

**ORDINANCE 17,690**

**AN ORDINANCE AMENDING CHAPTER 17 OF THE CODE OF THE CITY OF PEORIA BY SEPARATING THE FAIR HOUSING COMMISSION FROM THE FAIR EMPLOYMENT COMMISSION**

WHEREAS, the City of Peoria is a home rule unit of government pursuant to Article VII, Section 6 of the Constitution of the State of Illinois 1970, and may exercise any power and perform any function pertaining to its government and affairs;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PEORIA, ILLINOIS AS FOLLOWS:

SECTION 1. Chapter 17 of the Code of the City of Peoria is hereby amended by deleting the following stricken words and by adding the following underlined words:

Chapter 17- HUMAN RELATIONS, HOUSING AND EMPLOYMENT

ARTICLE I. ~~IN GENERAL~~ FAIR HOUSING COMMISSION

Sec. 17-1. - Declaration of policy.

It is hereby found that prejudice and discrimination against any individual or group because of race, color, religion, national origin, ancestry, sex, age, physical or mental disability, sexual orientation, or having one or more children under the age of 18 years residing in his family, is inimical to our American tradition of equality of opportunity for all, and menaces peace and public welfare; that to eliminate such prejudice and discrimination, an instrumentality of government should be established through which the citizens of the city may be provided the opportunity for equality of treatment and of opportunity regardless of race, color, religion, national origin, sex, sexual harassment, age, physical or mental disability, sexual orientation, or having one or more children under the age of 18 years residing in their home.

(Ord. No. 10288, § 1, 7-18-78; Ord. No. 10885, § 1, 10-13-81; Ord. No. 11321, § 1, 12-4-84; Ord. No. 15014, § 1, 10-17-00; Ord. No. 15466, § 1, 4-22-03)

Sec. 17-2. - Establishment, composition, appointment and terms of members.

(a) In order to accomplish the policy set forth in section 17-1, there is hereby established a commission known as the Fair Housing Commission consisting of seven members who are broadly representative of the religious, national, ethnic and economic groups in the city, to be appointed by the Mayor with the advice and consent of the City Council. The members of the Fair Housing Commission shall serve for a term as set forth in section 2-162 of this Code. The commission shall choose its own chairperson and vice-chairperson.

(b) Any member of the commission who fails to attend three consecutive meetings of the commission, whether for the conduct of administrative matters or hearing complaints, without prior notice to some other member of the commission, shall be considered to have resigned. Thereupon, the Chairperson of the Commission shall notify the mayor so that he may make an appointment to fill the vacancy for the remainder of the unexpired term.

(Ord. No. 11321, § 1, 12-4-84; Ord. No. 13381, § 1, 4-28-92)

Sec. 17-3. - Duties of Fair Housing Commission.

The Commission shall have the power and it shall be its duty:

- (1) The complainant and the respondent, or their designated representative, shall have the right to request that one member of the Commission not participate in the hearing or, if the matter is to be heard by a three-member hearing board, to request that one of the remaining members replace one of the three members on the hearing board. The administration shall also have the right to remove an individual from hearing the matter or, if the matter is to be heard by three-member hearing board, to replace an individual on the hearing board with one of the remaining members of the commission.
- (2) To cause a complaint received by the Fair Housing to be served upon a Respondent within its jurisdiction and to fix a reasonable time and place for hearing such complaint when necessary.
- (3) To render an annual written report of its activities and recommendations to the Mayor and City Council.
- (4) To adopt such rules and regulations as may be necessary to carry out the purpose and intent of sections 17-1 through 17-7.
- (5) To designate from its membership persons to serve on a three-member hearing board, one person to be designated chairperson to hear complaints as provided for in section 17-32. No member is to be permitted to serve on the board for more than three consecutive complaints within a one-year period.
- (6) To review, monitor and make recommendations to the city manager and city council on the hiring and employment practices of the city and the city council concerning the city's affirmative action efforts in connection with contracts which the city enters into.

(Ord. No. 10288, § 1, 7-18-78; Ord. No. 10885, § 1, 10-13-81; Ord. No. 10966, § 1, 5-11-82; Ord. No. 11321, § 1, 12-4-84; Ord. 15889, § 1, 2-14-06; Ord. No. 15996, § 2, 9-19-06; Ord. No. 16480, § 1, 10-13-09)

Sec. 17-4. - Reserved.

**Editor's note**— Ord. No. 15889, § 2, adopted Feb. 14, 2006, repealed § 17-29, which pertained to powers of subpoena and investigation. See also the Code Comparative Table.

Sec. 17-5. - Professional and clerical services.

The professional and clerical services for the function of the Fair Housing Commission will be provided through the office of the city manager.

(Ord. No. 11321, § 1, 12-4-84)

Sec. 17-6. - Duties and powers of the hearing board.

- (a) The hearing board shall conduct all hearings with regard to complaints filed pursuant to section 17-32. The findings and decisions of the hearing board shall be final and shall be deemed to be the findings and decisions of the fair employment and housing commission.
- (b) Any finding of fact or decision of the hearing board must be concurred in by a majority of the members thereof.
- (c) The hearing board shall have the same powers of subpoena and investigations as the Commission.

(Ord. No. 16480, § 2, 10-13-09)

Sec. 17-7. - Procedures for filing complaint.

- (a) Whenever it is charged in writing and under oath, or affirmation, by a person, referred to as the complainant, that any person referred to as the respondent, has engaged or is engaging in any unlawful discriminatory practices as defined in Divisions 2 through 5 of Article III of this chapter, in matters relating to such discriminatory practices, the equal opportunity office shall conduct a preliminary investigation. Such charge shall be in such detail as to substantially apprise any party properly concerned as to the time, place and facts with respect to such alleged unlawful discriminatory practices and shall be filed with the equal opportunity office within 180 days after the alleged unlawful discriminatory practices are committed or be barred.
- (b) The Diversity and Inclusion Department shall serve a copy of the charge upon the respondent within ten days of its receipt. After filing the charges shall not be made public by the commission, the Diversity and Inclusion Department or the complainant exempt as required by law.
- (c) If the Diversity and Inclusion Department determines after such preliminary investigation that there is a lack of substantial evidence showing that unlawful discriminatory practices have been or are being engaged in, the equal opportunity office shall notify the complainant and respondent that it has so determined that it will not issue a complaint in this matter.

(d) The commission and hearing board shall not process any complaint filed with it if a similar complaint is filed before the state department of human rights or the federal equal employment opportunity commission, except that this prohibition shall not apply to a complaint if the similar complaint is filed before one of the aforesaid agencies has contracted to refer all complaints arising within the purpose of this article to the Fair Housing Commission of the city.

(Ord. No. 16480, § 3, 10-13-09)

Sec. 17-8. - Conciliation.

(a) If the Diversity and Inclusion Department determines, after such preliminary investigation, that it is probable that unlawful discriminatory practice have been or are being engaged in, it shall endeavor to eliminate such practices by informal methods of conference, conciliation and persuasion. If after such investigation and conference the equal opportunity office is satisfied that any unlawful discriminatory practice of the respondent will be eliminated, it may treat the charge as conciliated. In the course of such investigation and conference, if the respondent offers and the complainant declines to accept terms of settlement which the equal opportunity office finds are sufficient to eliminate the effects of the civil rights violation charged and prevent its repetition, the equal opportunity direct, may dismiss the charge. An entry of such disposition shall be made on the records of the fair employment and housing commission.

(b) When the Diversity and Inclusion Department dismisses a charge under this section, it shall notify the Complainant that he or she may seek review of the dismissal order before the Fair Housing Commission. The Complainant shall have 30 days from receipt of notice to file a request for review by the Fair Housing Commission.

(Ord. No. 16480, § 4, 10-13-09)

Sec. 17-9. - Hearing procedure.

(a) If the Diversity and Inclusion Department fails to effect the elimination of such probable unlawful discriminatory practices and to obtain voluntary compliance, it shall issue and cause to be served upon any person or respondent a complaint stating the charges in that respect and containing a notice of hearing before the hearing board, at a place therein fixed to be held not less than 30 nor more than 90 days following the service of such complaint. The complainant shall have the right to be represented by counsel of his/her choice at such hearing, and said counsel shall present the evidence in support of the complaint. Any complaint issued pursuant to the provisions of this section must be so issued within 270 days after the charge is filed in the Diversity and Inclusion Department or be barred. In the event the Diversity and Inclusion Department fails to issue such a complaint or otherwise resolve the subject of the complaint within 270 days, it shall issue a written investigative report and provide same to complainant on or before the 240th day after the alleged discriminatory practice was committed. Said report shall provide that complainant may file his/her own complaint before the Fair Housing Commission's hearing panel within 30 days of receipt of

the investigative report. Failure of the complainant to file such report within the time frame provided shall bar the complaint.

- (b) Any such complaint may be amended at any time prior to or during the hearing based thereon. The respondent shall have the right to file an answer or to amend an answer to the original or amended complaint, and to appear at such hearing in person, or by attorney, or otherwise to examine and cross examine witnesses.
- (c) The complainant shall be a party to the proceeding, and any person who is an indispensable party to a complete determination or settlement of the question involved in a proceeding shall be joined. Any person who has or claims to have information bearing on the subject of the hearing may, in the discretion of the Fair Housing Commission or the hearing board, be permitted to appear for the presentation of any oral testimony or written evidence.
- (d) In any proceeding, the Fair Housing Commission or the hearing board shall, in ascertaining the practices followed by the respondent, take into account all reliable, probative and substantial evidence, statistical or otherwise, produced at the hearing, which may tend to provide or disprove the existence of a discriminatory practice.
- (e) The testimony taken in the hearing shall be recorded.

(Ord. No. 16480, § 5, 10-13-09)

Sec. 17-10. - Reserved.

Sec. 17-11. - Penalties and other remedies of the commission.

- (a) If a respondent has been found guilty of a violation of Articles II and III of this chapter in accordance with the procedures specified in section 17-7, the determination of the nature and extent of the penalty shall be vested in the entire commission considering any recommendations of the hearing board.
- (b) The Fair Housing Commission shall have the power to impose a penalty upon any person, firm or corporation violating the provisions of Articles II and III of this chapter in an amount no less than \$100.00 nor more than as provided in section 1-5 of this Code for each such offense. Any penalty imposed by the commission pursuant to this subsection shall be based upon the evidence presented at a hearing pursuant to section 17-7 and upon a specific finding of such violation. The commission may order a respondent found guilty of a violation of Articles II and III of this chapter to pay all or a portion of the legal costs incurred by the complainant as a result of prosecution of such violations; including reasonable attorney fees, transcription fees, and expert witness fees.
  - (1) The commission shall have the power to order the respondent to pay to the complainant an amount for specific pecuniary loss such as, but not limited to, higher paid rents for comparable facilities occasioned upon the Complainant by the actions of the Respondent. Any such award made by the commission pursuant to this subsection (b)(1) shall be based upon evidence adduced during and upon a specific finding after a hearing pursuant to section 17-7.

- (2) The commission shall have the power to enter an order directing the respondent to cease and desist from unlawful discrimination and to take such action as necessary to make the individual complainant whole, and to report back to the commission as to the manner of compliance. The Fair Housing Commission shall retain jurisdiction of the case until it is satisfied that the respondent has complied with its order.
- (c) Any person who fails to comply with an order issued by the Fair Housing Commission as provided in this article shall, upon conviction in circuit court thereof, be assessed a penalty of not less than \$100.00 nor more than as provided in section 1-5 of this Code for each such offense. The offense defined by this subsection is separate and distinct and in addition to any penalties provided for and imposed pursuant to any other subsections of this section.
- (d) Any decision of the Fair Housing Commission may be appealed to a court of competent jurisdiction within 35 days from the date the decision is entered.

(Ord. No. 16480, § 6, 10-13-09)

Sec. 17-12. - Review of city practices.

- (a) The Fair Housing Commission shall have the authority and duty to review and monitor the housing practices of entities in the city.

(Ord. No. 9535, § 12, 10-1-74)

ARTICLE II. FAIR EMPLOYMENT AND HOUSING COMMISSION

.....**Sec. 17-26. - Declaration of policy. Remains the same – no changes.**

Sec. 17-27. - Establishment, composition, appointment and terms of members.

- (a) In order to accomplish the policy set forth in section 17-26, there is hereby established a commission known as the Fair Employment ~~and Housing~~ Commission consisting of seven members who are broadly representative of the religious, national, ethnic and economic groups in the city, to be appointed by the Mayor with the advice and consent of the City Council. The members of the Fair Employment ~~and Housing~~ Commission shall serve for a term as set forth in section 2-162 of this Code. The commission shall choose its own chairperson and vice-chairperson.
- (b) Any member of the Commission who fails to attend three consecutive meetings of the commission, whether for the conduct of administrative matters or hearing complaints, without prior notice to some other member of the commission, shall be considered to have resigned. Thereupon, the Chairperson of the Commission shall notify the mayor so that he/she may make an appointment to fill the vacancy for the remainder of the unexpired term.

(Ord. No. 11321, § 1, 12-4-84; Ord. No. 13381, § 1, 4-28-92)

Sec. 17-28. - Duties of Fair Employment ~~and housing~~ Commission.

The Commission shall have the power and it shall be its duty:

**...(1) through (6) Remains the same – no changes.**

Sec. 17-30. - Professional and clerical services.

The professional and clerical services for the function of the Fair Employment ~~and Housing~~ Commission will be provided through the office of the city manager.

(Ord. No. 11321, § 1, 12-4-84)

**.....Sec. 17-31. - Duties and powers of the hearing board. Remains the same – no changes.**

**.....Sec. 17-32. – Procedures for filing complaint. Remains the same – no changes.**

Sec. 17-33. - Conciliation.

**(a) Remains the same – no changes.**

- (b) When the Diversity and Inclusion Department dismisses a charge under this section, it shall notify the Complainant that he or she may seek review of the dismissal order before the Fair Employment ~~and Housing~~ Commission. The Complainant shall have 30 days from receipt of notice to file a request for review by the Fair Employment ~~and Housing~~ Commission.

(Ord. No. 16480, § 4, 10-13-09)

**.....Sec. 17-34. - Hearing procedure. Remains the same – no changes.**

Sec. 17-35. - Reserved.

Sec. 17-36. - Penalties and other remedies of the commission.

- (a) If a respondent has been found guilty of a violation of Articles II and III of this chapter in accordance with the procedures specified in section 17-34, the determination of the nature and extent of the penalty shall be vested in the entire commission considering any recommendations of the hearing board.

- (b) The Fair Employment ~~and Housing~~ Commission shall have the power to impose a penalty upon any person, firm or corporation violating the provisions of Articles II and III of this chapter in an amount no less than \$100.00 nor more than as provided in section 1-5 of this Code for each such offense. Any penalty imposed by the commission pursuant to this subsection shall be based upon the evidence presented at a hearing pursuant to section 17-34 and upon a specific finding of such violation. The commission may order a respondent found guilty of a violation of Articles II and III of this chapter to pay all or a portion of the legal costs incurred by the complainant as a result of prosecution of such violations; including reasonable attorney fees, transcription fees, and expert witness fees.
- (1) The Commission shall have the power to enter an order directing the respondent to cease and desist from unlawful discrimination and to take such action as necessary to make the individual complainant whole, and to report back to the Commission as to the manner of compliance. The Fair Employment Commission shall retain jurisdiction of the case until it is satisfied that the respondent has complied with its order.
- (c) Any person who fails to comply with an order issued by the Fair Employment Commission as provided in this article shall, upon conviction in circuit court thereof, be assessed a penalty of not less than \$100.00 nor more than as provided in section 1-5 of this Code for each such offense. The offense defined by this subsection is separate and distinct and in addition to any penalties provided for and imposed pursuant to any other subsections of this section.
- (d) Any decision of the Fair Employment ~~and Housing~~ Commission may be appealed to a court of competent jurisdiction within 35 days from the date the decision is entered.

(Ord. No. 16480, § 6, 10-13-09)

Sec. 17-37. - Review of city practices.

- (a) The Fair Employment ~~and Housing~~ Commission shall have the authority and duty to review and monitor the hiring, promotional and employment practices of the city and the affirmative action efforts of the city with regard to contracts which the city may enter into.
- (b) The Commission shall be notified by the appropriate city officers of each and every position opening, and at their request may have one or more of its members interview any prospective candidate for any position with the city. The Commission may make recommendations or comments to the city manager concerning the qualifications of all or any candidates interviewed.
- (c) The Fair Employment ~~and Housing~~ Commission shall have the power and it shall be its duty to investigate and examine the hiring, promotional and employment practices of the city to determine whether unlawful discriminatory practices exist. The commission shall make recommendations to the city manager and city council concerning the findings of such investigations and propose changes or improvements in the hiring, promotional or employment practices of the city in order to eliminate any discriminatory effects of such hiring, promotional or employment practices.



- (d) The commission shall review the city's affirmative action efforts with regard to contracts which the city enters into with a contractor or vendor. It may make recommendations to the city manager and the city council concerning the procedures and actions which the city might take in order to assure compliance with the affirmative action requirements of this Code and such other state and federal requirements as may apply.

ARTICLE III. - DISCRIMINATORY PRACTICES

DIVISION 1. - GENERALLY

Secs. 17-56—17-70. - Reserved.

DIVISION 2. - HOUSING ACCOMMODATION PRACTICES BY REAL ESTATE BROKERS

.....Sec. 17-71. - Declaration of policy. Remains the same – no changes.

.....Sec. 17-72. - Definitions. Remains the same – no changes.

.....Sec. 17-73. - Prohibited acts. Remains the same – no changes.

.....Sec. 17-74. - Exceptions. Remains the same – no changes.

.....Sec. 17-75. - Procedures for filing charges. Remains the same – no changes.

Sec. 17-76. - Penalty.

~~(a) If, upon all of the evidence at the hearing provided for in article II of this chapter, the fair employment or housing commission finds that the broker has engaged in, or is engaging in, an unfair housing practice as defined in this division the fair employment and housing commission shall state its findings of fact and shall issue and cause to be served upon such broker an order requiring such broker to cease and desist from such unfair housing practice, and to take such affirmative or other action, as, in the judgment of the fair employment and housing commission, will effectuate the purposes of this division, including a requirement of a report of the manner of compliance. The fair employment and housing commission shall retain jurisdiction of the case until it is satisfied that the broker has complied with the order. The commission may also impose such penalties and provide the remedies set forth in section 17-36.~~

~~(b) In addition thereto, the city manager shall direct the corporation counsel to file with the department of registration and education of the state a complaint against any real estate broker found guilty of violating any provision of this division, seeking suspension or revocation of the license issued to such broker by the state.~~

(Ord. No. 8223, § 5; Ord. No. 9537, § 1, 10-1-74; Ord. No. 11318, § 1, 12-4-84)

Secs. 17-77—17-95. - Reserved.

DIVISION 3. - HOUSING ACCOMMODATION PRACTICES ~~BY PERSONS OTHER THAN REAL ESTATE BROKERS~~

.....Sec. 17-96. - Definitions. Remains the same – no changes.

.....Sec. 17-97. - Prohibited acts. Remains the same – no changes.

.....Sec. 17-98. - Exemptions. Remains the same – no changes.

.....Sec. 17-99. - Procedure for filing charges. Remains the same – no changes.

Sec. 17-100. - Penalty.

- (a) If, upon all of the evidence at the hearing, the Housing Commission finds that a person has engaged in, or is engaging in, an unfair housing practice, the Housing Commission shall state its findings of fact and shall issue and cause to be served upon such person, an order requiring such person to cease and desist from such unfair housing practice, and to take such affirmative or other action, as in the judgment of the fair employment and housing commission shall retain jurisdiction of the case until it is satisfied that the person has complied with the order. The commission may also impose such penalties and provide the remedies set forth in section 17-11
- (b) In addition thereto, the city manager shall direct the corporation counsel to file with the department of registration and education of the state a complaint against any real estate broker found guilty of violating any provision of this division, seeking suspension or revocation of the license issued to such broker by the state.

(Ord. No. 11319, § 3, 12-4-84)

Secs. 17-101—17-115. - Reserved.

DIVISION 4. - EMPLOYMENT

.....Sec. 17-116. - Definitions. Remains the same – no changes.

.....Sec. 17-117. - Declaration of policy. Remains the same – no changes.

.....Sec. 17-118. - Unlawful employment practices. Remains the same – no changes.

Sec. 17-119. - Charges of discrimination.

Any person aggrieved in any manner by a violation of the provisions of this division may file a written charge setting out his grievance with the city Diversity and Inclusion Department established by article II of this chapter. In addition, the Chief Diversity and Inclusion Officer may, on its own initiative, file a charge against any employer whenever it has already made a determination that it is probable that discriminatory practices have been or are being engaged in and the original complainant is unable or unwilling to pursue the charge.

In the event the Chief Diversity and Inclusion Officer determines that a charge is appropriate, said charge shall be filed with the Fair Employment or Housing Commission within 60 days of the date the employer was notified of the charge. Upon said filing, the Fair Employment or Housing Commission shall set a date, time and location appropriate for a hearing and shall instruct the Diversity and Inclusion Department to notify all necessary parties of said date, time and location. The Diversity and Inclusion Department shall also be instructed to provide the parties with any and all rules and/or procedures regarding the hearing process.

(Ord. No. 11320, § 1, 12-4-84; Ord. No. 16480, § 8, 10-13-09)

Sec. 17-120. - Affirmative action requirement for contracts with city.

- (a) The city shall not contract with any contractor, purchase goods or services from any vendor, maintain any financial relations with any financial institution, or use the services of any labor organization or member thereof, which is found to be in violation of the provisions of section 17-118 by the fair employment or housing commission, except where such contractor, vendor or financial institution is the sole source of the particular product or service being sought by the city and such product or service is essential for the governmental operations of the city.
- (b) The city shall not contract with any contractor or vendor, maintain any financial relation with any financial institution, or use the services of any labor organization or member thereof, which does not first submit to the city a written commitment to provide equal employment opportunity, and a \$50.00 fee to offset the cost of administration of the city's program; provided, however, that neighborhood associations shall be exempt from the aforementioned fee. Such commitment must:
  - (1) Set out and agree to maintain specific employment or membership practices and policies sufficient to achieve equal opportunity.
  - (2) Agree to make a good faith effort to meet the goals established for the award of subcontracts and for the participation of skilled trade professionals on construction projects involving city funds or funds administered by the city. Subcontracting goals will be established annually by the city manager or designee. Goals for skilled trade professionals will be established annually by the fair employment and housing commission.

The following criteria will be used to determine to count M/WBE participation towards subcontracting goals:

- a. When an M/WBE participates in a contract, count only the value of the work actually performed by the M/WBE toward M/WBE goals.
- b. When an M/WBE performs as a participant in a joint venture, count a portion of the total dollar value of the contract equal to the distinct, clearly defined portion of the work of the contract that the M/WBE performs with its own forces toward M/WBE goals.
- c. Count expenditures to a M/WBE contractor or trucking firm toward M/WBE goals only if the M/WBE is performing a commercially useful function on that contract.

- d. Count expenditures with M/WBEs for materials and supplies toward M/WBE goals in one of the following ways:
1. Count 100 percent of the expenditure towards the M/WBE goal if the M/WBE supplier is also the manufacturer.
  2. Count 60 percent of the expenditure towards the M/WBE goal if the M/WBE supplier is a regular dealer.
  3. Count five percent of the expenditure towards the M/WBE goal if the M/WBE supplier is neither a manufacturer nor a regular dealer of the materials supplied.

(For the specific process for administering the above mentioned criteria consult the City of Peoria's Specifications for Evaluating Good Faith Efforts.)

- (3) Agree to submit to the city upon request written evidence of the effectiveness of the above required practices, policies and goals.
  - (4) Agree to submit to the city upon request statistical data concerning employee composition or membership composition on race, color, sex and job description.
  - (5) Agree to distribute copies of the above commitment to all persons who participate in recruitment, screening, referral and selection of job applicants, prospective job applicants or members.
  - (6) Agree to require any subcontractor to submit to the city a written commitment which contains the provisions required by subsections (1) through (5) of this subsection.
- (c) All contracts by and between the city and contractors and vendors for the purchase by the city of goods and/or services shall contain the following clauses:

"The contractor/vendor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, sexual harassment, ancestry, national origin, place of birth, age or a physical or mental handicap which would not interfere with the efficient performance of the job in question. The contractor/vendor will take affirmative action to comply with the provisions of this division and will require any subcontractor to submit to the city written commitment to comply with this division. The contractor/vendor will distribute copies of this commitment to all persons who participate in recruitment, screening, referral and selection of job applicants, prospective job applicants, members or prospective subcontractors."

"The contractor/vendor agrees that the provisions of division 4 of article III of chapter 17 of the Code of the City of Peoria is hereby incorporated by reference, as if set out verbatim."

- (d) Any contractor, vendor, financial institution or labor organization contracting with the city will be required to submit to the city, upon written request by the city, compliance reports containing such information as to the practices, policies, programs and statistics of employee or membership composition on race, color, sex, age and job description, as may be prescribed by the city and will require any subcontractor to submit a compliance report upon written request by the city.

- (e) If any contractor, vendor, financial institution or labor organization contracting with the city fails to comply with the fair employment and affirmative action provisions of this division, the city, at its option, may do any or all of the following:
- (1) Cancel, terminate or suspend the contract in whole or in part.
  - (2) Declare the contractor, vendor, financial institution or labor organization ineligible for further contracts for one calendar year.
  - (3) The fair employment ~~and housing~~ commission, in accordance with its rules and regulations, shall have the power to impose a penalty upon any contractor or vendor failing to comply with this division of the contract in an amount not less than \$50.00 nor more than as provided in section 1-5 of this Code for each day that the contractor or vendor shall fail to comply, upon a specific finding of such violation. The commission may order a contractor or vendor found guilty of failure to comply with this division to pay all or a portion of the legal costs incurred by the city as a result of prosecution of such violations. Penalties assessed under this section may be recovered from the contractor or vendor by setoff against the unpaid portion of the contract price.
  - (4) Such other sanctions as may be imposed by the fair employment and housing commission pursuant to this division and other ordinances.

(Ord. No. 10287, § 1, 7-18-78; Ord. No. 10635, § 1, 4-15-80; Ord. No. 11320, § 1, 12-4-84; Ord. No. 11752, § 2, 3-15-88; Ord. No. 15865, § 1, 12-13-05; Ord. No. 15931, § 2, 5-2-06)

.....**Sec. 17-121. - City affirmative action program. Remains the same – no changes.**

.....**Sec. 17-122. - Exceptions. Remains the same.- no changes.**

Secs. 17-123—17-140. - Reserved.

#### DIVISION 5. - PUBLIC ACCOMMODATIONS

.....**Sec. 17-141. - Declaration of policy. Remains the same – no changes.**

.....**Sec. 17-142. - Definitions. Remains the same – no changes.**

.....**Sec. 17-143. - Unlawful public accommodation practice. Remains the same – no changes.**

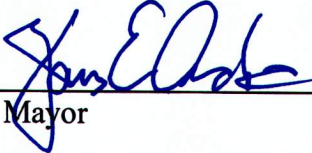
.....**Sec. 17-144. - Exemption. Remains the same – no changes.**

.....**Sec. 17-145. - Procedures for filing charges; conciliation; hearing; penalties. Remains the same – no changes.**

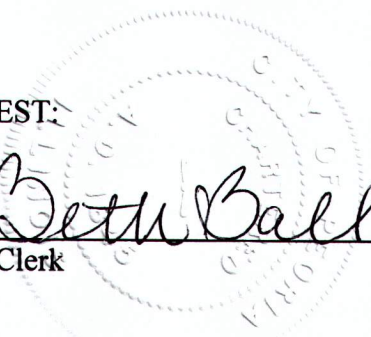
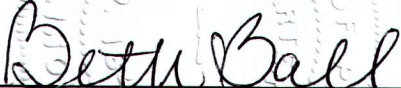
PASSED BY THE CITY COUNCIL OF THE CITY OF PEORIA, ILLINOIS

THIS 28th DAY OF May 2019.


APPROVED:

  
\_\_\_\_\_  
Mayor

ATTEST:

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

EXAMINED AND APPROVED:

  
\_\_\_\_\_  
Corporation Counsel