



Legislation Text

File #: Ord 17-22, **Version:** 1

Amending Chapter 11 of the Administrative Code pertaining to HREEO department functions and director authority.

THE COUNCIL OF THE CITY OF SAINT PAUL DOES ORDAIN:

SECTION 1

Section 11.01 of the Saint Paul Administrative Code is hereby amended to read as follows:

Sec. 11.01. - Creation; head of department; authority generally; power to prescribe rules and regulations; responsibilities; Human Rights and Equal Economic Opportunity Commission

- (a) *Creation of the department.* There is hereby established an executive department of the city to be known as the department of human rights and equal economic opportunity.
- (b) *Director.* The head of the department of human rights and equal economic opportunity shall be a director. On a day to day basis the director shall be accountable to the mayor and, subject to the mayor's supervision, shall administer the affairs of the department. The director shall also report to the human rights and equal economic opportunity commission as required by chapter 183 of the Saint Paul Legislative Code.
- (c) *Director authority.* The director shall have general authority and control over all the department staff and shall oversee the proper fulfillment of all tasks and duties assigned to the department. The director has the authority to enforce ordinances as delegated by the Legislative Code. Enforcement may be by any remedy available by law.
- (d) *Power to prescribe rules and regulations.* The director shall have the power to prescribe such rules and regulations as deemed necessary or expedient for the proper operation of the department and to that end shall keep informed of the latest administrative practices.
- (e) *Authority to designate deputies and other assistants.* The director may appoint up to three deputy director positions. The director may designate, with the approval of the mayor, an employee of the department to perform the functions and duties assigned to the director by law during the absence or disability of the director. This employee may be a deputy director or a manager of one of the functions of the department. The director shall appoint one deputy director to administer the requirements of chapter 183.
- (f) *Powers and duties with respect to department personnel.* The director shall have the power and duty to take all personnel actions, including hiring, assigning and reassigning employees, including supervisory personnel, within the department and shall supervise their performance.
- (g) *Appointment and term of office.* The director shall be appointed by the mayor with the approval of the council, and shall be in the unclassified service of the city. The director shall continue in office for terms of three (3) years from the expiration of the director's prior terms, each subsequent term subject to reappointment.
- (h) *Commission assessment and recommendation.* In conjunction with the director's three-year term, the human rights and equal economic opportunity commission shall conduct an extensive assessment of the performance of the department under the director. Prior to one hundred twenty (120) days from the

expiration of the director's term, the commission shall recommend to the mayor whether the director should be reappointed.

- (i) *Termination of incumbency.* The mayor may, not more than ninety (90) days nor less than sixty (60) days before the end of a specific term, determine to terminate an incumbency on the expiration date of that specific term.
- (j) *Reappointment and vacancy.* The mayor initiates the reappointment process by submitting to the council in writing the mayor's reappointment decision. If the mayor elects to reappoint then the mayor shall submit the written request recommending the reappointment to the council for approval or rejection. Failure of the council to act within thirty (30) days from the date the mayor's written reappointment was delivered to the council shall result in an automatic reappointment of the director for an additional term. If the mayor decides not to reappoint or the council rejects the reappointment then the director position shall be vacant either at the end of the term or, immediately, if the term has expired.
- (k) *Interim director.* In any case when a vacancy occurs, the mayor shall appoint an interim director. The mayor and council shall pass an ordinance to create a community advisory committee to advise the mayor on the selection of the new director. The committee shall immediately arrange for an examination to determine eligible persons to fill any vacancy and make its recommendation to the mayor.
- (l) *Removal of the director.* The director may be removed prior to the completion of the three-year term in the following ways:
 - 1. *Mayor's removal.* The mayor may remove the director with the approval of the council. Upon receiving a written official notification that the mayor desires to remove the director, the council by resolution must either approve or reject the mayor's removal within thirty (30) days from receiving the notification.
 - 2. *Commission's removal.* The Human Rights and Equal Economic Opportunity Commission may remove the director with the approval of the mayor. Upon receiving a resolution approved by the commission requesting the removal of the director, the mayor must either approve or reject the commission's removal resolution request within thirty (30) days from receiving the resolution.

Section 2

Section 11.02 of the Saint Paul Administrative Code is hereby amended to read as follows:

Sec. 11.02. - General responsibilities enumerated.

- (a) *Functions.* The department's functions include:
 - (1) Contract analysis and procurement;
 - (2) Capacity building and workforce development;
 - (3) Contract monitoring, investigation and enforcement;
 - (4) ~~Human rights enforcement and outreach~~
 - (4) Administration and enforcement of Saint Paul Legislative Code Chapter 233;
 - (5) Administration and enforcement of such other ordinances the City Council may enact that delegate responsibility to the Department;
 - (6) Human rights enforcement and outreach.
- (b) *HRA.* The Housing and Redevelopment Authority (HRA) has duties and responsibilities that are also assigned to the department. The department shall oversee the activities of the HRA to the extent that the

HRA's activities overlap with the duties of the department.

- (c) *Responsibilities.* The department shall be responsible for ensuring city compliance with and where necessary assume the duties and responsibilities for all of the city's affirmative action compliance and hiring on construction sites, vendor outreach program, fair labor standards, prevailing wage, living wage and business subsidy, and other areas of capacity building and workforce development. The department shall also be responsible for the enforcement of regulatory ordinances where the Council has given the department such authority.

The department's duties and responsibilities include but are not limited to those under federal law or federal programs governing contracts or the use of federal funds such as the Davis-Bacon acts, the Community Development Block Grant, Home Investment Partnerships Program, and section 3 of the Housing and Urban Development Act of 1968 [12 U.S.C. § 1701u]; Saint Paul Legislative Code Chapter 183 and 185; Saint Paul Administrative Code Chapters 82, 83, 84, 85, and 98; Business Subsidy Program, and Apprenticeship Opportunities Pilot Program.

- (e) *Investigation and training.* The director shall ensure that the department's personnel are adequately trained and experienced to carry out the department's duties and responsibilities.
- (d) *Staffing for human rights and equal economic opportunity commission.* The department shall be responsible for providing staff support for the human rights and equal economic opportunity commission.

Section 3

Section 11.03 of the Saint Paul Administrative Code is hereby deleted in its entirety and replaced as follows:

Sec. 11.03 - Human Rights and Equal Economic Opportunity Commission

In addition to the duties and obligations of the HREEO Commission pursuant to Chapter 183 of the Saint Paul Legislative Code, the Commission shall have the following powers:

- (1) Receive complaints, conduct hearings and make findings in matters related to the responsibilities of the department;
- (2) Receive and hear administrative appeals related to Chapter 233 of the Saint Paul Legislative Code,
- (3) Uphold, or overturn civil penalties related to the enforcement responsibilities of the Department;
- (4) Advise the Human Rights and Equal Economic Opportunity director on policies of the department;
- (5) Make such recommendations as in its judgement will effectuate the policy set forth in this chapter

~~Sec. 11.03. – Reference to former departments.~~

Any documents containing the name of the department of human rights or the division of contract and analysis services or the minority business development and retention program shall be read to refer to the department of human rights and equal economic opportunity. Any document containing the name of the human rights commission shall be read to refer to the human rights and equal economic opportunity commission.

Section 4

Section 11.04 of the Saint Paul Administrative Code is hereby added in its entirety and shall be read as follows:

Sec. 11.04. - Reference to former departments.

Any documents containing the name of the department of human rights or the division of contract and analysis services or the minority business development and retention program shall be read to refer to the department of human rights and equal economic opportunity. Any document containing the name of the human rights commission shall be read to refer to the human rights and equal economic opportunity commission.

Section 5

This Ordinance shall take effect and be in force thirty (30) days following passage, approval and publication.