

CHAPTER 74

OFFICE OF ETHICS, HUMAN RELATIONS AND CITIZEN COMPLAINTS

7400. Establishment of the Office of Ethics, Human Relations and Citizen Complaints.
The Constitutional Home Rule Charter of Jackson County, Missouri, was adopted by vote of the citizens of Jackson County on November 3, 1970. The charter became effective on January 1, 1973. A revised charter was approved by vote on August 3, 2010, and became effective on August 23, 2010. The Office of Ethics, Human Relations and Citizen Complaints (OEHRCC) was created pursuant to article X of the charter. (Ord. 2623, Eff. 02/10/97; Ord. 4395, Eff. 02/27/12)

7400.1 Charter Powers May Not be Limited.

OEHRCC's functions, powers, and duties as delineated in the charter may not be limited, except by charter amendment authorized by a vote of the citizens of Jackson County. OEHRCC may not be abolished or reorganized by the county executive. However, the legislature, by ordinance, and the county executive, by executive order, may expand its duties, functions, and powers. (Ord. 2623, Eff. 02/10/97; Ord. 4395, Eff. 02/27/12)

7401. Title and Definitions of Common Terms.

7401.1 Title.

The official title of the office shall be the "Office of Ethics, Human Relations and Citizen Complaints." This title shall be used on official correspondence, reports, and publications of the office or the director. (Ord. 2623, Eff. 02/10/97; Ord. 4395, Eff. 02/27/12)

7401.2 Definitions.

- a. "Act of an Agency" shall mean any action, decision, failure to act, omission, rule, regulation, interpretation, recommendation, policy, practice, or procedure of any agency of the county. (Ord. 2623, Eff. 02/10/97)
- b. "Agent" or "Agency" shall mean any officer, employee, department, office, board, commission, council, committee, or other governmental institution of Jackson County. (Ord. 2623, Eff. 02/10/97)
- c. "Charter" shall mean the Constitutional Home Rule Charter of Jackson County. (Ord. 2623, Eff. 02/10/97)

d. "Citizen Complaints" shall identify the office specifically as an ombudsman institution. As used herein, an "Ombudsman" is an independent official of county government who receives complaints against county agencies and officials from aggrieved persons, who investigates the complaints and who, if the complaints, are justified, makes recommendations to remedy or resolve the complaints. (Ord. 2623, Eff. 02/10/97)

e. "Commission" shall mean the seven member citizen commission which selects and advises the director, as defined in article X of the charter. (Ord. 2623, Eff. 02/10/97; Ord. 4395, Eff. 02/12/12)

f. "Contractor" shall mean any individual, partnership, corporation, association, or other entity or a combination of the foregoing which enters into a contract with the county. (Ord. 2623, Eff. 02/10/97)

g. "County" shall mean Jackson County, Missouri, and, specifically, all agents and agencies subject to the Jackson County Home Rule Charter, unless otherwise exempted by law. (Ord. 2623, Eff. 02/10/97)

h. "Director" shall mean the director of OEHRCC, as defined in article X, sections 2 and 3 of the charter; the county ombudsman. (Ord. 2623, Eff. 02/10/97; Ord. 4395, Eff. 02/27/12)

i. "Discrimination" shall mean any act or practice which discriminates or segregates on the basis of race, color, religion, national origin, creed, gender, disability, political activity or lack thereof, union membership or non-membership, age, pregnancy status, sexual orientation, gender identity, marital status, familial status, veteran status, or any other class protected under federal or state law. (Ord. 2623, Eff. 02/10/97; Ord. 4395, Eff. 02/27/12)

j. "Executive" shall mean the Jackson County Executive, who is the chief executive officer of Jackson County, elected by vote of the citizens of Jackson County. (Ord. 2623, Eff. 02/10/97; Ord. 4395, Eff. 02/27/12)

k. "Human Relations" shall include, but not be limited to, issues creating tensions, discrimination, or affecting the quality of interpersonal relations which may exist between individuals or groups of people of diverse circumstances. In the context of the charter, the term connotes the civil

rights and civil liberties of individuals and groups and includes relations between citizens in the county as well as between citizens and their government. (Ord. 2623, Eff. 02/10/97)

l. "Legislature" shall mean the Jackson County Legislature, as defined by article II of the charter. (Ord. 2623, Eff. 02/10/97)

m. "Office" shall mean the Office of Ethics, Human Relations and Citizen Complaints and may be abbreviated "OEHRCC." (Ord. 2623, Eff. 02/10/97; Ord. 4395, Eff. 02/27/12)

n. "Person" shall mean any individual or aggregate of individuals, corporation, partnership, or unincorporated association residing or located within the boundaries of Jackson County and/or employed or doing business therein. (Ord. 2623, Eff. 02/10/97)

7402. Mission of OEHRCC. (Ord. 4395, Eff. 02/27/12)

The mission of OEHRCC shall be as follows: (Ord. 4395, Eff. 02/27/12)

7402.1 Secure and Protect Individual Rights.

OEHRCC shall seek to secure and protect the individual rights of citizens of Jackson County. (Ord. 2623, Eff. 02/10/97; Ord. 4395, Eff. 02/27/12)

7402.2 Reconcile Problems.

OEHRCC shall seek to reconcile problems, issues and tensions, promote justice, and improve human relations within government between citizens, and between citizens and their government. (Ord. 2623, Eff. 02/10/97; Ord. 4395, Eff. 02/27/12)

7402.3 Improve Government Administration.

OEHRCC shall seek to improve the quality of government administration in regard to residents of Jackson County and its employees or agents. (Ord. 2623, Eff. 02/10/97; Ord. 4395, Eff. 02/27/12)

7402.4 Assist Legislative Oversight.

OEHRCC shall assist legislative oversight and propose reform where existing ordinances or resolutions are inadequate or unfair to the citizens of Jackson County. (Ord. 2623, Eff. 02/10/97; Ord. 4395, Eff. 02/27/12)

7402.5 Enforce Ethics Provisions.

OEHRCC shall enforce the provisions of articles X and XII of the charter and chapter 9 of this code relating to ethics. (Ord. 4395, Eff. 02/27/12)

7403. Commission on Ethics, Human Relations and Citizen Complaints.

Within OEHRCC there shall be a citizen commission. (Ord. 2623, Eff. 02/10/97; Ord. 4395, Eff. 02/27/12)

7403.1 Qualifications.

The commission shall consist of seven members who shall neither hold nor be a candidate for any other public office. The membership of the commission at all times shall be composed of at least one and not more than two residents of each county legislative district. (Ord. 2623, Eff. 02/10/97; Ord. 4395, Eff. 02/27/12)

7403.2 Terms.

After the initial terms set out in article X, section 2 of the charter, Commission members shall serve terms of four years. (Ord. 2623, Eff. 02/10/97; Ord. 4395, Eff. 02/27/12)

7403.3 Appointment and Removal.

a. Appointment.

Commissioners are appointed by the county executive from among those nominated to the commission by the nominating committee established pursuant to article X, section of the charter. OEHRCC shall notify the county executive of any vacancy sixty days prior to the expiration of a commissioner's term. (Ord. 2623, Eff. 02/10/97; Ord. 4395, Eff. 02/27/12)

b. Vacancy.

In the event of a vacancy on the commission due to resignation, ineligibility, or any other reason, the county executive shall appoint a new member to serve out that commissioner's unexpired term from among those nominated by the nominating committee established pursuant to article X of the charter. If the nominating committee fails to recommend nominees within ninety days of any vacancy, on the commission, the county executive will appoint a qualified person to fill the position. (Ord. 2623, Eff. 02/10/97; Ord. 4395, Eff. 02/27/12)

c. Forfeiture.

A member of the commission shall forfeit office if the member is absent for more than three consecutive regular meetings of the commission, unless excused by vote of the commission, if the commissioner ceases to reside

in the county legislative district from which he or she was appointed, or if the commissioner violates any provision of article X of the charter. (Ord. 2623, Eff. 02/10/97; Ord. 4395, Eff. 02/27/12)

d. Removal.

A commissioner may be removed from office for any reason by a two-thirds vote of the county legislature. (Ord. 2623, Eff. 02/10/97; Ord. 4395, Eff. 02/27/12)

7403.4 Chair.

The county executive shall annually designate one member of the commission to serve as chair. (Ord. 2623, Eff. 02/10/97)

7403.5 Powers, Duties, and Responsibilities.

The OEHRCC commission shall have the following powers, duties, and responsibilities: (Ord. 4395, Eff. 02/27/12)

a. Appoint Director.

The commission shall appoint, evaluate, and have the power to remove the director. (Ord. 2623, Eff. 02/10/97)

b. Advise Director.

The commission shall advise the director regarding the affairs of the office. (Ord. 2623, Eff. 02/10/97)

c. Hold Quarterly Meetings.

The commission shall hold meetings at least quarterly. (Ord. 2623, Eff. 02/10/97; Ord. 4395, Eff. 02/27/12)

d. Conduct Hearings.

The commission may conduct hearings with respect to complaints or other subject matters which the office is authorized to investigate or review, and in the course of any such hearing, the commission may subpoena witnesses, administer oaths, take testimony under oath, and require production for examination of books, papers, or records. (Ord. 2623, Eff. 02/10/97)

e. Publish Findings.

In any matter in which the commission has conducted a hearing, the commission shall publish its findings and recommendations. (Ord. 2623, Eff. 02/10/97)

7403.6 Compensation.

Members of the commission shall be compensated at the rate of \$100 per meeting, but shall not receive total compensation of more than \$1,200 in any calendar year. "Meeting" shall be interpreted to include hearings, regular and special meetings of the commission, and meetings of commission committees. Commissioners shall also be entitled to the reimbursement of their expenses actually incurred on commission business subject to approval by vote of the commission and budgetary limitations. (Ord. 2623, Eff. 02/10/97; Ord. 3123, Eff. 02/13/01; Ord. 3627, Eff. 04/18/05)

7403.7 Conflict of Interest.

Commissioners shall be subject to all state law, charter, and county code provisions regarding conflicts of interest. (Ord. 2623, Eff. 02/10/97)

a. Subject to All Provisions.

Commissioners shall be subject to all state law, charter, and county code provisions regarding conflicts of interest. (Ord. 4395, Eff. 02/27/12)

b. Disclaimer.

Each commissioner shall file the most complete financial interest statement required of any county official, in accordance with state law. Each commissioner shall further disclose, on an annual basis, any contribution to a candidate for county office and membership in or employment by any "committee," as that term is defined in section 130.011, RSMo, which accepts contributions from, makes contributions to, or endorses any candidate for county office. (Ord. 4395, Eff. 02/27/12)

c. Hold No Other Public Office.

No member of the commission shall hold or be a candidate for any other public office. (Ord. 4395, Eff. 02/27/12)

d. Recusal.

To avoid any appearance of a conflict of interest, any commissioner who is an elected or appointed member of any committee of any political party, or is a member of any political club or organization the main purpose of which club or organization is to promote or defeat any candidate or issue, shall refrain and recuse themselves from any participation in or deliberations regarding an ethics complaint. (Ord. 4395, Eff. 02/27/12)

7404. Director, Staff, and Budget.

7404.1 Director.

a. Appointed by Descriptions.

The director shall be appointed by majority vote of the commission. (Ord. 2623, Eff. 02/10/97)

b. Draft Job Descriptions.

The director shall draft and submit job descriptions for all positions needed within OEHRCC. The director shall, not less than every two years, review these descriptions and make recommendations appropriate for any changes needed. (Ord. 2623, Eff. 02/10/97; Ord. 4395, Eff. 02/27/12)

c. Term and Removal.

The director shall serve without term and shall not be subject to the county merit system. The director may be removed by majority vote of the commission. (Ord. 2623, Eff. 02/10/97)

d. Duties and Responsibilities.

In order to bring about the orderly and efficient implementation of OEHRCC's duties and powers, it shall be the responsibility of the director: (Ord. 4395, Eff. 02/27/12)

(1) To select, supervise, evaluate, and remove office personnel;

(2) To plan and to oversee the office budget;

(3) To manage the administration of office operations, information/communication systems, and record keeping; and

(4) To establish and maintain the information and procedures necessary to guide the office in:

(a) processing and investigating complaints as are authorized in section 7505. of this chapter; (Ord. 4395, Eff. 02/27/12)

(b) conducting technical reviews of county contracts to prevent any discriminatory employment practices on the part of county contractors; (Ord. 4395, Eff. 02/27/12)

(c) selecting, on the basis of determined priorities and available resources, educational activities, initiative projects, and legislative proposals to improve human relations in the county; and (Ord. 4395, Eff. 02/27/12)

(d) performing the functions of an ombudsman. (Ord. 2623, Eff. 02/10/97)

7404.2 Staff.

a. Director to Appoint Staff.

The director shall appoint such staff as are necessary to perform the work of OEHRCC, subject to budgetary limitations. (Ord. 2623, Eff. 02/10/97; Ord. 4395, Eff. 02/27/12)

b. Staff Subject to Merit System.

Staff shall be appointed by the director, but with the exception of the director's secretary, are subject to the county merit system. (Ord. 2623, Eff. 02/10/97)

c. Secretary Exempt from Merit System. The director's secretary shall not be subject to the county merit system and shall serve at the pleasure of the director. (Ord. 2623, Eff. 02/10/97)

d. Duties.

Staff members shall have such duties and responsibilities as are assigned by the director, compatible with each member's job description. (Ord. 2623, Eff. 02/10/97)

e. Annual Review.

The director shall review annually the performance of all office personnel under the county's merit system. (Ord. 2623, Eff. 02/10/97)

7404.3 Qualifications.

The director and staff shall be persons of recognized good judgment, objectivity, and integrity. To the greatest extent practicable, the director and the staff, considered collectively, shall have specialized knowledge and skills in the areas of administrative law, policy, and practice, interpersonal communications and human relations, civil rights and liberties, investigative methods and reporting, organizational development, intergovernmental relations, governmental ethics, and community resources. (Ord. 2623, Eff. 02/10/97; Ord. 4395, Eff. 02/27/12)

7404.4 Compensation.

The legislature determines pay scales for employees under the merit system and sets ranges of compensation for those not under the merit system. (Ord. 2623, Eff. 02/10/97)

a. Director.

The commission may make recommendations to the legislature for the salary of the director. The commission shall seek to maintain the salary at a level comparable to other positions within county government exercising similar responsibilities. (Ord. 2623, Eff. 02/10/97)

b. Staff.

The director shall submit, in connection with the proposal and review of job descriptions for the office, recommended pay schedules for staff positions, comparable to other positions within county government exercising similar responsibilities. (Ord. 2623, Eff. 02/10/97)

c. Increases.

The director, in connection with the annual performance reviews of staff or as necessary, shall take appropriate action to recommend compensation increases for office personnel as warranted, within budgetary limitations. (Ord. 2623, Eff. 02/10/97; Ord. 4395, Eff. 02/27/12)

7404.5 Budget.

a. Director's Proposed Budget.

The director shall annually prepare a proposed budget for the office in accordance with procedures and at such times as may be established by the county executive. (Ord. 2623, Eff. 02/10/97)

b. Present Budget to Commission.

The director shall present the proposed budget to the commission prior to submission to the county executive, in order to receive advice on the proposed budget in conjunction with OEHRCC's overall program. (Ord. 2623, Eff. 02/10/97; Ord. 4395, Eff. 02/27/12)

c. Recommend Additional Appropriations.

The director and commission shall make recommendations to the county executive and legislature for any appropriations for additional programs or expenses of the office's operation such times as may be necessary outside the annual budget cycle. (Ord. 2623, Eff. 02/10/97)

7405. Functions, Powers, and Duties.

7405.1 Commission.

The commission shall have the following functions, powers, and duties: (Ord. 4395, Eff. 02/27/12)

a. Receive and Investigate Complaints, Ethics Provisions.

The commission shall have the power to receive and investigate complaints of violations of the conflicts of interests provisions of the county ethics code, the financial interest disclosure and lobbying registration and disclosure provisions of the charter, the code, and county ordinances, and the statutory and common law of the State of Missouri as they apply to county officers, employees, members of county boards or commissions, and persons dealing therewith as lobbyists, as that term may be defined by law or county ordinance. To avoid a real or perceived conflict of interest, any ethics complaints against the county executive or a county legislator shall also be referred to the state ethics commission. Further, in receiving and investigating complaints regarding ethics provisions, the commission shall follow the procedures established in this chapter and those established in chapter 9 of this code. In the event of a conflict between the procedures set out in these chapters, the procedures of chapter 9 shall govern. (Ord. 2623, Eff. 02/10/97; Ord. 4395, Eff. 02/27/12)

b. Receive and Investigate Complaints, Unfair Actions and Discrimination.

The commission shall have the power to receive and investigate complaints of harsh, oppressive, unjust, discriminatory, or unfair actions or omissions affecting the complaining party on the part of any county officer, board, commission, or employee in the performance of official duties. (Ord. 2623, Eff. 02/10/97; Ord. 4395, Eff. 02/27/12)

c. Review Contracts.

The commission shall review contracts and commitments of the county for the purpose of ensuring that adequate provisions are made to prohibit conflicts of interest and discriminatory employment practices on the part of those who are parties to such contracts or who benefit from such commitments and to facilitate the participation of women and minority-owned businesses in such contracts. (Ord. 2623, Eff. 02/10/97; Ord. 4395, Eff. 02/27/12)

d. Encourage Reconciliation of Problems.

The commission shall encourage the reconciliation of problems between citizens and the county government, and promote the improvement of human relations and the protection of civil rights and civil liberties, all through educational programs and recommendation of necessary or appropriate ordinances to the legislature. (Ord. 2623, Eff. 02/10/97; Ord. 4395, Eff. 02/27/12)

e. Make Findings and Recommendations.

The commission shall make findings and recommendations with respect to the subject matter of any investigation or inquiry which the commission is authorized by charter or code to undertake, and, in the director's discretion or at the direction of the commission, shall publish such findings and recommendations. (Ord. 2623, Eff. 02/10/97; Ord. 4395, Eff. 02/27/12)

f. Study Issues.

The commission may study issues and problems concerning the application and enforcement of provisions relating to conflicts of interest, financial interest disclosure, lobbying registration and disclosure, ethical standards in county government, or discriminatory practices and recommend policies, procedures, county ordinances, and legislation based upon the results of such studies. (Ord. 4395, Eff. 02/27/12)

g. Conduct Hearings.

The commission may hold hearings with respect to any complaint or other subject matter which the director is authorized to investigate or review. (Ord. 2623, Eff. 02/10/97; Ord. 4395, Eff. 02/27/12)

h. Compel Attendance of Witnesses.

In connection with any hearing, the commission may subpoena witnesses, compel their attendance, administer oaths, and require the production for examination of books and papers, relating to any matter under consideration by the commission. (Ord. 2623, Eff. 02/10/97; Ord. 4395, Eff. 02/27/12)

(1) A subpoena issued by the commission shall be enforced as provided by law for the enforcement of subpoenas in civil actions in the circuit courts of Missouri upon the commission's application to the circuit court and the witness' failure to show cause why a subpoena to testify or a subpoena duces tecum should not be enforced. (Ord. 2623, Eff. 02/10/97)

7405.2 Ombudsman Powers.

The commission may exercise the following ombudsman powers. (Ord. 2623, Eff. 02/10/97; Ord. 4395, Eff. 02/27/12)

a. Provide Alternative Solution.

The commission may provide an alternative solution for administrative problems or issues without resort to the courts and formal adversarial proceedings. (Ord. 2623, Eff. 02/10/97; Ord. 4395, Eff. 02/27/12)

b. Provide Forum.

The commission may provide a forum for resolution of tensions, issues, and/or problems affecting county residents, but may not give legal advice, nor be a personal representative, nor negotiate settlements in an adversary proceedings. (Ord. 2623, Eff. 02/10/97; Ord. 4395, Eff. 02/27/12)

7405.3 Complaint Procedures.

The commission may act and investigate based on complaints accepted from an individual, or on its own initiative with the affirmative vote of at least four of its members. The commission shall accept from an individual a verified complaint in writing that states the name of a person alleged to have violated the conflicts of interests, financial interests disclosure, or lobbying registration and disclosure provisions described in subsection 7405.1 of this section and/or sets forth the alleged violation or citizen complaint. Notice of the receipt of a verified complaint or of the commission's determination to initiate an investigation or other proceedings shall be given to any persons alleged to have committed a violation or who have a complaint levied against them and they shall have an opportunity to respond. (Ord. 4395, Eff. 02/27/12)

7405.4 Discretionary Power to Decline Complaint.

a. Grounds for Declination.

OEHRCC has the discretion to decline a complaint without investigation when: (Ord. 4395, Eff. 02/27/12)

(1) There is presently available another adequate remedy which the complainant could reasonably be expected to utilize;

(2) The complaint is primarily related to matters beyond OEHRCC's jurisdiction and power; (Ord. 4395, Eff. 02/27/12)

(3) The complaint has been so long delayed that an investigation could produce no adequate remedy;

(4) OEHRCC has inadequate resources to investigate, or is already preoccupied with other complaints considered priorities for attention; (Ord. 4395, Eff. 02/27/12)

(5) The complaint is so general, unspecific, trivial, or in such bad faith, that a remedy cannot be identified or reasonably obtained; or

(6) The complainant is unwilling to cooperate or will not provide information available only to the complainant and necessary to the investigation. (Ord. 2623, Eff. 02/10/97)

7406. Rights of Complainants.

7406.1 Notice.

When OEHRCC has made a determination to investigate, OEHRCC shall notify the complainant. The complainant will be advised of the procedure OEHRCC will follow, and what further information may be provided to the complainant. (Ord. 2623, Eff. 02/10/97; Ord. 4395, Eff. 02/27/12)

7406.2 Information With Declination.

When a determination has been made to decline a complaint, OEHRCC shall notify the complainant of such decision and, as far as is feasible, provide information regarding other grievance procedures and remedies available to the complainant. (Ord. 2623, Eff. 02/10/97; Ord. 4395, Eff. 02/27/12)

7406.3 Status Report.

OEHRCC shall, if requested by the complainant, report periodically on the status of the investigation to the complainant. If an investigation has not been completed within sixty days from the receipt of a complaint, OEHRCC shall so advise the complainant. (Ord. 2623, Eff. 02/10/97; Ord. 4395, Eff. 02/27/12)

7406.4 Report Of Result.

After investigation of a complaint, OEHRCC shall inform the complainant of its conclusion or recommendation and, if appropriate, any action taken or to be taken by the agency involved. (Ord. 2623, Eff. 02/10/97; Ord. 4395, Eff. 02/27/12)

7406.5 Sanctions.

No citizen or county employee who files a complaint to OEHRCC shall be subject to any administrative penalties, sanctions, or restrictions imposed by any county agency, in connection with that person's dealings or employment with any county agency. (Ord. 2623, Eff. 02/10/97; Ord. 4395, Eff. 02/27/12)

7407. Rights of Agencies.

7407.1 Notice.

When OEHRCC receives a complaint, OEHRCC shall give written notice of the complaint to the agency involved within seven (7) days. (Ord. 2623, Eff. 02/10/97; Ord. 4395, Eff. 02/27/12)

7407.2 Reports.

After investigation of a complaint, OEHRCC shall inform the agency in writing of its conclusion, together with any recommendations based on the findings. (Ord. 2623, Eff. 02/10/97; Ord. 4395, Eff. 02/27/12)

7407.3 Opportunity to Respond to Adverse Finding.

Before publishing a report that criticizes or is adverse to an agency, the commission shall consult with the head or designated spokesman of that agency and allow the agency a reasonable opportunity to reply in writing to the investigation and conclusions of the report. (Ord. 2623, Eff. 02/10/97; Ord. 4395, Eff. 02/27/12)

7408. Recommendations After Investigation.

7408.1 Procedures.

If, after investigation, the commission is of the opinion that the investigated agency should consider the matter further, modify or cancel an act or procedure, alter a regulation, practice or ruling, explain more fully the act in question, rectify an omission, or take any other action, the director shall prepare in writing a summary of the findings and proposed recommendations to the agency. The agency shall be requested to inform OEHRCC within ten working days of any action taken on the recommendations or to provide, in writing, the agency's reason(s) for not implementing the recommendations. (Ord. 2623, Eff. 02/10/97; Ord. 4395, Eff. 02/27/12)

7408.2 Action If No Compliance.

If, after ten days, the agency has not replied or has not implemented the recommendation or has declined to implement in writing, the commission shall reevaluate the case and determine if the recommendation should be forwarded

to the county executive or the legislature, or addressed through other means. (Ord. 2623, Eff. 02/10/97; Ord. 4395, Eff. 02/27/12)

7408.3 Action If Practice Complained of is Illegal or Unjust.

If the commission believes an action complained of is prohibited by law, statute, or code, or that orders have been entered or acts taken results of which are unfair, unjust, or oppressive, and if the commission believes that such orders or acts could be revised by legislative action or executive order, the commission shall report the situation with recommendations to the legislature or the county executive, and give notice to the agency involved. (Ord. 2623, Eff. 02/10/97; Ord. 4395, Eff. 02/27/12)

7408.4 Action If Practice Complained of Warrants Criminal or Disciplinary Proceedings.

The commission shall make recommendations of appropriate action to state or county officials, agencies, and appointing authorities when the commission finds probable cause that a violation has occurred or the basis for the complaint was valid. Notwithstanding any confidentiality or closed records provisions of law or this charter, the commission may turn over to appropriate authorities evidence of an apparent violation of law. (Ord. 2623, Eff. 02/10/97; Ord. 4395, Eff. 02/27/12)

7409. Appeals.

Any citizen, county official or employee who feels aggrieved by an act of the commission may report such an action to the county executive or the legislature. Any act of the county executive or legislature contrary to the recommendation of the director or the commission shall not reverse or nullify the commission's action, but shall stand as advice to the commission. (Ord. 2623, Eff. 02/10/97; Ord. 4395, Eff. 02/27/12)

7410. Hearings.

7410.1 Purpose.

The commission may hold a hearing for the following purposes:

a. Receive or Investigate Complaints.

To receive or investigate complaints within the commission's jurisdiction;

b. Provide Appropriate Forum.

To provide an appropriate forum for the gathering of data, testimony, and information advantageous to the preparation of proposals for administrative or legislative change, recommendations, or other reports;

c. Hear Application Requests.

To hear applications from persons who desire such a hearing, upon a showing of good cause. (Ord. 2623, Eff. 02/10/97; Ord. 4395, Eff. 02/12/12)

7410.2 Procedures.

The commission shall adopt its own procedures consistent with its purposes and powers. (Ord. 2623, Eff. 02/10/97)

7410.3 Quorum.

No hearing of the commission shall be called without a majority of members consenting. No hearing shall be held without at least four members present. The chairman of the commission shall preside or may appoint a hearing officer to conduct the proceedings. (Ord. 2623, Eff. 02/10/97; Ord. 4395, Eff. 02/12/12)

7410.4 Hearings to be Open, Exception.

All hearings of the commission may shall be open, unless a closed meeting is authorized by and properly convened pursuant to state law. (Ord. 2623, Eff. 02/10/97)

7411. Contract Review to Prohibit Discrimination or Segregation. (Ord. 4395, Eff. 02/12/12)

7411.1 Function.

The commission shall review contracts and commitments of the county for the purpose of ensuring that adequate provisions are made to prohibit discriminatory employment practices on the part of those who are parties to such contracts or who benefit from such commitments. This duty shall include, but shall not be limited to the duty: (Ord. 4395, Eff. 02/12/12)

a. Review Contracts.

To review all contracts and commitments to insure the inclusion of adequate non-discriminatory provisions;

b. Receive Information.

To receive from persons and agencies entering or seeking to enter such contracts and commitments with the county, information and documentation to substantiate past, current, or planned employment practices;

c. Receive Complaints.

To receive and investigate complaints of discrimination concerning any person or agent entering or seeking to enter a contract with the county;

d. Monitor Compliance.

To monitor compliance with the provisions of county contracts by means of reviewing documentation, making on-site inspections, or other suitable means; and

e. Make Reports.

To make reports and/or recommendations to the legislature and county executive regarding the employment practices or procedures of county contractors. (Ord. 2623, Eff. 02/10/97)

7411.2 General Limitations.

a. Legislative.

It shall be the power and duty of the legislature to contract, authorize the making of contracts, and to establish, by ordinance, the limitations and procedures for making and reviewing such contracts. (Ord. 2623, Eff. 02/10/97; Ord. 4395, Eff. 02/12/12)

b. County Executive.

Nothing in these provisions shall be construed to derogate the power and duty of the county executive to see that all contracts with the county are faithfully performed and to cause to be instituted in the name of the county appropriate actions thereon. (Ord. 2623, Eff. 02/10/97)

7412. Educational or Training Programs.

The commission may undertake educational or training activities, on its own initiative or on request of the director. Such activities and programs may be conducted by the commission as a whole, by a committee of the commission, or by the commission in cooperation with other government or community agencies, associations, or groups. (Ord. 2623, Eff. 02/10/97; Ord. 4395, Eff. 02/12/12)

7413. Reports.

7413.1 Investigative Reports.

The commission shall make findings and recommendations and may publish the same, with respect to the subject matter of any investigation or inquiry which the commission is authorized to make by the charter or by code. (Ord. 2623, Eff. 02/10/97; Ord. 4395, Eff. 02/12/12)

7413.2 Director's Quarterly Report.

The director shall report to the commission quarterly, in connection with the commission's quarterly meeting, unless a different reporting schedule is requested by the commission. (Ord. 2623, Eff. 02/10/97; Ord. 4395, Eff. 02/12/12)

7413.3 Annual Report.

The director shall prepare an annual report to be distributed to the commission, the legislature, the county executive, and the public, concerning OEHRCC's activities during the preceding year. This report shall summarize the office's activities and accomplishments for the year. (Ord. 2623, Eff. 02/10/97; Ord. 4395, Eff. 02/12/12)

7413.4 Other Reports.

The commission may make such additional reports as the commission deems appropriate, on topics including, but not limited to: (Ord. 4395, Eff. 02/12/12)

a. Studies.

Studies of the patterns or nature of complaints;

b. Investigation Findings.

The findings of any investigation;

c. Hearing Findings.

The findings and conclusions of any hearing; and

d. Areas of Specialized Review.

The county's status or the office's activities in any area of specialized review such as personnel policies and procedures, contracts, civil rights and liberties, ombudsman activities, and other areas of human relations. (Ord. 2623, Eff. 02/10/97)

7414. Records.

7414.1 Complaints.

OEHRCC shall maintain a record of complaints by number received, subject matter, respondent agency, and county legislative district of origin. (Ord. 2623, Eff. 02/10/97; Ord. 4395, Eff. 02/12/12)

a. Results.

To the extent practicable, after investigation, OEHRCC shall determine and record whether or not complaints were substantiated, whether or not resolved or conciliated, and, consequently, whether or not the results have

been thought satisfactory by the complainants, or whether the complaints were not investigated. (Ord. 2623, Eff. 02/10/97; Ord. 4395, Eff. 02/12/12)

b. Remedies.

When complaints are substantiated, OEHRCC shall determine whether the complaints and their causes were rectified, and, if not, why not. If recommendations have been made, OEHRCC shall keep a record of whether such recommendations were followed. (Ord. 2623, Eff. 02/10/97; Ord. 4395, Eff. 02/12/12)

7414.2 Confidentiality.

To the extent permitted by state law, the contents of investigative files shall be closed records, unless waived by the complainant. (Ord. 2623, Eff. 02/10/97; Ord. 4395, Eff. 02/12/12)

7414.3 Disposition of Files.

The individual case file on a complaint, other than a summary complaint record shall not ordinarily be maintained more than twenty-four months beyond the end of the year in which the complaint was received. Care shall be taken to maintain and dispose of records with safeguards for confidentiality. (Ord. 2623, Eff. 02/10/97; Ord. 4395, Eff. 02/12/12)

7415. Fees and Contracts.

7415.1 Prohibition of Fees.

There shall be no fee charged to any complainant for the making or investigation of any complaint. (Ord. 2623, Eff. 02/10/97; Ord. 4395, Eff. 02/12/12)

7415.2 Ability to Contract.

OEHRCC, but only with the authority of the legislature and the county executive, may contract with other public agencies to provide such services, within Jackson County, as are described in this chapter. (Ord. 2623, Eff. 02/10/97; Ord. 4395, Eff. 02/12/12)

7415.3 Option to Charge.

Consistent with Jackson County policy, OEHRCC may charge for other services, such as educational and training programs, reproduction and circulation of reports, and the like. Any revenue received from such charges shall be credited to the county's general fund. (Ord. 2623, Eff. 02/10/97; Ord. 4395, Eff. 02/12/12)