

TO: Mayor Stefan C. Densmore
Members of Village Council

FROM: Terrence M. Donnellon

RE: Legislative Agenda – October 11

DATE: October 8, 2021

The following legislation is on the Agenda for the October 11th meeting of Village Council:

1. Ordinance No. 2021 – 11

An Ordinance Amending Sections of Ordinance No. 2019-10, An Ordinance to Combat Discrimination and For the Guarantee of Equality and Inclusion

This Ordinance was brought forward on the agenda in early September to initiate discussion to update the Non-Discrimination Ordinance to facilitate implementation of the Ordinance and the appointment of the Human Rights Commission.

This Ordinance makes certain modifications within prior Ordinance No. 2019-10 to clarify the exemptions which are available under the Ordinance, and to reaffirm that our local regulations are superseded as appropriate by involving constitutional case law. The file change to be implemented is to cap the civil penalty at a total of \$2,500.00.

To roll out the commission and the implementation of the Ordinance the first of the year, we need to discuss and initiate these modifications.

Respectfully submitted,



Terrence M. Donnellon,
Village Solicitor

TMD/lac

Enclosures

cc: Ron Hirth, Village Administrator
Andy Lanser, Asst. Village Administrator

ORDINANCE NO. 2021 - 11

AN ORDINANCE AMENDING SECTIONS OF ORDINANCE NO. 2019-10, AN ORDINANCE TO COMBAT DISCRIMINATION AND FOR THE GUARANTEE OF EQUALITY AND INCLUSION

WHEREAS, in January 2020, Council did take the final steps to enact Ordinance No. 2019-10 entitled, *An Ordinance to Combat Discrimination and for the Guarantee of Equality and Inclusion*; and

WHEREAS, subsequent to the enactment of the Ordinance, a Referendum Petition was filed with the Village, which Referendum was placed upon the November 2020 General Election ballot, which Referendum did reaffirm Ordinance No. 2019-10; and

WHEREAS, in moving forward to implement the Ordinance, the Administration has recommended, and Council concurs, that certain sections of Ordinance No. 2019-10 should be modified to better assure fair and equitable enforcement of the principles outlined within the Ordinance.

NOW THEREFORE, Be It Ordained by the Council of the Village of Golf Manor, Hamilton County, Ohio, that:

SECTION I. Section I (B), *DEFINITIONS*, subsection (7) shall be amended to read as follows:

(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.

SECTION III. Section III (B), *GENERAL EXCEPTIONS*, subsection (1) shall be amended to read as follows:

(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.)

SECTION IV. Section III (B)(7) shall be deleted.

SECTION V. Section VIII (E)(2), *COMMISSION REMEDIES*, subsection (a) shall be amended to read as follows:

(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.

SECTION VI. This Ordinance shall take effect the earliest opportunity as permitted by law.

PASSED this _____ day of _____, 2021.

Mayor Stefan C. Densmore

ATTEST:

Paula Burgin, Assistant Clerk

APPROVED AS TO FORM:

Terrence M. Donnellon, Solicitor

ORDINANCE NO. 2021 - 14

**AN ORDINANCE TO AMEND APPROPRIATIONS FOR CURRENT EXPENSES
AND OTHER EXPENDITURES OF THE VILLAGE OF GOLF MANOR
FOR THE FISCAL YEAR ENDING DECEMBER 31, 2021**

WHEREAS, Council previously did adopt Ordinance 2020-12 to appropriate funds for the fiscal year commencing January 1, 2021 and ending December 31, 2021; and

WHEREAS, Council previously enacted Ordinance 2021-1; Ordinance 2021-3, Ordinance 2021-4, Ordinance 2021-7, Ordinance 2021-8, Ordinance 2021-9; Ordinance 2021-10 and Ordinance 2021-11 to balance such appropriations; and

WHEREAS, the Administration has recommended, and Council does desire, to amend such 2021 appropriations to add unexpected costs for capital and operating appropriations.

NOW THEREFORE, Be It Ordained by the Council of the Village of Golf Manor, Hamilton County, Ohio, that:

SECTION I. Effective immediately, in order to provide for the ongoing expenses and other expenditures of the Village of Golf Manor for fiscal Year 2021, the sums detailed on the attached schedule are hereby appropriated as if such schedule is fully set forth herein.

SECTION II. This Ordinance shall take effect the earliest opportunity as allowable by law.

PASSED this _____ day of _____, 2021.

Mayor Stefan C. Densmore

ATTEST:

Paula Burgin, Assistant Clerk

APPROVED AS TO FORM:

Terrence M. Donnellon, Solicitor