

MINUTES
CITY OF FARMINGTON HILLS
CITY COUNCIL STUDY SESSION
CITY HALL – COMMUNITY ROOM
JUNE 23, 2014 – 6:00PM

The Study Session meeting of the Farmington Hills City Council was called to order by Mayor Brickner at 6:05pm.

Council Members Present: Brickner, Bridges (arrived at 6:40pm), Bruce, Knol, Lerner, Massey and Steckloff

Others Present: City Manager Brock, City Clerk Smith, Assistant City Manager Boyer, Director Randle and Attorney Joppich

DISCUSSION ON ANTI-DISCRIMINATION POLICY/ORDINANCE:

Attorney Joppich provided City Council with a set of materials that included ordinances adopted by three other communities dealing with anti-discrimination. He noted that while there are other communities who have adopted similar ordinances, this was a sample for the purposes of this study session. He noted that he also provided a copy of a resolution adopted by City Council in 2010.

Councilmember Massey commented that he thought Council has already addressed this issue and inquired why it was being discussed again if Council has already adopted a resolution.

Mayor Brickner pointed out that the resolution adopted by City Council was only supporting legislation in Lansing and not providing for anything on a local level.

Attorney Joppich confirmed that the previously adopted resolution supported legislation relating to bias crimes. He added that it was his understanding that this was discussed at the City Council's goals session and he was asked to provide material for discussion this evening.

Mayor Brickner commented that the State and Federal laws do not address discrimination against sexual orientation or gender identity and it was felt that if something was done on the local level perhaps similar practices would be adopted at the State and Federal levels.

Attorney Joppich clarified that while the City does not have an ordinance in place, it does follow anti-discrimination policies as required by state and federal laws in the City's employment practices. He explained that the Memorandum of Law he provided to Council summarizes the current status of state and federal law regarding sexual orientation and gender identity discrimination and shows that in some instances case law has interpreted some of the state law.

Mayor Brickner questioned if Council wanted to adopt an ordinance with regard to this issue.

Attorney Joppich explained that when the City adopts an ordinance, they are laws and it will be necessary to define levels of discrimination and how that ordinance would be applied.

Considerable discussion was held on how to define discrimination and how the ordinance would be enforced and costs associated with enforcement.

Attorney Joppich indicated that this is all part of the discussion and determination of Council as to what to include in the ordinance as far as definitions and enforcement. He cautioned not being too broad so as not to be able to enforce the ordinance at all.

Councilmember Knol commented that she would like to hear from the Police Chief if the Police Department would be required to enforce such an ordinance. She is curious as to the level of training Officers have had on this issue and costs involved.

Further discussion was held on the ordinances adopted by other communities and the inclusion of certain medical conditions such as HIV and source of income information.

Jay Kaplan, ACLU Attorney, clarified that the with regard to the HIV status noted in other ordinances, this has been considered a disability under law so there is no need to identify this in a separate category in any ordinance. He noted that with regard to complaints, a survey was conducted and of the 36 communities that have an ordinance in place, very few complaints were received. He feels such an ordinance puts people on notice and sends a message to the legislators. He confirmed that sexual orientation and gender identity is not addressed in current state or federal law. He feels that the legislation is looking at what is happening at the local level, and he believes it is most important to have an ordinance in place. Mr. Kaplan added that while enforcement is also important, he does not feel that there would be many complaints received.

Councilmember Massey commented that if Council believed such an ordinance is needed, he would like to review more ordinances from other communities and consider broader definitions than what they have seen tonight, without losing the ability to enforce the ordinance.

Councilmember Steckloff commented that she feels it is important to be very specific in the ordinance so that there are no misconceptions about what the City is trying to do. She inquired how the enforcement with regard to discrimination would currently be handled.

City Manager Brock stated that staff has had some training in this area, but there have not been any complaints. He stated that if there had been a complaint, staff would have had reviewed the circumstances with his office to determine how it would be enforced.

All of City Council agreed that discrimination in any form is wrong. It was the consensus of City Council to pursue consideration of an ordinance; but they would like to receive further information as to what other communities are doing, including enforcement and clarification as to why communities included certain information in their ordinances, specifically with regard to source of income. City Council also would like input from the Police Chief on enforcement.

Attorney Kaplan commented that he has worked with many communities on this topic and helped them to draft an ordinance, and he would be happy to provide Attorney Joppich with additional information.

ADJOURNMENT:

Mayor Brickner adjourned the study session meeting at 7:15pm.

Respectfully submitted,



Pamela B. Smith, City Clerk