

**CITY OF SHIVELY
CERTIFIED SUMMARY
ORDINANCE NO. 7, SERIES 2022**

**AN ORDINANCE ESTABLISHING A HUMAN RIGHTS COMMISSION IN THE CITY
OF SHIVELY, KENTUCKY**

Pursuant to KRS 83A.010(12), I certify that the effect of the above-styled ordinance is to establish a Human Rights Commission in the City of Shively. The Shively Human Rights Commission shall be composed of five members, and its policy shall be to be promote fair treatment and equal opportunity for all people regardless of their race, color, religion, national origin, sex, age forty (40) and over or physical disability of any type. Among its various powers and duties, the Human Rights Commission shall have the power to conduct research projects on discrimination, to accept gifts, grants or bequests to help finance its activities, to receive complaints and investigate charges of discrimination, to issue remedial orders, to refer matters of discrimination to the Kentucky State Commission Human Rights, to recommend methods for elimination of discrimination, to submit an annual report of its activities and progress to the Mayor and City Council and to adopt, promulgate, amend and rescind rules and regulations to effectuate the policies and provisions of this ordinance.

A complete copy of this ordinance may be reviewed at Shively City Hall, 3920 Dixie Highway, Shively, KY 40216.

Introduced and first reading: October 17, 2022
Second reading: November 7, 2022, DID NOT PASS

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**CITY OF SHIVELY
ORDINANCE NO. 7, SERIES 2022**

**AN ORDINANCE ESTABLISHING A HUMAN RIGHTS COMMISSION IN THE CITY
OF SHIVELY, KENTUCKY**

WHEREAS it is the public policy of the Commonwealth of Kentucky to encourage fair treatment and equal opportunity for all persons regardless of race, color, religion, national origin, sex, age forty (40) and over, or physical disability of any type, and

WHEREAS the Kentucky General Assembly has enacted the Kentucky Civil Rights Act (KRS 344.310 et. Seq.) which confirms the powers of all Kentucky cities and counties to adopt ordinances establishing commissions on human rights; and the Governor and State Commission on Human Rights have urged the formation of local commissions on human rights that would promote equal opportunity for all Kentucky cities and counties, and

WHEREAS discrimination against persons on grounds of race, color, religion, ethnicity, national origin, sex or age forty (40) and over, or physical disability of any type is detrimental to the social health and welfare of the city and produces harmful effects on the economy of the city, resulting in unused human resources and lower earning power for portions of the general population, and

WHEREAS such discrimination represents an affront to the dignity of the individuals against whom it is directed and is inconsistent with the democratic principles embodied in the United State Constitution and of the Constitution of the Commonwealth of Kentucky, and

WHEREAS such discrimination intensifies group conflicts which do grave injury to the public health and welfare; and

WHEREAS it has been determined that these discriminations can best be eliminated by broadening the powers and duties of the Human Rights Commission established in the City of Shively, now therefore:

BE IT ORDAINED BY THE CITY OF SHIVELY:

SECTION 1. Policy. It is the public policy of the City of Shively to promote fair treatment and equal opportunity for all people regardless of their, race, color, religion, national origin, sex, age forty (40) and over, or physical disability of any type, and the city incorporates by reference herein the provisions of KRS 344.30 et. Seq., otherwise known as the Kentucky Civil Rights Act.

SECTION 2. Definitions. As used in this Ordinance:

- (a) "Discrimination" means any direct or indirect act or practice, exclusion, distinction, restrictions, segregation or preferences in the treatment of a person

because of race, color, religion, national origin, sex or age forty (40) and over or physical disability of any type.

(b) "Commission" means the Shively Commission on Human Rights.

(c) "Commissioner" means a member of the Commission.

SECTION 3. Establishment of the Commission. There is hereby established a Shively Commission on Human Rights. It shall consist of five (5) members who shall be appointed on a non-partisan basis and shall be broadly representative of employers, proprietors, trade unions, human rights groups, and the general public. The members shall further be selected for their varied social, economic, religious, cultural, ethnic and racial group which comprise the population of the city. The Mayor shall appoint the members. Of the first members appointed, two (2) shall be appointed for one (1) year; two (2) shall be appointed for two (2) years; and one (1) shall be appointed for three (3) years; after the first appointment, all appointments shall be for term of three (3) years. A member chosen to fill a vacancy otherwise than by expiration of a term shall be appointed for the unexpired term of the member who he/she is to succeed. A member of the Commission is eligible for reappointment. Before making new appointments, the Mayor shall request the recommendations of the Commission. No elected or appointed city official shall be a member of the Commission. The members shall serve without compensation.

SECTION 4. Functions.

(A) The Human Rights Commission shall endeavor to promote and secure mutual understanding and respect among all economic, social, religious, ethnic and racial groups in the city and shall act as a conciliator in controversies involving intergroup and interracial relations. The Commission shall encourage fair treatment and equal opportunity for all persons regardless of race, religion, ethnicity, national origin, sex or age forty (40) and over, or physical disability of any type and shall promote mutual understanding and respect among all economic, social, racial, religious, sex, age and ethnic groups and shall endeavor to eliminate discrimination against, and antagonism between, religious, racial, sex, age, physical disability of any type and ethnic groups and their members.

(B) The Commission shall administer such enforceable ordinances and resolutions forbidding discrimination as the legislative body may enact.

SECTION 5. Powers and Duties. In performing its functions, the Commission shall have the following powers and duties:

- a. To employ an executive director and other necessary personnel within the limits of funds made available. The executive director shall be a person who has training and experience in the field of intergroup relations.
- b. To conduct or arrange for research projects and studies into and publish reports on discrimination and progress in equal opportunity in the community.
- c. To accept gifts or bequests, grants or other payments, public or private, to help finance its activities.

- d. To receive, initiate, investigate, hear, and determine charges of violations of ordinances, orders or resolutions forbidding discrimination by the city.
- e. To compel the attendance of witnesses and the production of evidence before it by subpoena issued by the Circuit Court of the county wherein the local commission is authorized to act.
- f. To issue remedial orders, after notice and hearing, requiring cessation of violations.
- g. To issue such affirmative orders as in the judgment of the Commission will carry out the purposes of this ordinance.
- h. To employ an executive director, attorneys, hearing examiners, clerks and other employees and agents.
- i. To enter into cooperative working agreements with the United States Equal Employment Opportunity Commission created by Section 705 of the Federal Civil Rights Act of 1964 (78 Stat. 241) in order to achieve the purposes of that act, the Kentucky Civil Rights Act and this ordinance.
- j. To refer a matter under its jurisdiction, within its discretion or upon request of the state commission to the state commission for initial action or review.
- k. To refer to the state commission for resolution a dispute over jurisdiction or other matter with another local commission.
- l. To recommend methods for elimination of discrimination and intergroup tensions, and to use its best efforts to secure compliance with these recommended methods.
- m. To cooperate with intergroup relations agencies, both public and private, on the local, state and national level in performing its functions under this ordinance.
- n. To cooperate with the various departments, agencies, and boards of the city in effectuating the purposes of this ordinance.
- o. To enlist the support of civic, labor, religious, professional and educational organizations and institutions in community activities and programs that will further the goals of this ordinance.
- p. To organize community committees and councils that will work toward the goals of this ordinance.
- q. To recommend legislation to the city legislative body and mots of executive action to the Mayor that will effectuate the purpose of this ordinance.
- r. To submit an annual report of its activities of the progress and problems in intergroup relations in the community on July 1 of each year to the Mayor and the City Council.

- s. To adopt, promulgate, amend and rescind rules and regulations to effectuate the policies and provisions of this Ordinance. Said rules and regulations are subject to the approval of the Shively City Council.

SECTION 6. Cooperation of City Departments. The services of all other city departments, agencies and boards shall be made available to the Commission upon its request. Information in the possession of any city department, agency or board shall be furnished to the Commission upon its request and to the extent permitted by law.

SECTION 7. Election of Officers. The Commission shall elect a Chairperson and Vice-Chairperson, a Secretary-Treasurer, and such other officers as it deems necessary. The Chairperson of the Commission shall appoint such committees as the Commission may deem necessary in order to carry out its functions.

SECTION 8. Meetings. The Human Rights Commission shall meet at least twice a year or as often as the Commission deems necessary

SECTION 9. Expenditures. All expenditures shall be authorized by the Human Rights Commission, and the Commission shall adopt a budget for expenditures within the limits of funds made available by the city. The Secretary-Treasurer shall make a semi-annual financial report to the Commission, the Mayor and the City Council.

SECTION 10. Office Space. The Mayor is authorized to allocate adequate and suitable office space and facilities for the Commission if such space and facilities are available.

SECTION 11. Relationship with Kentucky Commission on Human Rights. The Commission shall when requested act in an advisory capacity to and otherwise cooperate with the Kentucky Commission on Human Rights wherever possible to effectuate compliance with state laws. The Commission is authorized to enter cooperative working agreements with the Kentucky Commission on Human rights whenever enforceable ordinances forbidding discrimination are enacted which are in conformity with state law.

SECTION 12. Severability. If any provision of this ordinance or the application of any provision or provisions to any person or circumstances shall be held invalid, the remainder of the ordinance or application of the ordinance to other persons or circumstances shall not be affected thereby.

SECTION 13. Conflicting Ordinances Repealed. All other ordinances in conflict with this ordinance are hereby repealed to the extent of the conflict.

SECTION 14. Effective Date. This ordinance shall take full force and effect immediately upon publication as required by KRS 83A.060.

**FIRST READING OCTOBER 17, 2022
SECOND READING NOVEMBER 7, 2022
NOT APPROVED**

Introduced by: Ms. Thompson

Beverly Chester-Burton

Attest:

Mitzi R. Kasitz

Beverly Chester-Burton, Mayor

Mitzi R. Kasitz, City Clerk

| Council | Yea | Nay |
|--------------------|--------|-----|
| Ms. Baker | Absent | |
| Mr. Burrell | | X |
| Ms. McBroom-Burton | √ | |
| Ms. Johnson | | X |
| Ms. Thompson | √ | |
| Mr. Vincent | | X |