



CITY OF RAPID CITY

RAPID CITY, SOUTH DAKOTA 57701-2724

OFFICE OF THE CITY ATTORNEY

300 Sixth Street

Wade E. Nyberg, Assistant City Attorney *WEN*
City web: www.rcgov.org

Phone: 605-394-4140
Fax: 605-394-6633
e-mail: wade.nyberg@rcgov.org

MEMORANDUM

TO: Common Council
DATE: November 13, 2013
RE: Human Relations Commission ordinance revisions

The HRC and Mayor have asked me to make some amendments to the HRC Ordinance to address concerns raised by community members. All the additions are shown in Green with double underline. Here is an outline of what I have added:

Confidentiality - Not having this explicitly written into the ordinance has been a common concern.

- Addition of new Section 2.64.160. This is basically the same language as the state statute (with changes to references of other sections). It also includes the right of the complainant to dismiss the complaint prior to a public hearing.
- Small rearrangement of procedure section (2.64.140) to put mediation/conciliation before opt out to circuit court. This is how the state does it, and also would help keep mediation/conciliation confidential.
- Result is a clear showing that complaint, investigative materials, and mediation or conciliation is confidential – only hearing would be public (if no circuit court election is made upon unsuccessful mediation).

Procedure Revisions

- Change in timing of mediation/conciliation as described above
- Requirements for complaints – added requirement of form prescribed by HRC and requirement to state other info required by HRC.
 - This alludes to intake/professional complaint drafting vs. allowing handwritten vague complaints
 - Still no intake procedure spelled out – allows staff or dept needs/changes to be addressed w/o ordinance change
- Clarifies that no subpoena may issue prior to time for a response (§ 2.64.100C.)
- Clarifies that default (no response) can be set aside – same time/language as state

Limitations on Enforcement Powers

- Clarifies that HRC cannot award pain & suffering, punitive or consequential damages (§ 2.64.100C.)
- Also same language as state statute

Appeal

- Broken out to separate section from procedure
- Language change from “decision” to “final order” to match state law