

HRC BYLAWS

ARTICLE I **STATUTORY PURPOSE**

Recognizing the need for a permanent body on human relations, the Atlanta city Council (“City Council”) created the Human Relations Commission (“HRC”) as a “vehicle for addressing illegal discrimination in the public accommodations, private employment, and housing with the City of Atlanta (“Atlanta”). The prohibited forms of discrimination involve race, color, creed, religion, sex, domestic relationship status, sexual orientation, national origin, gender identity, age and physical disability. The governance of the HRC shall be in accordance with the Official Code of Georgia, the State Laws of Georgia, and the United States Constitution.

ARTICLE II **COMMISSIONERS**

The Human Relations Commission (“HRC”) of the City of Atlanta (“Atlanta”) shall consist of seven (7) Commissioners. Two (2) Commissioners shall be appointed by the Mayor of Atlanta, two (2) Commissioners shall be appointed by the President of the City Council and three (3) shall be elected by the at-larger members of the City Council. Each Commissioner must reside in Atlanta. The membership of the HRC is intended to reflect the diversity of the people protected under the ordinance. The City’s Law Department provides legal assistance, and the Mayor’s Office of Constituent Services provides administrative support.

ARTICLE III **TERMS**

Each HRC Commissioner must serve for a term of three (3) years at the pleasure of the City Council. The terms of the Commissioners shall be staggered. No member can serve more than two consecutive terms. Vacancies that result from expired terms shall be filled in the same manner as the original appointments. However, in instances where a vacancy occurs prior to expiration of a term of office, the succeeding appointee is eligible to complete the unexpired term of a predecessor. Notwithstanding the terms of office, any Commissioner may be removed at any time by the City Council.

Commissioners unable to continue active service with the HRC shall submit written letters of resignation to the Chair of the HRC. If a Commissioner fails to attend 50% of the regularly scheduled meetings, within each calendar year, without being excused by the Chair, then the Commissioners may petition the City Council to have such Commissioners removed. The same attendance requirements shall apply to the Committees except permission to miss a meeting is to be obtained from the Committee Chair.

ARTICLE IV **OFFICERS**

The HRC elects its own officers. The officers shall be the Chair and Vice-Chair. Said officers shall be elected annually at the regularly scheduled November meeting, of each preceding calendar year, of the HRC. The Chair and Vice-chair shall not hold office for more than two (2) consecutive one-year terms.

Duties and responsibilities of the Chair and Vice-Chair are as follows:

- The Chair shall preside over meetings of the HRC and follow all acceptable rules of order.
- The Chair or Vice-Chair may call special meetings of the HRC upon receipt of requests from any five (5) Commissioners. Requests must be substantiated through written correspondence and included with the agenda notifying Commissioners of the special meeting.
- The Chair, except as otherwise specified within these bylaws, shall have the authority to appoint Commissioners to all committees. He or she may also serve as an ex-officio member of any committee.
- The Chair shall have the authority to designate persons other than Commissioners to Ad Hoc Committees or Advisory Task Forces.
- The Vice-Chair shall perform all duties and responsibilities of the chair in his or her absence. Should the chair resign, the Vice Chair shall assume the duties of Acting Chair and call a special election within thirty (30) days to facilitate selection of a replacement. Likewise, should the Vice-Chair resign, a special election shall be conducted within thirty (30) days to select a replacement.
- The Chair and Vice-Chair shall perform any other duties that may be developed upon them by the HRC.

ARTICLE V **MEETINGS**

All meetings of the HRC, whether regular or special, shall be open to the public, except as otherwise provided by law. The HRC shall hold four (4) meetings each calendar year and comply with all public notification requirements as stipulated by state law. Meetings of the HRC shall take place in city Hall Main located at 55 Trinity Avenue, Atlanta, Georgia 30303, unless a quorum designates an alternative venue. The time of the HRC meetings shall be agreed upon by a quorum vote of the Commissioners.

Special meetings may be called by the Chair or Vice-Chair upon receipt of requests from any three (3) Commissioners. Agendas of special meetings must be posted and mailed to the public and all Commissioners in a manner that provides at least seventy-two (72) hours of advance notice. Said agenda shall specify date, time, location and business to be transacted.

A quorum shall consist of a simply majority of the currently appointed membership except that persons on approved leaves of absences shall not be counted in determining a quorum. Normal decision-making shall be subject to a majority of the Commissioners present, provided that a quorum has been established. All HRC discussions and proceedings shall be duly recorded in minute form.

A Leave of Absence, not to exceed more than six (6) months, may be granted by a majority vote of the Commission upon written application for same by a Commissioner. Commissioner(s) on Leave of Absence shall not be considered as HRC appointee(s) during the period of his/her/their Leave, and shall not be counted for purposes of a quorum.

ARTICLE VI **ORDER OF BUSINESS**

The order of business at all regular meetings of the HRC, or of any related committee thereof, shall be as follows:

- Call to Order
- Acceptance of Agenda
- Expressions from members of the public present
- Approval of minutes of previous meeting
- Report of Chairperson
- Reports of Committees
- Old Business
- New Business
- Adjournment

The designated representative from Constituent Services shall maintain a copy of the approved minutes.

ARTICLE VII **COMMITTEES**

The Chairperson may appoint standing, special or ad hoc committees at any time and from time to time.

ARTICLE VIII
DUTIES AND PROCEDURES

The HRC shall focus its efforts on the elimination of discrimination in public accommodations, private employment and housing. Some of its functions are as follows:

- Receive and investigate complaints and make recommendations to the Mayor and the appropriate City agency for the resolution of complaints alleging discrimination, including racial profiling.
- Initiate actions to investigate complaints regarding violations of the Human Relations Code.
- Conduct studies and recommend needed ordinances and resolutions.

In addition to the foregoing, depending on resources and need, the HRC may:

- Develop human relations plans and policies for Atlanta.
- Investigate conditions that may lead to tension and conflict among racial, religious, and national groups and recommend remedial actions as may be needed.
- Convene conferences on public accommodations, private employment, and housing and work with leaders in these fields in developing programs of voluntary compliance and enforcement of the Human Relations Code.

Procedures:

Complaints: Any person or organization claiming to be aggrieved by a discriminatory practice occurring within Atlanta may file a complaint with the HRC. The complaint must be submitted in writing to the Director of the Mayor's Office of Constituent Services on a form provided by the HRC or 'any paper suitable for a complaint' within 180 days of the occurrence of the alleged unlawful discriminatory act. The Mayor's Office of Constituent Services maintains a list of information that must be included in a complaint. If the alleged activity is of a continuing nature, the date of its occurrence will be deemed to be any date subsequent to its inception, up to the date of its cessation. The person filing the complaint must promptly deliver a copy of the Complaint to the alleged offender and other 'necessary parties' as determined by the HRC. In any event, upon receipt of a Complaint, the Office of Constituent Services shall issue correspondence notifying the Complainant that the alleged offender in the matter must be served with a copy of the Complaint by the Complainant or their counsel.

Within 30 days after receiving a complaint, the Director of the Mayor's Office of Constituent Services will conduct an initial investigation and report the findings to the HRC. Upon reviewing a Complaint, the HRC shall vote on whether a matter shall be

dismissed due to being outside the purview of the HRC, whether a more detailed investigation by Constituent Services should be requested, whether additional information should be requested from the parties to the Complainant prior to conducting further review of the complain, or whether an outside investigation should be requested of the Law Department. Upon determining what measures shall be taken, constituent Services shall immediately notify the Complainant of the HRC's decision and, if appropriate, the Complainant shall be provided with an approximate date of disposition.

Investigations: The HRC may also, at its option, continue the initial investigation to obtain additional information or conduct a hearing. The respondent should file a written answer to the complaint at least three business days prior to the hearing.

Notice of Hearings: The Notice of Hearing shall be issued thirty (30) days before the scheduled hearing date.

The Notice of hearing shall contain an Issue Statement setting forth the specific issues relevant to the alleged discrimination to which the hearing will be limited. The HRC Case Captain, to be issued upon the initial determination by the Commission to accept the case for consideration, shall be responsible for drafting the Issue Statement and ensuring that the parties to the case comply with the requirements set forth in the Notice of Hearing, as provided for in this article.

The Notice of Hearing shall require of both the Complainant and Respondent to submit, within 14 days prior to the hearing, a one-page Fact Statement setting forth the specific factual allegations of discrimination and a witness list specifying the name of each witness to be called and the specific facts that each witness will be produced to prove.

The Notice of Hearing shall include the following provision setting forth the Order of Proof at the hearing:

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| Complainant: | Opening Statement (5 minutes) |
| Respondent: | Opening Statement (5 minutes) |
| Complainant: | Presentation of Case (30 minutes) |
| Respondent: | Recall of Complaints Witnesses (10 minutes) |
| Respondent: | Presentation of Case (30 minutes) |
| Complainant: | Recall of Respondent's Witness (10 minutes) |
| Complainant: | Closing Argument (5 minutes) |
| Respondent: | Closing Argument (5 minutes) |

Question and Answer Period by Commission Members

These time stipulations are subject to amendment at the discretion of the Chair and/or a majority of the quorum of Commissioners.

The Notice of Hearing and the initial correspondence provided to the Complainant informing receipt of the Complaint shall contain the following information:

The HRC is not permitted to render any decision that would require the payment of money damages or direct any agency or entity to reinstate an employee discharged in violation of anti-discriminatory laws and policies. Upon completion of a hearing and within 30 days of said hearing, the HRC is empowered to issue a statement of findings of fact and, at the discretion of the HRC Chair, an opinion statement setting forth the reasoning underlying the findings of fact. These statements will be forwarded to the Mayor who may respond to a finding of discrimination in accordance with Section 94-121(o)(3).

Upon receipt of the initial correspondence from the HRC acknowledging receipt of the Complaint and informing the Complainant of the scope of HRC authority, the Complainant must provide written confirmation to the HRC that she wishes to proceed with the case.

See attached document entitled Notice of Hearing

Subpoenas: Subpoena Requests by Parties:

Parties seeking to obtain subpoena approval from the HRC must complete the subpoena request form and forward it to the Commissioner handling the case, the Constituent Services Specialist and the HRC Chairperson. Upon a determination that the subpoena witnesses would provide facts relevant to the issues set forth in the required Issue Statement, the HRC will notify the requesting party and present the request to the Atlanta Committee on Council. If the Committee on Council approves the request, the Atlanta City Council must issue the subpoena by resolution and the party seeking the subpoena must serve it upon the witness within 14 days of the scheduled hearing date. If the City Council declines to issue a resolution the requesting party may submit the information they were seeking to obtain by subpoena via affidavit at the hearing; however, the hearing date will not be altered. Accordingly, parties are encouraged to consult the meetings dates for both the Atlanta Council on Committee and the Atlanta City Council, so that they can submit their requests in enough time to ensure timely service, if the subpoena is issued pursuant to resolution.

The Commission shall include in the initial correspondence to the parties information regarding the subpoena process, subpoena timelines and the calendar reflecting meeting dates for the Committee on Council and the City Council. The Commission shall also keep all parties apprised in both the Notice of Hearing and the initial correspondence that all hearing dates are scheduled for the 3rd Wednesday of every month at 9am. This will

allow parties to forecast the date of a rescheduled hearing should a continuance be appropriate.

See attached document entitled Subpoena request form to be provided to the parties

Procedure for Rescheduling / Continuing Cases Upon Request of the Parties:

The HRC retains the discretion to approve or deny a request for continuance of a case scheduled for a hearing by a simple majority vote of its Commissioners. Notwithstanding the foregoing, each party is permitted no more than one request for a continuance in each case. Where a continuance has been granted, any subpoena request not submitted in a timely fashion, as would be determined according to the original hearing date, will not be received by the Commission.

Findings of Fact: After conducting a hearing, the HRC will issue findings of fact, its decision, and at the discretion of its Chair, an opinion with the reasons for the decision. The Mayor and the appropriate department of City government will have thirty (30) days in which to respond to HRC findings.

Enforcement: In the event of a finding of discrimination in violation of the Human Relations Code, a letter may be sent asking the alleged offender to desist from the actions cited in the complaint. In addition, the Mayor may take any of the following actions:

- Inquire whether due cause exists to revoke a professional or business license issued by Atlanta or a contract with Atlanta.
- Ask any Atlanta agency to investigate whether the alleged offender has violated any other Atlanta ordinance.
- Request any appropriate community agency to investigate whether the alleged offender has violated any state or federal law.

Within one year after a conciliation agreement or decision, the HRC will investigate whether the respondent is complying with the terms of the agreement or recommendations.

Other Remedies: In addition to filing a complaint with the HRC, an aggrieved person may seek prosecution of alleged violations of the Human Relations Code in Atlanta Municipal Court; but if the person filing the complaint agrees to a conciliation agreement, the basis of an ordinance violation is limited to the enforcement of the terms of agreement or settlement.

The filing of a complaint with the HRC does not invalidate, restrict or deny any right or remedy a person may have under state or federal law or preclude any cause of action in court for the violation of anyone's rights.

ARTICLE IX
STAFFING

Atlanta's Law Department provides legal assistance, and the Mayor's Office of Constituent Services provides administrative support.

ARTICLE X
AMMENDENTS

These bylaws may be amended by a two-thirds (2/3) majority vote at a regular or special meeting called for this purpose providing that a quorum has been established. Proposed bylaws amendments must be provided in writing, through regular mail or electronic mail, to everyone current member at least seven (7) days in advance of the meeting. Amendments shall not become final until submitted to and approved by the City Council.