



ACCESSIBILITY ADVISORY BOARD

Accessibility Advisory Board meetings will take place via Zoom until further notice. You can view the meetings at the Salina Media Connection YouTube channel:

<https://www.youtube.com/channel/UCdD-ujKcVEmidcSVbGbMS0A>

To participate in the meetings, citizens will need to use the Zoom link – <https://us02web.zoom.us/j/83194687623>

The Zoom meeting can also be accessed by phone at 1-346-248-7799. Enter Meeting ID: 831 9468 7623 when prompted.

If citizens wish to speak, either during the public forum or when the Chair requests public comment on an item, citizens must raise their hand so that the meeting host can allow them to speak.

Citizens can also send written comments or questions to Accessibility Advisory Board members via email at community.relations@salina.org

In order for the Board Members to have an opportunity to review comments in advance of the meeting, please email your comments or questions by 12:00 p.m. Tuesday, prior to the 4:00 p.m. meeting.



AGENDA

**ACCESSIBILITY ADVISORY BOARD
ZOOM ANNUAL MEETING
THURSDAY, FEBRUARY 18, 2021
3:00 PM**

1. CALL TO ORDER

- (1.1) Chair requests staff confirmation that Kansas Open Meeting Act required notice was provided.

2. APPROVAL OF MINUTES

- (2.1) Review and Approval of the Minutes of the 8/6/2020 Regular Meeting
- (2.2) Review and Approval of the Minutes of the 9/10/2020 Special Meeting

3. NEW BUSINESS

- (3.1) Welcome New Board Members - Introductions
- (3.2) Annual Officer Elections
- (3.3) Discuss/Vote on the 2021 Work Plan
- (3.4) Annual Report Review

4. UNFINISHED OR OTHER BUSINESS

- (4.1) Review and Discuss/Amend/Approve 2021 Accessibility Survey Questions
- (4.2) Review and Discuss/Amend/Approve Community Resource List

5. PUBLIC FORUM

6. ADJOURNMENT

Record of this Meeting

This public meeting will be recorded by Salina Media Connection and available to view online free of charge at <http://www.salinatv.org/index.php/city-of-salina>. To receive meeting packets by email, subscribe to *Email Notifications* at <http://www.salina-ks.gov/content/18160/23455/23473/default.aspx>. Meeting DVDs and paper copies of meeting packets are available upon request (retrieval and/or duplication fees may apply). Please contact the Community and Development Services Department at building.services@salina.org or by phone at 785.309.5715 to request these open public records.



MINUTES

ACCESSIBILITY ADVISORY BOARD
CITY-COUNTY BUILDING, ROOM 105
THURSDAY, AUGUST 6, 2020
3:00 P.M.

1. CALL TO ORDER

The Accessibility Advisory Board meeting was called to order at 3:01 p.m.

Commissioners Present:

David Powell (Chair), Brad Daily, Margaret Finger, Lisa Ochs, Kathy Mastin

Commissioners Absent:

Bill Cumberland, Claire Mullen, Taya Smith, Ethan Brown (YOB)

City Staff Present:

Julia Ramos, Community Relations Specialist; Margy Long, Development Coordinator

- (1.1) Chair requests staff confirmation that Kansas Open Meeting Act required notice has been properly provided and it was confirmed by Ms. Ramos.
- (1.2) Moment of Silence for the late Chair Bill Rowson.

2. APPROVAL OF MINUTES

- (2.1) Approval of the Minutes of the February 6, 2020 regular meeting.

A motion was made to approve the minutes of the February 6, 2020 meeting by Board Member Daily seconded by Board Member Ochs and carried by vote.

3. NEW BUSINESS

- (3.1) New CRD work schedule

Ms. Ramos stated that the Community Relations Department is working part-time, Monday-Thursday with staggering schedules. She stated that they are trying to always keep one person in the office, but if the Board has questions or concerns to email or leave a message if someone is not available.

4. UNFINISHED OR OTHER BUSINESS

- (4.1) Commissioner Term Review

Ms. Ramos referred to the term dates for each board member. She instructed that each board member can reapply if they are up for reappointment. She stated that if they serve

for two terms and want to reapply in the future, they will have to have one year between reapplying for a new term.

Board Member Mastin asked if there is a certain number of times that a board member can be on the board, to which Ms. Ramos stated that she will find that answer and email out the board members the response.

(4.2) Survey Questions Discussion

A motion was made to schedule a special meeting to discuss survey questions by Chair Powell, seconded by Board Member Finger and carried by vote.

Ms. Ramos stated that by end of next week she will send out a survey to determine a date and time for a special meeting.

(4.3) ADA Concerns

Ms. Ramos referred to a list of disability related cases and she stated that they did a breakdown of cases that have closed this year. She reminded the Board that she could not go into full detail due to confidentiality. She stated there is one associated with race/color/disability for employment, with one conciliated with a meeting and mediation for settlement.

Board Member Ochs asked if there was a way to breakdown the complaints further, to which Ms. Ramos stated that the complaints they would take in their office would be if a person felt they were treated differently because of their disability or not being given a reasonable accommodation to make something more accessible.

Board Member Ochs stated that the last time they discussed this was for a flow through of what disability complaints were coming in so that they could point them towards the survey.

Ms. Ramos stated that at the beginning of her employment with the City that there were more calls from concerned citizens but they were not complaints. She stated that they have not recently received calls like this.

Board Member Finger told a story about being on the National Federation of the Blind. She stated that the Downtown Area traffic lights are still not working correctly and that she is going to mitigate and have her husband take a video of a working traffic light and one that is not working appropriately. She stated she will send to Community Relations Department.

Ms. Ramos stated that they want to make sure that these items are getting taken care of and everything is being done correctly. She stated that when she Board Member Finger sends it over, they will send it to Dan and CC her on the email. She stated that if any of the board members have concerns or citizens bring concerns to them that they can reach out to Community Relations for assistance.

Chair Powell questioned how long complaints go before they are taken care of.

Ms. Ramos stated that they follow best practices to get it closed in the first 100 days but sometimes that is not possible due to their being multiple steps involved in each of the

cases. She stated the cases that she is referring to in this meeting are only the ones associated with disabilities.

Board Member Daily questioned what types of resolutions there are. Ms. Ramos discussed all the types of resolutions and other reasons for closure of cases including taking the case to the Human Relations Commission where they determine if there is probable cause (PC) or not probable cause (NPC).

Public Question: Are details of these complaints deemed a public record? Ms. Ramos stated that they are after closure but some cases are deemed confidential by the Human Relations Commission.

(4.4) ADA Case Roster

Ms. Ramos stated that this was included in the discussion of Item #4.3.

(4.5) Next meeting reminder: 11/05/2020

Chair Powell stated that 11/05/2020 is the next regular scheduled meeting but they will have that special meeting to discuss survey questions.

Ms. Ramos read a statement from Ethan Brown as this meeting would have been his last with the Board.

Board Member Ochs stated that this year is the 30th anniversary of the ADA.

5. PUBLIC FORUM

None

6. ADJOURNMENT

A motion was made to adjourn the meeting by Chair Powell, seconded by Board Member Finger and carried by vote.

The meeting adjourned at 3:28 pm.

David Powell, Chair

ATTEST:

Lauren Driscoll, Community Relations Supervisor

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MINUTES

ACCESSIBILITY ADVISORY BOARD
CITY-COUNTY BUILDING, ROOM 105
THURSDAY, SEPTEMBER 10, 2020
3:00 P.M.

1. CALL TO ORDER

The Accessibility Advisory Board meeting was called to order at 4:03 p.m.

Commissioners Present:

David Powell (Chair), Kathy Mastin, Brad Daily, Lisa Ochs, Taya Smith, William Cumberland, Margaret Finger

Commissioners Absent:

Claire Mullen, Micah Eklun

City Staff Present:

Evelyn Nelson, Community Relations Supervisor; Shawn Homan, Community Relations Specialist; Allison Hamm, Permit Technician

- (1.1) Chair requests staff confirmation that Kansas Open Meeting Act required notice has been properly provided and it was confirmed by Ms. Evelyn.

Ms. Evelyn introduced Shawn Homan as the new Community Relations Specialist.

2. UNFINISHED OR OTHER BUSINESS

- (2.1) Survey Questions Discussion

Mr. Homan summarized the survey and the end goal.

Board members discussed ideas for types of questions for the survey including: residential housing access; parking concerns; walkability of sidewalks and people parking across them; and unemployment concerns.

Chair Powell asked how they were going to get the survey out. Ms. Nelson stated they would discuss that towards the end.

Ms. Nelson stated that access to affordable housing is important with most on disability income, which leaves them on a limited income. She then added that educating the community is important as well.

Board member Daily asked what would be a reasonable amount of questions for the survey.. Mr. Homan stated it could be as many as they'd like. He added they could first drill

down and find the issues and information they want to get from the survey in order to know what questions to ask and how many.

Board member Daily then asked how to get the community to become ADA (American's with Disability Act) compliant and how to enforce it. Ms. Nelson replied that it is something that can't be enforced on the community, but they could always provide feedback and resources. Mr. Homan added that ADA compliance is addressed in the building code and there are requirements for commercial projects to be ADA compliant.

Discussion then continued between board members of additional questions to add including: whether someone has a disability or not; and if anyone has challenges accessing businesses or other public buildings within Salina.

Mr. Homan read through example survey questions that board member Daily provided.

Board member Mastin suggested they add an option for them to select an age range.

Board members Daily and Ochs stated there should be a page or a link with resources for advocacy and different agencies. A discussion then continued between board members of possible resources and agencies to add on the list.

Chair Powell suggested they limit the number of questions on the survey. Board member Daily added that "yes/no" questions would be helpful as well.

Board member Cumberland asked if the City of Salina or any other place had demographics of the disability community. Ms. Nelson stated that most non-profit agencies should have that information.

Board members discussed ways of how to get the survey out and promote it.

Ms. Nelson stated that staff will edit and format the survey, then have it ready to be reviewed and approved at the November meeting. She added that they can also do follow-up surveys afterwards if necessary.

(2.2) Next meeting reminder: 11/05/2020

3. PUBLIC FORUM

None

4. ADJOURNMENT

A motion was made to adjourn the meeting by board member Daily, seconded by board member Ochs and carried by vote.

The meeting adjourned at 5:16 pm.

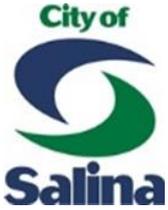
David Powell, Chair

ATTEST:

Evelyn Nelson, Community Relations Supervisor

Record of this Meeting

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Accessibility Advisory Board: 2020-21 Work Plan **(Proposed)**

Goal #1 - Identify obstacles to community participation for people with disabilities in Salina.

Objectives

1. Conduct an accessibility survey among residents, to evaluate and prioritize accessibility barriers.
 - a. Invite and utilize community involvement.
 - b. Advise City staff of accessibility obstacles identified by citizens.
2. Name targeted accessibility barriers that will be a focus for work in 2020-2021.
 - a. Educate by sharing with the public the results of the accessibility survey, including identifying barrier(s) which will be the target of AAB work towards correction.

Goal #2 - Eliminate or mitigate one accessibility barrier in Salina.

Objectives

1. Formulate possible approaches to elimination or mitigation of the targeted accessibility barrier.
 - a. Utilize community and City staff resources.
2. Choose one or more elimination or mitigation approach and implement.
3. Report this work to the community.

Goal #3 - Serve as accessibility subject matter experts for the City Commission and City staff as needed.

Objectives

1. Stand ready and able to provide technical assistance with disability considerations for any project in the City, public or private.
 - a. Work with CRD staff to become better equipped to address ADA standards, ADAAG guidelines, Fair Housing Act Design Manual guidelines, and other guidelines for accessibility concerns.
 - b. Organize informal accessibility audits, for reporting to City staff.

Chapter 13 - EQUAL OPPORTUNITY

Footnotes:

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Editor's note— Sections 1 and 2, of Ord. 92-9493 repealed ch. 13, 13-1—13-3, 13-16—13-22, 13-26—13-28, 13-41—13-44, 13-56—13-59, 13-71—13-78 in its entirety and added a new ch. 13 to read as herein set out. Former ch. 13 pertained to similar subject matter and derived from the Code of 1966 and Ord. 81-8889. In order to keep related material together, the editor has combined the sections pertaining to definitions to read as herein set out; thus reserving any unused sections originally provided for in Ord. No. 92-9493. Ord. 12-10639 amended chapter 13 and was overturned by the voters of the city; therefore repealed.

Cross reference— Administration, ch. 2.

ARTICLE I. - IN GENERAL

Sec. 13-1. - Declaration of policy.

- (a) The practice or policy of discrimination against individuals by reason of race, sex, familial status, disability, religion, age, color, national origin or ancestry is a matter of concern to the city since such discrimination threatens not only the rights and privileges of the inhabitants of the city but menaces the institutions and foundations of a free democratic state. It is hereby declared to be the policy of the city to eliminate and prevent discrimination in all employment relations, to eliminate and prevent discrimination, segregation or separation in all areas of public accommodations, and to eliminate and prevent discrimination, segregation or separation in housing as provided in this chapter.
- (b) It is also declared to be the policy of the city to assure equal opportunities and encouragement to every citizen regardless of race, sex, disability, religion, age, color, national origin or ancestry, in securing and holding, without discrimination, employment in any field of work or labor for which a person is properly qualified or qualifiable, to assure equal opportunity to all persons within the city to full and equal public accommodations, and to assure equal opportunities in housing without distinction on account of race, sex, familial status, disability, religion, color, national origin or ancestry. It is further declared that the opportunity to secure and to hold employment, the opportunity for full and equal public accommodations as covered by this chapter and the opportunity for full and equal housing are civil rights of every citizen. To protect these rights, it is hereby declared to be the purpose of this chapter to establish and to provide a city human relations commission and a community relations division of the community and development services.

(Ord. No. 92-9493, § 1, 2-3-92; Ord. No. 15-10771, § 1, 6-1-15; Ord. No. 18-10943, § 1, 7-2-18)

Sec. 13-2. - Definitions.

When used in this chapter, the following words and phrases shall have the meaning indicated. This chapter prohibits discrimination based upon sex, and accordingly, the personal pronouns and gender of nouns used in this chapter shall not be construed as limiting the provisions of this chapter to one or to the other sex:

Age means an age of forty (40) or more years but less than seventy (70) years.

Chairperson means the individual chairing the human relations commission created by this chapter.

Complainant means the person who files a complaint under this chapter.

Complaint means a written statement made under oath or affirmation and filed with the human relations commission alleging any violation of any statutory or other authority, orders, rules or regulations over which the human relations commission may have jurisdiction or which the human relations commission may enforce.

Conciliation means the attempted resolution of issues raised by a complaint, or by the investigation of a complaint, through informal negotiations involving the complainant, the respondent, and the supervisor.

Conciliation agreement means a written agreement setting forth the resolution of the issues in conciliation.

Contract means any contract entered into by the city or any of its agencies.

Contractor means any individual, partnership, corporation, association or other entities entering into a contract with the city and who is an employer as herein defined.

Designated legal counsel means any legal counsel designated by the city manager to assist the division and the human relations commission.

Director means the director of the community and development services department.

Disability means, with respect to an individual:

- (1) A physical or mental impairment that substantially limits one (1) or more of the major life activities of such individual;
- (2) A record of such an impairment; or
- (3) Being regarded as having such an impairment.

"Disability" does not include current, illegal use of a controlled substance as defined in section 102 of the federal Controlled Substance Act (21 U.S.C. § 802). "Disability" does not include an individual who is currently engaging in the illegal use of drugs where possession or distribution of such drugs is unlawful under the controlled substance act (21 U.S.C. § 812) when the covered entity acts on the basis of such use.

Discrimination means any direct or indirect exclusion, distinction, segregation, limitation, refusal, denial or any other differentiation or preference in the treatment of a person or persons on account of age, race, religion, color, sex, familial status, national origin, ancestry or disability and/or any denial of any right, privilege or immunity secured by or protected by law. Discrimination shall include but not be limited to any practice which produces a demonstrable racial or ethnic effect without a valid business motive.

Division means the community relations division of the community and development services department.

Dwelling means any building, structure or portion thereof which is occupied as, or designated or intended for occupancy as, a residence by one (1) or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.

Employee means any person employed by an employer but does not include any individual employed by such individual's parents, spouse, or child, or in the domestic service of any person.

Employer includes any person within the city employing four (4) or more persons, and any person acting directly or indirectly for an employer, labor organizations, nonsectarian corporations, organizations engaged in social service work, and the city and all political and municipal subdivisions thereof, but shall not include a nonprofit fraternal or social association or corporation.

Employment agency includes any person or governmental agency undertaking, with or without compensation, to procure opportunities to work or to procure, recruit, refer or place employees.

Familial status means having one (1) or more individuals less than eighteen (18) years of age domiciled with:

- (1) A parent or another person having legal custody of such individual or individuals; or
- (2) The designee of such parent or other person having such custody, with the written permission of such parent or other person.

The protections against discrimination afforded individuals on the basis of familial status shall apply to any person who is pregnant or is in the processing of securing legal custody of any individual who has not attained the age of eighteen (18) years.

Financial institution means any person regularly engaged in the business of lending money or guaranteeing loans on housing accommodations or real property.

Genetic screening or testing means a laboratory test of a person's genes or chromosomes for abnormalities, defects or deficiencies, including carrier status, that are linked to physical or mental disorders or impairments, or that indicate a susceptibility to illness, disease or other disorders, whether physical or mental, which test is a direct test for abnormalities, defects or deficiencies, and not an indirect manifestation of genetic disorders.

Hotel means every building or other structure which is kept, used, maintained, advertised or held out to the public as a place where sleeping accommodations are offered for pay primarily to transient guests and in which four (4) or more rooms are used for the accommodation of such guests, regardless of whether such building or structure is designated as a cabin camp, tourist cabin, motel or other type of lodging unit.

Housing accommodation means:

- (1) Any building or portion thereof which is used or intended for use as the residence or sleeping place of one (1) or more persons.
- (2) The term "housing accommodations" shall not mean or include:
 - a. The rental of a dwelling, or a portion thereof, containing accommodations for no more than two (2) families, one (1) of which is occupied by the owner or the owner's family at the time of rental;
 - b. The rental of less than four (4) rooms in a one-family dwelling to another person or persons by the owner or occupant of such accommodations in which the owner or members of the owner's family reside.

Human relations commission means the human relations commission created by this chapter.

Labor organization includes any organization which exists for the purpose, in whole or in part, of collective bargaining, of dealing with employers concerning grievances, terms or conditions of employment or of other mutual aid or protection in relation to employment.

Occupational qualifications as used herein, are those qualifications which can be shown to be demonstrably valid to the normal operation or performance of a particular job, business or enterprise.

Owner shall mean and include the owner, lessee, sublessee, assignee, manager, agent, or other person, firm or corporation having the right to sell, rent or lease any housing accommodation or real property within the corporate limits of the city.

Person includes, as the legal context may permit, one (1) or more individuals, partnerships, associations, organizations, corporations, municipal corporations, quasi-municipal corporations, governmental agencies, public bodies, legal representatives, trustees, trustees in bankruptcy, receivers, fiduciaries, mutual companies or unincorporated organizations.

Person aggrieved means any person who claims to have been injured by a discriminatory act or practice or believes that such person will be injured by a discriminatory act or practice that is about to occur.

Probable cause means the presence of a reasonable ground for belief in the existence of the alleged violation of any statute, ordinance, or other authority, orders, rules or regulations.

Public accommodations shall include any person who caters or offers goods, services, facilities and accommodations to the public. Public accommodations include, but are not limited to, any lodging establishment or food service establishment, as defined by K.S.A. 36-501 and amendments thereto; any bar, tavern, barbershop, beauty parlor, theater, skating rink, bowling alley, billiard parlor,

amusement park, recreation park, swimming pool, lake, gymnasium, mortuary or cemetery which is open to the public; or any public transportation facility. Public accommodations do not include a religious or nonprofit fraternal or social association or corporation.

Real estate broker means any person who, for a fee or other valuable consideration, sells, purchases, exchanges, rents, negotiates, offers or attempts to negotiate the sale, purchase, exchange or rental of housing accommodations or real property of another person.

Real estate salesman or agent means any person employed by a real estate broker to perform, or to assist in the performance of, any or all of the functions of a real estate broker.

Reasonable accommodation means:

- (1) In the context of employment under article III of this chapter, making existing facilities used by employees readily accessible to and usable by individuals with disabilities; job restructuring; part time or modified work schedules; reassignment to a vacant position; acquisition or modification of equipment or devices; appropriate adjustment or modifications of examinations, training materials or policies; provision of qualified readers or interpreters; and other similar accommodations for individuals with disabilities.
- (2) In the context of housing under article V of this chapter, those reasonable measures which may be necessary to afford a disabled person equal opportunity to use and enjoy a dwelling unit, including public and common use areas.

Restaurant means any place in which food is served or is prepared for sale or service on the premises or elsewhere. Such term shall include, but not be limited to, fixed or mobile restaurant, coffee shop, cafeteria, short-order cafe, luncheonette, grill, tea room, sandwich shop, soda fountain, tavern, private club, roadside stand, industrial feeding establishment, catering kitchen, commissary and any other private, public or nonprofit organization or institution routinely serving food and any other eating or drinking establishment or operation where food is served or provided for the public with or without charge.

Respondent means any person against whom a complaint has been filed alleging a violation of this chapter.

Subcontractor means any individual, partnership, corporation, association, or other entity, or any combination of the foregoing which shall undertake, by virtue of a separate contract with a contractor as defined herein, to fulfill all or any part of any contractor's obligation under a contract with the city, or who shall exercise any right granted to a franchise holder, and who is an employer as herein defined.

Supervisor means the supervisor of the human relations division of the community and development services department.

To rent means to lease, to sublease, to let and otherwise to grant for a consideration the right to occupy premises not owned by the occupant.

Unlawful practice means any practice described as unlawful in [section 13-71](#) or in [section 13-72](#).

(Ord. No. 92-9493, § 1, 2-3-92; Ord. No. 92-9519, § 1, 7-20-92; Ord. No. 15-10771, § 1, 6-1-15; Ord. No. [18-10943](#), § 1, 7-2-18)

Cross reference— Definitions and rules of construction, generally, [§ 1-2](#).

Sec. 13-3. - Construction.

- (a) The provisions of this chapter shall be construed liberally for the accomplishment of the purposes thereof. Nothing contained in this chapter shall be deemed to repeal any of the provisions of any other law of the city relating to discrimination because of race, religion, color, sex, disability, national origin or ancestry, unless the same is specifically repealed by this chapter.
- (b) Nothing in this chapter shall be construed to mean that an employer shall be forced to hire unqualified or incompetent personnel, or discharge qualified or competent personnel.

(Ord. No. 92-9493, § 1, 2-3-92; Ord. No. 15-10771, § 1, 6-1-15)

Sec. 13-4. - Invalidity of part.

If any clause, sentence, paragraph or part of this chapter or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction to be invalid such judgment shall not affect, impair or invalidate the remainder of this chapter and the application thereof to other persons or circumstances, but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment shall have been rendered and the persons or circumstances involved. It is hereby declared to be the legislative intent that this chapter would have been adopted had such provisions not been included.

(Ord. No. 92-9493, § 1, 2-3-92; Ord. No. 15-10771, § 1, 6-1-15)

Secs. 13-5—13-50. - Reserved.

ARTICLE II. - HUMAN RELATIONS COMMISSION

Footnotes:

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Editor's note— Administration, ch. 2; boards and commissions generally, § 2-136 et seq.

Sec. 13-51. - Created.

There is hereby created the human relations commission.

(Ord. No. 92-9493, § 1, 2-3-92; Ord. No. 15-10771, § 1, 6-1-15)

Sec. 13-52. - Composition, appointment.

The human relations commission shall consist of nine (9) members, at least three (3) of whom shall be members of a significant ethnic or minority group within the community, who shall be appointed by the mayor, with the consent of the board of commissioners.

(Ord. No. 92-9493, § 1, 2-3-92; Ord. No. 15-10771, § 1, 6-1-15)

Sec. 13-53. - Terms.

Initial appointments to the human relations commission shall be for one-, two-, and three-year terms, and thereafter all appointments shall be for a term of three (3) years and until a successor is qualified, provided; however, no person shall serve for more than eight (8) consecutive years. The term of office of each chairperson and vice-chairperson shall be for one (1) year, and no person shall serve for more than two (2) consecutive terms in the same office, unless such election to the immediately subsequent term is made by members of the human relations commission by unanimous vote.

(Ord. No. 92-9493, § 1, 2-3-92; Ord. No. 15-10771, § 1, 6-1-15; Ord. No. 18-10943, § 1, 7-2-18)

Sec. 13-54. - Compensation.

The members of the human relations commission shall serve without compensation.

(Ord. No. 92-9493, § 1, 2-3-92; Ord. No. 15-10771, § 1, 6-1-15)

Sec. 13-55. - Officers.

The human relations commission shall elect one (1) of its members as chairperson, who shall preside at all meetings of the human relations commission and perform all the normal duties and functions of the chairperson. The mayor shall convene the first meeting of the human relations commission and conduct the election of the chairperson. The human relations commission shall elect, in the same manner, one (1) of its members as vice chairperson who shall act as chairperson during the absence or incapacity of the chairperson and, when so acting, the member so designated shall have and perform all the duties and functions of the chairperson of the human relations commission. The chairperson or vice-chairperson may resign from office without resigning from the human relations commission. In such event, the human relations commission shall elect another member as a replacement for the unexpired term.

(Ord. No. 92-9493, § 1, 2-3-92; Ord. No. 15-10771, § 1, 6-1-15; Ord. No. 18-10943, § 1, 7-2-18)

Sec. 13-56. - Quorum.

A majority of the presently serving members of the human relations commission shall constitute a quorum for the purpose of conducting its business.

(Ord. No. 92-9493, § 1, 2-3-92)

Sec. 13-57. - Powers and duties.

The human relations commission shall have the following functions, powers and duties:

- (1) To receive, initiate, investigate and pass upon complaints alleging violations of this chapter.
- (2) To subpoena witnesses, compel their appearance and require the production for examination of records, documents and other evidence or possible sources of evidence and to examine, record and copy such materials and take and record the testimony or statements of such persons. The human relations commission may issue subpoenas to compel access to or the production of such materials, or the appearance of such persons, and may issue interrogatories to a respondent to the same extent and subject to the same limitations as would apply if the subpoena or interrogatories were issued or served in aid of a civil action in the district court. The human relations commission shall have access at all reasonable times to premises and may compel such access by application to a court of competent jurisdiction; provided that the human relations commission first complies with the provisions of Article 15 of the Kansas Bill of Rights and the Fourth Amendment to the United States Constitution relating to unreasonable searches and seizures.
- (3) To hold public hearings, administer oaths, and take depositions to the same extent and subject to the same limitations as would apply if the deposition was taken in aid of a civil action in the district court. In case of the refusal of any person to comply with any subpoena, interrogatory or search warrant issued hereunder, the human relations commission may make application to the district court to compel compliance pursuant to state law.
- (4) To act in concert with other parties in interest in order to eliminate and prevent discrimination and segregation, prohibited by this chapter, by including any term in a conciliation agreement as could be included in a final order under this chapter.
- (5) To apply to the district court for enforcement of any conciliation agreement by seeking specific performance of such agreement.
- (6) To bring a civil action in the district court of the county for appropriate temporary or preliminary relief pending final disposition of a complaint under this chapter.
- (7) To issue such final orders after a public hearing as may remedy any existing situation found to violate this chapter and prevent its recurrence; and, if necessary, to seek enforcement of such final orders pursuant to

federal and state law.

- (8) To create such advisory agencies and conciliation councils, as in its judgment will aid in effectuating the purposes of this chapter; to study the problem of discrimination in all or specific fields or instances of discrimination because of race, religion, color, sex, disability, national origin or ancestry; to foster, through community effort or otherwise, good will, cooperation and conciliation among the groups and elements of the population of the city; and to make recommendations to the human relations commission for the development of policies and procedures, and for programs of formal and informal education, which the human relations commission may recommend to the city commission. Such advisory agencies and conciliation councils shall be composed of representative citizens serving without pay. The human relations commission may itself make the studies and perform the acts authorized by this paragraph. It may, by voluntary conferences with parties in interest, endeavor by conciliation and persuasion to eliminate discrimination in all the stated fields and to foster good will and cooperation among all elements of the population of the city.
- (9) To create such advisory agencies and conciliation councils, as in its judgment will aid in effectuating the purposes of this chapter; to study the problem of discrimination in all or specific fields or instances of discrimination because of race, religion, color, sex, disability, national origin or ancestry; to foster, through community effort or otherwise, good will, cooperation and conciliation among the groups and elements of the population of the city; and to make recommendations to the human relations commission for the development of policies and procedures, and for programs of formal and informal education, which the human relations commission may recommend to the city commission. Such advisory agencies and conciliation councils shall be composed of representative citizens serving without pay. The human relations commission may itself make the studies and perform the acts authorized by this paragraph. It may, by voluntary conferences with parties in interest, endeavor by conciliation and persuasion to eliminate discrimination in all the stated fields and to foster good will and cooperation among all elements of the population of the city.
- (10) To accept contributions from any person to assist in the effectuation of this chapter and to seek and enlist the cooperation of private, charitable, religious, labor, civic and benevolent organizations for the purposes of this chapter.
- (11) To issue such publications and such results of investigation and research as in its judgment will tend to promote good will and minimize or eliminate discrimination because of race, religion, color, sex, disability, national origin or ancestry.
- (12) To render each year to the city manager and to the city commission a full written report of all of its activities and of its recommendations.
- (13) To receive and accept federal funds to effectuate the purposes of this chapter and to enter into agreements with any federal agency for such purpose.

(Ord. No. 92-9493, § 1, 2-3-92; Ord. No. 15-10771, § 1, 6-1-15; Ord. No. 18-10943, § 1, 7-2-18)

Sec. 13-58. - Purpose of division.

The division shall administer and enforce the provisions of this chapter or as hereafter amended.

(Ord. No. 92-9493, § 1, 2-3-92; Ord. No. 15-10771, § 1, 6-1-15; Ord. No. 18-10943, § 1, 7-2-18)

Sec. 13-59. - Position of supervisor of community relations created; appointment.

Pursuant to the authority of the city manager and under the direction of the director, the supervisor shall supervise the administration and enforcement of this chapter by the division. Merit and fitness shall be the governing criteria in the selection of the supervisor of community relations.

(Ord. No. 92-9493, § 1, 2-3-92; Ord. No. 15-10771, § 1, 6-1-15; Ord. No. 18-10943, § 1, 7-2-18)

Sec. 13-60. - Duties, responsibilities, and authority of the supervisor.

The supervisor shall have the following duties, responsibilities, and authority. The administration of this chapter shall be the responsibility of the supervisor and the supervisor's designated staff. The supervisor shall promulgate procedures to implement, expedite, and effectuate the provisions of this chapter. In addition to any powers and responsibilities heretofore conferred upon the supervisor, the supervisor shall have the power and responsibility to:

- (1) Seek to eliminate and prevent discrimination in employment because of race, sex, religion, age, color, national origin, ancestry, disability, or familial status, by employers, labor organizations, employment agencies, or other persons, and to take other actions against discrimination because of race, sex, religion, age, color, national origin, ancestry, disability, or familial status, as provided herein;
- (2) Effectuate the purposes of this chapter first by conference, conciliation, and persuasion so that persons may be guaranteed their civil rights and good will fostered;
- (3) Seek cooperation from, and upon request, make technical assistance available to all city government departments and agencies;
- (4) Receive, investigate, initiate and attempt to conciliate complaints alleging violations of this chapter;
- (5) Pursue the goals of affirmative action implementation within municipal government and external to municipal government through continued dialogue and technical assistance;
- (6) In conducting an investigation, the supervisor or the supervisor's staff shall have access at all reasonable times to premises, records, documents, and other evidence or possible sources of evidence, and may examine, record, and copy such materials and take and record the testimony or statements of such persons as are reasonably necessary for the furtherance of the investigation. In case of the refusal of any person to comply with any subpoena issued by the local human relations commission, or to testify to any matter regarding which such person may be lawfully questioned, the district court of the county may, upon application of the division on behalf of the human relations commission, order such person to comply with such subpoena and to testify to the extent such person could be so compelled pursuant to the provisions of subsection (2) of section 13-57 and state law;
- (7) Request that the designated legal counsel apply to the district court of the county for temporary or permanent injunctive relief to enjoin violation of this chapter;
- (8) Request that the designated legal counsel apply to the district court of the county for enforcement of any conciliation agreement by seeking specific performance of such agreement;
- (9) Attend all meetings and serve as secretary of the human relations commission; provide necessary reports, such as agenda, minutes, and schedules of human relations commission meetings to the human relations commission, to the city commission, and to the city manager; and advise the local news media of human relations commission meetings and agenda.

(Ord. No. 92-9493, § 1, 2-3-92; Ord. No. 15-10771, § 1, 6-1-15; Ord. No. 18-10943, § 1, 7-2-18)

Secs. 13-61—13-70. - Reserved.

ARTICLE III. - UNLAWFUL PRACTICES

Sec. 13-71. - Unlawful employment practices.

(a) It shall be an unlawful employment practice:

- (1) For an employer, because of the race, religion, age, color, sex, disability, national origin or ancestry of any person

to refuse to hire or employ such person to bar or discharge such person from employment or to otherwise discriminate against such person in compensation or in terms, conditions or privileges of employment; to limit, segregate, separate, classify or make any distinction in regards to employees; or to follow any employment procedure or practice which, in fact, results in discrimination, segregation or separation without a valid business necessity.

- (2) For a labor organization, because of the race, religion, age, color, sex, disability, national origin or ancestry of any person, to exclude or to expel from its membership such person or to discriminate in any way against any of its members or against any employer or any person employed by an employer.
- (3) For any employer, employment agency or labor organization to print or circulate or cause to be printed or circulated any statement, advertisement or publication, or to use any form of application for employment or membership or to make any inquiry in connection with prospective employment or membership, which expresses, directly or indirectly, any limitation, specification or discrimination as to race, religion, age, color, sex, disability, national origin or ancestry, or any intent to make any such limitation, specification or discrimination, unless based on a bona fide occupational qualification.
- (4) For any employer, employment agency or labor organization to discharge, expel or otherwise discriminate against any person because such person has opposed any practices or acts forbidden under this chapter or because such person has filed a complaint, testified or assisted in any proceeding under this chapter.
- (5) For an employment agency to refuse to list and properly classify for employment or to refuse to refer any person for employment or otherwise discriminate against any person because of such person's race, religion, age, color, sex, disability, national origin or ancestry; or to comply with a request from an employer for a referral of applicants for employment if the request expresses, either directly or indirectly, any limitation, specification or discrimination as to race, religion, color, sex, disability, national origin or ancestry.
- (6) For an employer, labor organization, employment agency, or school which provides, coordinates or controls apprenticeship, on-the-job, or other training or retraining program, to maintain a practice of discrimination, segregation or separation because of race, religion, age, color, sex, disability, national origin or ancestry, in admission, hiring, assignments, upgrading, transfers, promotion, layoff, dismissal, apprenticeship or other training or retraining program, or in any other terms, conditions or privileges of employment, membership, apprenticeship or training; or to follow any policy or procedure which, in fact, results in such practices without a valid business motive.
- (7) For any person, whether an employer or an employee or not, to aid, abet, incite, compel or coerce the doing of any of the acts forbidden under this chapter, or attempt to do so.
- (8) For an employer, labor organization, employment agency or joint labor-management committee to:
 - a. Limit, segregate or classify a job applicant or employee in a way that adversely affects the opportunities or status of such applicant or employee because of the disability of such applicant or employee;
 - b. Participate in a contractual or other arrangement or relationship, including a relationship with an employment or referral agency, labor union, an organization providing fringe benefits to an employee or an organization providing training and apprenticeship programs that has the effect of subjecting a qualified applicant or employee with a disability to the discrimination prohibited by this chapter;
 - c. Utilize standards criteria, or methods of administration that have the effect of discrimination on the basis of disability or that perpetuate the discrimination of others who are subject to common administrative control;
 - d. Exclude or otherwise deny equal jobs or benefits to a qualified individual because of the known disability of an individual with whom the qualified individual is known to have a relationship or association;
 - e. Not make reasonable accommodations or modifications to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, unless such employer, labor organization, employment agency or joint labor-management committee can demonstrate that the

accommodation would impose an undue hardship on the operation of the business thereof;

- f. Deny employment opportunities to a job applicant or employee who is an otherwise qualified individual with a disability, if such denial is based on the need to make reasonable accommodation to the physical or mental impairments of the employee or applicant;
 - g. Use qualification standards, employment tests or other selection criteria that screen out or tend to screen out an individual with a disability or a class of individuals with disabilities unless the standard, test or other selection criteria, as used, is shown to be job-related for the position in question and is consistent with business necessity; or
 - h. Fail to select and administer tests concerning employment in the most effective manner to ensure that, when such test is administered to a job applicant or employee who has a disability that impairs sensory, manual or speaking skills, the test results accurately reflect the skills, aptitude or whatever other factor of such applicant or employee that such test purports to measure, rather than reflecting the impaired sensory, manual or speaking skills of such employee or applicant (except where such skills are the factors that the test purports to measure).
 - i. Seek to obtain, to obtain or to use genetic screening or testing information of an employee or a prospective employee to distinguish between or discriminate against or restrict any right or benefit otherwise due or available to an employee or a prospective employee or subject, directly or indirectly, any employee or prospective employee to any genetic screening or test.
- (b) It shall not be an unlawful employment practice to fill vacancies in such way as to eliminate or reduce imbalance with respect to race, religion, age, color, sex, disability, national origin or ancestry.

(Ord. No. 92-9493, § 1, 2-3-92; Ord. No. 15-10771, § 1, 6-1-15)

Sec. 13-72. - Unlawful public accommodation practices.

It shall be an unlawful public accommodation practice:

- (1) For any person, as defined herein being the owner, operator, lessee, manager, agent or employee of any place of public accommodation to refuse, deny or make a distinction, directly or indirectly, in offering its goods, services, facilities, and accommodations to any person as covered by this chapter because of race, religion, color, sex, disability, national origin or ancestry, except where a distinction because of sex is necessary because of the intrinsic nature of such accommodation.
- (2) For any person, whether or not specifically enjoined from discriminating under any provisions of this chapter, to aid, abet, incite, compel or coerce the doing of any of the acts forbidden under this chapter, or to attempt to do so.
- (3) For any person, to refuse, deny, make a distinction, directly or indirectly, or discriminate in any way against persons because of the race, religion, color, sex, disability, national origin or ancestry of such persons in the full and equal use and enjoyment of the services, facilities, privileges and advantages of any institution, department or agency of the state or any political subdivision or municipality thereof.
- (4) Nothing in this chapter shall prohibit a religious organization, association or society, or any nonprofit institution or organization operated, supervised, or controlled by or in conjunction with a religious organization, association, or society, from limiting its offerings of goods, services, facilities, and accommodations, to persons of the same religion, or from giving preference to such persons, provided that such offerings above mentioned are not, in fact, offered for commercial purposes.

(Ord. No. 92-9493, § 1, 2-3-92; Ord. No. 15-10771, § 1, 6-1-15)

Secs. 13-73—13-80. - Reserved.

ARTICLE IV. - COMPLAINT PROCEDURES FOR UNLAWFUL EMPLOYMENT AND DISCRIMINATORY PRACTICES

Sec. 13-81. - Investigation by human relations commission.

Whenever the commission has, in its own judgment, reason to believe that any person has engaged in an unlawful practice in violation of sections 13-71 or 13-72, the human relations commission may conduct an investigation without filing a complaint and shall have the same powers during such investigation as provided for in the investigation of complaints. The person to be investigated shall be advised of the nature and scope of the investigation prior to its commencement. The purpose of the investigation shall be to resolve any such problems promptly. In the event such problems cannot be resolved within a reasonable time, the human relations commission may issue a complaint whenever the investigation reveals a violation of this chapter has occurred. The information gathered in the course of this investigation may be used in processing the complaint.

(Ord. No. 92-9493, § 1, 2-3-92; Ord. No. 15-10771, § 1, 6-1-15; Ord. No. 18-10943, § 1, 7-2-18)

Sec. 13-82. - Complaints.

- (a) Any person claiming to be aggrieved by an alleged unlawful practice may, personally or by an attorney-at-law, make, sign and file with the human relations commission a verified complaint in writing which shall state the name and address of the person alleged to have committed the unlawful practice complained of, and which shall set forth the particulars thereof and contain such other information as may be required by the human relations commission. The supervisor or human relations commission upon its own initiative may, in like manner, make, sign and file such complaint.
- (b) In the event a complaint is against the city or any of its officials or employees, the complaint will be referred to the state human rights commission.
- (c) Any complaint filed pursuant to this chapter alleging a violation of sections 13-71 or 13-72 must be filed within one hundred eighty (180) days after the alleged unlawful practice. However, if the unlawful practice consists of a continuing pattern or practice, it must be filed within one hundred eighty (180) days of the final occurrence.
- (d) Upon receipt of any such complaint the supervisor shall serve notice upon the complainant acknowledging such filing and advising the complainant of the time limits and choice of forums provided under this article. Within ten (10) days after the filing of the complaint the supervisor shall serve on the respondent a notice identifying the alleged unlawful practice and advising the respondent of respondent's procedural rights and obligations under this article, together with a copy of the original complaint. Service of the notice shall be made in the manner prescribed by the state code of civil procedure.
- (e) A respondent may file an answer to the complaint with the supervisor no later than ten (10) days after service of the notice of the complaint.
- (f) A person who is not named as a respondent in a complaint, but who is identified as a possible respondent in the course of investigation, may be joined as an additional or substitute respondent upon written notice, under subsections (a) and (b), to such person from the human relations commission.

(Ord. No. 92-9493, § 1, 2-3-92; Ord. No. 15-10771, § 1, 6-1-15; Ord. No. 18-10943, § 1, 7-2-18)

Sec. 13-83. - Submission of a false, misleading or incomplete complaint, statement, response or report.

Any person who knowingly and intentionally submits or files or causes to be submitted or filed, a false, misleading, or incomplete complaint, statement, response or report with the human relations commission, the supervisor or any of the division's personnel, shall be guilty of a misdemeanor.

(Ord. No. 92-9493, § 1, 2-3-92; Ord. No. 15-10771, § 1, 6-1-15; Ord. No. 18-10943, § 1, 7-2-18)

Sec. 13-84. - Conciliation.

- (a) During the period beginning with the filing of such complaint and ending with the commencement of an administrative hearing or a dismissal of the complaint, the supervisor shall, to the extent feasible, engage in conciliation with respect to such complaint.
- (b) A conciliation agreement arising out of such conciliation shall be an agreement between the respondent and the complainant, and shall be subject to approval by the supervisor. Such agreements may include in the provisions thereof any terms or condition which may be included in a final order of the human relations commission.
- (c) In a manner consistent with K.S.A. 44-1019(f)(1) and amendments thereto, each conciliation agreement shall be made public unless the complainant and respondent otherwise agree and the human relations commission determines that disclosure is not required to further the purposes of this article.
- (d) Any of the parties to a conciliation agreement may apply to the county district court for specific performance of any such agreement.

(Ord. No. 92-9493, § 1, 2-3-92; Ord. No. 15-10771, § 1, 6-1-15; Ord. No. 18-10943, § 1, 7-2-18)

Sec. 13-85. - Notice and investigation.

After the filing of any complaint by an aggrieved individual or by the human relations commission, the supervisor shall within ten (10) days after the filing of the complaint, serve a copy on each of the parties alleged to have violated this chapter. The supervisor shall then make, with the assistance of staff, a prompt investigation of the alleged unlawful practice.

(Ord. No. 92-9493, § 1, 2-3-92; Ord. No. 15-10771, § 1, 6-1-15; Ord. No. 18-10943, § 1, 7-2-18)

Sec. 13-86. - Prompt judicial action.

If the human relations commission concludes at any time following the filing of a complaint that prompt judicial action is necessary to carry out the purposes of this chapter, the human relations commission may bring a civil action in the district court of the county, for appropriate temporary or preliminary relief pending final disposition of the complaint under this section. Any temporary restraining order or other order granting preliminary or temporary relief shall be issued in accordance with the rules of civil procedure. The commencement of a civil action under this subsection does not affect the initiation or continuation of administrative proceedings under this article.

(Ord. No. 92-9493, § 1, 2-3-92; Ord. No. 15-10771, § 1, 6-1-15; Ord. No. 18-10943, § 1, 7-2-18)

Sec. 13-87. - Probable cause; conciliation; determination.

- (a) Upon completion of the investigation, three (3) human relations commissioners will be assigned by the supervisor to determine by majority vote, with the advice of the supervisor, and, if needed, designated legal counsel, whether probable cause exists based upon the documented results of the investigation.
- (b) If it is determined that no probable cause exists for crediting the allegations of the complaint, the supervisor within ten (10) business days from such determination, shall cause to be issued and served upon the complainant and respondent written notice of such determination. The supervisor shall then administratively close the human relations commission's complaint file.
- (c) If it is determined that probable cause exists for crediting the allegations for the complaint, the supervisor shall immediately serve written notice of such determination on the parties and endeavor to eliminate the unlawful practice complained of by conference and conciliation. The complainant and respondent shall have forty-five (45) days from the date the respondent is notified in writing of a finding of probable cause to enter into a conciliation agreement.

(Ord. No. 92-9493, § 1, 2-3-92; Ord. No. 15-10771, § 1, 6-1-15; Ord. No. 18-10943, § 1, 7-2-18)

Sec. 13-88. - Administrative hearing.

In case of failure to eliminate the unlawful practice complained of by conference and conciliation either

- (1) Within the time allowed under section 13-87(c); or
- (2) In advance thereof if in the judgment of the human relations commission circumstances so warrant;

the human relations commission shall commence a hearing in accordance with the provisions of the Kansas Administrative Procedures Act naming as parties the complainant and the respondent(s). A copy of the notice of hearing shall be served on the parties. The municipal judge shall serve as the hearing officer. The burden of proof shall be on the complainant.

(Ord. No. 92-9493, § 1, 2-3-92; Ord. No. 15-10771, § 1, 6-1-15; Ord. No. 18-10943, § 1, 7-2-18)

Sec. 13-89. - Subpoenas.

The complainant or respondent may apply to the supervisor with a request that the human relations commission issue subpoenas for the attendance of any person or the production or examination of any books, records or documents pertinent to the proceeding at the hearing. Upon such application the human relations commission shall issue such subpoenas.

(Ord. No. 92-9493, § 1, 2-3-92; Ord. No. 15-10771, § 1, 6-1-15; Ord. No. 18-10943, § 1, 7-2-18)

Sec. 13-90. - Presentation of case.

The case in support of the complaint shall be presented before the hearing officer by the designated legal counsel or by private counsel of the complainant. Any endeavors at conciliation shall not be received in evidence.

(Ord. No. 92-9493, § 1, 2-3-92; Ord. No. 15-10771, § 1, 6-1-15)

Sec. 13-91. - Order of hearing officer; equal employment opportunity; notice of compliance.

- (a) If the hearing officer finds a respondent has engaged in or is engaging in any unlawful practice as defined in this chapter, the hearing officer shall render an order requiring such respondent to cease and desist from such unlawful practice and to take such affirmative steps, including but not limited to, the hiring reinstatement, or upgrading of employees, with or without back pay, and the admission or restoration to membership in any respondent labor organizations, the admission to and full and equal enjoyment of the goods, services, facilities, and accommodations offered by any respondent place of public accommodation denied in violation of this chapter, as, in the judgment of the hearing officer, will effectuate the purposes of this chapter, including a requirement for report of the manner of compliance. Such order may also include an award of compensatory damages and damages for pain, suffering and humiliation which are incidental to the act of discrimination, except that an award for such pain, suffering and humiliation shall in no event exceed the sum of two thousand dollars (\$2,000.00).
- (b) The order of the hearing officer shall be deemed an order of the human relations commission.
- (c) The human relations commission's order shall be subject to enforcement and review pursuant to K.S.A. 12-16,106 and amendments thereto.
- (d) Within fifteen (15) days after the hearing officer's order is served by the human relations commission requiring or prohibiting action by a respondent, the respondent shall notify the human relations commission in writing of the manner in which the respondent has complied with the order.
- (e) In the case of an order with respect to an unlawful practice that occurred in the course of a business subject to licensing or regulation by a state agency, the human relations commission may, not later than thirty (30) days after the respondent has complied with the order, or, if such order is judicially reviewed under subparagraph (c) above, thirty (30) days after such order is in substance affirmed upon such review:

- (1) Send copies of the findings of fact, conclusions of law, and the order, to that agency; and
- (2) Recommend to the agency appropriate disciplinary action, including, where appropriate, the suspension or revocation of the license of the respondent.

(Ord. No. 92-9493, § 1, 2-3-92; Ord. No. 15-10771, § 1, 6-1-15; Ord. No. 18-10943, § 1, 7-2-18)

Sec. 13-92. - Dismissal of complaint.

If the hearing officer finds that a respondent has not engaged in an unlawful practice, the hearing officer shall render an order dismissing the complaint as to such respondent.

(Ord. No. 92-9493, § 1, 2-3-92; Ord. No. 15-10771, § 1, 6-1-15)

Sec. 13-93. - Rules.

The commission is hereby authorized to adopt rules of practice to govern, expedite and effectuate the foregoing procedure and its own actions thereunder.

(Ord. No. 92-9493, § 1, 2-3-92; Ord. No. 15-10771, § 1, 6-1-15)

Secs. 13-94—13-100. - Reserved.

ARTICLE V. - UNLAWFUL HOUSING PRACTICES

Sec. 13-101. - Discriminatory housing practices.

Subject to the provisions of section 13-104 and amendments thereto, it shall be unlawful for any person:

- (1) To refuse to sell or rent after the making of a bona fide offer, to fail to transmit a bona fide offer or refuse to negotiate in good faith for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, religion, color, sex, disability, familial status, national origin or ancestry.
- (2) To discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, religion, color, sex, disability, familial status, national origin or ancestry.
- (3) To make, print, publish, disseminate or use, or cause to be made, printed, published, disseminated or used, any notice, statement, advertisement or application, with respect to the sale or rental of a dwelling that indicates any preference, limitation, specification or discrimination based on race, religion, color, sex, disability, familial status, national origin or ancestry, or an intention to make any such preference, limitation, specification or discrimination.
- (4) To represent to any person because of race, religion, color, sex, disability, familial status, national origin or ancestry that any dwelling is not available for inspection, sale or rental when such dwelling is in fact so available.
- (5) For profit, to induce or attempt to induce any person to sell or rent any dwelling by representation regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, religion, color, sex, disability, familial status, national origin or ancestry.
- (6) To deny any person access to or membership or participation in any multiple-listing service, real estate brokers' organization or other service, organization or facility relating to the business of selling or renting a dwelling, or to discriminate against such person in the terms or conditions of such access, membership or participation, because of race, religion, color, sex, disability, familial status, national origin or ancestry.
- (7) To discriminate against any person in such person's use or occupancy of a dwelling because of the race, religion,

color, sex, disability, familial status, national origin or ancestry of the people with whom such person associates.

- (8) a. To discriminate in the sale or rental, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a disability of:
1. That buyer or renter;
 2. A person residing in or intending to reside in that dwelling after it is sold, rented or made available; or
 3. Any person associated with that buyer or renter.
- b. To discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling or in the provision of services or facilities in connection with such dwelling because of a disability of:
1. That person;
 2. A person residing in or intending to reside in that dwelling after it is so sold, rented or made available; or
 3. Any person associated with that person.
- c. For purposes of this subsection (8), discrimination includes:
1. A refusal to permit, at the expense of the person with a disability, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises; except that, in the case of a rental, the landlord may where it is reasonable to do so, condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted;
 2. A refusal to make reasonable accommodations in rules, policies, practices or services, when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling; or
 3. In connection with the design and construction of covered multifamily dwellings for first occupancy on and after February 15, 1992, a failure to design and construct such dwelling in such a manner that:
 - (i) The dwellings have at least one building entrance on an accessible route, unless it is impractical to do so because of the terrain or unusual characteristics of the site.
 - (ii) With respect to dwellings with a building entrance on an accessible route:
 - A. The public use and common use portions of such dwellings are readily accessible to and usable by persons with disabilities;
 - B. All the doors designed to allow passage into and within all premises within such dwellings are sufficiently wide to allow passage by persons with disabilities who are in wheelchairs; and
 - C. All premises within such dwellings contain the following features of adaptive design:
 - i. An accessible route into and through the dwelling;
 - ii. Light switches, electrical outlets, thermostats and other environmental controls in accessible locations;
 - iii. Reinforcements in bathroom walls to allow later installation of grab bars; and
 - iv. Usable kitchens and bathrooms such that an individual in a wheelchair can maneuver about the space.

d. Compliance with the appropriate requirements of the American national standard for buildings and facilities providing accessibility and usability for physically handicapped people, commonly cited as "ANSI A117.1," suffices to satisfy the requirements of subsection (8)c.3.(ii)C.

e. As used in this subsection (8), "covered multifamily dwellings" means:

1. Buildings consisting of four (4) or more units if such buildings have one (1) or more elevators; and

2. Ground floor units in other buildings consisting of four (4) or more units.
- f. Nothing in this chapter shall be construed to invalidate or limit any state law or ordinance that requires dwellings to be designed and constructed in a manner that affords persons with disabilities greater access than is required by this chapter.
- g. Nothing in this subsection (8) requires that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.

(Ord. No. 92-9493, § 1, 2-3-92; Ord. No. 92-9519, § 2, 7-20-92; Ord. No. 15-10771, § 1, 6-1-15)

Sec. 13-102. - Real estate transactions.

- (a) It shall be unlawful for any person or other entity whose business includes engaging in real estate related transactions to discriminate against any person making available such a transaction, or in the terms or conditions of such a transaction, because of the race, religion, color, sex, disability, familial status, national origin or ancestry of such person or of any person associated with such person in connection with any real estate related transaction.
- (b) As used in this section, "real estate related transaction" means any of the following:
 - (1) The making or purchasing of loans or providing other financial assistance:
 - a. For purchasing, constructing, improving, repairing or maintaining a dwelling; or
 - b. Secured by residential real estate.
 - (2) The selling, brokering or appraising of residential real property.
- (c) Nothing in this section prohibits a person engaged in the business of furnishing appraisals of real property to take into consideration factors other than race, religion, color, sex, disability, familial status, national origin or ancestry.

(Ord. No. 92-9493, § 1, 2-3-92; Ord. No. 15-10771, § 1, 6-1-15)

Sec. 13-103. - Intimidation, interference.

It shall be unlawful to coerce, intimidate, threaten or interfere with any person in the exercise or enjoyment of, or on account of such person's having exercised or enjoyed, or on account of such person's having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by section 13-101 or 13-102 and amendments thereto.

(Ord. No. 92-9493, § 1, 2-3-92; Ord. No. 15-10771, § 1, 6-1-15)

Sec. 13-104. - Limitations.

- (a) Nothing in this chapter shall prohibit a religious organization, association or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, national origin or ancestry. Nor shall anything in this chapter prohibit a nonprofit private club in fact not open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members.
- (b) Nothing in this chapter, other than the prohibitions against discriminatory advertising as provided in subparagraph (3) of section 13-101, and amendments thereto, shall apply to:
 - (1) The sale or rental of any single-family house by an owner, provided the following conditions are met:
 - a. The owner does not own or have any interest in more than three (3) single-family houses at any one (1) time; and

- b. The house is sold or rented without the use of a real estate broker, agent or salesperson or the facilities of any business of selling or renting dwellings. If the owner selling the house does not reside in it at the time of the sale, the most recent resident of the house prior to such sale, the exemption in this subsection applies to only one (1) twenty-four-month period; or
 - (2) Rooms or units in buildings containing living quarters occupied or intended to be occupied by no more than four (4) families living independently of each other, if the owner actually maintains and occupies one (1) of such living quarters as the owner's residence.
- (c) (1) Nothing in this chapter limits the applicability of any reasonable local, state or federal restrictions regarding the maximum number of occupants permitted to occupy a dwelling. Nor does any provision in this chapter regarding familial status apply with respect to housing for older persons.
- (2) As used in this subsection "housing for older persons" means housing:
- a. Provided under any state or federal program that the Secretary of the United States Department of Housing and Urban Development determines is specifically designed and operated to assist elderly persons (as defined in the state or federal program); or
 - b. Intended for, and solely occupied by, persons sixty-two (62) years of age or older; or
 - c. Intended and operated for occupancy by at least one person fifty-five (55) years of age or older per unit. In determining whether housing qualifies as housing for older persons under this subsection the following factors must also be present:
 - 1. The existence of significant facilities and services specifically designed to meet the physical or social needs of older persons, or if the provision of such facilities and services is not practicable, that such housing is necessary to provide important housing opportunities for older persons; and
 - 2. That at least eighty (80) percent of the units are occupied by at least one person fifty-five (55) years of age or older per unit; and
 - 3. The publication of, and adherence to, policies and procedures which demonstrate an intent by the owner or manager to provide housing for persons fifty-five (55) years of age or older.
- (3) Housing shall not fail to meet the requirements for housing for older persons by reason of:
- a. Persons residing in such housing as of the date of enactment of this act who do not meet the age requirements of subsections (c)(2)b. or c.; provided, that new occupants of such housing meet the age requirements of sections (c)(2)b. or c.; or
 - b. Unoccupied units; provided, that such units are reserved for occupancy by persons who meet the age requirements of subsections (c)(2)b. or c.
- (d) Nothing in this chapter prohibits conduct against a person because such person has been convicted two (2) or more times by any court of competent jurisdiction of the illegal manufacture or distribution of a controlled substance as defined in section 102 of the federal controlled substances act (21 U.S.C. 802).

(Ord. No. 92-9493, § 1, 2-3-92; Ord. No. 92-9519, § 3, 7-20-92; Ord. No. 92-9535, § 1, 9-21-92; Ord. No. 15-10771, § 1, 6-1-15)

ARTICLE VI. - HOUSING COMPLAINT PROCEDURES

Sec. 13-105. - Investigation by human relations commission.

Whenever the human relations commission has, in its own judgment, reason to believe that any person has engaged in a discriminatory housing practice in violation of this article, the human relations commission may conduct an investigation without filing a complaint and shall have the same powers during such investigation as provided for in the investigation of complaints. The person to be investigated shall be advised of the nature and scope of the investigation prior to its commencement. The purpose of

the investigation shall be to resolve any such problems promptly. In the event such problems cannot be resolved within a reasonable time, the human relations commission may issue a complaint whenever the investigation reveals a violation of this chapter has occurred. The information gathered in the course of this investigation may be used in processing the complaint.

(Ord. No. 92-9493, § 1, 2-3-92; Ord. No. 15-10771, § 1, 6-1-15; Ord. No. 18-10943, § 1, 7-2-18)

Sec. 13-106. - Complaints.

- (a) Any person aggrieved may file a verified complaint with the supervisor. Such complaints shall be in writing, shall state the facts upon which the allegations of a discriminatory housing practice are based and shall contain such other information and be in such form as the human relations commission may require. Complaints must be filed within one (1) year after the alleged discriminatory housing practice occurred, but may be reasonably and fairly amended at any time.
- (b) Upon receipt of any such complaint the supervisor shall serve notice upon the complainant acknowledging such filing and advising the complainant of the time limits and choice of forums provided under this article. Within ten (10) days after the filing of the complaint the supervisor shall serve on the respondent a notice identifying the alleged discriminatory housing practice and advising the respondent of respondent's procedural rights and obligations under this article, together with a copy of the original complaint. Service of the notice shall be made in the manner prescribed by the state code of civil procedure.
- (c) A respondent may file an answer to the complaint with the supervisor no later than ten (10) days after service of the notice of the complaint.
- (d) A person who is not named as a respondent in a complaint, but who is identified as a possible respondent in the course of investigation, may be joined as an additional or substitute respondent upon written notice, under subsections (a) and (b), to such person from the human relations commission.

(Ord. No. 92-9493, § 1, 2-3-92; Ord. No. 15-10771, § 1, 6-1-15; Ord. No. 18-10943, § 1, 7-2-18)

Sec. 13-107. - Submission of a false, misleading or incomplete complaint, statement, response or report.

Any person who knowingly and intentionally submits or files or causes to be submitted or filed, a false, misleading, or incomplete complaint, statement, response or report with the human relations commission, the supervisor or any of the division's personnel, shall be guilty of a misdemeanor.

(Ord. No. 92-9493, § 1, 2-3-92; Ord. No. 15-10771, § 1, 6-1-15; Ord. No. 18-10943, § 1, 7-2-18)

Sec. 13-108. - Conciliation.

- (a) During the period beginning with the filing of such complaint and ending with the commencement of an administrative hearing or a dismissal of the complaint, the supervisor shall, to the extent feasible, engage in conciliation with respect to such complaint.
- (b) A conciliation agreement arising out of such conciliation shall be an agreement between the respondent and the complainant, and shall be subject to approval by the supervisor. Such agreements may include in the provisions thereof any terms or condition which may be included in a final order of the human relations commission.
- (c) In a manner consistent with K.S.A. 44-1019(f)(1) and amendments thereto, each conciliation agreement shall be made public unless the person aggrieved and respondent otherwise agree and the human relations commission determines that disclosure is not required to further the purposes of this article.
- (d) Any of the parties to a conciliation agreement may apply to the county district court for specific performance of any such agreement.

(Ord. No. 92-9493, § 1, 2-3-92; Ord. No. 15-10771, § 1, 6-1-15; Ord. No. 18-10943, § 1, 7-2-18)

Sec. 13-109. - Investigation.

After the human relations commission assumes jurisdiction of a complaint, the human relations commission shall within thirty (30) days after receipt of the complaint commence an investigation thereof, and complete such investigation, including conciliation, within one hundred (100) days after the filing of the complaint, unless it is impracticable to do so. If the human relations commission is unable to complete the investigation within one hundred (100) days, the human relations commission shall inform the parties in writing of the reasons for not doing so.

(Ord. No. 92-9493, § 1, 2-3-92; Ord. No. 15-10771, § 1, 6-1-15; Ord. No. 18-10943, § 1, 7-2-18)

Sec. 13-110. - Prompt judicial action.

If the human relations commission concludes at any time following the filing of a complaint that prompt judicial action is necessary to carry out the purposes of this chapter, the human relations commission may bring a civil action in the district court of the county, for appropriate temporary or preliminary relief pending final disposition of the complaint under this section. Any temporary restraining order or other order granting preliminary or temporary relief shall be issued in accordance with the rules of civil procedure. The commencement of a civil action under this subsection does not affect the initiation or continuation of administrative proceedings under this article.

(Ord. No. 92-9493, § 1, 2-3-92; Ord. No. 15-10771, § 1, 6-1-15; Ord. No. 18-10943, § 1, 7-2-18)

Sec. 13-110.1. - Final administrative disposition.

The human relations commission shall make final administrative disposition within one (1) year after the filing of the complaint under this article unless it is impracticable to do so. If the human relations commission is unable to make final administrative disposition of the complaint within one (1) year of the date of filing, the human relations commission shall inform the parties in writing of the reasons for not doing so.

(Ord. No. 92-9493, § 1, 2-3-92; Ord. No. 15-10771, § 1, 6-1-15; Ord. No. 18-10943, § 1, 7-2-18)

Sec. 13-111. - Probable cause, conciliation.

- (a) Upon completion of the investigation, three (3) human relations commissioners will be assigned by the supervisor to determine by majority vote, with the advice of the supervisor and, if needed, designated legal counsel, whether probable cause exists based upon the documented results of the investigation.
- (b) If it is determined that no probable cause exists for crediting the allegations of the complaint, the supervisor, within ten (10) business days from such determination, shall cause to be issued and served upon the complainant and respondent written notice of such determination. The supervisor shall then administratively close the human relations commission's complaint file.
- (c) If it is determined that probable cause exists for crediting the allegations of the complaint, the human relations commission shall serve written notice of such determination on the complainant. The human relations commission shall proceed to try to eliminate or correct the alleged unlawful housing practice by informal methods of conference, conciliation and persuasion which shall be held, insofar as possible.

(Ord. No. 92-9493, § 1, 2-3-92; Ord. No. 15-10771, § 1, 6-1-15; Ord. No. 18-10943, § 1, 7-2-18)

Sec. 13-112. - Conciliation failure.

If the human relations commission is unable to resolve the alleged unlawful housing practice, it shall notify the parties in writing that conciliation efforts have failed.

(Ord. No. 92-9493, § 1, 2-3-92; Ord. No. 15-10771, § 1, 6-1-15; Ord. No. 18-10943, § 1, 7-2-18)

Sec. 13-113. - Election for civil action.

- (a) After the human relations commission has issued a notice of conciliation failure pursuant to section 13-112 of this article, the complainant, the respondent, or the human relations commission may elect to have the claims and issues asserted in the probable cause determination decided in a civil action commenced and maintained by the human relations commission.
- (1) An election for a civil action under this subsection shall be made no later than twenty (20) days after an electing complainant or respondent receives the notice of conciliation failure, or if the human relations commission makes the election, not more than twenty (20) days after the notice of conciliation failure is issued. A complainant or respondent who makes an election for a civil action pursuant to this subsection shall give notice to the human relations commission. If the human relations commission makes an election, it shall notify all complainants and respondents of the election.
- (2) If an election is made under this subsection, no later than sixty (60) days after the election is made the human relations commission shall commence a civil action in the federal district court in its own name on behalf of the complainant. In such an action, the human relations commission shall be represented by an attorney employed by the human relations commission.
- (b) In a civil action brought under this section, the rights and remedies of the parties shall be determined by applicable federal law. The relief that may be granted in such a civil action shall include at least actual and punitive damages, injunctive and equitable relief as provided by applicable federal law.

(Ord. No. 92-9493, § 1, 2-3-92; Ord. No. 92-9519, § 4, 7-20-92; Ord. No. 15-10771, § 1, 6-1-15; Ord. No. 18-10943, § 1, 7-2-18)

Sec. 13-114. - Administrative hearing.

If the human relations commission is unable to eliminate or correct the alleged discriminatory housing practice by informal methods of conference, conciliation and persuasion, and if an election for a civil action is not made pursuant to section 13-113, the human relations commission shall commence a hearing before a hearing officer in accordance with the provisions of the Kansas administrative procedures act naming as parties the complainant and the respondent(s). The burden of proof shall be on the complainant.

(Ord. No. 92-9493, § 1, 2-3-92; Ord. No. 15-10771, § 1, 6-1-15; Ord. No. 18-10943, § 1, 7-2-18)

Sec. 13-115. - Subpoenas.

The complainant or respondent may apply to the supervisor with a request that the human relations commission issue subpoenas for the attendance of any person or the production or examination of any books, records or documents pertinent to the proceeding at the hearing. Upon such application the human relations commission shall issue such subpoenas.

(Ord. No. 92-9493, § 1, 2-3-92; Ord. No. 15-10771, § 1, 6-1-15; Ord. No. 18-10943, § 1, 7-2-18)

Sec. 13-116. - Presentation of case.

The case in support of the complaint shall be presented before the hearing officer by the designated legal counsel or by private counsel of the complainant. Any endeavors at conciliation shall not be received in evidence.

(Ord. No. 92-9493, § 1, 2-3-92; Ord. No. 15-10771, § 1, 6-1-15)

Sec. 13-117. - Order of hearing officer; affirmative action; notice of compliance.

- (a) If the hearing officer shall find that a respondent has engaged in or is engaging in any discriminatory housing practice, the hearing officer shall render an order requiring the respondent to cease and desist from such discriminatory

housing practice, and such order may direct a respondent to take such affirmative action as the hearing officer deems necessary to effectuate the intent and purposes of this article, including, but not limited to, the selling or renting of specified real property and the lending of money for the acquisition, construction, rehabilitation, repair or maintenance of real property. Such order may also include an award of compensatory damages and of damages for pain, suffering and humiliation which are incidental to the act of discrimination, except that an award for such pain, suffering and humiliation shall in no event exceed the sum of two thousand dollars (\$2,000.00). Such order may also, to vindicate the public interest, assess a civil penalty against the respondent:

- (1) In an amount not exceeding ten thousand dollars (\$10,000.00), if the respondent has not been adjudged to have committed any prior discriminatory housing practice;
- (2) Subject to the provisions of subsection (a)(4), in an amount not exceeding twenty-five thousand dollars (\$25,000.00), if the respondent has been adjudged to have committed one (1) other discriminatory housing practice during the five-year period ending on the date of the filing of the complaint;
- (3) Subject to the provisions of subsection (a)(4), in an amount not exceeding fifty thousand dollars (\$50,000.00), if the respondent has been adjudged to have committed two (2) or more discriminatory housing practices during the seven-year period ending on the date of the filing of the complaint; and
- (4) If the acts constituting the discriminatory housing practice that is the object of the complaint are committed by the same natural person who has been previously adjudged to have committed acts constituting a discriminatory housing practice in the amounts provided by subsections (a)(2) and (a)(3) without regard to the period of time within which any subsequent discriminatory housing practice occurred.

Such civil penalties shall be paid into the city treasury to the credit of the city general fund.

- (b) The order of the hearing officer shall be deemed an order of the human relations commission.
- (c) The human relations commission's order shall be subject to enforcement and review pursuant to K.S.A. 12-16,106 and amendments thereto.
- (d) Within fifteen (15) days after the hearing officer's order is served by the human relations commission requiring or prohibiting action by a respondent, the respondent shall notify the human relations commission in writing of the manner in which the respondent has complied with the order.
- (e) In the case of an order with respect to a discriminatory housing practice that occurred in the course of a business subject to a licensing or regulation by a state agency, the human relations commission may, not later than thirty (30) days after the respondent has complied with the order, or, if such order is judicially reviewed under subparagraph (c) above, thirty (30) days after such order is in substance affirmed upon such review:
 - (1) Send copies of the findings of fact, conclusions of law, and the order, to that agency; and
 - (2) Recommend to the agency appropriate disciplinary action, including, where appropriate, the suspension or revocation of the license of the respondent.

(Ord. No. 92-9493, § 1, 2-3-92; Ord. No. 92-9519, § 5, 7-20-92; Ord. No. 15-10771, § 1, 6-1-15; Ord. No. 18-10943, § 1, 7-2-18)

Sec. 13-118. - Dismissal of complaint.

If the hearing officer finds that a respondent has not engaged in an unlawful discriminatory housing practice, the hearing officer shall render an order dismissing the complaint as to such respondent.

(Ord. No. 92-9493, § 1, 2-3-92; Ord. No. 15-10771, § 1, 6-1-15)

Sec. 13-119. - Rules.

The human relations commission is hereby authorized to adopt rules of practice to govern, expedite and effectuate the foregoing procedure and its own actions thereunder.

(Ord. No. 92-9493, § 1, 2-3-92; Ord. No. 15-10771, § 1, 6-1-15; Ord. No. 18-10943, § 1, 7-2-18)

Secs. 13-120—13-130. - Reserved.

ARTICLE VII. - PUBLIC CONTRACTS

Sec. 13-131. - Required contract provisions.

- (a) Every contract for or on behalf of the city or any agency thereof, for construction, alteration or repair of any public building or public work or for the acquisition of materials, equipment, supplies, or services, shall contain provisions by which the contractor and any subcontractors agree that:
- (1) The contractor and any subcontractor shall observe the provisions of this chapter and the state Act Against Discrimination and shall not discriminate against any person in the performance of work under the present contract because of race, religion, age, color, sex, disability, national origin, or ancestry;
 - (2) In all solicitations, or advertisements for employees, the contractor shall include the phrase "equal opportunity employer," or a similar phrase to be approved by the city's community relations supervisor;
 - (3) If the contractor fails to comply with the manner in which the contractor reports to the human relations commission or the state human rights commission in accordance with the provisions of this chapter or K.S.A. 44-1031 and amendments thereto, the contractor shall be deemed to have breached the present contract and it may be canceled, terminated or suspended, in whole or in part, by the city;
 - (4) If the contractor is found guilty of a violation of this chapter or the Kansas Act Against Discrimination under a decision or order of the human relations commission or the state human rights commission which has become final, the contractor shall be deemed to have breached the present contract and it may be canceled, terminated or suspended, in whole or in part, by the city; and
 - (5) The contractor shall include the provisions of subsections (a)(1) through (4) in every subcontract or purchase order so that such provisions will be binding upon such subcontractor or vendor.
- (b) Every contract entered into by the city or any of its agencies shall include a provision that during the performance of the contract, the contractor will not discriminate against any employee or applicant for employment in the performance of the contract, and every contractor shall include similar provisions in all subcontracts under such person's contract with the city.
- (c) The provisions of this article shall not apply to a contract entered into by a contractor
- (1) Who would not be considered an "employer" as defined in section 13-2;
 - (2) Whose contracts with the city cumulatively total five thousand dollars (\$5,000.00) or less during the calendar year.

(Ord. No. 92-9493, § 1, 2-3-92; Ord. No. 13-10720, § 1, 12-9-13; Ord. No. 15-10771, § 1, 6-1-15; Ord. No. 18-10943, § 1, 7-2-18)

Secs. 13-132—13-140. - Reserved.

Editor's note— §§ 13-132 through 13-134 were repealed and combined with § 13-131 by Ordinance No. 13-10720.

ARTICLE VIII. - ORGANIZATIONAL STRUCTURE AND RESPONSIBILITIES FOR CARRYING OUT CITY'S COMMITMENT TO PRINCIPLE OF NONDISCRIMINATION IN CITY EMPLOYMENT

Secs. 13-141—13-144. - Reserved.

Sec. 13-145. - Administration.

The administration of this article shall be the responsibility of the city manager.

(Ord. No. 92-9493, § 1, 2-3-92; Ord. No. 15-10771, § 1, 6-1-15)

Sec. 13-146. - Selection standards.

- (a) The city shall cause a review of all job specifications to assure that requirements contained therein are job related and do not present unreasonable barriers for entry by minority, female or disabled applicants.
- (b) The city shall cause a review of all written examinations administered to assure that they do not have a discriminatory effect on minority, female or disabled applicants.
- (c) As new classifications are established, or new selection standards utilized, the city will review each standard to assure its nondiscriminatory nature.

(Ord. No. 92-9493, § 1, 2-3-92; Ord. No. 15-10771, § 1, 6-1-15)

Sec. 13-147. - Recruiting and advertising.

- (a) In order to insure nondiscrimination in employment opportunities, the human resources director shall promptly notify the supervisor of any vacancy to be filled. The human resources director shall, upon receiving any job vacancy listing, promptly post notice of such in public locations in at least three (3) places throughout the city. The human resources director shall be responsible for seeing that an advertisement is given publication in at least one (1) and not more than three (3) periodical news agencies with general circulation in the city. The city shall be responsible for the payment of all advertising costs. No person shall be employed to fill any vacancy, except in the semiskilled and laborer-type categories, within ten (10) days after the vacancy is listed with the supervisor, unless in the opinion of the city manager, an emergency exists. Vacancies in the semiskilled and laborer-type categories may be filled after publication of the vacancy. All applications for employment shall be filled with the human resources director.
- (b) Recruiting efforts shall be directed toward educational institutions having minority and/or female or disabled enrollment.
- (c) Communications and referral relationships shall be established and maintained with groups and organizations likely to yield minority, female or disabled applicants.
- (d) Advertising for applicants shall be done in the manner most likely to reflect the city's affirmative desire to attract minority, female and disabled applicants.

(Ord. No. 92-9493, § 1, 2-3-92; Ord. No. 15-10771, § 1, 6-1-15; Ord. No. 18-10943, § 1, 7-2-18)

Sec. 13-148. - Equal employment opportunity management.

- (a) It shall be unlawful for the head of any department, official agent, or employee of the city or of any department thereof acting for or on behalf of said city in any manner involving employment by the city, to discriminate against any person otherwise qualified in employment or in tenure, terms or conditions of employment, or to discriminate in promotion or increase in compensation; or to publish offers of or to offer employment based upon such discrimination; or to adopt or enforce any rule or employment policy which discriminates between employees or prospective employees; or to seek information relating to age, race, sex, religion, color, national origin, ancestry or disability from any person or employee, as a condition of employment, tenure, terms or in connection with conditions of employment, promotion or increase in compensation unless such information is demonstrably valid as being an essential qualification, or to discriminate in the selection of personnel for training.
- (b) The directors will work closely with each department head in the following areas:
 - (1) *Classification plan.* Analyze and restructure where justified to provide maximum opportunity for applicants to

qualify for employment, as well as, for employees to advance.

- (2) *Staff orientation.* Initiate programs to assure that all personnel responsible for selection and supervision are aware of and provided with training to develop skill in implementing the equal employment opportunity program.
- (3) *Identify areas for concentrated efforts.* The directors shall develop statistical information relative to the utilization of minorities, females and the disabled in all departments of the city, identify areas of underutilization, and develop goals and methods for correcting such underutilization.

(Ord. No. 92-9493, § 1, 2-3-92; Ord. No. 15-10771, § 1, 6-1-15)

Sec. 13-149. - Evaluation.

- (a) There is hereby established an equal employment opportunity evaluation committee composed of the city manager, the human resources director, the supervisor and other department heads as the city manager may deem appropriate. The city manager shall serve as chair of the committee.
- (b) The committee shall advise the department heads on implementation procedures, identification of areas for concentrated efforts, and aid in other matters related to implementation of the program.
- (c) The committee shall meet not less than semi- annually review overall progress on implementation of the program. They shall make any modifications as may be necessary to assure maximum, effective implementation of the program.

(Ord. No. 92-9493, § 1, 2-3-92; Ord. No. 15-10771, § 1, 6-1-15; Ord. No. 18-10943, § 1, 7-2-18)

Sec. 13-150. - Training for upward mobility.

The city manager will take measures to assure that maximum opportunity is afforded to minorities, women and the disabled for entry into training or educational programs which will enhance their employment for upward mobility potential.

(Ord. No. 92-9493, § 1, 2-3-92; Ord. No. 15-10771, § 1, 6-1-15)

Sec. 13-151. - Reports.

The city manager will submit an annual report to the board of commissioners on the status of the equal employment opportunity program.

(Ord. No. 92-9493, § 1, 2-3-92; Ord. No. 15-10771, § 1, 6-1-15)

City of Salina Accessibility Advisory Board Survey 2021

- 1) Are you a person with a disability? y/n
- 2) Do you have a close relationship with, or provide assistance to, a person with a disability? y/n
- 3) What are your/their greatest challenges as a person with a disability? _____
- 4) What has been your experience of attitudes and behavior towards people with disabilities in Salina? Please rate your response on a scale of 1 to 10, 1 being *Very Negative* and 10 being *Very Accommodating*. _____
- 5) On a scale of 1 to 10, 1 being *No Concerns* and 10 being *Very Serious Concerns*, how would you rate accessibility concerns related to your housing? _____
- 6) In your current residence could you accommodate someone who used a manual wheelchair or walker:
 - a) to enter the home from the outside? y/n
 - b) to access a main floor bathroom? y/n
 - c) to access a main floor bedroom? y/n
 - d) to access a main floor kitchen or food preparation area? y/n
- 7) Would you like to learn more about residential accessibility (Universal Design) for your home? y/n
- 8) Do you have challenges accessing local businesses or facilities? y/n If so, where? _____
- 9) Do you know anyone who advocates for accessibility in Salina? Who? _____
- 10) Are you aware of the Americans with Disabilities Act (ADA)? y/n On a scale of 1 to 10, 1 being *Not at All* and 10 being *Exceptionally Well*, how

would you rate Salina's compliance with the requirements of the ADA?

- 11) Are you aware of resources and agencies in Salina who advocate for persons with disabilities? y/n If so, please tell us about them. _____
- 12) Would you like to identify a need for which you would like assistance/advocacy? _____
- 13) Please tell us about any other accessibility concerns you have. _____
- 14) Would you please provide your approximate age? _____
- 15) If you would like to be contacted about residential accessibility (Universal Design) in your home, or about any other material addressed in this survey, please provide the best means by which to contact you. Someone from the Salina Accessibility Advisory Board will reach out to you in a timely manner.

Thank you!

Disability Support/Resources

AMBUCS: Non-profit charitable organization with a goal to conquer challenges related to mobility and independence.

- Phone: (800)-838-1845
- Website: <https://ambucs.org/>
- Location: P.O. Box 5127 High Point, North Carolina 27262
- Email: ambucs@ambucs.org

Choices Network, Inc.: Choices goal is to promote and enhance the quality of life, social integration, and to support individuals with developmental disabilities of all ages. They want people with developmental disabilities to have the opportunity to be active members in their community and to live the same quality of life as others.

- Phone: 785-820-8018
- Website: <http://www.choicesnetwork.net/>
- Address: 2151 Centennial Rd., P.O. Box 2657 Salina, Kansas 67401
- Office Hours: Monday – Friday 8 AM- 4 PM

Disability Rights Center of Kansas: a public interest legal advocacy agency empowered by federal law to advocate for the civil and legal rights of Kansans with disabilities.

- Topeka Voice: 785-273-9661
- Toll Free Voice: 1-877-776-1541
- Toll Free TDD: 1-877-335-3725
- Website: <https://www.drckansas.org/>
- Address: 214 SW 6th Ave., Ste 100 Topeka, Kansas 66603
- Office hours: Monday- Friday 8 AM- 5 PM

Independent Connection: The goal is to eliminate barriers so all people have the right to make their own decisions and exercise control over their own lives. They work with people of all ages and disabilities to locate services and eliminate physical and philosophical barriers so living independently is a reality for all.

- Phone: (785) 452-9580

- Website: <http://indconnectinc.com/>
- Address: 436 S. Ohio St, Salina, Kansas 67401
- Office Hours: Monday- Friday 8:30 AM – 4:30 PM

National Association of the Deaf (NAD): The nation’s premier civil rights organization by and for deaf and hard of hearing individuals in the United States. NAD was created to improve the lives of deaf and hard of hearing Americans.

- Videophone: 301-587-1788 (ZVRS)
 - 301-328-1443 (Sorenson)
 - 301-338-6380 (Convo)
 - 301-453-2390 (Purple)
- TTY: 301-587-1789
- Email: nad.info@nad.org
- Website: <https://www.nad.org/>

National Federation of the Blind: They coordinate many programs, services, and resources to defend the rights of the blind Americans, provide information and support to blind children and adults, and build a community that creates a future full of opportunities.

- Phone: 410-659-9314
- Email: nfb@nfb.org
- Address: 200 East Wells Street at Jernigan Place Baltimore, Maryland 21230

OCCK, Inc.: assist people who have short and long-term disabilities within the areas of employment, independent living, and community engagement.

- Toll Free Phone: 1-800-526-9731
- Direct Phone: (785) 827-9383
- Website: <https://occk.com/>
- Address: 1710 W. Shilling Road, P.O. Box 1160 Salina, Kansas
- Office Hours: Monday- Friday 8 AM- 5 PM

S.A.id (Special Needs and Alerts Identification Program): A special needs and alert identification program that provides local first responders with resources to identify and assist individuals with special needs in emergency situations. This allows parents, guardians, caregivers or individuals to have the opportunity to

complete a form that gives permission to have a specialized alert in their communication database. This Alert helps defines the individual's condition or needs to the first responders prior to arrival, improving their response, interaction, and communication with individual.

- Wayne Pruitt (Director of Emergency) Phone: (785) 826-7210
- Wayne Pruitt Email: wayne.pruitt@salina.org
- Amber Pfeifer (Lead Dispatcher) Phone: (785) 826-7210
- Amber Pfeifer Email: amber.pfeifer@salina.org
- Address: 255 N. 10th St. Salina, KS 67401
- Website: <http://www.salina-ks.gov/said>

Self-Advocate Coalition of Kansas (SACK): statewide advocacy group made up of adults with intellectual and/or developmental disabilities. SACK encourages and teaches people to speak up for themselves and to obtain the highest possible level of independence. The goal is to promote empowerment and independence for adults with developmental disabilities.

- Phone: 785-749-5588
- Address: 2518 Ridge Ct. #236 Lawrence, Kansas 66046
- Email: stephs@sackonline.org
- Website: <https://sackonline.org/>

Vocational Rehabilitation: empower Kansans with disabilities to become gainfully employed and self-sufficient.

- Phone: 785-826-8000
- Website: <http://www.dcf.ks.gov/services/rs/Pages/default.aspx>
- Address: 901 Westchester Dr. # A, Salina, Kansas 67401
- Office Hours: Monday- Friday 8 AM- 5 PM

Transportation

OCCK Transportation: provides transportation services with a fixed route service to the general public. This includes seniors, persons with disabilities, and more.

- Phone: 785-826-1583
- Email: citygo@occk.com

- Website: <https://salinacitygo.com/>
- Address: 340 N. Santa Fe Salina, Kansas
- Office Hours: 8:00 AM-5:00 PM

Civil Rights Information and Assistance

HUD Exchange: The HUD Exchange is an online platform for providing program information, guidance, services, and tools to HUD's community partners. On HUD Exchange webpage, they provide resources and trainings. They also provide program support and Grantee Data and Profiles.

- Main Page: <https://www.hudexchange.info/>
- Training : <https://www.hudexchange.info/trainings/>
- Resources: <https://www.hudexchange.info/resources/>

Kansas Human Rights Commission: The mission of the Kansas Human Rights Commission is to prevent and eliminate discrimination and assure equal opportunities in all employment relations, to eliminate and prevent discrimination, segregation or separation, and assure equal opportunities in all places of public accommodations and in housing.

- Phone: 785-296-3206
- Fax: 785-296-0589
- Website: <http://www.khrc.net/main.html>
- Email: khrc@ks.gov
- Address: 900 SW Jackson, Suite 568-S Topeka, KS 66612
- Office Hours: Monday- Friday 8:00 AM- 5:00 PM

Salina Community Relations Division: the goal is to eliminate discrimination and to establish equality and justice for people in Salina through civil rights enforcement, advocacy, and education. Community Relations investigate complaints alleging discrimination in employment, public accommodations, and housing.

- Phone: 785-309-5745
- Phone TDD: 785-309-5747
- Website: <http://www.salina-ks.gov/crd>
- Email: community.relations@salina.org

- Address: 300 W. Ash St. Rm 101 Salina, Kansas 67401
- Office Hours: Monday- Friday 8 AM- 5 PM

Kansas Legal Services: nonprofit corporation that is devoted to helping low income Kansans meet their basic needs through the provision of important legal and mediation service.

- Phone: 785-825-8147
- Website: <https://www.kansaslegalservices.org/node/1874/salina-office-kansas-legal-services>
- Email: Candace Bridgess (Managing Attorney) bridgessc@klsinc.org
- Address: 2302 Planet Avenue Salina, Kansas 67401
- Office Hours: 7:30 AM – 5:00 PM

Services for Families

Department of Children and Families (DCF): DCF offers many different services. Some of the services they provide are Child Support Services, Economic and Employment Services, Prevention and Protection Services, and Rehabilitation Services. DCF also offers a list of hotline numbers, forms to report abuse and fraud, and many more.

- Phone: 785-826-8000
- Phone TDD: 1-800-766-3777
- Website: <http://www.dcf.ks.gov/Pages/default.aspx>
- Address: 901 Westchester Dr., Suite A. Salina, Kansas 67401
- Office Hours: 8 AM – 5 PM

Financial Support

U.S. Social Security Administration: Supporting their customers by delivering financial support, providing superior customer service and ensuring safety and security of your information.

- Phone: 1-877-405-3494
- TTY: 1-800-325-0778
- Address: 1410 E Iron Ave #7 Salina, Kansas 67401

- Website: <https://www.ssa.gov/>

Health Care

KanCare: a program that the State of Kansas administers Medicaid. KanCare is delivering whole-person, integrated care to more than 415,000 people across the state.

- Website: <https://kancare.ks.gov/home>
- Link to list of numbers for contact: <https://kancare.ks.gov/contact-us>

CITY OF SALINA

BOARDS AND COMMISSION ANNUAL REPORTING FORM

Annual Report of the Year: 2020

BOARD: Accessibility Advisory Board

ACCOMPLISHMENTS: List three to five accomplishments your board/commission has achieved.

- ❖ Created accessibility survey
- ❖ Created disability support resource list
- ❖ Engaged City staff about crosswalk concerns (audible signals for the visually impaired).

GOALS: List three to five new goals that your board/commission has set.

- ❖ Goal #1: Identify obstacles to community participation for people with disabilities in Salina
- ❖ Goal #2: Eliminate or mitigate one accessibility barrier in Salina.
- ❖ Goal #3: Serve as accessibility subject matter experts for the City Commission and City staff as needed.

OTHER ITEMS OF INTEREST: (Optional) List any items that you feel would be beneficial for the City Commission to be aware of.

- ❖ Discuss various avenues to distribute Accessibility Survey

ATTENDANCE: List all members that have served during the reporting year. Please enter the number of meetings attended and the number of total meetings. Enter each member's percentage of attendance.

<u>Member</u>	<u>Meetings Attended</u>	<u>Percentage</u>
Bill Cumberland	1 of 2	50%
Brad Daily	4 of 4	100%
Jack Davis	1 of 2	50%
Micah Eklun	0 of 2	0%
Margaret Finger	4 of 4	100%
Kathy Mastin	2 of 4	50%
Claire Mullen	1 of 4	25%
Lisa Ochs	4 of 4	100%
David Powell	4 of 4	100%
Bill Rowson	2 of 2	100%
Taya Smith	3 of 4	75%