

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. 5338

AN ORDINANCE AMENDING ARTICLE 15-02 OF CHAPTER 15
OF THE FARGO MUNICIPAL CODE
RELATING TO THE HUMAN RELATIONS COMMISSION

WHEREAS, the electorate of the city of Fargo has adopted a home rule charter in accordance with Chapter 40-05.1 of the North Dakota Code; and,

WHEREAS, Section 40-05.1-06 of the North Dakota Century Code provides that the City shall have the right to implement home rule powers by ordinance; and,

WHEREAS, Section 40-05.1-05 of the North Dakota Century Code provides that said home rule charter and any ordinances made pursuant thereto shall supersede state laws in conflict therewith and shall be liberally construed for such purposes; and,

WHEREAS, the Board of City Commissioners deems it necessary and appropriate to implement such authority by the adoption of this ordinance;

NOW, THEREFORE,

Be It Ordained by the Board of City Commissioners of the City of Fargo:

Section 1. Amendment.

Article 15-02 of Chapter 15 of the Fargo Municipal Code is hereby amended to read as follows:

ARTICLE 15-02
HUMAN ~~RELATIONS~~ RIGHTS COMMISSION

Section

15-0201 Creation of Human ~~Relations~~ Rights Commission.

15-0202 Number of members--Term of members--Appointment of members--Filling

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- vacancies.
- 15-0203 President of commission--Meetings--Record to be kept.
- 15-0204 Goals of the Human ~~Relations~~ Rights Commission
- 15-0205 Powers and duties of commission.
- 15-0206 Commission advisory in nature.

15-0201. Creation of Human ~~Relations~~ Rights Commission.--There is hereby created and established a body to be known as the Human ~~Relations~~ Rights Commission, whose purpose is to promote the acceptance and respect for diversity through educational programs and activities and to discourage all forms of discrimination on the basis of race, color, religion, sex, national origin, age, the presence of any mental or physical disability, status with regard to marriage or public assistance, participation in lawful activity off the employer's premise during nonworking hours which is not in direct conflict with the essential business-related interests of the employer or sexual orientation.

15-0202. Number of Members--Term of Members--Appointment of Members--Filling Vacancies. --The Human ~~Relations~~ Rights Commission shall consist of eleven members, who shall be appointed by the president of the board of city commissioners, subject to confirmation by the Board of City Commissioners. The terms of office of such commissioners shall be as follows, to wit: three members who shall serve until July 1, 2021; four members who shall serve until July 1, 2022; and four members who shall serve until July 1, 2023. At the expiration of the terms of the members as aforesaid, members shall be appointed for three-year terms. If a vacancy occurs otherwise then by expiration of a term, it shall be filled by appointment for the unexpired portion of the term. Notwithstanding the expiration of a member's term, such member may serve until his or her successor has been appointed and qualified.

15-0203. President of commission--Meetings--Record to be kept. --The Human ~~Relations~~ Rights Commission shall elect its president for a term of one year from among the appointed members and shall hold regular monthly meetings. The commission shall keep a record of its resolutions, findings and the determinations and such record shall be a public record. The commission may appoint such subcommittees from among the appointed members as it may be necessary for its work.

15-0204. Goals of the Human ~~Relations~~ Rights Commission. --The goals of the Human ~~Relations~~ Rights Commission are:

- A. To provide leadership in the areas of civil rights.
- B. To encourage and educate the public in the promotion of civil rights.
- C. To identify issues of principal concern to members of the community in the area of civil rights and to recommend priorities and objectives to the board of city commissioners.
- D. To encourage adherence to federal and state laws regarding civil rights, including Chapter 14-02.4 of the North Dakota Century Code, through education, conciliation and mediation.

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15-0205. Powers and Duties of Commission. --The Human ~~Relations~~ Rights Commission shall:

- A. Recommend to the board of city commissioners, from time to time, action and programs in furtherance of the purpose of the Human ~~Relations~~ Rights Commission as described in this article.
- B. Consult and advise with public officials and agencies and with private individuals and organizations to provide education regarding civil rights. The commission may, in its discretion, assist aggrieved individuals, but such assistance shall consist of information, guidance and, in its discretion, conciliation and mediation services.

15-0206. Commission advisory in nature. --The Human ~~Relations~~ Rights Commission shall be advisory in nature and shall submit all reports and determinations to the board of city commissioners of the city of Fargo. Final authority shall be in the board of city commissioners.

Section 2. Effective Date.

This ordinance shall be in full force and effect from and after its passage and approval.

/s/
Timothy J. Mahoney, M.D., Mayor

Attest:

/s/
Steven Sprague, City Auditor

First Reading: 1-24-22
Second Reading: 2-22-22
Final Reading: 2-22-22