

**August 19, 2014**

**To: Mayor Bemrich & City Council Members**

**From: Jamie N. Anderson, Human Rights Director**

**Subject: Amending Chapter 2.16 of the City Code, Human Rights Commission, removing any language referencing the Joint 28E Agreement with Webster County and removing Section 2.16.220 pertaining to same sex marriage, as it is now legal in Iowa.**

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**ACTION: For vote Monday August 25<sup>th</sup>, 2014**

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**Brief History**

The Fort Dodge/Webster County Human Rights Commission was established in April 1979 under a Joint 28E Agreement between the City of Fort Dodge and Webster County. This partnership was created because the City and County determined it was in the public interest to have a joint commission to enforce the City and County human rights ordinances, to prevent and eliminate illegal discrimination.

Webster County withdrew funding from our local commission in July 2005 because the Board of Supervisors at the time stated no other county in Iowa financially supports a human rights commission, they felt having a local commission was a "duplication of efforts" and that any citizen with a complaint should file at the state level, through the Iowa Civil Rights Commission in Des Moines.

Webster County formally repealed their ordinance creating the Fort Dodge/Webster County Human Rights Commission in June 2007 because the Board found the Ordinance to be of "no value to the operation of Webster County or to the health, safety and welfare of its citizens."

Since then the City has continued to support our local Human Rights Commission and recognizes the value to businesses and citizens of resolving complaints at the local level. The by-laws for the Human Rights Commission were amended in December 2012, removing any reference to Webster County and the Joint 28E Agreement.

**Analysis of Issue**

The Commission discussed the human rights ordinance out-dated references to the Joint 28E Agreement with Webster County at our regular meeting on May 7th, 2014. City Attorney Mark Crimmins was also present at this meeting. The Commission decided, with the advice of Mr. Crimmins, it is necessary to amend the ordinance and remove any reference to the Joint 28E

Agreement. It is unknown at this time whether the Commission will regain County support in the future, but if that does happen, the ordinance will be amended accordingly.

A meeting was held with Mr. Crimmins and David Fierke in July to discuss the amendments. Mr. Crimmins provided a draft of the necessary changes and suggested the removal of section regarding same sex marriage which is now legal in Iowa. The Commission reviewed and approved the changes at their regular meeting on August 6<sup>th</sup>, 2014.

I would ask that the Council consider waiving the second and third reading of this ordinance amendment.

**Budget Impact**

There is no budgetary impact.

**Strategic Plan Impact**

This action simply cleans up the Human Rights Ordinance language and ensures that it's up to date with current Iowa Law. It does not affect current operations of the Commission.

**Comprehensive Plan Impact**

**Subcommittee or Commission Review / Recommendation**

The Fort Dodge Human Rights Commission recommends these amendments.

**Staff Conclusions / Recommendations**

Staff recommends adopting the amendments set forth.

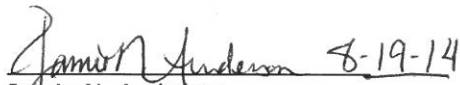
**Alternatives**

Status Quo, out-of-date language, references to a Joint 28E Agreement with Webster County that no longer exists, and reference to same-sex marriage which is now legal under state law.


**Implementation and Accountability**

If the amendments to the ordinance are approved, the Commission and Human Rights Director will implement and continue working to promote an inclusive environment of fairness in employment, housing, public accommodations, education, and credit, which will improve the quality of life for all citizens of Fort Dodge and attract newcomers to the area.

Signed

  
Jamie N. Anderson  
Human Rights Director

Approved

  
David R. Fierke  
City Manager

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING THE FORT DODGE HUMAN RIGHTS COMMISSION  
ORDINANCE NO. 1801, AN AMENDMENT RELATING TO THE REMOVAL OF  
OBSOLETE LANGUAGE**

**BE IT ENACTED BY THE FORT DODGE CITY COUNCIL:**

**The sections below are amended to read as follows:**

**Section 2.16.010 Purposes.**

The purpose of the City of Fort Dodge in enacting this ordinance codified in this chapter are:

- (1) To secure for all individuals within the City of Fort Dodge freedom from discrimination because of race, color, religion, creed, sex, national origin, age or mental or physical disability in connection with employment, retaliation, aiding or abetting; race, creed, color, sex, national origin, religion or disability in connection with education and public accommodations, services or practices; race, color, creed, sex, religion, marital status, sex, physical disability or familial status in connection with credit; and thereby to protect the personal dignity of these individuals, to insure their full productive capacities, to preserve the public safety, health and general welfare, and to promote the interests, rights and privileges of individual citizens within the City of Fort Dodge.
- (2) To provide for the execution within the City of Fort Dodge of the policies embodied in the Iowa Civil Rights Act of 1965 and in the Federal Civil Rights Act and to promote cooperation between the City of Fort Dodge and the state and federal agencies enforcing those Acts.

**Section 2.16.030 Definitions.**

“Employer” means any person, public or private, employing employees within the numerical requirements of this chapter and in the corporate limits of Fort Dodge.

“Executive Director” means the human rights officer of the commission, selected by the commission and approved by the city council of the city of Fort Dodge. The executive director shall have such duties, powers and authority as may be conferred by the commission, subject to the provisions of this chapter.

**Section 2.16.040 Commission established.**

- (a) Members of the Fort Dodge human rights commission shall be appointed by the Mayor and confirmed by the city council of Fort Dodge, Iowa.
- (c) The appointment of the executive director shall be made by the commission and confirmed by the Fort Dodge city council.

**Section 2.16.050 Powers and duties.**

Paragraph (17) should be removed in its entirety.

**Section 2.16.220 Construction of chapter**

Section should be removed in its entirety.

Effective Date. This Ordinance shall be in full force and take effect following passage, approval and publication as by law provided.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FORT DODGE, IOWA this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

First consideration \_\_\_\_\_ of \_\_\_\_\_, 2014.

AYE: \_\_\_\_\_

NAY: \_\_\_\_\_

OTHER: \_\_\_\_\_

Second consideration \_\_\_\_\_ of \_\_\_\_\_, 2014.

AYE: \_\_\_\_\_

NAY: \_\_\_\_\_

OTHER: \_\_\_\_\_

Third consideration \_\_\_\_\_ of \_\_\_\_\_, 2014.

AYE: \_\_\_\_\_

NAY: \_\_\_\_\_

OTHER: \_\_\_\_\_

CITY OF FORT DODGE

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

ATTEST:

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