

ORDINANCE NO. 14,520

AN ORDINANCE to amend the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, by adding and enacting a new Section 62-16 thereof, relating to a sixty-day administrative right-to-sue release.

Be It Ordained by the City Council of the City of Des Moines, Iowa:

Section 1. That the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, is hereby amended by adding and enacting a new Section 62-16 relating to a sixty-day administrative right-to-sue release, as follows:

Sec. 62-16. Sixty-day administrative release.

1. A person claiming to be aggrieved by an illegal discriminatory practice must initially seek administrative relief by filing a complaint with the commission in accordance with section 62.2. After the proper filing of a complaint with the commission, a complainant may subsequently commence an action for relief in the district court if all of the following conditions have been satisfied:
 - a. The complainant has timely filed the complaint with the commission as provided in section 62.2(b); and
 - b. The complaint has been on file with the commission for at least sixty days and the commission has issued a release to the complainant pursuant to subsection 2 of this section.
2. Upon a request by the complainant, and after the expiration of sixty days from the timely filing of a complaint with the commission, the commission shall issue to the complainant a release stating that the complainant has a right to commence an action in the district court. A release under this subsection shall not be issued if a finding of no probable cause has been made on the complaint, a conciliation agreement has been executed under section 62-5, the commission has served notice of hearing upon the respondent pursuant to section 62-8, or the complaint is closed as an administrative closure and two years have elapsed since the issuance date of the closure.
3. An action authorized under this section is barred unless commenced within ninety days after issuance by the commission of a release under subsection 2 of this section. If a complainant obtains a release from the commission under subsection 2 of this section, the commission is barred from further action on the complaint.
4. Venue for an action under this section shall be in the county in which the respondent resides or has its principal place of business, or in the county in which the alleged unfair or discriminatory practice occurred.
5. The district court may grant any relief in an action under this section which is authorized by this chapter to be issued by the commission. The district court may also award the

respondent reasonable attorney's fees and the court costs if the court finds that the complainant's action was frivolous.

Sec. 2. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

FORM APPROVED:

Emily Gould Chafa, Assistant City Attorney

T.M. Franklin Cownie, Mayor

Attest:

I, Diane Rauh, City Clerk of the City of Des Moines, Iowa, hereby certify that the above and foregoing is a true copy of an ordinance (Roll Call No. 05-2911A), passed by the City Council of said City at a meeting held December 5, 2005 signed by the Mayor on December 5, 2005 and published as provided by law in the Business Record on December 19, 2005 Authorized by Publication Order No. 4979.

Diane Rauh, City Clerk