



AGENDA
AD HOC COMMITTEE ON DIVERSITY AND INCLUSION
Friday October 19, 2018 @ 11:30 a.m.
Council Conference Room, 10th Floor, City Hall

Councilmember Carol Wood, Chair
Councilmember Brian Jackson, Vice Chair
Councilmember Patricia Spitzley

1. Call to Order
2. Roll Call
3. Public Comment
4. Approval of Minutes

September 14, 2018
September 28, 2018

5. Discussion
 - A.) Human Rights Ordinance
6. Other
 - Updates on Participants in the Committee
7. Adjourn

DRAFT



**MINUTES
AD HOC COMMITTEE ON DIVERSITY AND INCLUSION
Friday, September 14, 2018 @ 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

Council Member Carol Wood, Chair
Council Member Brian T. Jackson, Vice Chair - excused
Council Member Patricia Spitzley

Others Present

LaSondra Crenshaw, Council Staff
Joe Abood - Attorney's Office
Elaine Womboldt—Rejuvenating South Lansing
Stacey Locke - Peckham
Tammy Lemmer - TCOA
Jim Bale

MINUTES

MOTION BY COUNCIL MEMBER SPITZLEY TO APPROVE THE MINUTES FROM JULY 13, 2018 AS PRESENTED. MOTION CARRIED 2-0

MINUTES FROM AUGUST 10, 2018 PLACED ON FILE. MOTION CARRIED 2-0

Discussion

Adding language to the Purchasing Ordinance

Council Member Wood advised the group that in dealing with MEI score we looked at ways to increase our numbers. One of the areas we could deal with was ordinance in

purchasing which dealt with gender identity or sexual orientation. We had law take a look at it and we would like to make a four word change to the ordinance.

Ms. Locke asked if on line 16 we could change the word “handicap” to “disability”. The group agreed this would be a good change.

Mr. Abood stated is does not understand what political orientation means in line 16, he will check with Lisa Hagen and have her get back to Council Member Wood. Possible change could be political “affiliation” instead of “orientation”. A draft will be made available for the next meeting

Discussion **Budget Priorities**

Due to time this topic will be discussed at a later date A special meeting may be called if enough members can be present.

Discussion **Human Rights Ordinance**

Council Member Wood informed the Committee that during a meeting she asked the Police Chief if training was done on the Human Rights Ordinance, and this brought about a discussion with the City Attorney on our ordinance. She asked Mr. Abood to explain the office concerns.

Mr. Abood advised that he pulled up Human Rights Ordinance and under section 297.10 it has City Attorney investigating, prosecuting, hearing officer, and reviewing the appeal, which removes the presumption of innocence. He stated this is not the way an ordinance should be drafted or applied. This is a significant issue but doesn't require significant changes. The ordinance will be ready for the Committee's review at the next meeting.

He then stated our ordinance calls for 180 days for complaint to be filed. Civil Rights, and EEOC will not look at a complaint if it is over 180 days old. I recommend anyone with a complaint to go to the Department of Civil Rights and file a complaint with them as well. He advised the Committee they may want to think about changing the 180 day timeframe as well.

Council Member Spitzley asked is this a job for our Ad Hoc on Diversity and Inclusion or the new Commission. Council Member Wood stated ordinance are the responsibility of Council.

Council Member Wood stated that giving the City Attorney's office the ability to put a hearing officer in place, we need to make sure Human Rights brochures are available.

Ms. Wombaldt asked will this be a separate division. Mr. Abood stated the Prosecutor should never be the Judge, and if you appeal a Judge it shouldn't go to the same Judge for the appeal.

Ms. Locke stated that if people with disabilities go to the Civil Rights Department and don't get a good outcome. They may not feel comfortable than going to the City. Mr. Abood explained to Ms. Locke why that shouldn't be an issue.

OTHER
Updates on Participants in the Committee

RSL – Tuesday Sept 25, 2018 at 6:30 p.m.

Meet the Advocacy Sept 26, 2018 at 2:30 p.m.

LEAD State conference Oct 12th at Lansing Center

TCOA Advisory Council age 60 and over have 2 vacancies they meet the 2nd Thursday of every month at 1:00 p.m.

Every Wednesday 5:30 – 6:30/7:00 Jail Tours - Ingham County sheriff office

Sparrow Volunteers- if over 55 go through VIP office

Friday and Saturdays 8:00 p.m. – 12:00 a.m. Midnight Basketball - Hill Center

Adjourn

Adjourn at 12:42 p.m.

Submitted by,

LaSondra Crenshaw, Administrative Assistant

Approved _____



MINUTES
AD HOC COMMITTEE ON DIVERSITY AND INCLUSION
Friday, September 28, 2018 @ 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

Council Member Carol Wood, Chair

Council Member Brian T. Jackson, Vice Chair – arrived at 11:37 a.m.

Council Member Patricia Spitzley – arrived at 11:40 a.m.

Others Present

LaSondra Crenshaw, Council Staff

Joe Abood - Attorney's Office

Elaine Womboldt—Rejuvenating South Lansing

Stacey Locke - Peckham

Tammy Lemmer - TCOA

Jim Bale

Dax Carpenter

Guillermo Lopez – LLEAD/BOE

Mark Brown – NAACP/ACLU

Julee Rodocker – CMS/Police Commission

MINUTES

Minutes will be approved at the next meeting

Discussion

Adding language to the Purchasing Ordinance

Council Member Wood reminded the group as to why a discussion was made to update the Purchasing Ordinance. She advised we were asked if we had criteria that spoke on

sexual identity and gender. There was some language but not enough. So changes were made to Line 16 and 17.

Mr. Abood advised he changed the word “identify” to “identity” in line 5 as he believed it was a typo.

Council Member Wood advised we would place the topic on the Council on October 8th and a public hearing will be set for October 22nd, then back to the Ad Hoc Committee, hopefully vote on by the full Council on November 12th.

MOTION BY COUNCIL MEMBER JACKSON TO INTRODUCE AND SET THE PUBLIC HEARING FOR PURCHASING ORDINANCE CHAPTER 206 FOR OCTOBER 22ND.
Motion passes

Discussion **Human Rights Ordinance**

Council Member Wood updated the Committee regarding adding in language to the Human Rights Ordinance so that Law could designate a hearing officer.

Mr. Abood stated that the City Attorney’s Office is the Enforcement division of the ordinance, and the current ordinance has the attorney’s office doing everything from hearing the complaint, ruling on the complaint and hearing the appeal of a complaint.

Council Member Wood added that we had two options, do nothing or make it right. We decided to make sure what we have on the books is right. We also need to continue to push for education to make sure people are aware we have a Human Rights Ordinance.

Council Member Spitzley asked what the cost is of having City Attorney doing the investigation and review versus HRCS doing it. Council Member Wood advised that it was once suggested that the police investigator could do it but the Committee was told HRCS did not have the staffing to do so.

Mr. Abood stated his office would be willing to work with the police investigator to make sure they are asking the correct questions.

Council Member Wood let the group know at our next meeting October 12th we will have the City Attorney have the recommendations on the initial changes we discussed. And if possible have two different drafts.

She then advised she will set up a meeting with Mr. Smiertka and Mayor Schor before October 12th regarding the Human Rights Ordinance. Our goal will be to place on the agenda October 22nd, set the public hearing November 12th, and final passage November 26th.

She also added that on October 22nd the Deaf, Deaf/Blind and Hard of Hearing requested to do their presentation during the Committee Of the Whole meeting. They will be speaking on the State wide survey regarding the needs of Deaf, Deaf/Blind and Hard of Hearing communities throughout Michigan and why participation by those in the communities is vital. They will also have an interpreter with them.

OTHER

Updates on Participants in the Committee

NAACP Annual Dinner Sept 30th, Crowne Plaza Hotel Creyts Rd. 4-?

LLEAD State conference Oct 12th at Lansing Center – 8:00 – 4:00 P.M. \$30 Per person

Tri-County Dinner/Auction Thurs Nov 8, 2018 at 6:00 p.m. Tickets \$60 per person

TCOA Advisory Council age 60 and over have 2 vacancies they meet the 2nd Thursday of every month at 1:00 p.m.

Every Wednesday 5:30 – 6:30/7:00 Jail Tours - Ingham County sheriff office

Friday and Saturdays 8:00 p.m. – 12:00 a.m. Midnight Basketball - Hill Center

Support our Sister City – Donations of water to Flint

Adjourn

Adjourn at 12:45 p.m.

Submitted by,

LaSondra Crenshaw, Administrative Assistant

Approved _____

INTRODUCTION OF ORDINANCE

Council Member Wood introduced:

An ordinance of the City of Lansing, Michigan, to amend the Lansing Codified Ordinances by amending Chapter 297, Sections 297.09, 297.10, 297.11 and 297.12 to clarify the investigation, hearing and appeal process to allow the Department of Human Relations & Community Services to investigate, City Council to designate a Hearing Officer, and City Council President to hear appeals.

The Ordinance is referred to the Committee on Ad Hoc on Diversity and Inclusion

RESOLUTION SETTING PUBLIC HEARING BY CITY COUNCIL

RESOLVED by the City Council, City of Lansing, that a public hearing be set for Monday, October 22, 2018 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 the Lansing Codified Ordinances by amending Chapter 297, Sections 297.09, 297.10, 297.11 and 297.12 to clarify the investigation, hearing and appeal process to allow the Department of Human Relations & Community Services to investigate, City Council to designate a Hearing Officer, and City Council President to hear appeals.

Interested Persons are invited to attend this Public Hearing

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, TO AMEND THE LANSING CODIFIED ORDINANCES BY AMENDING CHAPTER 297, SECTIONS 297.09, 297.10, 297.11, AND 297.12 TO CLARIFY THE INVESTIGATION, HEARING AND APPEAL PROCESS TO ALLOW THE DEPARTMENT OF HUMAN RELATIONS & COMMUNITY SERVICES TO INVESTIGATE, CITY COUNCIL TO DESIGNATE A HEARING OFFICER, AND CITY COUNCIL PRESIDENT TO HEAR APPEALS.

THE CITY OF LANSING ORDAINS:

Section 1. That Chapter 297, Sections 297.09, 297.10, 297.11, and 297.12, of the Codified Ordinances of the City of Lansing, Michigan, be and are hereby amended to read as follows:

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, housing, and health care based on a person's age, income level, or mental or physical limitations when such discrimination is required or allowed by Federal, OR State CONSTITUTION or local ~~constitution, law~~, INCLUDING BUT NOT LIMITED TO THE CITY CHARTER ~~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

1 conform to Federal, OR State CONSTITUTION or local ~~constitution~~, law,

2 INCLUDING BUT NOT LIMITED TO THE CITY CHARTER ~~rule or regulation~~.

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

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

9 (e) It is permissible to limit occupancy in a housing development or to provide public
10 accommodations or employment privileges or assistance to persons of low income, over
11 55 years of age, or who have a physical or mental limitation.

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

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

15 (h) Nothing in this chapter shall affect, replace, or diminish the duties, obligations, rights,
16 or remedies as otherwise provided by any union contract, collective bargaining
17 agreement, or Federal, OR State CONSTITUTION or local ~~constitution~~, law,
18 INCLUDING BUT NOT LIMITED TO THE CITY CHARTER ~~rule or regulation~~,
19 which shall control over this chapter.

1 (i) This chapter shall not be read to require an employer, whether public or private, to
2 provide benefits to unmarried domestic partners in contravention of Article I, Section
3 25 of the Michigan Constitution.

4
5 297.10. - Complaints.

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

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

15 (c) Upon receipt of the complaint the ~~Department~~ shall:

16 (1) Be responsible for INVESTIGATING AND determining whether there is sufficient
17 evidence of a violation of this chapter. If the ~~Department~~ determines that sufficient
18 evidence of a violation exists, ~~THE DEPARTMENT SHALL: it will refer the matter to~~
19 ~~the office of the city attorney.~~

20 ~~(d) Upon receipt of a referral from the department, the Office of the City Attorney shall:~~

- 1 i. Contact the Claimant to discuss its concerns and schedule an informal conference
- 2 (estimated time within 45 days);
- 3 ii. Ensure there are no undue burdens placed on a Claimant, which might discourage
- 4 filing of a discrimination complaint;
- 5 iii. Commence and complete the complaint investigation, ~~mediation/conciliation, and~~
- 6 ~~recommendation process~~ in a timely manner.

7 (e) The Office of the City Attorney shall be responsible for promulgating and publishing rules
8 and guidelines for processing, investigating, mediating/conciliating, and recommending
9 resolution of ~~the~~ complaintS.

10
11 297.11. - Investigation and hearing.

12 (a) During an investigation, ~~the DEPARTMENT Office of the City Attorney~~ may request the
13 appearance of witnesses and the production of books, papers, records or other documents
14 that may be relevant to a violation or alleged violation of this chapter.

15 (b) If the ~~DEPARTMENT Office of the City Attorney~~ determines that the complaint and
16 preliminary evidence gathered indicates a ~~prima facie~~ violation of an ordinance in this
17 chapter, the ~~Office of the City COUNCIL Attorney~~ shall DESIGNATE assign a HEARING
18 OFFICER ~~person within the department~~ to conduct a hearing (~~hereinafter referred to as the~~
19 ~~"Hearing Officer"~~) within 90 days after completion of ~~THE~~ its preliminary investigation. The
20 person who is alleged to have committed a violation (the "Respondent") and the Claimant
21 shall be sent by regular mail at least 14 days in advance, notice of the COMPLAINT,

1 scheduled date and time of the hearing and a request for each to appear. At the hearing,
2 testimony ~~MAY~~ will be taken. All testimony shall be on the record, under oath and either
3 recorded or transcribed. Both Claimant and Respondent shall be allowed to testify, present
4 evidence, bring witnesses to testify, and ~~to~~ cross examine all witnesses at the hearing.
5 FORMAL ~~Technical~~ rules of evidence shall not apply.

6 ~~(e) — A failure of either the Claimant or the Respondent to cooperate with the Office of the City~~
7 ~~Attorney may result in an adverse determination for that person at the hearing.~~

8 (Ord. No. 1120, § 1, 12-18-06; Ord. No. 1203, § 1, 9-26-16)

9
10 297.12. - Findings and recommendations.

11 The Hearing Officer shall make findings of fact based on the testimony and evidence
12 introduced at the hearing and shall recommend such relief as the Hearing Officer deems
13 appropriate. The Claimant and Respondent shall have the right to appeal the Hearing Officer's
14 findings and recommendations in writing within 30 days to the PRESIDENT OF CITY
15 COUNCIL ~~Hearing Officer~~. On appeal, the hearing record and Hearing Officer's findings and
16 recommendations shall be reviewed by the PRESIDENT OF City COUNCIL ~~Attorney~~ who shall
17 approve, approve with modification, or disapprove of the findings and recommendations. After
18 the City COUNCIL PRESIDENT'S ~~Attorney's~~ review, the ~~Hearing Officer's~~ FINAL findings and
19 recommendations shall be served by regular mail on the Claimant and Respondent. The parties
20 shall have 30 days to comply with such findings and recommendations, unless otherwise

1 provided by the Hearing Officer OR, IN THE EVENT OF AN APPEAL, CITY COUNCIL
2 PRESIDENT.

3

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

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

9 Section 4. This ordinance shall take effect on the 30th day after enactment, unless given
10 immediate effect by City Council and shall expire December 31, 2027.

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Approved as to form:

City Attorney

Dated: _____

Approved by Ordinance Review Committee