

RESOLUTION OF AMENDMENT

**A RESOLUTION AMENDING CHAPTER 12 OF THE ORANGE COUNTY CODE OF
ORDINANCES**

Be it Resolved and Ordained by the Board of Commissioners of Orange County, North Carolina:

WHEREAS, on June 10, 1991, the North Carolina General Assembly enacted Senate Bill 623, entitled "An Act to Make Various Amendments to Laws Applicable in Orange and Chatham Counties"; and

WHEREAS, Part 2, Section 6 of Ratified Senate Bill 623 authorizes the Orange County Board of Commissioners to adopt Civil Rights Ordinance and create a commission to assist in the enforcement of the Civil Rights Ordinance; and

WHEREAS, Senate Bill 623 became effective upon ratification by the Senate on the 10th day of June, 1991 and became effective on that date (Session Law 1991, Chapter 246); and

WHEREAS, on July 16, 1993, the North Carolina General Assembly enacted Senate Bill 809, entitled "An Act to Make Sundry Amendments Relating to Local Governments in Orange and Chatham Counties" which amended Senate Bill 623; and

WHEREAS, Part V, Section 6 of the Ratified Senate Bill 623 authorized the Orange County Board of Commissioners to adopt a Civil Rights Ordinance prohibiting discrimination in employment, housing and public accommodations and delegate authority to a commission the powers, which are necessary and proper, to assist in the enforcement of the Ordinance; and

WHEREAS, Senate Bill 809 became effective upon ratification by the Senate on the 16th day of July, 1993 and became effective on that date (Session Law 1993, Chapter 358); and

WHEREAS, the Orange County Board of Commissioners adopted a Civil Rights Ordinance on June 4, 1994 and the Towns of Chapel Hill, Carrboro and Hillsborough by Resolution authorized the application of the Civil Rights Ordinance within their respective jurisdictional boundaries; and

WHEREAS, the Civil Rights Ordinance required members of the Orange County Human Relations Commission as a prerequisite to serving on a hearing panel to have received training by the North Carolina Human Relations Commission; and

WHEREAS, now there are a number resources available to train members of the Orange County Human Relations Commission and to limit training to that received by the North Carolina Human Relations Commission would not benefit the Civil Rights program.

NOW THEREFORE BE IT ORDAINED, that the Code of Ordinances, Orange County, North Carolina, Chapter 12, is hereby amending sections 12-17(e) and 12-18(l), which sections read as shown in the attached revised ordinances.

This Amendment shall become effective upon adoption.

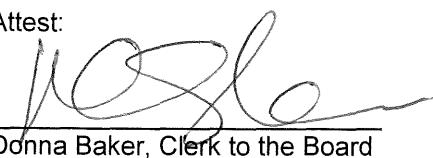
Adopted by the Orange County Board of Commissioners this 7th day of March, 2019.

By:



Penny Rich, Chair
Orange County Board of Commissioners

Attest:



Donna Baker, Clerk to the Board

[SEAL]

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT
Meeting Date: March 7, 2019

**Action Agenda
Item No.** _____

SUBJECT: Amendment to the Civil Rights Ordinance

DEPARTMENT: Human Rights and Relations

ATTACHMENT(S):

Draft Ordinance
Resolution

INFORMATION CONTACT:
Annette M. Moore, (919) 245-2317

PURPOSE: To amend the Orange County Civil Rights Ordinance, Orange County Code of Ordinances § 12-17(e) and 12-18(l).

BACKGROUND: On June 6, 1994, the BOCC adopted the Orange County Civil Rights Ordinance. Shortly, thereafter the towns of Hillsborough, Carrboro and Chapel Hill also adopted the Ordinance by resolution. The Civil Rights Ordinance requires that members of the Human Relations Commission review administrative hearings when either a person appeals a director's "no cause" decision or the recommended decision of an administrative law judge after a hearing.

At the time of the adoption of the Civil Rights Ordinance the County did not have professional staff or access to the training for Human Relations Commissioner that exists today. With the available training that exists from the United States Department of Housing and Urban Development ("HUD"), department staff and the extensive network of professional trainers limiting training to the North Carolina Human Relations Commission does not benefit the County's Civil Rights program. The Department is recommending that BOCC remove the limiting language in the Ordinance so that they can pursue professional trainers paid for by HUD to train Human Relations Commissioners.

FINANCIAL IMPACT: No financial impact.

SOCIAL JUSTICE IMPACT:

1. Foster a Community Culture that Rejects Oppression and Inequity - The fair treatment and meaningful involvement of all people regardless of race or color; religious or philosophical beliefs; sex, gender or sexual orientation; national origin or ethnic background; age; military service; disability; and familial, residential or economic status.
2. Enable Full Civic Participation – Ensure that Orange County residents are able to engage in government through voting and volunteering by eliminating disparities and barriers to participation.

RECOMMENDATION(S): The Manager recommends that the Board accept the recommendation.

Section 12-17(e). Reasonable Cause, Conciliation Efforts and Right to Sue Letters

(e) In the event the Commission staff determines that reasonable cause does not exist, the Complainant may make a written request to the Commission that such decision be reconsidered. Such request shall be filed with the Commission staff within 30 days of the date the Commission staff issued its finding of no reasonable cause. The request for reconsideration shall be heard by a panel of three Commission members. The panel members shall be selected by the Commission. As a prerequisite to serving on this panel, the Commission member shall receive appropriate training ~~by the North Carolina Human Relations Commission~~. Such training shall include Ordinance coverage and scope, how to prove if discrimination has occurred, and how to determine appropriate remedies if discrimination is proved.

Section 12-18(l). The panel members shall be selected by the Commission.

(l) *The panel members shall be selected by the Commission.* As a prerequisite to serving on this panel, a Commission member shall receive appropriate training. ~~by the North Carolina Human Relations Commission~~. Such training shall include Ordinance coverage and scope, how to prove if discrimination has occurred, and how to determine appropriate remedies if discrimination is proved.

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