the necessary expenses, including traveling expenses incurred in the discharge of their duties.
- SECTION B.** Appointments shall take into consideration men and women of the various racial, religious, cultural, social and economic groups in the City.
- SECTION C.** Each member shall be appointed for a designated term of two (2) years and thereafter until a successor been appointed.
- SECTION D.** Orientation for members, including functions, duties and responsibilities, shall be conducted by the staff assigned to the Commission.

**ARTICLE 5****ATTENDANCE AT MEETINGS**

- SECTION A.** Regular attendance of all members is a requirement of an effective commission. Commissioners are expected to attend twelve (12) regularly scheduled monthly meetings during the calendar year. Absence constitutes a breach in the performance of effective membership. Excused absences shall be limited to four (4) meetings during a twelve-month calendar year. More than four (4) excused absences or two (2) unexcused absences during a twelve-month calendar year are grounds for removal as a Commission member. The Chairperson or Human Rights Director shall be notified of an absence prior to any meeting.
- SECTION B.** After one unexcused absence or two (2) excused absences a letter over the signature of the Commission Chairperson or Human Rights Director explaining concern over the absence(s), will be sent to the faulting Commissioner. After two (2) unexcused absences, a letter explaining concern over the absences will be sent to the member signed by the Chairperson or Human Rights Director. After the 2<sup>nd</sup> unexcused or 4th excused absence the Commission Chairperson will ask the Mayor to declare the seat vacant and to appoint a new Commissioner to fill the unexpired term.

**SECTION C.** If a position becomes vacant by reason of resignation or otherwise and results in an unexpired term of six months or less, the Council may choose to fill the unexpired term in such a manner that the appointee shall continue in the position not only through the unexpired term but also through subsequent regular term.

**ARTICLE 6**

**OFFICERS**

**SECTION A.** The Commission shall have three (3) officers: Chairperson, Vice Chairperson, and Secretary.

**SECTION B.** Officers shall perform the duties set forth in these by-laws.

**SECTION C.** The Chairperson and Vice Chairperson shall be elected from the Commission's membership at its regular January meeting for a one (1) year term.

**SECTION D.** The Secretary shall be selected at the January meeting for one (1) year term. The Secretary may, but need not be, a Commissioner. The Director may serve as the Secretary and carry out the duties of recording the roll and keeping meeting minutes for the Commission.

**SECTION E.** The Commission shall fill vacancies among its officers for the remainder of an unexpired term.

**SECTION F.** The Chairperson, when present, shall preside at all meetings of the Commission, call special meetings, appoint investigative committee members and chairperson of each committee and such other duties as may be prescribed by the members from time to time.

**SECTION G.** The Vice-Chairperson, in the absence of the Chairperson or in the event of incapacity or resignation of the Chairperson, shall perform the duties of the Chairperson and when so acting shall have all the powers of and be subject to all the restrictions upon the Chairperson.

**SECTION H.** The Secretary shall be responsible for keeping the official minutes of the Commission, filing the minutes and official documents and such other duties as may be prescribed by the members from time to time.

**ARTICLE 7****SCHEDULE, QUORUM, AND ORDER OF MEETINGS**

- SECTION A.** Regular meetings of the Commission shall be held on the first Wednesday of each month.
- SECTION B.** The Chairperson and Vice-Chairperson or any three (3) Commissioners may call a special meeting.
- SECTION C.** The presence of any four of the Commission members, one of whom must be the Chairperson or Acting Chairperson, shall constitute a quorum. A majority of the member present and voting shall be necessary for the passage of any motion. The Chairperson shall vote as a member of the Commission. The Commission may adopt, amend, or rescind such rules as may be necessary for the conduct of its business.
- SECTION D.** Meetings shall be held in an accessible, public meeting place. Notices of meeting (agenda) for all regular and special meetings shall be posted and distributed to members and the media at least twenty-four (24) hours before any meeting is held. All meetings of the Commission shall be public meetings, except those expressly permitted to be closed by Section 28A.5 of the Iowa Open Meetings Law (1977 Iowa Code).
- SECTION E.** Commission officers and the Director shall set the agenda together provided Commissioner suggestions are considered.
- SECTION F.** The rules in the current edition of Roberts Rules of Order Newly Revised shall be the authority for parliamentary procedure governing the meetings of the Commission in all cases unless they conflict with the Fort Dodge Human Rights Ordinance and/or these By-Laws.
- SECTION G.** No formal action shall be taken on items not on the agenda.
- SECTION H.** Time shall be made available during all regular meetings for public comment on items not on the agenda. Commentators shall address the Commission for no more than 5 minutes. Commissioners shall not engage in discussion with the public concerning said items.
- SECTION I.** The Commission's Secretary and/or designee shall record all activities and statements made at Commission meeting, hereafter known as minutes of the meeting. All Commission records shall be public except those excluded pursuant to Iowa Code, Chapter 22; City Code, Chapter 2.16.
- SECTION J.** All other procedures, policies, powers, and regulations of the Commission and the Human Rights Office shall be governed by the respective Human Rights Ordinances of the City of Fort Dodge.

**ARTICLE 8****STAFF**

**SECTION A.** The City provides staff support to the Commission; the Commission shall appoint and prescribe the duties for such staff subject to the approval of the City Council. While attending to Commission duties, such staff shall be under the supervision, policies and rules set by the Human Rights Commission.

**SECTION B.** The support staff person(s) shall be assigned all administrative support duties and responsibilities of the Commission. These duties and responsibilities shall be delegated to the staff person(s) at the regular January meeting each year.

**ARTICLE 9****SUBCOMMITTEES**

**SECTION A.** Permanent or ad hoc committees may be established through the vote of the Commissioners. The Chairperson shall appoint chairpersons and members to serve on those committees. All ad hoc committees shall be for a specific purpose and duration. The committee(s) shall consist of no more than three members.

**SECTION B.** All commissioners shall be willing to: share in the investigations of cases, education, in public relations with the community, shall attend workshops or seminars, and shall serve committee as appointed.

**ARTICLE 10****CONFLICT OF INTEREST**

**SECTION A.** Whenever a Commissioner, because of a relationship or a friendship, or a commitment to a point of view, is unable to be objective in the consideration of the merits of a case, due to the fact there could be the appearance of a conflict of interest that Commissioner shall abstain from any involvement in that particular case.



ARTICLE 11

CONFIDENTIALITY

- SECTION A.** Neither Commissioners nor the Human Rights Director or staff shall disclose any information regarding any case within the purview of the Commission prior to public hearing.
- SECTION B.** No Commissioner shall make a public statement on behalf of the Commission without the knowledge and approval of the members of the Commission.

ARTICLE 12

AMENDMENT TO THE BY-LAWS

- SECTION A.** These By-Laws may be amended at any regular or called meeting of the Commission. Notice of the proposed amendments shall be enclosed with the notice of the meeting. If they are to be amended at a specially called meeting, notice of such intent to amend must have been given at the previous regular meeting. All proposed amendments shall be submitted in writing and shall require an affirmative vote of two-thirds (2/3) of those present to adopt the amendment.

ARTICLE 13

ORDINANCE

- SECTION A.** These By-Laws and their amendments shall conform to Fort Dodge Municipal Code Chapter 2.16, Human Rights Commission.

BY - LAWS OF THE  
FORT DODGE/WEBSTER COUNTY  
HUMAN RIGHTS COMMISSION

Pursuant to the 28E Agreement signed on April 17, 1979, Article VI, Section 1(b), the Fort Dodge/Webster County Human Rights Commission does hereby adopt the following by-laws, which shall govern the operation of the Commission. The Commission shall incorporate such rules and procedures which are consistent with Fort Dodge Ordinance ~~1526~~<sup>1768</sup> and Webster County Ordinance ~~602~~<sup>019</sup>.

ARTICLE I

Officers

Section I. The officers of this Commission shall consist of a chairperson, vice-chairperson and a secretary who shall serve for a term of one (1) year. Such terms shall expire on the first meeting in January.

Section II. Election of officers shall be held in January of each year.

ARTICLE II

Duties of the Officers

Section I. The chairperson shall preside at all meetings. The chairperson shall appoint members and chairperson of each committee.

Section II. The vice-chairperson shall assume the duties of the chairperson in the event of the absence, incapacity or resignation of the chairperson.

Section III. The secretary shall record the roll and keep the minutes of meetings of the Commission.

## ARTICLE III

### Schedule, Quorum and Order of Meetings

Section I. Regular meetings of the Commission shall be held on the third ~~Thursday~~ <sup>Tuesday</sup> of each month.

Section II. The presence of four (4) members (including the chairperson or vice-chairperson) shall constitute a quorum.

Section III. Roberts Rules of Order, revised edition, shall be the parliamentary authority governing all meetings.

*Section III. Four members (including Investigator) must vote on a case before a Probable cause decision can be rendered.* ~~ARTICLE IV~~ <sup>no probable cause or</sup> ~~Attendance at Meetings~~

Section I. Regular attendance by all members is required. Unexcused absences for three (3) consecutive meetings shall be cause for removal from the Commission.

Section II. After the second unexcused absence, a letter, over the signature of the chairperson of the Commission, explaining concern over the absences, will be sent to the Commissioner.

Section III. After the third unexcused consecutive absence, the chairperson will declare the member expelled and the appropriate governing body will appoint a new commissioner to fill the unexpired term.

## ARTICLE V

### Committees

Section I. Necessary committees may be established through vote of the commissioners. The chairperson shall appoint members and chairpersons of the various committees.

All commissioners shall be willing to: share in investigations of cases, education, in public relations with the community, shall

attend workshops or seminars, and shall serve on committees as appointed.

#### ARTICLE VI

##### Conflict of Interest

Section I. Whenever a commissioner, because of a relationship, a friendship or a commitment to a point of view, is unable to be objective in the consideration of the merits of a case, that commissioner shall declare himself/herself ineligible to continue in the consideration of that particular case.

#### ARTICLE VII

##### Confidentiality

Section I. Neither commissioners nor staff shall disclose any information to any case within the purview of the Commission prior to public hearing (see section in ordinance regarding confidentiality).

#### ARTICLE VIII

##### Amendment to the By-Laws

Section I. These By-Laws may be amended at any regular or called meeting. Notice of the proposed amendments shall be enclosed with the notice of the meeting. If they are to be amended at a specially called meeting, notice of such intent to amend must have been given at the previous regular meeting. All proposed amendments shall be submitted in writing. It will take two-thirds (2/3) of the majority voting to amend these By-Laws.

#### ARTICLE IX

##### Ordinance

Section I. Nothing in these By-Laws or their amendments shall

the Ordinances as passed by the Fort Dodge City Council  
the Webster County Board of Supervisors.

APPROVED  
OCT 16 1900 19