AN ORDINANCE
BY COUNCIL MEMBER CATHY WOOLARD

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AN ORDINANCE TO AMEND ARTICLE XVI SECTIONS 2-2046 THROUGH 2-2059 OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA SO AS TO DELETE THE ENTIRE DIVISION 7 ENTITLED "COMMUNITY RELATIONS COMMISSION;" TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta has a rich history in the civil rights movement and is rightfully considered one of the most progressive cities in the country regarding its policies ensuring equal rights for all its citizens; and

WHEREAS, there has never been a comprehensive review of the City's existing human rights ordinances, resulting in inconsistencies in coverage and definitions in various code sections.

THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS AS FOLLOWS:

ARTICLE XVI, DIVISION 7, SECTIONS 2-2046 THROUGH 2-2059 OF THE CODE OF ORDINANCES which currently reads as follows:

DIVISION 7. COMMUNITY RELATIONS COMMISSION*

*Cross reference(s)--Human relations, ch. 94.

Sec. 2-2046. Purpose of division; functions and duties.

(a) This division is promulgated pursuant to section 3-401(j) of the Charter, to prescribe the functions and duties of the community relations commission.

(b) Among the functions and duties of the community relations commission shall be to:
(1) Carry out the mandate contained in the bill of rights of the Charter;

(2) Protect and promote the personal dignity of all individuals in the city, including protecting all citizens from discrimination, segregation or separation based solely on race, gender, sexual orientation, marital status, disability, parental status, income, color, creed, religion, ancestry, national origin or other conditions of discrimination; and

(3) Protect and promote the safety, health, peace, security, good order, comfort, convenience, morals and general welfare of the city and its inhabitants.
(Code 1977, §§ 2-5021)

Sec. 2-2047. Composition; appointment; quorum; removal.

(a) The community relations commission shall be composed of 27 members, all bona fide residents, domiciled in the city and generally representative of the citizenry of the city, to be appointed by the mayor and the council as follows:

(1) Seven members shall be adults appointed by the city council for two years or until their successors have been duly appointed and confirmed, as follows:

a. One member shall be appointed by each paired district with the concurrence of the at-large council person; and

b. The council president shall appoint one member to the commission.

(2) Two members shall be college students to be chosen from among and by vote of all the presidents of the student government associations of the Atlanta Metropolitan Community College, Clark Atlanta University, Georgia Institute of Technology, Georgia State University, Interdenominational Theological Center, Morehouse College, Morehouse School of Medicine, Morris Brown College and Spelman College for one-year terms or until their successors have been duly appointed and confirmed.

(3) Three additional members shall be public high school students to be appointed by the mayor for one-year terms or until their successors have been duly appointed and confirmed.

(4) The remaining 15 members shall be appointed by the mayor for two-year terms. The mayor shall annually designate the chairperson of the community relations commission who shall serve in such position for a one-year period.

(b) Fourteen members of the commission shall constitute a quorum for the transaction of business. Members shall serve without compensation. Upon the recommendation of the commission, and consistent with by-laws to be adopted by the community relations commission, any member may be removed by the mayor for failure to attend meetings, inattention to duties or for other lawful reasons designated in the by-laws. (Code 1977, §§ 2-5022; Ord. No. 1995-35, §§ 1, 7-11-95)

Sec. 2-2048. Officers; committees.

(a) The community relations commission, at each annual meeting, shall elect from its membership a vice-chair, a second vice-chair and a secretary and such officers shall have such authority and perform such duties as are commonly associated with their respective titles.

(b) There shall be an executive committee of the community relations commission which shall be comprised of the officers enumerated in subsection (a) of this section, in addition to the chair of the commission and such other members of the commission as the commission may designate. The executive committee shall exercise such powers of the commission between its regular meetings as may be authorized by the commission.

(c) The commission shall be further authorized to appoint and fix the membership of such number of standing and temporary committees as it may find expedient for the performance of its duties. (Code 1977, §§ 2-5023)

Sec. 2-2049. Meetings; rules of order.
The community relations commission shall meet at least once each month at such time and place as shall be fixed by the commission by its standing rules. Special meetings shall be called by the chair or, in the chair's absence, by the ranking vice-chair or on the written request of any two members of the executive committee or upon the written request of a majority of the commission. The executive committee shall prepare the agenda for all meetings. The commission shall establish its own rules of order or adopt Robert's Rules of Order, Newly Revised, for the conduct of its meetings.
(Code 1977, §§ 2-5024)

Sec. 2-2050. Powers and duties.
The community relations commission and its staff shall have the overall responsibility for implementing and carrying out the functions, duties and powers of the commission to:

(1) Foster mutual understanding, tolerance, and respect among all economic, social, religious and ethnic groups in the city;

(2) Carry out the mandate contained in the bill of rights of the Charter, protect and promote the personal dignity of all citizens of the city and protect and promote the safety, health, peace, security, good order, comfort, convenience, morals and general welfare of the city and its inhabitants;

(3) Aid in permitting the city to benefit from the fullest realization of its human resources;

(4) Establish guidelines and procedures for the operation of the commission, including the conduct of the commission, including the conduct of hearings and investigations;

(5) Investigate, discourage and seek to prevent discriminatory practices against any citizen;

(6) Attempt to act as conciliator in controversies involving human relations and related community concerns;

(7) Attempt to act as mediator in controversies involving human relations and related community concerns;
(8) Cooperate with federal, state, county and city agencies in developing harmonious human relations;

(9) Cooperate in the development of educational programs dedicated to the improvement of human relations with or enlist the support of civic leaders; civic, religious, veterans, labor, industrial, commercial and eleemosynary groups; and private agencies engaged in the inculcation of ideals of tolerance, mutual respect and understanding;

(10) Make studies and have studies made, in the field of human relations, and prepare and disseminate reports of such studies;

(11) Recommend to the mayor and council such ordinances as will aid in carrying out the purposes of this division;

(12) Submit an annual report to the mayor and council; and

(13) Accept grants and donations on behalf of the city from foundations and others for the purpose of carrying out the functions listed in this section, subject to the approval of the mayor and council.
(Code 1977, §§ 2-5025)

Sec. 2-2051. Hearings.
Pursuant to the named functions and duties of the community relations commission, it is empowered to hold hearings and take the testimony of any person under oath. The commission, after the completion of any hearing, shall make a report in writing to the mayor setting forth the facts found by it and its recommendations. At any hearing before the commission, a witness shall have the right to be advised by counsel present during such hearing.
(Code 1977, §§ 2-5026)

Sec. 2-2052. Executive director.
The community relations commission shall, with the approval of the mayor and city council, employ an executive director, and the mayor and city council shall fix compensation. The executive director shall be a person with training and experience in intergroup and interracial relations. The executive director shall coordinate the activities of the commission and its staff. The executive director, within the limits of the budget of the commission, will employ such staff as needed, and the executive director shall recommend the compensation of such staff, subject to the approval of the personnel board of the city and the commission.
(Code 1977, §§ 2-5027)

Sec. 2-2053. Annual budget.
The community relations commission shall submit annually a budget prepared in accordance with the procedure which has been established for budgeting and on forms provided by the chief financial officer to the committee on finance.
(Code 1977, §§ 2-5028)

Sec. 2-2054. Authority of mayor to contract for private funds.
If private funds are made available for special projects, surveys and educational programs, the mayor is authorized, upon recommendation of the community relations commission, to enter into a contract with private individuals, associations or groups desiring to promote the purpose of the community relations commission by furnishing funds for such purposes.
(Code 1977, §§ 2-5029)

Sec. 2-2055. Availability of services of other departments.
The services of all other city departments shall be made available to the community relations commission upon its request for such services, subject to the ability and capacity of the department to render such services. Information in the possession of any city department, board or agency shall be furnished to the commission upon its request and to the extent permitted by law, subject to the ability and capacity of the department to furnish it. Upon the refusal by any head of any city department, board or agency to furnish any information which has been requested by the commission, the matter shall be referred to the mayor who shall determine whether the information shall be furnished to the commission, and the decision of the mayor shall be final.
(Code 1977, §§ 2-5030)

Sec. 2-2056. Allocation of office space and facilities.
The mayor is authorized to allocate adequate office space and to provide the necessary facilities in city hall for the community relations commission. If the office space and facilities are not available in city hall, the mayor shall be authorized to secure adequate office space and to provide the necessary facilities as

convenient to city hall as possible.
(Code 1977, §§ 2-5031)

Sec. 2-2057. General accounting system.
The community relations commission shall authorize the chief financial officer to design, implement and maintain a general accounting system for the commission on the same basis and consistent with that of other city departments. The commission shall furnish the chief financial officer any requested information or reports relative to its property, income, appropriations or expenditures.
(Code 1977, §§ 2-5032)
Sec. 2-2058. Committees.

One or more committees may be designated with the concurrence of the members of the community relations commission. Each committee is to consist of one or more members and shall be by voluntary choice of the members of the commission. A simple majority of the committee membership constitutes a quorum. The chair of the commission shall be an ex officio member of all committees and shall ensure appropriate distribution of committee memberships.
(Code 1977, §§ 2-5033; Ord. No. 1995-35, §§ 2, 7-11-95)

Sec. 2-2059. Subpoenas.

(a) Issuance. The executive committee of the community relations commission shall have the power to request that the appropriate committee of the council issue a subpoena on behalf of the community relations commission for the purpose of conducting hearings and investigations into human rights violations and related community concerns. In order for a subpoena to be issued, a committee of the community relations commission must submit to the executive committee of the community relations commission a written request which shows the general relevance of the information sought. Upon a majority vote of its membership, the executive committee of the community relations commission must present the request for subpoena to the appropriate committee of the council. The appropriate committee of the council will issue the subpoena by majority vote of its membership. Subpoenas issued by the appropriate committee of the council on behalf of the community relations commission may call for the production of relevant books, records, documents or other materials, except as provided in subsection (h) of this section.
(b) Service. A subpoena issued by the appropriate committee of the council may be served by the appropriate sheriff or deputy, a party or any person designated by the community relations commission. Service of a subpoena upon a person named therein shall be made by delivering a copy thereof to such person or an individual acting in a representative capacity by:

(1) Sending a copy of the subpoena, by registered or certified mail or other public means by which a written acknowledgement of receipt may be requested and obtained, to such person's residence, place of business or employment, with return receipt requested and returned showing receipt of the letter;

(2) Delivering a copy of the subpoena personally;

(3) Leaving a copy of the subpoena at such person's dwelling house or usual place of abode; or

(4) Serving such person's agent as provided by rule, statute or valid agreement.
Whenever service is made under subsection (b)(3) or (b)(4) of this section, the person making the service also shall send by first class mail a copy of the subpoena to the last known address of the person being served, and this fact shall be shown upon the return.

(c) Form and content. Subpoenas issued by the appropriate committee of the council shall be signed by the chair or designate and shall state the name of the community relations commission and the title of the action.

(d) Commanding attendance and giving testimony. A subpoena may command the person to whom it is directed to attend and give testimony at a time and place therein specified.

(e) Production of documentary evidence. A subpoena may command the person to whom it is directed to produce the books, papers, documents or tangible things designated therein.

(f) Modification. The appropriate committee of the council, upon motion made promptly, may modify the subpoena if it is unreasonable or oppressive.

(g) Failure to obey. If any person called as a witness by a subpoena shall fail to obey such a subpoena to appear before the community relations commission or if such person or authorized representative or agent shall refuse to testify or to answer any question or to produce any book, record, paper or other document when required, such refusal or failure shall constitute a contempt. Such contempt shall be punished by the city council or the appropriate committee of the council as provided in section 1-8. The commission also may apply for a citation of contempt from the state or superior court or judge thereof, in the county in which the hearing is held or in which the person subpoenaed resides or transacts business or in which the books, records or documents are kept or are located.

(h) Confidentiality. Subject to the laws of the state and the city, nothing in this section shall be construed as making public or requiring the production of records of information which is made confidential by law.

(i) Proof of service. When a subpoena is served by the sheriff or a deputy, the sheriff's or deputy's return shall be proof of service. When served by any other person, the service must be shown by affidavit. No fees or costs for the service of a subpoena shall be collected or charged as costs, except when service is made by the sheriff or a deputy.
(Code 1977, §§ 2-5034)

Secs. 2-2060--2-2080. Reserved.

Be amended by deleting the foregoing.