

**IN THE YEAR TWO THOUSAND FIFTEEN AN ORDINANCE AMENDING THE  
ORDINANCE CREATING A HUMAN RIGHTS COMMISSION IN THE  
CITY OF LYNN**

**SECTION 1:00 - ESTABLISHED**

The City of Lynn hereby establishes a board to be known as the Human Rights Commission for the purpose of advocating for human rights and the prevention of discrimination.

**SECTION 2:00 - PURPOSE**

The Commission shall work toward achieving mutual respect and understanding among all individuals and groups in the City of Lynn, through improving the quality of public discourse and eliminating unlawful discrimination. The Human Rights Commission shall work with the Mayor and Lynn City Council on matter pertaining to the human rights of City of Lynn citizens.

**SECTION 3:00 - FUNCTION**

The functions of the Commission are as follows:

- 1) to improve the life of the City by enlisting community-based groups in educational programs and campaigns to increase mutual self-respect, harmonious intergroup relations, and the peaceful enjoyment of life in our diverse community;
- 2) to educate persons in the City who believe that their human or civil rights, as defined by existing local, state, and federal laws, have been violated in Lynn;
- 3) to work with municipal government departments, the School Department, commissions, and boards, to increase education with appropriate local, state, and federal laws, and to raise the levels of awareness and sensitivity to human rights issues in municipal business with the public.

**SECTION 4:00 - MEMBERSHIP**

The Commission shall consist of twelve (12) members, six of whom shall be appointed by the Mayor and six (6) of whom shall be appointed by the Lynn City Council in accordance with their rules, to serve without compensation, at least one of whom shall be a an attorney from the City's Law Department and shall be a non-voting member of the Commission.

- 1) The Commissioners shall initially serve for the following terms: four (4) members (two Mayoral and two Council appointments) shall serve for a one (1) year term; four (4) members (two Mayoral and two Council appointments) shall serve for a two (2) year term; and four (4) members

(two Mayoral and two Council appointments) shall serve for a three (3) year term;

- 2) A Commissioner may be removed from office for cause pursuant to provisions of Sections 3-7 and 6-6 of the City Charter;
- 3) Commissioners must be residents of the City at the time of their appointment and throughout their tenure;
- 4) Commissioners shall be classified as special municipal employees for the purpose of the Massachusetts General Laws and Amendments Chapter 268A, but shall receive no wages or compensation;
- 5) The Commission members shall actively recruit, review, and recommend prospective members of the Commission to the Mayor and the City Council;
- 6) The Commission at all times shall be representative of all socioeconomic and racial segments of the City as well as different neighborhoods.
- 7) The Commission shall meet at least once every sixty (60) days on Tuesday evenings and all meetings shall be scheduled no earlier 6:00 p.m and shall be posted.
- 8) Members of the Commission shall educate themselves regarding federal, state and local discrimination laws.
- 9) Failure and/or inaction of either the Mayor or City Council to appoint members of this Commission, at its creation, within 45 days of the effective date of the ordinance shall be deemed a waiver of that entity's (Mayor/City Council) ability to appoint and the other entity (Mayor or City Council) shall forthwith appoint the remaining members the other had original authority to appoint.

**SECTION 5:00 - OFFICERS. ADOPTION OF RULES AND REGULATIONS**  
**QUORUM**

- 1) The Commission shall elect a Chairperson among its members. The Chairperson shall be elected at the first meeting each year. The Commission members shall make an attempt to rotate the election of a Chairperson each year thereafter.
- 2) Seven members shall constitute a quorum for the purpose of conducting business of the Commission and all decisions shall be by majority vote of the Commission members present and voting.
- 3) The Commission shall adopt rules and regulations consistent with this Ordinance and the laws of the Commonwealth to carry out the policy and provisions of this Ordinance. The rules and regulations shall insure the due process rights of all persons involved in investigations..

- 4) All records of the Commission shall be public except as provided by State law.
- 5) Members of the Commission shall serve without compensation.

### **SECTION 6:00 - JURISDICTION**

The Commission has jurisdiction:

- (A) To receive complaints and to educate members of the public regarding their legal rights concerning:
  - (1) the existence of unlawful discrimination in the City of Lynn which may deny or tend to deny equal access of opportunities in matters of housing, employment, education, contracts, purchasing, or other public accommodations, on the basis of age, ancestry, citizenship, color, disability, economic status, ethnicity, family/marital status, gender, military status, national origin, race, religion, gender identity or expression, gender identity or expression, sexual orientation or source of income; and in connection therewith;
  - (2) any conduct or behavior which is sexually or racially harassing;
  - (3) any unfair and unequal treatment which denies either a group or an individual equal protection of the law in the enjoyment and exercise of civil rights; and
  - (4) the presence in the City of Lynn of prejudice, intolerance, bigotry, or other conduct or behavior which encourages and brings about misunderstanding and disrespect among all resident of the City.
- (B) The Commission shall not have jurisdiction to receive complaints and investigate claims against members of the Lynn Police Department as the Lynn Police Department's Professional Standards/Internal Affairs Division has jurisdiction to investigate and resolve all complaints of police misconduct
- (C) To attempt, by negotiation, to resolve all complaints over which it has jurisdiction and recommend to all complainants or other parties involved which appropriate governmental agencies, federal, state or local, has jurisdiction to take any such action as it feels will resolve such complaints. With respect to complaints not resolved by negotiations:
  - (1) to refer a complainant or other parties to any court or governmental agency having jurisdiction over the mater in question;
  - (2) to use its best efforts to bring about compliance with its recommendations.

## **SECTION 7:00 RECOMMENDATION OF DEFICIENCIES**

- 1) The Commission shall discuss human rights problems with the Mayor and the Lynn City Council in writing and make recommendations necessary to protect the human rights of all City of Lynn citizens and employees in writing.
- 2) The Commission shall request of the Mayor, Lynn City Council, Department Heads and Superintendent of Schools, such information as is reasonable so that it may be properly informed.
- 3) The Commission may review and comment on all matters pertaining to the human rights of citizens but can draw no conclusions of law

## **SECTION 8:00 - COOPERATION WITH OTHER GOVERNMENTAL AGENCIES**

The Commission shall work with Federal, State and City agencies, including, but not limited to the Lynn School Department and the Massachusetts Commission Against Discrimination, the City of Lynn Disability Commission, the Lynn Housing Authority and Neighborhood Legal Services in developing materials, workshops, public presentations and other educational resources designed to eliminate prejudice, intolerance, bigotry and discrimination and to enlist the cooperation of the various racial, religious, ethnic groups, civic and community organizations, labor organizations, fraternal and benevolent organizations and other groups to further the intent and purposes of this Ordinance.

## **SECTION 9:00 - ALLEGATIONS OF DISCRIMINATION - POWERS AND DUTIES**

- (A) The function of the Commission shall be to implement the policy of this Ordinance by receiving complaints of discrimination, mediating complaints, educating citizens as to their legal rights with respect to complaints of discrimination and presenting written findings to the Mayor and Lynn City Council as well as making written recommendations to complainants and any other party as to which if any governmental agencies such as the Massachusetts Commission Against Discrimination, to whom they should seek relief.
- (B) The Commission shall exercise its authority through the following powers and duties:
  - (1) to receive complaints of violations of this Ordinance;
  - (2) to refer individuals alleging acts of discrimination to appropriate governmental agencies;
  - (3) to attempt by mediation to resolve any discrimination complaint over which it has jurisdiction;
  - (4) to seek or accept grants, gifts or bequests to help finance its services.

## **SECTION 10:00 COMPLAINTS RESOLUTION PROCEDURES**

- (A) Any person or class of persons claiming to be aggrieved by an alleged violation of this Ordinance may make, sign and file with the Commission a complaint in writing which shall state the name and address of the person alleged to have committed such violation and the particulars as may be required by the Commission.
- (B) The filing of a complaint, the failure to file a complaint, or the dismissal of a complaint by the Commission shall not bar the complainant from seeking relief in any other administrative or judicial forum. Nor shall filing or failing to file a complaint with other Federal, State or City agencies or courts bar the complainant from seeking relief through the Commission.
- (D) After the filing of any complaint, the Chairperson of the Commission shall designate a Review Committee of one or more of the Commissioners to informally meet with the complainant to educate him/her with respect to his/her avenues to resolve the complaint.
- (E) If such Review Committee determines after such informal meeting that probable cause does exist for crediting the allegations of the complaint, the Commission shall forthwith endeavor to conference, conciliate and mediate in an effort to eliminate the unlawful practice. The Commission shall not disclose what has occurred in the course of such endeavor except to disclose the terms of the conciliation when the complaint has been disposed of in this matter.
- (F) The Human Rights Commission shall hear and determine a complaint of a violation by a private individual of this section. Upon a finding of a violation of this subject, the Human Rights Commission may recommend to any municipal or state licensing authority that the offender's license(s) be suspended or revoked. Nothing set forth herein is intended to alter or limit the authority of the licensing board or any other municipal employee, officer, board, commission, authority or agent pursuant to any federal, state or local statute, regulation or ordinance.

## **SECTION 11:00 -APPLICABILITY**

The provisions of this ordinance shall be construed liberally for the accomplishment of the purposes of this Ordinance, and any ordinances or

portions thereof inconsistent with any provision of this Ordinance is hereby repealed.

**SECTION 12:00 - ORDINANCE PROVISIONS NOT EXCLUSIVE**

- (A) Nothing in this Ordinance shall be construed to limit civil rights granted or hereinafter afforded by the laws of the federal government or of the Commonwealth.
- (B) Nothing in this Ordinance shall be deemed exempt or relieve any person from liability, duty, penalty or punishment provided by any present or future law of the Commonwealth or the United States other than any such law which purports to require or permit the doing of any act which would be unlawful under this Ordinance.
- (C) Any remedies provided by this Ordinance shall be cumulative with any other remedies provided by local, state or federal law.

**SECTION 13:00 - TIME OF TAKING EFFECT**

This ordinance shall take effect thirty-one (31) days after its final approval as adopted and advertised.