

MINUTES COMMITTEE MEETING
REYNOLDSBURG PUBLIC SAFETY, LAW AND COURTS COMMITTEE
April 9, 2018

Chairman Marshall Spalding called the meeting to order at 7:35 PM

PRESENT: Spalding, Baker, Bryant, Skinner, Joseph

ABSENT:

Approval of Agenda

Agenda stands approved.

Approval of Minutes

a. Public Safety, Law and Courts Committee – Committee Meeting – March 26, 2018

RESULT: ACCEPTED

NEW LEGISLATION/DISCUSSION ITEMS

AN ORDINANCE BANNING DISCRIMINATION IN THE CITY OF REYNOLDSBURG, OHIO BASED UPON RACE, SEX, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, COLOR, RELIGION, ANCESTRY, NATIONAL ORIGIN, AGE, DISABILITY, FAMILIAL STATUS, OR MILITARY STATUS. --- Spalding. Public Safety, Law and Courts Committee.

Ms. Bryant: This was basically an ordinance that would provide protection to residents in Reynoldsburg, people who work in Reynoldsburg that are members of the LGBT community. The state and federal government in their statutes already have a number of protections for protected classes such as race, gender, national origin, but this would extend protections to members of the LGBT community. We've got a relatively diverse community, a number of members of our city do fall within the category. State and federal government does not currently provide protection against discrimination to those people. The City of Columbus, the City of Bexley and even the City of Newark have adopted similar ordinances. This is basically the ordinance that was adopted by Bexley, I believe about 3 years ago. The only change to the ordinance is to put in Reynoldsburg rather than Bexley and changing it from Law Director to City Attorney. Other than that its been adopted in Bexley and has been working well since adoption.

Mr. Spalding: Any other discussion?

Ms. Bryant: I would add just real quick, I think everyone is familiar with Amazon looking to pick a new town for a large headquarters. One of the reasons, they had been looking at Columbus, but one of the reasons they are putting Columbus to the side is the absence of this protection for people who live in Ohio. Even our school district has adopted protections for people that fall into that protected class and we should do it here.

Mr. Spalding: Any other discussion? Jed, is there anything that you want to share on this? You probably know this area better than most of us.

MINUTES COMMITTEE MEETING
REYNOLDSBURG PUBLIC SAFETY, LAW AND COURTS COMMITTEE
April 9, 2018

Mr. Hood: I was unaware that this is an initiative that was going to be brought forward to Council before it was filed with the Clerk, so, I didn't really have a chance to work through the Bexley ordinance. What I have found was, there are 19 other cities in the State of Ohio that have ordinances that expand the protective classes and none of them but Bexley do it the way Bexley chose to do it. In fact, the majority, 14 of the 19 propose their own commission. They have a local commission, made up of citizens, sometimes also elected officials that hear cases involving discrimination. They set forth different penalties, remedies, and such. There are 2 ordinances that have a dedicated hearing officer. There are actually 2 ordinances that make it a crime, criminal activity, invoking Mayor's Court jurisdiction, but Bexley is kind of an outlier by itself. I attempted to talk to the Bexley Law Director, I haven't been able to get a hold of him yet, about how they come to decide their investigation and enforcement of their ordinance. I spent about 45 minutes talking to the Civil Rights Commission last Thursday, and I spoke to the Legislative Liaison, and their purview is that cities generally go into these with the best intentions, but sometimes don't have the mechanics quite right. They can't really affect the change that they want to. They are providing me with some tracking data on cases that have been filed either on behalf of Reynoldsburg residents or claiming discrimination against Reynoldsburg business or employers or housing providers. I haven't gotten that yet, but hope to get that very soon. So, I'm also putting a call into their Chief Legal Counsel to see how they view these types of ordinances. One of the things that I think that is very important, I think for the purposes of discussion, is that there is a House Bill, that has been filed with the State of Ohio, HB 160, I've read it, well the summary. The OCRC has come out and endorsed that bill. It's got a little bit of momentum, they're trying to get more sponsors, in fact very recently, the Ohio Chamber of Commerce has come out and endorsed that bill as well to expand protections to the community and I think they've done it based on Ms. Bryant was speaking about before, the economic impact and the economic disadvantage it puts the state at. So, just, I guess some thoughts as I was trying to research and make myself more familiar with this particular concept, one of the things that troubles me, quite frankly, not saying we can't work through it, but troubles me, is trying to invoke Mayor's Court jurisdiction in a civil case. We've never done that, I don't know that we have the authority to do that. The OCRC was very hesitant to make these criminal penalties, they said they should be dealt with in a civil context, so, if there are any questions, I'd be happy to answer them, or provide more research.

Mr. Spalding: We do have another speaker, Mr. Aaron Baer.

Mr. Baer, President, Citizens for Community Values, 208 E. State Street, Columbus, Ohio: We are the state's family policy council. Chairman Spalding, members of Council, I appreciate the time, and I appreciate you taking on this very serious issue before you here today. Ordinances like this and in public policy terms, we often like to talk about bills in terms of what problem are you trying to solve and then I look at a solution in search of a problem. The reality is that Reynoldsburg, like most of Ohio, the rest of Ohio, in all ways, is a tolerant and diverse community. When I look at a piece of legislation like this, an ordinance like this, we see a can of worms that it opens up to cause a lot of other problems. In fact the solution that is being proposed today is a problem in and of itself. I'm going to walk through a few different problems that this ordinance would cause and touch on a few of the concerns that were brought up, give you a little bit of a status update both nationally what's

MINUTES COMMITTEE MEETING
REYNOLDSBURG PUBLIC SAFETY, LAW AND COURTS COMMITTEE
April 9, 2018

going on along with what's going on at the statehouse and I'll try to do that pretty quickly, I've got some resources here I can leave you with that will dive deeper into these things (handout included in minutes packet).

Mr. Spalding: I'm sorry, I also need to tell you that you have 3 minutes.

Mr. Baer: I can do this all in 3 minutes, you'll be impressed. So, let's just dive into a few different things that this ordinance would do. First and foremost, it would require that you, it would prohibit discrimination on the basis of gender identity. So basically what this would mean is if an individual claims to be a woman, who is a biological man, they have to have access to all private facilities that women would have. Now I used to work at a homeless shelter. And I would have a space that men would sleep and bathe in, and I would have space that women would sleep and bathe in. In running that homeless shelter, I could tell you how important it is to be able to have men in one space and women in another. Under this ordinance, a man could claim that he's a woman and by law, they would have to be allowed into the women's facilities and the owners and the people that run these ministries would have no ability to stop them. We see the same thing with domestic violence shelters, you'd run into this problem. Ohio right now is dealing with a tremendous opioid epidemic, 14 people are dying every day and ministries are doing some of the best work to fight against the opioid epidemic. Most of these programs, when you talk to them, they'll have a space for men and a space for women. Under this ordinance, you could no longer do that, because all a man would have to do is say he identifies as a woman, no other tests, and he would have to have access to the women's facilities. This law also causes a host of other problems for businesses. How can you tell if somebody is gay? How can you tell if somebody is trans? But under this ordinance, if somebody is fired, they can make the claim that they were fired on the basis of sexual orientation and gender identity. That, my friends, is a plaintiff's lawyer's dream. And we actually see that happening in Ohio right now. What we don't see is discrimination, but we do see frivolous claims coming. We're right now in the process at Citizens for Community Values of doing for your requests across this great state to see what the impact of these ordinances are. We're not seeing claims of legitimate discrimination happening. Instead, what we're seeing is individuals abusing these laws and bringing frivolous claims against business owners, like apartment complexes and other facilities. Last thing I want to touch on here is we've heard about Amazon, we've heard about the Ohio Chamber of Commerce endorsing this legislation, my friends this is more about politics than it is about good policy. And I also want to highlight that if the Ohio Chamber of Commerce is endorsing this bill, if Amazon is endorsing this bill, these are some of the largest employers not just in the state but in the Country. If there was a true problem with discrimination going on, would you see these large employers endorsing a bill like this? I don't think so. When you look at the civil rights marches and pictures of those civil rights marches, in the 1960s, did you see fortune 500 companies marching along side? No, because there was discrimination happening right inside those businesses. That's not happening today. We see a very tolerant business environment, a tolerant community like Reynoldsburg. What we do see happening with this type of legislation is we see it used to target Christians in business and in ministry. Today, we have a case right before the US Supreme Court, *The Colorado Commission of Human Rights v. Masterpiece Cake*. We're going to see a decision on that by June of this year. At the very least, the Council should wait until the Supreme Court rules on that decision because that will directly impact this case. With that I'll end my remarks there. I've got

MINUTES COMMITTEE MEETING
REYNOLDSBURG PUBLIC SAFETY, LAW AND COURTS COMMITTEE
April 9, 2018

plenty of resources here for you but I'm grateful for your time, grateful for the honest and serious discussion going on here and I'm happy to answer any questions you may have.

Mr. Spalding: Any other discussions? I'll share my concerns then. I did read the 35 page document and my concern is that it's 35 pages, that's the first thing. For a city of this size, it kind of scares me that an employer of 4 employees or more is going to be wrapped among an extra 35 pages. I was also concerned in there about, Jed did bring it up, about the magistrate. Kept talking about the magistrate, the magistrate, who is the magistrate, we don't have a magistrate. We don't have a person to enforce this. This is not acceptable to the Mayors Court, I don't know if the Mayor's Court even has the authority to do this. So there are some issues, I see some potential stumbling blocks here and I think it would be difficult for business men and business women to go ahead and run these sorts of things. I do think that the state does a pretty good job, as does the federal government. I think one of the other pieces that bothered me in this, and I think you said it, it's almost like creating a lawyer's dream, because that's what it does. Here's why. We take this to state, state says no, there was no problem here, you can turn around and file it at the city level and turn around and find the employer and win at the city level even if you got knocked down at the state. Oh no, I just can't see that, I can't get my arms around that. I have some issues that are more how do you put this together, I certainly don't want to see discrimination in any way shape or form. I talked to some real estate people, they don't see that being a problem here in Reynoldsburg, they just want more houses to sell. They don't have enough houses to sell, that's their concern, not who's buying them or who's being allowed to buy them. And Barth, I think you know more about funeral services in this city, are people being discriminated against in places where they can be buried here in the city? Are you seeing that?

Mr. Cotner: No, I've never seen that. We've handled many families ourselves.. I've never seen a problem.

Mr. Spalding: There's not one person in this entire room that would ever want to see that. But I'm not sure that.. I think we have enough bulk work in place to go ahead and take care of that sort of thing. That's just my own personal opinion. Anyone else?

Mr. Clemens: I go along with your statement. The thing that bothers me the most is our businesses in Reynoldsburg and the people that live here in Reynoldsburg. I'm not the least bit interested what they do in Columbus or Bexley to be honest with you. What I'm interested is what we do for our people here in the city of Reynoldsburg. I think this will complicate it as far as our bathrooms are concerned, when you get into those kinds of problems. I don't think it's necessary. I think if we go by our state and federal laws, I think they support us completely on what we need and I respect Kristin bringing this up. I see nothing wrong with that other than I do see a problem that we're bringing on ourself that we're not being asked to do at this present time. If we were to do something, I would want to turn it over to our legal person, Mr. Hood and his legal department to look into this situation, not an over night deal or a two night deal. *** not being in a hurry, you can't jump on these things overnight and be in a hurry. I see no problem with holding this ordinance, turn it over to our legal department and discussing it in the future and not being in a hurry on things like this.

MINUTES COMMITTEE MEETING
REYNOLDSBURG PUBLIC SAFETY, LAW AND COURTS COMMITTEE
April 9, 2018

Mr. Baer: Mr. Clemens, I appreciate what you said and Chairman Spalding, you touched on this as well. The Churches, ministries that we work with at Citizens for Community Values, nobody supports discrimination of any kind. Nobody wants to see anybody denied services, nobody wants to see anybody denied employment, housing, any of those types of things. But the bottom line is that's just not happening. And in cases of transgenderism, people are able to find reasonable accommodations. When you come through with the heavy hand of government, with an ordinance with this that threatens law suits, threatens litigation, you open a host of problems. There's an idea of live and let live and that's what we're trying to maintain here by posing this ordinance. Lets find reasonable ways that the government doesn't need to step in and open up the door to a host of problems and that's what we see with this ordinance.

Mr. Spalding: Thank you. Appreciate it.

Mr. Baker: I, well this is more of a question for Councilwoman Bryant. Has Bexley had any problems with this ordinance?

Ms. Bryant: I'm not aware of any.

Mr. Baker: Ok, Next, I'm just going to make a statement. When you talked about government stepping in heavy handed and all that kind of stuff, it reminded me of the 60s that you brought up and the civil rights and how its almost the same, I mean, I wasn't alive during that time but I've done a lot of study on it, that was almost the same speech that people that were against the civil rights act of 64 said, that its going to bring law suits, its going to through the balance out of whack and everything. Well, to my knowledge, *** people in here, that has not happened. I think it's one of the most historic documents that this country has ever passed. So, speaking of this, and I've talked to Councilwoman Bryant about this, that there are some parameters that are not covered by state and federal government. And I get what you're saying, there is stuff on the books, yes there is, but sometimes stuff falls through the cracks where the locality has to pick it up and so I'm just saying that saying that this is going to cause all kinds of chaos and mayhem, I haven't seen that sort of thing and Bexley has had it in place for 3 years. So, that's all I gotta say.

Ms. Bryant: And I will say, this has zero to do about bathrooms. This is about people who work for a living that are looking to hide their identities in order to maintain their jobs. Prior to the teachers strike here in 2014 we had teachers that left in droves. Several of whom that spoke up to the school board at the time and said one of the reasons I'm leaving is the lack of protection that I have for my job. That's what I'm looking to do here, is I'm looking to protect people in their employment and I'm looking to protect people being able to rent property. I know by and large we thing we're good people and that we would never discriminate against anybody. By and large, that's probably true, but it never hurts to have a little incentive to make sure that the way we treat people is correct and fair and as far as it being a plaintiff's attorney's dream, as a plaintiff's attorney, it is not a plaintiff's attorney's dream because you still have to prove that there is actual discrimination is occurring and that is in every protected class whether it's age, religion, gender, race, whatever the reason somebody is terminated from employment, you know, you can terminate someone who is black, you can terminate a woman, you can terminate someone over 50, but you need to have grounds for

MINUTES COMMITTEE MEETING
REYNOLDSBURG PUBLIC SAFETY, LAW AND COURTS COMMITTEE
April 9, 2018

termination. That all goes into the investigation on whether or not that person was discriminated against or whether they were terminated for cause. Its the same idea. It's no different.

Mr. Spalding: Any other discussion? Do we have a motion? Stacie, are you moving this to Council?

Mrs. Beggerow: Could you state the motion so I know what we are doing?

Mr. Baker: I motion to move this on to council for first reading.

Ms. Bryant Seconded,

the Clerk called the roll, vote recorded as read. President Joseph voted to break the tie.

RESULT:	DEFEATED [2 TO 3]
MOVER:	Stacie Baker, At-Large Councilmember
SECONDER:	Kristin Bryant, At-Large Councilmember
AYES:	Baker, Bryant
NAYS:	Spalding, Skinner, Joseph

53-18

ORDINANCE AUTHORIZING CITY AUDITOR TO REMOVE EQUIPMENT FROM THE CITY'S FIXED ASSET LIST; AND DECLARING AN EMERGENCY. -PD --- Spalding. Public Safety, Law and Courts Committee.

Mr. Cicak: This is from the Police Department but it's a 20 year old radio that they're donating I think to Pickaway County.. for parts. The next item is for a wrecked cruiser that the insurance company retains for salvage.

RESULT:	REFERRED TO COUNCIL [UNANIMOUS]	Next: 4/9/2018 7:34 PM
MOVER:	Marshall Spalding, Chairman	
SECONDER:	Stacie Baker, At-Large Councilmember	
AYES:	Spalding, Baker, Bryant, Skinner	

LEGISLATION FOR THIRD READING

43-18

ORDINANCE AUTHORIZING CITY AUDITOR TO REMOVE EQUIPMENT FROM THE CITY'S FIXED ASSET LIST -PD --- Spalding. Public Safety, Law and Courts Committee.

MINUTES COMMITTEE MEETING
REYNOLDSBURG PUBLIC SAFETY, LAW AND COURTS COMMITTEE
April 9, 2018

RESULT:	REFERRED TO COUNCIL [UNANIMOUS]	Next: 4/9/2018 7:34 PM
MOVER:	Marshall Spalding, Chairman	
SECONDER:	Caleb Skinner, Ward 1 Councilmember	
AYES:	Spalding, Baker, Bryant, Skinner	