

2.44-Equitable Opportunity Commission (EOC)

2.44.10 Purpose

- a. This municipal ordinance aims to promote equity and opportunity within the city of Whitewater by establishing an Equitable Opportunity Commission. The commission's objective is to advance the city's commitment to being a welcoming, affirming, and inclusive community where all individuals have equal access to rights and opportunities without discrimination based on race, color, ethnicity, national origin, gender, sexual identity, disability, or any other identity.
- b. This ordinance seeks to empower the Equitable Opportunity Commission, a dedicated body, to address and mitigate systemic barriers and discrimination in housing, education, employment, and public accommodations. The commission, with its commitment to studying, analyzing, and recommending solutions, will focus on promoting fair treatment and eliminating disparities. By enacting this ordinance, the city aims to foster a more just and equitable environment where every resident and worker in Whitewater can thrive and participate fully in community life.
- c. The City of Whitewater affirms the rights of individuals with disabilities to fair and equal access to city services, programs, and benefits. Per the United States and Wisconsin Constitutions, and to promote public health, safety, and general welfare, the city enacts this chapter to prohibit discrimination against persons with disabilities. The Equitable Opportunity Commission is hereby established with the authority to address grievances of individuals with disabilities concerning city actions or inaction.

2.44.015-Definitions

- a. "Equitable" refers to the principle of fairness and justice in applying laws or regulations. Specifically, it involves providing remedies, outcomes, or opportunities that are just and impartial, considering the particular circumstances and needs of individuals or groups involved. Equitable treatment aims to ensure that everyone is treated fairly and that disparities or injustices are addressed appropriately based on the specific situation at hand.

2.44.020- Membership and Officers

- a. The Equitable Opportunity Commission shall consist of seven members, including five to six citizen members appointed in accordance with the procedure outlined in Whitewater Municipal Code Section 2.12.011, and at least one but not more than two city council members. Citizen members must be residents of the City of Whitewater, residents of the Whitewater United School District, or employed within the City of Whitewater.
- b. Members of the commission shall possess personal or professional experience relevant to eliminating racial or other forms of discrimination.
- c. Following this chapter's enactment, two citizen members shall be appointed for one-year terms, two for two-year terms, and two for three-year terms. Thereafter, citizen members shall serve three-year terms. City council-appointed members shall serve one-year terms. The purpose and provisions of this chapter shall be implemented by the Whitewater

Equitable Opportunity Commission, comprising five members appointed by the city manager and common council president within ten days of filing a grievance. If the city manager has a conflict of interest, the council president shall make the appointments. Appointees shall serve until all pending grievance proceedings are completed, or for a maximum of three years.

2.44.030- Duties and Powers

- a. To adopt, amend, publish, and rescind rules for governing its meetings and hearings.
- b. To request assistance from city staff to promote the purposes of this chapter, subject to the approval of the city manager, and to describe their duties.
- c. To receive and investigate all grievances alleging any discriminatory practice prohibited by this chapter.
- d. To recommend to the city manager, for common council consideration, any budget and/or legislation necessary to further promote the purposes of this chapter and to file annual written reports of its work with the city clerk.
- e. Facilitate compliance with federal, state, and local laws relating to equal opportunities in education, employment, housing, and recreation through informational programs.
- f. Examine all aspects of relations between races and ethnic groups fairly and objectively, fostering awareness, understanding, and appreciation of racial and ethnic diversity in the community.
- g. Identify problems of racism and other forms of discrimination in the community and city services, recommending solutions and positive courses of action to the general community, city council, and city manager.
- h. Initiate public programs and studies and promote privately sponsored programs and studies that aid in accomplishing the commission's purposes and duties, including forums for dialogue on racism to improve community relations.
- i. Conduct public hearings in accordance with city ordinances and the commission's rules of procedure, addressing grievances filed under section 2.44.060 related to discrimination and equitable opportunity within the city.

2.44.040-Meetings

- (a) Meetings of the commission shall be held on dates determined by the commission.
- (b) Special meetings shall be held at the location designated in the notice of the meeting. Special meetings may be held by the commission chair or at the written request of three members.
- (c) Public notice of all commission meetings shall be given in accordance with the state of Wisconsin's open meetings law.

2.44.050-Officers and Duties

- a. The Equitable Opportunity Commission shall select a chair, vice-chair, and secretary at the commission's first meeting each year. The chair shall preside over all meetings of the

commission. The vice-chair shall preside over the meetings in the chair's absence. In the absence of the chair and vice-chair, a chair pro tem shall be chosen from those present and shall preside. The secretary shall record the minutes of each meeting and shall transmit a written copy of the minutes and the commission records to the city clerk, who shall be the custodian of the commission's records.

2.44.060-Prohibited city practices and grievance procedure

(a) It shall be a prohibited discriminatory practice for the city of Whitewater or its officers or employees to do any of the following:

(1) To refuse to furnish services or facilities, whether ordinarily provided pursuant to legal duty or local custom, when such refusal is based to any degree on consideration of age, race, creed, color, disability, marital status, gender (or gender identity), national origin, ancestry, sexual orientation or military service.

(2) To aid or perpetuate discrimination against such individuals by funding an agency, organization, or person that discriminates on the basis of age, race, creed, color, disability, marital status, gender (or gender identity), national origin, ancestry, sexual orientation, or military service while directly providing the City of Whitewater with services or facility use opportunities.

(b) Grievances alleging discrimination by the city, its officers, employees, or departments, prohibited by this chapter, shall be in writing. The individual may initiate such grievance, or any commission member may initiate it at his or her initiative. It shall contain:

(1) Name and address of the aggrieved;

(2) Name and address of the individual or department against whom the grievance is alleged;

(3) A statement setting forth the particulars of the alleged discrimination or discriminatory practice;

(4) A request for an action that can be taken to solve the grievance and suggested solutions for the commission to review.

(c) Grievances shall be filed with the city clerk, who shall forward a copy of the grievance to the city manager and the commission's chairperson. The city manager shall designate a staff person who shall attempt to resolve the matter with the aggrieved person. Suppose a solution is not agreed upon between the aggrieved and the staff. In that case, the matter shall be placed on the agenda of a commission meeting scheduled at an accessible site within thirty days of receipt of the grievance. Notice of the meeting shall be given to the aggrieved party at least ten days before the meeting date, and it will be scheduled at a time convenient to the aggrieved and the commission. At the meeting, the commission shall schedule the matter for hearing on a future date and make any other procedural orders necessary to allow the parties to present their position at the hearing properly.

(d) The complainant may withdraw the grievance at any time and may, subject to the commission's approval, amend it under such terms as the commission shall allow. Notice of amendment or withdrawal shall be given to all parties.

(e) At the hearing, the aggrieved and/or an agent designated by the aggrieved person and a staff person or other individual assigned by the city manager to represent the city's position shall present oral and/or written information under oath at the hearing. After the parties have been allowed to present all information, the commission shall make written findings of fact and conclusions, and if no violation is found, the commission shall dismiss the grievance. If a violation is found, the commission shall issue a proposed order and forward it to the city of Whitewater Common Council for consideration. The council may affirm, modify, or reverse the order.

(f) No commissioner who files a grievance on his or her initiative shall participate in any subsequent hearing or proceeding except as a witness and shall not participate in the commission's deliberations in such case.

2.44.070-Quorum

Four voting members shall constitute a quorum sufficient to transact business. A majority of members voting may adjourn any meeting.

2.44.080-Voting

A majority vote shall be necessary to adopt any motion, resolution, or other proposed action, except where a greater number is required by law.

2.44.090-Rules of procedure and by-laws

A copy of the commission's approved bylaws and rules of procedure, if any, shall be filed with the city clerk.

2.44.100-Inspection of Records

Records of the commission shall be available for public inspection, unless exempt from disclosure under the Wisconsin Public Records Laws.

2.44.110-Compensation

All members shall serve without compensation.

2.44.120-Subcommittees

a. The commission chair may appoint standing or temporary subcommittees, subject to confirmation by the commission. Temporary committees shall dissolve no later than six months after their creation, unless their term is extended by affirmative vote of the majority of the commission. Extensions may be granted in increments of six months or less.

b. Members of subcommittees need not be members of the commission.

c. Public notice of all subcommittee meetings shall be given in accordance with the Wisconsin Open Meetings Law