

ORDINANCE NO. 3446

AN ORDINANCE to amend and reordain Sections 12-4-12 (HUMAN RIGHTS COMMISSION--CREATION; COMPOSITION) and 12-4-16 (COMPLAINTS GENERALLY), of Chapter 4 (HUMAN RIGHTS), Title 12 (EDUCATION, SOCIAL SERVICES AND WELFARE) of The Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 12-4-12 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby is amended and reordained to read as follows:

Sec. 12-4-12 Human rights commission--creation; composition.

For the purpose of making effective the provisions of this chapter, there is hereby created a commission of the City of Alexandria, Virginia, to be known as the "human rights commission," herein referred to as the commission, which shall consist of 14 members, each of whom shall reside in the city at the time of appointment to the commission and while serving on it. They also shall be as broadly representative of residents of the city as is practicable. Of the 14 members, 9 shall be citizens at large and one each shall be members of the economic opportunities commission, the commission on the status of women, the landlord-tenant relations board, the commission on disabled persons and the commission on aging. All the members shall be appointed by city council. The members representing the aforementioned city boards and commissions shall be nominated by the board or commission each represents. Of the at-large members first appointed, as decided by lot, three shall be appointed for a term of one year, three for a term of two years and three for a term of three years. Thereafter, at-large members shall be appointed for terms of three years each. Any vacancy shall be filled by the council for the unexpired portion of a term. Each member representing a board or commission shall serve coextensive with his or her term on the parent body, or until such time as the parent body shall nominate and the city council shall appoint a replacement from among the members of the parent body, but under no circumstances shall any member serve on the commission beyond his or her term on the parent body. Members shall serve without compensation but may receive reimbursement for expenses, subject to availability of funds. On the request of any board, commission or committee of the city, the commission may invite a designated representative from such board, commission or committee to act as a participating observer at any meeting of the commission other than a hearing under sections 12-4-18 or 12-4-21 of this chapter. Also on request, the commission may provide agendas and minutes of any meeting and any other official

document, except for conciliation agreements, to any other public agency, board, commission, committee or the general public.

Section 2. That Section 12-4-16 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby is amended and reordained to read as follows:

Sec. 12-4-16 Complaints generally.

(a) Complaints under this chapter may be filed only by (i) any person claiming to have been injured by an unlawful discriminatory practice under this chapter (known as "person aggrieved"), or (ii) the human rights administrator on behalf of any person or persons whom he or she has probable cause to believe has been the subject of an unlawful discriminatory practice under this chapter. All complaints shall be made in writing, be under oath or affirmation and accompanied by an affidavit. An additional copy shall be made for each respondent, if more than one. Any complaint shall be on a form furnished by the human rights administrator, shall state the name and address of each respondent, the address of the complainant (person aggrieved), the date of the alleged offense and the alleged facts surrounding the acts complained of. The human rights administrator shall forthwith transmit a copy of the complaint to each respondent by certified mail, return receipt requested, with another copy by ordinary mail. Each complaint shall be held in confidence by the human rights administrator unless or until the complainant (person aggrieved) and the respondent consent to its being made public, or until the time a hearing procedure such as described in section 12-4-21 has begun. A complaint must be filed within 300 days after the date of the alleged unlawful discriminatory practice and not later.

(b) Where a complainant or respondent in a case filed with the human rights administrator is a handicapped person, the administrator shall provide reader services if blind, interpreter services if deaf, or other special services to handicapped persons as are appropriate.

(c) Nothing in this chapter shall prevent any member of the human rights commission from filing a complaint if he or she claims himself or herself to be the subject of a discriminatory practice or to be a person aggrieved under this section. Such person shall disqualify himself or herself as a member of the commission when his or her complaint is before the commission for a public hearing and for disposition.

(d) Nothing in this section shall be construed to prevent any person from seeking the commission's good offices to conciliate through actions not involving a penalty under this chapter pursuant to section 12-4-15(a)(1).

Section 3. That this ordinance shall become effective upon the date and at the time of its final passage.

JAMES P. MORAN, JR.
Mayor

Final Passage: April 21, 1990