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OFFICE OF THE COUNCIL

**ELECTRONIC AGENDA PACKET FOR
THE COMMITTEE OF THE WHOLE
MEETING OF WEDNESDAY
OCTOBER 26, 2022
7:00 P.M.**

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The official documents are on file in the City Clerk's office.

PUBLIC MEETING - COMMITTEE OF THE WHOLE
Wednesday, October 26, 2022
7:00 PM

Location:

Livonia City Hall Auditorium
33000 Civic Center Drive
Livonia, MI 48154

Members:

Jim Jolly, Chair
All Councilmembers

AGENDA ITEM(S)

1. [Subject matter of alternative ways for recognizing various groups of the community. \(CR 249-22\)](#)
2. [Subject matter of Civil Rights Non-Discrimination Ordinance. \(CR 312-22\)](#)

AUDIENCE COMMUNICATION

THE FOLLOWING HAVE BEEN NOTIFIED AND ARE REQUESTED TO ATTEND:

Maureen Miller Brosnan, Mayor
Paul Bernier, City Attorney
Richard Glover, Human Relations Commission Chair

**THIS IS AN OPEN MEETING AND
ALL INTERESTED PARTIES ARE WELCOME TO ATTEND.**

Minutes of this meeting will be available for public inspection in the City Clerk's Office not more than eight business days following the date of the meeting.

SUSAN M. NASH, CITY CLERK

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LETTER TO THE LIVONIA CITY COUNCIL

1.

**Council Office
October 6, 2022**

MEETING DATE

COW102622/R111422

PREPARED BY

Sara Kasprowicz, Council Office Manager,

AGENDA ITEM

Subject matter of alternative ways for recognizing various groups of the community (CR 249-22)

BACKGROUND

At the request of Councilmember Brandon McCullough, at the Study Meeting held July 25, 2022, the subject matter of alternative ways for recognizing various groups of the community was referred to the Committee of the Whole for report and recommendation. (CR 249-22)

RECOMMENDATION

FISCAL CONSIDERATION

ATTACHMENTS

1. R080822 - Subject matter of recog groups in community to COW CR 249-22

APPROVED BY

Regular Meeting Minutes of August 8, 2022

On a motion by McCullough, seconded by Vice President Toy, and unanimously adopted, it was:

#249-22 RESOLVED, that having considered the request of Councilmember Brandon McCullough, at the Study Meeting held July 25, 2022, relative to displaying flags on City property, the Council does hereby refer the subject matter of alternative ways for recognizing various groups of the community to the Committee of the Whole for its report and recommendation.

<i>UNFINISHED BUSINESS ITEM 11 (Regular Meeting of August 8, 2022)</i>
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Motion:	McCullough
Second:	Toy
Ayes:	Donovic, Morgan, McCullough, McIntyre, Toy, Bahr, Jolly
Nays:	None
Absent:	None



LETTER TO THE LIVONIA CITY COUNCIL

2.

Council Office
October 6, 2022

MEETING DATE

COW102622/R111422

PREPARED BY

Sara Kasprowicz, Council Office Manager,

AGENDA ITEM

Subject matter of Civil Rights Non-Discrimination Ordinance (CR 312-22)

BACKGROUND

At the request of Councilmember Brandon McCullough, at the Study Meeting held September 26, 2022, the subject matter of the Civil Rights Non-Discrimination Ordinance was referred to the Committee of the Whole for report and recommendation. (CR 312-22)

RECOMMENDATION

FISCAL CONSIDERATION

ATTACHMENTS

None

APPROVED BY

Regular Meeting Minutes of October 5, 2022

On a motion by Vice President Toy, seconded by Councilmember Bahr, it was:

#312-22 RESOLVED, that having considered a communication from the Department of Law, dated August 2, 2022, approved for submission by the Mayor, requesting to add Chapter 65 (Civil Rights Non-Discrimination) to Title 2 of the Livonia Code of Ordinances, in order to streamline the process for reporting discriminatory behavior in our community, expand protections for those who face discrimination, and make a clear statement about our values as an arms-wide-open community, the Council does hereby refer this matter to the Committee of the Whole for its report and recommendation.

A roll call vote was taken on the foregoing resolutions with the following result:

AYES: Bahr, Donovic, Morgan, McCullough, McIntyre, Toy, and Jolly

NAYS: None

<i>CONSENT AGENDA ITEM 13 (Regular Meeting of October 5, 2022)</i>

Motion:	Toy
Second:	Bahr
Ayes:	Bahr, Donovic, Morgan, McCullough, McIntyre, Toy, Jolly
Nays:	None
Absent:	None



LETTER TO THE LIVONIA CITY COUNCIL

13.

Law
June 4, 2021

MEETING DATE

June 14, 2021

PREPARED BY

Carol Driskill, Legal Stenographer II,

AGENDA ITEM

PROPOSED AMENDMENT TO LIVONIA CODE OF ORDINANCE, AS AMENDED: Department of Law, re: to add Chapter 65 (Civil Rights Non-Discrimination) to Title 2, in order to streamline the process for reporting discriminatory behavior in our community, expand protections for those who face discrimination, and make a clear statement about our values as an arms-wide-open community.

BACKGROUND

Over the past year, the Livonia Human Relations Commission has worked together with the Mayor's Office and Law Department to review the City of Livonia's existing non-discrimination policies and ordinances.

They found that, while individual departments may have practices in place for reviewing discrimination complaints, the City of Livonia does not have a standardized, citywide process for receiving or investigating discrimination complaints. Additionally, the City's two existing non-discrimination ordinances, the Open Housing Ordinance 9.18, and the Physical Limitation Discrimination Ordinance 2.68, were last updated in 1972 and 1982, respectively.

Therefore, Mayor Brosnan, with support from the Livonia Human Relations Commission, is recommending the City Council adopt a new Civil Rights Non-Discrimination Ordinance (Proposed Amendment Adding Chapter 65 to Title 2 of the Livonia Code of Ordinances, as amended) that will streamline the process for reporting discriminatory behavior in our community, expand protections for those who face discrimination, and make a clear statement about our values as an arms-wide-open community.

Diversity, equity and inclusion are priorities that Livonia residents have come together to ask us to advance. This ordinance will help us build on our work in transparency and accountability that Livonia residents and community members expect from City government.

This proposed ordinance focuses on two specific areas:

1. It centralizes the process for receiving and investigating discrimination complaints in the Law Department, as they are best-suited to handle these complaints.
2. It expands the protections offered to those facing discriminatory behavior in public spaces.

The language of the proposed ordinance reflects the text of non-discrimination ordinances that have been adopted in nearly 60 municipalities across Michigan, including communities in every corner of

the State and many in our region.

The ordinance requires the Law Department to provide an annual report to the Mayor's Office regarding the status of such complaints each year.

This ordinance sets specific time for a complaint to be filed (within 180 days), a clear list of details that are required (description of the conduct, contact information, dates, locations, etc.), and provides the Law Department with the responsibility to determine whether a case is prosecuted in District Court, denied, or referred to another agency for review.

We believe this ordinance will serve as a disincentive for discriminatory behavior, protect individual rights by specifically carving out protections for speech and religious practices as protected in the U.S. Constitution, and will align our city's laws with our community values and priorities.

Thank you in advance for your consideration.

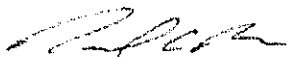
RECOMMENDATION

FISCAL CONSIDERATION

ATTACHMENTS

1. Chapter 2.65 - Civil Rights Non-Discrimination

APPROVED BY



Paul Bernier, City Attorney

Date: June 04, 2021



Maureen Miller Brosnan, Mayor

Date: June 04, 2021

**AN ORDINANCE ADDING CHAPTER 65 (CIVIL RIGHTS
NON-DISCRIMINATION) TO TITLE 2 OF THE LIVONIA
CODE OF ORDINANCES, AS AMENDED.**

THE CITY OF LIVONIA ORDAINS:

Section 1. Chapter 65 is hereby Added to Title 2 of the Livonia Code of Ordinances, as amended, is hereby amended to read as follows:

CHAPTER 2.65

CIVIL RIGHTS NON-DISCRIMINATION

Sections:

2.65.010	Title for citation.
2.65.020	Equal protection of the law required.
2.65.030	Definitions.
2.65.040	Municipal contracts—Nondiscrimination provisions required.
2.65.050	Real estate transactions—Discrimination prohibited.
2.65.060	Gas stations—Assistance at self-service pumps.
2.65.070	Penalty.
2.65.080	Complaint investigation.

2.65.010 – Title for citation. The ordinance codified in this chapter may be known and cited as the "civil rights non-discrimination ordinance."

2.65.020 – Equal protection of the law required.

- A. No person shall be denied the equal protection of the laws, nor shall any person be denied the enjoyment of his or her civil or political rights or be discriminated against in the exercise thereof or be denied employment, public accommodations, housing or public services because of age, height or weight, race, color, creed, physical limitation, religion, ancestry, national or sectional origin, gender, gender expression, gender identity, sex, sexual orientation or marital status.
- B. No person shall adopt, enforce, or employ any policy, requirement, qualification, practice, or factor which has the effect of creating unequal treatment or opportunities relating to employment, public accommodations as defined by 42 U.S. Code §12181(7), housing or public services on the basis of actual or perceived membership in a protected class as defined in this chapter.

Proposed Amendment Adding Chapter 65
To Title 2 of the Livonia Code of Ordinances, as amended

- C. The prohibitions against discrimination provided for in this chapter shall not be deemed preempted by state or federal law, but are intended to supplement such law.
- D. This chapter shall be construed and applied in a manner consistent with the First and 14th Amendments of the U.S. Constitution and Art. I, §§ 2, 4 and 5 of the Constitution of Michigan regarding freedom of speech and free exercise of religion.

2.65.030 – Definitions.

- A. “Discrimination or discriminate” means to make a decision, offer to make a decision, or refrain from making a decision, based in whole or in part on the actual or perceived age, race, color, creed, religion, ancestry, national or sectional origin, gender, gender expression, gender identity, sex, sexual orientation or marital status of that person, person’s relatives which results in the unequal treatment of any person, or denies, prevents, limits, or adversely affects the benefit of enjoyment of any person, of employment, or public accommodations or public services.
- B. “Gender or gender identity” means a person's actual or perceived gender, including a person's gender identity, self-image, appearance, expression, or behavior, whether or not that gender identity, self-image, appearance, expression, or behavior is different from that traditionally associated with the person's sex at birth as being either female or male.
- C. “Physical limitation,” as used in this chapter, means a limitation of physical capabilities unrelated to one’s ability to perform the work involved in jobs or positions available to them for hire or promotion or a limitation of physical capabilities unrelated to one’s ability to acquire, rent and maintain property. “Physical limitation” includes, but is not limited to, blindness or partial-sightedness, deafness or hearing impairment, muteness, partial or total absence of physical member, speech impairment, motor impairment.
- D. “Sex” means the status of being a man/boy or woman/girl, and a person's conformity to sex stereotypes.
- E. “Sexual orientation” means male or female homosexuality, heterosexuality, or bisexuality, whether past or present. This includes emotional, romantic, and/or sexual attractions, or the absence thereof, to other people. Sexual orientation also refers to a person's sense of identity based on those attractions, related behaviors, and membership in a community of others who share those attractions.

Proposed Amendment Adding Chapter 65
To Title 2 of the Livonia Code of Ordinances, as amended

2.65.040 – Municipal contracts—Nondiscrimination provisions required. All contracting agencies of the city or any department of the city shall include in all contracts hereafter negotiated, or renegotiated, a provision requiring the contractor not to discriminate against an employee or applicant for employment with respect to his or her hire, tenure, terms, conditions or privileges of employment, due to membership in a protected class as defined in this chapter.

2.65.050 – Real estate transactions—Discrimination prohibited.

- A. No owner of real property, lessee, sublessee, real estate broker or salesman, lender, financial institution, advertiser or agent of any of the foregoing shall discriminate against any person on the basis of actual or perceived membership in a protected class as defined in this chapter, in regard to the sale or rental of, or dealings concerning real property located in the city.
- B. An owner shall not be required to offer property to the public at large before selling or renting it, nor shall this chapter be deemed to prohibit owners from giving preference to prospective tenants or buyers for reasons other than on the basis of actual or perceived membership in a protected class as defined in this chapter.

2.65.060 – Gas stations—Assistance at self-service pumps. In the event an attendant is available at a self-service only gas station, it shall be his responsibility upon request to assist a physically handicapped person at a self-service pump in the dispensing of flammable liquid into that person's vehicles.

2.65.070 – Penalty. Any person in violation of this section shall be deemed to have committed a civil infraction and shall be ordered to pay a civil fine up to five hundred dollars (\$500.00), plus costs. Any person in violation of this section for a second offense shall be ordered to pay a civil fine of five hundred dollars (\$500.00), plus costs. Any person in violation of this section for a third or subsequent offense shall be guilty of a misdemeanor.

2.65.080 – Complaint investigation.

- A. A complaint may be filed with the City Law Department by any individual (the complainant) who has experienced or been witness to discrimination within the City as described in this chapter. The complaint must be filed in person, by mail, or by email within one hundred eighty (180) calendar days of the date upon which the complainant knew or should have known of the alleged discriminatory act. If an individual fails

Proposed Amendment Adding Chapter 65
To Title 2 of the Livonia Code of Ordinances, as amended

to file a complaint within the specified time frame, the complaint will not be considered.

- B. A complaint shall indicate, at a minimum, all parties involved, the contact information of the complainant, a description of the discriminatory conduct, the date(s) and location(s) of its occurrence, and the protected class or classes which were discriminated against. The complaint will not be processed without this information.
- C. It shall be the responsibility of the Law Department to determine whether a complaint should be prosecuted in the District Court, denied, or referred to another appropriate agency for review and consideration.

Section 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.

Section 3. Should any portion of this ordinance be held invalid for any reason, such holding shall not be construed as affecting the validity of any of the remaining portions of this ordinance.



LETTER TO THE LIVONIA CITY COUNCIL

13.

Law
August 2, 2022

MEETING DATE

S092622

PREPARED BY

Carol Driskill, Legal Stenographer II,

AGENDA ITEM

PROPOSED AMENDMENT TO LIVONIA CODE OF ORDINANCE, AS AMENDED: Department of Law, re: to add Chapter 65 (Civil Rights Non-Discrimination) to Title 2, in order to streamline the process for reporting discriminatory behavior in our community, expand protections for those who face discrimination, and make a clear statement about our values as an arms-wide-open community.

BACKGROUND

Note: Previously submitted for June 14, 2021 Study Meeting. No changes have been made except for correction of one typographical error.

Over the past year, the Livonia Human Relations Commission has worked together with the Mayor's Office and Law Department to review the City of Livonia's existing non-discrimination policies and ordinances.

They found that, while individual departments may have practices in place for reviewing discrimination complaints, the City of Livonia does not have a standardized, citywide process for receiving or investigating discrimination complaints. Additionally, the City's two existing non-discrimination ordinances, the Open Housing Ordinance 9.18, and the Physical Limitation Discrimination Ordinance 2.68, were last updated in 1972 and 1982, respectively.

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The ordinance requires the Law Department to provide an annual report to the Mayor's Office regarding the status of such complaints each year.

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We believe this ordinance will serve as a disincentive for discriminatory behavior, protect individual rights by specifically carving out protections for speech and religious practices as protected in the U.S. Constitution, and will align our city's laws with our community values and priorities.

Thank you in advance for your consideration.

RECOMMENDATION

Approve as submitted.

FISCAL CONSIDERATION

N/A

ATTACHMENTS

1. June 4, 2021 Letter to Council (signed)
2. Chapter 2.65 - Civil Rights Non-Discrimination

APPROVED BY

**CITY OF LIVONIA – CITY COUNCIL
MINUTES OF STUDY MEETING HELD SEPTEMBER 26, 2022**

13

Meeting was called to order at 8:06 p.m. by Council Vice President Jim Jolly. Present: Vice President Laura Toy, Scott Bahr, Rob Donovic, Scott Morgan, Brandon McCullough. Absent: Kathleen McIntyre

Elected and appointed officials present: Maureen Miller Brosnan, Mayor, Susan Nash, City Clerk, Paul Bernier, City Attorney, Todd Zilincik, City Engineer, LaShawn Thomas, Director of Governmental Affairs, Thomas Goralski Police Chief, Brandie Isaacson, Housing Director, Ted Davis, Superintendent of Parks and Recreation, Jacob Rushlow, Assistant Superintendent of Public Works.

Councilmember Scott Bahr led the Pledge of Allegiance.

13. PROPOSED AMENDMENT TO LIVONIA CODE OF ORDINANCE, AS AMENDED: Department of Law, re: to add Chapter 65 (Civil Rights Non-Discrimination) to Title 2, in order to streamline the process for reporting discriminatory behavior in our community, expand protections for those who face discrimination, and make a clear statement about our values as an arms-wide-open community.

Paul Bernier, City Attorney, presented the request to Council.

Councilmember Brandon McCullough stated this item was brought forward by the Mayor's Office last year. He noted the last update was 1982 and would like to study it further. He then offered to put this item in Committee of the Whole. Council President Jim Jolly agreed the item needs to be studied in a committee structure to work through changes.

Council Vice President Toy asked that they are informed of the Civil Rights Act with Elliot Larson and how it relates to local government. Paul Bernier indicated the ordinance was written to comply with both and will answer questions Council may have and how it relates to Elliot Larson, Supreme Court decisions and Livonia ordinances.

Council President Jim Jolly stated that although the item was created some time ago, they have not been able to discuss it as a Council and looks forward to reviewing it in Committee.

Ellen Cane, Livonia, asked to review issues that have occurred in Livonia to see if this amendment would have helped.

Margaret Erle, 31545 Pembroke Street, asked if there is a list of topics of discrimination, what is the proof that someone has been discriminated against, who will be adjudicating alleged discrimination and what would be the punishment.

Council President Jim Jolly encouraged everyone to read the ordinance on the city website.

Richard Glover, 14369 Brentwood Street, Chair of Human Relations Commissions, thanked Council for bringing the item forward.

Darryl Smith, 14006 Brookfield, asked if the residents will be invited to attend the Committee Meeting of the Whole. President Jolly stated all of the meetings are public and they are all welcome to attend.

Sara Overwater, Westmore Street and Barb Iovan (address withheld) each stated they are glad this item has come forward.

Deb Christiansen, Lori Shuk (addresses withheld) each stated they are glad this has come forward and hope the Council reviews the revised draft along with the language prepared by Law.

Matt McClellan, 35155 Leon, stated he does not think the constitution needs to be amended. President Jim Jolly noted this is an amendment, not the constitution.

Karen (address withheld) stated she is opposed to the NDO and is concerned with some of the language that was proposed.

Denise Robison (address withheld) stated she has seen many changes in the city over the years and we need to welcome the changes and keep an open mind.

Councilmember Scott Bhar stated that in response to a resident comment, nothing has been missed, since this is the first time this item has been formally brought forward to Council.

DIRECTION:

COMMITTEE OF THE WHOLE

CONSENT