

AN ORDINANCE TO RE-ESTABLISH AND FURTHER DEFINE THE POWERS, DUTIES AND RESPONSIBILITIES OF THE CLARKSVILLE HUMAN RELATIONS COMMISSION

*WHEREAS*, the Clarksville City Council, pursuant to Resolution 65-1994-95, has previously established the Human Relations Commission for the City of Clarksville; and

*WHEREAS*, the Clarksville City Council finds that the work of the Human Relations Commission has been and is beneficial to the City; and

*WHEREAS*, the Clarksville City Council finds the HRC can assist the City in the area of human relations by:

- (1) making recommendations to, and consulting with, the Mayor and City Council on matters pertaining to equal opportunity programs and policies and the objectives set forth herein;
- (2) promoting equal opportunity for City employees and applicants for employment of all ages, race, ethnicity, gender, and religion;
- (3) promoting equal opportunity in the selection of vendors and contractors for City business;
- (4) promoting the elimination of illegal discriminatory practices or policies;
- (5) promoting and assisting in the improvement of mutual understanding and respect among all social, economic, racial, ethnic, gender, and religious groups within the City and facilitate communication among and between such groups;
- (6) promoting a sense of shared community heritage, and respect for individual human dignity and the diversity of cultures, race, ethnicity, history and religion of City residents;
- (7) promoting inclusiveness, civility, social interaction and public discourse among City residents and assist in fostering positive relations among community groups and between such groups and City government and departments thereof;
- (8) educating the public on subjects dedicated to the enhancement of human relations;
- (9) assisting the City in securing funds beyond those provided by the Mayor and City Council for the purpose of furthering the objectives of the Human Relations Commission; and

*WHEREAS*, the Clarksville City Council finds that the public interest and general welfare of the City and of City employees would be enhanced by clarification and codification of the powers, duties and responsibilities of the Human Relations Commission.

*NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLARKSVILLE, TENNESSEE:*

(1) That Title 1.5 (Human Resources) of the Official City Code is hereby amended by adding a new Chapter 16, entitled “Human Relations Commission” as set forth below:

**Section 1.5-1601. Human Relations Commission; Creation.**

There is hereby established a “Human Relations Commission” for the City of Clarksville, Tennessee.

**Section 1.5-1602. Human Relations Commission; Organization, Terms.**

*a. Organization, Number.* The Human Relations Commission shall be composed of eleven (11) total voting members and two (2) non-voting *ex-officio* members. Ten (10) voting members shall be appointed by the Mayor, subject to City Council approval. In addition to the ten (10) voting members appointed by the Mayor and approved by the City Council, the Mayor shall also appoint as a voting member one (1) member of the City Council. The Mayor of the City of Clarksville, and the Director of the City Department of Human Resources, shall serve as non-voting *ex-officio* members of the Human Relations Commission.

*b. Term.*

(1) Terms for each voting member appointed by the Mayor and approved by the City Council shall be for a period of three (3) years, except for initially appointed members, whose initial terms shall be as provided below to allow for staggered terms. The City Council member appointed by the Mayor shall serve for a period of two (2) years. No voting member appointed by the Mayor and approved by the Council may serve more than two (2) consecutive terms.

(2) With regard to initial terms for voting members appointed by the Mayor and approved by the City Council, four (4) such voting members shall serve an initial term of three (3) years each; three (3) other such voting members shall serve an initial term of two (2) years each; and three (3) other such voting members shall serve an initial term of one (1) year each.

(3) If any voting member appointed by the Mayor and approved by the City Council resigns from or otherwise ceases to be a member of the Human Relations Commission for any reason before the expiration of his or her term, a new member shall be appointed by the Mayor, subject to City Council approval, to serve the remainder of the former member’s unexpired term. Service during any unexpired term shall count as a term for the purpose of computing the limit on consecutive terms. If a vacancy occurs during the term of the City Council member appointed by the Mayor, the Mayor shall appoint another City Council member to serve for a full two (2) year term.

**Section 1.5-1603. Human Relations Commission; Member Compensation.**

Members of the Human Relations Commission shall serve without compensation, except that this provision shall in no way prohibit compensation which may otherwise be due to any member of the Commission who serves as the Mayor, as a City Council member, or as the Director of the Department of Human Resources.

**Section 1.5-1604. Human Relations Commission; Officers.**

The members of the Human Relations Commission shall elect officers for the Commission. One member shall be elected to serve as Chair of the Commission; one member to serve as Vice-Chair of the Commission; one member to serve as Treasurer for the Commission; and one member to serve as Secretary for the Commission. Officers may not hold more than one office at the same time.

**Section 1.5-1605. Human Relations Commission; By-laws.**

The Human Relations Commission shall adopt by-laws to govern the dates, times, and places for meetings, rules of procedure, the establishment of committees / sub- committees, terms for officers, and procedures for the election of officers, and any other matters appropriately addressed therein. Six (6) voting members of the Commission shall constitute a quorum for the purpose of voting and transacting business.

**Section 1.5-1606. Human Relations Commission; Removal of Members.**

Any voting member of the Human Relations Commission appointed by the City Mayor and approved by the City Council may be removed as a member of the Commission prior to the expiration of their term in cases of permanent disability, or misfeasance, malfeasance, or nonfeasance in relation to their duties as a member of the Commission, or for other just cause, by resolution approved by a two-thirds (2/3) majority vote of the City Council. Prior to any such vote on removal of any member from the Commission, said member shall have an opportunity to be heard on the issue of their removal in person, through counsel, or by submission of relevant written or other evidentiary materials. The date, time and place for said hearing, and the requirements for submission of the resolution for removal, shall be the same as and in accordance with the requirements for consideration of other legislative matters as set forth in the City Code.

**Section 1.5-1607. Human Relations Commission; Open Records and Open Meetings.**

All records of the Human Relations Commission shall be open and subject to public inspection in accordance with the Tennessee “Open Records” law, Tenn. Code Ann. Section 10-7-503, et seq., as may be amended from time to time. All meetings of the Human Relations Commission or any committee or sub-committee of same shall comply with the Tennessee “Open Meetings” law, Tenn. Code Ann. Section 8-44-101, et seq., as may be amended from time to time.

**Section 1.5-1608. Human Relations Commission; Responsibilities; Scope of Power; Restriction on Investigations.**

*a. Responsibilities.* The Human Relations Commission’s responsibilities shall include the following:

(1) make recommendations to, and consult with, the Mayor and City Council on matters pertaining to equal opportunity programs and policies and the objectives set forth herein;

(2) promote equal opportunity for City employees and applicants for employment of all ages, race, ethnicity, gender, and religion;

(3) promote equal opportunity in the selection of vendors and contractors for City business;

(4) promote the elimination of illegal discriminatory practices or policies;

(5) promote and assist in the improvement of mutual understanding and respect among all social, economic, racial, ethnic, gender, and religious groups within the City and facilitate communication among and between such groups;

(6) promote a sense of shared community heritage, and respect for individual human dignity and the diversity of cultures, race, ethnicity, history and religion of City residents;

(7) promote inclusiveness, civility, social interaction and public discourse among City residents and assist in fostering positive relations among community groups and between such groups and City government and departments thereof;

(8) coordinate the work of the Human Relations Commission with and through the City's Director of the Department of Human Resources to achieve the objectives set forth herein as it pertains to the City government workforce;

(9) prepare an annual budget for the coming fiscal year as required by the Mayor and City Council.

(10) in collaboration with the Director of the Department of Human Resources, establish and set benchmarks for a five year diversity action plan and provide it to the Mayor and City Council.

*b. Scope of Power.* To fulfill its responsibilities given in Section 1.5-1608 (a), the Human Relations Commission in its discretion shall exercise the following powers:

(1) organize educational programs for Clarksville residents and City employees on subjects dedicated to the enhancement of human relations, such as discrimination; diversity; cultural sensitivity; bullying; mediation; problem solving; City employment; City bidding; or anti-discrimination, employment, housing, or police conduct laws;

(2) organize an educational program dedicated to the enhancement of human relations for a City governmental unit once the head of the unit consents to the educational program;

(3) identify and meet with leaders of social, economic, racial, ethnic, gender, and religious groups within the City;

(4) make recommendations to, and consult with, educational institutions, local and national civil rights organizations, and community groups to foster better human relations;

(5) consult with state and federal agencies regarding laws and policies addressing discrimination and other human relations issues;

(6) consider alternative sources to supplement city funding for the purpose of furthering the objectives of the Human Relations Commission in conjunction with the City Grants Manager, and on behalf of the city, accept grants and donations from foundations and others for the purpose of advancing the aims of the Human Relations Commission.

*c. Restriction on Investigations.*

(1) Due to federal and state law pertaining to employment and illegal employment discrimination and the investigation of same by federal and state agencies, the Human Relations Commission shall not have the power to conduct investigations or hold hearings pertaining to specific complaints from individual City employees alleging discrimination, retaliation, harassment, or hostile work environment, or any other claim pursuant to any federal or state employment law.

(2) This provision shall not prohibit the Human Relations Commission from conducting studies or having studies made pertaining to City general practices or policies pertaining to employment or other areas involving City government and departments thereof and community relations.

**Section 1.5-1609. Human Relations Commission; No Authority to Obligate City.**

The Human Relations Commission shall have no authority to contract or be contracted with or to bind or obligate the City in any way and shall not have authority to appropriate City funds for any purpose.

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Mayor

*ATTEST:*

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City Clerk

*FIRST READING:*

*SECOND READING:*

*EFFECTIVE DATE:*