AGENDA
AD HOC COMMITTEE ON DIVERSITY
Friday, February 12, 2016 @ 11:30 a.m.
Council Conference Room, 10th Floor, City Hall
Updated 2/8/2016 5:00 p.m.

Councilmember Carol Wood, Chair
Councilmember Patricia Spitzley
Councilmember Jody Washington

1. Call to Order

2. Roll Call

3. Public Comment

4. Approval of Minutes
   - January 8, 2016
   - January 22, 2016

5. Presentations
   - Fire Department Hiring Presentation
6. Action/Discussion

   A. Ordinance Amendments; Human Rights Ordinance Chapter 297

   B. Updates on Participants in the Committee

7. Other

8. Adjourn

Ad Hoc

COMMITTEE on Diversity

DATE 2/12/16

Please print

NAME	ADDRESS	EMAIL	Representing	PHONE
Aida Cuadrado	201 W Miller Rd Lansing MI 48911	aidacuadrado.agl@gmail.com	ACTION of Greater Lansing	5173486263
Judi Harris	2808 W. Willow Lansing MI 48917	harrisj@stvcc.org	STVCC	517-323-4734 ext 1402
Stacey Loche	Peckham			
Jessica Laney	Peckham	jessicafun81@comcast.net		
Sandy Wolfe	Peckham		Peckham	
Griffin Rivers	3863 Waverly Hills Lansing MI 48917	griffin.rivers@gmail.com	Self	(517) 484-0428
KEN LANE	CLARK HILL	KLANE@CLARKHILL.com	CLARK HILL	318-3062
Brett Vom Drie	1133 N. Washington Ave. Lansing, MI 48906	brandrie@yahoo.com	Peckham	(231) 690-5946
Michael Hamel	120 E. Shiawassee Lansing	mhamel@lansingmi.gov	Lansing Fire	517-483-4560
Guillermo Z. López	1927 Pleasantview Ave Lansing, MI 48910	guillermo3543@att.net		517-974-5113
Alfonso P. Salas	10286 LAFayette Lane	salasalfonso@AOL.com	southside sports	517-303-4937

MINUTES
AD HOC COMMITTEE ON DIVERSITY
Friday, February 12, 2016 @ 11:30 a.m.
Council Conference Room, 10th Floor, City Hall

Call to Order
The meeting was called to order at 11:34 a.m.

Committee Members
Councilmember Carol Wood, Chair
Councilmember Patricia Spitzley-excused
Councilmember Jody Washington

Others Present
Sherrie Boak, Council Staff
Joseph Abood, Deputy City Attorney- arrived at 11:35 a.m.
Steve Purchase
Ken Lane, Clark Hill
Aide Cuadrado, Action for Greater Lansing
Judi Harris, STVCC
Stacey Locke, Peckham
Jessica Laney, Peckham
Sandy Wolfe, Peckham
Griffin Rivers
Brett Van Drie, Peckham
Michael Hamel, LFD Assistant Chief
Guillermo Lopez
Alfonso Salas, Southside Sports
Eric Weber

MINUTES
MOTION BY COUNCIL MEMBER WASHINGTON TO APPROVE THE MINUTES FROM JANUARY 8, 2016 AS PRESENTED. MOTION CARRIED 2-0.

MOTION BY COUNCIL MEMBER WASHINGTON TO APPROVE THE MINUTES FROM JANUARY 22, 2016 AS PRESENTED. MOTION CARRIED 2-0.

Human Rights Ordinance

Mr. Abood informed the Committee that before the meeting he spoke to Dr. Jackson Johnson and she stated she was not comfortable with how the ordinance was written as it pertained to items being requested of her Department because she does not have the manpower to provide them. Council Member Wood stated her frustration that based on that comment there was no reason to review Draft #3 of the Ordinance at this time. Ms. Locke asked what changes were different than what Dr. Jackson Johnson had already seen during her attendance at the past Ad Hoc meetings. Mr. Abood could not provide specifics, but expected to have a follow up with Dr. Jackson Johnson. Council Member Wood referenced page 21 of the ordinance, Item 2 which was the only change in addition to the requirement for an annual report on the number of cases HRCS sees. Everything else in the complaint process was part of the ordinance when it was adopted. Council Member Wood noted that it would be nice for the Committee to know what items in the current ordinance HRCS has issues with. She then voiced her frustration with the process since it was approved for public hearing, the public hearing was held and at the last minute the OCA keeps coming up with things that have no answers and therefore the Committee cannot move forward. Mr. Rivers recalled the comment by Council Member Spitzley that stated Council cannot have anything that cannot be enforced, so he asked what the Committee does now. Council Member Wood noted that the one item in question is that the complaint process goes thru HRCS, and it is difficult to understand the delay that this is an ordinance with only one change in the complaint section and follow up procedure. Any other changes are in the terminology. Council Member Wood instructed Mr. Abood to request that Dr. Jackson Johnson provide a written statement of her concerns before the next meeting to the Committee or be in attendance at the meeting. Mr. Abood confirmed he had already indicated this to Dr. Jackson Johnson.

Fire Department Hiring Presentation

Council Member Wood welcomed the Fire Chief and his staff back for a second meeting, and asked them to address training with diversity and any further discussions on EMS, along with ongoing training. The Fire Department gave their introductions. Chief Talifarro outlined the difficulties that can occur during hiring with Fire 1 & Fire 2 thru the certification with the State, however during recent trainings 48% of the hiring were Lansing residents. One question that is always asked is if they do any recruiting, and a situation they have run into is that 23% leave after they become employed because they come in, get trained, then move back to where their family is. With a return on investment 100% trained by the LFD were Lansing residents. It was noted that East Lansing is not effective enough for an academy and they have a paramedic requirement and the City of Lansing has an EMT requirement.

Council Member Wood noted that during a past budget the City Council stopped funding housing initiatives for all City employees but the balance that was in the account was carried forward. Chief Talifarro was not aware of the funds or the practice and Council Member Wood suggested he touch base with HR for that option again. In the past it was a 5-year forgivable grant. Maybe he Ad Hoc Committee could ask Council to reinstate that as a way to assure the hiring process to maintain. Council Member Washington asked what the success rate was when using that initiative. Council Member Wood confirmed all the funds were used that were allocated.

Ms. Wolfe asked the Chief if a fire fighter moves to Lansing from outside Michigan if they have to be retrained and the Chief confirmed that they do. The LFD is moving towards a national registry which allows to be recognized across state lines, and they will begin to track what is the importance of residency. It was noted though that training in other states does vary from Michigan.

The Chief moved into the topic of training confirmed that they have elderly training and are now building a program that addresses specific situations. They plan to develop a particular curriculum, continue discussions on leadership and diversity. Beyond that most trainings have been done with HR or with current staff. With the nature of the job and work schedule the training is unusual.

Council Member Wood asked if outside agencies had been meeting with the LFD to discuss their specific needs, such as Refugee Services, Peckham, Action of Greater Lansing, etc. Council Member Washington encouraged the Fire Department to continue doing what they are doing. The Chief noted that they are better suited and trained and when they become aware of a population become educated. There are future plans for training in EMS of continuing education. Training helps them create a relationship with the residents.

Ms. Harris offered to assist and speak with the Fire Depart, Police, EMS and Health Department on what they provide to the refugees. Chief Talifarro introduced Ms. Harris to Chief Hamel who handles trainings.

Mr. Lopez pointed out other areas of conflict where there are hate crimes with injuries and might be questionable. The question was asked if the LFD has training on how to handle that while waiting for the EMS to arrive. The Chief admitted there is no program for that but they train on the awareness. There are mandatory reporting they do comply with and do pay attention and then pass along with transport.

Ms. Locke offered to come to the LFD and speak on a self-advocacy presentation. When looking at the statistics of diversity in the fire department there is nothing with disability. They were encouraged to make efforts on disabilities such as dyslexia and learning disabilities. The Chief noted they do look at provisions for the written testing, most recently with the EMT testing. They are also making provisions for the growing population of future fire fighters who are veterans and now living with missing limbs or replacements.

The question was asked as to what LFD does for training on mental illness that is different training than Police. In part the EMS is trained to get a person in need to the appropriate resources, but also protect oneself. If they are in a mental health crisis, but not violent, their our training is more on compassion. In many instances where Fire and EMS are deployed, the people are considered to be in harm to one self or others. We deal with the risk immediately.

Mr. Rivers referenced the demographics which appeared their last hire was in 2014, and the Chief confirmed. Their plans are to hire 28. Mr. Rivers then asked where female fire fighters fell into the demographics and the Chief referenced the handout which was broken down by each Division of the Fire Department, and the last page of the handout depicted the % in the whole department. It was pointed out that females are the hardest group to recruit for fire fighters, but they will be looking in the future at fiscally physical testing.

Mr. Weber encouraged all the organizations present and Council to inform their constituents about what is called a “File of Life” that documents medications, diagnosis, family physicians, hospital preference, etc. This allows emergency personnel to understand their wished if they are alone, or do not speak English. It was noted that these cards can be located at Kroger’s and some pharmacies.

Other

Council Member Wood distributed a flyer for an upcoming Cesar Chavez event, and asked if the Committee and attendees would be interested in reconciling a past event for Cesar Chavez that used to occur at City Hall thru HRCS. The Committee will then ask Council to provide funding in the FY 2016/2017 budget for the event in the future. This would similar to the event hosted by HRCS for the MLK holiday. The Committee agreed to have an event on April 8th from noon – 1p.m. in the Council Chambers. The event coordinating team will be led by Guillermo Lopez, will have key note speakers and placed live on CityTV. In 2016 there will be no meal however the future events will incorporate that into the event.

Mr. Rivers asked Chief Talifarro how many firefighters have left, and the Chief noted 3 had left, and Mr. Rivers then congratulated the Chief on their practices to retain all the firefighters.

Adjourn

Adjourn at 12:45 pm
Submitted by,
Sherrie Boak, Council Office Manager
Approved by the Committee on March 11, 2016

DRAFT

MINUTES
AD HOC COMMITTEE ON DIVERSITY
Friday, January 8, 2016 @ 11:30 a.m.
Council Conference Room, 10th Floor, City Hall

Call to Order
The meeting was called to order at 11:30 a.m.

Committee Members
Councilmember Carol Wood, Chair
Councilmember Jessica Yorko- excused
Councilmember Jody Washington- arrived at 11:34 a.m.
Member (Vacant)

Others Present
Sherrie Boak, Council Staff
Joseph Abood, Deputy City Attorney
Randy Talifarro, Fire Chief
Mike Hammel, Assistant Chief Fire Department
Eric Weber, Fire Department IAFF 421 President
Bruce Odom, Fire Department Staff Officer
Maximo Anguiano, Action of Greater Lansing - Civil Rights for Immigrants
Judi Harris, St. Vincent's Refugee Services
Todd Heywood, City Pulse
Sandy Wolfe, Peckham
Stacey Locke, Peckham
Brett Vandry, Peckham
Stephen Purchase
Kathy Miles, Rejuvenating South Lansing

PUBLIC COMMENT
Ms. Wolfe stated there was an issue recently with pick-up and drop-offs with Spec-Tran near the Downtown Library due to lack of shoveling of sidewalks. Council Member Wood stated she would reach out to the Library, and will also invite CATA to next meeting.

Introductions

Presentations

Fire Chief Updates on Department Training

Chief Talifarro spoke about hiring process, vacancies, trainings, and diversity trainings. The Chief went thru a handout that detailed the demographic profile of each division. The hiring and training of officers is now under the model of pre-licensed and pre-certified. In 2014 there were 18-19 vacancies; they are now projecting 7-8 officers retiring, so if they hire 25 people, at that point they will be doing internal training. The benefit to internal training helps to affect diversity and ability to hire Lansing residents. Lansing does not have volunteer fire fighters as small communities do. The Department has also enacted a training pay grade, and not allowed a pay grade until the officer is fully licensed and certified which allows for incentive to successfully complete and pass the course.

There is a 12 weeks 40 hours per week fire-fighting training done similar to the academy style training. Then the Department also contracted with Huron Valley Authority EMS to do EMS training course for 4 months. The Department has partnered with LCC on fire training, and is looking to partner with LCC on EMT.

The Chief noted that during his interviews they also consider aptitude, attitude and situation judgement to see if they would be a good fit. Council Member Wood asked for the statistics on how many firefighters speak a foreign language. The Chief did not have that number but would get that information to the Committee.

Mr. Weber added that they do use the Call in Center where there are up to (9) nine languages that can be translated. The Fire Department does have some tri-lingual officers, and they also work with LPD for bi-lingual on road. The Chief added the hospital also has translators.

Council Member Wood asked about female officers, and the demographic tables were referenced for the specifics, but noted that with recruitment they do encourage females to apply and consider.

Council Member Wood asked if the Department has done training with Community Mental Health, and if they have annual trainings to deal with that population and the elderly population. Chief Talifarro confirmed they do thru EMS and continuing education. Periodic programs and he would have to verify but at least over the last 18 months to 2 years. They do hold discussions on mental health, substance abuse, autistic training and elderly abuse.

Mr. Purchase asked how they can broaden their reach to recruiting. Chief Talifarro confirmed they have recently met with the schools to talk about collaborating on a recruitment video to show a more positive reach. In 2014 there were 21 recruitment events, and the recruitment team meets once a month. In addition they continue to offer the job shadow program. They are working with LPD on a youth leadership academy hopefully for spring 2016.

Mr. Anguiano asked if they hired any in 2015. Chief Taliffo stated no, but they have set standards to determine what they needed and set profile on what should be required. He again outlined the interview process. Assistant Chief Hammel noted that they search for the best person not just their credentials.

Ms. Wolfe asked how much disability training they do. Chief Talifarro confirmed they have supervisory training and work also on cultural sensitivity.

Council Member Washington encouraged the department to start the trainings and recruitments at the middle school level not just the high schools. Council Member Washington then asked if

they offer sensitively training and reaching out to the LGBT community. Chief Taliffaro noted this training will be an added element.

Council Member Washington encouraged the department to increase diversity on their job postings and look for multi-lingual.

Lastly the Chief noted their 911 training is thru McClaren, and they have registered the clad with the State to get the authority to have the class. Council Member Wood asked for more updates on this status at the February 12, 2016 meeting, along with continued discussions on diversity training.

Action/Discussion
Ordinance Amendments; Human Rights Ordinance Chapter 297
Council Member Wood reminded the group the public hearing was scheduled for January 11, 2016. The Committee received an email from Mr. Abood, Deputy City Attorney, regarding three concerns he had.

Mr. Abood then offered his informal opinion on his concerns. Those included a concern with the definition on “sexual orientation” which is now expanded to what others may perceive that is problematic. He recommended a clean definition from the Oxford dictionary which defines it as a noun. He will continue to pursue the change in the ordinance for Harassment as well.

Regarding the recent Spring Arbor article on where they are working with LCC and providing classes, would this provide them with a Federal exemption from the City Ordinance? Mr. Abood could not confirm or deny since he only read the article and had not researched further, so will continue to research that.

Council Member Wood informed the group that the last addition to the ordinance would state the HRCS Department will report to Council on any Human Rights complaints annually.

Other
No other topics.

Adjourn
Adjourn at 12:58 pm
Submitted by,
Sherrie Boak, Council Office Manager
Approved by the Committee on____

DRAFT

MINUTES
AD HOC COMMITTEE ON DIVERSITY
Friday, January 22, 2016 @ 11:30 a.m.
Council Conference Room, 10th Floor, City Hall

Call to Order
The meeting was called to order at 11:34 a.m.

Committee Members
Councilmember Carol Wood, Chair
Councilmember Patricia Spitzley
Councilmember Jody Washington- arrived at 11:36 a.m.

Others Present
Sherrie Boak, Council Staff
Joseph Abood, Deputy City Attorney
Steve Purchase
Sandy Rios, CATA
Stacey Locke, Peckham
Griffin Rivers
Judy Harris, St. Vincent's Refugee Service
Sandy Wolfe, Peckham
Al Salas, Southside Boys Girls Youth Sports

Council Member Wood outlined the scope and goals of the Ad Hoc Committee with the focus on dealing with diversity on a broad scope including seniors, citizens with disabilities, refugees, etc. The goal is to look at what governmental process can be done when looking at ordinances and resolutions and are we being inclusive and what the ramifications of are decisions are with regard to all populations. In 2015 the Committee created a Human Rights brochure and are in the process of amendments to the Human Rights Ordinance.

Introductions

Public Comment
No public comment.

Approval of Minutes
Moved to next meeting.

DRAFT

Presentations
Capital Area Transportation Authority (CATA) – Sandy Rios
Council Member Wood introduced Ms. Rios and informed the Committee she was here to address questions on bus routes, dealing with those with disables, non-English speaking residents and Spec-Tran.

Ms. Rios distributed system maps and then presented on the Spec-Tran system. This system are being widely used as the service for those who are unable to use the fixed route based on disability or age and they cannot get to the fixed route stops. Applications for service are routed thru CACIL for qualifications. Beginning in December 2015 they now are routing based on call in negotiations with the riders instead of end of day mapping. This allows them a 20 minute window based on all requests and availability. Per ADA they have a one hour window they have to meet to provide the pickup. The cost is no more than twice the fixed route, so $2.50 each direction.

Ms. Wolfe spoke about some of concerns with Spec-Tran and how the new routing sessions is not working. Ms. Rios explained that they are still working out the problems and want to hear feed so they can continue to make changes.

Council Member Spitzley asked for statistics on the time when they meet the 20 minutes or hour. Ms. Rios noted her experience of 30 minutes to an hour, and with the old system you had to tell them 45 minutes before you wanted them there.

Mr. Purchased asked why they switched the system, and Ms. Rios confirmed they last system they would automatically have a 45 minute time frame, now they are giving them a more exact time when they call in. Callers must now give them a specific time they need to be places, allowing them to provide a window ahead of time.

Council Member Wood asked between the old and new system if there were any decreases in the amount of Spec-Tran riders and if they had to get more drivers and vehicles. Ms. Rios confirmed they have not increased vehicles and because of ASA requirements they need to meet the requests.

Council Member Spitzley asked if they can ask if the trips are work, medical, etc. Ms. Rios noted because of ADA they cannot ask specifics.

Council Member Wood asked if they have an interpreter when people call in. Ms. Rios stated they refer them to Refugee Services for their assistance on coordinating a schedule, and Ms. Harris confirmed they do provide that but when a refugee is no longer her agency it can be difficult for them. Ms. Rios added that they also have a website any one can use to schedule rides if they do not speak English.

Ms. Wolfe stated that there is no spot on their website to explain a situation when scheduling, and Ms. Rios made note. Council Member Wood encouraged Ms. Rios to create a prototype model and have members of the different groups try the website, and Ms. Rios confirmed it has been done, but can always be done again. There was also a suggestion the Ms. Rios research holding a class on how to use their website at the library. Ms. Wolfe noted the website does not allow you to state you have a walking device. Ms. Rios noted if you call in they do ask.

Council Member Spitzley asked Council Member Wood as Committee Chairperson to invite Ms. Rios back in 6 months to update on Spec-Tran and their new process.

Ms. Wolfe asked how many grocery bags someone can bring on a bus, and Ms. Rios stated four. The drivers to make some exceptions from time to time, but this is a matter of space along with staying on a schedule.

Ms. Locke spoke in support of the bus system.

Council Member Wood reported issues she had heard with Spec-Tran and drop offs and pick-up at ADA ramps that may have ice or snow in them at the library location. Ms. Rios stated she would check on the library location, but do encourage riders to not stand in the snow, but got to an open location.

Council Member Wood then reported a concern about fixed routes, especially in the south Lansing area where they are traveling a longer distance by coming to downtown station. Ms. Rios noted that routes 1-19 all go to the Lansing station, 20-29 are East Lansing Route, and 30 and over all MSU. There are other routes that riders can take for shorter times, and routes and if they call the call center they can help riders map it out. Riders can ask for transfers which will help.

Mr. Rivers asked about rates and discounts, and Ms. Rios stated seniors 62 and over can get a CATA club card for discounted rates to .60, and also a disability rate of .60. There are no transfer fees for anyone or surcharge fees for anyone. Ms. Rios made varies suggestion on how to travel from west to east on the south side without coming back to the downtown station.

Council Member Wood clarified that the Committee will need to work with CATA to educate and asked for possible route sheets they can distribute. Ms. Rios stated she will talk to her marketing department about those options.

Mr. Rivers asked if a rider can have more than one transfer, and Ms. Rios confirmed they can have two but the transfer is only good for two (2) hours.

Ms. Harris spoke in support of the CATA system, but has heard concerns from residents on not being able to get to their jobs on time, particularly in certain areas in Delta. Ms. Rios stated they have had a Delta service for over a year called Ready Ride Service. This service is reservation door to door service. Ms. Rios did not know of the rate, however would provide that to Ms. Harris.

Ms. Rios informed the group of their Local Advisory Committee that meets the 1st Wednesday of every other month at 3:30 p.m. at CATA on Tranter.

Mr. Salas cited an issue with the time frame for rides to and from the Lansing Mall area for employees. Ms. Rios went thru the maps and routes with Mr. Salas.

Council Member Wood invited Ms. Rios back in June for an update. She then asked all members present to provide frequent used routes location to location so Council can forward to CATA for potential of “cheat charts”. Council Staff will also send out an email to other participants of the Ad Hoc meetings.

Council Member Washington voiced a concern with the safety on Route 2, and also that Route 1 does not go along Saginaw often enough. Ms. Wolfe noted an issue with Route 23 not

running on Sundays and the stops being too far away. Ms. Rios made note of the issues and will take back to her planning department.

Action/Discussion
Ordinance Amendments; Human Rights Ordinance Chapter 297
Council Member Wood noted to the new Committee members that the Ad Hoc Committee began reviewing the Human Rights Ordinance at March 5th, 2015 with 14 meetings and a public hearing. Since holding the public hearing, the City Attorney office has now recommended additional changes.

The Committee received Draft #2. Mr. Abood stated the Attorney office is trying to make the ordinance meaningful and enforceable. They have a concern with definitions for "Bullying" and for "Hostile Work Environment". Council Member Wood explained to Mr. Abood the Committee had pulled the definition from the State Statue. Mr. Abood referenced their recommendations in the recent Draft #2 to honor the intent of the Ordinance but not to violate State, Federal or Constitutional law. Law suggestions were " Repeated, persistent and aggressive behavior intended to cause fear, distress or harm to another person's body, emptions, self-esteem or reputation." Not noted in Draft #2, Mr. Abood encouraged adding "verbal behavior that is directed at another person that a reasonable person would understand would cause fear or distress".

Council Member Washington noted there is "non-verbal bullying". Mr. Abood agreed but stated that have to be cognoscente to line up with other ordinances and there are currently other ordinances that prescribe towards this. Bullying is annoying, and we already have something on the books. Council Member Washington asked for if there is a detriment to have it in both places.

Council Member Wood asked Mr. Abood if the City Attorney office would sign off on the Ordinance for adoption Monday, 1/25/2016 if it was added. Mr. Abood stated it would be up to the City Attorney, and would make the recommendation. Currently Mr. Abood believes the Ordinances needs to be clear and lineal and believes the City ordinance is vague. Council Member Spitzley asked if there could be a reference to that ordinance in this definition so it is covered. Council Member Spitzley also asked who would define "fear", and currently this is completing arbitrary. Mr. Abood stated that Law "intent to" and they have to make sure the terminology is enforceable.

Council Member Spitzley asked how do they enforce and get an answer. Emotions are an unenforceable statement, and adding language such a reasonable standard makes sense. Mr. Purchased added to the conversation that there is also cyber bullying and by stating verbal it is too narrowly tailored. "Harass" speaks to physical conduct, and those words fit in bullying definition. Mr. Abood stated that this might not address cyber bullying and that is why they left out verbal and made it general, but then a discussion in their office suggested adding back in verbal.

Council Member Wood reiterated that the Committee has met at 14 meetings, had varies City Attorneys at each meeting and at these meeting asked Law these questions. The Committee is always looking at Law for opinions, and now they are rewriting ordinance.

Mr. Abood noted he has only been present for the last couple meetings and ordinance has not been signed off by the City Attorney. Council Member Wood concluded that the Committee at this time is not able to make adjustments because they do not have the printed changes before

us. It was her understanding City Attorney would have had to sign on because we held a public hearing and now we are hearing it has not been signed off. Mr. Abood agreed, and stated if even things were corrected Law would not sign off by Monday.

Council Member Spitzley stated her frustration with Mr. Abood suggesting even more changes. Council Member Wood noted that at this point a new public hearing would be needed. Mr. Abood was asked to speak to the City Attorney to make sure any draft brought to the Committee is something she will sign off on. Draft #3 should be provided to the Committee by February 8th for their February 12, 2016 meeting.

Mr. Purchased reminded the Committee of his recommendations to Law from the Public hearing on the fact Law removed "Intersex" and "Asexual" form the *Sexual Orientation* definition.

Mr. Abood stated he would look at those, and also noted there are other issues with the Ordinance that Law has some concerns over. Council Member Spitzley asked Mr. Abood if his document he was using had suggestions and changes that the Committee did not have in front of them, and he confirmed that was correct.

Council Member Washington informed Mr. Abood that the next time the Committee sees it on February 12, 2016 it will be complete. Council Member Spitzley stated her appreciation of the work done so far, but also noted her frustration with process from Law. She agreed with Council Member Washington that the next meeting the Committee will have the same document that Law has in front of them to review.

Other
Information was passed out about upcoming events.

Council Member Spitzley made the Committee aware that she would be late for the February 12, 2016 meeting, and Council Member Washington confirmed she would be early to accommodate quorum.

Adjourn
Adjourn at 1:03 pm
Submitted by,
Sherrie Boak, Council Office Manager
Approved by the Committee on____

Intentionally Left Blank

CITY OF LANSING
SUMMARY OF
ADOPTED ORDINANCE #1200

Lansing City Council adopted an Ordinance of the City of Lansing, Michigan, to amend Chapter 404 of the Lansing Codified Ordinances by regulating truck and trailer parking

Effective date: Upon publication

Notice: The full text of this Ordinance is available for review at the City Clerk's Office, 9th Floor, City Hall, Lansing, Michigan. A copy of the full text of this Ordinance may be obtained from the City Clerk's Office, 9th Floor, City Hall, Lansing, Michigan at a fee determined by City Council.

Chris Swope, Lansing City Clerk
www.lansingmi.gov/Clerk **www.facebook.com/LansingClerkSwope**

CP#15-303

CITY OF LANSING
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a Public Hearing will be held on Monday, January 11, 2016 at 7:00 p.m. in the City Council Chambers, 10th Floor Lansing City Hall, 124 W. Michigan Ave., Lansing, MI for the purpose of considering:

An Ordinance of the City of Lansing, Michigan to amend to Amend Section 297 of the Lansing Codified Ordinances by updating the definitions to include "Bullying" and "Hostile" and to update the ordinance on sexual orientation, discrimination, bullying, domestic partners, complaints and complaint decision.

For more information please call 517-483-4177. If you are interested in this matter, please attend the public hearing or send a representative. Written comments will be accepted between 8 a.m. and 5 p.m. on City business days if received before 5 p.m., Monday, January 11, 2016, at the City Clerk's Office, Ninth Floor, City Hall, 124 West Michigan Ave., Lansing, MI 48933 or email city.clerk@lansingmi.gov.

Chris Swope, Lansing City Clerk
www.lansingmi.gov/Clerk **www.facebook.com/LansingClerkSwope**

CP#15-302

On Dec 16, 2015, at 4:10 PM, Jackson, Brian wrote:

<Adopted Ordinance Adding Truck Parking.doc>

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, TO AMEND SECTION 297 OF THE LANSING CODIFIED ORDINANCES BY UPDATING THE DEFINITIONS TO INCLUDE "BULLYING" AND "HOSTILE WORK ENVIRONMENT" AND TO UPDATE THE ORDINANCE ON SEXUAL ORIENTATION, DISCRIMINATION, BULLYING, DOMESTIC PARTNERS, COMPLAINTS AND COMPLAINT DECISION.

THE CITY OF LANSING ORDAINS:

Section 1. That Section 297 of the Codified Ordinances of the City of Lansing, Michigan, be and is hereby amended to read as follows:

CHAPTER 297. HUMAN RIGHTS

Editor's note – Ordinance No. 1120, § 1, adopted December 18, 2006, added a new chapter 297 to read as herein set out. Formerly, such chapter pertained to human relations and was repealed by Ord. No. 957, 11-25-96.

297.01. – Intent.

The City finds that discrimination on the basis of irrelevant characteristics exists and that it adversely affects all citizens and the quality of life and opportunities available to all people.

And is therefore addressed by this Chapter declaring that discrimination or harassment against

any person because of irrelevant characteristics, including actual or perceived race, religion, ancestry, national origin, color, sex, age, height, weight, student status, marital status, familial status, veteran status, political affiliation or belief, sexual orientation, gender identity or expression, mental or physical limitation, or source of income is Prohibited.

(Ord. No. 1120 § 1, 12-18-06)

297.02. - Definitions.

As used in this Chapter, the following words and phrases have the following meanings:

Age: Chronological age as measured from date of birth.

Ancestry: The nationality, ethnicity, or family lineage from which a person is a descendent.

Bona fide occupational qualifications: Characteristics that_are reasonably necessary for the proper performance or evaluation of an occupation or the normal operation of a business.

BULLYING: REPEATED, PERSISTENT AND AGGRESSIVE VERBAL BEHAVIOR ~~INTENDED TO~~DIRECTED AT ANOTHER PERSON THAT A REASONABLE PERSON WOULD UNDERSTAND WOULD CAUSE FEAR, DISTRESS OR HARM TO THE ~~AN~~OTHER PERSON'S BODY, EMOTIONS, SELF-ESTEEM OR REPUTATION. ~~A PERSON IS BULLIED WHEN HE OR SHE IS EXPOSED, PERSISTENT AND PERVASIVE,~~

~~TO NEGATIVE ACTIONS ON THE PART OF ONE OR MORE OTHER PERSONS, AND HE OR SHE HAS DIFFICULTY DEFENDING HIMSELF OR HERSELF."~~

~~THIS DEFINITION INCLUDES THREE IMPORTANT COMPONENTS:~~

~~1. BULLYING IS AGGRESSIVE BEHAVIOR THAT INVOLVES UNWANTED, NEGATIVE ACTIONS.~~

~~2. BULLYING INVOLVES A PATTERN OF BEHAVIOR REPEATED OVER TIME.~~

~~3. BULLYING INVOLVES AN IMBALANCE OF POWER OR STRENGTH.~~

Formatted: Justified, Indent: Left: 0"

Contractor: A person who by contract furnishes services, materials or supplies. "Contractor" does not include a person who is merely a creditor or debtor of the City, such as those holding the City's notes or bonds or persons whose notes, bonds or stock are held by the City.

Discriminate/discrimination: To harass or treat differently or the act of harassing or treating differently, a person, or the person's friends, relatives, or associates, based in whole or in part on irrelevant characteristics of that person.

Employee: A person, paid or unpaid, performing work duties for an employer, including an applicant for paid or volunteer employment, or a participant in a training or apprenticeship program.

Employer: Any person with a business located within or doing business within the corporate

City limits of Lansing or doing Business with the City of Lansing who employs or is seeking to employ five or more employees, including any agent of that person or entity.

Employment: The act of an employee performing work duties for an employer.

Employment agency: Any person, paid or unpaid, who regularly undertakes to procure, refer, recruit, or place an employee with an employer, including any agent of that person.

Familial status: The state of being in a family or functional family.

Family: Any one of the following:

(1) An individual who is pregnant; or

(2) Two or more individuals related by blood within four degrees of consanguinity, marriage, adoption, or in a foster care relationship.

Functional family: A group of individuals who do not meet the definition of "family," living together as a single housekeeping unit and intending to live together as a single housekeeping unit for the indefinite future. "Functional family" does not include a fraternity, sorority, club, hotel, or other group of persons whose association is temporary or commercial in nature.

Gender identity or expression: A person's gender-related self-perception, appearance,

expression or behavior, regardless of that person's sex at birth.

Harass/harassment: Physical conduct or communication directed at another person intentionally for the purpose or effect of creating an intimidating, hostile, or offensive environment with regard to employment, places of public accommodation, public services, or housing.

HOSTILE WORK ENVIRONMENT: THIS DEFINITION ADOPTS BY REFERENCE THE DEFINITION OF THIS TERM UNDER MICHIGAN LAW AND INCLUDES THAT A HOSTILE WORK ENVIRONMENT EXISTS WHEN THERE IS PERSISTENT AND PERVASIVE DISCRIMINATORY CONDUCT OR BEHAVIOR IN THE PLACE OF WORK THAT IS UNWELCOME AND OFFENSIVE TO AN EMPLOYEE OR GROUP OF EMPLOYEES, OF A PROTECTED CLASS STATUS, THAT IS SEVERE ENOUGH TO DISRUPT, BEYOND A REASONABLE DEGREE, THE WORK OF THE TARGETED EMPLOYEE OR EMPLOYEES. ~~A HOSTILE WORK ENVIRONMENT EXISTS WHEN AN EMPLOYEE EXPERIENCES WORKPLACE HARASSMENT AND FEARS GOING TO WORK BECAUSE OF THE OFFENSIVE, INTIMIDATING, OR OPPRESSIVE ATMOSPHERE GENERATED BY THE HARASSER. WHEN AN EMPLOYER DIRECTLY CAUSES OR ALLOWS OTHERS TO ENGAGE IN DISCRIMINATORY CONDUCT AT THE WORKPLACE, THE EMPLOYEE MAY HAVE A HOSTILE WORK ENVIRONMENT CLAIM.~~

Housing status: The state of having or not having a fixed residence, including, but not limited to, the state of owning or renting (with or without receiving public housing assistance) a place to live. This includes a person's type of dwelling or shelter, including, but not limited to, single family or multiple family homes, apartments, condominiums, rooming houses, housing cooperatives, hotels, motels, public or subsidized housing units, retirement homes, nursing homes, and temporary or long-term shelters.

Irrelevant characteristic/irrelevant characteristics: Any status or condition which is unrelated to a person's ability to:

(1) Safely and competently perform specific duties of a particular job or profession, or qualify for promotion,
(2) Use or benefit from a place of public accommodation,
(3) Use or benefit from public services, or
(4) Acquire, rent, or maintain property.

"Irrelevant characteristics" do not include bona fide occupational qualifications but do include a person's actual or perceived race, religion, ancestry, national origin, color, sex, age, height, weight, student status, marital status, familial status, housing status, veteran status, political affiliation or belief sexual orientation, gender identity or expression, mental or physical limitation, OR SERVICES IN ARMED FORCES IN SOVERIGN-NATIONS~~NATIONS AND~~

~~SOURCE OF INCOME~~.

Labor organization: Any union, committee, association, or organized group of employees that exists primarily for the purpose of dealing with employment concerns, grievances, wages, labor disputes, rates of pay, hours of work, or other terms or conditions of employment.

Marital status: The state of being single, married, separated, divorced, in a functional family, or a surviving spouse.

Mental limitation: Actual or perceived disability or handicap, as those terms are defined in the Michigan Persons With Disabilities Civil Rights Act, or limitation regarding mental capabilities unrelated to a person's ability to:

Perform a particular job or profession or qualify for promotion,

(1) Use or benefit from a place of public accommodation,

(2) Use or benefit from public services, or

(3) Acquire, rent, or maintain property.

"Mental limitation" includes, but is not limited to, developmental disabilities, psychological conditions, and the use by any person of adaptive devices, aids, or medication to mitigate such limitations. "Mental limitation" does not include any condition caused by the current use of an

illegal or controlled substance or alcohol.

National origin: The country where a person or a person's ancestors were born. Discrimination against a person based on national origin shall include discrimination against nonnaturalized citizens and persons for whom English is a second language.

Perceived: As used in this chapter "perceived" refers to the perception of the respondent and not the perception of the claimant.

Person/persons: One or more individuals, partnerships, associations, or organizations; labor organizations, labor unions, or joint apprenticeship committees; businesses, companies, or corporations; legal representatives, receivers, trusts, or trustees; unincorporated organizations; employers or employment agencies; employees or contractors; realtors, real estate brokers, salespersons, or leasing agents; the City of Lansing, agencies of the city, and any recipient of city funds or any other legal or commercial entity.

Physical limitation: Actual or perceived disability or handicap, as those terms are defined in the Michigan Persons With Disabilities Civil Rights Act, or limitation regarding physical capabilities and human motor performance unrelated to a person's ability to:

(1) Safely and competently perform specific duties of a particular job or profession or qualify for promotion,

(2) Use or benefit from a place of public accommodation,

(3) Use or benefit from public services, or

(4) Acquire, rent, or maintain property.

"Physical limitation" includes, but is not limited to, blindness or partial sightedness, deafness or hearing impairment, muteness, partial or total absence of any body part(s), speech impairment, motor impairment, and the use by any person of adaptive devices or aids to mitigate such limitations.

"Physical limitation" does not include any condition caused by the current use of an illegal or controlled substance, or alcohol.

Place of public accommodation: A place open to the general public that is a facility or business of any educational, governmental, nonprofit, health, day care, entertainment, cultural, recreational, refreshment, transportation, or human services, financial, or other business of any kind, whose goods, services, facilities, activities, privileges, or advantages are extended, offered, sold, rented, leased, or otherwise made available to the public.

Public services: Goods, services, facilities, activities, privileges, or advantages extended, offered, sold, rented, leased, or otherwise made available to the public through a department, agency, board, or commission owned, operated, or managed by or on behalf of the state or a

political subdivision of the state or a nonprofit organization, including tax-exempt private agencies, which receive financial support through the solicitation of the general public or through governmental subsidy of any kind.

Real property: Any habitable or potentially habitable land or building, as used in this definition "habitable building" includes, but is not limited to, single and multiple family homes, apartments, condominiums, housing cooperatives, mobile homes or trailers, mobile home or trailer parks, and tenements, including any lease or interest in real property.

Religion: All aspects of religious observance, dress, practice, and belief.

Sexual orientation:~~-~~A PERSON'S SEXUAL IDENTITY IN RELATION TO THE GENDER TO WHICH THEY ARE ATTRACTED; THE FACT OF BEING HETEROSEXUAL, HOMOSEXUAL OR BISEXUAL. ~~Male or Female homosexuality, heterosexuality or bisexuality, INTERSEX, ASEXUAL whether past or present.~~

Sex: The condition of being male~~ or~~, female, INTERSEX OR ASEXUAL. Discrimination based on sex includes sexual harassment, which means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct or communication of a sexual nature when:

(1) Submission to such conduct or communication is made a term or condition either explicitly or implicitly to obtain employment, public accommodation, or housing; or

(2) Submission to or rejection of such conduct or communication by a person is used as a

factor in decisions affecting such person's employment, public accommodation, or housing; or

(3) Such conduct or communication has the purpose or effect of substantially interfering with a person's employment, public accommodation, or housing, or creating an intimidating, hostile, or offensive employment, public accommodation, or housing environment.

Student status: The current state of pursuing a diploma/degree at any educational institution.

Source of income: Any legal source from which a person obtains money.

Veteran Status: Having served in any unit of the United States Armed Forces or their reserve components, including the National Guard and the Coast Guard.

(Ord. No. 1120, § 1, 12-18-06)

297.03. - Prohibitions in employment.

(a) Except as otherwise provided, no person shall discriminate against any other person with regard to recruiting, referring, hiring, contracting, compensating, grading, classifying, promoting, demoting, disciplining, terminating or otherwise restricting or conditioning terms and privileges of employment based on:

(1) Irrelevant characteristics; or

(2) The results of physical or mental examinations that are not directly related to the bona

fide occupational qualifications for the job sought.

(b) Except as otherwise provided, no person shall discriminate against any other person with regard to offering, selecting, extending, terminating, or otherwise restricting or conditioning terms, privileges, or representation of membership in any labor organization or apprentice program based on irrelevant characteristics.

(c) Except as otherwise provided, no person shall discharge, terminate, expel, or otherwise discriminate against any other person because that person has opposed any discriminatory practice forbidden by this chapter or has filed a complaint, testified, or assisted in any proceeding regarding any discriminatory practice forbidden by this chapter.

(Ord. No. 1120, § 1, 12-18-06)

297.04. - Prohibitions in places of public accommodation.

(a) No person shall discriminate against any other person by withholding, denying, curtailing, or otherwise limiting the full use and enjoyment of places of public accommodations.

(b) No person shall prohibit a breastfeeding mother from or segregate a breastfeeding mother within any place of public accommodation where she and the child would otherwise be authorized to be.

(Ord. No. 1120, § 1, 12-18-06)

297.05. - Prohibitions in provision of public services.

(a) No person shall discriminate against any other person in providing information, offering access, or making referrals regarding public services, or by withholding, denying, curtailing, or otherwise limiting the full use of and benefit from public services.

(Ord. No. 1120, § 1, 12-18-06)

297.06. - Prohibitions in housing.

(a) No person shall discriminate in referring, leasing, selling, renting, showing, advertising, pricing, offering, inspecting, listing, or otherwise making available any real property, including discrimination in providing information and receiving or communicating a bona fide offer on any real property.

(b) No person shall discriminate in (a) the application, conditions, or granting of mortgages or other financing, (b) the offer, conditions, or sale of home-owner or rental insurance, or (c) the contracting of construction, rehabilitation, maintenance, repair, or other improvement of any housing facility.

(c) No person shall refuse to lend money for the purchase or repair of any real property or insure any real property solely because of the location in the city of such real property.

(d) No person shall promote any sale, rental, lease, sublease, Exchange, transfer, or assignment of real property by representing that changes are occurring or will occur in an area with respect to any irrelevant characteristics.

(e) No person shall indicate, communicate, or otherwise represent to another person that any real property or interest therein is not available for inspection, sale, rental, or lease knowing in fact it is available, including failing to make a person aware of a real property listing, refusing to permit inspection of real property, and representing that a property has been sold when In fact it has not.

(f) No person shall offer, solicit, accept, use or retain a listing of real property or an interest therein with the understanding that a person may be discriminated against in a real estate transaction or in the furnishing of facilities or services in connection therewith.

(Ord. No. 1120, § 1, 12-18-06)

297.07. - Other prohibited practices.

(a) No person shall adopt, enforce, or employ any policy or publish, circulate, post, mail, or otherwise broadcast any statement, advertisement, sign, or notice or use a form of application or make a record of inquiry which directly or indirectly discriminates or indicates discrimination in providing employment, public accommodations, public services, ~~or~~ housing, OR HEALTH CARE ~~OR OTHER SERVICE~~.

(b) No person shall discriminate in the publication or distribution of advertising material, information, or solicitation regarding employment, public accommodations, public services, ~~or~~ housing, OR HEALTH CARE ~~OR OTHER SERVICES~~.

(c) No person shall coerce, intimidate, threaten, harass, retaliate against, BULLY or interfere with any person:

(1) In the exercise or enjoyment of, or on account of one's having exercised or enjoyed, or on account of one's having aided or encouraged any person in the exercise or enjoyment of, any right protected in this chapter; or

(2) Making a complaint or assisting in an investigation regarding a violation or alleged violation of this chapter.

(d) No person shall require, request, conspire with, assist, BULLY or coerce another person to:

(1) Discriminate in any manner prohibited by this chapter; or

(2) Intimidate, threaten, harass, or retaliate against another person for making a complaint or assisting in an investigation regarding an alleged violation of this chapter.

(e) No person shall provide false or misleading information to Any authorized person investigating a complaint regarding a violation or alleged violation of this chapter, or sign a complaint for a violation of this chapter based upon false or substantially misleading information.

(Ord. No. 1120, § 1, 12-18-06)

297.08. - Exceptions.

Exceptions to discrimination and harassment under this chapter shall include, but are not limited to:

(a) Employment;

(1) This chapter does not apply to the employment of any person by his/her parent, spouse, or child.

(2) It is permissible to discriminate in hiring and selecting between one person and another based on bona fide occupational qualifications. Upon a claim of discrimination, the Claimant shall have the burden of making a prima facie showing that a qualification or selection is based on an irrelevant characteristic. An employer shall then have the burden of establishing that a qualification or selection criterion is reasonably necessary for the claimant to perform in the normal operation of the business. The Claimant will then have the burden of showing that such qualification or criterion is mere pretext.

(3) It is permissible to give preferential treatment in hiring to veterans and their relatives as required by federal or state law.

(4) It is permissible to engage in a bona fide effort to establish, maintain, or improve employment opportunities for persons protected from discrimination and harassment under this chapter.

(5) It is permissible to consider legal source of income as a bona fide occupational qualification where the employment involves non-compete agreements, trade secrets, or similar legally recognized restraints on employment based on source of income.

(b) Public accommodation and public services;

(1) It is permissible to restrict the use of shower or changing areas in health clubs or recreational facilities on the basis of sex when separate and private shower or changing areas do not exist.

(2) It is permissible to refuse to admit to a place of public accommodation serving alcoholic beverages a person under the legal age for purchasing alcoholic beverages.

(3) It is permissible to refuse to admit persons under 18 years of age to a business providing entertainment or selling literature or merchandise, which the operator of the business deems unsuitable for minors, or which is a "sexually explicit matter" as defined by Section 3 of Act 33 of the Public Acts of 1978, codified at MCL 722.673.

(4) It is permissible for an educational institution to limit the use of its facilities to those affiliated with such institution.

(5) It is permissible to provide discounts on products or service to students, minors, and senior citizens.

(6) it is permissible to restrict participation on athletic teams or in athletic events on the basis of age.

(c) Housing;

(1) It is permissible to discriminate in any arrangement for the sharing of a single unit dwelling, the remainder of which is occupied by the owner or a member of his/her immediate family.

(2) It is permissible for the owner of a dwelling devoted entirely to the housing or accommodation of a single sex to restrict occupancy and use on the basis of sex.

(3) This chapter does not require any person who does not participate in the Federal Section 8 Housing Assistance Program to accept any subsidy, payment assistance, voucher or contribution in connection with such program, or to lease or rent to any tenant or prospective tenant who is relying on such a subsidy as payment for at least part of the rent.

(Ord. No. 1120, § 1, 12-18-06)

297.09. - Other exceptions as required by law.

This chapter shall not be construed to limit rights granted by State or Federal Constitution, law, rule or regulation, including but not limited to, the following:

(a) It is permissible to discriminate in employment, public accommodation, public services, and housing based on a person's age, income level, or mental or physical limitations when such discrimination is required or allowed by Federal, State or Local constitution, law, rule or regulation.

(b) It is permissible for a governmental institution to restrict access to any of its facilities or to

restrict employment opportunities based on duly adopted institutional policies that conform to Federal, State or local constitution, law, rule or regulation.

(c) This chapter shall not be read to prohibit or interfere with the exercise of a person's first amendment rights.

(d) It is permissible for a religious organization or institution to restrict employment opportunities, housing facilities, or accommodations that are operated as a direct part of religious activities to persons who are members of or who conform to the moral tenets of that religious institution or organization.

(e) It is permissible to limit occupancy in a housing development or to provide public accommodations or employment privileges or assistance to persons of low income, over 55 years of age, or who have a physical or mental limitation.

(f) It is permissible to discriminate based on a person's age when State, Federal, or local law requires it.

(g) It is permissible to refuse to enter into a contract with an emancipated minor.

(h) Nothing in this chapter shall affect, replace, or diminish the duties, obligations, rights, or

remedies as otherwise provided by any union contract, collective bargaining agreement, or federal, state or local constitution, law, rule or regulation, which shall control over this chapter.

(i) This chapter shall not be read to require an employer, whether public or private, to provide benefits to UNMARRIED domestic partners in contravention of Article I, Section 25 if the Michigan Constitution.

(Ord. No. 1120, § 1, 12-18-06)

297.10. - Complaints.

(a) Any person claiming to be discriminated against or harassed in violation of this ordinance may file with the Human Relations and Community Services department (hereafter referred to as "the department") a complaint, in writing, setting forth with reasonable specificity the person or persons alleged to have violated this chapter, the specific nature of the violation and the date(s) of the alleged violation. A person filing a complaint must do so within 180 days of the incident forming the basis of the complaint.

(b) To the extent permitted by law, all written complaints of discrimination in employment, public accommodation, public services, and housing received by the department shall be kept confidential.

(c) The department shall:

(1) Be responsible for receipt, recordation, investigation, mediation, conciliation, recommendation, and/or referral to the Office of the City Attorney;

(2) ~~A STAFF MEMBER WILL~~ CONTACT YOU TO DISCUSS YOUR CONCERNS AND SCHEDULE AN INFORMAL CONFERENCE (ESTIMATED TIME WITHIN 45 DAYS);

(3) ~~(2)~~ Ensure there are no undue burdens placed on a Claimant, which might discourage filing of a discrimination complaint;

(4) ~~(3)~~ Commence and complete the complaint investigation, mediation/conciliation, and recommendation process in a timely manner; AND

~~(5)~~ ~~(4)~~ Promulgate and publish rules and guidelines for processing, investigating, mediating/conciliating, and recommending resolution of the complaint~~;~~. ~~and~~

~~(6) REFER A COMPLAINT IT DEEMS VALID AND SUFFICIENTLY EGREGIOUS DIRECTLY TO THE CITY ATTORNEY FOR REVIEW AND ADDITIONAL ACTION.~~

~~(7) DECISIONS MAY BE REFERRED TO THE CITY ATTORNEY, MICHIGAN DEPARTMENT OF CIVIL RIGHTS, COUNTY PROSECUTOR OR OTHER APPROPRIATE ENFORCING AGENCY~~

(Ord. No. 1120, § 1, 12-18-06)

297.11. - Investigation and hearing.

(a) During an investigation, the department may request the appearance of witnesses and the production of books, papers, records or other documents that may be relevant to a violation or alleged violation of this chapter.

(b) If the department determines that the complaint and preliminary evidence gathered indicates a prima facie violation of an ordinance in this chapter, the department shall assign a person within the department to conduct a hearing (hereinafter referred to as the "Hearing Officer") within 90 days after completion of its preliminary investigation. The person who is alleged to have committed a violation (the "Respondent") and the claimant shall be sent by regular mail at least 14 days advance, notice of the scheduled date and time of the hearing and a request for each to appear. At the hearing, testimony will be taken. All testimony shall be on the record, under oath and either recorded or transcribed. Both Claimant and Respondent shall be allowed to testify, present evidence, bring witnesses to testify, and to cross examine all witnesses at the hearing. Technical rules of evidence shall not apply.

(c) A failure of either the Claimant or the Respondent to cooperate with the department may result in an adverse determination for that person at the hearing.

(Ord. No. 1120, § 1, 12-18-06)

297.12. Findings and recommendations.

The Hearing Officer shall make findings of fact based on the testimony and evidence introduced

at the hearing and shall recommend such relief as the hearing officer deems appropriate. The Claimant and Respondent shall have the right to appeal the Hearing Officer's findings and recommendations in writing within 30 days to the Director of the department. On appeal, the hearing record and Hearing Officer's findings and recommendations shall be reviewed by the Director of the department, who shall approve, approve with modification, or disapprove of the findings and recommendations. After the Director's review, the department's findings and recommendations shall be served by regular mail on the Claimant and Respondent to the complaint, who shall have 30 days to comply with such findings and recommendations, unless otherwise provided by the department.

(Ord. No. 1120, § 1, 12-18-06)

297.13. Available recommendations.

Department recommendations may include, but are not limited to one or more of the following:

(a) Ceasing the illegal conduct cited in the complaint and taking steps to alleviate the effect of such illegal conduct;

(b) Providing that the respondent apologize to the Claimant;

(c) Closing the matter based upon a mediation/ conciliation agreement of the Claimant and Respondent;

(d) Paying actual damages for injury or loss;

(e) Hiring, reinstating, or promoting the Claimant, with or without back pay, or providing such

fringe benefits as the Claimant may have been denied;

(f) Selling or leasing of housing or dwelling unit in question to the Claimant;

(g) Admitting the claimant to a place of public accommodation or extending full and equal use and enjoyment of said place of public accommodation;

(h) Paying some or all of the claimant's costs, costs incurred at any stage of review;

(i) Posting the explanation of and requirements for compliance with this chapter;

(j) Dismissing the complaint; and

(k) Imposing costs against a Claimant for a frivolously filed claim.

(Ord. No. 1120, § 1, 12-18-06)

297.14. - Civil infraction.

(a) An action for a civil infraction for a violation of this chapter may be initiated by the department on the basis of its investigation of a complaint and issuance of findings and recommendations.

(b) If the department determines that discrimination or harassment took place and the Respondent does not comply with the department's recommendation within the specified time period, the department may refer the matter to the City Attorney, County Prosecutor, the Michigan Department of Civil Rights, the United States Department of Justice, Department of Housing and Urban Development, or other appropriate enforcing agency.

(c) The City Attorney may commence legal action by filing and serving a complaint to obtain injunctive relief or any other remedy in an effort to prevent further discrimination prohibited by this chapter and to remedy the effects of such discrimination.

(d) A violation of a prohibited act in this chapter is designated a municipal civil infraction, is not a crime and shall not be punishable by imprisonment.

(e) Schedule of civil fines. The violation shall be according to the following schedule:

(1) First violation ……..... $ 150.00

(2) Second violation …….. $ 250.00

(3) Third (or any subsequent) violation …….. $ 500.00

(f) Continuing violation.

(1) For an offense that is a single and discrete occurrence, a single violation shall accrue (for example, a single act of harassment like a racial epithet). Subsequent single and discrete occurrences shall result in additional violations according to the above schedule (for example, two separate instances of racial epithets would constitute a first and second violation).

(2) For offenses that are continuing in nature, rather than single and discrete, the first violation shall accrue with the first day of the occurrence, and subsequent violations shall accrue for each additional day of that occurrence (for example, an impermissible

hiring practice that continues each day on an ongoing basis).

(3) For continuing violations under subsection (f)(2), the day of the first occurrence shall be measured from the day of service of the City Attorney's complaint.

(Ord. No. 1120, § 1, 12-18-06)

297.15. - Private actions.

Any person who is the victim of discrimination in violation of this chapter retains his or her right to pursue any and all other legal action to which the person may be entitled in addition to the remedies available under this chapter. Nothing in this chapter shall be construed to limit rights granted under the laws of the State of Michigan or the United States.

(Ord. No. 1120, § 1, 12-18-06)

Section 2. All ordinances, resolutions or rules, parts of ordinances, resolutions or rules inconsistent with the provisions hereof are hereby repealed.

Section 3. Should any section, clause or phrase of this ordinance be declared to be invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be invalid.

Section 4. This ordinance shall take effect on the 30th day after enactment, unless given immediate effect by City Council.

Approved as to form:

_____
City Attorney

Dated: _____