



Health, Education & Welfare Committee Agenda

June 7, 2023 at 4:00 PM

Health, Education & Welfare Committee

Dara Wood, Chair
Keely Paul
Jay Shatz

Staff Liason

Scot Lahrmer, Village
Manager

MINUTES

1. Approval of minutes: April 3, 2023

TOPICS OF DISCUSSION

1. Hamilton County Solid Waste Plan - Michelle Balz, Solid Waste Manager
Hamilton County R3source
2. Request from Human Rights Commission to change the non-discrimination ordinance--
Nancy Warren, Human Rights Commission Chair

ADJOURNMENT

Health, Education & Welfare Committee Agenda **April 3, 2023 at 5:30 PM**

Health, Education & Welfare Committee

Meeting Called to Order at 5:30PM

In attendance: Dara Wood, Chair, Keely Paul – committee, Jay Shatz – committee, Scot Lahrmer, Village Manager, Rich Wallace, Sgt. Ryan Shaw & Sgt. Tim Schmidtgoessling.

Review of minutes from meeting on October 17, 2022. No changes, Minutes accepted as written.

Agenda Item: Pedestrian & Traffic Safety:
Presentation by Sgt. Ryan Shaw & Sgt. Tim Schmidtgoessling to review Pedestrian & Traffic Safety in the Village. Felt it was time to share again how AV handles this in the Village. A PowerPoint presentation was shown.
How do we deal with complaints and issues and update again how AV deals with distracted driving and road safety.

The 3 "E's":

Education: village needs to work to educate residents to reduce speed. Speed monitoring devices and police ghost cars used.

Engineering: sign placement, pavement markings, roadway modifications (we don't prefer speed humps really because it causes road damage and issue with snow plows)

Enforcement: Citations & Warnings.

As of tomorrow, April 4th, 2023, Ohio laws regarding using your phone while driving changes. It will now be a primary offense and a person can be pulled over for using phone. It is now an unclassified misdemeanor. There will be 6 months of warnings only to give people time to learn this new rule. Old law driving while texting – distracted driver. Was a misdemeanor and a secondary offence. The law takes effect tomorrow.

What AV is/will be doing:

- An article about distracted driving to communicate driver safety to the public.
- AV gives out reflective straps to residents for walking at night.
- AV put up some signs on section Road to remind people to walk opposite traffic.
- We have spinner tops at a few places in the village, pedestrian markings, cross walk signage, speed signs installed on Section.

Enforcement: Citations in 2022: 1033. Warnings 2022: 910 – estimated because system changed mid-year.

Accidents 82 (semi consistent number in AV)

Areas that are typically an issue that AV hears about –

Elbrook

Rollman Estates

Galbraith

Sagamore

Ridge into Village from Pleasant Ridge

Next Steps: Elbrook Ave south of Section – work with the CHDS to promote to children to use crosswalks on Elbrook at Meadowridge.

School Zone: consider adding timed flashing lights to the existing school zone signage. Looking into solar signs since no power there.

AVPD is looking into new Portable speed signs that we relocated – we had 2, they are out of service now.

New option – Everly Speed display. Can be installed on a pole. Solar power and battery backup for cloudy days. Easy set-up. Speed reading will change color if over the set speed. Bluetooth so can adjust from a computer. Has capability to do a traffic study. Cost: \$6K a piece we think for this specific one.

If you hear complaints forward to police department so they can investigate and deal with that.

Look into stop sign at Fair Oaks – are there solar options to have a new stop sign with lights around the sign.

ADJOURNMENT 6:30pm

From: [Balz, Michelle](#)
To: [Reasoner, Tammy](#)
Cc: [Lahrmer, Scot](#); [Bradford, Gage](#)
Subject: Request for resolution from Amberley Village Council
Date: Thursday, May 4, 2023 9:48:27 AM
Attachments: [image001.png](#)
[MODEL RESOLUTION FOR RATIFICATION.doc](#)
Importance: High

Good morning Tammy,

Over the past two years, the Hamilton County Solid Waste Management District (R3Source) has undergone the process of updating its Solid Waste Management Plan (Plan). This update process included numerous public meetings and extensive feedback from a wide range of stakeholders.

Here is a shortened [Plan Update Highlights Packet](#).

The full Plan is available for review on our website at [HamiltonCountyR3Source.org](#).

R3Source now asks for your approval of the Plan by taking the following actions:

1. Each political subdivision in Hamilton County is asked to pass a resolution/ordinance (sample attached) approving or disapproving of the Plan within 90 days of receipt of this physical letter you will receive in the mail. **Failure to act on this matter within the 90-day time frame will be interpreted as DISAPPROVAL under State law.**
2. Please email or call Michelle Balz (michelle.balz@hamilton-co.org or 513-946-7789) or Gage Bradford (gage.bradford@hamilton-co.org or 513-946-7746) to let us know the date this will be on your agenda for a vote.
3. You will receive a paper copy of this letter and more in the mail soon. Please use the yellow self-addressed postage-paid envelope enclosed with the mailed letter to return a copy of the resolution/ordinance to our office. Again, the envelope must be post-marked within 90 days of receipt of the letter.

Under the Plan, disposal fees will remain stable, at \$1/\$2/\$1 (\$1/ton for in-district waste, \$2/ton for out-of-district waste, \$1/ton for out-of-State waste). The Plan outlines a budget contingency should annual revenues fall below or above projections and a feasibility study of having a large regional organics (yard and food waste) processing facility. Should that study result in a need to increase fees, that increase would require ratification by Hamilton County communities separate from this vote.

Any questions you or your respective board of officials may have can be directed to Michelle Balz at 513-946-7789. By your request, R3Source staff will be available to attend any council or board meetings to provide more information on the Plan.

Thank you for your cooperation and timely attention to this matter.

Sincerely,



HAMILTON COUNTY
R3SOURCE
REDUCE. REUSE. RECYCLE.

SOLID WASTE PLAN UPDATE HIGHLIGHTS

'24-'38

The full Hamilton County Solid Waste Management Plan Update 2024-2038 draft
can be found at HamiltonCountyR3Source.org under "About Us".

Introduction

Hamilton County R3Source is currently updating its 15-year Solid Waste Plan, as required by the Ohio Environmental Protection Agency. A solid waste plan is a guidance document that a local solid waste district uses to implement programs and initiatives to continually improve recycling and waste reduction within its jurisdiction and reduce the amount of waste going to landfills.

Hamilton County R3Source used a data-driven process to develop landfill-diversion strategies and increase diversion over the planning period. Hamilton County R3Source chose this approach to progress achievable and realistic goals through implementable strategies.

2038 DIVERSION GOALS BY SECTOR		
Sector	2020 Diversion %	Aspirational 2038 Diversion %
Residential	18%	27%
Commercial	43%	50%

Strategies

for Reducing Wasted Food

At the start of the Plan Update process, an analysis of all R3Source programs was compared to the waste characterization study of the Hamilton County landfill to identify material-specific waste reduction strategies. The material with the greatest diversion potential was food.

FOOD WASTE DIVERSION GOAL	
Sector	Landfill Diversion Goal
Food Waste	50%



**Consumer
Education**



**Strengthen
Food Rescue**



**Compost
Anything Remaining**

Consumer Education

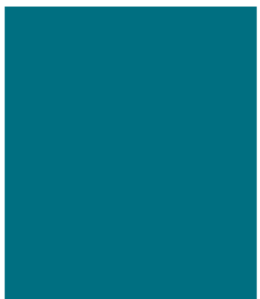
- Continue the “Wasted Food Stops with Us” campaign and participation in national efforts with the NRDC Food Matters Cohort, EPA, and ReFed

Strengthen Food Rescue

- Support Food Rescue infrastructure with grants, technical support, and collaborative working groups
- Partner with Health Departments to promote safe donation from restaurants, caterers, and cafeterias
- Partner with local food recovery partners to address barriers to increasing food donations from retailers

Compost Anything Remaining

- Facilitate a Public/Private/Partnership (PPP) to bring centralized food scrap composting to the region
- Provide technical assistance and grants to large food waste generators to divert clean organic waste streams toward anaerobic digestion or composting
- Provide training and technical assistance to increase the number of small-scale community composting sites





Additional Action Items

In addition to material-specific strategies, the Plan Update includes the following action items to decrease dependency on landfills, reduce illegal waste management, and foster diversion, equity, and inclusion (DEI) in Hamilton County R3Source programs.

01

**Business
Assistance**

02

**Environmental
Enforcement**

03

Grants

04

DEI

01 Business Assistance

- Increase business assistance budget from \$145K to \$220K
 - Conduct targeted outreach to provide custom technical assistance and resources to large commercial waste generators
 - Provide technical assistance and supplies to Hamilton County businesses to cost-effectively recycle cardboard
 - Evaluate the feasibility of awarding a Franchise Agreement for recycling services for businesses
 - Work with local government to update zoning language to include space for recycling at multi-family properties
-

02 Environmental Enforcement

- Continue to fund a full-time sheriff deputy to investigate illegal dumping
- Work with townships to mandate trash collection
- Collaborate with Keep Ohio Beautiful to provide illegal dumping training for communities, health departments, and police departments
- Continue to provide \$295,000 to Hamilton County Public Health and \$72,000 to Cincinnati Health Department to regulate solid waste facilities



03 GRANTS

- Maintain Residential Recycling Initiative (RRI) funding for communities at \$800,000, if revenue is \$100,000 over projections then funding is increased \$900,000
 - Allow communities to receive funds for commercial tonnage through the RRI and establish a minimum threshold of funding of \$5,000 per community
 - Fund innovative waste reduction, reuse, food rescue, composting, and recycling programs
-

04 DIVERSITY, EQUITY, & INCLUSION

- Hamilton County is the first county in the state of Ohio to incorporate a DEI analysis into their solid waste plan.
- Reviewed current and future programming to identify areas of improvement.
- Incorporated full text of report into the Solid Waste Plan Update and adopted five central DEI goals:

1

Ensure that R3Source delivers accessible, inclusive, and equitable services and programs.

2

Invest in community partnerships that inform decision-making and foster full and equitable civic participation.

3

Engage with residents and communities in inclusive and culturally responsive ways to move the R3Source's DEI work forward.

4

Use data and research as a tool for decision-making and policy and program development.

5

Evaluate and report on DEI efforts to ensure accountability and transparency.

PASSED:
BY:

RESOLUTION NO. 2023-##

RESOLUTION APPROVING THE UPDATE OF THE SOLID WASTE MANAGEMENT
PLAN OF THE HAMILTON COUNTY SOLID WASTE MANAGEMENT DISTRICT

WHEREAS, pursuant to the provisions of Chapter 3734, Ohio Revised Code (the “Act”), the Hamilton County Solid Waste Policy Committee (the “Policy Committee”) has adopted an update of the Hamilton County Solid Waste Plan (the “Plan Update”) for the Hamilton County Solid Waste Management District (“the solid waste district”); and

WHEREAS, pursuant to the Act, the Board of County Commissioners and the legislative authority of each municipal corporation or township within the solid waste district, must approve or disapprove the Plan Update by ordinance or resolution; and

WHEREAS, Amberley Village has reviewed the Plan Update and has determined that the Plan Update is in the best interests of Amberley Village and Hamilton County;

NOW THEREFORE, BE IT ORDAINED by the Council of Amberley Village, State of Ohio, seven (7) members elected thereto concurring

SECTION 1: The Council hereby approves the Hamilton County Solid Waste Plan Update.

SECTION 2: It is hereby certified that all formal actions of the Council of Amberley Village relating to the adoption of this Resolution were taken in an open meeting of the Council of Amberley Village and that all deliberations of the Council of Amberley Village were in meetings open to the public, in compliance with all legal requirements, including Section 121.22, Ohio Revised Code.

SECTION 3: This Resolution is hereby declared to be an emergency necessary for the immediate preservation of the public health and welfare of Amberley Village; the reason for the emergency being the need to comply with statutory provisions and to proceed with solid waste management policies without delay in order to properly serve Amberley Village.

SECTION 4: The Clerk is hereby directed to promptly deliver, or cause to be delivered, a copy of this Resolution to the Hamilton County Solid Waste Management District.

Passed this ____ day of ____, 2023.

Mayor Thomas C. Muething

Attest:

Tammy Reasoner, Clerk of Council

Resolution Vote:

Moved: Second:

I, Clerk of Council of Amberley Village, Ohio, certify that on the ____ day of ____ 2023, the foregoing Resolution was published pursuant to Article IX of the Home Rule Charter by posting true copies of said Resolution at all of the places of public notice as designated by Sec. 31.40(B), Code of Ordinances.

Tammy Reasoner, Clerk of Council

Executive Summary of proposed revisions to Amberley Village Non-Discrimination Ordinance by the AV Human Rights Commission, April 2023

There is a clean copy and redlined copy.

In redlined copy:

Red=Addition of language adapted from Golf Manor Ordinance. **Purple**=adapted from Amberley Village ordinance

Note that section numbers are included for clarification but will have to be revised in final version to fit current Amberley ordinance

- **Preamble** (p.1)—Additional phrasing clarifying that purpose of ordinance is not to penalize religious organizations but to safeguard rights of protected classes.
- **Definitions 102.02** (pp.2-3) of terms such as “Employer”, “Discriminate”, and “Physical Characteristic”.
- **Exemption 102.02.8** Specific exemption for religious organizations
- **Membership 102.04** (p.3)—Add provision that a member of the commission may be a non-resident of Amberley who is associated with a business located in Amberley.
- **Meetings 102.06** (p.4). Deleted language allowing executive sessions and requiring annual training in following Sunshine laws
- **Ethnic Intimidation 135.092** (p.6). Deleted Ethnic
- **Unlawful Discrimination in Employment** (pp.7-10) This section is not in Amberley ordinance and protects against discrimination of protected classes in hiring, employment access, employment training programs, recruitment, and advertising for positions. It prohibits applying means to discriminate such as using classifications of protected classes and retaliation for complainants. The rules apply to employers, labor organizations, and employment agencies. Also included in this section are exemptions for religious organizations and affirmative action plans.
- **Public Accommodations** (p.11) Services and goods provided by a business open to the public may not be denied to protected classes. This section includes an exemption for religious organizations.
- **Educational Institutions** (pp.11-12) Educational institutions may not discriminate against protected classes. This section includes an exemption for religious organizations.
- **Complaint procedures** (pp.12-16). This section includes procedures for complaints that primarily are resolved by Village officials. Should parties involved fail to reach a resolution and file public complaints, then the Human Rights Commission may become involved in resolving a dispute and recommend a fine.

PASSED: April 9, 2018
BY: Wolf

ORDINANCE NO. 2018-4

AN ORDINANCE TO COMBAT DISCRIMINATION AND
FOR THE GUARANTEE OF EQUALITY AND INCLUSION

WHEREAS, it is the public policy of Amberley Village to safeguard the right and opportunity of all persons to be free from all forms of discrimination and to provide for an inclusive community for all residents, businesses and visitors;

WHEREAS, Amberley Village is proud of its diverse community of individuals from various backgrounds, religions, ethnicities, nationalities, and ideologies, including persons with a different sexual orientation or gender identification or expression which are classes of persons which are currently not explicitly protected under existing Ohio or federal antidiscrimination laws;

WHEREAS, Amberley Village is proud of its unique history and it is important that persons of all faiths be able to continue to freely exercise their religion in the Village;

WHEREAS, Amberley Village encourages all persons to be fully engaged in protecting and supporting each person's civil rights, to be free from discrimination and to enjoy the liberties afforded to every citizen;

WHEREAS, the intent of this Ordinance is not to penalize any religious organization nor religious institution from exercising its constitutionally protected rights nor to burden any religious organization or religious institution in exercising its rights, but the purpose of this Ordinance is to recognize that persons of various backgrounds, ages, religions, ethnicities, nationalities, and ideologies, different sexual orientation or gender identification or expression should also enjoy certain rights which are equally protected to all persons by the Constitution; and

WHEREAS, it is the goal of the Village and the purpose of this ordinance to create a vehicle by which the Village and its residents can educate and create opportunities to support and protect the civil liberties and freedoms of every person who calls the Village home;

NOW, THEREFORE, BE IT ORDAINED BY THE Council of Amberley Village, State of Ohio, seven (7) members elected thereto concurring:

SECTION 1: Chapter 102 of the Municipal Code of Ordinances, which is to be added to and amends the Municipal Code of Ordinances, reads as follows:

Chapter 102: HUMAN RIGHTS COMMISSION; DIVERSITY AND INCLUSION

§ 102.01 STATEMENT OF INTENT.

It is the intent of Amberley Village to protect and safeguard the right and opportunity

of all persons to be free from all forms of discrimination, including discrimination based on one's membership in a Protected Class such as age, race, color, religion, ethnicity, national origin, ancestry, disability, marital status, family status, military status, sex, gender identity or expression, or sexual orientation ("Protected Class"). The purpose of this ordinance is to promote the public health and welfare of all persons who live in, work in, or visit the Village.

It is the intent of this ordinance important to ensure equal access to employment, housing, public accommodations, and education in the Village. The denial of these rights to persons in a Protected Class is contrary to the principles of freedom and equality of opportunity and is destructive to a free and democratic society.

§ 102.02 DEFINITIONS.

All words utilized in this ordinance shall be ascribed their ordinary meaning unless otherwise defined herein.

Additionally, the following specific terms are hereby defined:

- (1) "Commercial purpose or commercial activity" is that purpose or activity open to a broader secular market other than members, families of members, or coreligionists of the religious or denominational corporation, institution, association or organization.
- (2) "Discriminate, discrimination or discriminatory" means any act, policy or practice that, regardless of intent, has the effect of subjecting any person to differential treatment as a result of that person's race, color, creed, religion, national origin, ancestry, disability, marital status, gender, gender identity or expression, sexual orientation, or physical characteristic.
- (3) "Employer" means any person who employs four or more persons.
- (4) "Gender" means actual or perceived sex.
- (5) "Gender identity or expression" means having or being perceived as having a gender identity or expression whether or not that gender identity or expression is different from that traditionally associated with the sex assigned to that individual at birth.
- (6) "Physical characteristic" means a bodily condition or bodily characteristic of any person that is from birth, accident, or disease, or from any natural physical development, including individual physical mannerisms including but not limited to height and weight. Physical characteristic shall not relate to those situations where a bodily condition or characteristic will present a danger to the health, welfare or safety of any individual.
- (7) ²
~~"Place of public accommodation" means inns, taverns, hotels, motels, restaurants, wholesale outlets, retail outlets, banks,~~

~~savings and loan associations, other financial institutions, credit information bureaus, insurance companies, dispensaries, clinics, hospitals, theaters, recreational parks and facilities, trailer camps, garages, public halls, and all other establishments which offers goods, services, accommodations and entertainment to the public within the Village. A place of public accommodation does not include any institution, club or other place of accommodation, which by its nature is distinctly private. Nothing in this section shall prohibit a religious or denominational institution, organization, society or association or any nonprofit charitable or educational organization that is operated, supervised or controlled by or in connection with a religious organization, from limiting its offerings of goods, services, facilities, including places of worship, educational facilities or their contiguous facilities, and accommodations to persons of the same religion, or from giving preference to such persons, provided that such offerings mentioned above are not, in fact, offered for commercial purposes or supported by Village resources or funds for such specific offering.~~

(7) *"Place of public accommodation" means inns, taverns, hotels, motels, restaurants, wholesale outlets, retail outlets, banks, savings and loan associations, other financial institutions, credit information bureaus, insurance companies, dispensaries, clinics, hospitals, theaters, recreational parks and facilities, trailer camps, garages, public halls, and all other establishments which offers goods, services, accommodations and entertainment to the public within the Village.*

SECTION II.Section IV (B), *EXEMPTION*, shall be amended to read as follows:

(B) Exemption. Except when offering goods, services, accommodations or entertainment for Commercial Purposes or except when such offering is supported by Village resources, it shall not be an act of discrimination and/or a violation of this Ordinance for any religious or denominational institution, organization, society or association, or any nonprofit charitable or educational organization that is operated, supervised or controlled by or in connection with a religious organization, from limiting its offerings of goods, services, facilities, including places of worship, educational facilities or their contiguous facilities, and accommodations to persons of the same religion, or from giving preference to such persons.

§ 102.03 HUMAN RIGHTS COMMISSION; PURPOSE.

A non-partisan Human Rights Commission is hereby established to be known as the Amberley Village Human Rights Commission (the "Commission"). The purpose of the Commission is not to penalize, but to encourage and endeavor to bring about mutual understanding and respect among all persons, and to safeguard the right and opportunity of all persons to be free from all forms of discrimination.

§ 102.04 HUMAN RIGHTS COMMISSION; MEMBERS.

- (1) The Amberley Village Human Rights Commission shall be comprised of five members appointed as follows: one member shall be appointed by the Village Manager; one member shall be appointed by the Village Mayor; and three members shall be appointed by a majority vote of Village Council. ~~All members~~

~~of the Commission shall be residents of the Village. Council may also appoint a non-resident of the Village who has subject matter experience in investigating or addressing claims of discrimination or harassment.~~ Council may also appoint one (1) Member to the Commission who is a non-resident of the Village, but who is the owner, operator or official in a business located within the Village.

Members of the Commission shall serve voluntarily and without compensation, except for reimbursement of any reasonable and necessary expenses incurred in performance for the Commission. No member shall be a current employee, officer, elected official, agent, or contractor with the Village.

Except for members' initial terms which shall be staggered, each member shall serve a term of three years commencing on the effective date of this Ordinance. Members shall be eligible for reappointment; however, no member shall serve more than three consecutive terms. Members shall serve beyond the end of a term until a replacement is appointed by the respective authority. A member shall be deemed to have abandoned the position and resigned upon missing three consecutive regular meetings of the Commission without being excused by the Commission as reflected in the minutes. Any vacancy shall be filled by the authority which made the initial appointment for the position. Members appointed to fill a vacancy shall serve the remainder of the term of the vacant position.

§ 102.05 HUMAN RIGHTS COMMISSION; ORGANIZATION.

The Amberley Village Human Rights Commission is a non-legislative public body of the Village. The Commission shall convene the initial organizational meeting of appointed Members at its earliest opportunity. The Commission shall organize at its initial meeting by electing one Member as Chair and one Member as Vice-Chair. The Commission may select additional Members to serve as officers if found to be necessary and proper for the effective organization and operation of the Commission. Each officer shall serve for a term of one year or until a successor officer is duly elected.

§ 102.06 HUMAN RIGHTS COMMISSION; MEETINGS.

The Amberley Village Human Rights Commission shall convene at least once each year to elect officers and as otherwise requested by a Member of the Commission, the Village Manager, the Village Mayor, or the Village Council. Any three members of the Commission shall constitute a quorum for the transaction of business. The Commission may act upon a majority vote of Members present at a meeting. The Commission shall report to the Village Council at least twice every 12 months.

Meetings of the Commission must be public according to the Ohio Sunshine Laws. ~~Executive Sessions shall be allowed as permitted by the Charter and Ohio law.~~ Public notice of any meetings must be provided at least 48 hours in advance, and minutes must be maintained. Any documents, evidence, and other records maintained or created by the Commission or submitted to the Commission, are public records subject to the Ohio Public Records Act.

~~The Village shall provide appropriate orientation and training to the Commission at its annual organization meeting to help them fully understand their duties and responsibilities, the requirements for Open Meetings and Public Records, and the importance of confidentiality in the performance of their tasks.~~

§ 102.07 HUMAN RIGHTS COMMISSION; POWERS AND DUTIES.

The Amberley Village Human Rights Commission is hereby authorized and empowered as follows:

(a) The Commission may create and modify rules regarding its meetings, hearings, and procedures to carry out its functions. At its discretion, the Commission may accept volunteer services, including volunteer services of private legal counsel.

(b) The Commission may create committees and sub-committees comprised of Members and other volunteers, which in its judgment will aid in effectuating the purposes of the Commission, including, but not limited to: a committee formed to study the problem of discrimination; a committee formed to foster good will, cooperation and conciliation among the diverse groups and population of the Village; and a committee formed to make recommendations to the Commission for the development and implementation of programs of formal and informal education and public awareness.

(c) The Commission may, with the consent and approval of the Village Manager, call upon other officers, departments and agencies of the Village government to assist in its

programs and projects. The Commission may recommend to Village Council policies, procedures, practices and legislation in all relevant matters.

(d) The Commission may enlist the cooperation of racial, religious, ethnic, community and civic organizations, and other identifiable groups of the Village, in its programs and campaigns devoted to the education and advancement of tolerance, understanding and equal protection of the law for all groups and individuals regardless of membership in a Protected Class.

(e) The Commission may seek and accept contributions, financial or otherwise, on behalf of the Village from any person including but not limited to any private, public, governmental, charitable, religious, labor, civic or benevolent organizations, in furtherance of its mission.

(f) The Commission may formulate and develop programs and opportunities (i.e., forums, workshops, research, and publications) to collect and disseminate information regarding the work of the Commission, to minimize or eliminate discrimination, and to promote good will among all persons who live in, work in, or visit the Village.

(g) The Commission shall develop a program to receive and report complaints from persons who live in, work in, or visit the Village. In its discretion the Commission may seek to conciliate any complaint with the express written consent of the complainant in order to ensure equal access to employment, housing, public accommodations, and education in the Village.

(h) The Commission shall cooperate and work with relevant federal, state and local government offices and agencies.

§ 102.08 PUBLIC CONTRACTS.

The Village shall give consideration to all contractors who have a stated inclusive policy against discrimination that is substantially similar to the Village's policy as set forth in this Chapter.

§ 102.099 CONSTRUCTION; NONEXCLUSIVE REMEDIES.

This ordinance chapter shall be liberally construed to accomplish its objectives and purposes. If any provision of this ordinance chapter is held invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect or invalidate the other provisions hereof, all of which are declared and shall be construed to be separate and severable.

This Ordinance chapter does not create or establish a cause of action in any court of law or equity and shall not prevent any person from exercising any right or seeking any remedy otherwise entitled to under any other law, regulation, or policy. All remedies provided by this ordinance chapter are in addition to, and not in lieu of, other remedies.

SECTION 2: Section 135.091 of the Municipal Code of Ordinances is amended to read as follows:

§ 135.091 HOUSING DISCRIMINATION PROHIBITED.

(A) No person shall attempt to or willfully injure, intimidate, or interfere with any of the following:

(1) Any person from renting, purchasing, selling, financing or occupying any housing accommodations; from contracting or negotiating for any housing accommodations; or from applying for or participating in any service, organization, or facility relating to the business of selling or renting housing accommodations because of race, color, religion, sex, sexual orientation, gender identification or expression, national origin, ancestry, familial status as defined in R.C. § 4112.01, military status as defined in R.C. § 4112.01, or disability as defined in R.C. § 4112.01.

(2) Any person because that person is or has been doing either of the following:

(a) Participating in any of the activities, services, organizations, or facilities described in division (A)(1) of this section;

(b) Affording another person or class of persons opportunity or protection so to participate in any of the activities, services, organizations, or facilities described in division (A)(1) of this section.

(3) Any person because that person is or has been lawfully aiding or encouraging other persons to participate in any of the activities, services, organizations, or facilities described in division (A)(1) of this section, or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to so participate.

(B) Whoever violates division (A) of this section is guilty of a misdemeanor of the first degree.

SECTION 3: Section 135.092 of the Municipal Code of Ordinances is amended to read as follows:

§ 135.092 ~~ETHNIC~~ INTIMIDATION.

(A) No person shall violate R.C. § 2903.21, 2903.22, 2909.06, or 2909.07, or R.C. § 2917.21(A)(3), (4), or (5), by reason of a person or group's membership in a Protected Class, as defined in Section 102.01 of the Village Municipal Code of Ordinances.

(B) Whoever violates this section is guilty of ~~ethnic~~ intimidation. ~~Ethnic~~ intimidation is an offense of the next higher degree than the offense the commission of which is a necessary element of ~~ethnic~~ intimidation. In the case of an offense that is a misdemeanor of the first degree, ~~ethnic~~ intimidation is a felony to be prosecuted under

appropriate state law.

SECTION ???. The following Code Section entitled *Unlawful Discriminatory Practices Relating to Employment* is hereby enacted to read as follows:

UNLAWFUL DISCRIMINATORY PRACTICES RELATING TO EMPLOYMENT

- (A) It shall be an unlawful discriminatory practice:
- (1) For any employer to refuse to hire a person or otherwise to discriminate against a person with respect to hire, tenure, terms, conditions, or privileges of employment, or any matter directly or indirectly related to employment; because of that person's membership in a Protected Class such as age, race, color, religion, ethnicity, national origin, ancestry, disability, marital status, family status, military status, sex, gender identity or expression, or sexual orientation ("Protected Class"). ~~the race, sex, sexual orientation, gender identity or expression, color, religion, ancestry, national origin, age, disability, marital status, familial status, genetic information, or military status~~
 - (2) For any employer, employment agency, or labor organization to establish, announce or follow a policy of denying or limiting, the

employment or membership opportunities of any person or group of persons because of their membership in a Protected Class. ~~race, sex, sexual orientation, gender identity or expression, color, religion, ancestry, national origin, age, disability, marital status, familial status, genetic information, or military status.~~

- (3) For any employer, labor organization, or joint labor-management committee controlling apprentice training programs to discriminate against any person because of their membership in a Protected Class. ~~that person's race, sex, sexual orientation, gender identity or expression, color, religion, ancestry, national origin, age, disability, marital status, familial status, genetic information, or military status in admission to employment in any program established to provide apprentice training;~~
- (4) For any employer, employment agency, or labor organization to publish or circulate, or to cause to be published or circulated, any notice or advertisement relating to employment or membership which indicates any preference, limitation, specifications or discrimination based upon age, race, color, religion, **ethnicity**, national origin, ancestry, disability, marital status, family status, military status, sex, gender identity or expression, or sexual orientation ~~race, sex, sexual orientation, gender identity or expression, color, religion, ancestry, national origin, age, disability, marital status, familial status, genetic information, or military status;~~
- (5) For any person providing employment to publish or to cause to be published any advertisement which specifies or in any manner indicates or expresses a limitation or preference as to race, sex, sexual orientation, gender identity or expression, color, religion, ancestry, national origin, age, disability, marital status, familial status, genetic information, or military status of any prospective employee;
- (6) For any employment agency to refuse or fail to accept, register, classify properly, or refer for employment or otherwise to discriminate against any person because of their membership in a Protected Class. ~~race, sex, sexual orientation, gender identity or expression, color, religion, ancestry, national origin, age, disability, marital status, familial status, genetic information, or military status;~~
- (7) For any employer, employment agency, or labor organization to utilize in the recruitment or hiring of persons, any employment agency, placement service, labor organization, training school or center, or any other employee-referring source, known to discriminate against persons because of their membership in a Protected Class. ~~race, sex, sexual orientation, gender identity or expression, color, religion, ancestry, national origin, age, disability, marital status, familial status, genetic information, or military status;~~

- (8) For any labor organization to discriminate against any person or limit that person's employment opportunities, or otherwise adversely affect that person's status as an employee, or that person's wages, hours, or employment conditions, because of their membership in a Protected Class. ~~race, sex, sexual orientation, gender identity or expression, color, religion, ancestry, national origin, age, disability, marital status, familial status, genetic information, or military status;~~
- (9) For an employment agency, to comply with, accommodate, or otherwise assist with locating or placing an employee related to, a request from an employer for referral of applicants for employment if the request indicates, directly or indirectly, that the employer fails, or may fail, to comply with this Ordinance of the Amberley Village Code;
- (10) For any labor organization to limit or classify its membership on the basis of race, sex, sexual orientation, gender identity or expression, color, religion, ancestry, national origin, age, disability, marital status, familial status, genetic information, or military status;
- (11) For any employer, employment agency or labor organization to:
- (a) Elicit or attempt to elicit any information concerning the race, sex, sexual orientation, gender identity or expression, color, religion, ancestry, national origin, age, disability, marital status, familial status, genetic information, or military status of an applicant for employment or membership;
 - (b) Use any form of application for employment or personnel or membership blank seeking to elicit information regarding race, sex, sexual orientation, gender identity or expression, color, religion, ancestry, national origin, age, disability, marital status, familial status, genetic information, or military status but an employer holding a contract containing a non-discrimination clause with the government of the United States or any department or agency thereof, may require an employee or applicant for employment to furnish documentary proof of United States citizenship and may retain such proof in the employer's personnel records and may use photographic or fingerprint identification for security purposes.
- (12) For any employer, employment agency or labor organization to discriminate against any person because that person has opposed any practice forbidden by this Ordinance of the Amberley Village Code, or because that person has made a complaint or assisted in

any manner in any investigation or proceeding under this Ordinance, of the Amberley Village Code.

- (13) For any person, whether or not an employer, employment agency or labor organization, to aid, incite, compel, coerce, or participate in the doing of any act declared to be unlawful discriminatory practice by this Ordinance, of the Amberley Village Code, or to obstruct or prevent any person from enforcing or complying with the provisions of this chapter, or to attempt directly or indirectly to commit any act declared by this chapter, to be an unlawful discriminatory practice, or to obstruct or prevent any person from enforcing or complying with the provisions of this chapter, or to attempt directly or indirectly to commit any act declared by this chapter, to be an unlawful discriminatory practice.

(B) General Exceptions. In addition to the general Exceptions outlined in Section IX, this section does not apply to:

- (1) A religious or denominational corporation, institution, association, organization, educational institution, or society with respect to the employment of an individual of a particular religion to perform work connected with the carrying on of that religious or denominational corporation, institution, association, organization, educational institution, or society of its activities. (This exception recognizes the ministerial exception as reaffirmed by the U.S. Supreme Court in *Our Lady of Guadalupe School v. Morrissey-Berru* to protect religious institutions' First Amendment rights.)
- (2) Any practice which has a discriminatory effect and which would otherwise be prohibited by this chapter shall not be deemed unlawful if it can be established that the practice is not intentionally devised to contravene the prohibitions of this chapter and there exists no less discriminatory means of satisfying a business purpose.
- (3) Unless otherwise prohibited by law, nothing contained in this chapter shall be construed to prohibit promotional activities such as senior citizen discounts and other similar practices designed primarily to encourage participation by protected group.
- (4) It shall not be an unlawful discriminatory practice for an employer to observe the conditions of a bona fide seniority system or a bona fide employee benefit system such as a retirement, pension or insurance plan which is not a subterfuge or pretext to evade the purposes of this chapter.
- (5) It shall not be an unlawful discriminatory practice for any person to carry out an affirmative action plan. An affirmative action plan is any plan devised to effectuate remedial or corrective action taken in

response to past discriminatory practices, or as otherwise required by state or federal law.

- (6) Nothing contained in this chapter shall be deemed to prohibit selection or rejection based solely upon a bona fide occupational qualification or a bona fide physical requirement. If a party asserts that an otherwise unlawful practice is justified as a permissible bona fide occupational qualification, or a permissible bona fide physical requirement, that party shall have the burden of proving:
 - (a) That the discrimination is in fact a necessary result of such a bona fide condition; and
 - (b) That there exists no less discriminatory means of satisfying the bona fide requirement.
- ~~(7) Nothing contained in this chapter shall be deemed to prohibit a religious or denominational institution from selecting or rejecting applicants and employees on the basis of the applicant's or employee's conformance with the institution's religious or denominational principles for positions involving the religious functions or activities of the institution. If a party asserts that an otherwise unlawful practice is justified as a permissible bona fide religious or denominational preference, that party shall have the burden of proving that the discrimination is in fact a necessary result of such a bona fide condition of employment.~~

SECTION ???. The following Code Section entitled *Unlawful Discriminatory Practices Relating to Public Accommodations* is hereby enacted to read as follows:

UNLAWFUL DISCRIMINATORY PRACTICES RELATING TO PUBLIC ACCOMMODATIONS

- (A) Prohibited Discrimination. It shall be an unlawful discriminatory practice:
 - (1) For any proprietor or his employee, keeper, or manager of a place of public accommodation to deny to any person except for reasons applicable alike to all persons regardless of race, sex, sexual orientation, gender identity or expression, color, religion, ancestry, national origin, age, disability, marital status, familial status, genetic information, or military status the full enjoyment of the accommodations, advantages, facilities, or privileges thereof;
 - (2) For any proprietor or his employee, keeper, or manager of a place of public accommodation to publish, circulate, issue, display, post or

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mail, either directly or indirectly, any printed or written communication, notice or advertisement to the effect that any of the accommodations, advantages, facilities, goods, products, services and privileges of any such place shall be refused, withheld or denied to any person on account of race, sex, sexual orientation, gender identity or expression, color, religion, ancestry, national origin, age, disability, marital status, familial status, genetic information, or military status or that such person is unwelcome, objectionable, or not acceptable, desired or solicited; or

- (3) For any person, whether or not included in divisions (1) and (2) in this section, to aid, incite, compel, coerce, or participate in the doing of any act declared to be an unlawful discriminatory practice under this section.

(B) Exemption. Nothing in this section shall prohibit a religious or denominational institution, organization, society or association or any nonprofit charitable or educational organization that is operated, supervised or controlled by or in connection with a religious organization, from limiting its offerings of goods, services, facilities, including places of worship, educational facilities or their contiguous facilities, and accommodations to persons of the same religion, or from giving preference to such persons, provided that such offerings mentioned above are not, in fact, offered for commercial purposes or supported by Village resources or funds for such specific offering.

SECTION
222.

The following Code Section entitled *Unlawful Discriminatory Practices Relating to Educational Institutions* is hereby enacted to read as follows:

UNLAWFUL DISCRIMINATORY PRACTICES RELATING TO EDUCATIONAL INSTITUTIONS

- (A) Discriminatory Practices. It shall be unlawful for an educational institution to engage in any of the following acts wholly or partially for a discriminatory reason:
 - (1) To deny, restrict, abridge or condition the use of, or access to, any educational facilities or educational services to any person otherwise qualified;
 - (2) Notwithstanding the provisions of subsection (A) it shall not be an unlawful discriminatory practice to limit attendance in classes or programs conducted by an educational institution based upon a reasonable educational objective, except where to do so would otherwise violate a duty imposed upon the institution by federal or state law to provide reasonable accommodation;

(3) Notwithstanding the provisions of subsection (A), it shall not be an unlawful discriminatory practice for an educational institution operated by a religious or denominational institution, or established for a bona fide religious purpose, to admit students or program attendees on the basis of that student's or attendee's religious or denominational affiliation or preference, or to operate a same-sex educational institution and to limit enrollment to persons of the same sex.

(B) Exemption. For purposes of this section, "Educational Institution" shall not include any institution or school operated by a religious or denominational corporation, institution, association or organization.

SECTION ???. COMPLAINT PROCEDURES

(A) **Complaints - Consideration by the Commission.**

(I) A person claiming to be aggrieved by a discriminatory practice, or a Member of the Commission, may file with the Commission a written sworn complaint stating that a discriminatory practice has

Commented [KM(2): how is this resourced. What are alternatives. Privacy? Consult with a member of the commission first

been committed, setting forth the facts sufficient to enable the Commission to identify the persons charged (hereinafter the respondent). Within ten (10) days after receipt of the complaint, the Commission shall serve on the complainant a notice acknowledging the filing of the complaint and informing the complainant of the respondent's time limits.

- (2) The Commission shall, within ten (10) days of the filing of the complaint, furnish the respondent with a copy of the complaint and a notice advising the respondent of the respondent's procedural rights and obligations under this chapter.
- (3) The complaint must be filed within one hundred eighty (180) days after the commission of the alleged discriminatory practice.
- (4) The Commission shall commence an investigation of the complaint within thirty (30) days after the filing of the complaint. The Commission, or designee, shall promptly investigate the matter to determine whether the discriminatory practice exists.
- (5) The investigated complaint shall be presented to the Commission, which shall meet and review the investigation within thirty (30) days of receipt. If it is determined that there is no reasonable cause to believe that the respondent has engaged in a discriminatory practice, the Commission shall dismiss the complaint, and the Commission shall furnish a copy of the order to the complainant, the respondent and such public officers and persons as the Commission deems proper.
- (6) The complainant, within thirty (30) days after receiving a copy of the order dismissing the complaint, may file with the Commission an application for reconsideration of the order. The Commission shall reconsider the decision and any new evidence presented within thirty (30) days of the request for reconsideration. If it is dismissed a second time the matter is concluded.
- (7) If no request for reconsideration is made within a timely manner, the complaint and Commission records may be destroyed, consistent with the Village's Records Retention and Destruction Schedule.

(B) Conciliation Agreements.

- (1) If the Commission determines after investigation that there is reasonable cause to believe that the respondent has engaged in a discriminatory practice, the Commission shall endeavor to eliminate

the alleged discriminatory practices by conference, conciliation and persuasion. Early conciliation/mediation is encouraged.

- (2) The terms of a conciliation agreement reached with a respondent shall require the respondent to refrain from discriminatory practices in the future and shall make such further provisions as may be agreed upon between the Commission or its assigned staff and the respondent.
- (3) If a conciliation agreement is entered into, the Commission shall issue and serve on the complainant an order stating its terms. A copy of the order shall be delivered to the respondent and such public officers and persons as the Commission deems proper.
- (4) Except for the terms of the conciliation agreement, the Commission shall not make public, without the written consent of the complainant and the respondent, information concerning efforts in a particular case to eliminate discriminatory practice by conference, conciliation or persuasion, whether or not there is a determination of reasonable cause or a conciliation agreement. To the extent permitted by law, conciliation agreements shall remain confidential.
- (5) At the expiration of one year from the date of a conciliation agreement, and at other times in its reasonable discretion, the Commission or its staff may investigate whether the respondent is following the terms of the agreement.
- (6) If a finding is made that the respondent is not complying with the terms of the agreement, the Commission shall take such action as it deems appropriate to assure compliance.
- (7) To facilitate conciliation, as allowable within the Commission's budget as established by Council, the Commission may engage an outside mediator.

(C) Hearings.

- (I) If a conciliation agreement has not been reached within ninety (90) days after an administrative determination of reasonable cause to believe that discrimination took place, the Commission shall serve on the respondent by mail or in person a written notice, together with a copy of the complaint as it may have been amended, or a copy of the letter of determination, requiring the respondent to answer the allegation(s) of the complaint at a hearing before the Commission or another individual pursuant to its rules, at a time and place specified by the hearing examiner or examiners after conference with the

parties or their attorneys. A copy of the notice shall be furnished to the complainant and such public officers and persons as the Commission deems proper.

- (2) A Member of the Commission who filed the complaint or endeavored to eliminate the alleged discriminatory practice by conference, conciliation or persuasion shall not participate in the hearing or in the subsequent deliberation of the Commission. In the case where a Member of the Commission filed a complaint and a hearing or subsequent deliberation of the Commission is required, a temporary Commissioner shall be appointed by the Village Mayor.
- (3) The respondent may file an answer with the Commission by registered or certified mail in accordance with the rules of the Commission before the hearing date. The respondent may amend an answer at any time prior to the issuance of an order based on the complaint, but no order shall be issued unless the respondent has had an opportunity of a hearing on the complaint or amendment on which the order is based.
- (4) A respondent, who has filed an answer or whose default in answering has been set aside for good cause shown, may appear at the hearing with or without representation, may examine and cross-examine witnesses and the complainant and may offer evidence.
- (5) The complainant, and, in the discretion of the Commission, any person may intervene, examine and cross-examine witnesses and present evidence.
- (6) If the respondent fails to answer the complaint, the Commission may find the respondent in default. Unless the default is set aside for good cause shown, the hearing may proceed on the evidence in support of the complaint.
- (7) Efforts at conference, conciliation and persuasion shall not be received in evidence.
- (8) Testimony taken at the hearing shall be under oath and recorded. If the testimony is not taken before the Commission, the record shall be transmitted to the Commission.
- (9) In a proceeding under this chapter, the production of a written, printed or visual communication, advertisement or other form of publication, or a written inquiry, or record, or other document purporting to have been made by a person shall be prima facie evidence that it was authorized by the person.

(10) All hearings conducted under this section shall be conducted in accordance with Chapter 119 of the Ohio Revised Code.

(D) Findings and Orders.

- (1) If, following a hearing held under this chapter, the Commission determines that the Respondent has not engaged in a discriminatory practice, the Commission shall state its findings of fact and conclusions of law and shall issue an order dismissing the complaint. A copy of the order shall be furnished to the Complainant, the Respondent, the Mayor and such other public officers as the Commission deems proper.
- (2) If, following a hearing held under this chapter, the Commission determines that the Respondent has engaged in a discriminatory practice, the Commission shall state its findings of fact and conclusions of law and shall issue an order requiring the Respondent to cease and desist from the discriminatory practice and to provide such remedies as in the judgment of the Commission will carry out the purposes of this chapter. A copy of the order shall be delivered to the Respondent, the Complainant, the Mayor and such other public officers as the Commission deems proper.

(E) Remedies.

- (1) State/Federal Remedies.
 - (a) The remedies provided for in this chapter are in addition to, not in lieu of, those provided for by state and federal law. This chapter shall therefore not be construed so as to limit a person's right to file complaint with any state or federal agency, board, tribunal or court vested with jurisdiction to receive, review and act upon complaints of discrimination. This chapter shall not be construed as limiting the right of any person to seek remedies in courts of competent jurisdiction pursuant to state or federal law which grant private rights of action to persons aggrieved by discriminatory acts of the type prohibited by this chapter. There is no requirement that an aggrieved person file a complaint with the Village pursuant to this chapter before seeking any other federal, state or other remedy available to the person.
 - (b) A person's election to seek remedies provided for in this chapter shall not operate to toll any statute of limitation set forth in state or federal law for pursuing remedies under state

or federal law for acts of discrimination of the type prohibited by this chapter.

(2) **Commission Remedies.**

- (a) The Commission may order a civil fine of up to \$500 for each violation. Each day on which a continuing violation occurs shall constitute a new and separate violation of this chapter. **Provided, however, the maximum collected fine for a continuing violation shall be \$2,500.** Fines collected pursuant to this section will be used to establish a fund to educate the community about nondiscrimination practices and to promote nondiscrimination in the Village. The Village Solicitor is authorized to pursue enforcement and collection of such fines in a separate civil action. In addition to recovery of such fines in any subsequent court proceeding, the Respondent/Defendant shall be liable for all costs of collection including reasonable Attorney fees.
- (b) The Commission may publish, or cause to be published, the names of persons who have been determined to have engaged in a discriminatory practice.

(F) **Judicial Review.**

A complainant or respondent aggrieved by an order of the Commission, including an order dismissing a complaint or stating the terms of a conciliation agreement, may obtain judicial review in accordance with applicable law.

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SECTION 4: The initial terms of Members of the HRC as set forth under Section 102.04 as adopted above shall be staggered as follows: Of the three appointments by the Village Council, one member shall be appointed for one year, one member shall be appointed for two years, and one member shall be appointed for three years; the Mayor's appointment shall be for an initial term of three years; the Manager's appointment shall be for an initial term of two years.

SECTION 5: If any provision of this ordinance is declared to be invalid or unenforceable, the remaining provisions shall remain valid and in full force and effect.

SECTION 6: That this ordinance shall take effect and be in force at the earliest date allowed by law.

Passed this 9th day of April 2018.

Mayor Thomas C. Muething

19

Attest:

19

Nicole Browder, Clerk of Council

Ordinance Vote:

Moved: Wolf Seconded: Conway

Muething	Aye
Wolf	Aye
Bardach	Aye
Conway	Aye
Hattenbach	Aye
Kamine	Aye
Warren	Aye

I, Clerk of Council of Amberley Village, Ohio, certify that on the ____day of April 2018, the forgoing Ordinance was published pursuant to Article IX of the Home Rule Charter by posting true copies of said Ordinance at all of the places of public notice as designed by Sec. 31.40(B), Code of Ordinances.

Nicole Browder, Clerk of Council

Draft of Revision to
Amberley Village Non-
Discrimination Ordinance

AN ORDINANCE TO COMBAT DISCRIMINATION AND
FOR THE GUARANTEE OF EQUALITY AND INCLUSION

WHEREAS, it is the public policy of Amberley Village to safeguard the right and opportunity of all persons to be free from all forms of discrimination and to provide for an inclusive community for all residents, businesses, and visitors;

WHEREAS, Amberley Village is proud of its diverse community of individuals from various backgrounds, religions, ethnicities, nationalities, and ideologies, including persons with a different sexual orientation or gender identification or expression which are classes of persons which are currently not explicitly protected under existing Ohio or federal antidiscrimination laws;

WHEREAS, Amberley Village is proud of its unique history and it is important that persons of all faiths be able to continue to freely exercise their religion in the Village;

WHEREAS, Amberley Village encourages all persons to be fully engaged in protecting and supporting each person's civil rights, to be free from discrimination and to enjoy the liberties afforded to every citizen;

WHEREAS, the intent of this Ordinance is not to penalize any religious organization nor religious institution from exercising its constitutionally protected rights nor to burden any religious organization or religious institution in exercising its rights, but the purpose of this Ordinance is to recognize that persons of various backgrounds, ages, religions, ethnicities, nationalities, and ideologies, different sexual orientation or gender identification or expression should also enjoy certain rights which are equally protected to all persons by the Constitution; and

WHEREAS, it is the goal of the Village and the purpose of this ordinance to create a vehicle by which the Village and its residents can educate and create opportunities to support and protect the civil liberties and freedoms of every person who calls the Village home;

NOW, THEREFORE, BE IT ORDAINED BY THE Council of Amberley Village, State of Ohio, seven (7) members elected thereto concurring:

SECTION 1: Chapter 102 of the Municipal Code of Ordinances, which is to be added to and amends the Municipal Code of Ordinances, reads as follows:

I. Chapter 102: HUMAN RIGHTS COMMISSION; DIVERSITY AND INCLUSION

§ 102.01 STATEMENT OF INTENT.

It is the intent of Amberley Village to protect and safeguard the right and opportunity

of all persons to be free from all forms of discrimination, including discrimination based on one's membership in a Protected Class such as age, race, color, religion, ethnicity, national origin, ancestry, disability, marital status, family status, military status, sex, gender identity or expression, or sexual orientation ("Protected Class"). The purpose of this ordinance is to promote the public health and welfare of all persons who live in, work in, or visit the Village.

It is the intent of this ordinance ~~important~~ to ensure equal access to employment, housing, public accommodations, and education in the Village. The denial of these rights to persons in a Protected Class is contrary to the principles of freedom and equality of opportunity and is destructive to a free and democratic society.

II. § 102.02 DEFINITIONS.

All words utilized in this ordinance shall be ascribed their ordinary meaning unless otherwise defined herein.

Additionally, the following specific terms are hereby defined:

- (1) "Commercial purpose or commercial activity" is that purpose or activity open to a broader secular market other than members, families of members, or coreligionists of the religious or denominational corporation, institution, association or organization.
- (2) "Discriminate, discrimination or discriminatory" means any act, policy or practice that, regardless of intent, has the effect of subjecting any person to differential treatment as a result of that person's race, color, creed, religion, national origin, ancestry, disability, marital status, gender, gender identity or expression, sexual orientation, or physical characteristic.
- (3) "Employer" means any person who employs four or more persons.
- (4) "Gender" means actual or perceived sex.
- (5) "Gender identity or expression" means having or being perceived as having a gender identity or expression whether or not that gender identity or expression is different from that traditionally associated with the sex assigned to that individual at birth.
- (6) "Physical characteristic" means a bodily condition or bodily characteristic of any person that is from birth, accident, or disease, or from any natural physical development, including individual physical mannerisms including but not limited to height and weight. Physical characteristic shall not relate to those situations where a bodily condition or characteristic will present a danger to the health, welfare or safety of any individual.
- (7) "*Place of public accommodation*" ² means inns, taverns, hotels, motels, restaurants, wholesale outlets, retail outlets, banks, savings and loan

associations, other financial institutions, credit information bureaus, insurance companies, dispensaries, clinics, hospitals, theaters, recreational parks and facilities, trailer camps, garages, public halls, and all other establishments which offers goods, services, accommodations and entertainment to the public within the Village.

- (8) Exemption. *Except when offering goods, services, accommodations or entertainment for Commercial Purposes or except when such offering is supported by Village resources, it shall not be an act of discrimination and/or a violation of this Ordinance for any religious or denominational institution, organization, society or association, or any nonprofit charitable or educational organization that is operated, supervised or controlled by or in connection with a religious organization, from limiting its offerings of goods, services, facilities, including places of worship, educational facilities or their contiguous facilities, and accommodations to persons of the same religion, or from giving preference to such persons.*

III. § 102.03 HUMAN RIGHTS COMMISSION; PURPOSE.

A non-partisan Human Rights Commission is hereby established to be known as the Amberley Village Human Rights Commission (the “Commission”). The purpose of the Commission is not to penalize, but to encourage and endeavor to bring about mutual understanding and respect among all persons, and to safeguard the right and opportunity of all persons to be free from all forms of discrimination.

IV. § 102.04 HUMAN RIGHTS COMMISSION; MEMBERS.

- (1) The Amberley Village Human Rights Commission shall be comprised of five members appointed as follows: one member shall be appointed by the Village Manager; one member shall be appointed by the Village Mayor; and three members shall be appointed by a majority vote of Village Council. Council may also appoint one (1) Member to the Commission who is a non-resident of the Village, but who is the owner, operator or official in a business located within the Village.

Members of the Commission shall serve voluntarily and without compensation, except for reimbursement of any reasonable and necessary expenses incurred in performance for the Commission. No member shall be a current employee, officer, elected official, agent, or contractor with the Village.

Except for members’ initial terms which shall be staggered, each member shall serve a term of three years commencing on the effective date of this Ordinance. Members shall be eligible for reappointment; however, no member shall serve more than three consecutive terms. Members shall serve beyond the end of a term until a replacement is appointed by the respective authority. A member shall be deemed to have abandoned the position and resigned upon missing three consecutive regular meetings of the Commission without being excused by the Commission as reflected in the minutes. Any vacancy shall be filled by the authority which made the initial appointment for the position. Members appointed to fill a vacancy shall serve the remainder of the term of the vacant position.

V. § 102.05 HUMAN RIGHTS COMMISSION; ORGANIZATION.

The Amberley Village Human Rights Commission is a non-legislative public body of the Village. The Commission shall convene the initial organizational meeting of appointed Members at its earliest opportunity. The Commission shall organize at its initial meeting by electing one Member as Chair and one Member as Vice-Chair. The Commission may select additional Members to serve as officers if found to be necessary and proper for the effective organization and operation of the Commission. Each officer shall serve for a term of one year or until a successor officer is duly elected.

VI. § 102.06 HUMAN RIGHTS COMMISSION; MEETINGS.

The Amberley Village Human Rights Commission shall convene at least once each year to elect officers and as otherwise requested by a Member of the Commission, the Village Manager, the Village Mayor, or the Village Council. Any three members of the Commission shall constitute a quorum for the transaction of business. The Commission may act upon a majority vote of Members present at a meeting. The Commission shall report to the Village Council at least twice every 12 months.

Meetings of the Commission must be public according to the Ohio Sunshine Laws. Public notice of any meetings must be provided at least 48 hours in advance, and minutes must be maintained. Any documents, evidence, and other records maintained or created by the Commission or submitted to the Commission, are public records subject to the Ohio Public Records Act.

The Village shall provide appropriate orientation and training to the to help them fully understand their duties and responsibilities, the requirements for Open Meetings and Public Records, and the importance of confidentiality in the performance of their tasks.

VII. § 102.07 HUMAN RIGHTS COMMISSION; POWERS AND DUTIES.

The Amberley Village Human Rights Commission is hereby authorized and empowered as follows:

(a) The Commission may create and modify rules regarding its meetings, hearings, and procedures to carry out its functions. At its discretion, the Commission may accept volunteer services, including volunteer services of private legal counsel.

(b) The Commission may create committees and sub-committees comprised of Members and other volunteers, which in its judgment will aid in effectuating the purposes of the Commission, including, but not limited to: a committee formed to study the problem of discrimination; a committee formed to foster good will, cooperation and conciliation among the diverse groups and population of the Village; and a committee formed to make recommendations to the Commission for the development and implementation of programs of formal and informal education and public awareness.

(c) The Commission may, with the consent and approval of the Village Manager, call upon other officers, departments and agencies of the Village government to assist in its programs and projects. The Commission may recommend to Village Council policies, procedures, practices and legislation in all relevant matters.

(d) The Commission may enlist the cooperation of racial, religious, ethnic, community and civic organizations, and other identifiable groups of the Village, in its programs and campaigns devoted to the education and advancement of tolerance, understanding and equal protection of the law for all groups and individuals regardless of membership in a Protected Class.

(e) The Commission may seek and accept contributions, financial or otherwise, on behalf of the Village from any person including but not limited to any private, public, governmental, charitable, religious, labor, civic or benevolent organizations, in furtherance of its mission.

(f) The Commission may formulate and develop programs and opportunities (i.e., forums, workshops, research, and publications) to collect and disseminate information regarding the work of the Commission, to minimize or eliminate discrimination, and to promote good will among all persons who live in, work in, or visit the Village.

(g) The Commission shall develop a program to receive and report complaints from persons who live in, work in, or visit the Village. In its discretion the Commission may seek to conciliate any complaint with the express written consent of the complainant in order to ensure equal access to employment, housing, public accommodations, and education in the Village.

(h) The Commission shall cooperate and work with relevant federal, state and local government offices and agencies.

VIII. § 102.08 PUBLIC CONTRACTS.

The Village shall give consideration to all contractors who have a stated inclusive policy against discrimination that is substantially similar to the Village's policy as set forth in this Chapter.

IX. § 102.099 CONSTRUCTION; NONEXCLUSIVE REMEDIES.

This ordinance chapter shall be liberally construed to accomplish its objectives and purposes. If any provision of this ordinance chapter is held invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect or invalidate the other provisions hereof, all of which are declared and shall be construed to be separate and severable.

This Ordinance chapter does not create or establish a cause of action in any court of law or equity and shall not prevent any person from exercising any right or seeking any remedy otherwise entitled to under any other law, regulation, or policy. All remedies provided by this ordinance chapter are in addition to, and not in lieu of, other remedies.

SECTION 2: Section 135.091 of the Municipal Code of Ordinances is amended to read as follows:

X. § 135.091 HOUSING DISCRIMINATION PROHIBITED.

(A) No person shall attempt to or willfully injure, intimidate, or interfere with any of the following:

(1) Any person from renting, purchasing, selling, financing or occupying any housing accommodations; from contracting or negotiating for any housing accommodations; or from applying for or participating in any service, organization, or facility relating to the business of selling or renting housing accommodations because of race, color, religion, sex, sexual orientation, gender identification or expression, national origin, ancestry, familial status as defined in R.C. § 4112.01, military status as defined in R.C. § 4112.01, or disability as defined in R.C. § 4112.01.

(2) Any person because that person is or has been doing either of the following:

(a) Participating in any of the activities, services, organizations, or facilities described in division (A)(1) of this section;

(b) Affording another person or class of persons opportunity or protection so to participate in any of the activities, services, organizations, or facilities described in division (A)(1) of this section.

(3) Any person because that person is or has been lawfully aiding or encouraging other persons to participate in any of the activities, services, organizations, or facilities described in division (A)(1) of this section, or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to so participate.

(B) Whoever violates division (A) of this section is guilty of a misdemeanor of the first degree.

SECTION 3: Section 135.092 of the Municipal Code of Ordinances is amended to read as follows:

XI. § 135.092 INTIMIDATION.

(A) No person shall violate R.C. § 2903.21, 2903.22, 2909.06, or 2909.07, or R.C. § 2917.21(A)(3), (4), or (5), by reason of a person or group's membership in a Protected Class, as defined in Section 102.01 of the Village Municipal Code of Ordinances.

(B) Whoever violates this section is guilty of intimidation. intimidation is an offense of the next higher degree than the offense the commission of which is a necessary element of intimidation. In the case of an offense that is a misdemeanor of the first degree, intimidation is a felony to be prosecuted under

appropriate state law.

SECTION ???.

The following Code Section entitled *Unlawful Discriminatory Practices Relating to Employment* is hereby enacted to read as follows:

UNLAWFUL DISCRIMINATORY PRACTICES RELATING TO EMPLOYMENT

- (A) It shall be an unlawful discriminatory practice:
- (I) For any employer to refuse to hire a person or otherwise to discriminate against a person with respect to hire, tenure, terms, conditions, or privileges of employment, or any matter directly or indirectly related to employment; because of that person's membership in a Protected Class such as age, race, color, religion, ethnicity, national origin, ancestry, disability, marital status, family status, military status, sex, gender identity or expression, or sexual orientation ("Protected Class"). For any employer, employment agency, or labor organization to establish, announce or follow a policy of denying or limiting, the employment or membership opportunities of any person or group of persons because of their membership in a Protected Class
 - (II) For any employer, labor organization, or joint labor-management committee controlling apprentice training programs to discriminate against any person because of their membership in a Protected Class.
 - (III) For any employer, employment agency, or labor organization to publish or circulate, or to cause to be published or circulated, any notice or advertisement relating to employment or membership which indicates any preference, limitation, specifications or discrimination based upon age, race, color, religion, ethnicity, national origin, ancestry, disability, marital status, family status, military status, sex, gender identity or expression, or sexual orientation race, sex, sexual orientation, gender identity or expression, color, religion, ancestry, national origin, age, disability, marital status, familial status, genetic information, or military status;
 - (IV) For any person providing employment to publish or to cause to be published any advertisement which specifies or in any manner indicates or expresses a limitation or preference as to race, sex, sexual orientation, gender identity or expression, color, religion, ancestry, national origin, age, disability, marital status, familial status, genetic information, or military status of any prospective employee;
 - (V) For any employment agency to refuse or fail to accept, register, classify properly, or refer for employment or otherwise to discriminate against any person because of their membership in a Protected Class.
 - (VI) For any employer, employment agency, or labor organization to utilize in the recruitment or hiring of persons, any employment agency, placement service, labor organization, training school or center, or any other employee-referring source, known to discriminate against persons because of their membership in a Protected Class.

- (VII) For any labor organization to discriminate against any person or limit that person's employment opportunities, or otherwise adversely affect that person's status as an employee, or that person's wages, hours, or employment conditions, because of their membership in a Protected Class
- (VIII) For an employment agency, to comply with, accommodate, or otherwise assist with locating or placing an employee related to, a request from an employer for referral of applicants for employment if the request indicates, directly or indirectly, that the employer fails, or may fail, to comply with this Ordinance of the Amberley Village Code;
- (IX) For any labor organization to limit or classify its membership on the basis of race, sex, sexual orientation, gender identity or expression, color, religion, ancestry, national origin, age, disability, marital status, familial status, genetic information, or military status;
- (X) For any employer, employment agency or labor organization to:
 - (a) Elicit or attempt to elicit any information concerning the race, sex, sexual orientation, gender identity or expression, color, religion, ancestry, national origin, age, disability, marital status, familial status, genetic information, or military status of an applicant for employment or membership;
 - (b) Use any form of application for employment or personnel or membership blank seeking to elicit information regarding race, sex, sexual orientation, gender identity or expression, color, religion, ancestry, national origin, age, disability, marital status, familial status, genetic information, or military status but an employer holding a contract containing a non-discrimination clause with the government of the United States or any department or agency thereof, may require an employee or applicant for employment to furnish documentary proof of United States citizenship and may retain such proof in the employer's personnel records and may use photographic or fingerprint identification for security purposes.
 - (c) For any employer, employment agency or labor organization to discriminate against any person because that person has opposed any practice forbidden by this Ordinance of the Amberley Village Code, or because that person has made a complaint or assisted in any manner in any investigation or proceeding under this Ordinance, of the Amberley Village Code.
 - (d) For any person, whether or not an employer, employment agency or labor organization, to aid, incite, compel, coerce, or participate in the doing of any act declared to be unlawful discriminatory practice by this Ordinance, of the Amberley Village Code, or to obstruct or prevent any person from

enforcing or complying with the provisions of this chapter, or to attempt directly or indirectly to commit any act declared by this chapter, to be an unlawful discriminatory practice, or to obstruct or prevent any person from enforcing or complying with the provisions of this chapter, or to attempt directly or indirectly to commit any act declared by this chapter, to be an unlawful discriminatory practice.

(B) General Exceptions. In addition to the general Exceptions outlined in Section IX, this section does not apply to:

- (1) A religious or denominational corporation, institution, association, organization, educational institution, or society with respect to the employment of an individual of a particular religion to perform work connected with the carrying on of that religious or denominational corporation, institution, association, organization, educational institution, or society of its activities. (This exception recognizes the ministerial exception as reaffirmed by the U.S. Supreme Court in *Our Lady of Guadalupe School v. Morrissey-Berru* to protect religious institutions' First Amendment rights.)
- (2) Any practice which has a discriminatory effect and which would otherwise be prohibited by this chapter shall not be deemed unlawful if it can be established that the practice is not intentionally devised to contravene the prohibitions of this chapter and there exists no less discriminatory means of satisfying a business purpose.
- (3) Unless otherwise prohibited by law, nothing contained in this chapter shall be construed to prohibit promotional activities such as senior citizen discounts and other similar practices designed primarily to encourage participation by protected group.
- (4) It shall not be an unlawful discriminatory practice for an employer to observe the conditions of a bona fide seniority system or a bona fide employee benefit system such as a retirement, pension or insurance plan which is not a subterfuge or pretext to evade the purposes of this chapter.
- (5) It shall not be an unlawful discriminatory practice for any person to carry out an affirmative action plan. An affirmative action plan is any plan devised to effectuate remedial or corrective action taken in response to past discriminatory practices, or as otherwise required by state or federal law.
- (6) Nothing contained in this chapter shall be deemed to prohibit selection or rejection based solely upon a bona fide occupational qualification or a bona fide physical requirement. If a party asserts that an otherwise unlawful practice is justified as a permissible bona fide occupational qualification, or a permissible bona fide physical requirement, that party shall have the burden of proving:

- (a) That the discrimination is in fact a necessary result of such a bona fide condition; and
- (7) That there exists no less discriminatory means of satisfying the bona fide requirement.

SECTION ???. The following Code Section entitled *Unlawful Discriminatory Practices Relating to Public Accommodations* is hereby enacted to read as follows:

UNLAWFUL DISCRIMINATORY PRACTICES RELATING TO PUBLIC ACCOMMODATIONS

(A) **Prohibited Discrimination.** It shall be an unlawful discriminatory practice:

- (I) For any proprietor or his employee, keeper, or manager of a place of public accommodation to deny to any person except for reasons applicable alike to all persons regardless of race, sex, sexual orientation, gender identity or expression, color, religion, ancestry, national origin, age, disability, marital status, familial status, genetic information, or military status the full enjoyment of the accommodations, advantages, facilities, or privileges thereof; mail, either directly or indirectly, any printed or written communication, notice or advertisement to the effect that any of the accommodations, advantages, facilities, goods, products, services and privileges of any such place shall be refused, withheld or denied to any person on account of race, sex, sexual orientation, gender identity or expression, color, religion, ancestry, national origin, age, disability, marital status, familial status, genetic information, or military status or that such person is unwelcome, objectionable, or not acceptable, desired or solicited; or
- (II) For any person, whether or not included in divisions (I) and (2) in this section, to aid, incite, compel, coerce, or participate in the doing of any act declared to be an unlawful discriminatory practice under this section.

(B) **Exemption.** Nothing in this section shall prohibit a religious or denominational institution, organization, society or association or any nonprofit charitable or educational organization that is operated, supervised or controlled by or in connection with a religious organization, from limiting its offerings of goods, services, facilities, including places of worship, educational facilities or their contiguous facilities, and accommodations to persons of the same religion, or from giving preference to such persons, provided that such offerings mentioned above are not, in fact, offered for commercial purposes or supported by Village resources or funds for such specific offering.

SECTION ???. The following Code Section entitled *Unlawful Discriminatory Practices Relating to Educational Institutions* is hereby enacted to read as follows:

UNLAWFUL DISCRIMINATORY PRACTICE RELATING TO EDUCATIONAL INSTITUTIONS

(A) **Discriminatory Practices.** It shall be unlawful for an educational institution to engage in any of the following acts wholly or partially for a discriminatory reason:

- (I) To deny, restrict, abridge or condition the use of, or access to, any educational facilities or educational services to any person otherwise qualified;

- (2) Notwithstanding the provisions of subsection (A) it shall not be an unlawful discriminatory practice to limit attendance in classes or programs conducted by an educational institution based upon a reasonable educational objective, except where to do so would otherwise violate a duty imposed upon the institution by federal or state law to provide reasonable accommodation;
 - (3) Notwithstanding the provisions of subsection (A), it shall not be an unlawful discriminatory practice for an educational institution operated by a religious or denominational institution, or established for a bona fide religious purpose, to admit students or program attendees on the basis of that student's or attendee's religious or denominational affiliation or preference, or to operate a same-sex educational institution and to limit enrollment to persons of the same sex.
- (B) Exemption. For purposes of this section, "Educational Institution" shall not include any institution or school operated by a religious or denominational corporation, institution, association or organization.

SECTION ???. COMPLAINT PROCEDURES

- (A) Complaints - Consideration by the Commission.
 - (1) A person claiming to be aggrieved by a discriminatory practice, or a Member of the Commission, may file with the Commission a written sworn complaint stating that a discriminatory practice has been committed, setting forth the facts sufficient to enable the Commission to identify the persons charged (hereinafter the respondent). Within ten (10) days after receipt of the complaint, the Commission shall serve on the complainant a notice acknowledging the filing of the complaint and informing the complainant of the respondent's time limits.
 - (2) The Commission shall, within ten (10) days of the filing of the complaint, furnish the respondent with a copy of the complaint and a notice advising the respondent of the respondent's procedural rights and obligations under this chapter.
 - (3) The complaint must be filed within one hundred eighty (180) days after the commission of the alleged discriminatory practice.
 - (4) The Commission shall commence an investigation of the complaint within thirty (30) days after the filing of the complaint. The Commission, or designee, shall promptly investigate the matter to determine whether the discriminatory practice exists.
 - (5) The investigated complaint shall be presented to the Commission, which shall meet and review the investigation within thirty (30) days of receipt. If it is determined that there is no reasonable cause to believe that the respondent has engaged in a discriminatory practice, the Commission shall dismiss the complaint, and the Commission shall

furnish a copy of the order to the complainant, the respondent and such public officers and persons as the Commission deems proper.

- (6) The complainant, within thirty (30) days after receiving a copy of the order dismissing the complaint, may file with the Commission an application for reconsideration of the order. The Commission shall reconsider the decision and any new evidence presented within thirty (30) days of the request for reconsideration. If it is dismissed a second time the matter is concluded.
- (7) If no request for reconsideration is made within a timely manner, the complaint and Commission records may be destroyed, consistent with the Village's Records Retention and Destruction Schedule.

(B) Conciliation Agreements.

- (1) If the Commission determines after investigation that there is the alleged discriminatory practices by conference, conciliation and persuasion. Early conciliation/mediation is encouraged.
- (2) The terms of a conciliation agreement reached with a respondent shall require the respondent to refrain from discriminatory practices in the future and shall make such further provisions as may be agreed upon between the Commission or its assigned staff and the respondent.
- (3) If a conciliation agreement is entered into, the Commission shall issue and serve on the complainant an order stating its terms. A copy of the order shall be delivered to the respondent and such public officers and persons as the Commission deems proper.
- (4) Except for the terms of the conciliation agreement, the Commission shall not make public, without the written consent of the complainant and the respondent, information concerning efforts in a particular case to eliminate discriminatory practice by conference, conciliation or persuasion, whether or not there is a determination of reasonable cause or a conciliation agreement. To the extent permitted by law, conciliation agreements shall remain confidential.
- (5) At the expiration of one year from the date of a conciliation agreement, and at other times in its reasonable discretion, the Commission or its staff may investigate whether the respondent is following the terms of the agreement.
- (6) If a finding is made that the respondent is not complying with the terms of the agreement, the Commission shall take such action as it deems appropriate to assure compliance.
- (7) To facilitate conciliation, as allowable within the Commission's budget as established by Council, the Commission may engage an outside mediator.

(C) Hearings.

- (I) If a conciliation agreement has not been reached within ninety (90) days after an administrative determination of reasonable cause to believe that discrimination took place, the Commission shall serve on the respondent by mail or in person a written notice, together with a copy of the complaint as it may have been amended, or a copy of the letter of determination, requiring the respondent to answer the allegation(s) of the complaint at a hearing before the Commission or another individual pursuant to its rules, at a time and place specified by the hearing examiner or examiners after conference with the parties or their attorneys. A copy of the notice shall be furnished to the complainant and such public officers and persons as the Commission deems proper.
- (II) A Member of the Commission who filed the complaint or endeavored to eliminate the alleged discriminatory practice by conference, conciliation or persuasion shall not participate in the hearing or in the subsequent deliberation of the Commission. In the case where a Member of the Commission filed a complaint and a hearing or subsequent deliberation of the Commission is required, a temporary Commissioner shall be appointed by the Village Mayor.
- (III) The respondent may file an answer with the Commission by registered or certified mail in accordance with the rules of the Commission before the hearing date. The respondent may amend an answer at any time prior to the issuance of an order based on the complaint, but no order shall be issued unless the respondent has had an opportunity of a hearing on the complaint or amendment on which the order is based.
- (IV) A respondent, who has filed an answer or whose default in answering has been set aside for good cause shown, may appear at the hearing with or without representation, may examine and cross-examine witnesses and the complainant and may offer evidence.
- (V) The complainant, and, in the discretion of the Commission, any person may intervene, examine and cross-examine witnesses and present evidence.
- (VI) If the respondent fails to answer the complaint, the Commission may find the respondent in default. Unless the default is set aside for good cause shown, the hearing may proceed on the evidence in support of the complaint.
- (VII) Efforts at conference, conciliation and persuasion shall not be received in evidence.
- (VIII) Testimony taken at the hearing shall be under oath and recorded. If the testimony is not taken before the Commission, the record shall be transmitted to the Commission.
- (IX) In a proceeding under this chapter, the production of a written, printed or visual communication, advertisement or other form of publication, or a

written inquiry, or record, or other document purporting to have been made by a person shall be prima facie evidence that it was authorized by the person.

- (X) All hearings conducted under this section shall be conducted in accordance with Chapter 119 of the Ohio Revised Code.

(D) Findings and Orders.

- (I) If, following a hearing held under this chapter, the Commission determines that the Respondent has not engaged in a discriminatory practice, the Commission shall state its findings of fact and conclusions of law and shall issue an order dismissing the complaint. A copy of the order shall be furnished to the Complainant, the Respondent, the Mayor and such other public officers as the Commission deems proper.

- (2) If, following a hearing held under this chapter, the Commission determines that the Respondent has engaged in a discriminatory practice, the Commission shall state its findings of fact and conclusions of law and shall issue an order requiring the Respondent to cease and desist from the discriminatory practice and to provide such remedies as in the judgment of the Commission will carry out the purposes of this chapter. A copy of the order shall be delivered to the Respondent, the Complainant, the Mayor and such other public officers as the Commission deems proper.

(E) Remedies.

- (I) State/Federal Remedies.

- (a) The remedies provided for in this chapter are in addition to, not in lieu of, those provided for by state and federal law. This chapter shall therefore not be construed so as to limit a person's right to file complaint with any state or federal agency, board, tribunal or court vested with jurisdiction to receive, review and act upon complaints of discrimination. This chapter shall not be construed as limiting the right of any person to seek remedies in courts of competent jurisdiction pursuant to state or federal law which grant private rights of action to persons aggrieved by discriminatory acts of the type prohibited by this chapter. There is no requirement that an aggrieved person file a complaint with the Village pursuant to this chapter before seeking any other

federal, state or other remedy available to the person.

- (b) A person's election to seek remedies provided for in this chapter shall not operate to toll any statute of limitation set forth in state or federal law for pursuing remedies under state or federal law for acts of discrimination of the type prohibited by this chapter.

(2) Commission Remedies.

- (a) The Commission may order a civil fine of up to \$500 for each violation. Each day on which a continuing violation occurs shall constitute a new and separate violation of this chapter. Provided, however, the maximum collected fine for a continuing violation shall be \$2,500. Fines collected pursuant to this section will be used to establish a fund to educate the community about nondiscrimination practices and to promote nondiscrimination in the Village. The Village Solicitor is authorized to pursue enforcement and collection of such fines in a separate civil action. In addition to recovery of such fines in any subsequent court proceeding, the Respondent/Defendant shall be liable for all costs of collection including reasonable Attorney fees.
- (b) The Commission may publish, or cause to be published, the names of persons who have been determined to have engaged in a discriminatory practice.

(F) Judicial Review.

A complainant or respondent aggrieved by an order of the Commission, including an order dismissing a complaint or stating the terms of a conciliation agreement, may obtain judicial review in accordance with applicable law.

SECTION 4: The initial terms of Members of the HRC as set forth under Section 102.04 as adopted above shall be staggered as follows: Of the three appointments by the Village Council, one member shall be appointed for one year, one member shall be appointed for two years, and one member shall be appointed for three years; the Mayor's appointment shall be for an initial term of three years; the Manager's appointment shall be for an initial term of two years.

SECTION 5: If any provision of this ordinance is declared to be invalid or unenforceable, the remaining provisions shall remain valid and in full force and effect.

SECTION 6: That this ordinance shall take effect and be in force at the earliest date allowed by law.