

ORDINANCE NO. 2007A
FINAL ORDINANCE AMENDING CHAPTER 2.44 THE EQUAL OPPORTUNITIES
COMMISSION

The Common Council of the City of Whitewater, Walworth and Jefferson Counties, Wisconsin, do hereby ordain as follows:

SECTION 1: Whitewater Municipal Code Section 2.44 is hereby amended to read as follows:

Chapter 2.44 - EQUAL OPPORTUNITIES COMMISSION

2.44.010 PURPOSE.

- (a) It is the goal of the City of Whitewater to be a welcoming, affirming and inclusive community. It is the intent of the City that no person be denied the equal protection of the laws; nor shall any person be denied the enjoyment of his, her or their civil rights or be discriminated against because of their actual or perceived characteristics of race, color, ethnicity, national origin, gender, sexual identity or any other identity.
- (b) The Commission has been created to improve the quality of life in Whitewater by the elimination of racism and other forms of discrimination in the Whitewater community. The purpose of the commission is to take action, study, analyze and recommend solutions with respect to the major social, economic and cultural problems that affect people residing or working within the City, including discrimination in housing, education, employment and public accommodations and facilities on the basis of sex, race, color, sexual orientation, national origin, gender (or gender identity), or marital status of the person maintaining a household, lawful source of income, age or ancestry and the inciting of class, race or religious hatred and prejudice.

2.44.020 MEMBERSHIP. Membership and Officers.

- (a) The Equal Opportunities Commission shall consist of seven members composed of five or six citizen members who shall be appointed under the procedure set forth in Whitewater Municipal Code Section 2.12.011, and at least one but not more than two City Council members. The citizen members shall be residents of the City of Whitewater, residents of the Whitewater United School District or employed in the City of Whitewater.
- (b) Members of the commission shall have personal or professional experience in matters related to eliminating racial or other forms of discrimination.
- (c) Initially, after passage of this Ordinance, two citizen members shall be appointed for one-year terms, two citizen members shall be appointed for two-year terms and two citizen members shall be appointed for three-year terms. Thereafter,

citizen members serve three-year terms. City Council appointed members shall serve one-year terms.

2.44.030 DUTIES AND POWERS. The commission shall perform the following duties and exercise the following powers:

- (a) Facilitate compliance with federal, state and local laws relating to equal opportunities in education, employment, housing and recreation through informational programs.
- (b) Examine all aspects of relations between races and ethnic groups fairly and objectively, and foster awareness, understanding and appreciation of racial and ethnic diversity in the community.
- (c) Identify problems of racism and other forms of discrimination in the community and city services and recommend solutions and positive courses of action to the general community and to the City Council and City Manager.
- (d) Recommend to the City Council and the City Manager the enactment of such ordinances or other action, including assignment of staff, as it deems necessary to ensure all City residents the right to equal opportunity in housing, employment, public accommodations and education.
- (e) Initiate such public programs and studies and promote such privately sponsored programs and studies as will aid in accomplishing the commission's purposes and duties. Provide forums for dialogue on racism to improve relations.
- (f) Conduct public hearings in accordance with the ordinances of the City and the commission's rules of procedure.
- (g) Hear grievances filed under 2.44.060.

2.44.040 MEETINGS.

- (a) Meetings of the commission shall be held on dates determined by the commission.
- (b) Special meetings shall be held at the location designated in the notice of the meeting. Special meetings may be called by the commission chair or by written request of three members.
- (c) Public notice of all meetings of the commission shall be given in accordance with the open meetings law of the State of Wisconsin.

2.44.050 OFFICERS AND DUTIES.

- (a) The Equal Opportunities Commission shall select a chair, vice-chair and secretary at the first meeting of the commission each year. The chair shall preside over all meetings of the commission. The vice-chair shall preside over the meetings in the chair's absence. In the absence of both the chair and vice-chair, a chair pro tem shall be chosen from those present and shall preside. The secretary shall record the minutes of each meeting and shall transmit a written copy of the minutes and the records of the commission to the City Clerk. The City Clerk shall be the custodian of the records of the commission.

2.44.060 PROHIBITED CITY PRACTICES AND GRIEVANCE PROCEDURE

- (a) It shall be a prohibited discriminatory practice for the City of Whitewater, or its officers or employees to do any of the following:
 - (1) To refuse to furnish services or facilities, whether ordinarily provided pursuant to legal duty or local custom, when such refusal is based to any degree on consideration of age, race, creed, color, disability, marital status, gender (or gender identity), national origin, ancestry, sexual orientation or military service.
 - (2) To aid or perpetuate discrimination against such individuals by funding an agency, organization, or person that discriminates on the basis of age, race, creed, color, disability, marital status, gender (or gender identity), national origin, ancestry, sexual orientation or military service while directly providing City of Whitewater services or facility use opportunities.
- (b) Grievances alleging discrimination by the city, its officers, employees or departments, prohibited by this chapter, shall be in writing. Such grievance may be initiated by the individual or it may be initiated by any member of the commission on his or her own initiative. It shall contain:
 - (1) Name and address of the aggrieved;
 - (2) Name and address of the individual, or department against whom the grievance is alleged;
 - (3) A statement setting forth the particulars of the alleged discrimination or discriminatory practice;
 - (4) A request for an action that can be taken to solve the grievance, and suggested solutions for the commission to review.

- (c) Grievances shall be filed with the City Clerk who shall forward a copy of the grievance to the City Manager and the chairperson of the commission. The City Manager shall designate a staff person who shall attempt to resolve the matter with the aggrieved person. In the event that a solution is not agreed upon between the aggrieved and the staff, the matter shall be placed on the agenda of a meeting of the commission to be scheduled at an accessible site within thirty days of receipt of the grievance. Notice of the meeting shall be given to the aggrieved party at least ten days before the meeting date which will be scheduled at a time convenient to the aggrieved and the commission. At the meeting, the commission shall schedule the matter for hearing on a future date and make any other procedural orders necessary to allow the parties to properly present their position at the hearing.
- (d) The grievance may be withdrawn by the complainant at any time and may, subject to the approval of the commission, be amended under such terms as the commission shall allow. Notice of amendment or withdrawal shall be given to all parties.
- (e) At the hearing, the aggrieved and/or an agent designated by the aggrieved person, and a staff person or other individual assigned by the City Manager to represent the city's position, shall both present oral and/or written information under oath at the hearing. After the parties have been given the opportunity to present all information, the commission shall make written findings of fact and conclusions and, if no violation is found, the commission shall dismiss the grievance. If a violation is found, the commission shall issue a proposed order and forward it to the City of Whitewater Common Council for consideration. The council may affirm, modify, or reverse the order.
- (f) No commissioner who files a grievance on his or her own initiative shall participate in any subsequent hearing or proceeding except as a witness, and shall not participate in the deliberations of the commission in such case.

2.44.070 QUORUM.

- (a) Four voting members shall constitute a quorum sufficient to transact business. A majority of members voting may adjourn any meeting.

2.44.080 VOTING.

- (a) A majority vote shall be necessary to adopt any motion, resolution, or other proposed action, except where a greater number is required by law.

2.44.090 RULES OF PROCEDURE AND BY-LAWS.

- (a) A copy of the commission's approved by-laws and rules of procedure, if any, shall be filed with the City Clerk.

2.44.100 INSPECTION OF RECORDS.

- (a) Records of the commission shall be available for public inspection, unless exempt from disclosure under the Wisconsin Public Records Law.

2.44.110 COMPENSATION.

- (a) All members shall serve without compensation.

2.44.120 SUBCOMMITTEES.

- (a) The commission chair may appoint standing or temporary subcommittees, subject to confirmation by the commission. Temporary committees shall dissolve no later than 6 months after their creation, unless their term is extended by an affirmative vote of the majority of the commission. Extensions may be granted in increments of 6 months or less.
- (b) Members of subcommittees need not be members of the commission.
- (c) Public notice of all subcommittee meetings shall be given in accordance with the Wisconsin Open Meetings Law.

Ordinance introduced by Councilmember Binnie, who moved its adoption with a change to the draft providing that the membership of the commission would include at least one council member, but no more than two. Seconded by Councilmember Allen. AYES: Schulgit, McCormick, Brown, Binnie, Palmer, Singer, Allen. NOES: None. ABSENT: None. FIRST READING APPROVED: August 18, 2020. It was then moved by Singer and seconded by Schulgit to waive the local Municipal Code requirement for a second reading of the Ordinance. AYES: Schulgit, McCormick, Brown, Binnie, Palmer, Singer, Allen. NOES: None. ABSENT: None. ADOPTED: August 18, 2020.

Cameron L. Clapper, City Manager

Michele R. Smith, City Clerk