

ORDINANCE NO. _____

An ordinance amending Chapter 32 of Division 22 of the Los Angeles Administrative Code to establish the Civil, Human Rights and Equity Department and include the Board of Commissioners on the Status of Women and Board of Human Relations Commissioners in Chapter 32; adding a new Chapter 191 to Division 5 of the Administrative Code to establish the Civil and Human Rights Community Engagement Fund and; amending Sections 51.02 and 51.03 and other sections of the Los Angeles Municipal Code to clarify provisions of the Civil and Human Rights Law and make its terminology consistent with Chapter 32 of the Administrative Code, in accordance with this ordinance.

WHEREAS, the City of Los Angeles, with its diverse population, wishes to establish public policy that promotes understanding between and among communities and to discourage discrimination that denies equal treatment to any individual because of an immutable characteristic or real or perceived status.

NOW, THEREFORE,

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Section 1. Article 4 of Chapter 19 of Division 22 of the Los Angeles Administrative Code is repealed in its entirety.

Sec. 2. Article 5 of Chapter 19 of Division 22 of the Los Angeles Administrative Code is repealed in its entirety.

Sec. 3. The title of Chapter 32 of Division 22 of the Los Angeles Administrative Code is amended to read as follows:

CHAPTER 32

CIVIL RIGHTS AND EQUITY COMMISSIONS AND DEPARTMENT

Sec. 4. The title of Article 1, Chapter 32 of Division 22 of the Los Angeles Administrative Code is amended to read as follows:

CHAPTER 32, ARTICLE 1

COMMISSION ON CIVIL RIGHTS CREATION AND ORGANIZATION

Sec. 5. Section 22.1200 and Subsection (a) of Section 22.1200 of Article 1, Chapter 32, Division 22 of the Los Angeles Administrative Code are amended to read as follows:

Sec. 22.1200. Commission on Civil Rights.

(a) **Establishment.** A Commission on Civil Rights is hereby created, which shall have the powers, duties, and responsibilities set forth in this chapter and elsewhere in the City Charter, Los Angeles Municipal Code and Los Angeles Administrative Code. The Commission shall have seven members.

Sec. 6. The title of Article 2, Chapter 32, Division 22 of the Los Angeles Administrative Code is amended to read as follows:

CHAPTER 32, ARTICLE 2

COMMISSION ON CIVIL RIGHTS DUTIES AND RESPONSIBILITIES

Sec. 7. Subsection (e) of Section 22.1210 of Article 2, Chapter 32, Division 22 of the Los Angeles Administrative Code is amended to read as follows:

(e) The Commission shall have the power to request subpoenas, on behalf of the General Manager, for the attendance and testimony of witnesses or the production of any books, papers, records or other items relevant to inquiries, investigations, and enforcement actions by the General Manager. Subpoenas requested by the Commission shall be issued and served in accordance with Charter Section 217

Sec. 8. Article 3, Chapter 32, Division 22 of the Los Angeles Administrative Code is amended in its entirety to read as follows.

CHAPTER 32, ARTICLE 3

CIVIL, HUMAN RIGHTS, AND EQUITY DEPARTMENT

Sec. 22.1220. Establishment.

A Civil, Human Rights, and Equity Department ("Department") is hereby created, which shall have the powers, duties and responsibilities set forth in this chapter and elsewhere in the City Charter, Los Angeles Municipal Code, and Los Angeles Administrative Code.

Sec. 22.1221. Duties and Responsibilities.

The Department shall have the following duties and responsibilities:

(a) The Department shall support the work of the Commission on Civil Rights.

(b) The Department shall work with the Commission on Civil Rights, the Board of Commissioners on the Status of Women, and the Board of Human

Relations Commissioners and, whenever practical, coordinate with related offices and entities in other jurisdictions to serve and defend the liberties of Los Angeles's diverse communities

(c) The Department shall, within the scope of its authority, promote the general welfare of the residents of the City of Los Angeles against discrimination, threats, and retaliation based on an immutable characteristics or real or perceived status.

(d) The Department shall enforce Chapter IV, Article 16 of the Los Angeles Municipal Code ("Human Rights Law"), in conjunction with the Commission on Civil Rights.

Sec. 22.1222. General Manager.

The Department shall be under the control and management of a general manager who shall be the Department's chief administrative officer. The General Manager shall have the power and duty to:

(a) Investigate complaints of violations of Chapter IV, Article 16 of the Los Angeles Municipal Code, or initiate investigations of violations of Chapter IV, Article 16 of the Los Angeles Municipal Code, and make enforcement determinations, including administrative penalties, compensatory penalties, and corrective actions;

(b) Administer oaths and affirmations on behalf of the Department and the Commission on Civil Rights;

(c) Delegate investigative and enforcement authority to subordinate officers, except that requests for subpoenas to the Commission on Civil Rights may only be made by the General Manager;

(d) Administer the affairs of the Department as its chief administrative officer;

(e) Appoint, discharge, suspend, or transfer the employees of the Department, other than the Commission on Civil Rights secretary, subject to the civil service provisions of the Charter;

(f) Issue instructions to employees, in the line of their duties, subject to the civil service provisions of the Charter;

(g) Expend the funds of the Department in accordance with the provisions of the budget appropriations or of appropriations made after adoption of the budget;

(h) Recommend to the Department prior to the beginning of each fiscal year an annual budget covering the anticipated revenues and expenditures of the Department, conforming so far as practicable to the forms and dates provided in Article III in relation to the general City budget;

(i) Certify all expenditures of the Department, and;

(j) Exercise such additional powers as may be conferred by the Commission on Civil Rights.

Sec. 22.1223. Office of Racial Equity.

There is hereby established, within and under the purview of the Department, the Office of Racial Equity.

Sec. 9. Section 22.1230 of Article 4, Chapter 32, Division 22 of the Los Angeles Administrative Code is amended to read as follows:

All Boards, Offices, and Departments of the City shall cooperate with the Commission on Civil Rights to the fullest extent practicable without conflicting with the lawful and necessary conduct of their duties as provided by law.

Sec. 10. A new Article 5 is added to Chapter 32, Division 22 of the Los Angeles Administrative Code to read as follows:

CHAPTER 32, ARTICLE 5

BOARD OF COMMISSIONERS ON THE STATUS OF WOMEN

Sec. 22.1240. The Board of Commissioners on the Status of Women.

(a) **Creation of Board.** There is hereby created a commission to be known as the Board of Commissioners on the Status of Women ("Board") that shall serve as an advisory board to the Mayor, City Council, and General Manager of the Civil, Human Rights, and Equity Department or a successor department ("General Manager").

(b) **Purpose, Powers, and Duties.** The Board shall act in an advisory capacity to the Mayor, City Council, and General Manager with respect to ensuring that all women and girls have the opportunity for full and equal participation in the affairs of City government and with respect to promoting the general welfare and human rights of all women and girls in the greater community through policy, advocacy, and education. In addition, the Board may:

(1) Advise the Mayor, City Council, and General Manager of the needs and issues facing women and girls in the City, with special emphasis on women

in City government and within underserved populations, as identified by the Board;

(2) Maintain an active relationship with community-based organizations, academic institutions, civic and business organizations, and other key stakeholders interested in issues facing women and girls;

(3) Investigate pressing issues and develop policy and programmatic recommendations that advance the civil and human rights of women and girls in the City and provide them with positive opportunities in all aspects of their lives without discrimination. Such programs and policies may address, but shall not be limited to:

- i. Economic opportunities, including recruitment and retention of women and young women in non-traditional careers currently underrepresented by women;
- ii. Personal and public safety, including issues of intimate partner, community, and systemic violence;
- iii. Fair and equitable access to health care, housing, transportation, and other public social services;
- iv. Civil and human rights;
- v. Education, including gender equity in educational institutions and access to comprehensive sexuality education within schools and the community;
- vi. Methods to alleviate existing inequities in pay and employment opportunities between men and women;
- vii. Studies and surveys on the status of women as requested by the Mayor, City Council, or General Manager; and

(4) Address any other matter important to the status of women and girls in the City of Los Angeles and perform such other duties related to this issue as may be requested by the Mayor, City Council, and General Manager.

(c) **Membership.** All members should have demonstrated knowledge and experience in areas related to the needs of women and girls. The Board shall consist of seven members appointed by the Mayor and confirmed by the City Council. The provisions of Los Angeles City Charter Section 502 shall govern the appointment and removal of the Board members. Selection will be in accordance with Charter Section 501(d).

(d) **Terms of Board Membership.** Board members shall serve four-year, staggered terms beginning with the first day of July of the year they are appointed. The Mayor shall initially appoint three members to terms that end June 30, 2012, and four members to terms that end June 30, 2014. The initial term of each member of the Board shall be designated in the appointment.

(e) **Diversity Consideration.** The Mayor, when submitting appointments to the City Council for approval, shall state the area of expertise and the related qualifications and experience of the nominee. The City Council shall review these qualifications as part of the confirmation process. The Mayor and City Council shall also ensure that the membership of the Board represents the City's diversity of race, ethnicity, culture, religion, national origin, gender, age, sexual orientation, and neighborhoods, in addition to other diverse communities of interest such as business and not-for-profit organizations.

(f) **Compensation.** Members of the Board shall serve without compensation.

(g) **Officers.** The Board shall, at the beginning of each fiscal year, elect from its members a President and Vice-President. The elected officers shall hold office for one year or until their successors are elected, unless their membership on the Board expires sooner. The Board may fill the unexpired terms of a vacancy occurring in office of the President or Vice-President.

(h) **Rules and Regulations.** At its first meeting or as soon thereafter as reasonably feasible, the Board shall adopt rules and regulations for the conduct of its business.

(i) **Meetings.** The Board shall designate the time and place for regular public meetings, provided that each board shall meet not less than one time within a calendar quarter. Such meetings shall include opportunities for public testimony and public comment on Board business.

(j) **Cooperation and Coordination with Other Agencies.**

(1) Whenever practical, the Board shall coordinate its programs with other similar agencies in the region to avoid duplication of effort and ensure an effective working relationship between the City and other private or public agencies.

(2) All Boards, Offices, and Departments of the City shall cooperate with the Board to the fullest extent practicable and in a manner that would not conflict with the lawful and necessary conduct of their duties as provided by law.

(k) **Solicitation of Funds.** The Board may solicit and accept donations of funds which shall be placed in the Board of the Commission on the Status of Women Trust Fund established under Los Angeles Administrative Code Section 5.560.

Sec. 11. A new Article 6 of Chapter 32 is added to Division 22 of the Los Angeles Administrative Code to read as follows:

CHAPTER 32, ARTICLE 6

BOARD OF HUMAN RELATIONS COMMISSIONERS

Sec. 22.1250. The Board of Human Relations Commissioners.

(a) **Creation of Board.** There is hereby created a commission to be known as the Board of Human Relations Commissioners ("Board") that shall serve as an advisory board to the Mayor, City Council, and General Manager of the Civil, Human Rights and Equity Department of the City of Los Angeles or a successor department ("General Manager").

(b) **Purpose, Powers, and Duties.** The Board shall act in an advisory capacity to the Mayor, City Council, and General Manager with respect to policies and other matters that will assist in ensuring that all residents are provided with an opportunity for full and equal participation in the affairs of City government; promote the general welfare and safety of all residents through activities and programs designed to reduce discrimination, prejudice, tension, and violence; improve inter-group relations; support efforts to create a City free from all forms of discrimination based on race, religion, sex, sexual orientation, national origin, age, disability, immigration status, gender, gender identity, gender expression, or any other arbitrary factor; and otherwise promote healthy human relations among individuals and diverse constituencies in all aspects of the civic life of the City. In addition, the Board may:

(1) Develop, recommend, and advise on policies, legislation, programs, and initiatives, in addition to related research, focused on addressing and eliminating discrimination, prejudice, and intolerance based on race, religion, sex, sexual orientation, national origin, age, disability, immigration status, gender, gender identity, gender expression, or any other arbitrary factor;

(2) Develop, recommend, and advise on policies, legislation, programs, and initiatives, in addition to related research, focused on addressing and eliminating community conflict and violence, advancing public safety, promoting positive inter-group relations, improving law enforcement relations in the community, and building respect, tolerance, and appreciation for diversity;

(3) Provide a forum for the discussion of human relations issues; and

(4) Perform such other duties relating to human relations as may be requested by the Mayor, City Council, and General Manager.

(c) **Membership.** All members should have demonstrated knowledge and experience in areas related to human relations and the prevention of discrimination.

The Board shall consist of eleven members appointed by the Mayor and confirmed by the City Council. The provisions of Los Angeles City Charter Section 502 shall govern the appointment and removal of the Board members. Selection will be in accordance with Charter Section 501(d).

(d) **Terms of Board Membership.** Board members shall serve four-year, staggered terms beginning with the first day of July of the year they are appointed. The Mayor shall appoint six members to terms that end June 30, 2012, and five members to terms that end June 30, 2014. The initial term of each member of the Board shall be designated in the appointment.

(e) **Diversity Consideration.** The Mayor, when submitting appointments to the City Council for approval, shall state the area of expertise and the related qualifications and experience of the nominee. The City Council shall review these qualifications as part of the confirmation process. The Mayor and City Council shall also ensure that the membership of the Board represents the City's diversity of race, ethnicity, culture, religion, national origin, gender, age, sexual orientation, and neighborhoods, in addition to other diverse communities of interest, such as business and not-for-profit organizations.

(f) **Compensation.** Members of the Board shall serve without compensation.

(g) **Officers.** The Board shall, at the beginning of each fiscal year, elect from its members a President and Vice-President. The elected officers shall hold office for one year or until their successors are elected, unless their membership on the Board expires sooner. The Board may fill the unexpired terms of a vacancy occurring in office of the President or Vice-President.

(h) **Rules and Regulations.** At its first meeting or as soon thereafter as reasonably feasible, the Board shall adopt rules and regulations for the conduct of its business.

(i) **Meetings.** The Board shall designate the time and place for regular meetings, provided that each board shall meet not less than one time within a calendar quarter.

(j) **Cooperation and Coordination with Other Agencies.**

(1) Whenever practical, the Board shall coordinate its programs with other similar agencies to avoid duplication of effort and assure an effective working relationship between the City and other private or public agencies.

(2) All Boards, Offices, and Departments of the City shall cooperate with the Board to the fullest extent practicable and in a manner that would not conflict with the lawful and necessary conduct of their duties as provided by law.

(k) **Solicitation of Funds.** The Board may solicit and accept donations of funds, which shall be placed in the Board of the Human Relations Commission Trust Fund established under Los Angeles Administrative Code Section 5.562.

Sec. 12. Subsection (c) of Section 5.560 of the Los Angeles Administrative Code is amended to read as follows:

(c) All monetary gifts, contributions or bequests to the City for the purposes set forth in this Chapter that exceed the sum of \$10,000 shall be submitted to the City Council for acceptance or rejection. All such monetary gifts, contributions or bequests that do not exceed the sum of \$10,000 shall be submitted to the Board or its designee for acceptance or rejection. The Board's designee for purposes of this Chapter shall be a full-time employee serving in a duly authorized position on the staff of the Civil, Human Rights and Equity Department or a successor department.

Sec. 13. Subsection (c) of Section 5.562 of the Los Angeles Administrative Code is amended to read as follows:

(c) All monetary gifts, contributions or bequests to the City for the purposes set forth in this Chapter that exceed the sum of \$10,000 shall be submitted to the City Council for acceptance or rejection. All such monetary gifts, contribution or bequests that do not exceed the sum of \$10,000 shall be submitted to the Board or its designee for acceptance or rejection. The Board's designee for purposes of this Chapter shall be a full-time employee serving in a duly authorized position on the staff of the Civil, Human Rights and Equity Department or a successor department.

Sec. 14. A new Chapter 191 is added to Division 5 of the Los Angeles Administrative Code to read as follows:

CHAPTER 191

CIVIL AND HUMAN RIGHTS COMMUNITY ENGAGEMENT FUND

Sec. 5.597. Civil and Human Rights Community Engagement Fund.

(a) There is created and established within the Treasury of the City of Los Angeles a special trust fund to be known as the "Civil and Human Rights Community Engagement Fund" ("Fund").

(b) The purpose of the Fund shall be for the receipt, retention and disbursement of all of gifts, contributions, and bequests received by the Civil, Human Rights and Equity Department ("Department") and the Commission on Civil Rights ("Commission"), for the purposes set forth in this Chapter.

(c) The Fund shall be used for programming and capital expense needs in support of the Department and the Commission, including community outreach and

engagement events, resource fairs, translation and other services, volunteer stipends, and consultant fees, and shall also be used to repay cash advances received from any other fund established by the City and used for these purposes.

(d) All monetary gifts, contributions or bequests to the City for the purposes set forth in this Chapter that exceed the sum of \$10,000 shall be submitted to the City Council for acceptance or rejection. All such monetary gifts, contribution or bequests that do not exceed the sum of \$10,000 shall be submitted to the Commission or its designee for acceptance or rejection. The Commission's designee for purposes of this Chapter shall be a full-time employee serving in a duly authorized position on the staff of the Department or a successor department.

(e) The Fund shall be administered by the General Manager of the Department ("General Manager) or his or her designee. A fiscal year-end report shall be prepared, which shall be submitted within 90 days after the close of each fiscal year.

(f) All interest or other earnings attributable to money in the Fund or any account in the Fund shall be credited to the Fund and shall be devoted to the purposes of the Fund.

(g) No expenditure shall be made from this Fund without the prior approval of the General Manager or his or her designee.

(h) The General Manager is authorized to establish appropriate procedures to carry out the provisions of this Chapter.

(i) Pursuant to Charter Section 344, monies not disbursed in any fiscal year from the Fund, or in any of the accounts within the Fund, shall not revert to the Reserve Fund, but shall remain in the Fund and be devoted to the purposes of the Fund.

Sec. 15. The second paragraph of Section 51.00 of Article 16, Chapter IV of the Los Angeles Municipal Code is amended to read as follows:

The City of Los Angeles has a duty to protect and promote public welfare within its boundaries and to protect residents and visitors against discrimination, threats and retaliation based on a real or perceived status. Such discriminatory and prejudicial practices pose a substantial threat to the health, safety and welfare of our community. This ordinance tasks the Commission on Civil Rights and the Civil, Human Rights and Equity Department to investigate complaints of discrimination and enforce against violators. By holding businesses and individuals accountable for discriminatory behavior, the City will make clear that discrimination will not be tolerated.

Sec. 16. Section 51.02 of the Los Angeles Municipal Code is amended to delete the definition of "**Director**" and to add and amend the following definitions:

"Commission" means the Commission on Civil Rights.

“Complainant” means a person who files a complaint with the General Manager alleging that his, her, or their right, granted or protected by this article has been violated by another person.

“General Manager” means the General Manager of the Civil, Human Rights, and Equity Department.

“Hearing Officer” means an independent decision-maker designated by the Commission, including, but not limited to, pro tem judges provided by the Los Angeles Superior Court, administrative law judges from the State of California's Office of Administrative Hearings, and individuals trained in dispute resolution with a minimum of 25 hours of classroom and practical training and experience performing duties related to mediation and conflict resolution in accordance with the requirements of the California Dispute Resolution Programs Act of 1986 (16 CCR § 1622), who shall be subject to disqualification for bias, prejudice, conflict, or any other reason for which a judicial hearing officer may be disqualified.

Sec. 17. Subsection A of Section 51.03 of the Los Angeles Municipal Code is amended to read as follows:

A. No person shall discriminate against another person in private employment, housing, education or commerce, because of that person's actual or perceived race, color, ethnicity, creed, age, national origin, religion, citizenship status, gender, gender identity or expression, sexual orientation, disability, medical condition, genetic information, marital status, partnership status, employment status, source of income, military status, veteran status, or primary language.

Sec. 18. Subsections A, B, C, and D of Section 51.05 of the Los Angeles Municipal Code are amended to read as follows:

A. **Reporting Violations.** Any person whose rights, granted or protected by this article, have been violated, even if that person's only injury is the deprivation of that right granted or protected without physical or monetary damages, may report a complaint to the General Manager. The General Manager shall encourage reporting pursuant to this article by keeping confidential, to the extent permitted by law, the name and other identifying information of the Complainant. With the authorization of the Complainant, the General Manager may disclose the Complainant's name and identifying information as necessary to conduct investigations under this article or for other appropriate purposes. The General Manager shall disclose the name and identifying information of the Complainant at the time the General Manager issues a notice of violation to the Respondent.

B. **Investigation.** The General Manager shall be responsible for investigating violations of this article. A Respondent shall cooperate fully in any investigation by the General Manager. The General Manager shall have access to the Respondent's business sites, housing locations, and places of labor subject to this

ordinance during business hours to inspect books and records, and to interview any relevant witnesses. Respondents shall provide the General Manager with their legal name, address, and telephone number in writing. The General Manager may request the Commission to subpoena witnesses, compel their attendance and testimony, and require by subpoena the production of any books, papers, records or other items relevant to inquiries, investigations, and enforcement actions under this article.

C. **Settlement.** The General Manager shall have the authority, at any time, to enter into a settlement agreement with a Respondent. The General Manager shall present any settlement agreement to the Commission for approval, which shall have the authority only to approve or disapprove the agreement. A settlement disapproved by the Commission shall be remanded to the General Manager, who shall resume enforcement authority over the matter, including the authority to present a new settlement to the Commission.

D. **Determination.** Whenever the General Manager finds that a violation of Section 51.03 or Section 51.04 has occurred, the General Manager shall publicly issue a notice of violation, which shall, in addition to describing the violation, impose administrative penalties, Compensatory Penalties, if any, and corrective actions, if any, consistent with Section 51.07. The General Manager shall serve the notice of violation, by First Class mail, on the respective Complainant and Respondent. The date of service shall be the date of the postmark on the mailing.

Sec. 19. Subsections A, B, C, and D of Section 51.07 of the Los Angeles Municipal Code are amended to read as follows:

A. **Administrative Penalties, Compensatory Penalties, and Corrective Actions.** In addition to any of the remedies and penalties set forth in this article or any other law, where the General Manager determines that a Respondent has violated Section 51.03 or Section 51.04, the General Manager shall impose an administrative penalty. The General Manager also may impose Compensatory Penalties unless the Complainant has been previously awarded punitive damages in a civil case arising out of the same act or transaction. The cumulative amount of the penalties imposed shall not exceed \$125,000, except upon a finding by the General Manager that a violation was the result of a Respondent's harassing or violent act, in which case the cumulative amount of the penalties shall not exceed \$250,000. The General Manager may also order a Respondent to undertake corrective actions to remedy the violation or prevent future violations. Such administrative penalties, Compensatory Penalties, and corrective actions shall be set forth in the notice of violation.

B. **Criminal Penalties.** Any person who willfully resists, obstructs or interferes with the Commission, the General Manager, or the Hearing Officer in the performance of any duty under this article shall be guilty of a misdemeanor and be punishable by a fine of not more than \$1,000 and by imprisonment in the County Jail for a period of not more than six months.

C. **Payments to City, Due Date, Late Payment Penalty.** Administrative penalties and Compensatory Penalties shall be due and payable to the City within 30 calendar days from the date of the General Manager's notice of violation. Failure to timely pay a penalty will result in the assessment of a late fee, assessed daily at a rate of 7 percent per annum of the outstanding amount of the penalty and late fees, if any. The City may collect any unpaid penalty, including the late fee, by means of a civil action, injunctive relief, specific performance and the recordation of a lien against real property in accordance with applicable law. Any administrative penalties recovered pursuant to this section shall be paid to the City. Any Compensatory Penalties recovered pursuant to this section shall be paid to the Complainant.

D. **Severity of Penalties.** The General Manager shall impose penalties for violations of this article only after considering factors, including, but not limited to: 1) the extent of harm caused by the violation; 2) the nature and persistence of the violation; 3) the length of time over which the violation occurs; 4) past violations; 5) any action taken to mitigate the violation; and 6) the financial burden to the Respondent.

Sec. 20. Subsections B, E, F, G, and H of Section 51.08 of the Los Angeles Municipal Code are amended to read as follows:

B. **Hearing Date.** As soon as practicable after receiving the request for a hearing, the Commission or its designee shall select a Hearing Officer to hear and rule on the notice of violation. The Hearing Officer shall fix a date, time, and place for the hearing. Written notice of the time and place for the hearing shall be served, by First Class mail, on the General Manager and on the Respondent at the return address indicated on the request for a hearing. Service of the notice of hearing must be made at least 20 calendar days prior to the date of the hearing. The hearing shall be held no later than 45 calendar days after service of the notice of hearing, unless that time is extended by mutual agreement.

E. **Failure to Request Hearing.** Upon the failure of a Respondent to file a request for hearing in accordance with the provisions of this section or to appear at the hearing, the General Manager's notice of violation shall immediately become final and enforceable.

F. **Submittals for the Hearing.** No fewer than seven calendar days prior to the hearing, the General Manager and the Respondent shall submit to the Hearing Officer, with simultaneous service by First Class mail to one another, the statement of issues to be determined by the Hearing Officer, a statement of the evidence to be offered and the witnesses to be presented at the hearing, and any other relevant evidence.

G. **Conduct of Hearing.** The Hearing Officer shall conduct all hearings under this section and may accept evidence on which persons would commonly rely in the conduct of their business affairs, including, but not limited to, the following:

1. A notice of the General Manager, which shall be considered to be prima facie evidence of the violation(s) specified therein; and

2. Oral and written testimony under penalty of perjury relating to the violation(s) and the appropriate means of correcting the violation(s).

The hearing shall be open to the public and shall be audio recorded. Any party to the hearing may, at their own expense, cause the hearing to be video recorded or transcribed by a certified court reporter. The General Manager shall have the burden of proof by a preponderance of the evidence in each hearing. The Hearing Officer may continue the hearing and order the production of additional information from the General Manager or Respondent prior to issuing a written decision. The Commission may adopt written procedures for the conduct of hearings pursuant to this article, including, but not limited to, the use of witnesses and evidence.

H. Hearing Officer's Findings and Determinations. Within 30 calendar days after the conclusion of the hearing, the Hearing Officer shall make findings in the form of an administrative ruling based on the record of the hearing and may uphold or reject the violation(s) referenced in the General Manager's notice of violation in whole or in part. The Hearing Officer also may uphold the notice of violation and increase, reduce, waive or conditionally increase, reduce or waive the administrative penalties, Compensatory Penalties, or both, based on specific findings of aggravating or mitigating circumstances drawn from the evidence presented at the hearing. The Hearing Officer may impose, reduce, waive or conditionally reduce or waive conditions imposed by the General Manager including the modification of deadlines for the correction of violations or the payment of outstanding penalties. The Hearing Officer shall serve the administrative ruling, by First Class mail, on the General Manager and Respondent. The date of service shall be the date of the postmark on the mailing.

Sec. 21. Subsections A and G of Section 51.09 of the Los Angeles Municipal Code are amended as follows:

A. Notice of Appeal. The General Manager or Respondent may file a notice of appeal with the Commission within 15 calendar days of the date of service of the administrative ruling. In order to be considered timely, the notice of appeal must be postmarked or received by the Commission within the 15 calendar days. The notice of appeal must: 1) be in writing; 2) specify in detail the basis for the appeal; and 3) indicate the Appellant's preferred return mailing address.

G. Final Order. The ruling of the Commission pursuant to this section shall constitute a final order, which shall be served on the General Manager and the Respondent by Certified mail. The Commission's final order is subject to judicial review, pursuant to California Code of Civil Procedure Section 1094.5.

Sec. 22. Section 51.12 of the Los Angeles Municipal Code is amended to read as follows:

The General Manager shall provide annual reports to the City Council on the implementation of this ordinance.

Sec. 23. Section 51.13 of the Los Angeles Municipal Code is amended to read as follows:

The City Council finds that this ordinance is intended to promote the investigation of and enforcement against discrimination between and against private parties. Nothing in this article is intended to create a private right of action against, or authorize the Commission or the General Manager to investigate allegations of discrimination by public officials, employees or agencies in federal, state or local government.

Sec. 24. **SEVERABILITY.** If any provision of this ordinance is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, that invalidity shall not affect the remaining provisions of this ordinance which can be implemented without the invalid provisions, and to this end, the provisions of this ordinance are declared to be severable. The City Council hereby declares that it would have adopted this ordinance and each provision thereof irrespective of whether any one or more provisions are found invalid, unconstitutional or otherwise unenforceable.

Sec. 25. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

Approved as to Form and Legality

MICHAEL N. FEUER, City Attorney

By 
HEATHER AUBRY
Assistant City Attorney

Date 3/16/2021

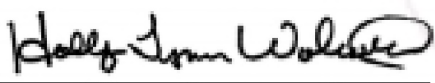
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The Clerk of the City of Los Angeles hereby certifies that the foregoing ordinance was passed by the Council of the City of Los Angeles.

CITY CLERK

MAYOR





Ordinance Passed April 28, 2021

Approved 05/10/2021

Publish Date: 5-14-21

Ordinance Effective Date: 6-14-21