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SUBSTITUTE NO 1  
COUNCIL BILL NO. 2014- 189

GENERAL ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE

1 AMENDING Chapter 2, Administration, Article IV, Boards, Commissions and  
2 Committees, Division 4, Mayor’s Commission on Human Rights and  
3 Community Relations, section 2-223; and Chapter 62, Human Rights, to  
4 add sexual orientation and gender identity to the list of categories of  
5 persons protected from discrimination in the area of housing, to  
6 consolidate the Commission’s investigative process into a single division  
7 of the Code, and to clarify the Commission’s powers in light of recent court  
8 decisions, and requesting additional study pertaining to discrimination in  
9 the areas of employment and public accommodation.

10 \_\_\_\_\_  
11  
12 WHEREAS, the Mayor’s Commission on Human Rights and Community  
13 Relations (“Commission”) is charged with fostering mutual understanding and respect  
14 while preventing discrimination among all communities in Springfield; and  
15

16 WHEREAS, the current powers and duties of the Commission do not include  
17 discrimination on the basis of sexual orientation and gender identity as grounds for  
18 complaint or investigation in the area of housing; and  
19

20 WHEREAS, it is necessary for the protection of our citizens to amend the powers  
21 and duties of Commission to include the prevention, and investigation of discrimination  
22 on the basis of sexual orientation and gender identity in the area of housing; and  
23

24 WHEREAS, additional study is needed to determine whether it is necessary, for  
25 the protection of our citizens, to amend the powers and duties of Commission to include  
26 the prevention and investigation of discrimination on the basis of sexual orientation and  
27 gender identity in the areas of employment and public accommodation; and  
28

29 WHEREAS, it is necessary to establish a clear process by which the Commission  
30 investigates and resolves disputes relating to human rights.  
31

32 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF  
33 SPRINGFIELD, MISSOURI, as follows:

34  
35 NOTE: Underlined language has been added. Language to be removed is ~~stricken~~.

36  
37 Section 1 – The Springfield City Code, Chapter 2, Administration, Article IV,  
38 Boards, Commissions and Committees, Sec. 2-223 is hereby amended as follows:

39  
40 Sec. 2-223. - Powers and duties.

41  
42 The powers and duties of the commission established by this division shall be to:

- 43
- 44 (1) Foster, through community effort or otherwise, good will, cooperation and  
45 conciliation among the groups and elements of the inhabitants of this  
46 community.
  - 47
  - 48 (2) Formulate and carry out voluntary educational training programs that will aid in  
49 eliminating and preventing all types of prejudice and discrimination based on  
50 race, creed, sex, handicap, age, national origin, ~~or~~ ancestry, or any other basis  
51 of discrimination prohibited under chapter 62.
  - 52
  - 53 (3) Receive, hear and investigate complaints, as outlined in chapter 62, and  
54 initiate its own investigations, and report to the city council on the following:  
55
    - 56 a. Racial, religious and ethnic group tensions, prejudice, intolerance, bigotry  
57 and discrimination, and any breach of the peace or disorder occasioned  
58 thereby.
    - 59
    - 60 b. Practices of discrimination against any person in employment, recreation,  
61 ~~education,~~ housing and other phases of public welfare because of race,  
62 creed, sex, handicap, age, national origin, ~~or~~ ancestry, or any other basis  
63 of discrimination prohibited under chapter 62.
    - 64
  - 65 (4) Initiate and conduct voluntary surveys, assemble pertinent data, hold hearings,  
66 issue such publications and such reports of investigations and research as, in  
67 its judgment, will tend to minimize or eliminate prejudice, intolerance, bigotry,  
68 discrimination, breach of peace or disorder, or tend to promote good will.
  - 69
  - 70 (5) Create such advisory committees and subcommittees as, in its judgment, will  
71 aid in effectuating the purposes of this division and to empower it to study the  
72 problems of prejudice, intolerance, bigotry and discrimination, and breach of  
73 peace or disorder occasioned thereby, provided that all such committees and  
74 subcommittees shall follow the Missouri Sunshine Law, Sec. 610.010, RSMo.,  
75 et seq.
  - 76
  - 77 (6) Enlist the cooperation of all racial, religious and ethnic groups, community,  
78 civic, labor and business organizations, fraternal and benevolent associations,

79 veterans' organizations and other groups in educational campaigns and  
80 programs devoted to teaching the need for eliminating group tensions,  
81 prejudices, intolerances, bigotry and discrimination, and breach of peace and  
82 disorder occasioned thereby.

83  
84 (7) Make recommendations to the city council concerning the development of  
85 policies and procedures that will aid in eliminating all types of discrimination  
86 based on race, creed, sex, handicap, age, national origin, or ancestry, or any  
87 other basis of discrimination prohibited under chapter 62.

88  
89 (8) Recommend to the city council legislation to aid in carrying out the purposes of  
90 this division.

91  
92 (9) Hold public hearings and request the attendance of witnesses when the  
93 commission deems it necessary or advisable to accomplish its purposes.

94  
95 Section 2 – The Springfield City Code, Chapter 62, Human Rights, Article II, Fair  
96 Employment Practices, Division 1, Generally, Sections 62-32, 62-37, 62-38 and 62-40  
97 are hereby amended as follows:

98  
99 Sec. 62-32. - Definitions.

100  
101 The following words, terms and phrases, when used in this article, shall have the  
102 meanings ascribed to them in this section, except where the context clearly indicates a  
103 different meaning:

104  
105 Complaint means a written charge of discrimination alleging that a person has engaged  
106 in a discriminatory practice.

107  
108 Complainant means a person who has filed a complaint with the commission alleging  
109 that another person has engaged in a discriminatory practice.

110  
111 Discriminatory practice means an act that is unlawful under sections 62-33, 62-34, 62-  
112 63, 62-82, and 62-103.

113  
114 Employer means a person who employs one or more persons, exclusive of parents,  
115 spouses or children of such person, and who has a place of business in the city. The  
116 word "employer" shall include, and the word "person" shall include when used for the  
117 word "employer," the city and the boards and agencies of the city.

118  
119 Employment agency means any person or agency, public or private, regularly  
120 undertaking with or without compensation to procure employees for an employer or to  
121 procure for employees opportunities to work for an employer and includes any person  
122 acting in the interest of such a person.

123  
124 Labor organization includes any organization which exists for the purpose, in whole or in  
125 part, of collective bargaining or of dealing with employers concerning grievances, terms

126 or conditions of employment, or for other mutual aid or protection of employees in  
127 relation to employment.

128

129 *Person* has the same meaning as set forth in section 1-2.

130

131 *Person with a disability* means a person with a physical or mental impairment which  
132 substantially limits one or more of the person's major life activities, a person regarded  
133 as having such an impairment, or a person with a record of having such an impairment,  
134 which with or without reasonable accommodation does not interfere with performing the  
135 job, utilizing the place of public accommodation, or occupying the dwelling in question.  
136 For purposes of this article, the term "disability" does not include the current illegal use  
137 of or addiction to a controlled substance as such term is defined by RSMo 195.010;  
138 however, a person may be considered to have a disability if that person:

139

140 (1) Has successfully completed a supervised drug rehabilitation program and is  
141 no longer engaging in the illegal use of, and is not currently addicted to, a  
142 controlled substance, or has otherwise been rehabilitated successfully and is  
143 no longer engaging in such use and is not currently addicted;

144

145 (2) Is participating in a supervised rehabilitation program and is no longer  
146 engaging in illegal use of controlled substances; or

147

148 (3) Is erroneously regarded as currently illegally using, or being addicted to, a  
149 controlled substance.

150

151 *Qualified person with a disability* means a person with a disability who can perform the  
152 essential functions of the job in question with or without reasonable accommodation.

153

154 *Reasonable accommodation* means the following:

155

156 (1) Making facilities used by employees readily accessible to and usable by  
157 persons with disabilities; and

158

159 (2) Job restructuring, part-time or modified work schedules, acquisition or  
160 modification of equipment or devices, or the provision of readers or interpreters;  
161 and other similar actions, provided such accommodations do not create an  
162 undue hardship.

163

164 *Undue hardship* means an accommodation which imposes an economic burden on the  
165 employer which is excessive. Factors to be considered in determining whether or not  
166 there is an undue burden are:

167

168 (1) The overall size of the employer's program with respect to number of  
169 employees, number and type of facilities, and size of budget;

170

171 (2) The type of the employer's operation, including the composition and structure of  
172 the recipient's work force; and

173  
174 (3) The nature and cost of the accommodation needed.  
175

176 Sec. 62-37. - Complaints generally.  
177

178 Any individual who claims to have been grieved by an employment practice made  
179 unlawful under this ~~chapter article~~, referred to in this ~~chapter article~~ as a "discriminatory  
180 practice," may file a complaint in writing with the commission. The complaint shall be  
181 under oath and shall contain such information and be in such a form as the commission  
182 shall require. Immediately upon the filing of a complaint, the commission shall furnish a  
183 copy of the complaint to the person alleged to have committed an unlawful  
184 discriminatory practice. All investigations, penalties, and other processes related to  
185 complaints of discriminatory practices in the areas of fair housing, employment, and  
186 public accommodations shall be conducted pursuant to guidelines established in this  
187 article.  
188

189 Sec. 62-38. - Time limit for filing complaint; answer to complaint.  
190

191 A complaint under section 62-37 shall be filed within 60 ~~480~~ days after the alleged  
192 discriminatory practice occurred. The written complaint shall state the facts upon which  
193 the complainant believes that a discriminatory practice unlawful under this article has  
194 occurred. Complaints may be reasonably and fairly amended at any time with the  
195 approval of the chairperson of the commission. The person complained about (referred  
196 to in this article as the "respondent") may file an answer to a complaint against him,  
197 which may also be amended with the permission of the chairperson of the commission,  
198 which shall be granted whenever it is reasonable and fair to do so. Complaints and  
199 answers to complaints shall be verified.  
200

201 Sec. 62-40. - Investigatory powers of commission.  
202

203 In the course of any investigation authorized under this article, the commission shall  
204 have access at all reasonable times to premises, records, documents, individuals or  
205 other evidence or possible sources of evidence, and may examine, record and copy  
206 such materials and take and record the testimony or statements of such persons as are  
207 reasonably necessary for the furtherance of the investigation as interpreted by *Yellow*  
208 *Freight Sys., Inc. v. Mayor's Commission on Human Rights of City of Springfield.* ~~The~~  
209 ~~chairperson of the commission shall have the power to issue subpoenas to compel~~  
210 ~~witnesses to attend public or private meetings during the investigatory process under~~  
211 ~~section 62-39 and to produce at such meetings relevant books or records with regard to~~  
212 ~~the matter under investigation; provided, however, no such subpoena shall require any~~  
213 ~~appearance during any such investigatory stage sooner than five days from the date~~  
214 ~~such subpoena shall be served, and the party subpoenaed shall have three days from~~  
215 ~~the date of service to move the municipal court to quash the subpoena. If such a motion~~  
216 ~~is made, the court may continue the date for compliance with such subpoena as~~  
217 ~~necessary to rule on the motion, but for no longer than ten days from the original date~~  
218 ~~set for compliance. A copy of such motion shall be served upon the city attorney as~~  
219 ~~counsel for the mayor's commission.~~

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Section 3 – The Springfield City Code, Chapter 62, Human Rights, is hereby amended by moving the section entitled Minority business enterprise program from Section 62-42 and placing it in Chapter 62, Human Rights, Article I, Generally, as Section 62-1.

Section 4 – The Springfield City Code, Chapter 62, Human Rights, Article II, Fair Employment Practices, Division 1, Generally, is hereby adding new Sections 62-43, 62-44 and 62-45, as follows:

Sec. 62-43. - Dispute Resolution, Finding of Probable Cause.

- (a) In addition to the investigatory powers enumerated in section 62-40, before investigating a complaint of discriminatory practices in the areas of employment, fair housing, or public accommodations, the commission shall determine if the complainant and respondent are willing to resolve the issues described in the complaint through mediation or some other method of dispute resolution. If the complainant and respondent are willing, the investigator shall facilitate dispute resolution. The complainant and respondent may engage in dispute resolution at any stage in the process. If the complainant and respondent resolve the dispute prior to investigation, the case shall be closed.
- (b) If the complainant and respondent are unwilling to attempt dispute resolution or are unsuccessful in such an attempt, the investigator shall promptly investigate the allegations of the complaint.
- (c) After completing the investigation, the commissioners conducting the investigation shall report to the commission the results of the investigation and their opinion on whether there is probable cause to credit the allegations of the complaint.
- (d) After receiving the investigation report, the commission may direct further investigation. When the commission is satisfied that the complaint has been properly investigated, it shall determine whether there is probable cause to credit the allegations of the complaint. If the commission determines that there is no probable cause, it shall dismiss the complaint. If the commission determines that there is probable cause, it shall attempt to have the issue resolved through mediation or some other method of dispute resolution. If the respondent is unwilling to participate in dispute resolution, or the dispute resolution does not successfully resolve the complaint, the commission may forward the matter to the city prosecutor.
- (e) At any stage in the process, prior to the referral to the city prosecutor, the commission may close its investigation and dismiss the complaint. Such reasons shall include but not be limited to the following:
  - (1) There is no probable cause to credit the complaint;

- 267  
268 (2) The complainant has failed to cooperate with the commission;  
269  
270 (3) The commission is unable to locate the complainant or respondent;  
271  
272 (4) The complainant wishes to withdraw the complaint;  
273  
274 (5) The subject matter of the complaint has been satisfactorily investigated and  
275 resolved by another governmental agency; or  
276  
277 (6) The complainant has filed a lawsuit against respondent involving the  
278 subject matter of the complaint.  
279

280 Sec. 62-44. - Prosecution; time limitations.  
281

- 282 (a) No prosecution for a violation of any provision of this chapter, other than section  
283 62-45, shall be commenced unless a complaint shall have first been filed with the  
284 commission and efforts of the commission to eliminate the alleged violation have  
285 failed.  
286  
287 (b) ~~The period of limitation for any violation of this article shall not run during any~~  
288 ~~time while a complaint involving the alleged violation is pending before the~~  
289 ~~commission.~~  
290

291 Sec. 62-45. - Unlawful retaliation; false complaints.  
292

- 293 (a) It shall be unlawful for any person to retaliate or discriminate in any manner  
294 against any other person because such person has opposed any practice  
295 prohibited by this chapter or because such person has filed a complaint, assisted  
296 or participated in any manner in any proceeding conducted pursuant to this  
297 article.  
298  
299 (b) It shall be unlawful to knowingly make a false complaint under the provisions of  
300 this article. Any person knowingly making a false complaint shall, upon  
301 conviction thereof, be punished as provided by section 1-7.  
302

303 Section 5 – The Springfield City Code, Chapter 62, Human Rights, Article III, Fair  
304 Housing, Sections 62-132, 62-133, 62-134, 62-135, 62-136, 62-139 and 62-148 are  
305 hereby amended as follows:  
306

307 Sec. 62-132. Definitions.

308 The following words, terms and phrases, when used in this article, shall have the  
309 meanings ascribed to them in this section, except where the context clearly indicates a  
310 different meaning:  
311

312                    *Commission* means the mayor's commission on human rights and  
313 community relations as established by the provisions of chapter 2, article IV,  
314 division 4.

315  
316                    *Discriminatory practice* means an act that is unlawful under sections 62-  
317 134, 62-135 and 62-136.

318  
319                    *Familial status* means one or more individuals who have not attained the  
320 age of 18 years being domiciled with:

321  
322                    (1) A parent or another person having legal custody of such individual; or

323  
324                    (2) The designee of such parent or other person having such custody, with  
325 the written permission of such parent or other person.

326  
327                    The protections afforded against discrimination on the basis of familial status  
328 shall apply to any person who is pregnant or is in the process of securing legal  
329 custody of any individual who has not attained the age of 18 years.

330  
331                    *Gender identity* means the gender-related identity, appearance, or  
332 mannerisms or other gender-related characteristics of an individual, with or without  
333 regard to the individual's designated sex at birth.

334  
335                    ~~*Person* includes one or more individuals, corporations, partnerships,~~  
336 ~~associations, labor organizations, legal representatives, mutual companies, joint~~  
337 ~~stock companies, trusts, unincorporated organizations, trustees, trustees in~~  
338 ~~bankruptcy, receivers and fiduciaries~~ has the same meaning as set forth in  
339 section 1-2.

340  
341                    *Real property* means any building, structure or portion thereof which is  
342 occupied as, or designed or intended for occupancy as, a residence by one or  
343 more families, or occupied, designed or intended for occupancy for one or more  
344 persons for commercial, professional or institutional purposes, and any vacant  
345 land which is offered for sale or lease for the construction or location thereon of  
346 any such building, structure or portion thereof.

347  
348                    *Roomer* means an individual living in a single-family dwelling, a  
349 boardinghouse, a lodginghouse or a facility where eating or bathroom facilities  
350 are shared in common.

351  
352                    *Sexual orientation* means male or female homosexuality, heterosexuality  
353 and bisexuality, by preference, practice or as perceived by others, but not  
354 including sexual preference or practice between an adult and a minor.

355  
356                    *To rent* includes to lease, to sublease, to let and otherwise to grant for a  
357 consideration the right to occupy real property not owned by the occupant.

358



359 Sec. 62-133. - Penalty.

360

361 Any person who shall violate any of the provisions of this article ~~or who shall fail to obey~~  
362 ~~process issued under section 62-143 requiring attendance at a meeting and/or the~~  
363 ~~production of documents at a meeting~~ shall be punished upon conviction thereof in a  
364 municipal court as provided by section 1-7.

365

366 Sec. 62-134. - Discrimination in sale or rental of real property.

367

368 It shall be unlawful for any person to:

369

370 (1) Refuse to sell or rent after receipt of a bona fide offer for, or refuse to negotiate  
371 for the sale or rental of, or otherwise make unavailable or deny, real property to  
372 any person because of that person's race, creed, color, sex, religion, disability,  
373 familial status, national origin, or ancestry, sexual orientation or gender identity.

374

375 (2) Discriminate against any person in the terms, conditions or privileges of sale or  
376 rental of real property, or in the provision of services or facilities in connection  
377 therewith, because of race, creed, color, sex, religion, disability, familial status,  
378 national origin, or ancestry, sexual orientation or gender identity.

379

380 (3) Make, print or publish, or cause to be made, printed or published, any notice,  
381 statement or advertisement with respect to the sale or rental of real property  
382 that indicates any preference, limitation or discrimination based on race, creed,  
383 color, sex, religion, disability, familial status, national origin, or ancestry, sexual  
384 orientation or gender identity, or an intention to make any such preference,  
385 limitation or discrimination.

386

387 (4) Represent to anyone because of race, creed, color, sex, religion, disability,  
388 familial status, national origin, or ancestry, sexual orientation or gender identity  
389 that any real property is not available for inspection, sale or rental when such  
390 real property is in fact so available.

391

392 (5) For profit, induce or attempt to induce anyone to sell or rent any real property by  
393 representations regarding the entry or prospective entry into the neighborhood  
394 of persons of a particular race, creed, color, sex, religion, disability, familial  
395 status, national origin, or ancestry, sexual orientation or gender identity.

396

397 Sec. 62-135. - Discrimination in residential real estate related transactions.

398

399 (a) *Generally.* It shall be unlawful for any person or other entity whose business  
400 includes engaging in residential real estate related transactions to discriminate  
401 against any person in making available such a transaction, or in the terms or  
402 conditions of such a transaction, because of race, color, religion, sex, disability,  
403 familial status, or national origin, sexual orientation or gender identity.

404

405 (b) Definition. As used in this section, the term "residential real estate related

406 transaction" means any of the following:

407

408 (1) The making or purchase of loans or providing other financial assistance:

409

410 a. For purchasing, constructing, improving, repairing or maintaining a  
411 dwelling; or

412

413 b. Secured by residential real estate.

414

415 (2) The selling, brokering or appraising of residential real property.

416

417 (c) *Appraisals.* Nothing in this article prohibits a person engaged in the business of  
418 furnishing appraisals of real property from taking into consideration factors other  
419 than race, color, religion, national origin, sex, disability, ~~or~~ familial status, sexual  
420 orientation or gender identity.

421

422 Sec. 62-136. - Discrimination in provision of brokerage services.

423

424 It shall be unlawful for any person to deny to any other person access to or membership  
425 or participation in any multiple listing service, real estate brokers' association or other  
426 service organization or facility relating to the business of selling or renting real property,  
427 or to discriminate against any person in terms or conditions of such access,  
428 membership or participation, because of race, creed, color, sex, religion, disability,  
429 familial status, national origin, ~~or~~ ancestry, sexual orientation or gender identity.

430

431 Sec. 62-139. - Complaints, Investigations, Penalties. ~~Complaints generally.~~

432

433 Any person who claims to have been injured by a discriminatory practice as made  
434 unlawful by this article (referred to in this article as the "complainant") may file a  
435 complaint in writing with the commission. The investigation of those complaints,  
436 penalties associated, and all other related processes shall be conducted pursuant to  
437 article 2, division 1 of this chapter. ~~Complaints shall contain such information and be in~~  
438 ~~such a form as the commission shall require. Immediately upon the filing of a complaint,~~  
439 ~~the commission shall furnish a copy of the complaint to the person alleged to have~~  
440 ~~committed an unlawful discriminatory practice.~~

441

442 Sec. 62-148. - Enforcement by city attorney.

443

444 (a) ~~The commission, in the event of a failure to secure voluntary compliance with the~~  
445 ~~requirements of this article, shall cause the chairperson thereof to certify, in~~  
446 ~~writing, to the city attorney that all reasonable efforts of the commission to secure~~  
447 ~~conciliation and compliance are concluded in the matter, and the commission~~  
448 ~~shall, with such certification, transmit the commission file and the transcript of the~~  
449 ~~meeting, if any, to the city attorney and in all other respects cooperate with him.~~

450

451 (b) ~~Upon certification by the commission, the city attorney, if he finds that there is~~  
452 ~~probable cause to believe that a violation of any of the provisions of this article~~

453 ~~has occurred and that there is probable cause to believe that the respondent is~~  
454 ~~guilty of that violation, may institute proceedings in municipal court for~~  
455 ~~prosecution of the violation.~~

456  
457 (a) ~~(e)~~ Whenever the city attorney has reasonable and probable cause to believe  
458 that any person or group of persons has engaged in a pattern or practice of  
459 resistance to the full enjoyment of any of the rights granted by this article, or that  
460 any group of persons has been denied any of the rights granted by this article, he  
461 may bring a civil action in the circuit court of the county, setting forth in his  
462 petition in such cause the facts and requesting such preventive relief, including  
463 injunctive relief, against the person responsible for the pattern or practice of  
464 resistance as to him may seem reasonably necessary to ensure the full  
465 enjoyment of the rights granted by this article and to prevent such violations  
466 thereof.

467  
468 (b) ~~(d)~~ The commission may certify complaints directly to the city attorney's office for  
469 legal action under this section without conducting a meeting whenever the  
470 commission finds that any person or group of persons has engaged in a  
471 continued pattern of resistance to the full enjoyment of any of the rights granted  
472 under this article. The filing of previous complaints and the finding of probable  
473 cause for such complaints by the commission against a person shall constitute  
474 grounds for the commission finding that such person is engaged in a continued  
475 pattern of resistance to the full enjoyment of the rights granted by this article.

476  
477 Section 6 – The Springfield City Code, Chapter 62, Human Rights, Article III, Fair  
478 Housing, sections 62-140, 62-141, 62-142, 62-143, 62-144, 62-145, 62-149, and 62-150  
479 shall be repealed.

480  
481 Section 7 – The Springfield City Code, Chapter 62, Article IV, Public  
482 Accommodations, sections 62-181 and 62-183 shall be amended as follows:

483  
484 Sec. 62-181. - Definitions.

485  
486 The following words, terms and phrases, when used in this article, shall have the  
487 meanings ascribed to them in this section, except where the context clearly indicates a  
488 different meaning:

489  
490 *Discriminatory practice* means an act that is unlawful under section 62-182 or 62-187.

491  
492 *Hotel and motel* means every establishment offering lodging to transient guests for  
493 compensation, other than bona fide private clubs.

494  
495 *Passenger transportation system* means publicly or privately owned, operated or  
496 managed buses, taxicabs, airlines, airplanes or trains normally carrying passengers for  
497 hire within or from the city, and shall include all of the stations, terminals and facilities  
498 appurtenant thereto.

499

500 *Place of entertainment* means those places, things or events open to the public, such as  
501 motion picture theaters, legitimate theaters, circuses, fairs, carnivals, athletic exhibitions  
502 or contests including but not limited to boxing, wrestling, football and baseball  
503 exhibitions and contests, athletic fields, amusement parks, playgrounds and parks,  
504 bowling alleys, swimming pools, auto races, pool halls, dances and dance halls, golf  
505 courses, shooting galleries and ranges, skating rinks, miniature golf courses, fireworks  
506 shows or exhibitions, go-cart tracks, horse, dog and flower shows and exhibits, beauty  
507 shows or pageants, and all other similar places, exhibitions or contests open to the  
508 public, whether publicly or privately owned, operated or managed.

509  
510 *Restaurant* means every cafe, cafeteria, coffeeshop, sandwich shop, snackbar, supper  
511 club, soda fountain, ice cream parlor, luncheonette, tavern or bar or other similar  
512 establishment which offers food or drink for purchase and consumption on the  
513 premises, other than bona fide private clubs.

514  
515 *Services* means professional, semiprofessional, personal, educational or commercial.

516  
517 ~~Sec. 62-183. - Complaints, Investigations, Penalties, generally. Filing, investigation and~~  
518 ~~resolution of complaints; enforcement by city attorney.~~

519  
520 All complaints of discriminatory practices shall be heard by the commission, and the  
521 investigation of those complaints, penalties associated, and all other related processes  
522 shall be conducted pursuant to section 62-37.

523  
524 ~~(a) The mayor's commission on human rights and community relations shall receive~~  
525 ~~and investigate, in accordance with rules established by the commission, all~~  
526 ~~complaints of alleged violations of this article, with assistance from the staff of the~~  
527 ~~law department of the city and any other persons whom the commission may find~~  
528 ~~useful in the investigation and processing of the complaint. Any three members~~  
529 ~~of the mayor's commission shall have the power to act on behalf of the whole~~  
530 ~~commission in a matter concerning this article. The chairperson of the~~  
531 ~~commission shall have the power to issue subpoenas to compel witnesses to~~  
532 ~~attend public or private meetings and to produce at such meetings relevant~~  
533 ~~books or records with regard to the matter under investigation. The failure to~~  
534 ~~comply with any such subpoena shall be punishable in municipal court in~~  
535 ~~accordance with the provisions of section 1-7; provided, however, no subpoena~~  
536 ~~shall require any appearance within five days from the date such subpoena shall~~  
537 ~~be served and the parties subpoenaed shall have three days from the date of~~  
538 ~~service to move the municipal court to quash the subpoena. If such a motion is~~  
539 ~~made, the court may continue the time for compliance with such subpoena as~~  
540 ~~necessary to rule on the motion, but for no longer than ten days from the original~~  
541 ~~date set for appearance. A copy of such motion is to be served upon the city~~  
542 ~~attorney as counsel for the mayor's commission. The chairperson of the~~  
543 ~~commission or any member of the commission directed to investigate a~~  
544 ~~complaint shall have the power to place any person under oath relating to any~~  
545 ~~matter under investigation.~~

546

547 ~~(b) No complaint shall be filed more than 60 days after the date of the alleged~~  
548 ~~violation of section 62-182, and all complaints shall be in writing and under oath.~~  
549 ~~After the filing of any complaint, the chairperson shall appoint at least two and not~~  
550 ~~more than three commissioners to promptly investigate the complaint. If it is~~  
551 ~~determined after the investigation that probable cause exists for crediting the~~  
552 ~~allegations of the complaint, the commissioners shall immediately endeavor to~~  
553 ~~eliminate the unlawful discriminatory practice complained of by conference,~~  
554 ~~conciliation and persuasion, and shall report the results to the entire commission.~~  
555 ~~The investigation, determination of probable cause and conciliation shall be~~  
556 ~~conducted according to such rules, regulations and guidelines as the commission~~  
557 ~~shall prescribe. The members of the commission and its staff shall not disclose~~  
558 ~~the content of the report or what has transpired in the course of such endeavors.~~

559  
560 ~~(c) The commission, or those representing the whole commission, shall determine~~  
561 ~~whether probable cause exists to believe that the complaint is justified, and shall~~  
562 ~~adjust complaints by education, persuasion and conciliation if possible, as~~  
563 ~~promptly as possible, within the applicable time limits.~~

564  
565 ~~(d) If the commission or those acting on behalf of the commission find that their~~  
566 ~~efforts are unsuccessful, or in any event if the complaint shall not have been~~  
567 ~~resolved within the maximum time after receipt of the complaint, the commission~~  
568 ~~shall at such time refer the complaint to the law department of the city with the~~  
569 ~~commission's recommendation thereon, with a copy thereof to be sent to the~~  
570 ~~complainant and to the person complained about by ordinary mail.~~

571  
572 ~~(e) The commission may certify complaints directly to the city attorney's office for~~  
573 ~~legal action under this section without conducting a meeting whenever the~~  
574 ~~commission finds that any person or group of persons has engaged in a~~  
575 ~~continued pattern of resistance of full employment of any of the rights granted~~  
576 ~~under this article. The filing of previous complaints and the findings of probable~~  
577 ~~cause for such complaints by the commission against a person shall constitute~~  
578 ~~grounds for the commission finding that such person is engaged in a continued~~  
579 ~~pattern of resistance to the full employment of the rights granted in this article.~~

580  
581 Section 8 – The Springfield City Code, Chapter 62, Human Rights, Article IV,  
582 Public Accommodations, section 62-184 shall be repealed in its entirety.

583  
584 Section 9 – Severability Clause. If any section, subsection, sentence, clause or  
585 phrase of this ordinance is for any reason held to be invalid or unenforceable, to the  
586 extent the remainder of this ordinance can be validly and reasonably interpreted and  
587 enforced, such decision shall not affect the validity of the remaining portions of this  
588 ordinance.

589  
590 Section 10 – The Mayor's Commission on Human Rights and Community  
591 Relations (Commission) shall collect data on discrimination on the basis of sexual  
592 orientation or gender identity in Springfield in the areas of employment and public  
593 accommodation.

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Section 11 – A new Task Force shall be established by City Council resolution, 30 months from the date of passage of this bill, to be charged with review of the data collected by the Commission to determine the appropriate changes in the City’s non-discrimination ordinance. The creation of this Task Force may be declared unnecessary by City Council resolution if Council determines that there is a state or federal law which includes protections for both sexual orientation and gender identity in the areas of employment and public accommodation.

Section 12 – This ordinance shall be in full force and effect from and after passage.

Passed at meeting: \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest: \_\_\_\_\_, City Clerk

Filed as Ordinance: \_\_\_\_\_

Approved as to form: *Sarah Kerner*, Assistant City Attorney

Approved for Council action: *Greg Burt*, City Manager

**EXPLANATION TO SUBSTITUTE NO. 1 COUNCIL BILL NO. 2014-\_\_\_\_\_**

FILED: 09-02-14

ORIGINATING DEPARTMENT: Law

**PURPOSE:** To amend Chapter 2, Administration, Article IV, Boards, Commissions and Committees, Division 4, Mayor’s Commission on Human Rights and Community Relations, section 2-223; and Chapter 62, Human Rights, to add sexual orientation and gender identity to the list of categories of persons protected from discrimination in the area of housing, to consolidate the Commission’s investigative process into a single division of the Code, to clarify the Commission’s powers in light of recent court decisions, and to request additional study pertaining to discrimination in the areas of employment and public accommodation.

**BACKGROUND:**

The classes of individuals currently protected under Chapter 62 are age, race, creed, color, disability, religion, sex, national origin and ancestry. Chapter 62 deals with discrimination in three areas: Employment, Housing, and Public Accommodations. This protection is enforced by the Mayor’s Commission on Human Rights and Community Relations, which is established under Chapter 2 of the City Code.

**REMARKS:**

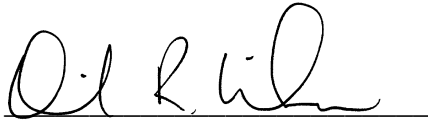
This bill was drafted at the request of the Mayor, for the purpose of adding sexual orientation and gender identity to the protected classes in the area of Housing under Chapter 62 of the City Code. The bill directs the Commission to conduct additional study pertaining to discrimination in the areas of Employment and Public Accommodation, and sets a 30-month timeline for City Council to establish a new Task Force to review the data collected by the Commission.

The bill also deletes a number of repetitive sections for the purpose of combining all the administrative provisions of the Chapter into a single division. Finally, Sections 62-142 through 147 were deleted to clarify the Commission’s powers due to the decision in *Yellow Freight System v. Mayor’s Commission on Human Rights* (Mo. App. Ct. S.D. 1987).

Here is a chart showing the proposed deleted sections and the remaining sections that mirror them:

Deleted section	Remaining section
62-140	62-38
62-141	62-39
62-142 – 62-147	Deleted because of <i>Yellow Freight</i> case
62-149	62-40
62-150	62-41
62-184	62-45

Submitted by:

A handwritten signature in black ink, appearing to read "Dan Wichmer", written over a horizontal line.

Dan Wichmer, City Attorney

Approved by:

A handwritten signature in black ink, appearing to read "Greg Burris", written over a horizontal line.

Greg Burris, City Manager