IN CITY COUNCIL
ORDINANCE #03-20/21

THE COUNCIL of the City of South Portland hereby ordains that Chapter 10, "Health, Welfare and Sanitation Generally," of the "Code of Ordinances of the City of South Portland, Maine" be and hereby is is amended as follows (deletions are struck through; additions are underlined):

CHAPTER 10

HEALTH, WELFARE AND SANITATION GENERALLY

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ARTICLE XII - HUMAN RIGHTS COMMISSION ORDINANCE

Sec. 10-1510. Title.

This Article shall be known as the "City of South Portland Human Rights Commission Ordinance."

Sec. 10-1511. Purpose.

The South Portland Human Rights Commission ("SPHRC" or "Commission") is hereby established to provide support for the people of South Portland, specifically marginalized groups, in order to build community; provide education and training; celebrate diversity and inclusion; increase community engagement; and review policies and provide policy recommendations to the City Council and the City Manager. The SPHRC will work closely with Black, indigenous and people of color; LGBTQ people; people with disabilities; and low-income families. The SPHRC will work to prevent hate and discrimination in the City.

Sec. 10-1512. Composition; Qualifications; Quorum; and Officers.

There shall initially be thirteen (13) members of the Commission, nine (9) of whom shall be voting members and four (4) of whom shall be ex-officio, non-voting members.
(a) Voting members. The nine voting members shall be appointed by the City Council, with one nominated by each of the five district Councilors from within their respective voting districts, and two nominated by each of the two at-large Councilors from any of the five voting districts. The remaining two voting members shall be appointed by the City Council from a list of interested applicants, one of whom must be a youth representative (age 16-22) who shall serve a one-year term. All voting members shall be South Portland residents. With the exception of the youth representative member, the voting members of the Commission shall serve in staggered, three-year terms as follows:

- Districts 1, 2, & 3: Beginning in 2020 for a one-year term, with three-year terms to follow beginning in 2021.
- Districts 4, 5, and one Councilor-nominated At-Large: Beginning in 2020 for a two-year term, with three-year terms to follow beginning in 2022.
- Councilor-nominated At-Large (1) and general At-Large (1): Beginning in 2020 for a three-year term, with three-year terms to follow beginning in 2023.

With the exception of the youth representative member, no person shall serve as a voting member for more than two consecutive three-year terms. Individuals from Districts 1 – 5 and the one at-large initially appointed to the Commission for a one- or two-year term as outlined above may serve for two consecutive three-year terms after their initial appointment of one or two years. Individuals appointed to serve the remainder of a term due to a vacancy in office may also serve for two consecutive three-year terms after their initial appointment to fill such a vacancy.

(b) Ex-officio, non-voting members. Four (4) of the Commission members shall be ex-officio (non-voting) members. Each of the following departments, in consultation with the City Manager, shall annually select a representative to serve in this capacity on the Commission: Police Department, Planning Department, Human Resources Department, and School Department. A Diversity and Inclusion Coordinator, if such a position is so created by the City, shall also serve as a fifth ex-officio member of the Commission and thereby increase the membership of the Commission to fourteen (14) members.

(c) Qualifications. It is desirable that Commission members be representative of the broad spectrum of the citizens of the City. Commission members should be willing to attend training sessions for the purpose of facilitating the discharge of their duties. Members shall serve without compensation.

(d) Quorum. A quorum shall consist of at least six (6) voting members.

(e) Officers. Annually, the Commission shall select from amongst its membership a Chair, Vice Chair, and Secretary. All officers shall be voting members of the Commission.

Sec. 10-1513. Meetings.

(a) Regular meetings of the SPHRC shall be scheduled on at least a quarterly basis to handle regular Commission business and further information dissemination efforts. Special meetings shall be held at the call of the Chair. Such meetings shall be open for public attendance. Minutes shall be kept of all Commission proceedings. The
Diversity and Inclusion Coordinator, if such a position is so created by the City, shall be responsible for all minute and record-keeping duties; otherwise, these duties shall fall to the Secretary.

(b) No meeting shall be conducted by the Commission without a quorum being present. Decisions on any matters before the Commission shall require the affirmative vote of a majority of the members present and voting.

(c) Sections 2-121, 2-122, and 2-123 of the Code of Ordinances apply to the Commission.

(d) The Commission shall establish its own rules of procedure.

Sec. 10-1514. Powers and Duties.

The SPHRC shall have the following powers and duties:

(a) To initiate policy recommendations to the City Council with respect to preventing and prohibiting all discrimination on account of race, color, sex, sexual orientation, physical or mental disability, religion, ancestry, national origin, marital status, familial status, and age.

(b) To assess the human relations and civil rights needs of the community and to advise the City Manager and the City Council of the results of these assessments.

(c) To cooperate with other groups and governmental agencies concerned with human rights.

(d) To refer allegations or complaints of human rights violations to the Maine Human Rights Commission. The Commission will refer any allegations or complaints of human rights violations involving a City employee, elected or appointed official to the City Manager, to be handled consistent with City policy, collective bargaining agreements, and/or State law. The Commission shall not participate in the review, assessment or investigation of any allegations or complaints of human rights violations.

(e) To initiate data collection and evaluation activities that will identify minority and low-income concentrations within the City, and to prepare recommendations for submission to the Planning Board and the City Council that will contribute to lessening such concentrations, strengthen the fair housing policies of the City, and eliminate discrimination on the account of race, color, sex, sexual orientation, physical or mental disability, religion, ancestry, national origin, marital status, familial status, and age.

(f) To aid the City in attracting qualified employment candidates from minority constituencies to help improve the diversity of the City’s workforce so as to be reflective of the population for which it serves.

(g) To aid the City in providing training opportunities to employees regarding topics such as implicit bias and diversity.

(h) To seek outside funding sources, in addition to any resources supplied by the City, to assist in its mission. All outside monies or grants are subject to the City’s established financial processes and procedures.

(i) To organize or support events, as deemed necessary by the Commission, which celebrate and educate the public on various forms of diversity.
Sec. 10-1515. Intergovernmental Cooperation.

All City departments, boards, and commissions shall cooperate with and provide assistance to the Commission, including the provision of information for inspection and copying in response to reasonable requests from the Commission made through the City Manager and consistent with the Maine Freedom of Access Act. The Commission shall not direct the work of the City Manager or any other employee or appointed official of the City.

Sec. 10-1516. Staffing.

The City Manager may assign a staff person to provide administrative support to the Commission. Alternatively, subject to available funding within the Commission’s annual budget allocation and with the assistance of the City’s Human Resources Department, the City may hire, in consultation with the Commission, a part-time administrative assistant to provide administrative support to the Commission. In the event that the City creates a Diversity and Inclusion Coordinator position, such duties may be incorporated into that position.

Sec. 10-1517. Budget.

The Commission may submit a yearly budget request for the City Council’s consideration and approval. This budget request must be submitted in accordance with the regular City budgeting processes and procedures on a yearly basis, and it is to cover all costs and expenses related to the Commission’s activities.

Sec. 10-1518. Annual Report.

Starting January 1, 2022, an annual written report of the Commission’s activities shall be submitted to the City Council in January of each year.

Sec. 10-1519. Dissolution.

To ensure the Commission’s long-term viability, dissolution of the Commission can only occur if dissolved by a two-thirds (2/3) vote of the entire membership of the City Council and provided that all City Charter and Code of Ordinance provisions relating to notice and hearing are observed.

Sec. 10-1520. Severability.

If any portion of this Ordinance shall be found by a court of competent jurisdiction to be invalid, the remaining provisions shall remain in full force and effect.

Dated: September 15, 2020