

(Published in *The Journal Record* on July 20, 2022)

ORDINANCE NO. 27,109

ORDINANCE RELATING TO HUMAN RIGHTS; AMENDING CHAPTER 25 OF THE OKLAHOMA CITY MUNICIPAL CODE, 2020, BY ENACTING ARTICLE I, SECTION 25-1, DECLARATION OF POLICY, AND SECTION 25-2, DEFINITIONS; ENACTING ARTICLE II, SECTIONS 25-3 THROUGH 25-10, ESTABLISHING AN OKLAHOMA CITY HUMAN RIGHTS COMMISSION, PROVIDING FOR THE SIZE, COMPOSITION, TERMS OF SERVICE, AND REMOVAL OF COMMISSION MEMBERS, PROVIDING FOR RULES GOVERNING COMMISSION MEETINGS ESTABLISHING A QUORUM FOR COMMISSION MEETINGS, SETTING FORTH THE POWERS, DUTIES, AND FUNCTIONS OF THE COMMISSION, PROVIDING FOR A COMPLIANCE OFFICER APPOINTED BY THE CITY MANAGER, ESTABLISHING AN ADMINISTRATIVE COMPLAINT, INVESTIGATION, AND RESOLUTION PROCESS, AND PROVIDING FOR A POTENTIAL CONCILIATION REMEDY AND FOR POSSIBLE REFERRALS TO OTHER PUBLIC BODIES OR OFFICERS, PROVIDING FOR LIMITATIONS ON THE JURISDICTION OF THE COMMISSION AND THE COMPLIANCE OFFICER; ~~AND DECLARING AN EMERGENCY.~~

~~EMERGENCY ORDINANCE~~

WHEREAS, The City of Oklahoma City is comprised of many diverse groups with varying viewpoints and differing beliefs, but all equally entitled to the same human rights protections; and

WHEREAS, the City Council of The City of Oklahoma City hereby proclaims that it is vital to the progress and growth of Oklahoma City that our diverse populations work together in the pursuit of protecting human rights, and preventing and ultimately eradicating unlawful discrimination; and

WHEREAS, the Council believes that the best, most equitable future of Oklahoma City and its residents rests on the cooperation of the diverse groups of our city; and

WHEREAS, in The City of Oklahoma City there is danger to the health, morals, safety, and welfare of the City and its inhabitants and visitors from groups of people antagonistic to one another because of race, color, religion, creed, sex, gender, national origin, age, familial status, genetic information, or disability; and

WHEREAS, the Council hereby establishes an Oklahoma City Human Rights Commission empowered: (1) to educate the public, through at least one annual public forum or educational event, regarding the harm occasioned by acts of prejudice, intolerance, bigotry, and discrimination; and (2) to act for the benefit of the citizens of Oklahoma City in a manner

consistent with the laws of the State of Oklahoma toward elimination of unlawful discrimination against others because of race, color, religion, creed, sex, gender, national origin, age, familial status, genetic information, or disability regarding employment, housing, and public accommodations, as defined by applicable laws.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OKLAHOMA CITY:

SECTION 1. That Sections 25-1 and 25-2 of Article I of Chapter 25 of the Oklahoma City Municipal Code, 2020, are hereby enacted to read as follows:

CHAPTER 25. HUMAN RIGHTS

ARTICLE I. IN GENERAL

§ 25-1. - Declaration of policy.

- (a) Based on the authority of Section 1702 of Title 25 of the Oklahoma Statutes, it is the policy of The City of Oklahoma City that all persons within the corporate limits of the City should be free from discriminatory practices prohibited by Chapter 21 of Title 25 of the Oklahoma Statutes.
- (b) The Mayor and Council of the City declare that the policy stated in Subsection (a) of this Section 25-1 is intended to protect all persons within The City of Oklahoma City against the discriminatory practices prohibited by Chapter 21 of Title 25 of the Oklahoma Statutes.
- (c) The Mayor and Council of the City hereby make the following pledge to all who come within its borders: that the City will use its authority, within the limits of Oklahoma law, to seek to protect all persons within its borders so they may lawfully enjoy everything this City and this community have to offer, all without regard to race, color, religion, creed, sex, gender, national origin, age, familial status, genetic information, or disability regarding employment, housing, and public accommodations, as defined by applicable laws.

§ 25-2. - Definitions.

As used in this Chapter 25, the following terms shall have the meanings indicated:

- (1) "Discriminatory practice" means a practice designated as discriminatory and unlawful by one or more sections codified in Chapter 21 of Title 25 of the Oklahoma Statutes.
- (2) "National origin" includes the national origin of an ancestor.
- (3) The terms "sex" and "gender" as used in this Article II shall be given the same meaning as provided in existing laws: (1) that are applicable in the State of

Oklahoma and (2) that relate to discrimination in employment, housing, or public accommodations.

SECTION 2. That Sections 25-3, 25-4, 25-5, 25-6, 25-7, 25-8, 25-9, and 25-10 of Article II of Chapter 25 of the Oklahoma City Municipal Code, 2020, are hereby enacted to read as follows:

CHAPTER 25. HUMAN RIGHTS

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ARTICLE II. OKLAHOMA CITY HUMAN RIGHTS COMMISSION

§ 25-3. - Establishment of the Oklahoma City Human Rights Commission.

The “Oklahoma City Human Rights Commission” (hereinafter “Commission”) is hereby established.

§ 25-4. - Size and composition of the Commission.

The Commission shall consist of nine (9) members to be appointed by the Mayor with the consent and approval of the Council. All members shall be residents of The City of Oklahoma City. One (1) member shall be an at-large appointment and such member shall serve as Chair of the Commission, with a Vice-Chair to be selected to serve on a calendar year basis by majority vote of the Commission. Eight (8) members shall be City Council Ward appointments, with at least one (1) member to be appointed from each Ward, and with the Mayor to consult with the City Councilors from the respective Wards before making such appointments. At least one (1) member appointed to the Commission shall be a person who practices law or is appropriately educated in law, as determined by the Mayor. The Mayor shall use reasonable efforts to appoint a majority of the members of the Commission from racial, religious, or other recognized minority groups. All appointments shall be made by the Mayor with the consent and approval of the Council. All members of the Commission shall serve without compensation.

§ 25-5. - Term of members; removal from office.

- (a) Members of the Commission shall be appointed for an initial term of office of three (3) years or until a successor is appointed and confirmed, except that initially those members appointed from even-numbered wards shall serve a term of two (2) years. Thereafter, all terms shall be for a period of three (3) years.
- (b) A member of the Commission may be removed by the Mayor without cause, with the consent of the City Council.

§ 25-6. - Rules; meetings; quorum.

- (a) The Commission shall adopt rules of procedure for the conduct of its meetings, and the times and places of its meetings, which shall take place at least every other month but no more often than monthly; provided, the Chair of the Commission may schedule special meetings as needed for the Commission to perform its functions and duties.
- (b) Five (5) Commission members shall be present at a called meeting to constitute a quorum. Without a quorum present, a scheduled meeting cannot be convened, and no action can be taken. Any action taken at any meeting shall require a majority vote of the Commission members present. Meetings shall be held in compliance with the Oklahoma Open Meeting Act.

§ 25-7. - Powers, duties, and functions.

The Commission shall have the following powers, duties, and functions to address discriminatory practices relating to employment, housing, and public accommodations under the Oklahoma Anti-Discrimination Law, 25 O.S. § 1101 *et seq.* (hereinafter the “State Anti-Discrimination Law”):

- (a) To promote the purposes of the State Anti-Discrimination Law, 25 O.S. § 1101 *et seq.*
- (b) To promote freedom from discriminatory practices for all individuals within Oklahoma City.
- (c) To cooperate with individuals and state, local, and other agencies, both public and private, including agencies of the federal government and other states and municipalities in the pursuit of human rights protections.
- (d) To cooperate with law enforcement agencies by referring any violation, or apparent violation of criminal violations of anti-discrimination laws to the appropriate law enforcement agency for investigation.
- (e) To recommend the acceptance of gifts, bequests, grants, or other payments, public or private, to be received by the City Council for use in promoting the functions and duties of the Commission as set forth in this Article II.
- (f) To receive, initiate, investigate, and seek to conciliate complaints alleging violations of the State Anti-Discrimination Law, as it may be amended from time to time; provided:
 - (1) “Conciliate” or “conciliation” as used in this Article II means to seek to mediate and resolve such a complaint by agreement between or among all involved parties;

- (2) The Commission itself may initiate such a complaint only if the party or parties claiming to have been harmed by an alleged discriminatory practice consent in writing to the initiation of the complaint by the Commission; and
 - (3) The Commission shall have the authority to recommend any remedy or remedies for any discriminatory practice factually confirmed after an investigation; provided, such remedies are limited to those now or hereafter set forth for local human rights commissions in Chapter 21 of Title 25 of the Oklahoma Statutes.
- (g) To recommend that the Council obtain studies or surveys that promote the purposes and policies set forth in the State Anti-Discrimination Law, with all such studies and surveys to be made available to the public.
 - (h) To render at least annually a written report of the activities of the Commission, with a copy of such report to be furnished to the City Council, the City Manager, the Oklahoma Attorney General's Office of Civil Rights Enforcement, and to any other appropriate officers of the State of Oklahoma, including but not limited to the Governor, the Lieutenant Governor, the President Pro Tem of the Oklahoma Senate, and the Speaker of the Oklahoma House of Representatives.
 - (i) To form advisory committees to assist the Commission in the exercise of its powers, duties, and functions as set forth in this Section 25-7 or elsewhere within this Article II.
 - (1) The Commission may establish such advisory committees as it deems necessary for assistance in the exercise of its powers, duties, and functions under this Article.
 - (2) The Commission may establish such an advisory committee to evaluate and recommend legislation amending the State Anti-Discrimination Law.
 - (3) Advisory committee members shall be jointly appointed by the Mayor and the Chair of the Commission, with appointments subject to the consent of the City Council and the Commission, and with at least one (1) Commission member to be appointed to each advisory committee and designated to serve as chairperson of such committee.
 - (4) Advisory committees shall meet on dates established by the Commission and shall comply with the Oklahoma Open Meeting Act.
 - (j) To sponsor or participate in at least one (1) annual forum or educational event designed to educate the public regarding human rights concerns.

- (k) To recommend policies to the Council or other governmental entities that are consistent with the belief that discriminatory practices threaten the rights and proper privileges of the inhabitants of this City and the foundations of freedom.

§ 25-8. - Compliance Officer.

- (a) The City Manager shall appoint a Compliance Officer to exercise such authority as specified in this Article. The City Manager shall have sole discretion to appoint the Compliance Officer of his/her choice.
- (b) The City Manager may assign such other City employees in the Division of Public Management as the City Manager may deem necessary in his/her sole discretion to assist the Compliance Officer or the Commission.
- (c) An attorney from the Municipal Counselor's Office shall be assigned by the Municipal Counselor to serve as legal counsel for the Compliance Officer and the Commission.

§ 25-9. - Complaint, investigation, and resolution process.

- (a) **Complaint.** Any person claiming to be harmed by a discriminatory practice may initiate a conciliation proceeding with the Commission by filing a sworn complaint ("Complaint") setting forth the particulars of the alleged act of discrimination and such other information as may be relevant or as may be required by the Compliance Officer. A person filing a Complaint is hereinafter referred to as the "Complainant." Such Complaints must be filed with the City Clerk and the Compliance Officer within ninety (90) days after the alleged discriminatory practice is alleged to have been committed or the Complaint shall not be considered.
- (b) **Notice to Respondent and Commission.** Upon the timely filing of a Complaint, the Compliance Officer shall notify as soon as practicable the person alleged to have committed the discriminatory practice (hereinafter the "Respondent") of such filing and provide the Respondent with a copy of the Complaint. Such notice shall be given by email or personal delivery to the Respondent. The Compliance Officer shall also notify the Commission of such Complaint.
- (c) **Initial review for discretionary referral.** Upon receipt of a sworn Complaint alleging a discriminatory practice, the Compliance Officer and an attorney from the Municipal Counselor's Office shall review the Complaint, and the Compliance Officer shall decide whether such Complaint should instead be referred immediately to the U.S. Department of Housing and Urban Development, the Equal Employment Opportunity Commission, the Office of Civil Rights Enforcement for the Attorney General of the State of Oklahoma, the Metropolitan Fair Housing Council, or to some other federal, state, county, or private agency or organization having jurisdiction over the subject matter of the Complaint.

- (d) **Initial review and mandatory referral.** Upon receipt of a sworn Complaint alleging a criminal violation of any anti-discrimination law applicable in the State of Oklahoma, the Compliance Officer shall immediately refer the Complaint to the Oklahoma City Police Department or some other appropriate law enforcement agency with jurisdiction to investigate such a Complaint. The Compliance Officer shall take no further action related to the Complaint, other than to inform the Commission, and the parties to a Complaint, of the action taken.
- (e) **Investigation by the Compliance Officer and notice of such investigation.** If a Complaint alleging a discriminatory practice is not referred to a federal, state, county, or private agency or organization, the Compliance Officer shall notify as soon as practicable the Complainant and the Respondent that such Officer intends to investigate the Complaint. Such notice shall be given by email or by personal delivery to the Complainant and the Respondent. Within ten (10) days of receipt of such notice, the Respondent may, within his or her sole discretion, file a sworn answer to the Complaint. The failure of the Respondent to file an answer cannot be considered to constitute an admission of the truth of any allegation made by the Complainant in the Complaint.
- (f) **Results of the investigation; further review of Complaint.** After or during investigation, or both, the Compliance Officer and an attorney from the Municipal Counselor's Office shall confer, and the Compliance Officer shall decide whether there is reasonable cause to believe that the alleged discriminatory practice has occurred. Further review after such decision is made shall be as follows:
- (1) If the Compliance Officer decides that no reasonable cause exists to believe that a discriminatory practice has occurred, the Compliance Officer shall issue an Order setting forth the findings of the investigation and dismissing the Complaint. The Order shall be sent to the Complainant and the Respondent by mail and by email or personal delivery at their last known addresses. No further action will be taken on the Complaint.
 - (2) If, after investigation, the Compliance Officer determines that reasonable cause exists to believe that a discriminatory practice has occurred, the Compliance Officer shall notify both the Complainant and the Respondent of such determination by email, phone call, and/or other means and shall offer to conciliate the dispute between the parties.
 - (A) If the Respondent elects in his or her sole discretion to participate in conciliation efforts with the Compliance Officer and if all conciliation terms are voluntarily agreed upon by the Complainant and the Respondent, a Conciliation Order that is signed by the Compliance Officer, the Respondent, and the Complainant will be issued, and the Complaint will be closed by the Compliance Officer. A copy of the Conciliation Order shall be provided to the Commission.

(B) In the event the parties do not conciliate the filed Complaint, or if, after conciliation, the Compliance Officer receives written notice that the Conciliation Order issued by the Compliance Officer has been violated, the Compliance Officer and an attorney from the Municipal Counselor's Office shall meet and the Compliance Officer shall decide whether:

(i) The Complaint should be referred to the U.S. Department of Housing and Urban Development, the Equal Employment Opportunity Commission, the Office of Civil Rights Enforcement for the Attorney General of the State of Oklahoma, the Metropolitan Fair Housing Council, or to such other federal, state, county, or private agency or organization having jurisdiction over the subject matter of the Complaint, with such referral to be made only upon the consent of the Complainant(s); or

(ii) No further action will be taken on the Complaint.

Following the decision by the Compliance Officer to refer or take no further action on the Complaint under this Subsection (2)(B), the Compliance Officer shall notify the Commission of such decision.

§ 25-10. - Limitations and other remedies.

(a) The Commission and the Compliance Officer shall not consider Complaints alleging a discriminatory practice if the allegation occurs from an incident involving any City official or employee acting in his/her capacity as a City official or employee. Complaints against City officials and/or employees shall be handled pursuant to existing City personnel/departmental procedures.

(b) The Commission and the Compliance Officer shall not consider Complaints alleging a discriminatory practice if the allegation occurs from an incident involving any federal, state, county, or public school official and/or employee acting in his/her capacity as a federal, state, county, or public school official or employee. Complaints against federal, state, county, or public school officials and/or employees will be referred to such other public entity and will not be handled by the Commission or the Compliance Officer.

(c) The Commission and the Compliance Officer shall not consider Complaints of an alleged discriminatory practice if the Complainant is also seeking a remedy from any other public body or entity. If a Complaint is filed and is being considered pursuant to the process set forth in this Article II, such consideration shall be immediately terminated if the Commission or Compliance Officer becomes aware

that the Complainant is seeking a remedy from some other public body or entity because of the same alleged discriminatory practice(s).

- (d) Alleged discriminatory practice(s) shall be reviewed and processed by the Commission and the Compliance Officer solely through the administrative process set forth in this Article. Such alleged discriminatory practice(s) shall not be considered offenses under this Code and shall not be subject to prosecutions in Municipal Court.
- (e) The provisions of this Article II shall be supplemental to any other remedies or procedures provided by law.

~~**SECTION 3. (EMERGENCY)** It being immediately necessary for the preservation of the peace, health, safety, and public good of Oklahoma City and the inhabitants thereof that the provisions of this ordinance be put into full force and effect, an emergency is hereby declared to exist; by reason whereof, this ordinance shall take effect and be in full force from and after its passage as provided by law.~~

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INTRODUCED and CONSIDERED in open meeting of the Council of The City of Oklahoma City on this 24th day of May, 2022.

PASSED by the Council of The City of Oklahoma City this 19th day of July, 2022.

SIGNED by the Mayor of The City of Oklahoma City on this 19th day of July, 2022.

ATTEST:

Amy K. Simpson
CITY CLERK



David Holt
MAYOR

REVIEWED for form and legality.

Peta F. Douglas-Maley
ASSISTANT MUNICIPAL COUNSELOR