



Health, Education & Welfare Committee Agenda September 13, 2023 at 4:00 PM

Health, Education & Welfare Committee

Dara Wood, Chair
Keely Paul
Jay Shatz

Staff Liason

Scot Lahrmer, Village
Manager
Andy Kaake, Law Director

MINUTES

1. Approval of minutes: July 24, 2023

TOPICS OF DISCUSSION

1. Follow up regarding a request from the Human Rights Commission to change the non-discrimination ordinance

ADJOURNMENT

Health Education and Welfare Committee Meeting July 24, 2023

Committee: Dara Wood, Chair, Keely Paul, Jay Shatz

Staff Liaison: Scot Lahrmer, Village Manager, Andy Kaake, Law Director

Present: Dara Wood, Keely Paul, Jay Shatz, Mayor Tom Muething, Andy Kaake, Scot Lahrmer, Nancy Warren, Bill Doering, Stacy Lefton, Rabbi AD Motzen

Approval of Minuets from June 7, 2023, meeting.

Topic of Discussion:

Request from the Human Rights Commission to change the non-discrimination ordinance. Dara gave a brief recap of what is before us. The Law Solicitor then shared some thoughts.

Estimated Cost to village to make these changes:

Legal fees: Some infractions are considered misdemeanors and Stacy would have to try a case, so could be substantial legal fees. Mr. Kaake would want to see if our ordinance is in shape, see other ordinances to compare. Process to charge someone: Would need a charge form, an investigator and the police dept involved as well. If employment issue and more than 15 employees, it would go to federal. General costs to change and try the cases would include research, investigation procedures, trainings, research privacy, fed and state laws, provisions for hearings. These are civil hearings. Mr Kaake also feels 30-60 days is not reasonable to 'try' a case. Currently goes to state and federal, not us if there is an issue.

In 2018 – we spent 12-15K range when we initially did the ordinance.

Mr. Kaake thinks it could cost 15-20K of work and research.

- If something is covered already, is there really a need to duplicate it – do a resolution not ordinance if you want to make a statement but keep expenses and liability down.

Education: No risk legally to doing more education.

Consequences: Sensitive issues and how to keep confidentiality – it is an issue, it would be public record so we couldn't keep anything truly confidential. So there are privacy issues.

Risks to the Village to do this: Cost, staff time and we could be sued for interfering in the running of a business.

What does the religious exemption really mean: that may be the toughest one, not sure what is really covers.

Question: Are there portions of what is proposed that are more troublesome than others?

- It does focus on sexual identity and sexual orientation etc. and cost to village to change this when not protected federally.

Has Golf Manor's been challenged? Not aware that it has been.

The Law Solicitor feels if we move forward with this, we should look at other ordinances, feels that we may be able to have better wording. Feels Golf Manor ordinance is duplicative.

Most recent ruling by the Supreme Court – question that looms (Andy) how hard is the religious freedom and restoration act going to push on certain things.

There are several levels of regulation

Federal EEOC 15 + employees

State OCRC 4 + employees –

A resident asked why spending money on something that in his opinion has zero impact.

What exposes our taxpayers vs the uncertainty of what may happen fed etc law.

Andy – maybe a middle ground between making a stronger statement and forming a commission. He is very worried about the public record aspect of this with privacy issues and the cost to the village.

If we can strengthen the verbiage that could make a nice statement.

Resolution makes a statement just not an ordinance.

What would it cost if we strengthened the language but take out or adapt some so we are not at so much risk, take out the high risk part. Add some education, probably about 10-15 hours – maybe 10K. to pair down so we are comfortable with it.

Concern was expressed that having the full thing done – it may detract business from coming here to open a business in Amberley Village, on other side, some may like that we stand for that.

If we did a Resolution to say we are an inclusive community and that is important to us – expose us less, not litigious.

Committee members: we don't want to put the Village at risk, not to be in investigatory business, cost village money. But we do want to make a stronger statement. So do not want to throw it out completely.

Next steps: Mr. Lahrmer will meet with the law solicitor – work on something to bring to next meeting – some committee members still are interested to still see an ordinance (w education component) with stronger language, show we are serious – don't want to go right to a resolution.