

Chapter 10.1 - HUMAN RIGHTS

Footnotes:

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State Law reference— *Virginia Fair Housing Law, Code of Virginia, §§ 36-96.1 et seq.*

Sec. 10.1-1. - Statement of policy.

Prince William County is a community richly diverse and valued for the heterogeneity of its residents. It is in the public interest of the county to assure that each citizen is treated fairly, provided equal protection of the law and equal opportunity to participate in the benefits, rights, and privileges of community life. Discrimination deprives the citizenry of the bare essentials of life and is detrimental to the public welfare, safety, and health of the community. This chapter is an expression of the commitment and support at the local level to continue working towards the improvement of the quality of life in the county. This chapter is established to ensure that protection and enforcement of human and civil rights for all people living or working in Prince William County by the elimination of and provisions of remedies for discriminatory practices. This chapter is also established to protect citizens of the county against unfounded charges of unlawful discrimination.

(Ord. No. 92-79, 9.1-92)

Sec. 10.1-2. - Construction of chapter.

The provisions of this chapter shall be construed liberally for the accomplishment of the policies herein. Nothing contained in this chapter shall be deemed to repeal, supersede or expand upon any of the provisions of any other state or federal law relating to discrimination because of race, color, religion, national origin, sex, age, marital status, familial status or disability.

Nothing in this chapter shall prohibit or alter any program, service, facility, school or privilege which is afforded, oriented or restricted to a person because of disability or age from continuing to habilitate, rehabilitate, or accommodate that person.

In addition, nothing in this chapter shall be construed to affect any governmental program, law or activity differentiating between persons on the basis of age, over the age of 18 years (i) where such differentiation is reasonably necessary to normal operation or such activity is based upon reasonable factors other than age or (ii) where such program, law or activity constitutes a legitimate exercise of powers of the Commonwealth or the County of Prince William for the general health, safety and welfare of the population at large.

(Ord. No. 92-79, 9-1-92; No. 99-30, 5-4-99)

Sec. 10.1-3. - Definitions.

For the purposes of this chapter:

Bona fide occupational qualification shall mean a bona fide occupational qualification as defined and interpreted under the Civil Rights Act of 1964, 42 United States Code §§ 2000e, et seq., or other applicable federal statute.

Commercial real estate shall mean any land or improvements, or both, or interest in such land or improvements, that is offered for sale or lease and that can be used for business, trade, or professional purposes under existing law or by changes in law contemplated under the offering, and which is not a dwelling. The fact that some adaptation of land or improvements, or both must be made after the same or lease is completed or that licenses or approvals are necessary to put it into use shall not mean that the land or improvements cannot be used for business, trade, or professional purposes, so long as those adaptations, licenses, and approvals are within the range that persons engaged in a business, trade, or profession are able to foresee in buying or leasing such property.

Commission shall mean the Prince William County Human Rights Commission ("human rights commission"), as established herein.

Complainant shall mean any person who files a complaint with the commission, alleging that a violation of this chapter has been committed.

Complaint shall mean any written allegation, supported by an affidavit or sworn to before an official authorized to administer oaths, sufficient to indicate that a named respondent has committed a violation of this chapter.

County shall mean the County of Prince William, Virginia.

County attorney shall mean the county attorney or other legal representative appointed by the board of county supervisors to serve as legal counsel to the commission.

County board shall mean the Board of County Supervisors for Prince William County.

Discriminate or *discrimination* or *discriminatory* shall mean or describe any direct or indirect exclusion, distinction, segregation, limitation, refusal, denial or any other act or failure to act or any other differentiation or preference of or for any person or any other difference in treatment which adversely affects such person where such discrimination is based on any category or factor made impermissible by this ordinance.

Dwelling shall mean any building, structure, or portion thereof, that is occupied or is intended, arranged or designed to be used or occupied as the home, residence or sleeping place of one or more persons or families, any vacant land that is offered for sale or lease for the construction of such building or structure and includes any interest in a dwelling so defined.

Educational institution shall mean any nursery, kindergarten, elementary or secondary school, academy, college, university, extension course or nursing, secretarial, business, vocational, technical, trade or professorial school, or joint apprenticeship program. The term "educational institution" shall not include public schools, colleges, or universities.

Executive director shall mean the person appointed to the position of executive director of the human rights commission or the executive director's designated representative.

Party shall mean any complainant or respondent.

Person shall mean any individual or individuals, partnership, association, corporation, joint-stock company, labor union, mutual company, trustee in bankruptcy, receiver or other fiduciary, or the agent, legal representative or employee thereof. Person shall also mean any person as defined in any federal or state statute or regulation governing discrimination on the basis of race, color, religion, national origin, status as a veteran, sex, pregnancy, childbirth or related medical conditions. age, marital status, disability, sexual orientation, or gender identity.

Respondent shall mean any person alleged in any complaint filed with the commission, or any notice of investigation issued by the commission, to have violated this chapter.

(Ord. No. 92-79, 9-1-92; Ord. No. 99-30, 5-4-99; Ord. No. 20-9-O, 6-16-20)

Sec. 10.1-4. - Unlawful discriminatory practice defined.

Conduct that violates any Virginia or federal statute or regulation governing discrimination on the basis of race, color, religion, national origin, status as a veteran, sex, pregnancy, childbirth or related medical conditions, age, marital status, familial status, disability, sexual orientation, or gender identity shall be an "unlawful discriminatory practice" for the purposes of this chapter.

(Ord. No. 92-79, 9-1-92; Ord. No. 99-30, 5-4-99; Ord. No. 20-9-O, 6-16-20)

Sec. 10.1-5. - Unlawful discrimination.

Pursuant to the authority contained in Code of Virginia, § 15.2-965, it shall be unlawful and a violation of this chapter for any person, partnership, corporation or other entity as may be defined in any applicable Virginia or federal statute or regulation governing discrimination to engage in an unlawful discriminatory practice. The human rights commission created by this chapter shall have jurisdiction to enforce this chapter and all state and federal laws and regulations governing discrimination on the basis of race, color, religion, national origin, status as a veteran, sex, pregnancy, child birth or related medical conditions, age, marital status, disability, sexual orientation, or gender identity.

(Ord. No. 92-79, 9-1-92; Ord. No. 20-9-O, 6-16-20)

Sec. 10.1-6. - Human rights commission.

- (a) There is hereby created in the County of Prince William a Human Rights Commission, hereinafter referred to as the commission. The commission shall consist of nine members who shall be residents of the county and broadly representative of the racial, sexual, religion, ethnic, disabled and age groups in the county. The members shall be appointed by the board of county supervisors and shall be entitled to receive such compensation as the board of county supervisors shall direct. Of the members first appointed, three shall be appointed for terms of three years, three shall be appointed for terms of two years, and three shall be appointed for terms of one year. Thereafter, members shall be appointed for terms of three years each. Any vacancy shall be filled by the board of county supervisors for the unexpired portion of a term.
- (b) There shall be an executive director of the commission, who shall be appointed by the board of county supervisors, upon the recommendation of the county executive, and who shall serve full time in that capacity. The executive director will be responsible for and report to the human rights commission in the day-to-day operational conduct of the commission's activities. The commission may delegate to the executive director any authority it deems necessary to the executive director's efficient intake, processing, investigating and determining any charge of unlawful discrimination coming before the commission. The executive director will report directly to the county executive for administrative and fiscal matters. The county executive shall delegate to the executive director the authority to employ such additional staff as authorized to secure effective compliance with this chapter. The executive director and the staff hired by the executive director are referred to herein as "commission staff."

- (c) Legal counsel shall be provided to the commission and its staff through the office of the county attorney. The board of county supervisors may authorize retention of outside counsel where deemed appropriate upon recommendation of the county attorney.

(Ord. No. 92-79, 9-1-92; Ord. No. 99-30, 5-4-99)

Sec. 10.1-7. - Functions and powers of the commission.

- (a) *Functions.* The function of the commission and its staff, acting at the general or specific direction of the commission, shall be to eliminate unlawful discrimination in housing, public accommodations, employment, education, and credit facilities in Prince William County by:

- (1) Utilizing its full investigative and enforcement powers under this chapter.
- (2) Conciliating individual complaints of any acts or practices prohibited under this chapter.
- (3) Negotiating with wide sectors of business, unions, professions, official agencies and private organizations for the taking of action by them to improve opportunities available to persons protected by this chapter.
- (4) Rendering advice concerning the establishing of voluntary affirmative action programs; provided, however, that under no circumstances shall the commission or its staff approve or ratify any such affirmative action program unless the affirmative action plan is implemented pursuant to a conciliation agreement entered into between the parties.
- (5) Making studies and issuing reports on the condition of human rights in the county.
- (6) Advising the board of supervisors on matters relating to human rights issues as they pertain to the health, safety and general welfare of persons protected by this chapter.
- (7) Providing educational programs and materials regarding human rights to the public.

- (b) *Powers.* The commission shall have all powers necessary to carry out the purposes and functions set forth in this chapter, which shall include, but are not limited to, those set forth in this subsection.

- (1) To receive complaints from any person alleging violations of this chapter and to investigate such alleged violations; and to investigate, on its own initiative, suspected violations of this chapter.
- (2) To seek through the county attorney, with approval of board of county supervisors, prevention of or relief from a violation of any ordinance prohibiting discrimination.
- (3) To request that any party produce for examination any books, records, papers or other documents or tangible evidence, or that any party answer written interrogatories or oral questions, relating to any matter under investigation by the commission.
- (4) To request, after the commission's good faith efforts to obtain such data and information, the county attorney, to apply to the judge of the circuit court for subpoena duces tecum against any person refusing to produce data and information.
- (5) To use methods of persuasion, conciliation and mediation or informal adjustment of grievances, to hold public hearings, and, in the case of complaints of alleged unlawful discriminatory acts, to make findings of fact, issue recommendations and publish its findings of fact and recommendations in order to foster compliance with this chapter.
- (6) To investigate by means of public hearings or otherwise any particular or general conditions having an

adverse affect upon any rights protected by this chapter, including alleged violations of this chapter.

- (7) To request the attendance of witnesses at public hearings, fact finding conferences or other investigative forums conducted by the commission and to take the testimony of such persons under oath or affirmation.
 - (8) To use such voluntary and uncompensated services of private persons, institutions, civic organizations, officials and advisory committees as may from time to time be offered and needed to perform advisory functions.
 - (9) To gather and disseminate information about discrimination and other human rights problems affecting the social, economic, cultural and other phases of community life within the county.
 - (10) To establish a forum for discussing discrimination and other human rights problems within the county and to form committees with representatives from concerned groups within the county to study and propose solutions to discrimination and other human rights problems within the county.
 - (11) To adopt, promulgate, amend and rescind, rules and regulations to effectuate the purposes and provisions of this chapter.
 - (12) To exercise all such powers as are set forth in the Virginia Human Rights Act.
- (c) *Delegation of commission functions, power and authority to the executive director and commission staff.* The commission may delegate any of its power and authority provided by this chapter, including, but not limited to, the powers enumerated in this section, to the executive director and commission staff, as it deems appropriate, to ensure professional, thorough, speedy, and efficient intake, processing, investigation, and probable cause determinations of complaints. However, the commission may not delegate to its staff its power and authority to conduct public hearings, make determinations and recommendations to the parties following public hearings, or its authority to conduct reviews or appeals from staff determinations of probable cause, or its power to seek board of county supervisors approval for legal action as provided in subsections 10.1-13(b) and (c) to address unlawful discriminatory practices found by the commission.
- (d) *Complaints against the county government.*
- (1) The commission and/or its staff shall receive and investigate any complaints against any county officer or employee which alleges any discriminatory act prohibited or made unlawful under the human rights ordinance.
 - (2) When the commission finds, following staff investigation, that any such complaint has merit, the commission shall submit to the board of supervisors its findings and recommendations for approval or other appropriate action.
 - (3) If the board of supervisors concurs with the findings of the commission, the decision shall be binding.

(Ord. No. 92-79, 9-1-92; Ord. No. 99-30, 5-4-99)

Sec. 10.1-8. - Conduct of commission.

The commission shall elect a chairperson from its membership. The commission shall adopt as such rules and procedures are deemed appropriate to govern the conduct of its affairs. A majority of the currently serving members of the commission shall constitute a quorum. Decisions of the commission shall be made by a majority vote of the

members present. The commission shall render to the board of supervisors on or before April 1 of each year a full written record of its activities under the provisions of this chapter and its recommendations concerning measures to be taken to further the purposes of this chapter.

(Ord. No. 92-79, 9-1-92)

Sec. 10.1-9. - Enforcement proceedings initiated by the filing of a complaint.

- (a) *Complaints.* A complaint may be filed by any person alleging that a violation of this chapter has been committed. All complaints must be formalized on a form supplied by the commission and sworn or affirmed within a reasonable time. The executive director shall promptly serve a copy of the formal complaint upon each respondent named therein. The complaint shall state the name and address of the complainant and the person or persons against whom the complaint is made, and shall also state the alleged facts surrounding the alleged commission of a violation of this chapter, the date the violation was allegedly committed, and such other information as the commission may require. A complaint may be withdrawn at any time by the complainant. Such withdrawal may terminate all action by the commission with respect to that complaint. Failure of a complainant to formalize his or her complaint within the time allowed may result in automatic dismissal of the complaint unless for good cause shown the commission grants an extension of time for this purpose.
- (b) *Investigations and probable cause determinations.*
- (1) Upon the filing of a complaint as set forth in subsection (a) of this section, the executive director shall conduct such investigation as he or she deems appropriate to ascertain the facts provided that the complaint may be dismissed by the executive director without investigation if it fails to adequately allege a violation of this chapter or is otherwise deficient on its face. Except as set forth in subsection (4) below, upon completion of the investigation, the executive director shall render a determination in writing as to whether or not there is probable cause to believe a violation of this chapter has occurred, and the facts supporting such determination. This determination shall promptly be served on the parties.
 - (2) If the executive director determines that there is probable cause to believe a violation has occurred, he or she shall then determine: (a) whether conciliation should be attempted; or (b) whether the matter should be referred directly to the commission for a determination as to whether or not to hold a public hearing. If the executive director attempts conciliation, and conciliation is successful and results in the executive director's opinion, in substantial relief to the charging party, the complaint will be considered resolved upon the parties' execution of a written conciliation or settlement agreement, and the executive director's agreement that the public interest in addressing and preventing discrimination is not disserved by dismissing the matter from the commission's docket. If conciliation is not successful, either because the parties are unable to reach agreement or because the agreement does not, in the opinion of the executive director, afford the charging party substantial relief on the allegations of the charge, the matter shall be forwarded to the commission for a determination as to what additional action may be appropriate.
 - (3) If the executive director determines that the complaint lacks probable cause to believe a violation of this chapter has occurred, he or she shall dismiss the complaint and advise the complainant in writing that such dismissal shall become final unless, within ten business days of receipt of notice of the dismissal,

the complainant files with the commission a request for a review of the determination of the executive director. Upon request for such a review, the commission shall afford the complainant an opportunity to appear before the commission, or a panel of any three or more commissioners, in person or by representative, or by letter, as the complainant may desire. After such review, the commission, or the panel of commissioners which conducted the review, may in its discretion dismiss such complaint. If the commission determines that the complaint should not be dismissed, it shall direct the executive director to continue the investigation or proceed with conciliation efforts; or the commission may determine to take other appropriate action in accordance with this chapter.

- (4) If the executive director determines, after investigation, that the available evidence does not permit a determination as to whether or not there are reasonable grounds to believe a violation of this chapter has occurred, he or she shall:
- a. Render a written notice to this effect to be served on the parties and include in such notice a statement of the reasons for such determination; and
 - b. Refer the matter to the commission for a determination as to whether to hold a public hearing or to take other action consistent with the purposes of this chapter.
- (c) *Conciliation.* Conciliation conferences shall be informal, and nothing said or done during such conferences shall be made public by the commission or its members or any of its staff unless the parties agree thereto in writing. Conciliation shall not be attempted if the executive director determines that it would be futile or if enforcement of this chapter would best be served by referring the matter directly to the commission for a determination as to whether or not to hold a public hearing or take other appropriate action in accordance with this chapter. If conciliation is attempted and the executive director determines that it is successful, the terms of the conciliation agreed to by the parties shall be reduced to writing and incorporated into a conciliation agreement to be signed by the parties, which agreement is for conciliation purposes only and does not constitute an admission by any party that the law has been violated. Conciliation agreements shall be signed on behalf of the commission by the chairperson or the acting chairperson. It shall be a violation of this chapter to fail to adhere to any provision contained in any conciliation agreement, and the commission shall have the right to pursue, through the county attorney, with approval of board of county supervisors, appropriate legal remedies to enforce specifically any such agreement, including, but not limited to, the right to institute an action for injunction or breach of contract in a court of competent jurisdiction.
- (d) *Determination by the commission whether to hold a public hearing.*
- (1) The commission shall determine by majority vote whether to hold a public hearing in matters referred to it by the executive director in the following circumstances:
 - a. When there is a determination by the executive director that there are reasonable grounds to believe that a violation of this chapter has occurred, and:
 - i. A determination by him or her that conciliation should not be attempted; or
 - ii. A determination by him or her that conciliation has been attempted and has been unsuccessful.
 - b. When there is a determination by the executive director that there is no probable cause to believe that the violation of this chapter alleged in the charge has occurred, but:
 - i. The complainant has filed a proper request for review of such determination; and

- ii. The commission has concluded upon reviewing such determination, that the complaint should not be referred to the executive director for further investigation because the complaint should not be referred to the executive director for further investigation because has revealed material facts which are not genuinely in dispute, and the executive director has made of no probable cause based on what the commission believes may be an erroneous interpretation of
 - c. When there is a determination by the executive director that the available evidence does not permit a determination as to whether or not there are reasonable grounds to believe that a violation of this chapter has occurred.
- (2) The commission shall base its determination as to whether or not to hold a public hearing in any of the matters described in subsection (1) above on its judgment as to how enforcement of this chapter would be best served.
 - (3) If the commission determines not to hold a public hearing, it shall either dismiss the complaint or take such action as it deems appropriate and consistent with the purposes of this chapter and the powers of the commission hereunder.

(Ord. No. 92-79, 9-1-92; Ord. No. 99-30, 5-4-99)

Sec. 10.1-10. - Hearing held by the commission.

- (a) The chairperson or any commissioner designated by the chairperson shall preside over the public hearing.
- (b) If the commission determines to hold a public hearing, it may consider all of the allegations and issues set forth in the complaint or, in its discretion, may limit the scope of the hearing to one or more of the allegations or issues set forth in the complaint. If a hearing is to be held, the commission shall promptly notify the parties of the time, date and location of the hearing and serve upon them a statement of the charges against the respondent and the issues to be considered at the hearing. Such notice and statement shall be served no later than 14 days prior to the date of the hearing. The parties shall have the right to file written statements or arguments with the commission prior to the hearing. The hearing shall be open to the public.
- (c) Hearings of the commission may be held before the entire commission or before designated hearing panels, consisting of three or more members of the commission, as the commission in its discretion may determine.
- (d) The commission may, upon proper motion, order the exclusion of witnesses while testimony is being given at any such hearings.
- (e) At any public hearing held by the commission, each party shall be entitled:
 - (1) To be represented by privately retained counsel of his or her choice;
 - (2) To present his or her case or defense by oral or documentary evidence, to be given under oath or by affirmation;
 - (3) To submit rebuttal evidence; and
 - (4) To conduct such cross-examination as may be required for a full and true disclosure of the facts. Any oral or documentary evidence may be received, but the commission as a matter of policy shall provide for the exclusion of irrelevant, immaterial or unduly repetitious evidence. The commission shall not be bound by the strict rules of evidence prevailing in the courts of law or equity.
- (f) The executive director shall be responsible for assuring the development of the evidentiary record before the

commission and may introduce evidence, examine or cross-examine witnesses, or make argument if he or she deems it advisable in order to fully apprise the commission of the facts or the applicable law.

- (g) The commission shall keep a full record of the hearing, which record shall be public and open to inspection by any person unless otherwise provided by any applicable law or regulations. Any party may request that the commission furnish such party a copy of the hearing record and shall reimburse the commission for the cost of producing the copy.
- (h) In matters where any party is represented by counsel, the office of the county attorney shall provide an attorney as counsel to the commission who will also assist the executive director in preparing the case.

(Ord. No. 92-79, 9-1-92)

Sec. 10.1-11. - Decisions by the commission.

- (a) If, after the hearing, the commission determines, by a preponderance of the evidence, that the respondent has committed or is committing the alleged violation(s) of this chapter, the commission shall state its findings and may issue recommendations, to be served promptly on the parties, providing notice to the respondent to cease and desist from such violation(s) and to take such action as may be authorized by law to effectuate the purpose of this chapter, including but not limited to the payment by respondent of compensatory damages to any person or persons found by the commission to be so entitled by reason of respondent(s) violation(s) of this chapter, or the placement or restoration of any person in or to such status in which the commission finds he or she would be but for respondent's violation(s) of this chapter.
- (b) If, after a finding by the commission that a violation occurred, the respondent fails to adequately take such action as provided in subsection (a) above, the commission may, through the county attorney, with approval of board of county supervisors, seek through appropriate enforcement authorities, prevention of or relief from a violation of this chapter.
- (c) If, after receiving the evidence presented at the hearing, the commission finds that the respondent has not engaged in the alleged violation(s) of this chapter, the commission shall state its findings and shall dismiss the complaint. Prompt notice of such action shall be given to the parties.

(Ord. No. 92-79, 9-1-92)

Sec. 10.1-12. - Enforcement proceedings initiated by the commission.

- (a) The commission may institute proceedings to enforce this chapter upon its own initiative by filing a notice of investigation and promptly serving it on each respondent named therein. Upon institution of proceeding by the commission in this manner, the commission shall have the option either to refer the matter to the executive director to conduct an investigation to determine whether there are reasonable grounds to believe that a violation of this chapter has occurred, or to promptly hold a public hearing to determine whether a violation of this chapter has occurred.
- (b) If the commission decides to refer the matter to the executive director for investigation:
 - (1) The commission shall promptly issue a notice of investigation and serve it on the respondent(s), setting forth the name and address of the respondent(s), the alleged facts surrounding the alleged commission of a violation of this chapter and the date the violation was allegedly committed and the class of persons

or the name and address of any person who was the subject or victim of the alleged violation, if known.

(2) Upon referral of the matter to the executive director, the procedures set forth in sections 10.1-9 through 10.1-11 shall be applicable to any investigation and hearing conducted with respect to any proceeding initiated by the commission.

(c) If the commission determines to promptly hold a public hearing, the procedures set forth in sections 10.1-10 through 10.1-11 shall be applicable to any hearing conducted with respect to any proceeding initiated by the commission.

(Ord. No. 92-79, 9-1-92)

Sec. 10.1-13. - Enforcement by the court.

(a) If any person refuses to comply with a request by the commission or its staff to testify at any public hearing conducted by the commission to determine whether a violation of this chapter has occurred or refuses to comply with a request by the commission or its staff for the production of documents, other tangible evidence or answers to interrogatories, the judge of the court, upon good cause shown, shall cause a subpoena or a subpoena duces tecum to be issued. Any person failing to comply with such subpoena shall be subject to punishment for contempt by the court issuing the subpoena.

(b) If at any time after a complaint has been filed or after initiation of any investigation on the commission's own initiative, the commission determines that a court order requiring a party to refrain from any conduct is necessary to prevent irreparable harm to any person, the commission, through the county attorney and subject to approval by the board of county supervisors, may bring appropriate action to prevent such irreparable harm including, but not limited to, petitioning a court of competent jurisdiction for a temporary restraining order or preliminary injunction

(c) If the commission finds that a respondent has committed a violation of this chapter and determines that appropriate remedial measures have not been taken, the commission, through the county attorney, and subject to approval by the board of county supervisors, may seek an appropriate action in any court of competent jurisdiction to prove, de novo, that the respondent violated this chapter; secure compliance with this chapter; and/or obtain appropriate relief available under any applicable federal or state statute or regulation including, but not limited to an award of injunctive relief, compensatory or punitive damages and a recovery of costs and attorney's fees for any person, including the county, injured as a result of a violation of this chapter.

(d) If the board of county supervisors approves the institution of any proceeding in court as set forth in subsection (b) or (c) above, the proceeding shall be brought in the name of the board of county supervisors and the human rights commission of Prince William County.

(Ord. No. 92-79, 9-1-92; Ord. No. 99-30, 5-4-99)

Sec. 10.1-14. - Enforcement by county agencies.

(a) *Public contractors.* Upon publication or receipt of the findings and recommendations of the commission declaring the respondent to be in violation of this chapter, the purchasing agent of Prince William County may deem the respondent ineligible for award of a public contract until the commission is satisfied that the

respondent will comply with the recommendations of the commission and the provisions of this chapter.

- (b) *County financial assistance.* Upon publication or receipt of a copy of the findings and recommendation of the commission declaring the respondent to be in violation of this chapter, the county may take appropriate action to terminate or refuse to grant or continue any public financial assistance to a program or activity of respondent until the commission is satisfied that the respondent will comply with the recommendation of the commission and the provisions of this chapter.
- (c) *Appeal.* Any respondent adversely affected by the provisions of this section shall retain all rights of appeal provided for by the rules, regulations or laws of the county.

(Ord. No. 92-79, 9-1-92)

Sec. 10.1-15. - Inspections, records and notices.

- (a) Every person subject to this chapter shall post such notices, make and keep such records, preserve such records for such periods, and make such reports therefrom as the commission shall reasonably prescribe in order to assure the enforcement of this chapter.
- (b) The commission or any designated representative of the commission may request access at any reasonable time to premises, records and documents relevant to a complaint or notice of investigations and may request the opportunity to examine, photograph and copy evidence upon presenting written authorization of the chairperson of the commission or the executive director duly executed by the commission in accordance with its rules or procedures.
- (c) When a complaint or notice of investigation has been filed against a person under this chapter, the respondent shall preserve all records relevant to the allegations until final disposition of the complaint or notice of investigation.

(Ord. No. 92-79, 9-1-92)

Sec. 10.1-16. - Savings, provisions and non-abatement of matters.

Nothing contained in this chapter shall be construed to conflict with any applicable state or federal law, rule or regulation; and insofar as this chapter does so conflict, it shall be superseded thereby.

(Ord. No. 92-79, 9-1-92)

Sec. 10.1-17. - Non-exclusive remedy.

Any person who is aggrieved by any act prohibited herein may bring an appropriate action in a court of competent jurisdiction to seek damages, redress of injury, or injunctive relief arising out of any act prohibited herein as provided for by any applicable law. Nothing herein shall prevent any person from exercising any right or seeking any remedy to which he or she might otherwise be entitled, nor shall any person be required to pursue any remedy set forth herein as a condition of seeking relief from any court or other agency, except as is otherwise provided by applicable state or federal laws.

(Ord. No. 92-79, 9-1-92)

Sec. 10.1-18. - Notices; service.

All notices required under the provisions of this chapter shall be served either in person or by mailing to the last-known address appearing in the commission's records. Counsel of record shall be entitled to a copy of any notices served upon his or her client which shall be mailed to him or her at his or her last-known address as it appears in the records of the commission.

(Ord. No. 92-79, 9-1-92)

Sec. 10.1-19. - Time limitations.

- (a) A complaint filed under the provisions of this chapter shall be dismissed by the executive director if the complainant knew, or should have known, of the alleged violation of this chapter more than one year prior to the date of filing of the complaint.
- (b) Any complaint filed under the provisions of this chapter shall be deemed dismissed after the passage of one year from the date of the filing of the complaint, unless:
 - (1) A conciliation agreement between the parties has been reached;
 - (2) The commission, after a public hearing, has issued findings and recommendations;
 - (3) The commission has previously dismissed the complaint; or
 - (4) The commission, having determined before or after the expiration of this one-year period that there was good cause for extending the time limitation, has, by majority vote, so extended it; provided that in no event may the commission extend any case beyond a date that is two years from the date of the filing of the complaint; and provided further that, in computing the time under the provisions of this section, there shall be excluded that period of time between the notice of and final conclusion of any public hearings or time between the filing of and final conclusion of legal proceedings pertaining to the validity of, or seeking to enforce or prohibit the enforcement of, any of the provisions of this chapter.

(Ord. No. 92-79, 9-1-92)

Sec. 10.1-20. - Severability.

The provisions of the chapter are severable; and if any provision, sentence, clause, section or part thereof is held illegal, invalid, unconstitutional or inapplicable to any person or circumstance, such illegality, invalidity, unconstitutionality or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this chapter, or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this chapter would have been adopted if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included therein, and if the person or circumstances to which the chapter or any part thereof is inapplicable had been specifically exempted therefrom.

(Ord. No. 92-79, 9-1-92)

Sec. 10.1-21. - Confidentiality.

It shall be unlawful for any officer, employee or member of the commission to make public, prior to a public hearing as provided herein, investigative notes and other correspondence and information furnished to the commission or its staff in confidence with respect to an investigation or conciliation process involving an alleged unlawful discriminatory practice; however, nothing in this section shall prohibit the distribution of information taken from inactive reports in a form which does not reveal the identity of the parties involved or other persons supplying information. A violation of this section shall be a Class 3 misdemeanor.

(Ord. No. 92-79, 9-1-92)

Sec. 10.1-22. - Causes of action not created.

Nothing in this chapter creates, nor shall it be construed to create, an independent or private cause of action to enforce its provisions. Nor shall the policies or provisions of this chapter be construed to allow tort actions to be instituted of or in addition to the current statutory actions for unlawful discrimination.

(Ord. No. 92-79, 9-1-92)

Sec. 10.1-23. - Conditions under which county attorney not to represent commission, executive director.

Notwithstanding the provisions of this chapter, the county attorney shall not represent either the commission or the executive director when the county or one of its departments is a respondent. In this event, the commission and the executive director, subject to the approval by the board of county supervisors, may consult with and refer the matter to a private attorney for appropriate legal action.

(Ord. No. 92-79, 9-1-92)

Sec. 10.1-24. - Effective date.

This chapter shall be effective for enforcement purposes on and after January 15, 1993.

(Ord. No. 92-79, 9-1-92)