Legal Counsel Approval BMS

RL 16-036

Introductory No. LL16-01

Permanent No. LL16-01

THE COUNCIL OF THE CITY OF BINGHAMTON
STATE OF NEW YORK

Date: February 3, 2016

Sponsored by Council Members: Matzo, Scaringi, Mihalko, Papastrat, Cronce, Berg

Introduced by Committee: Employees

LOCAL LAW NO. 2016-1

entitled

A LOCAL LAW REPEALING AND REPLACING THE CODE OF THE CITY OF BINGHAMTON CHAPTER 45A, HUMAN RIGHTS COMMISSION

WHEREAS, the Code of the City of Binghamton, Chapter 45A, *Human Rights Commission*, provides for the purpose, duties, and appointment of members of the Human Rights Commission; and

WHEREAS, the Mayor has requested amending Chapter 45A to make it more consistent with New York State General Municipal Law Article 12-D, *Commissions on Human Rights*, while preserving the protections afforded under the City of Binghamton Code Chapter 45, *Binghamton Human Rights Law*, and to make the appointment process more open and accessible to the public.

NOW, THEREFORE, the Council of the City of Binghamton, duly convened in regular session, does hereby ordain as follows:

Section 1. That the Code of the City of Binghamton, 45A, *Human Rights Commission*, is hereby repealed and replaced in its entirety as annexed hereto.

Section 2. That this Local Law shall take effect upon filing with the Secretary of State.

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The within Resolution was adopted by the Council of the City of Binghamton.

2/17/16
Date

City Clerk Deputy

2/18/16
Date Presented to Mayor

2/18/16
Date Approved

Mayor

	Ayes	Nays	Abstain	Absent
Councilman Scaringi	✓			
Councilman Mihalko	✓			
Councilwoman Cronce	✓			
Councilman Taylor		✓		
Councilman Matzo	✓			
Councilman Berg	✓			
Councilman Papastrat	✓			
Total	7	0		

☒ Code of the City of Binghamton

☒ Adopted ☐ Defeated

6 Ayes 1 Nays ___ Abstain ___ Absent

I hereby certify the above to be a true copy of the legislation adopted by the Council of the City of Binghamton at a meeting held on 2/17/16. Approved by the Mayor on 2/18/16.

Chapter 45A, BINGHAMTON HUMAN RIGHTS COMMISSION [HISTORY: Adopted by the City Council of the City of Binghamton 12-7-11 by L.L. No. 11-3. Amended 2016.02.18 by L.L. No. 16-01]

§ 45A-20. Name. Pursuant to General Municipal Law § 239-o, the City of Binghamton hereby establishes the Binghamton Human Rights Commission (the "Commission").

§ 45A-21. Purpose. The purpose of the Commission is to condemn discrimination in all its forms, to educate the public, and to pursue by all appropriate means and without delay a policy of eliminating discrimination against people as set forth in Chapter 45, *Binghamton Human Rights Law*, veteran status, or criminal conviction to the extent provided by Correction Law § 752.

§ 45A-22. General duties and powers. It shall be the duty of the Commission:

1. (a) To foster mutual respect and understanding among all groups as set forth in Chapter 45, *Binghamton Human Rights Law*, veteran status, and those with prior criminal convictions.

(b) To make such studies in any field of human relationship in the community as in the judgment of the commission will aid in effectuating its general purposes and where desirable, to make the results of such studies public.

(c) To inquire into incidents of tension and conflict among or between various groups, and to take such action as may be designed to alleviate such tensions and conflict.

(d) To conduct and recommend such educational programs as, in the judgment of the Commission, will increase goodwill among inhabitants of the community and open new opportunities into all phases of community life for all inhabitants.

2. In addition to all other powers, the City of Binghamton hereby grants these additional powers:

(a) To report complaints to the New York State Division of Human Rights alleging unlawful discriminatory practices under Article Fifteen of the Executive Law or Chapter 45 of the Binghamton Human Rights law.

(b) To receive, accept and use and expend public grants and private gifts, donations or bequests and other payments, goods and services, as may be approved as part of the City's budget process.

§ 45A-23 General obligations. The Commission shall discharge the following obligations.

(a) To receive complaints of alleged discrimination, to seek the active assistance of the division of human rights in the solution of complaints which fall within the jurisdiction of the division and to prepare its own plans in the case of other complaints with a view to reducing and eliminating such alleged discrimination through the process of conference, conciliation and persuasion.

(b) To hold conferences, and other public meetings in the interest of the constructive resolution of group tensions and the prejudice and discrimination occasioned thereby.

(c) To issue such publications and reports of investigation as in its judgment will tend to effectuate the purposes of this Chapter.

(d) To enlist the cooperation and participation of the various racial, religious and nationality groups, community organizations, industry and labor organizations media or mass communication, fraternal and benevolent associations, and other groups in an educational campaign devoted to fostering among the diverse groups of the community mutual esteem, justice and equity and opening new opportunities into all phases of community life for all individuals.

(e) To encourage and stimulate agencies under the jurisdiction of the City of Binghamton to take such action as will fulfill the purposes of this article.

(f) To submit an annual report of the services performed by March 1 of the following year to City Council and the Mayor and to furnish a copy thereof to the New York State Division of Human Rights.

§ 45A-24. Officers and employees; expenses.

The Commission shall have the power and authority to employ an executive director, a secretary and such attorneys, experts and other employees as may be necessary, and to otherwise expend funds within the amount made available by the City of Binghamton as part of the City's budget process.

§ 45A-25. Membership, Rules and Procedures.

A. Number. The Commission shall consist of seven (7) voting members and two (2) ex-officio, non-voting members.

B. Appointments. The Mayor is hereby specified and designated as the public officer who shall appoint the voting members of the Human Rights Commission. All members shall reside or work in the City of Binghamton. Such appointment shall be subject to approval of City Council. In appointing the Members, the Mayor and City Council will attempt to recruit members from the community who represent the diversity of the community as set forth in Chapter 45, *Binghamton Human Rights Law*, veteran status, or those with prior criminal convictions. The Mayor and City Council will each appoint one (1) ex-officio, non-voting Member to the Commission.

D. Term of Membership. All appointments made prior to January 1, 2016, are null and void. Members shall be appointed for two (2) year terms, the initial term of all members will expire on December 31, 2017. Thereafter all terms will expire on December 31 of each odd numbered year. Ex-officio, non-voting members will be appointed to one (1) year terms. The Commission will vote for a Chairperson for each year. Members, ex-officio non-voting members, and the Chairperson may be re-appointed without term limits.

E. Vacancies. In the case of death, resignation, or removal of a Commission Member, a successor to fill the balance of the unexpired term shall be filled in the same manner as appointments.

F. Membership responsibilities. All Commission members must personally attend at least seventy-five percent (75%) of the scheduled meetings per year. Members will be expected to maintain

confidentiality of all cases that come before the Commission to the extent that protects the claimants against legal risk.

G. Removal. Members may be removed from the Commission by the Mayor and City Council for failing to carry out membership responsibilities. To be removed a Commission Member must receive a no confidence vote by a majority of City Council and the Mayor.

H. Rules and procedures. The Commission may adopt such rules and procedures, including the creation of committees, as it may deem necessary and proper to fulfill the purposes of this Chapter. The Commission will meet monthly at City Hall at a date and time determined by the Commission. The City will provide a meeting room and other related services.

I. All correspondence or inquiries to the Commission will be referred to the Chairperson.