

TO: Mayor Stefan C. Densmore
Members of Village Council

FROM: Terrence M. Donnellon

RE: Legislative Agenda – October 25

DATE: October 21, 2021

The following legislation is on the Agenda for the October 25th meeting of Village Council:

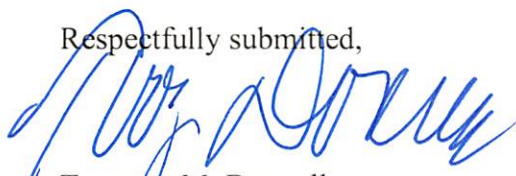
1. Ordinance No. 2021 – 11

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

This legislation is being presented for the second reading at the October 25 meeting of Village Council. The plan is to present these amendments for three readings with regular passage and not passing the Ordinance as an emergency. With the third reading occurring November 8, the Amended Ordinance will take effect the first part of December allowing us to move forward properly with the Human Rights Commission in January as planned.

There are no amendments proposed to this Ordinance and there have been no questions or comments sent to me for follow-up.

Respectfully submitted,



Terrence M. Donnellon,
Village Solicitor

TMD/lld

Enclosure

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