

CITY OF NOKOMIS

ORDINANCE NO. 734

ORDINANCE PROVIDING FOR A HUMAN RELATIONS COMMISSION
WITHIN THE CITY OF NOKOMIS, ILLINOIS

ADOPTED BY THE
BOARD OF COMMISSIONERS
OF THE
CITY OF NOKOMIS

THIS 13th DAY OF Feburary, 1984

Published in pamphlet form by the authority of the
Board of Commissioners of the City of Nokomis,
Montgomery County, Illinois

this 13th day of February, 1984

ORDINANCE NO. 73#
CITY OF NOKOMIS, ILLINOIS
DATE: 2-13-1984

ORDINANCE PROVIDING FOR A HUMAN RELATIONS COMMISSION WITHIN THE CITY OF NOKOMIS, ILLINOIS.

WHEREAS, the City of Nokomis desires to promote, foster, encourage and stimulate sympathetic understanding, harmonious relationships, a spirit of charity and a program of practical cooperation among all groups and individuals, to the end that the City may grow and advance in wholesome collective achievement and in the field of individual opportunity; and

WHEREAS, there is a need for a procedure to aid the Mayor and City Council members in furnishing equal services to all residents, in improving intergroup relations, in encouraging and fostering fair and equal treatment under the law to all citizens, and in maintaining equality of opportunity for employment and advancement in City government, NOW

THEREFORE BE IT ORDAINED, by the Mayor and City Council members of the City of Nokomis, Montgomery County, Illinois:

Section 1 - Creation and Membership of Commission

There is hereby created a Commission on Human Relations, which Commission shall be composed of five (5) members. Each member of the Human Relations Commission shall be appointed by the Mayor, with the consent of the City Council members. Each member of the Human Relations Commission shall be a qualified elector of the City and shall have resided therein at least one year preceding his appointment. The five (5) members first appointed after the passage of this ordinance shall serve for the following terms:

Three (3) Commissioners; one of whom shall be designated by the Mayor as Chairman, shall serve for two (2) years; and

Two (2) Commissioners shall serve for one year.

The successors of all such individual five (5) members of the Commission shall serve for terms of two (2) years; all such appointments to fill vacancies shall be made in like manner as in the case of the initial Commissioners.

A Commissioner having been duly appointed shall continue to serve after the expiration of his term until his successor has been appointed. All terms shall expire on June 30 in their final year.

Section 2 - Severability

If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, the remainder of the ordinance and the application of the provision to other persons not similarly situated or other circumstances shall not be affected thereby.

Section 3 - Meetings; Vice Chairman and Secretary

The Human Relations Commission shall meet and elect 1) a Vice-Chairman and 2) a Secretary, from their members as soon as possible after their appointment by the Mayor and confirmation by the City Council. Such Commission shall hold regular annual meetings and such other meetings as may be necessary, and said meetings shall be held in the City Hall or some other suitable place.

Section 4 - Duties

- 4.1: The Commission shall advise and consult with the Mayor and Members of the City Council on matters involving racial, religious, ethnic prejudices or discrimination and recommend such action as it may deem appropriate to effectuate this policy.
- 4.2: The Commission shall have and exercise the power to:
- A) Act to eliminate unlawful practices relating to the Affirmative Action Plan, the Fair Housing Ordinance, the Equal Employment and Business Opportunity Ordinance, or any other ordinance or resolution assigned to the Commission by the City Council.
 - B) Receive, initiate and investigate complaints alleging discrimination as outlined in the ordinances of the Commission's jurisdiction. Any complaint initiated by the Commission shall be in writing, shall be signed by the Chairman or Vice Chairman of the Commission and shall fully set forth the circumstances of the alleged violation and the source of all information upon which the complaint is based, including the names and addresses of all complainants. Such written complaint shall be served upon the party alleged to be in violation of the ordinances under the Commission's jurisdiction.
 - C) Seek conciliation of, hold hearings on and make findings of fact with respect to any such complaint.
 - D) Recommend the issuance of orders subject to approval by the City Council and to publish its findings of fact and recommend orders in accordance with the provisions of the ordinances under the Commission's jurisdiction after submission to the City Council.
 - E) Render from time to time, but not less than every one (1) year, a written report to the City Council of its activities and recommendations with respect to the ordinances under the Commission's jurisdiction, which written reports shall be made public after submission to the City Council.
 - F) Adopt, after approval of the City Council, such rules and regulations as may be necessary or desirable to carry out the purposes of the ordinances under the jurisdiction of the Commission.

4.3: Complaint; Conciliation

- A) Any person aggrieved in any manner by a violation of any provision of any ordinance under the jurisdiction of the Commission may file with the Commission a written verified complaint setting forth his grievance. The complaint shall state 1) the name and address of the complainant; 2) the name and address of the person against whom the complaint is brought, if known to the complainant; and 3) the alleged facts surrounding the alleged violation of this ordinance; and such complaint shall state the name and address of all persons believed to have knowledge concerning the alleged facts. The Commission shall provide a printed form of complaint for the use of aggrieved persons.
- B) After the filing of any complaint, the Commission shall serve a copy of the complaint on the party or parties charged and the Chairman or Vice Chairman of the Commission shall designate a panel, comprised of three (3) or more Commission members, to make a prompt investigation in connection therewith.
- C) If such panel shall determine after such investigations that probable cause exists for the allegations of the complaint, 1) the panel shall set a date for a meeting, and 2) at said meeting, the panel or any member thereof shall interview the complainant and the person or persons against whom the complaint has been directed and shall attempt to resolve the complaint by all proper methods of conciliation and persuasion.
- D) Meetings or efforts by the Commission to conciliate a complaint of discrimination filed under any of the ordinances of the Commission's jurisdiction shall not be subject to the provision of "An Act in relation to meetings," as amended, appearing at Illinois Revised Statutes, Chapter 102, Section 41 et seq., provided, however, that no final action for the recommendation of a penalty by the Commission shall be taken except at a meeting open to the public.
- E) If at any time within sixty (60) days after the date of filing of the complaint, such panel shall determine that such attempts at conciliation would not be in furtherance of the objectives of any ordinance under the jurisdiction of the Commission, the Commission shall thereupon proceed promptly to a full hearing of the complaint, in accordance with Section 4.4 below.

4.4: Hearing by Commission

- A) Such hearing shall be conducted by the Commission, or a panel thereof, upon due and reasonable notice to all parties. The Commission shall have power to administer oaths and to take sworn testimony. Any party alleged to have violated any ordinance under the jurisdiction of this Commission shall be

entitled to be represented by counsel and shall have the right to call witnesses in his own behalf and to cross-examine witnesses.

- B) At the conclusion of said hearing, the Commission shall render to the City Council a written report and recommendations, which shall also be served by mail upon the complainant and the party or parties charged. No report shall be delayed more than sixty (60) days after the date of the first issuance of notice for commencement of a hearing.

4.5: Enforcement

- A) The Commission shall be empowered, at the conclusion of proceedings held under Section 4.4, to recommend to the City Council that the Council order any person found to be in violation of any ordinance under the jurisdiction of the Commission to cease and desist from any practice of violation, upon such terms as shall be necessary and proper for the enforcement of any ordinance under the jurisdiction of the Commission.
- B) At the conclusion of the hearing proceedings held under Section 4.4, the Commission shall be empowered, as a part of its report to recommend to the City Council that it direct the City Attorney to:
 - 1. Apply to any court of competent jurisdiction for such relief as may seem to the Court appropriate for the enforcement of any ordinance under the jurisdiction of the Commission and the elimination of any violation thereof.
 - 2. In the case of any unlawful practice or violation of any ordinance under the jurisdiction of the Commission by any person in the course of performing under a contract or sub-contract with the State or any political subdivision or agency thereof, or with the United States of America or any agency or instrumentality thereof, to petition or institute proceedings with such contracting agency for the purpose of causing it to terminate such contract or any portion thereof, either absolutely or on condition of compliance with the provisions of any ordinance under the jurisdiction of the Commission.
- C) After receipt of the recommendation of the Commission, the City Council may issue such cease and desist orders and may direct such action by the City Attorney, including the procedures as in subsection (B) hereinabove set forth, as shall be necessary for the enforcement of any ordinance under the jurisdiction of the Commission.

4.6: Limitation of Time to File Complaints

Any complaint filed hereunder with the Commission must be filed within thirty (30) days after the alleged discriminatory violation occurred, or it shall be barred.

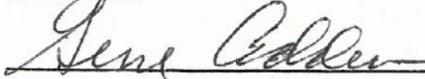
Section 5 - Procedures for Complaints Against the City of Nokomis

Any person aggrieved in any manner by a violation by the City of Nokomis, its officers or employees, of any ordinance under the jurisdiction of the Commission shall follow the complaint, conciliation and hearing procedures established in Sections 4.3 and 4.4(A) of this ordinance, and shall comply with the limitation requirement established in Section 4.6 of this ordinance. Sections 4.4(B) and 4.5, concerning recommendations and enforcement, however, shall be inapplicable. Instead, at the conclusion of the hearing, the Commission may render a written report and recommendations to such State or Federal agencies as the Commission deems necessary and appropriate, and in such event shall serve copies by mail upon the complainant, party or parties charged, and the City Council. No report shall be delayed more than sixty (60) days after the date of the first issuance of notice for commencement of a hearing.

BE IT FURTHER UNDERSTOOD that this ordinance shall be in full force and effect from and after its passage and publication in accordance to law.

ORDAINED BY THE MAYOR AND THE MEMBERS OF THE CITY COUNCIL OF THE CITY OF NOKOMIS, MONTGOMERY COUNTY, ILLINOIS, THIS 13th DAY OF February, 1984, A.D.

APPROVED:



Gene Adden, Mayor

EXAMINED:



Michael Glenn, City Attorney

CERTIFIED:



Mary Jean Scheller, City Clerk

STATE OF ILLINOIS)
) ss
COUNTY OF MONTGOMERY)

CERTIFICATE

I, Mary ^{Jean}~~Joanne~~ Scheller, certify that I am the duly elected and acting municipal clerk of the City of Nokomis, Montgomery County, Illinois.

I further certify that on February 13, 1984, the Board of Commissioners of such municipality passed and approved Ordinance No. 734, entitled Ordinance Providing for a Human Relations Commission within the City of Nokomis, Illinois, which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 734, including the Ordinance and a cover sheet thereof was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on February 13, 1984, and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the municipal clerk.

DATED at Nokomis, Illinois this 13th day of February, 1984.

(SEAL)

Mary Jean Scheller
CLERK