

★ **Roll Call Number**

Agenda Item Number

52 A

Date ..... February 12, 2007

**APPROVING AND AUTHORIZING EXECUTION OF A CONTRACT  
(COOPERATIVE AGREEMENT) WITH THE IOWA CIVIL RIGHTS COMMISSION**

WHEREAS, the Iowa Civil Rights Commission desires to enter into a cooperative agreement with the City of Des Moines Human Rights Commission; and

WHEREAS, the agreement is designed to ensure an efficient, effective, and coordinated state-local civil rights enforcement program and partnership; and

WHEREAS, the proposed agreement provides for partial reimbursement for Des Moines Human Rights Commission work paid by the State through the Iowa Civil Rights Commission; and

WHEREAS, the proposed agreement is the same agreement offered to other local human rights commissions in Iowa and was approved by the Des Moines Human Rights Commission at its meeting on February 8, 2007;

NOW, THEREFORE, BE, AND IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA

That the Cooperative Agreement a copy of which is now on file in the office of the City Clerk between The City of Des Moines Human Rights Commission and the Iowa Civil Rights Commission be approved and that the Mayor and City Clerk are hereby authorized and directed to execute and attest, respectively, said Agreement for and on behalf of the City of Des Moines, Iowa.

MOVED BY \_\_\_\_\_ TO ADOPT.

APPROVED AS TO FORM:

\_\_\_\_\_  
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
TOTAL				

MOTION CARRIED

APPROVED

\_\_\_\_\_  
Mayor

**CERTIFICATE**

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

\_\_\_\_\_  
City Clerk

**COOPERATIVE AGREEMENT**  
Between  
**CITY OF DES MOINES HUMAN RIGHTS COMMISSION**  
&  
**IOWA CIVIL RIGHTS COMMISSION**  
400 E. 14<sup>th</sup> Street Des Moines, IA 50319

Date \_\_\_\_\_

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1. **Definitions:** As used in this Cooperative Agreement the following terms shall be defined as follows:
  - a) "Commission" means the Iowa Civil Rights Commission
  - b) "Fiscal year 07" means from July 1, 2006 to June 30, 2007.
2. **Authority:** In order to effectuate the purposes of the "Iowa Civil Rights Act," the Commission now enters into a Cooperative Agreement with the City of Des Moines and its Des Moines Human Rights Commission. Iowa Code §216.19 (2001).
3. **Purpose:** The purpose of this Cooperative Agreement is to assist the State Commission in resolving the high volume of complaints alleging discrimination and to reduce case backlogs, without compromising quality or the integrity of the system. The criteria and parameters set by the Agreement are designed to ensure an efficient, effective, and coordinated State-Local civil rights enforcement program and partnership.
4. **Scope:** Under this Cooperative Agreement, the Commission contracts with the City of Des Moines Human Rights Commission for the satisfactory intake and resolution of complaints whose allegations fall within the prohibitions of Iowa Code §§216.6, 216.7, 216.9, 216.10 and 216.11.
5. **Period:** This Cooperative Agreement will run during Fiscal Year 07. There is no commitment on the part of the Commission to contract with Des Moines Human Rights Commission for the resolution of complaints after June 30, 2007.
6. **Total Amount:** The total amount that the Commission can be required to spend, as aggregate compensation to **all contracting Local Commissions** for work performed under this and all other Cooperative Agreements Fiscal Year 07, is \$20,000 maximum. If insufficient funds exist for payment of all cases tendered for payment by the contracting Local Commissions, payment shall be allocated on a first-come first-served basis, according to the date of submission of the case(s).
7. **Payment Date:** The Commission conditions payment to the City of Des Moines for work performed under this Agreement on acceptance of that work by the Commission. The Commission will only make payment for each case submitted in the calendar month following acceptance of the work. In the case of payment for intake services, the Commission accepts the work when the Commission opens the case file corresponding to the intake.
8. **Payment Schedule:**
  - (a) **Intakes only** – The Commission intends to pay \$15.00 to the City of Des Moines for each intake completed by the Des Moines Human Rights Commission, which results in a complaint cross-filed with the Commission and transmitted to the Commission for further processing.
  - (b) **Intakes with Resolutions** – For each complete intake with complaint resolution performed by the Des Moines Human Rights Commission and accepted by the Commission, the Commission intends to pay \$55.00 to the City of Des Moines. Resolutions include Satisfactory Adjustments, Withdrawals, Administrative Releases, Administrative Closures for Failure to Cooperate and Unable to Locate, No Probable Causes and

Probable Causes. Whenever possible, Administrative Closures for failure to locate the complainant or of the complainant to cooperate with the investigation should be based upon on the merits of the case. This means that, after the local commission makes a good-faith effort to locate the complainant and encourage their cooperation, the City's decision on the case should refer to the **relevant evidence** before the City and determine whether the evidence indicates that the complainant would prevail, in spite of the failure to locate and /or failure to cooperate.

Closure papers must include local and state case numbers, and when cross filed with EEOC, federal case numbers as well. Payment may be denied if closure papers do not include case numbers.

ICRC may be required to obtain a full copy of the case file maintained by the local commission. The copies should be provided to ICRC at reduced or no cost.

9. **Maintenance of Effort:** Iowa Code §216.19 provides that a local government required to maintain a human rights agency shall structure and adequately fund the local human/civil rights agency in order to effect cooperative undertakings with the Commission and to aid in effectuating the purposes of the "Iowa Civil Rights Act."
10. **Quarterly Reports:** The Des Moines Human Rights Commission agrees to submit quarterly reports to the Commission listing each intake and resolution submitted for contract credit under this Agreement. Quarterly Reports are due, as applicable, on November 10, 2006 (for July 1, 2006-September 30, 2006 activity), January 10, 2007 (for October 1, 2006-December 31, 2006 activity), April 10, 2007 (for January 1, 2007-March 31, 2007 activity), and July 10, 2007 (for April 1, 2007-June 30, 2007 activity). As a condition of final payment, the local commission must submit, and the commission must have received, all cases no later than July 15, 2007.
11. **Training.** The Commission and the Des Moines Human Rights Commission, in good faith, will cooperate in planning, sponsoring, and conducting necessary complaint processing training for staff and commissioners.
12. This contract recognizes the 180-day filing period for initial complaints, which is set out in Iowa Code Chapter 216 is the day the complaint is received by the Iowa Civil Rights Commission, not by the local.
  - Due care should be taken by the Des Moines Human Rights Commission assuring complaints are timely filed under the Iowa Civil Rights Act.
  - The Des Moines Human Rights Commission understands ICRC has a 180-day filing limitations period and agrees to make every reasonable effort to cross-file their complaints with ICRC within that 180-day period. Every reasonable effort includes faxing a complaint to ICRC on the date of the receipt by the Des Moines Human Rights Commission if that is the only way to cross-file the complaint with ICRC timely.

**CITY OF DES MOINES**

\_\_\_\_\_  
**T. M. Franklin Cownie, Mayor**

\_\_\_\_\_  
**Date**

**Attest:**

\_\_\_\_\_  
**Diane Rauh, City Clerk**

\_\_\_\_\_  
**Date**

**Approved as to form:**

\_\_\_\_\_  
**Douglas Philip, Assistant City Attorney**

**IOWA CIVIL RIGHTS COMMISSION**

\_\_\_\_\_  
**Ralf Rosenberg, Director**

\_\_\_\_\_  
**Date**