

THE CITY OF SOUTH EUCLID SCHEDULE OF MEETING

June 12, 2017

8:00 PM

1. PLEDGE OF ALLEGIANCE
2. ROLL CALL
3. REPORT OF MAYOR
4. REPORT OF LAW DIRECTOR & DEPARTMENTAL HEADS
5. PUBLIC HEARINGS (OPEN MEETING) RELATED TO AGENDA ITEMS
6. REPORT OF COMMITTEES

SAFETY COMMITTEE:

1. ORDINANCE 08-17 AN ORDINANCE AMENDING SECTION 531.09 "ABATEMENT OF CRIMINAL ACTIVITY NUISANCES" OF CHAPTER 531 "NUISANCES" OF PART FIVE "GENERAL OFFENSES CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO. **THIRD READING.**

7. LEGISLATION REQUESTED BY CITY COUNCIL

1. ORDINANCE 10-17 AMENDING SECTION 1607.02 "CERTIFICATE ISSUANCE; CONTENTS, TERMS AND REVOCATION" OF CHAPTER 1607 "CERTIFICATE OF BUSINESS OCCUPANCY" OF PART SIXTEEN "BUSINESS MAINTENANCE CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO. FIRST READING.
2. ORDINANCE 11-17 AMENDING SECTION 1409.01 "CERTIFICATE OF OCCUPANCY REQUIRED" OF CHAPTER 1409 "CERTIFICATE OF OCCUPANCY" OF PART FOURTEEN "HOUSING CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO. FIRST READING.

8. LEGISLATION REQUESTED BY THE MAYOR AND ADMINISTRATION

1. RESOLUTION 24-17 ADOPTING AN AMENDED INVESTMENT POLICY FOR THE CITY OF SOUTH EUCLID, OHIO. FIRST READING.
2. RESOLUTION 25-17 AUTHORIZING THE MAYOR AND DIRECTOR OF FINANCE TO ENTER INTO A DISCRETIONARY INVESTMENT MANAGEMENT AGREEMENT FOR PROFESSIONAL MANAGEMENT OF VARIOUS CITY FUNDS. FIRST READING.
3. RESOLUTION 26-17 ADOPTING THE FISCAL BUDGET FOR THE YEAR BEGINNING JANUARY 1, 2018. FIRST READING.
4. RESOLUTION 27-17 AUTHORIZING THE APPROPRIATION AND TRANSFER OF FUNDS FROM THE "GENERAL FUND #101" TO THE "SALARY AND BENEFITS RESERVE FUND #927." FIRST READING.

5. RESOLUTION 28-17 AUTHORIZING THE APPROPRIATION OF UNAPPROPRIATED FUNDS IN THE FOLLOWING FUND: "GENERAL FUND-BUILDING DEPARTMENT-PROGRAM EXPENSES #101-4410-52722" IN AN AMOUNT OF \$197,540.00 FOR A GRANT RECEIVED FROM THE CLEVELAND FOUNDATION. FIRST READING.
6. RESOLUTION 29-17 AUTHORIZING THE CITY ENGINEER TO PREPARE THE NECESSARY PLANS, SPECIFICATIONS, AND ADVERTISE FOR BIDS FOR THE 2017 GROSVENOR ROAD RESURFACING PROGRAM IN THE CITY OF SOUTH EUCLID, OHIO; AND DECLARING AN EMERGENCY. FIRST READING.
7. ORDINANCE 12-17 CREATING NEW CHAPTER 552 "DISCRIMINATION PROHIBITED" OF PART FIVE "GENERAL OFFENSES CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO TO ENSURE THAT ALL PERSONS HAVE EQUAL ACCESS TO EMPLOYMENT, HOUSING, PUBLIC ACCOMODATIONS, AND EDUCATION. FIRST READING.

9. COMMUNICATIONS OF CITY COUNCIL

10. PUBLIC HEARINGS (OPEN MEETING) RELATED TO OPEN BUSINESS

- 11. ADJOURN TO EXECUTIVE SESSION:** For the purpose of discussing pending litigation.

12. ADJOURN TO REGULAR MEETING OF CITY COUNCIL

13. ADJOURN

CITY OF SOUTH EUCLID, OHIO

ORDINANCE NO.: 08-17
INTRODUCED BY: Goodman
REQUESTED BY: Fiorelli & Gelfand

April 12, 2017
Second Reading: May 22, 2017
Proposed Safety Committee
Amendments May 22, 2017
Third Reading: June 12, 2017

AN ORDINANCE

AN ORDINANCE AMENDING SECTION 531.09 "ABATEMENT OF CRIMINAL ACTIVITY NUISANCES" OF CHAPTER 531 "NUISANCES" OF PART FIVE "GENERAL OFFENSES CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO.

WHEREAS, the Council of the City of South Euclid and the Mayor recognize the value and purpose that criminal activity nuisance laws afford our residents as a deterrent to crime and as an effective law enforcement tool; and

WHEREAS, the Council of the City of South Euclid and the Mayor wish to support efforts to address gun violence and help protect the health, safety and welfare of the City and its residents; and

WHEREAS, the Council of the City of South Euclid and the Mayor recognize that a nuisance ordinance without an exception for domestic violence, already an underreported crime, exacerbates victims' inaccessibility to law enforcement.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of South Euclid, Ohio:

Section 1: That Section 531.09 "Abatement of Criminal Activity Nuisances" of Chapter 531 "Nuisances" of Part Five "General Offenses Code" of the Codified Ordinances of the City of South Euclid, Ohio be hereby amended to read as follows:

531.09 ABATEMENT OF CRIMINAL ACTIVITY NUISANCES.

(a) The following activities occurring on either residential or commercial properties, or within 1,000 feet of the property line of said residential or commercial property, and engaged in by an owner, occupant or invitee of the owner or occupant of such residential or commercial properties, are hereby declared to be public nuisances.

(1) Any animal violations under Sections 505.01, Dogs and Other Animals Running at Large; Dangerous and Vicious Dogs; 505.09, Barking or Howling Dogs; 505.06, Poisoning Animals; 505.07, Cruelty to Animals; 505.071, Neglect of Animals; 505.08, Noxious Odors; Unsanitary Conditions;

(2) Any disorderly conduct, disturbance of the peace or other violation of Chapter 509 of the Codified Ordinances;

(3) Any drug abuse violation under Chapter 513 of the Codified Ordinances;

(4) Any gambling violation under Chapter 517 of the Codified Ordinances;

(5) Any health, safety or sanitation violation under Chapter 521 of the Codified Ordinances;

(6) Any obstruction of official business violation under Section 525.07 of the Codified Ordinances;

(7) Any alcohol violations under Chapter 529 of the Codified Ordinances;

(8) Any sex offenses under Sections 533.07, Public Indecency; 533.08, Procuring; 533.09, Soliciting; or 533.10, Prostitution, of the Codified Ordinances;

(9) Any offense against another person under Chapter 537 of the Codified Ordinances **with the exception of Domestic Violence charged pursuant to Section 537.14 or equivalent Ohio Revised Code section;**

(10) Any offense against property under Sections 541.03, Criminal Damaging or Endangering; 541.04, Criminal Mischief, of the Codified Ordinances;

(11) Any littering or deposition of waste under Chapter 527 of the Codified Ordinances;

(12) Any theft violation under Sections 545.05, Petty Theft; 545.08, Unauthorized Use of Property, of the Codified Ordinances;

- (13) Any weapons, explosives, firearm or handgun violation under Chapter 549 of the Codified Ordinances;
- (14) Any fireworks violation under Chapter 1540 of the Codified Ordinances;
- (15) Any waste container violation under Section 1411.081 of the Codified Ordinances; and
- (16) Any offense that is a felony under the Ohio Revised Code.

(b) The Chief of Police or his designee, upon finding that two or more nuisance activities declared in this section have occurred within any 12-month period, may cause a written notice and order to be served on the owner of the property declaring that such property is a nuisance property. The notice and order shall set forth the nature of the nuisances, the estimated costs to abate any future nuisances, and state that the owner may avoid being charged the costs of abatement by taking steps to prevent any further nuisance activity as set forth in this section. The notice shall further state that if a third or subsequent nuisance activity as declared in this section occurs within 12 months of the written notice, the City may abate the nuisance by responding to the activities using administrative and law enforcement actions, and the costs of such abatement shall be assessed on the nuisance property. Notice shall be served as set forth in Sections 531.02 and 531.03 of the Codified Ordinances.

(c) If within 12 months after the written notice referred to in division (b) of this section has occurred, a third nuisance activity as declared in this section occurs, the City may abate the nuisance by responding to the activity using administrative and law enforcement actions, and the costs of such abatement shall be assessed on the nuisance property in the same manner as in Section 531.04 of the Codified Ordinances, and the costs shall be calculated as set forth in division (e) of this section. The City shall provide notice to the owner of the nuisance property of the City's intent to assess the costs of abatement against the owner's property at least 30 days before such costs are certified to the County for assessment against the property, and such notice shall contain a description of the nuisance activity that is the basis for the notice of intent to assess the property, and the cost to abate. Notice shall be served as set forth in Section 531.03 of the Codified Ordinances.

(d) The owner of a nuisance property who receives a notice from the Chief of Police or his designee pursuant to this section may appeal such notice by submitting a written request for reconsideration to the Chief of Police within 30 days of the date of the notice. If the Chief of Police finds that the facts presented do not support the declaration of a nuisance, the Chief shall rescind the notice. Otherwise, the Chief shall deny the request and refer the appeal for hearing by the Board of Zoning Appeals. Any such appeal shall not stay any actions by the City to abate the first or any subsequent nuisance activity. In any such appeal, the City must show by a preponderance of the evidence that each violation stated in the notice being appealed has occurred, and that the declaration of the property as a nuisance property or of the intent of the City to assess the property for abatement costs, whichever is applicable, is justified. The City shall be deemed to have failed to have met this standard if the owner demonstrates by a preponderance of evidence that:

- (1) He or she was not the owner at the time of any of the nuisance activity that is the basis of the notice; or
- (2) He or she had knowledge of the nuisance activity, but has promptly and vigorously taken all actions necessary to abate each nuisance including, without limitation, compliance with the requirements of Ohio R.C. 5321.17(C) and 5321.04(A)(9); or
- (3) He or she had knowledge of the nuisance activity and could not, with reasonable care and diligence, have known of the nuisance activity; and upon receipt of the notice of the declaration of the property as a nuisance property, he or she promptly took all actions necessary to abate the nuisance including, without limitation, compliance with the requirements of Ohio R.C. 5321.17(C) and 5321.04(A)(9).

(e) Costs of abatement shall be assessed based upon an escalating defined cost. The escalating defined costs are: two hundred and fifty dollars (\$250.00) upon the first declaration of nuisance under this chapter; five hundred dollars (\$500.00) on the second nuisance declaration; seven hundred fifty dollars (\$750.00) on the third nuisance declaration; and one thousand dollars (\$1,000.00) on each subsequent nuisance declaration. **If, any violation of nuisance activities described in paragraph (a) 1 through 16 above involves the possession and/or discharge of a firearm in violation of any Federal, State or Local Law, there shall be an additional cost assessed of \$2,000.00 to each enumerated cost listed in this section.**

(f) The declaration of a nuisance property, an order to abate a nuisance, or the assessment of costs by the City on a property, do not affect or limit the City's right or authority to bring criminal prosecution or other legal action against any person for violation of the City's ordinances.

Section 2: That is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees on or after November 25, 1975, that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 3: Wherefore this Ordinance shall take effect and be in force from and after the earliest period allowed by law and upon signature of the Mayor.

Passed this _____ day of _____, 2017.

Jane Goodman, President of Council

Attest:

Approved:

Keith A. Benjamin Clerk of Council

Georgine Welo, Mayor

Approved as to form:

Michael P. Lograsso, Director of Law

CITY OF SOUTH EUCLID, OHIO

ORDINANCE NO.: 10-17
INTRODUCED BY: Goodman
REQUESTED BY: Russell

June 12, 2017

AN ORDINANCE

AMENDING SECTION 1607.02 "CERTIFICATE ISSUANCE; CONTENTS, TERMS AND REVOCATION" OF CHAPTER 1607 "CERTIFICATE OF BUSINESS OCCUPANCY" OF PART SIXTEEN "BUSINESS MAINTENANCE CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of South Euclid, Ohio:

Section 1: That Section 1607.02 "Certificate Issuance; Contents, Terms and Revocation" of Chapter 1607 "Certificate of Business Occupancy" of Part Sixteen "Business Maintenance Code" of the Codified Ordinances of the City of South Euclid, Ohio be hereby amended to read as follows:

1607.02 CERTIFICATE ISSUANCE; CONTENTS, TERM AND REVOCATION.

(a) Application for a certificate of business occupancy required by the provisions of this Code shall be made annually by supplying the information and data to determine compliance with applicable laws, ordinances, rules and regulations for the existing use or occupancy or the intended use or occupancy on forms supplied by the Building Commissioner.

(b) The Commissioner may require the submission of an affidavit stating such information, and he may cause a general inspection of the structure or premises to be made.

(c) If it is found that a building or other structure is in compliance with the provisions of this Code, and all other laws, ordinances, rules and regulations applicable thereto, the Commissioner shall issue a certificate of business occupancy for such building or structure, which shall contain the following information:

- (1) The street address or other identifying characteristics of the building or other structure.
- (2) The name and address of the occupant of the building or structure.
- (3) The exact nature and extent of the use or occupancy authorized.
- (4) The period for which such certificate of business occupancy is effective.

Such certificate shall not be valid beyond December 31 of the calendar year for which the certificate is issued.

(d) The Commissioner shall have the power to revoke a certificate of business occupancy if any false statement is made by the applicant in connection with the issuance of such certificate, or for noncompliance of a structure or its use with the requirements of this Code, **or subject property has a certified delinquent property tax balance or delinquent in fees owed to the City, including, but not limited to nuisance abatement fees** or if the owner, agent or person in charge of a structure refuses to comply with any applicable provision of this Code.

Section 2: That is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees on or after November 25, 1975, that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 3: Wherefore this Ordinance shall take effect and be in force from and after the earliest period allowed by law and upon signature of the Mayor.

Passed this _____ day of _____, 2017.

Jane Goodman, President of Council

Attest:

Keith A. Benjamin, Clerk of Council

Approved as to form:

Michael P. Lograsso, Director of Law

Approved:

Georgine Welo, Mayor

CITY OF SOUTH EUCLID, OHIO

ORDINANCE NO.: 11-17
INTRODUCED BY: Goodman
REQUESTED BY: Russell

June 12, 2017

AN ORDINANCE

AMENDING SECTION 1409.01 "CERTIFICATE OF OCCUPANCY REQUIRED" OF CHAPTER 1409 "CERTIFICATE OF OCCUPANCY" OF PART FOURTEEN "HOUSING CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of South Euclid, Ohio:

Section 1: That Section 1409.01 "Certificate of Occupancy Required" of Chapter 1409 "Certificate of Occupancy" of Part Fourteen "Housing Code" of the Codified Ordinances of the City of South Euclid, Ohio be hereby amended to read as follows:

1409.01 CERTIFICATE OF OCCUPANCY REQUIRED.

On or after January 1, 1993, no person shall occupy, and no owner, agent or person in charge of any dwelling structure, shall permit a person to occupy a rental unit and/or multiple dwelling, unless the Building Commissioner has issued to the owner, agent or person in charge, a certificate of occupancy for the rental unit.

(a) Prior to obtaining a certificate of occupancy for rental property not currently registered in the City of South Euclid, the owner of the property is required to submit a completed application on forms provided by the Building Commissioner and the required fee as indicated in Section 1409.02 and 1409.05. Upon receipt of the application and fee by the Building Commissioner, a rental inspection shall be scheduled and occur within 30 days of the date of acceptance of the application. Upon completion of the rental inspection, any noted violations regarding life safety or sanitary conditions will be given a compliance date and must be corrected and approved prior to the issuance of the certificate of occupancy. If no violations or minor violations are noted from the inspection, a certificate of occupancy will be issued. If there are minor violations, a violation notice will be issued with the compliance dates for the correction of violations.

(b) Any rental property not currently registered by the City of South Euclid that is occupied prior to the issuance of a certificate of occupancy by the Building Commissioner shall be in violation of this Code. A penalty of not less than one hundred dollars (\$100.00) shall be charged in addition to the required fees as indicated in Section 1409.05. However, the payment of such penalty and fee shall not relieve any person from fully complying with the requirements of this Building Code or any other law of the State or ordinance of this City.

(c) Disapproval. Parcels with a certified delinquent property tax balance or **delinquent in fees owed to the City, including, but not limited to nuisance abatement fees**, shall not be issued a certificate of occupancy unless the property owner or agent-in-charge provides documentation of being on a County payment plan in good standing.

Section 2: That is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees on or after November 25, 1975, that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 3: Wherefore this Ordinance shall take effect and be in force from and after the earliest period allowed by law and upon signature of the Mayor.

Passed this _____ day of _____, 2017.

Jane Goodman, President of Council

Attest:

Keith A. Benjamin, Clerk of Council

Approved as to form:

Michael P. Lograsso, Director of Law

Approved:

Georgine Welo, Mayor

CITY OF SOUTH EUCLID, OHIO

RESOLUTION NO.: 24-17
INTRODUCED BY: Goodman
REQUESTED BY: Mayor

June 12, 2017

A RESOLUTION

ADOPTING AN AMENDED INVESTMENT POLICY FOR THE CITY OF SOUTH EUCLID, OHIO.

WHEREAS, the City of South Euclid adopted an investment policy through the passage of Resolution 69-96 on September 23, 1996; and

WHEREAS, City Council recognizes the need from time to time to update this investment policy to ensure it remains in compliance with the laws of the State of Ohio; and

WHEREAS, the Mayor and Council of the City of South Euclid deem that it would be in the best interest of the city to adopt the revisions to the investment policy as contained within.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of South Euclid, Ohio:

Section 1: That the Mayor and Council of the City of South Euclid hereby adopt an amended investment policy, a copy of which is attached hereto.

Section 2: That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees on or after November 25, 1975, that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 3: That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety and for the further reason that a vital function of the Municipal government is effected thereby. Wherefore, this Resolution shall take effect and be in force from and after the earliest period allowed by law and upon signature of the Mayor.

Passed this _____ day of _____, 2017.

Jane Goodman, President of Council

Attest:

Approved:

Keith A. Benjamin, Clerk of Council

Georgine Welo, Mayor

Approved as to form:

Michael P. Lograsso, Director of Law

CITY OF SOUTH EUCLID, OHIO

RESOLUTION NO.: 25-17
INTRODUCED BY: Goodman
REQUESTED BY: Mayor

June 12, 2017

A RESOLUTION

AUTHORIZING THE MAYOR AND DIRECTOR OF FINANCE TO ENTER INTO A DISCRETIONARY INVESTMENT MANAGEMENT AGREEMENT FOR PROFESSIONAL MANAGEMENT OF VARIOUS CITY FUNDS.

WHEREAS, the City's Director of Finance has recommended that in order to maximize the interest earnings potential and rate of return on City funds, it would be in the best interest of the City to retain an independent investment manager specializing in management of public funds; and

WHEREAS, Meeder Public Funds, Inc., dba Meeder Investment Management (hereinafter "Meeder") is a reputable investment management firm with over 40 years' experience in management of public funds for various state and local government investment portfolios, and is registered with the U.S. Securities and Exchange Commission; and

WHEREAS, Meeder has in excess of \$10 billion dollars in assets under management with a substantial amount in Ohio, managed consistent with the requirements of Chapter 135 of the Ohio Revised Code, and local municipalities' investment policies; and

WHEREAS, the City's Director of Finance and City Administration, therefore recommend that Meeder be retained to manage certain of the City's funds pursuant to the City's Statement of Investment Policy (as revised June 2017) and as per an agreement with the custodian of funds to be U.S. Bank.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of South Euclid, Ohio:

Section 1: That the Mayor and Director of Finance be and are hereby authorized and directed to enter into a Discretionary Investment Management Agreement with Meeder Public Funds, Inc., dba Meeder Investment Management, substantially in the form attached as Exhibit 1, incorporated herein and at the fee rates set forth therein; and that the Mayor and Director of Finance shall do and undertake whatever is reasonably necessary to implement same.

Section 3: That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees on or after November 25, 1975, that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 4: That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety and for the further reason that a vital function of the Municipal government is effected thereby. Wherefore, this Resolution shall take effect and be in force from and after the earliest period allowed by law and upon signature of the Mayor.

Passed this _____ day of _____, 2017.

Jane Goodman, President of Council

Attest:

Keith A. Benjamin, Clerk of Council

Approved as to form:

Michael P. Lograsso, Director of Law

Approved:

Georgine Welo, Mayor

CITY OF SOUTH EUCLID, OHIO

RESOLUTION NO.: 26-17
INTRODUCED BY: Goodman
REQUESTED BY: Mayor

June 12, 2017

A RESOLUTION

ADOPTING THE FISCAL BUDGET FOR THE YEAR BEGINNING JANUARY 1, 2018.

WHEREAS, the budget for the City of South Euclid, Ohio for the Fiscal Year beginning January 1, 2018 has been prepared in accordance with the requirements of law, and placed on file with the Fiscal Officer; and

WHEREAS, said budget has been available for public inspection for at least ten (10) days by having copies on file in the office of the Fiscal Officer.

NOW THEREFORE BE IT RESOLVED by the Council of the City of South Euclid, Ohio:

Section 1: That the budget of the City of South Euclid for the fiscal year beginning January 1, 2018 be and is hereby adopted as the fiscal budget of the City of South Euclid for the fiscal year beginning January 1, 2018.

Section 2: That the Clerk be and he is hereby authorized and directed to certify a copy of said budget and a copy of the Resolution and to transmit the same to the Fiscal Officer of Cuyahoga County, Ohio.

Section 3: That is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees on or after November 25, 1975, that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 4: Wherefore, this Resolution shall take effect and be in force from and after the earliest period allowed by law and upon signature of the Mayor.

Passed this _____ day of _____, 2017.

Jane Goodman, President of Council

Attest:

Approved:

Keith A. Benjamin, Clerk of Council

Georgine Welo, Mayor

Approved as to form:

Michael P. Lograsso, Director of Law

CITY OF SOUTH EUCLID, OHIO

RESOLUTION NO.: 27-17
INTRODUCED BY: Goodman
REQUESTED BY: Mayor

June 12, 2017

A RESOLUTION

AUTHORIZING THE APPROPRIATION AND TRANSFER OF FUNDS FROM THE "GENERAL FUND #101" TO THE "SALARY AND BENEFITS RESERVE FUND #927."

WHEREAS, City Council passed Resolution 21-17 on May 8, 2017 creating the new "Salary and Benefits Reserve Fund #927;" and

WHEREAS, funds must be appropriated and transferred from the "General Fund #101" to the "Salary and Benefits Reserve Fund #927" in order to provide monies in that fund; and

WHEREAS, the Ohio Revised Code requires legislation to transfer money between funds.

NOW THEREFORE BE IT RESOLVED by the Council of the City of South Euclid, Ohio:

Section 1: That the Council of the City of South Euclid hereby authorizes the Finance Director to appropriate and transfer funds from the "General Fund #101" to the "Salary and Benefits Reserve Fund #927" in the amount of \$125,000.00.

Section 2: That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees on or after November 25, 1975, that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 3: Wherefore, this Resolution shall take effect and be in force from and after the earliest period allowed by law and upon signature of the Mayor.

Passed this _____ day of _____, 2017.

Jane Goodman, President of Council

Attest:

Approved:

Keith A. Benjamin, Clerk of Council

Georgine Welo, Mayor

Approved as to form:

Michael P. Lograsso, Director of Law

CITY OF SOUTH EUCLID, OHIO

RESOLUTION NO.: 28-17
INTRODUCED BY: Goodman
REQUESTED BY: Mayor

June 12, 2017

A RESOLUTION

AUTHORIZING THE APPROPRIATION OF UNAPPROPRIATED FUNDS IN THE FOLLOWING FUND: "GENERAL FUND-BUILDING DEPARTMENT-PROGRAM EXPENSES #101-4410-52722" IN AN AMOUNT OF \$197,540.00 FOR A GRANT RECEIVED FROM THE CLEVELAND FOUNDATION.

WHEREAS, the Cities of Euclid, Garfield Heights, Maple Heights, South Euclid, and Warrensville Heights applied for a grant from the Cleveland Foundation for the "East Inner Ring Suburb Property Survey Project"; and

WHEREAS, the Cities were awarded a grant from the Cleveland Foundation to complete this project in the amount of \$197,540.00; and

WHEREAS, the City of South Euclid was the lead applicant for the grant and thus will receive the grant funds; and

WHEREAS, these funds must be appropriated in order to distribute the funds to the vendors who will complete the project.

NOW THEREFORE BE IT RESOLVED by the Council of the City of South Euclid, Ohio:

Section 1: That the Council of the City of South Euclid hereby authorizes the Finance Director to appropriate unappropriated funds in the "General Fund-Building Department-Program Expense #101-4410-52722" to administer grant funds received from the Cleveland Foundation for the "East Inner Ring Suburb Property Survey Project."

Section 2: That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees on or after November 25, 1975, that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 3: Wherefore, this Resolution shall take effect and be in force from and after the earliest period allowed by law and upon signature of the Mayor.

Passed this _____ day of _____, 2017.

Jane Goodman, President of Council

Attest:

Approved:

Keith A. Benjamin, Clerk of Council

Georgine Welo, Mayor

Approved as to form:

Michael P. Lograsso, Director of Law

CITY OF SOUTH EUCLID, OHIO

RESOLUTION NO.: 29-17
INTRODUCED BY: Goodman
REQUESTED BY: Mayor

June 12, 2017

A RESOLUTION

AUTHORIZING THE CITY ENGINEER TO PREPARE THE NECESSARY PLANS, SPECIFICATIONS, AND ADVERTISE FOR BIDS FOR THE 2017 GROSVENOR ROAD RESURFACING PROGRAM IN THE CITY OF SOUTH EUCLID, OHIO; AND DECLARING AN EMERGENCY.

BE IT RESOLVED by the Council of the City of South Euclid, Ohio:

Section 1: That the City Engineer is hereby authorized to prepare the necessary plans, specifications, and advertise for bids for the 2017 Grosvenor Road Resurfacing Program within the City of South Euclid, Ohio.

Section 2: That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees on or after November 28, 1975, that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 3: That this Resolution is deemed to be an emergency measure necessary for the immediate preservation of the peace, health, safety and welfare of the residents and for the further reason that advertising for bids as early as possible will likely obtain the best results for the City. This Resolution shall take effect upon passage and approval.

Passed this _____ day of _____, 2017.

Jane Goodman, President of Council

Approved:

Georgine Welo, Mayor

Attest:

Keith A. Benjamin, Clerk of Council

Approved as to form:

Michael P. Lograsso, Director of Law

CITY OF SOUTH EUCLID, OHIO

ORDINANCE NO.: 12-17
INTRODUCED BY: Goodman
REQUESTED BY: Mayor Welo

June 12, 2017

AN ORDINANCE

CREATING CHAPTER 552 "DISCRIMINATION PROHIBITED" OF PART FIVE "GENERAL OFFENSES CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO TO ENSURE THAT ALL PERSONS HAVE EQUAL ACCESS TO EMPLOYMENT, HOUSING, PUBLIC ACCOMODATIONS AND EDUCATION.

WHEREAS, the City of South Euclid benefits from a diverse, open, and inclusive community; and

WHEREAS, no person should live in fear of discrimination based on their race, creed, color, religious belief, religion, sex, national origin, age, ancestry, handicap, disability, familial status, marital status, sexual preference, sexual orientation, gender identity, gender expression, recipient of public assistance, ethnic group, military status, or physical characteristic; and

WHEREAS, Mayor Welo and the Council of the City of South Euclid are committed to fostering an environment that is welcoming to people of all races, backgrounds, beliefs and identities; and

WHEREAS, ensuring that all employees, residents, patrons and visitors will be treated fairly and equally encourages economic development and helps to attract and retain families, workers, and businesses to South Euclid; and

WHEREAS, victims of discrimination should be provided with access to justice and an opportunity to be heard, without fear of retaliation; and

WHEREAS, whenever possible, complaints of discrimination should be resolved through conciliation to help foster mutual understanding and corrective action; and

WHEREAS, through passage of this ordinance, the City of South Euclid seeks to ensure that all persons within the city have equal access to employment, housing, and public accommodations; and

WHEREAS, Mayor Welo and the Council of the City of South Euclid wish to affirm the dignity and worth of all people and provide certainty to the residents and visitors of South Euclid that unlawful discrimination will not be tolerated in this City.

WHEREAS, it is the intent of the Mayor and City Council, in enacting this ordinance, to protect and safeguard the right and opportunity of all persons to be free from all forms of discrimination, including discrimination based on race, creed, color, religious belief, religion, sex, national origin, age, ancestry, handicap, disability, familial status, marital status, sexual preference, sexual orientation, gender identity, gender expression, recipient of public assistance, ethnic group, military status, or physical characteristic; and

WHEREAS, City Council's purpose in enacting this ordinance is to promote the public health and welfare of all persons who work, live or visit the City of South Euclid. It is important for the City of South Euclid to ensure that all persons within the city have equal access to employment, housing, public accommodations, and education.

BE IT ORDAINED by the Council of the City of South Euclid, Ohio:

Section 1. That Chapter 552, Discrimination Prohibited, of the South Euclid Codified Ordinances, be enacted as follows:

CHAPTER 552 DISCRIMINATION PROHIBITED

DEFINITIONS.

(a) "Advertising" means to make, print, publish, advertise or otherwise disseminate any notice, statement or advertisement, with respect to any employment activity, any business activity, or any educational activity.

(b) "Age" means 18 years of age or older except as otherwise provided by law.

(c) "Business establishment" means any entity, however organized, which furnishes goods, services or accommodations to the general public. An otherwise qualifying establishment which has membership requirements is considered to furnish services to the general public if its membership requirements consist only of payment of fees or consist only of requirements under which a substantial portion of the residents of the city could qualify.

(d) "Disability" or "disabled" means, with respect to an individual, a physical or mental impairment, a record of such an impairment, or being perceived or regarded as having such impairment. For purposes of this chapter discrimination on the basis of disability means that no covered entity shall discriminate against a qualified individual with a disability because of that individual's disability. The term "qualified individual with a disability" shall mean an individual with a disability who, with or without reasonable accommodation, can perform the essential functions of the employment positions that the individual holds or desires.

(e) "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.

(f) "Educational institution" means any public or private educational institution including an academy, college, elementary or secondary school, extension course, kindergarten, pre-school, nursery school, university, and any business, nursing, professional, secretarial, technical or vocational school.

(g) "Employee" means any individual employed or seeking employment from an employer.

(h) "Employer" means any person who, for compensation, regularly employs four (4) or more individuals, not including the employer's parents, spouse or children. For purposes of this chapter an employer "regularly" employs four (4) individuals when the employer employs four (4) or more individuals for each working day in any twenty or more calendar weeks in the current or previous calendar year. For purposes of this chapter an "employer" is also any person acting on behalf of an employer, directly or indirectly, or any employment agency.

(i) "Gender" means actual or perceived sex.

(j) "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.

(l) "Labor organization" means any organization that exists and is constituted for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances, terms or conditions of employment, or of other mutual aid or protection on behalf of employees.

(m) "Person" means a natural person, firm, corporation, partnership or other organization, association or group of persons however arranged.

(n) "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.

(o) "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 City. A place of public accommodation does not include any institution, club or other place of accommodation, which by its nature is distinctly private.

(p) "Sexual orientation" means actual or perceived heterosexuality, homosexuality or bisexuality.

(q) "Transaction in real estate" means the exhibiting, listing, advertising, negotiating, agreeing to transfer or transferring, whether by sale, lease, sublease, rent, assignment or other agreement, of any interest in real property or improvements thereon.

552.01 PROHIBITED ACTS OF DISCRIMINATION RELATING TO EMPLOYMENT.

(a) With regard to employment, it shall be unlawful for any employers or labor organizations to engage in any of the following acts, wholly or partially for a discriminatory reason:

(b) To fail to hire, refuse to hire or discharge an individual;

(c) To discriminate against any individual, with respect to compensation, terms, conditions, or privileges of employment, including promotion. Nothing in this section shall be construed to require any employer to provide benefits, such as insurance, to individuals not employed by the employer;

(d) To limit, segregate, or classify employees in any way which would deprive or tend to deprive any employee of employment opportunities, or which would otherwise tend to adversely affect his or her status as an employee;

(e) To fail or refuse to refer for employment any individual in such a manner that would deprive an individual of employment opportunities, that would limit an individual's employment opportunities or that

would otherwise adversely affect an individual's status as a prospective employee or as an applicant for employment;

(f) To discriminate against an individual in admission to, or employment in, any program established to provide apprenticeship or other job training, including an on-the-job training program;

(g) To print or publish, or cause to be printed or published, any discriminatory notice or advertisement relating to employment. This subsection shall not be construed so as to expose the person who prints or publishes the notice or advertisement, such as a newspaper, to liability;

(h) To discriminate in referring an individual for employment whether the referral is by an employment agency, labor organization or any other person.

552.02 PROHIBITED ACTS OF DISCRIMINATION RELATING TO HOUSING AND REAL ESTATE TRANSACTIONS.

(a) With regard to housing and real estate transactions, it shall be unlawful to engage in any of the following acts wholly or partially for a discriminatory reason:

(b) To discriminate by impeding, delaying, discouraging or otherwise limiting or restricting any transaction in real estate;

(c) To discriminate by imposing different terms on a real estate transaction;

(d) To represent falsely that an interest in real estate is not available for transaction;

(e) To include in the terms or conditions of a real estate transaction any discriminatory clause, condition or restriction;

(f) To discriminate in performing, or refusing to perform, any act necessary to determine an individual's financial ability to engage in a real estate transaction;

For a property manager to discriminate by refusing to provide equal treatment of, or services to, occupants of any real estate which he or she manages;

(g) To make, print or publish, or cause to be made, printed or published any discriminatory notice, statement, or advertisement with respect to a real estate transaction or proposed real estate transaction, or financing relating thereto. This subsection shall not be construed to prohibit advertising directed to physically disabled persons or persons over the age of 55 for the purpose of calling to their attention the existence or absence of housing accommodations or services for the physically disabled or elderly;

(h) To discriminate in any financial transaction involving real estate, on account of the location of the real estate be it residential or non-residential ("red-lining");

(i) For a real estate operator, a real estate broker, a real estate salesperson, a financial institution, an employee of any of these, or any other person, for the purposes of inducing a real estate transaction from which such person may benefit financially to represent that a change has occurred or will or may occur in the composition with respect to race, creed, color, religious belief, religion, sex, national origin, age, ancestry, handicap, disability, familial status, marital status, sexual preference, sexual orientation, gender identity, gender expression, recipient of public assistance, ethnic group, military status, or physical characteristic of the owners or occupants in the block, neighborhood or area in which the real property is located or to represent that this change will or may result in the lowering of property values, an increase in criminal or antisocial behavior, or a decline in the quality of schools in the block, neighborhood or area in which the real property is located ("block-busting");

(j) Notwithstanding the provisions of subsections (a) through (h), it shall not be an unlawful discriminatory practice for an owner to limit occupancy on the basis of a person's low-income, age over 55 years or disability status in accordance with federal or state law;

(k) Notwithstanding the provisions of subsections (a) through (h), it shall not be an unlawful discriminatory practice for an owner, lessor or renter to refuse to rent, lease or sublease a portion of a single family dwelling unit to a person as a tenant, roomer or boarder where it is anticipated that the owner, lessor or renter will be occupying any portion of the single-family dwelling or to refuse to rent, lease or sublease where it is anticipated that the owner, lessor or renter will be sharing either a kitchen or a bathroom with the tenant, roomer or boarder.

552.03 PROHIBITED ACTS OF DISCRIMINATION RELATING TO BUSINESS ESTABLISHMENTS OR PUBLIC ACCOMMODATIONS.

(a) It shall be unlawful for a business establishment or place of public accommodation to engage in any of the following acts wholly or partially for a discriminatory reason:

i. To deny, directly or indirectly, any person the full enjoyment of the goods, services, facilities, privileges, advantages and accommodations of any business establishment or place of public accommodation;

ii. To print, publish, circulate, post, or mail, directly or indirectly, a statement, advertisement, or sign which indicates that the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of a business establishment or place of public accommodation will be unlawfully refused, withheld from or denied an individual, or which indicates that an individual's patronage of, or presence at, the business establishment or place of public accommodation is

objectionable, unwelcome, unacceptable or undesirable.

552.04 PROHIBITED ACTS OF DISCRIMINATION RELATING TO EDUCATIONAL INSTITUTIONS.

It shall be unlawful for an educational institution to engage in any of the following acts wholly or partially for a discriminatory reason:

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

552.05 CITY SERVICES, FACILITIES, TRANSACTIONS AND CONTRACTS.

The City shall be bound by the provisions of this chapter to the same extent as private individuals. All contractors proposing to, or currently doing business with the City, shall abide by this ordinance.

552.06 GENERAL EXCEPTIONS

- (a) 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.
- (b) 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.
- (c) 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.
- (d) 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.
- (e) 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. Nothing contained in this chapter shall be deemed to prohibit a religious or denominational institution from selecting or rejecting applicants and employees for non-secular positions on the basis of the applicant's or employee's conformance with the institution's religious or denominational principles. 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:
 - i. That the discrimination is in fact a necessary result of such a bona fide condition; and;
 - ii. That there exists no less discriminatory means of satisfying the bona fide requirement.
- (f) 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.

552.07 POSTING OF NOTICES.

Every employer or institution subject to this chapter shall post and keep posted in a conspicuous location where business or activity is customarily conducted or negotiated, a notice, the language and form of which has been prepared by the City, setting forth excerpts from or summaries of the pertinent provisions of this chapter and information pertinent to the enforcement of rights hereunder. The notice shall be in both English and Spanish. If over ten percent of an employer's employees speak, as their native language, a language other than English or Spanish, notices at that employer's place of business shall be posted in that language. At the request of the employer or institution, notices required by this section shall be provided by the City. Notices shall be posted within ten days after the receipt from the City.

552.08 CORRECTION OR RETALIATION.

- (a) It shall be an unlawful discriminatory practice to coerce, threaten, retaliate against or interfere with any person in the exercise of, or on account of having exercised, or on account of having aided or encouraged any other person in the exercise of, any right granted or protected under this ordinance, or on account of having expressed opposition to any practice prohibited by this ordinance.

(b) It shall be an unlawful discriminatory practice for any person to require, request, or suggest that a person retaliate against, interfere with, intimidate or discriminate against a person, because that person has opposed any practice made unlawful by this ordinance, or because that person has made a charge, or because that person has testified, assisted or participated in any manner in an investigation, proceeding or hearing authorized under this ordinance.

(c) It shall be an unlawful discriminatory practice for any person to cause or coerce, or attempt to cause or coerce, directly or indirectly, any person in order to prevent that person from complying with the provisions of this ordinance.

552.09 PRESERVATION OF BUSINESS RECORDS.

Where a complaint of discrimination has been filed against a person under this ordinance, such person shall preserve all records relevant to the complaint, until a final disposition of the complaint.

552.10 HUMAN RIGHTS COMMISSION.

(a) There is hereby created the City of South Euclid Human Rights Commission, hereafter referred to as "the Commission," to be comprised of three (3) members. One member shall be the Director of Community Services or his or her designee for the City who is trained and/or certified in diversity management practices. The second member shall be appointed by the mayor. The third member shall be appointed by majority vote of council. Each member of the Commission shall serve a term of three years and until his or her successor has been appointed and qualified for office. With the exception of Director of Community Services or his or her designee, members of the Commission shall be ineligible to be reappointed to succeed themselves for more than one additional three-year term, unless the member is completing a term for which he or she was appointed to fill a mid-term vacancy. Every member shall have been a resident of the City for at least one year prior to appointment and shall continue to be a resident so long as he or she shall serve as a member of the Commission. In the event of a vacancy a replacement will be chosen by the appropriate appointing authority of that seat and will serve out the remainder of the vacant term.

(b) The Commission may create and modify rules regarding its meetings and procedures. The Commission may create and appoint task forces and committees it deems appropriate to carry out its functions.

(c) The work of the Commission shall be managed by the Department of Community Services.

(d) The responsibilities of the Department of Community Services include managing Commission records and accounts, developing public education programs as needed, providing training for Commission members, managing citizen complaints, facilitating Commission scheduling and communication, and any other tasks needed to effectuate the functions of the Commission.

(e) In addition, the Commission may use the services of attorneys, hearing examiners, clerks and other employees and agents who are city government employees, except in those cases in which the city government is a party, and in which case the Commission may seek the city attorney's approval to engage appropriate counsel. In the enforcement of this chapter, the Commission shall have the following powers and duties:

- i. To receive, initiate, investigate, seek to conciliate, hold hearings on and pass upon complaints alleging violations of this chapter;
- ii. To cooperate with relevant federal and state authorities;
- iii. To present an annual report to the mayor and city council setting forth the number of complaints received during the prior year, as well as the disposition of the complaints, and the number of convictions for violation. The Commission shall publish this report and make it available in some format to the general public;
- iv. To require answers to interrogatories, compel the attendance of witnesses, examine witnesses under oath or affirmation in person by deposition and require the production of documents relevant to the complaint. The Commission may make rules authorizing or designating any member or individual to exercise these powers in the performance of official duties;
- v. To cooperate with community, professional, civic and religious organizations, as well as state and federal agencies, in the development of public education programs regarding compliance with the provisions of this chapter and equal opportunity and treatment of all individuals;
- vi. To conduct tests to ascertain the availability of housing, both in sales and also in rentals of real property;
- vii. To make available for the City's website information on this chapter, grievance procedures, the Commission's annual report and any other information that would further the purposes and intentions of this chapter.

552.11 COMPLAINTS – CONSIDERATION BY THE COMMISSION.

(a) 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).

(b) Within 14 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.

(c) The Commission shall, within 14 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.

(d) The complaint must be filed within one year after the commission of the alleged discriminatory practice.

(e) The Commission shall commence an investigation of the complaint within 30 days after the filing of the complaint. The Commission, or designee, shall promptly investigate the matter to determine whether the discriminatory practice exists.

(f) If it is determined that there is no reasonable cause to believe that the respondent has engaged in a discriminatory practice, 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.

(g) The complainant, within 30 days after receiving a copy of the order dismissing the complaint, may file with the Commission an application for reconsideration of the order.

(h) Upon such application, the Commission shall review the original investigation and make a determination within 30 days whether there is reasonable cause to believe that the respondent has engaged in a discriminatory practice.

(i) If it is determined that there is no reasonable cause to believe that the respondent has engaged in a discriminatory practice, the Commission shall issue an order dismissing the complaint after reconsideration and furnish a copy of the order to the complainant, the respondent and such public officers and persons as the Commission deems proper.

552.12 CONCILIATION AGREEMENTS.

(a) 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.

(b) 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.

(c) 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.

(d) 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. The conciliation agreement itself shall not be made public unless the complainant and the respondent otherwise agree and the Commission also determines that disclosure is not required to further the purposes of this chapter.

(e) 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.

(f) 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.

552.13 HEARINGS.

(a) If a conciliation agreement has not been reached within 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.

(b) 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 City Law Director.

(c) 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.

(d) 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.

(e) The complainant, and, in the discretion of the Commission, any person may intervene, examine and cross-examine witnesses and present evidence.

(f) 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.

(g) Efforts at conference, conciliation and persuasion shall not be received in evidence.

(h) 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.

(i) 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.

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

552.14 FINDINGS AND ORDERS.

(a) If 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 delivered to the complainant, the respondent and such public officers and persons as the Commission deems proper.

(b) If 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 take such affirmative action 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 and to such public officers and persons as the Commission deems proper.

552.15 REMEDIES.

(a) Affirmative action ordered under this section may include, but is not limited to:

- i. Hiring, reinstatement or upgrading of employees with or without back pay. Interim earnings or amounts earnable with reasonable diligence by the person or persons discriminated against shall operate to reduce the back pay otherwise allowable;
- ii. Admission or restoration of individuals to union membership, admission to or participation in, a guidance program, apprenticeship, training program, on-the-job training program, or other occupational training or retraining program, and the utilization of objective criteria in the admission of individuals to such programs;
- iii. Admission of individuals to a place of public accommodation;
- iv. The extension to all individuals of the full and equal enjoyment of the advantages, facilities, privileges and services of the respondent;
- v. Reporting as to the manner of compliance;
- vi. Posting notices in conspicuous places in the respondent's place of business in the form prescribed by the Commission and inclusion of such notices in advertising material;
- vii. Payment to the complainant of damages for an injury, including humiliation and embarrassment, caused by the discriminatory practice, and costs, including reasonable attorney fees;
- viii. Payment to the Commission of a \$500 fine for each violation. Each day on which a continuing violation occurs shall constitute a new and separate violation of this ordinance. 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 City;
- ix. Such other remedies as shall be necessary and proper to eliminate all the discrimination identified by the evidence submitted at the hearing or in the record.

(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.

552.16 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.

552.17 SUBPOENAS.

(a) Upon written application to the Commission, a party to a proceeding is entitled as of right to the issuance of subpoenas for deposition or hearing in the name of the Commission by an individual designated pursuant to its rules requiring attendance and the giving of testimony by witnesses and the production of documents.

(b) A subpoena so issued shall show on its face the name and address of the party at whose request the subpoena is directed.

(c) On petition of the person to whom the subpoena is directed and notice to the requesting party, the Commission or an individual designated pursuant to its rules may vacate or modify the subpoena.

(d) Any depositions of witnesses shall be taken as prescribed by the Ohio Rules of Civil Procedure.

(e) Witnesses whose depositions are taken, or who are summoned before the Commission or its agents, will be entitled to the same witness and mileage fees as are paid to the witnesses subpoenaed in municipal court.

(f) If a person fails to comply with a subpoena issued by the Commission, the municipal court may issue an order requiring compliance. In any proceeding brought under this section, the court may modify or set aside the subpoena.

552.18 RESISTANCE TO, OBSTRUCTION, ETC., OF COMMISSION.

Any person who willfully resists, prevents, impedes or interferes with the Commission, its members, agents or agencies in the performance of duties pursuant to this Act, or violates any order of the Commission shall be subject to a fine of not more than five hundred dollars in addition to such order or decree that may be issued.

552.19 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 City 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.

552.20 SEVERABILITY.

If any section, subsection, sentence, clause, phrase or portion of this chapter, or the application thereof to any person, firm, corporation or circumstance, is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portion thereof. The City Council of the City hereby declares that it would have adopted this chapter and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional.

552.21 PENALTY.

Whoever violates any provision of this chapter is guilty of a misdemeanor of the third degree.

552.22 EQUAL OPPORTUNITY.

No person shall be denied the right to purchase or lease a condominium unit in the City because of race, creed, color, religious belief, religion, sex, national origin, age, ancestry, handicap, disability, familial status, marital status, sexual preference, sexual orientation, gender identity, gender expression, recipient of public assistance, ethnic group, military status, or physical characteristic.

552.23 ESTABLISHMENT; PURPOSE.

The South Euclid Community Relations Advisory Commission is hereby established to serve in an advisory capacity for the purpose of educating, informing and making recommendations to City officials, departments, boards and commissions on matters relating to community relations within the City of South Euclid in an effort to advance:

- (a) Respect for diversity: Acknowledge we live in a dynamic community with an ever- changing variety of group and individual experiences, and affirm values derived from the understanding of our differences (whether based on race, creed, color, religious belief, religion, sex, national origin, age, ancestry, handicap, disability, familial status, marital status, sexual preference, sexual orientation, gender identity, gender expression, recipient of public assistance, ethnic group, military status, or physical characteristic).
- (b) Bonds of mutuality: Recognize the interdependence of our different interests as we work toward serving the common good, and ensure community relations have substantive meaning by acknowledging, as Martin Luther King Jr. stated, "Whatever affects one directly affects all indirectly."
- (c) Equity: Affirm our commitment to social justice, and assure all groups and individuals have the opportunity to participate fully in civic affairs with equal access to employment, community resources, and decision-making processes.

552.24 INTIMIDATION.

(a) No person shall violate Section 537.05, 537.051, 537.06, 537.10(a)(3), (4) or (5), 541.03 or 541.04 by reason of race, creed, color, religious belief, religion, sex, national origin, age, ancestry, handicap, disability, familial status, marital status, sexual preference, sexual orientation, gender identity, gender expression, recipient of public assistance, ethnic group, military status, or physical characteristic.

(b) Whoever violates subsection (a) hereof is guilty of intimidation. A violation of intimidation under subsection (a) is an offense of the next higher degree than the offense the commission of which is a necessary element of intimidation. In case of an offense that is a misdemeanor of the first degree, whoever violates this section may be prosecuted under Ohio R.C. 2927.12.

Section 2: That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees on or after November 25, 1975, that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 3: That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety for the reason that the functions of the various departments of the municipal government are immediately affected hereby. Wherefore, this Ordinance shall take effect upon passage and approval and the signature of the Mayor.

Passed this _____ day of _____, 2017.

Jane Goodman, President of Council

Approved:

Georgine Welo, Mayor

Attest:

Keith A. Benjamin, Clerk of Council

Approved as to form:

Michael P. Lograsso, Director of Law