

RESOLUTION 85-16

To Approve Amendments to the Contract Compliance Regulations of the
City of Bloomington

WHEREAS, the Human Rights Commission of the City of Bloomington has considered and adopted certain amendments to the Contract Compliance Regulations of the Bloomington Human Rights Commission; and

WHEREAS, Section 5.2 of the Contract Compliance Regulations provides that any amendments become effective when adopted by a simple majority of the Bloomington Human Rights Commission and approved by Resolution of the Common Council of the City of Bloomington:

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA:

The Amendments to the Contract Compliance Regulations, adopted by the Human Rights Commission on March 14, 1985, a copy of which is attached and made a part hereof, are hereby approved.

PASSED and ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 15 day of MAY, 1985.

Patricia A. Gross
PATRICIA GROSS, President
Bloomington Common Council

ATTEST:

Patricia Williams
PATRICIA WILLIAMS, City Clerk

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 16 day of May, 1985.

Patricia Williams
PATRICIA WILLIAMS, City Clerk

SIGNED and APPROVED by me upon this 17 day of May, 1985.

Tomilea Allison
TOMILEA ALLISON, Mayor
City of Bloomington

SYNOPSIS

This Resolution approves certain amendments to the Contract Compliance Regulations of the Bloomington Human Rights Commission as adopted by the Commission on March 14, 1985.

Date: 5/3/85

The proposed amendments to the Contract Compliance Committee

Regulation would do the following things:

- (a) They would correct some incorrect citations to the Bloomington Municipal Code;
- (b) They would direct the Contract Compliance Officer to base his/her finding of acceptability or unacceptability on a checklist approved by the Contract Compliance Committee;
- (c) Under the current regulations, after the Contract Compliance Officer finds that an Affirmative Action Plan is unacceptable, the Contract Compliance Committee meets and either approves the finding of unacceptability or overrules it. If the finding is upheld, the contractor is then notified of his/her right to a timely appeal to a court of law. These amendments would change that procedure in that upon a finding of unacceptability by the Contract Compliance Officer, the contractor who submitted the unacceptable plan would be promptly notified of the finding of unacceptability so that he/she could attend the Contract Compliance Committee meeting in order to present his/her case to try to convince the Committee to overrule the finding of unacceptability. If the finding of unacceptability is upheld by the Contract Compliance Committee, the contractor still has the right to appeal to a court of law;
- (d) They would amend the factors to be considered by the Contract Compliance Committee in overruling a finding of unacceptability; and would make those factors non-exclusive;
- (e) They would clarify that a simple majority of a quorum present is what is required for a valid finding by the Contract Compliance Committee.
- (f) Under the current regulations, amendments to the regulations become effective when adopted by a simple majority of the Bloomington Human Rights Commission at a public hearing and approved by resolution by the Common Council. The proposed amendments would allow all amendments except those pertaining to exemptions from the regulations, to become effective upon a vote of a simple majority of the Human Rights Commission at a public hearing. Amendments pertaining to exemptions from the regulations would only become effective after adoption by a simple majority of the Human Rights Commission and at a public hearing and approval by resolution by the Common Council.

*A copy of the current Contract Compliance Rules is available in the Council office. We have not mailed the rules due to cost of postage, but will have copies available at Wednesday's meeting.

APPROVED CHANGES TO CONTRACT COMPLIANCE REGULATIONS

2.1(A&B), 4.1 (E), 4.1(F), 5.1(B) -

Reference to 2.60.050 and 2.60.070 is changed to read
2.21.070 and 2.21.060.

4.1(C) Line 20 (add after "presented to the C.C.C.") and to the
non-complying bidder with notice of their right to appeal
the finding to the C.C.C. within seven (7) days of receipt
of notice of the finding of unacceptability.

4.1(C) Line 21 (add after "The C.C.C. shall") expeditiously hear
any appeal from a finding of unacceptability and determine
whether to overrule said finding. A determination to overrule
said finding shall be made by a simple majority of a
quorum of the Contract Compliance Committee in writing, as
evidenced by the majority members' signatures thereon.
The official or body of the City of Bloomington awarding
the contract and the Mayor shall be informed if said plan
is found acceptable by the Bloomington Human Rights Commission.

4.1(D) Lines 1 & 2 (delete) and the C.C.C.

Line 2 (making "finding of acceptability and unacceptability
shall base said findings on a checklist approved by the C.C.C.

~~Line 5 (Add after "following") non-exclusive~~

Line 6 (add after "regulations") and shall make written
findings as to the factors considered relevant to any
determination.

*and the Contract
Compliance Committee
in deciding appeals
from findings of
unacceptability shall
consider the ~~for~~
following as a
exclusive*

4.1(D)

(1) (substitute) Whether the plan was originally submitted in
accordance with these regulations and whether it is currently
in accordance.

- 4.1(D)
(2) (substitute) Whether the bidder has previously been found unacceptable and whether he had otherwise complied with his obligations under these regulations?
- 4.1(D)
(3) (substitute) Whether there is any past, current, or future affirmative action taken or intended by the bidder, which is evidenced in the body of the plan?
- 4.1(D)
(4) (substitute) Whether there are other bidders and if so whether another bidder in compliance with these regulations will be effected by the overruling of the finding of unacceptability?
- 4.1(E) (last line delete) null and void, (add) voidable.
- 4.2(B) (line 4 delete) ~~Bldg~~ Human Rts Comm, (add) Contract Compliance Committee
(line 8 add after "officer") or other agent,
- 4.2(C) (line 2 delete) by the Contract Compliance Officer
(lines 10 & 11 delete) the Director of the B.H.R.C.
(line 17 add after "hearing"), as evidenced by the return receipt.
(line 19 delete) shall automatically (add) "may"
- 4.2(D) (line 1 add after "decision") by a simple majority vote of a quorum present, as evidenced in writing by the signatures of that majority,
- 4.2(E) (line 7 delete) Director of the
(line 8 add after "Commission") Attorney
(line 8 delete) Director (add) Commission Attorney
- 5.1(A) (line 1 add after "adopted") and become effective
(line 4 delete) These (add) However,
(line 5, add after "thereto") pertaining to exemptions from these regulations can only