

ORDINANCE NO. _____

An ordinance adding Chapter 32 to Division 22 of the Los Angeles Administrative Code establishing a Civil and Human Rights Commission and Executive Director.

WHEREAS, the City of Los Angeles, with its diverse population, wishes to establish public policy that promotes understanding between and among communities and to discourage discrimination that denies equal treatment to any individual because of an immutable characteristic or real or perceived status.

NOW, THEREFORE,

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Section 1. A new Chapter 32 entitled "**Civil and Human Rights Commission**" is added to Division 22 of the Los Angeles Administrative Code to read as follows:

CHAPTER 32, ARTICLE 1

CIVIL AND HUMAN RIGHTS COMMISSION CREATION AND ORGANIZATION

Sec. 22.1200. Civil and Human Rights Commission.

(a) **Establishment.** A Civil and Human Rights Commission is hereby created, which shall have the powers, duties and responsibilities set forth in this chapter and elsewhere in the City Charter, Los Angeles Municipal Code and Los Angeles Administrative Code. The Commission shall have seven members.

(b) **Appointment.** Members shall be appointed and may be removed in accordance with Charter Section 502.

(c) **Terms of Office.** A commissioner's term shall begin on July 1, and be five years, except that the original seven members shall have their respective terms commence on the member's respective date of approval by Council. Notwithstanding the foregoing, incumbent commissioners may continue to hold office beyond the expiration of their term until their successors' appointments have been approved. The term of two of the original seven members shall expire on the date of June 30 in the Commission's third year, with the terms of two additional original members expiring on the date of June 30 in the Commission's fourth year, and the terms of the remaining three original members expiring on the date of June 30 in the Commission's fifth year. The Mayor shall designate, in the appointment, which of the foregoing terms each of the original seven commissioners shall serve. An appointment to fill an unexpired term shall be for the period of the unexpired term.

(d) **Qualifications.** The Council shall strive to approve commissioners with experience in any of the following areas: law, education, civil rights, discrimination issues, equity, employment, housing, and Lesbian, Gay, Bisexual, Transgender, and Queer rights, and the rights of any other minority or marginalized community. No person who is required by ordinance to be registered as a lobbyist shall be appointed to the Commission.

CHAPTER 32, ARTICLE 2

CIVIL AND HUMAN RIGHTS COMMISSION DUTIES AND RESPONSIBILITIES

Sec. 22.1210. General.

(a) The Commission shall advise upon the City's anti-discrimination efforts, and make recommendations to the Mayor and City Council for the adoption of City laws pertaining to discrimination in the City.

(b) The Commission shall implement anti-discrimination laws adopted by the City Council, consistent with the powers and duties set forth herein and in Chapter IV, Article 16 of the Los Angeles Municipal Code.

(c) The Commission shall have the power to adopt administrative rules and procedures, subject to the approval of the City Attorney as to form and legality, to implement the provisions of this Chapter and of Chapter IV, Article 16 of the Los Angeles Municipal Code.

(d) The Commission shall have the power to promulgate regulations, subject to City Council approval by ordinance, to implement and carry out the purposes and provisions of this Chapter and of Chapter IV, Article 16 of the Los Angeles Municipal Code. Within 60 days after a regulation is adopted by the Commission, the Council shall hold a public hearing concerning the regulation and act to approve the regulation as presented, approve an amended regulation, or disapprove the regulation by ordinance. If the Council fails to act within the 60 day period, the regulation shall be presented to the Mayor for approval or veto, and to the Council for override of the Mayor's veto. If approved by the Mayor, or the Mayor fails to act, or approved by the Council on override of the Mayor's veto, the regulation shall have the force of law.

(e) The Commission shall have the power to request subpoenas, on behalf of the Executive Director, for the attendance and testimony of witnesses or the production of any books, papers, records or other items relevant to inquiries, investigations and enforcement actions by the Executive Director. Subpoenas requested by the Commission shall be issued and served in accordance with Charter Section 217.

(f) The Commission shall appoint an employee other than a member of the Commission, to serve as Commission secretary. The secretary shall perform those

duties imposed upon him, her or them by the Charter, ordinance, or order of the Commission.

CHAPTER 32, ARTICLE 3

CIVIL AND HUMAN RIGHTS COMMISSION EXECUTIVE DIRECTOR

Sec. 22.1220. Executive Director.

The Commission shall be supported and advised by an Executive Director. The Executive Director shall be appointed and removed in accordance with Charter Section 508 and shall be a civil service exempt position. The Executive Director shall have the power and duty to:

- (a) Investigate complaints of violations of Chapter IV, Article 16 of the Los Angeles Municipal Code, or initiate investigations of violations of Chapter IV, Article 16 of the Los Angeles Municipal Code, and make enforcement determinations, including administrative penalties, compensatory penalties, and corrective actions;
- (b) Administer oaths and affirmations on behalf of the Commission;
- (c) Delegate investigative and enforcement authority to subordinate officers, except that requests, to the Commission, for subpoenas may only be made by the Executive Director;
- (d) Administer the affairs of the Commission as its chief administrative officer;
- (e) Appoint, discharge, suspend, or transfer the employees of the Commission, other than the Commission secretary, all subject to the civil service provisions of the Charter;
- (f) Issue instructions to employees, in the line of their duties, all subject to the civil service provisions of the Charter;
- (g) Expend the funds of the Commission in accordance with the provisions of the budget appropriations or of appropriations made after adoption of the budget;
- (h) Recommend to the Commission prior to the beginning of each fiscal year an annual budget covering the anticipated revenues and expenditures of the Commission, conforming so far as practicable to the forms and dates provided in Article III in relation to the general City budget;
- (i) Certify all expenditures of the Commission; and
- (j) Exercise such additional powers as may be conferred by the Commission.

CHAPTER 32, ARTICLE 4

COOPERATION AND COORDINATION

Sec. 22.1230. Cooperation of Other City Departments.

All Boards, Offices, Departments, Agencies and Bureaus of the City shall cooperate with the Commission to the fullest extent practicable without conflicting with the lawful and necessary conduct of their duties as provided by law.

Sec. 22.1231. Coordination with Other Agencies.

The Commission shall, whenever practical, coordinate its programs with other public agencies charged with investigating discrimination to avoid duplication of effort and create effective working relationships.

Sec. 2. **SEVERABILITY.** If any provision of this ordinance is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, that invalidity shall not affect the remaining provisions of this ordinance which can be implemented without the invalid provisions, and to this end, the provisions of this ordinance are declared to be severable. The City Council hereby declares that it would have adopted this ordinance and each provision thereof irrespective of whether any one or more provisions are found invalid, unconstitutional or otherwise unenforceable

Sec. 3. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

Approved as to Form and Legality

MICHAEL N. FEUER, City Attorney

By  _____
MICHAEL DUNDAS
Deputy City Attorney

Date 4/19/2019

File No. _____

M:\GENERAL COUNSEL DIVISION\ORDINANCES AND REPORTS\ORDINANCES - FINAL YELLOW\Civil and Human Rights Commission.docx

The Clerk of the City of Los Angeles hereby certifies that the foregoing ordinance was passed by the Council of the City of Los Angeles.

CITY CLERK

MAYOR

Ordinance Passed _____

Approved _____