



6550 N. High Street  
Worthington, Ohio 43085

T: 614-436-3100

**CITY COUNCIL MEMBERS**

**Bonnie D. Michael**  
President

**Scott Myers**  
President Pro-Tem

**Rachael Dorothy**  
Council Member

**Douglas Foust**  
Council Member

**Beth Kowalczyk**  
Council Member

**David Robinson**  
Council Member

**Douglas Smith**  
Council Member

**CITY STAFF MEMBERS**

**Matthew Greeson**  
City Manager

**D. Kay Thress**  
Clerk of Council

**Worthington City Council Agenda**

Louis J.R. Goorey Municipal Building  
John P. Coleman Council Chamber

Monday March 11, 2019 ~ 7:30 PM

**1. Call To Order**

**2. Roll Call**

**3. Pledge of Allegiance**

**4. Reports of City Officials**

**4.A. Policy Item(s)**

**4.A.I. Financial Report - February 2019**

*Executive Summary:* The Financial Report for the month of February is attached.

*Recommendation:* Motion to Accept as Presented

**4.B. Discussion Item(s)**

**4.B.I. Discussion of Proposed Changes to Draft Non Discrimination Ordinance**

*Executive Summary:* Staff will overview possible changes to the draft non discrimination ordinance that was prepared by the Community Relations Commission (CRC). These proposed changes were developed in consultation with the CRC leadership and are overviewed in the attached memorandum from the Law Director.

4.B.II. Continue discussion regarding Community Visioning

**4.C. Information Item(s)**

4.C.I. Look Ahead Agenda

*Executive Summary:* This agenda item lists topics that are expected to come before City Council in the next month.

**5. Reports of Council Members**

**6. Other**

**7. Executive Session**

**8. Adjournment**



# Department of Finance

## February 2019 Financial Report

### Quick Facts

#### All Funds

<p><u>02/28/2019</u> <b>Cash Balances</b> <b>\$30,488,508</b> (January 1, 2019 balance: \$30,338,812)</p>	<p><u>02/28/2019</u> <b>Unencumbered Balance</b> <b>\$20,096,600</b></p>
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#### General Fund

<p><u>02/28/2019</u> <b>Cash Balance</b> <b>\$14,726,530</b> (January 1, 2019 balance: \$14,667,073)</p>	<p><u>02/28/2019</u> <b>Unencumbered Balance</b> <b>\$11,634,146</b> (42% of prior year expenditures)</p>
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### Highlights & Trends for February 2019

#### Income Tax Collections

- Year to Date (YTD) income tax collections are below 2018 YTD income tax collections \$-180,155 or -4.14%.
- YTD Income tax collections are below estimates by \$-168,010 (-3.87%).
- Refunds issued in January totaled \$17,439 with year to date refunds totaling \$33,252.

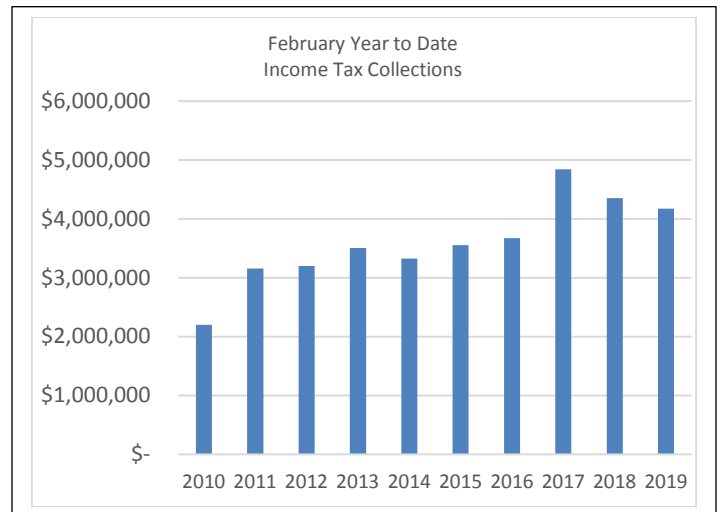
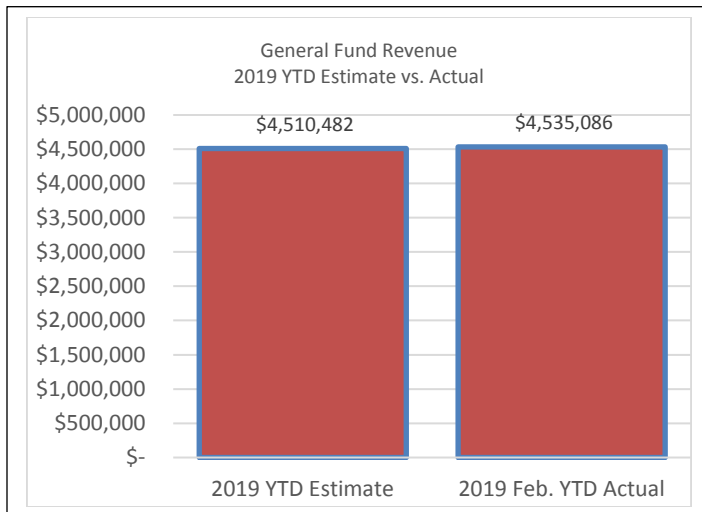
#### Income Tax Revenue by Account Type

For February of 2019:

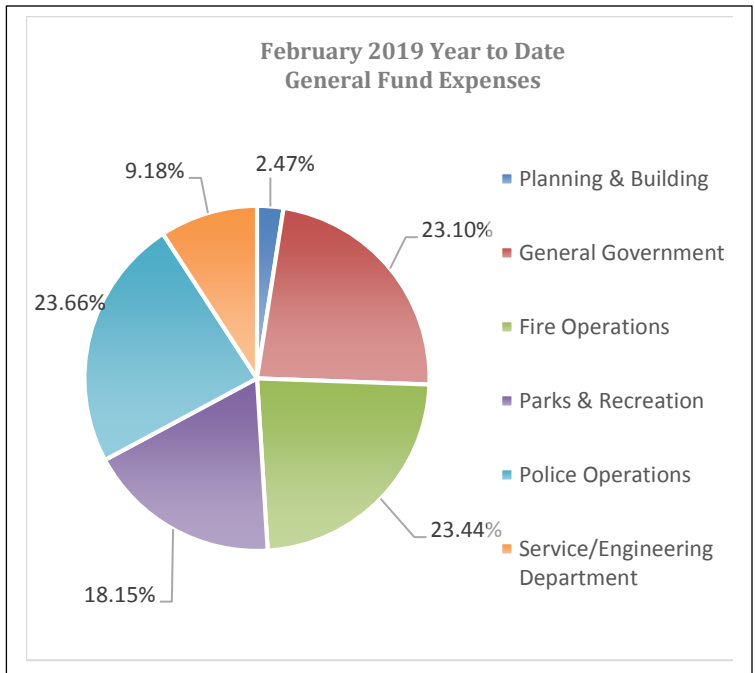
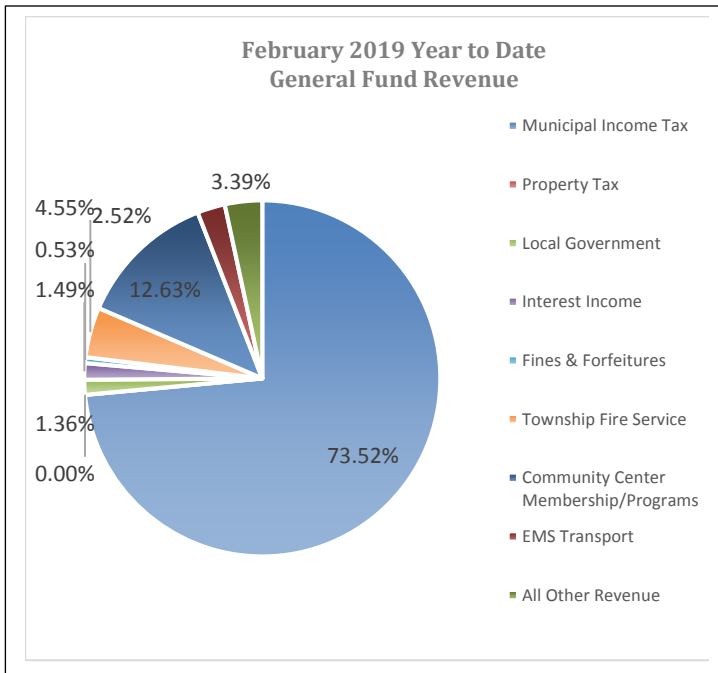
- Withholding Accounts – 82.38% of collections
- Individual Accounts – 12.85% of collections
- Net Profit Accounts – 4.77% of collections

For February of 2018:

- Withholding Accounts – 87.14% of collections
- Individual Accounts – 8.57% of collections
- Net Profit Accounts – 4.29% of collections



Highlights & Trends for February 2019 (continued)



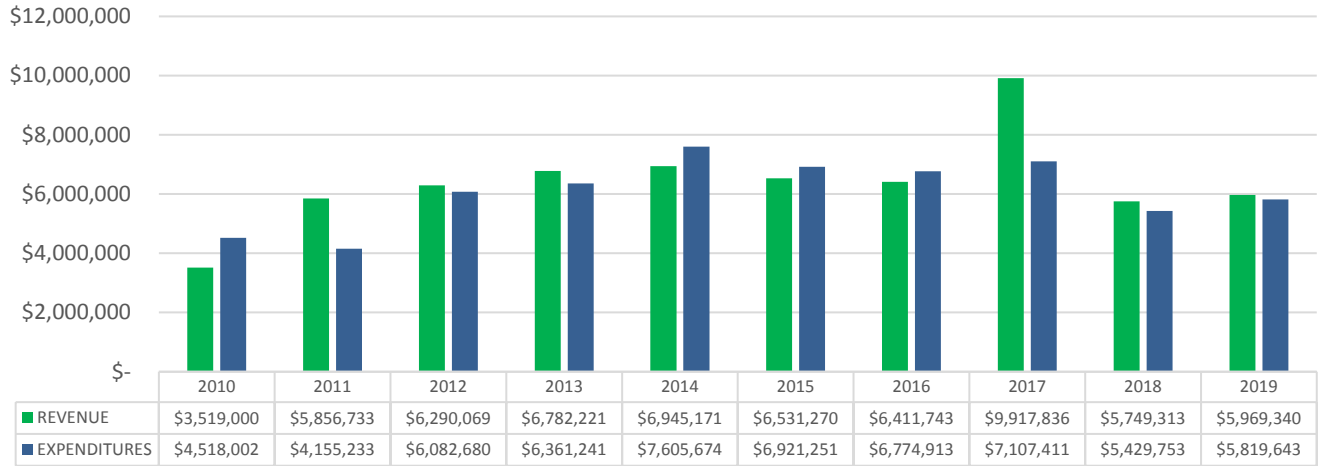
Notable Initiatives & Activities

- Fund balances for all funds increased from \$30,338,812 on January 1, 2019 to \$30,488,508 as of February 28, 2019, with year to date revenues exceeding expenditures for all funds by \$149,697.
- For the month of February, fund balances for all funds increased from \$30,283,231 as of February 1, 2019 to \$30,488,508 as of February 28, 2019, with revenues exceeding expenditures by \$205,278.
- The General Fund cash balance increased from \$14,667,073 as of January 1, 2019 to \$14,726,530 as of February 28, 2019, with revenues exceeding expenditures by \$59,457.
- For the month of February, the General Fund balance increased from \$14,390,748 on February 1, 2019 to \$14,726,530 as of February 28, 2019, with revenues exceeding expenditures by \$335,782.

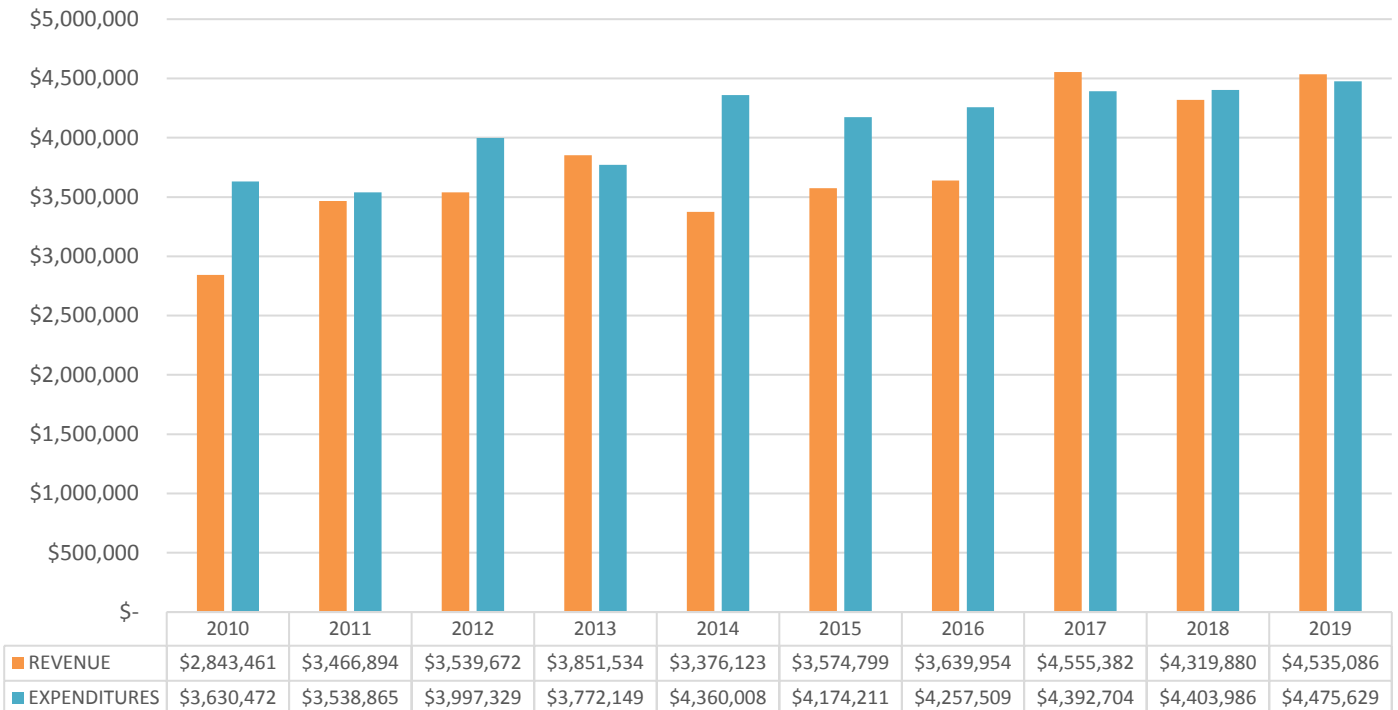


Financial Tracking

February Year to Date Revenue to Expenditures All Funds



February Year to Date General Fund Cash Position





## February 2019 Cash Reconciliation



Total Fund Balances:		\$30,488,508.40
Depository Balances:		
General Account:	\$ 8,159,026.64	
Total Bank Balances:	\$8,159,026.64	
Investment Accounts:		
Certificates of Deposits:	\$ 7,125,000.00	
Certificates of Deposits (EMS)	2,094,000.00	
Star Ohio/Star Plus	5,311,552.51	
Fifth Third MMKT/CDs	7,552,339.25	
CF Bank	245,000.00	
Total Investment Accounts:	\$22,387,891.76	
Petty Cash/Change Fund:		1,590.00
Total Treasury Balance as of February 28, 2019		\$30,488,508.40
Total Interest Earnings as of February 28, 2019		\$67,760.91
Average Interest Earnings		2.21%

### Debt Statement

<u>Issuance</u>	<u>Purpose</u>	<u>Maturity</u>	<u>Rate</u>	<u>Principal Balance</u>
2015	2015 Refunding Bonds	December 2021	1.62%	\$2,300,000.00
2017	2017 Various Purpose Bonds	December 2032	2.21%	\$3,525,000.00
2008	OPWC 0% Loan – ADA Ramps	December 2028	0%	\$ 70,290.45
2015	OPWC 0% Loan – Kenyonbrook	December 2045	0%	\$ 541,320.76
2018	2018 Bond Anticipation Notes	September 2019	2.11%	\$ 4,460,000.00
	Total Principal Debt Balance			\$10,896,611.21



**City of Worthington  
Fund Summary Report  
as of February 28, 2019**

FUND	1/1/2019 Beginning	Year to Date	Year to Date	02/28/2019	Unencumbered
	Balance	Actual Revenue	Actual Expenses	Cash Balance	Encumbrances Balance
101 General Fund	\$ 14,667,073	\$ 4,535,086	\$ 4,475,629	\$ 14,726,530	\$ 3,092,384 \$ 11,634,146
202 Street M&R	56,646	106,652	152,113	11,185	74,178 \$ (62,993)
203 State Highway	49,792	8,647	16,324	42,116	436 \$ 41,680
204 Water	20,778	9,228	9,159	20,847	21,863 \$ (1,016)
205 Sewer	31,539	8,645	16,334	23,850	6,808 \$ 17,041
210 Convention & Visitor's Bureau F	-	1,046	-	1,046	- \$ 1,046
212 Police Pension	499,195	-	142,875	356,320	- \$ 356,320
214 Law Enforcement Trust	64,438	-	-	64,438	1,938 \$ 62,500
215 Municipal MV License Tax	140,740	20,311	-	161,050	- \$ 161,050
216 Enforcement/Education	50,181	125	-	50,306	- \$ 50,306
217 Community Technology	13,029	-	2,595	10,434	10,434 \$ -
218 Court Clerk Computer	232,905	1,878	2,111	232,673	9,804 \$ 222,869
219 Economic Development	563,285	1,262	11,795	552,752	388,139 \$ 164,613
220 FEMA Grant	-	-	-	-	- \$ -
221 Law Enf CED	20,360	-	-	20,360	- \$ 20,360
224 Parks & Rec Revolving	406,090	-	11,377	394,713	5,708 \$ 389,005
229 Special Parks	40,023	9,000	24,994	24,029	6 \$ 24,023
253 2003 Bicentennial	72,566	-	-	72,566	- \$ 72,566
306 Trunk Sewer	375,149	-	-	375,149	- \$ 375,149
308 Capital Improvements	10,850,531	1,266,708	953,907	11,163,332	6,448,799 \$ 4,714,533
313 County Permissive Tax	-	-	-	-	- \$ -
409 General Bond Retirement	1,191,328	-	-	1,191,328	325,000 \$ 866,328
410 Special Assessment Bond	278,448	-	-	278,448	- \$ 278,448
825 Accrued Acreage Benefit	11,108	-	-	11,108	5,019 \$ 6,089
830 OBBS	2,009	751	433	2,328	1,393 \$ 934
838 Petty Cash	1,590	-	-	1,590	- \$ 1,590
910 Worthington Sta TIF	37,541	-	-	37,541	- \$ 37,541
920 Worthington Place (The Heights	432,863	-	-	432,863	- \$ 432,863
930 933 High St. MPI TIF Fund	96,589	-	-	96,589	- \$ 96,589
935 Downtown Worthington MPI TIF	131,369	-	-	131,369	- \$ 131,369
940 Worthington Square TIF	558	-	-	558	- \$ 558
945 W Dublin Granville Rd. MPI TIF	1,091	-	-	1,091	- \$ 1,091
999 PACE Fund	-	-	-	-	- \$ -
<b>Total All Funds</b>	<b>\$ 30,338,812</b>	<b>\$ 5,969,340</b>	<b>\$ 5,819,644</b>	<b>\$ 30,488,508</b>	<b>\$ 10,391,909 \$ 20,096,600</b>



**City of Worthington, Ohio  
General Fund Overview  
as of February 28, 2019**

		2018	2019	2019	2019	2019	2019	Variance				
		Year End	Original	Revised	Y-T-D	February	2019	as % of				
		Actual	Budget	Budget	Estimates	Y-T-D Actual	Variance	Budget				
							Over/(Under)					
<b>Revenues</b>												
Municipal Income Tax	1	\$ 20,854,635	\$ 20,800,000	\$ 20,800,000	\$ 3,471,327	\$ 3,334,392	\$ (136,935)	-3.94%				
Property Tax	2	2,939,140	3,004,150	\$ 2,930,879	-	-	\$ -					
Local Government	*	358,938	350,000	\$ 350,000	58,333	61,508	\$ 3,175	5.44%				
Inheritance Tax	2	-	-	\$ -	-	-	\$ -	0.00%				
Interest Income	*	402,431	350,000	\$ 350,000	58,333	67,761	\$ 9,428	16.16%				
Fines & Forfeitures	*	150,200	170,000	\$ 170,000	28,333	24,040	\$ (4,293)	-15.15%				
Township Fire Service	2	469,460	486,875	\$ 486,875	243,438	206,519	\$ (36,918)	-15.17%				
Community Center Membership/Progr	*	1,435,227	2,459,200	\$ 2,459,200	409,867	572,829	\$ 162,962	39.76%				
EMS Transport	*	621,898	691,875	\$ 691,875	115,313	114,422	\$ (891)	-0.77%				
All Other Revenue	*	1,469,183	1,316,933	\$ 1,316,933	125,539	153,615	\$ 28,076	22.36%				
<b>Total Revenues</b>		<b>\$ 28,701,110</b>	<b>\$ 29,629,033</b>	<b>\$ 29,555,762</b>	<b>\$ 4,510,482</b>	<b>\$ 4,535,086</b>	<b>\$ 24,603</b>	<b>0.55%</b>				
<b>Expenditures</b>												
Planning & Building		\$ 675,224	\$ 812,191	\$ 812,191	\$ 135,365	\$ 99,648	\$ (35,718)	73.61%				
General Government		6,639,309	7,243,124	\$ 7,243,124	\$ 1,069,496	932,638	\$ (136,858)	87.20%				
Fire Operations		6,101,062	6,965,743	\$ 6,965,743	\$ 1,160,957	946,415	\$ (214,542)	81.52%				
Parks & Recreation		4,566,131	5,872,638	\$ 5,872,638	\$ 978,773	732,936	\$ (245,837)	74.88%				
Police Operations		5,856,535	6,408,351	\$ 6,408,351	\$ 1,068,059	955,303	\$ (112,756)	89.44%				
Service/Engineering Department		2,310,552	2,828,529	\$ 2,828,529	\$ 471,422	370,558	\$ (100,864)	78.60%				
<b>Total Expenditures</b>		<b>\$ 26,148,813</b>	<b>\$ 30,130,576</b>	<b>\$ 30,130,573</b>	<b>\$ 4,884,071</b>	<b>\$ 4,037,497</b>	<b>\$ (846,574)</b>	<b>82.67%</b>				
Excess of Revenues Over (Under) Expenditures		\$ 2,552,297	\$ (501,543)	\$ (574,811)	\$ (373,589)	\$ 497,588						
Fund Balance at Beginning of Year		\$ 13,491,664	\$ 14,667,073	\$ 14,667,073	\$ 14,667,073	\$ 14,667,073						
Unexpended Appropriations (98.0%)			602,612	602,611	100,435							1 - Income Tax budget based on individual monthly projections.
Expenditures versus Prior Year Enc		1,376,887	1,376,887	1,376,887	438,131	438,131						2 - These revenue budgets are based on semi-annual payments.
												* - All other revenue budgets are spread equally over each month.
General Fund Balance		\$ 14,667,073	\$ 13,391,254	\$ 13,317,986	\$ 13,955,789	\$ 14,726,531						All expenditure budgets are spread equally over each month.





## STAFF MEMORANDUM

City Council Meeting – March 11, 2019

Date: March 6, 2019

To: Matthew H. Greeson

From: Tom Lindsey, Law Director

Subject: **Discussion of Proposed Changes to Draft Non-Discrimination Ordinance**

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### EXECUTIVE SUMMARY

Staff will overview possible changes to the draft non-discrimination ordinance that was prepared by the Community Relations Commission (CRC). These proposed changes were developed in consultation with the CRC leadership and are overviewed in the attached memorandum from the Law Director.

### BACKGROUND/DESCRIPTION

This memo provides an overview of possible changes to the draft ordinance that was prepared by the Community Relations Commission. The changes are being proposed after consultation with Council President Pro-Tem Scott Myers, Commission Chair Jack Miner and Vice Chair Angela Courtright Mahaffey. Mr. Miner will be attending the March 14<sup>th</sup> committee of the whole meeting.

#### Enforcement of State or Federal Protected Classes

[Section 539.06(a)(2), bottom of page 11] The draft ordinance provided for dual jurisdiction in the enforcement of discrimination already covered under state and federal law. The recommended change is to defer all charges of discrimination involving state or federal protected classes to the Ohio Civil Rights Commission and/or U.S. Equal Employment Opportunity Commission. The state and federal commissions have more experience and trained staff that specialize in handling these matters.

[Section 539.06(a)(2), bottom of page 11] The draft ordinance lists the currently protected classes under state and federal law. The proposed change would add a catch-all phrase to include “any other class or characteristic protected under state or federal law”. This would

eliminate confusion as to whether a newly protected class under state or federal law should be deferred to the OCRC/EEOC.

#### Review of OCRC/EEOC Determinations

[Section 539.06(a)(2), page 12] The draft ordinance provided for review of any determination by the OCRC/EEOC. The recommended change is to only review dismissals based on a lack of staff time to investigate or a lack of jurisdiction. There will be no authority to review determinations based on a lack of probable cause.

[Section 539.06(a)(2), page 12] The draft ordinance also provided that no review would occur if the complainant had appealed the OCRC/EEOC decision to court or otherwise challenged the alleged discrimination in state or federal court. The proposed change would also apply this limitation to appeals or challenges by the respondent.

#### Preliminary Investigation

[Section 539.06(a)(4), page 13] The draft ordinance designates the Law Director as being responsible for the preliminary investigation of complaints. The proposed change clarifies that the Law Director may appoint an attorney to handle the duties assigned under the ordinance, including the preliminary investigation.

#### Determination Hearing

[Section 539.01(x), page 4 and Section 539.06(a)(6), page 14] The draft ordinance designates the Commission as being responsible for conducting the determination hearing. The draft gave the Commission discretion to appoint a designee to conduct the hearing. The proposed change would have the City Manager, after consultation with the Commission, appoint a hearing officer to conduct the determination hearing. The hearing officer would most likely be a retired judge or a lawyer with administrative hearing experience. The Commission members generally do not have administrative hearing expertise. Furthermore, the anticipated infrequent hearings would not provide sufficient opportunity for on-the-job training of Commission members.

[Section 539.06(a)(5), page 13] The draft ordinance provided the Law Director with authority to continue the hearings. The proposed change would assign this authority to the hearing officer.

#### Civil Penalty for Violations

[Section 539.06(a)(7), page 15] The draft ordinance provides for the imposition of a civil administrative penalty based on a determination that the respondent engaged in unlawful discriminatory practices. The maximum penalty is \$5,000 for a third violation of the ordinance. Council may want to discuss the amount of the monetary penalty if any that should be imposed. The Cleveland ordinance provides for a civil penalty up to \$100,000 for repeat violations to "vindicate the public interest". Columbus, Toledo, and Oxford do not include civil penalties in their ordinances.

### Criminal Penalty for Violations

[Section 539.08, page 16] The draft ordinance currently makes it a criminal offense to fail to comply with an order to cease and desist discrimination issued after a determination hearing. This is similar to the Bexley and Bowling Green ordinances. Another possible approach is to make it a criminal offense to violate the ordinance (discriminate) without requiring a cease and desist order. This is similar to the Columbus, Cleveland, Oxford, and Toledo. The Newark discrimination ordinance does not specify any criminal penalty for a violation.

The draft ordinance includes the criminal prohibition as a subsection of the complaint, investigation, and determination hearing section. The proposed change would make the criminal prohibition a separate section.

### Educational Discriminatory Practices

[Section 539.05, page 10] The draft ordinance did not specifically address educational discriminatory practices. This issue was raised by a resident attending the public hearing conducted by the Commission. State law does prohibit discrimination based on disability by institutions of higher learning [ORC 4112.022]. The proposed change would add educational discriminatory practices as a new section based on the language found in ORC 4112.022. However, the discrimination would not be limited to disability but would include all the protected classes. This section would not apply to the Worthington school district based on the definition of educational institution.

[Section 539.01(y), page 4] The definition of educational institution includes state universities; state-assisted institutions of higher education; any nonprofit university, college, academy, school, or other institution that prepares students to be eligible for certification as registered nurses or offers instruction in recognized academic and professional fields of study beyond high school; or a for profit or nonprofit private career school designed to prepare students for potential employment in a recognized vocation, occupation, or profession; or similar for profit or nonprofit institutions of higher education regardless of whether they are licensed or regulated by the state of Ohio.

### Religious Exception for Public Accommodations

[Section 539.04(d), page 10] The draft ordinance includes religious exceptions for fair housing and for employment practices. However, it does not include a religious exception for public accommodations. The proposed change would add a religious exception for public accommodations based on language found in the Cleveland ordinance.

### Allegations of Unlawful Discriminatory Practices by the City

[Section 539.07, page 16] The draft ordinance was intended to apply to the City and expressly includes the City in the definitions of employer and person. Complaints alleging discrimination by the City, particularly as to employment matters under the authority of the City Manager, have the potential to create conflicts of interest for the City Manager and/or the Law Director given their roles under the ordinance. The proposed change would add a section providing additional procedures that would apply to such complaints.

City Council would receive a copy of the complaint and have authority to appoint special counsel to conduct the preliminary investigation, a mediator to attempt to resolve the matter, and a hearing officer to conduct the determination hearing. City Council would also have the authority to refer a complaint involving an employment action to the Personnel Appeals Board for an appeal hearing.

#### Ethnic Intimidation Predicate Offenses and Penalty

[Section 539.10, page 17] The draft ordinance includes the criminal offense of ethnic intimidation. Section 541.08 of the Codified Ordinances already contains an ethnic intimidation charge similar to state law [ORC 2927.12]. It is a violation under the current ordinance and statute if certain criminal offenses (predicate offenses) are violated “by reason of the race, color, religion or national origin of another person or group of persons.” The draft ordinance adds language to include “where one of the motives is the victim’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.”

[Section 539.09(d), page 17] The penalty for ethnic intimidation under the current law and the draft ordinance is to increase the penalty for the predicate offenses by one degree of offense. For instance, a criminal offense that is normally a minor misdemeanor would become a misdemeanor of the fourth degree and a criminal offense that is normally a misdemeanor of the second degree would become a misdemeanor of the first degree. The proposed change clarifies that the maximum degree of offense under the ordinance is a misdemeanor of the first degree. The City does not have authority to create felony offenses. The proposed change includes a minimum penalty of ten days in jail for ethnic intimidation involving a predicate offense that is already a misdemeanor of the first degree. The proposed minimum penalty is the same as in the Columbus ordinance.

[Section 539.09(a), page 17] The draft ordinance did not include the section numbers for the predicate offenses. The proposed change clarifies the specific criminal offenses that are the predicate offenses.

#### Definition of Discriminate

[Section 539.01(d), page 2] The draft ordinance included all of the protected classes in the definition of discriminate. However, the protected classes are also contained in the sections that prohibit discriminatory practices. The proposed change is to remove the protected classes from the definition. This is consistent with the definition of discriminate under state law [ORC 4112.01(A)(7)].

#### Complaint Filing and Notification Process

[Section 539.06(a)(1) and (2), page 11 and 12] The draft ordinance provides that the complaint is filed with the City Clerk. However, it provides that notification to the complainant regarding filing with the OCRC/EEOC and notification to the respondent of the filing of a charge is done by the Law Director. The proposed change would have the City Clerk handle these notification functions since they will be part of the routine complaint filing process. In the event of a question, the City Clerk could seek advice from the Law Director.

#### 4.B.I. - Discussion of Proposed Changes to Draft Non Discrimination Ordinance

[Section 539.06(a)(1), page 11] The proposed change also revised the complaint filing language to be similar to state law [ORC 4112.05] and to include requirement of in writing and under oath.

#### Appointment of Mediator

[Section 539.06(3), page 13] The draft ordinance provides that the City shall designate a mediator if the parties agree to voluntary mediation. The proposed change would clarify that the Law Director would designate the mediator. The mediator selection could also be assigned to the City Manager or the Commission.

#### Proposed Effective Date

Section 2 of the ordinance (page 18) provides that Chapter 539 will become effective on July 1, 2019. This is intended to provide a short additional period for public education similar to the approach taken with the Tobacco 21 ordinance.

#### **ATTACHMENTS**

Discrimination Ordinance – Proposed Changes to Commission Draft 3-7-19

ORDINANCE NO. \_\_\_\_-2019

To Enact New Chapter 539 “Discriminatory Practices, Civil Rights, Disclosure” of the Codified Ordinances of the City of Worthington to Prohibit Discrimination in Housing, Employment, Public Accommodations, and Higher Education Based on Designated Classes.

WHEREAS, state law currently prohibits discriminatory practices in housing, employment, and public accommodations based on race, sex, color, religion, ancestry, national origin, age, disability, familial status, marital status, or military status the above designated classes; and,

WHEREAS, the City of Columbus and the City of Bexley have adopted ordinances to ban discrimination in housing, employment and public accommodations based on race, sex, sexual orientation, gender identity or expression, color, religion, ancestry, national origin, age, disability, familial status, or military status; and,

WHEREAS, the City of Worthington, Ohio does not currently have an ordinance prohibiting discrimination in housing, employment and public accommodations; and,

WHEREAS, it is the desire of the City Council to eliminate discrimination in Worthington based upon race, sex, sexual orientation, gender identity or expression, color, religion, ancestry, national origin, age, disability, marital status, familial status, genetic information, or military status; and

NOW, THEREFORE, BE IT ORDAINED by the Council of the Municipality of Worthington, County of Franklin, State of Ohio:

SECTION 1. That Part Five of the Codified Ordinances of the City of Worthington, “General Offenses Code,” be and the same is hereby amended to add new Chapter 539 “Discriminatory Practices, Civil Rights, Disclosure” to read as follows:

**CHAPTER 539**  
**Discriminatory Practices, Civil Rights, Disclosure**

539.01 \_\_\_\_\_ DEFINITIONS

As used in this chapter:

- (a) “Age” means at least forty (40) years old.
- (b) “Disability” means a physical or mental impairment that substantially limits one (1) or more major life activities, including the functions of caring for one’s self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and

working; a record of a physical or mental impairment; or being regarded as having a physical or mental impairment.

(c) ~~(1)~~ “Physical or mental impairment” includes any of the following:

~~1A.~~ Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one (1) or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genitor-urinary; hemic and lymphatic; skin; and endocrine;

~~1B.~~ Any mental or psychological disorder, including, but not limited to, orthopedic, visual, speech, and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, sickle cell, human immunodeficiency virus infection, intellectual disabilities, emotional illness, drug addiction, and alcoholism.

~~(2)C.~~ “Physical or mental impairment” does not include any of the following:

~~1.~~ Pedophilia, exhibitionism, voyeurism, or other sexual behavior disorders;

~~2.~~ Compulsive gambling, kleptomania, or pyromania;

~~3.~~ Psychoactive substance use disorders resulting from current illegal use of controlled substance.

(d) ~~“Discriminate and discrimination”, “Discrimination”, or “Discriminatory”~~ includes segregated or separated or any difference in treatment ~~based on race, sex, sexual orientation, gender identity or expression, color, religion, ancestry, national origin, age, disability, marital status, familial status, genetic information, or military status.~~

(e) “Employee” does not include any individual employed in the domestic service of any person-

(f) “Employer” means any person who employs four (4) or more persons, within the City of Worthington, including the City of Worthington, its departments, boards, commissions, and authorities.

(g) “Employment agency” means any persons regularly undertaking with or without compensation, to procure opportunities for employment or to procure, recruit, refer, or place employees.

(h) “Familial status” means either of the following:

i. One (1) or more individuals who are under eighteen (18) years of age and who are domiciled with a parent or guardian having legal custody of the individual or domiciled, with the written permission of the parent or guardian having legal custody, with a designee of the parent or guardian;

ii. Any person who is pregnant or in the process of securing legal custody of any individual who is under eighteen (18) years of age.

iii. “Family” includes a single individual.

(i) “Gender identity or expression” means having or being perceived as having gender-related identity, appearance, expression, or behavior, whether or not that identity, appearance, expression, or behavior is different from that traditionally associated with the person’s assigned sex at birth.

(j) “Housing accommodations” including any buildings or structure or portion thereof which is used or occupied or is intended, arranged, or designed to be used or

occupied as a home residence or sleeping place of one (1) or more individuals, groups or families, whether or not living independently of each other; and any vacant land offered for sale or lease. It also includes any housing accommodations held or offered for sale or rent by a real estate broker, salesman, or agent, or by any other person pursuant to authorization of the owner, by the owner, or by such person's legal representative.

(k) "Labor organization" includes any organization which exists for the purpose, in whole or in part, of collective bargaining or for other mutual aid or protection in relation to employment.

(l) "Military status" means a person's status in "Service in the uniformed services" as defined in Section 5923.05 of the Ohio Revised Code.

(m) "Person" includes one (1) or more individuals, partnerships, associations, organizations, corporations, legal representatives, trustees, and trustees in bankruptcy, receivers, and other organized groups of persons. It also includes, but is not limited to, any owner, lesser, assignor, builder, manager, broker, salesman, agent, employee, lending institution; and the City of Worthington and all political subdivisions, authorities, agencies, boards and commissions thereof.

(n) "Place of public accommodation" means any inn, restaurant, eating house, barbershop, public conveyance by air, land or water, theater, store, or other place for the sale of merchandise, or any other place of public accommodation or amusement where the accommodation advantages, facilities, or privileges thereof are available to the public.

(o) "Restrictive covenant" means any specification in a deed, land contract or lease limiting the use of any housing because 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 any limitation based upon affiliation with or approval by any person, directly or indirectly, employing race, sex, sexual orientation, gender identity or expression, color, religion, ancestry, national origin, age, disability, marital status, familial status, genetic information, or military status as a condition of affiliation or approval.

(p) "Service in the uniformed services" means the performance of duty, on a voluntary or involuntary basis, in a uniformed service, under competent authority, and includes active duty, active duty for training, initial active duty for training, inactive duty for training, full-time national guard duty, and performance of duty or training by a member of the Ohio organized militia pursuant to Chapter 5923 of the Ohio Revised Code. "Service in the uniformed services" includes also the period of time for which a person is absent from a position of public or private employment for the purpose of an examination to determine the fitness of the person to perform any duty described in this division.

(q) "Sex" means male or female. The terms "because of sex" and "on the basis of sex" include pregnancy, any illness arising out of and occurring during the course of a pregnancy, childbirth, or related medical conditions.

(r) "Sexual orientation" means a person's actual or perceived homosexuality, bisexuality; or heterosexuality.

(s) "Uniformed services" means the Armed Forces, the Ohio organized militia when engaged in active duty for training, inactive duty training, or full-time national guard duty, the commissioned corps of the public health service, and any other category of persons designated by the president of the United States in time of war or emergency.



- (t) "Marital status" means a person's state of being single, married, separated, divorced, or widowed.
- (u) "Genetic information" means the hereditary information about DNA sequence, genetic sequence, gene products, or inherited characteristics contained in chromosomal DNA or RNA that are derived from an individual or family member.
- (v) "Unlawful discriminatory practice" means any act prohibited by Chapter 539 of the Worthington City Codes.
- (w) "Law Director" means the Worthington Law Director or an attorney appointed to by the Worthington Law Director.
- (x) "Hearing Officer" means the person appointed by the Worthington City Manager, in consultation with the Worthington Community Relations Commission.
- (y) "Educational Institution" means a state university or college, state-assisted institution of higher education, nonprofit educational institution described in Chapter 1713 of the Ohio Revised Code, institution registered under Chapter 3332 of the Ohio Revised Code, or similar for profit or nonprofit institutions of higher education regardless of whether they are licensed or regulated by the state of Ohio.

539.02 ~~Fair Housing~~ FAIR HOUSING.

~~1.~~(a) It shall be an unlawful discriminatory practice for any person to:

~~a.~~

(1) Refuse to sell, transfer, assign, rent, lease, sublease, finance or otherwise deny or withhold housing accommodations from any person because of 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 any prospective owner, occupant, or user of such housing accommodations;

~~b.~~

(2) Represent to any person that housing accommodations are not available for inspection when in fact they are so available;

~~c.~~

(3) Refuse to lend money, whether or not secured by mortgage or otherwise, for the acquisition, construction, rehabilitation, repair, or maintenance of housing accommodations or otherwise withhold financing of housing accommodations from any person because of 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 any present or prospective owner, occupant, or user of such housing accommodations, provided such person, whether an individual, corporation, or association of any type, lends money as one of the principal aspects of their business or incidental to their principal business and not only as a part of the purchase price of an owner occupied residence they are selling nor merely casually or occasionally to a relative or friend;

~~d.~~

(4) Discriminate against any person in the terms or conditions of selling, transferring, assigning, renting, leasing or, subleasing any housing accommodations or in furnishing facilities, services, or privileges in connection with the ownership, occupancy or use of any housing accommodations because of 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 any present or prospective owner, occupant, or user of such housing accommodations;

~~e.~~

(5) Discriminate against any person in the terms or conditions of any loan of money, whether or not secured by mortgage or otherwise, for the acquisition, construction, rehabilitation, repair, or maintenance of any housing accommodations because of 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 any present or prospective owner, occupant, or user of such housing accommodations;

~~f.~~

(6) Print, publish, or circulate any statement or advertisement relating to the sale, transfer, assignment, rental, lease, sublease, or acquisition of any housing accommodations or the loan of money, whether or not secured by mortgage or otherwise, for the acquisition, construction, rehabilitation, repair, or maintenance of housing accommodations which indicates any preference, limitation, specification, or discrimination based upon 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 any present or prospective owner, occupant, or user of such housing accommodations;

~~g.~~

(7) Make any inquiry, elicit any information, make or keep any record, or use any form of application containing questions or entries 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 in connection with the sale or lease of any housing accommodations or the loan of any money, whether or not secured by a mortgage or otherwise, for the acquisition, construction, rehabilitation, repair or maintenance of housing accommodations;

~~h.~~

(8) Include in any deed, land contract, or lease of accommodations any covenant, honor or exercise, or attempt to honor or exercise, any covenant, that would prohibit, restrict, or limit the sale, transfer, assignment, rental lease, sublease, or finance of housing accommodations to or for any person because of 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 any prospective owner, occupant, or user of such housing accommodations provided that prior inclusion of a restrictive covenant in the chain of title shall not be deemed a violation of this provision;

~~i.~~

(9) Induce or solicit, or attempt to induce or solicit, any housing accommodations listing, sale, or transaction by representing that a change has occurred or may occur in the block, neighborhood, or area in which the property is located, which change is related to the presence or anticipated presence of persons of any race, sex, sexual orientation, gender identity or expression, color, religion, ancestry, national origin, age, disability, familial status or military status.

~~j.~~

(10) Induce or solicit or attempt to induce or solicit, any housing accommodations listing, sale, or transaction by representing that the presence or anticipated presence of persons of any race, sex, sexual orientation, gender identity or expression, color, religion, national origin, ancestry, age, disability, marital status, familial status, genetic information, or military status in the area will or may have results such as the following:

- ~~—~~iA. The lowering of property values;
- ~~—~~iiB. An increase in criminal or antisocial behavior in the area; or
- iiiC. A decline in the quality of schools serving the area;
- ivD. Discourage or attempt to discourage the purchase by prospective purchasers of any housing accommodations by representing that any block, neighborhood, or area has or might undergo a change with respect to 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 the residents;
- vE. Deny any person access to or membership or participation in any multiple listing service, real estate, brokers' organization, or other service, organization, or facility relating to the business of selling or renting housing accommodations, or to discriminate against them in the terms of conditions of such access, membership, or participation, 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.
- viF. Coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of their having exercised or enjoyed, or on account of their having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by this section;
- viiG. Whether or not acting under color of law, by force or threat of force willfully injure, intimidate or interfere with, or attempt to injure, intimidate, or interfere with:

a

1. Any person because of their race, sex, sexual orientation, gender identity or expression, color, religion, ancestry, national origin, age, disability, marital status, familial status, genetic information, or military status and because that person is or has been selling, purchasing, renting, financing, occupying or contracting or negotiating for the sale, purchase, rental, financing, or occupation of any dwelling, or applying for or participating in any service, organization, or facility relating to the business of selling or renting housing accommodations;
2. Any person because that person is or has been, or in order to intimidate such person or any other person or any class of persons from:
  - i. Participating, without discrimination 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 in any of the activities, services, organizations, or facilities described in division ~~(J)(vii)(a)10(G)(1)~~ of this section.
  - ii. Affording another person or class of persons opportunity or

protection so to participate; or

~~e3.~~ Discouraging any person from lawfully aiding or encouraging other persons to participate, without discrimination 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 in any of the activities, services, organizations, or facilities described in division ~~(F)(vii)(a10)(G)(1)~~ of this section, or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to so participate;

~~k.~~

~~(11)~~ Refuse to sell, transfer, assign, rent or lease, sublease, finance or otherwise deny or withhold a burial lot from any person because of 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 any prospective owner or user of such lot; or

~~l.~~

~~(12)~~ For any person to discriminate in any manner against any other person because that person has opposed any unlawful practice defined in Chapter 539 of the Worthington City Codes, or because that person has made a charge, testified, assisted, or participated in any manner, in any investigation, proceeding, or hearing under the provisions of Chapter 539 of the City of Worthington Codes.

~~2.(b)~~ Nothing in this section shall bar any religious or denominational institution or organization, or any nonprofit charitable or educational organization that is operated, supervised, or controlled by or in connection with a religious organization, from limiting the sale, rental, or occupancy of housing accommodations that it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference in the sale, rental, or occupancy of such housing accommodations to persons of the same religion, unless membership in the religion is restricted on account of race, color, or national origin.

539.03 ~~Unlawful employment practices~~ UNLAWFUL EMPLOYMENT PRACTICES.

~~(Aa)~~ It shall be an unlawful discriminatory practice, except where based upon applicable national security regulations established by the United States:

(1) For any employer, because of 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 to refuse to hire that person or otherwise to discriminate against that person with respect to hire, tenure, terms, conditions, or privileges of employment, or any matter directly or indirectly related to employment;

(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 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 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 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 seeking employment to publish or to cause to be published any advertisement which specifies or in any manner indicates 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 of any prospective employer;

(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 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 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 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 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 Chapter 539, of the Worthington City Codes;

(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)~~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)~~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 Chapter 539, of the Worthington City Codes, or because that person has made a complaint or assisted in any manner in any investigation or proceeding under Chapter 539, of the Worthington City Codes.

(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 Chapter 539, of the Worthington City Codes, 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 by Chapter 539, of the Worthington City Codes, 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.

~~(Bb)~~ This section does not apply to a religious corporation, association, educational institution, or society with respect to the employment of an individual of a particular religion to perform work connected with the carrying on by that religious corporation, association, educational institution, or society of its activities.

539.04 — ~~Unlawful public accommodations~~ UNLAWFUL PUBLIC

ACCOMMODATIONS.

It shall be an unlawful discriminatory practice:

~~(Aa)~~ 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;

~~(B)~~

(b) For any proprietor or his employee, keeper, or manager of a place of public accommodation to publish, circulate, issue, display, post or 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

~~(C)~~

(c) For any person, whether or not included in divisions (A) and (B) 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.

(d) Nothing in this section shall prohibit a religious or denominational institution, organization, society or association or any nonprofit charitable or education organization that is operated, supervised or controlled by or in connection with a religious organization, from limiting its offerings of goods, services, 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.

539.05—~~Complaint and Enforcement Procedure~~ UNLAWFUL EDUCATIONAL PRACTICES.

~~(A)(a)~~ It shall be an unlawful discriminatory practice for any educational institution to discriminate against any individual 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:

(1) In admission or assignment to any academic program, course of study, internship, or class offered by the institution;

(2) In permitting participation in any activity that is sponsored by the institution or that

takes place on property owned, operated, or controlled by the institution;

(3) In the awarding of any form of financial aid or other benefits available to students;

(4) In admission or assignment to housing or other facilities owned, operated, or controlled by the institution;

(5) In awarding of grades or granting of certificates, diplomas, or degrees offered by the institution.

(b) Nothing in this section prohibits any educational institution from establishing bona fide requirements or standards for admission or assignment to academic programs, courses, internships, or classes; for permitting participation in activities; for awarding of financial aid or other benefits; or for the granting of grades, certificates, diplomas, or degrees, which requirements or standards may include reasonable qualifications for demonstrating necessary skill, aptitude, physical capability, intelligence, and previous education.

(c) Nothing in this section requires any educational institution to construct, reconstruct, improve, enlarge, or alter any building, facility, or property owned, operated, or controlled by the institution, in any manner, for the purpose of making the building, facility, or property accessible to persons with a disability, provided that this section does not exempt an educational institution from compliance with standards adopted under section 3781.111 of the Ohio Revised Code.

#### 539.06 COMPLAINT AND ENFORCEMENT PROCEDURE.

##### (a) Complaints

~~\_\_\_\_\_ (1) Whenever it is charged in writing, by a (1) Any person or aggrieved organization, hereinafter referenced to as “complainant”, that any may file a charge with the City Clerk alleging that another person, employer, employment agency, and/or labor organization, hereinafter referred to as the “respondent”, has engaged in or is engaging in anyan unlawful discriminatory practicespractice as defined in Chapter 539 of the Worthington City Codes, or upon its own initiative, in matters relating to such discriminatory practices, such charge. The charge shall be in writing and under oath and shall be filed with the Worthington City Clerk within one hundred eighty (180) days after the alleged unlawful discriminatory practice is committed. The City Clerk shall forward a copy of Worthingtonthe charge to the respondent and to the Law Director shall ensure a copy of the charge has been served on the respondent.~~

(2) If the charge of discrimination alleges a violation based on race, sex, color, religion, ancestry, national origin, age, disability, genetic information, ~~and/or~~ military status, and/or any other class or characteristic protected under state or federal law, then the Commission reserves the right to proceed with an investigation or City Clerk shall instruct the complainant to file a charge of discrimination with the Ohio Civil Rights Commission



(OCRC)/Equal Employment Opportunity Commission (EEOC). ~~If the Commission defers the complainant to the OCRC/EEOC, the City of Worthington Law Director~~The City Clerk shall provide the complainant with information about this requirement and contact information for the OCRC/EEOC within ten (10) days from the date the charge was filed with the ~~Worthington~~ City Clerk. The initial filing of a charge of discrimination with the ~~Worthington~~ City Clerk will not extend the deadlines for filing a charge of discrimination with the OCRC/EEOC.

In the event of a deferral, any complainant who timely filed a charge of discrimination under this Chapter may request the ~~City of Worthington~~ Law Director to review the final determination made by the OCRC/EEOC on charges of discrimination containing the same allegations as in the original charge filed under this Chapter. ~~Such request for review must be made within thirty (30) days of the OCRC/EEOC's final disposition of the charge. The Commission reserves the right to review the final determination made by the OCRC/EEOC on charges of discrimination on its own accord, and without request by the complainant. Such review will proceed in accordance with Sections 539.05(A)(3)-(6). The Law Director shall only have authority to review dismissals of complaints based on insufficient time or resources to fully investigate or a lack of jurisdiction. The Law Director shall not have authority to review dismissals based on lack of probable cause.~~

If a request for review is made under this section, the ~~City of Worthington~~ Law Director shall have no authority to proceed under City law unless the ~~City of Worthington~~ Law Director finds that the decision of the OCRC/EEOC was arbitrary, capricious, or not in accordance with law. Upon such finding, the ~~City of Worthington~~ Law Director shall process the charge pursuant to Sections 539.05(A)(3)-(7).

Charges of discrimination alleging a violation of this Chapter based on sexual orientation, gender identity or expression, marital status or familial status along with an allegation of discrimination based on race, sex, color, religion, ancestry, national origin, age and/or disability, discrimination, genetic information, military status, and/or any other class or characteristic protected under state or federal law shall be subject to deferral to the OCRC as set forth in this section. If the OCRC/EEOC dismisses a charge of discrimination timely filed under this Chapter and based on sexual orientation, gender identity or expression, marital status, or familial status for lack of jurisdiction, the complainant may, within thirty (30) days of such dismissal request the charge to proceed under this Chapter. Upon request, the ~~City of Worthington~~ Law Director shall handle the case in accordance with Sections 539.05(A)(3)-(6).

The ~~City of Worthington~~ Law Director shall have no authority to review any charge under this section if complainant or respondent has appealed the OCRC /EEOC decision to court or otherwise challenged the alleged unlawful ~~discrimination~~discriminatory practices in state or federal court.

(3) For cases processed by the City without intervention of the OCRC/EEOC, the ~~City of Worthington~~ Law Director shall notify the complainant and respondent of the option for

voluntary mediation. If both parties agree to voluntary mediation, a mediator designated by the ~~City of Worthington~~ Law Director shall endeavor to eliminate such alleged unlawful discriminatory practices by methods of mediation.

(4) Preliminary Investigation: If methods of mediation fail to effect the elimination of such alleged unlawful discriminatory practice or the state or federal government has not exercised jurisdiction and/or provided mechanism for redress, the ~~City of Worthington~~ Law Director ~~shall~~ may contract with outside ~~council~~ counsel to ~~conduct~~ perform the duties assigned under this Chapter including conducting an investigation. If the ~~City of Worthington~~ Law Director determines after such investigation, that it is not probable that unlawful discriminatory practices have been or are being engaged in, ~~the~~ the Law Director shall notify the complainant and respondent in writing that it has been so determined, and that no other action will be initiated under this chapter.

(5) Determination Hearing: If methods of mediation fail to effect the elimination of such alleged unlawful discriminatory practice, and if the ~~City of Worthington~~ Law Director determines after preliminary investigation that it is probable that unlawful discriminatory practices have been or are being engaged in, and it is determined by the ~~City of Worthington~~ Law Director that the state or federal government has not exercised jurisdiction and/or provided mechanism for redress, the ~~City of Worthington~~ Law Director shall serve upon the respondent and complainant a notice of a determination hearing before the ~~City of Worthington Community Relations Commission (hereafter Commission) or their designated agent(s),~~ Hearing Officer, notifying the respondent of a hearing at a time and place therein fixed to be held not less than thirty (30) days after the service of such notice and stating the charges specified in the original charge upon which a probable cause determination has been made against the respondent. If circumstances warrant, the ~~City of Worthington~~ Law Director may serve such notice at any time during the complaint procedure. ~~The City of Worthington Law Director~~ The Hearing Officer will consider any reasonable requests for extension of the hearing date and reserves the right to continue the hearing, for good cause shown, for a period of up to thirty (30) additional days.

Any such charge may be amended by the ~~City of Worthington~~ Law Director or complainant at any time prior to or during the hearing based thereon. The respondent shall have the right to file an answer or to amend an answer to the original or amended charge, and to appear to such hearing in person, or by attorney, present evidence or otherwise to examine and cross-examine witnesses.

The complainant shall be a party to the proceeding, and any person who is an indispensable party to a complete determination or settlement of the question involved in the proceeding shall be joined. Any person who has or claims an interest in the subject of the hearing and in obtaining or presenting relief against the acts or practices complained of, may be, in the discretion of the ~~Commission or their designated agent(s),~~ Hearing Officer, permitted to appear for the presentation of oral or written argument.

In any proceeding, the ~~Commission or their designated agent(s)~~Hearing Officer shall not be bound by the rules of evidence prevailing in the courts of law or equity, but shall in ascertaining the practices followed by the respondent, take into account all reliable, probative, and substantial evidence, statistical, or otherwise, produced at the hearing, which may tend to prove the existence of an unlawful discriminatory practice or a predetermined pattern of unlawful discriminatory practices under Section 539 of the City of Worthington Codes provided that nothing contained in this section shall be construed to authorize or require any person to observe the proportion which persons of any race, sex, sexual orientation, gender identity or expression, color, religion, ancestry, national origin, age, disability, familial status or military status bear to the total population or in accordance with any criterion other than the individual qualifications of the applicant.

The testimony taken at the hearing shall be under oath and before a court reporter hired by the City Manager. The transcript of the hearing shall be reduced to writing and filed with the City ~~of Worthington City~~ Clerk.

The ~~Commission~~Hearing Officer is granted the authority to develop and implement rules and procedures to control the governance of the hearing. In conducting any hearing as provided herein, the ~~Commission or their designated agent(s)~~Hearing Officer may upon request of any party subpoena as witnesses any person believed to have knowledge of the facts relevant to such hearing, compel the production of books, papers, records or other evidence relative to such hearing by the person having custody or control thereof and may administer oaths, take testimony and issue such rules as shall be necessary to effectuate an investigatory hearing under this section.

~~The Commission or their designated agent(s)~~The Hearing Officer shall issue a written decision concerning the charges in the complaint. The decision shall include findings of fact and conclusions of law. Any final decision by the ~~Commission~~Hearing Officer may be appealed to the Franklin County Court of Common Pleas to the extent authorized by applicable law.

~~————(6) Appointment and authority of Designee.~~

~~The Commission may appoint a designee to preside over the determination hearing. Such designee is authorized to regulate all proceedings as if by the Commission and do everything necessary for the efficient performance of those responsibilities, including but not limited to, the following:~~

~~————(a) Issuing subpoenas for the attendance of witnesses and the production of evidence;~~

~~————(b) Putting witnesses under oath and examining them;~~

~~————(c) Calling the parties to the action and examining them under oath.~~

~~————The Commission may limit a the designee's authority by specifying or limiting the designee's powers, including but not limited to, directing the designee to determine only particular issues, directing the designee to perform particular responsibilities, or directing the designee to receive and report evidence only.~~

~~————Subject to the terms of the designee's retention, a designee may enter orders~~

~~without Commission approval if necessary to regulate the proceedings and if not dispositive of a claim or defense of a party. Any order or decision issued by the designee shall be in writing, signed by the designee, filed with the Worthington City Clerk, and served by the Worthington City Clerk on all parties or their attorneys. The designee's decision must include specific findings of fact and conclusions of law.~~

~~Any party may file a motion with the Commission to set aside the designee's order or decision. The motion shall state the moving party's reasons with particularity and shall be filed not later than ten (10) days after the designee's order or decision is filed.~~

~~A designee's decision is not effective unless adopted by the Commission. Whether or not objections are timely filed, the Commission may adopt or reject the designee's decision in whole or in part, with or without modification. The Commission may hear a previously referred matter, take additional evidence, or return a matter to the designee. If no timely objection to the designee's decision is filed, the Commission may adopt the designee's decision, unless it determines there is an error of law or other defect evident on the face of the designee's decision.~~

~~In ruling on objections, the Commission shall undertake an independent review as to the objected matters to ascertain that the designee has properly determined the factual issues and appropriately applied the law. Before so ruling, the Commission may hear additional evidence but may refuse to do so unless the objecting party demonstrates that the party could not, with reasonable diligence, have produced that evidence for consideration by the designee.~~

(7) Notice of Violation and Order to Cease and Desist: If upon all the evidence presented, the ~~Commission or their designated agent(s)~~Hearing Officer determines that the respondent has engaged in, or is engaging in, any unlawful discriminatory practice under this chapter, whether against the complainant or others, the ~~City of Worthington Law Director~~Hearing Officer shall issue a notice of violation, and shall issue an order to respondent to cease and desist the unlawful discriminatory practice.

In addition to issuing a cease and desist order, the ~~Commission or their designated agent(s)~~Hearing Officer shall have the authority to issue the following remedies:

~~i~~A. Up to \$1,000 for a first offense in the five years ~~following~~ preceding the filing of the charge;

~~ii~~B. Up to \$2,500 for a second offense in the five years ~~following~~ preceding the filing of the charge.

~~iii~~C. Up to \$5,000 for a third or subsequent offense in the five years ~~following~~ preceding the filing of the charge.

The notice of violation, order to cease and desist ~~of the Commission or their designated agent(s)~~ and any other penalty issued by the Hearing Officer shall be served on the respondent and complainant.

~~The Commission or their designated agent(s)~~ The Law Director is authorized to institute in the name of the City of Worthington any appropriate civil enforcement proceedings.

~~€~~539.07 COMPLAINTS ALLEGING UNLAWFUL DISCRIMINATORY PRACTICES BY THE CITY

If a complaint is filed with the City Clerk alleging that the City, or one of its boards, commissions, departments, divisions, officials, or employees has engaged or is engaging in an unlawful discriminatory practice as defined in Chapter 539 of the Worthington Codified Ordinances, then the following additional procedures shall apply:

- (a) The Law Director shall forward a copy of the complaint to the City Council.
- (b) The City Council may appoint special counsel to conduct a preliminary investigation instead of the Law Director conducting the preliminary investigation.
- (c) The City Council may appoint a mediator to endeavor to eliminate any alleged unlawful discriminatory practices by methods of mediation instead of the Law Director appointing a mediator.
- (d) The City Council may appoint a hearing officer to conduct a determination hearing instead of the City Manager appointing the hearing officer.
- (e) If the complaint involves an employment action by the City against the complainant, then the City Council may refer the complaint to the Personnel Appeals Board for an appeal hearing concerning the alleged discriminatory practices and no further action shall be taken under this Chapter.

539.08 FAILURE TO COMPLY.

(a) Whoever fails to comply with a subpoena issued by the City of Worthington Hearing Officer as provided in this section Chapter is guilty of a minor misdemeanor.

~~(D) Failure to Comply with Lawful Order:~~ (b) Any person who commits an unlawful discriminatory practice under any of the provisions of this chapter and fails to obey comply with any order of the Commission or their designated agent(s) Hearing Officer to cease and desist such unlawful discriminatory practice shall be guilty of failure to comply with an unlawful discriminatory practice order, a misdemeanor of the first degree.

~~539.07 Interfering with civil rights.~~

~~€~~539.09 INTERFERING WITH CIVIL RIGHTS.

(a) No public servant, under color of his office, employment, or authority, shall knowingly deprive, or attempt to deprive any person of a constitutional or statutory right or any other protections against discriminatory conduct created by an ordinance of the City of Worthington.

~~(Bb)~~ Whoever violates this section is guilty of interfering with civil rights, a misdemeanor of the first degree.

~~539.08~~ — ~~Ethnic Intimidation~~<sup>10</sup> ETHNIC INTIMIDATION.

~~(A)~~ — ~~No person shall violate Section 539 of the City of Worthington Codes~~<sup>(a)</sup> No person shall violate Sections 2903.13, 2903.21, 2903.22, 2907.06, 2911.06, 2911.07, 2911.21, 2911.211, 2913.02, 2913.03, 2913.04, 2917.03, 2917.11, 2917.12, or 2917.21(A)(3) to (5) of the Ohio Revised Code or Sections 509.01, 509.03, 509.04, 521.08, 533.04, 537.03, 537.05, 537.06, 537.10(a)(3) to (5), 541.03, 541.04, 541.05, 541.051, 545.05, 545.06, 545.08, or 549.08 of the General Offenses Code of the Worthington Codified Ordinances, by reason of or where one of the motives is the victim’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.

~~(Bb)~~ In a prosecution under this section, the offenders’ motive, reason or purpose may be shown by the offender’s temporarily related conduct or statements before, during or after the offense, including ethnic, sexual orientation, gender identity or expression, religious or racial slurs, and by the totality of the facts, circumstances and conduct surrounding the offense.

~~(Cc)~~ 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: except as provided in subsection (d).

~~(Dd)~~ If the underlying offense which is a necessary element of ethnic intimidation is a misdemeanor of the first degree, then the offense of ethnic intimidation is a misdemeanor of the first degree and the court shall impose a mandatory minimum sentence of at least ten (10) days in jail.

~~(e)~~ This section does not apply if the facts alleged in the complaint would constitute a felony under Section 2927.12, Ohio Revised Code.

~~(Ef)~~ The division of police shall keep and maintain records of reported violations of this section and reported incidents the motive of which is the victim’s race, sex, sexual orientation, gender identity or expression, color, religion, ancestry, national origin, age, disability, familial status or military status.

~~539.10~~ — ~~Exclusions~~<sup>11</sup> ANNUAL REPORT.

The Law Director shall prepare an annual report to the Community Relations Commission and City Council summarizing the complaints, investigations, hearings, and enforcement proceedings involving unlawful discriminatory practices under this Chapter.

539.12 EXCLUSIONS.

The application and enforcement of the protections created herein are limited solely to the terms of this chapter and such terms shall not create nor enhance protected class status for any other purpose including public and private affirmative action program eligibility. The term “affirmative action program” shall include any program

administered by any private or public entity for the purpose of providing preferential treatment for those in a protected class.

539.11—~~Severability~~<sup>13</sup> SEVERABILITY.

Chapter 539, of the Worthington City Codes, and each division of said section there under, are hereby declared to be independent divisions and sub-divisions and, notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any provisions of said divisions and sub-divisions, or the ~~applicant~~application thereof to any person or circumstance is held to be invalid, the remaining divisions or sub-divisions and the application of such provision to any person or circumstances other than those to which it is held invalid shall not be affected thereby, and it is hereby declared that ~~such~~the remaining divisions and sub-divisions would have been passed independently of ~~such division or sub-division so known~~any provisions held to be invalid.

SECTION 2. Repeal Section 541.08 “Ethnic Intimidation” of the Worthington Codified Ordinances.

SECTION 3. The provisions of Chapter 539 shall become effective on July 1, 2019.

SECTION 4. That notice of passage of this Ordinance shall be posted in the Municipal Administration Building, the Worthington Library, the Griswold Center and the Worthington Community Center and shall set forth the title and effective date of the Ordinance and a statement that the Ordinance is on file in the office of the Clerk of Council. This Ordinance shall take effect and be in force from and after the earliest period allowed by law and by the Charter of the City of Worthington, Ohio.



**STAFF MEMORANDUM**  
**City Council Meeting – March 11, 2019**

Date: March 6, 2019  
To: City Council  
From: Matt Greeson, City Manager  
Subject: **Look Ahead Agenda**

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**EXECUTIVE SUMMARY**

This agenda item lists topics that are expected to come before City Council in the next month. It is not considered an exhaustive list as some agenda items are not yet known and others are considered routine and not included here.

**FUTURE AGENDA ITEMS**

1. FC Bank Sponsorship for Summer Concert on the Green Series (Presentation)
2. Ohio Parks & Recreation Association Awards (Presentation)
3. Great Blue Heron Award (Presentation)
4. Worthington Gateway Project, 7007 North High Street
  - a. Rezoning (Ordinance)
  - b. Subdivision (Ordinance)
  - c. Tax Increment Financing Property Transfer (Ordinance)
  - d. Tax Increment Financing Agreement (Ordinance)
5. Supplemental Appropriation for budget corrections (Ordinance)
6. Right of Way Acquisition for Northeast Gateway (Resolution)
7. Oath of Office for new Police Lieutenant (Presentation)
8. Job Description Update for Firefighter Position (Resolution)
9. Request to Bid – Northeast Gateway Waterline Project (Motion)
10. Nondiscrimination Ordinance (Discussion and possible vote)
11. Mutual Aid Agreement for Fire & EMS Services (Resolution)



4.C.I. - Look Ahead Agenda

12. Public Safety Dispatching Consolidation (Discussion)

13. Kenyonbrook Sanitary Sewer Project (Discussion)

14. Community Reinvestment Area Abatement – 6700 North High (Ordinance)

15. Electric Aggregation