

County Council of Cuyahoga County, Ohio

Ordinance No. O2021-0011

Sponsored by: County Executive Budish	An Ordinance amending Section 206.13 of the County Code providing for appointment and staggered terms of the members of the Commission on Human Rights; and declaring the necessity that this Ordinance become immediately effective.
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WHEREAS, by Ordinance O2018-0009, dated September 25, 2018, this Council created the Cuyahoga County Commission on Human Rights (the “Commission”) to promote principles of diversity, inclusion, and harmony in the County through education, community events, the provision of advice to this Council and the County Executive, and through receiving and resolving complaints filed with the Commission; and

WHEREAS, in order to maintain continuity of operation of the Commission, the County desires to provide for staggered terms of the members of the Commission; and

WHEREAS, it is necessary that this Ordinance become immediately effective in order that critical services provided by Cuyahoga County can continue and to provide for the usual, daily operation of a County entity.

NOW, THEREFORE, BE IT ENACTED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:

SECTION 1. Section 206.13 of the Cuyahoga County Code is hereby amended to read as follows (deletions are stricken, additions are bold and underlined):

Section 206.13: Commission on Human Rights

- A. **Establishment of a Commission on Human Rights.** A County Commission on Human Rights is hereby established (“Commission”). The purpose of the Commission shall be to promote principles of diversity, inclusion, and harmony in the County of Cuyahoga through education, community events, the provision of advice to the Cuyahoga County Council (“Council”) and Cuyahoga County Executive (“Executive”), and through receiving and resolving Complaints filed under this Title.
- B. **Composition.** The Commission shall consist of three (3) members appointed by the Executive subject to confirmation by the Council. As a quasi-judicial body, the members of the Commission shall be composed of attorneys licensed to

practice in the State of Ohio. Members of the Commission shall serve without compensation but may be reimbursed for their reasonable expenses incurred in the performance of their duties.

- C. **Term.** Beginning in January 2021, one of the three Ppersons appointed to the Commission shall serve for a term of 12 months or until a successor is appointed, one of the three persons appointed to the Commission shall serve for 24 months or until a successor is appointed, and one of the three persons appointed to the Commission shall serve for 36 months or until a successor is appointed. Thereafter persons appointed to the Commission shall serve as members for 24 months. No person shall serve as a member of the Commission for more than two consecutive 24-month terms.

The Commission shall elect a chairperson. The chairperson shall serve for a term of 24 months. The Commission may designate the same member to serve as the chairperson of the Human Rights Commission for a second term of 24 months or until a successor is appointed.

- D. **Meetings of Commission; Quorum.** The Commission shall meet quarterly and at such other times as the chairperson directs. A simple majority of the members of the Commission shall constitute a quorum for the transaction of business.

E. **Vacancy; Removal.**

1. A member of the Commission may be removed by an affirmative vote of the other members if he or she has unexcused absence at two or more regular meetings of the Commission during any calendar year.
2. In the event of such vacancy, death, resignation, or removal of any person either as member or chairperson, the successor shall be appointed by the Executive to serve the unexpired term for which such person had been so appointed. A person appointed to an unexpired term pursuant to this section may, in addition, serve two consecutive terms.

- F. **Governance.** The Commission shall formulate its own rules and procedures in accordance with the rules and procedures as set forth in Title 15. The Commission may create volunteer Task Forces, Advisory Councils, or Sub-Committees as it deems appropriate.

- G. **Budget.** There shall be a line item in the County's Budget to cover the operating expenses of the Commission, including staff salaries.

- H. **Functions and Responsibilities.** The functions and responsibilities of the Commission shall include the following:

1. Receive and investigate complaints under Title 15.
2. Provide all required notices under Title 15;
3. Attempt to conciliate or mediate complaints alleging violations under Title 15;

4. Recruit, appoint, train, and supervise the professional and clerical staff for the administration and operation of this Chapter and Title 15;
5. Promote principles of diversity, inclusion, and harmony in the County of Cuyahoga through education and community events to:
 - a. Foster mutual understanding and respect among all persons in the County of Cuyahoga and encourage equality of treatment for, and prevent discrimination against any group or its members;
 - b. Educate all persons residing and working in the County of Cuyahoga and, in particular, employers, landlords, educators, and business owners, about the importance of non-discrimination toward each member of the community;
 - c. Conduct investigations and studies related to the problems and effects of prejudice, intolerance, bigotry, and discrimination, and ways to prevent and eliminate them and any other studies that will aid in effectuating the general purposes and provisions of this Title. Issue publications and reports of investigations and research related to said studies;
 - d. Establish advisory-commissions from the community and/or utilize existing county boards and commissions to assist the Executive in the execution of his/her duties and functions related to outreach and education efforts. The advisory-commissions may furnish advice, gather information, and make recommendations related to community relations/discrimination prevention;
 - e. Work with federal, state and city agencies in developing educational programs, public forums, and strategies for achieving harmonious inter-group relations within the County of Cuyahoga, and to engage in other anti-discrimination activities for the promotion of equal rights and opportunities for all persons; and
 - f. Enlist the cooperation of various groups and organizations in mediation efforts, programs and campaigns devoted to preventing and eliminating prejudice, intolerance, bigotry and discrimination.
6. Submit an annual report of activities by March 1st of each Calendar Year to the Executive and the Council, which shall be published on the County's website. Such annual report shall include information for the calendar year regarding:
 - a. *Inquiries received from the public.* The information regarding inquiries received by and from the public shall include, but not be limited to:
 - i. total number of inquiries;
 - ii. number of inquiries made by limited-English proficient persons disaggregated by language;

- iii. subject matter of inquiries disaggregated by the alleged category of unlawful discriminatory practice as set forth in this Title and the protected class of person, and
 - iv. number of inquiries resolved by pre-hearing intervention.
- b. Complaints filed under Title 15. The information regarding Complaints filed shall include, but not be limited to, the number of Complaints filed and shall be aggregated by:
- i. category of alleged discriminatory practice(s), as set forth under Title 15, alleged;
 - ii. basis of the alleged discriminatory practice based on the protected class of the Complainant;
 - iii. whether the Complaint was resolved by mediation, conciliation, or referral as set forth under Title 15; a finding of no discrimination, as set forth in Title 15; or hearing, as set forth under Title 15;
 - iv. number of days the Complaint was outstanding at the time such resolution occurred; and
 - v. whether a civil penalty was imposed and, if so, the dollar amount of such penalty.

I. **Powers and Duties.** The Commission shall enforce the provisions of this Chapter and Title 15 of this Code and any rules or regulations promulgated thereunder. The powers and duties of the Commission shall include the following:

1. Shall and have jurisdiction to review, hear, decide, and enforce final decisions rendered under Title 15 as set forth in Section 1502.05;
2. Issue subpoenas to compel the attendance of witnesses and require the production of any evidence relating to any matter under investigation and consideration under Title 15, and to take proof with respect thereto;
3. Command the production of any names of persons necessary for the investigation of any person, institution, workplace, club, or other place or provider of public accommodation under Title 15;
4. Require any person or persons who are the subject of an investigation under Title 15 to preserve such records as are in the possession of such person or persons and to continue to make and keep the type of records that have been made and kept by such person or persons in the ordinary course of business within the previous two years, which records are relevant to the determination whether such person or persons have committed unlawful discriminatory practices as defined by Title 15 with respect to activities in the County of Cuyahoga;
5. Upon a finding of discriminatory practice in violation of Title 15, issuing cease and desist order(s), assessing a civil administrative penalty against any Respondent, and taking any such further action authorized under Title 15;

6. Recommend to the Executive and to the Council, legislation to aid in carrying out the purposes of Title 15 and for the promotion of equal rights and opportunities for all persons;
7. Adopt, promulgate, amend and rescind rules and procedures necessary to carry out the purposes and provisions of Title 15;
8. Taking all necessary action in the appropriate court to secure the production of all records, documents, or other evidence necessary in carrying out the provisions of Title 15;
9. Enter into contracts for goods or services as may be reasonably necessary to fulfill the Commission's duties in accordance with the County's contracts and purchasing procedures;
10. Exercising all powers reasonable and necessary to fulfill the purpose of this Chapter and Title 15.

J. Professional and Clerical Staffs of the Commission. The Commission may appoint such professional, clerical, and other positions as may be necessary to properly carry out its duties in accordance with the budget approved by Council.

K. Executive Director; Duties.

1. The County Executive shall appoint an Executive Director to oversee the day to day activities of the Commission and to execute the policies and other actions approved by the Commission.
2. The Executive Director shall be responsible for the recruitment, selection, training, and supervision of the professional and clerical staff and shall oversee the administration and operation of the Commission.
3. The Executive Director shall attempt to conciliate or mediate complaints through the recruitment of volunteer attorneys or other persons with training in civil rights law whenever practical

SECTION 2. It is necessary that this Ordinance become immediately effective for the usual daily operation of the County; the preservation of public peace, health, or safety in the County; and any additional reasons set forth in the preamble. Provided that this Ordinance receives the affirmative vote of at least eight members of Council, it shall take effect and be in force immediately upon the earliest occurrence of any of the following: (1) its approval by the County Executive through signature, (2) the expiration of the time during which it may be disapproved by the County Executive under Section 3.10(6) of the Cuyahoga County Charter, or (3) its passage by at least eight members of Council after disapproval pursuant to Section 3.10(7) of the Cuyahoga County Charter. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

SECTION 3. It is found and determined that all formal actions of this Council relating to the adoption of this Ordinance were adopted in an open meeting of the Council, and that all deliberations of this Council and of any of its committees that

