



# HUMAN SERVICES BOARD

June 2, 2016

# **CITY OF PORTAGE HUMAN SERVICES BOARD**

## **A G E N D A**

**Thursday, June 2, 2016  
(6:30pm)**

**Conference Room #1**

### **CALL TO ORDER**

### **ROLL CALL**

### **APPROVAL OF MINUTES:**

- \* May 26, 2016

### **OLD BUSINESS:**

- \* 1. Draft Non-discrimination Ordinance

### **NEW BUSINESS:**

1. Kalamazoo Transit Authority LAC update- Maye
2. Human Services Board Summer Meeting Schedule/Small Work Groups

### **STATEMENT OF CITIZENS:**

### **ADJOURNMENT:**

### **MATERIALS TRANSMITTED**

Star (\*) indicates printed material within the agenda packet.

**CITY OF PORTAGE HUMAN SERVICES BOARD**  
Minutes of Meeting May 26, 2016

**CALL TO ORDER:** 6:32 p.m.

**ROLL CALL:** Staff liaison Elizabeth Money called roll: Diane Durian (aye), Effie Kokkinos (aye), Ray LaPoint (absent), Elma (Pat) Maye (aye), Nadeem Mirza (aye), Edward Morgan (aye), Sandra Sheppard (aye), Fiorella Spalvieri (aye), Amanda Woodin (aye), and Lindy Nebiolo, Youth Representative, (aye). A motion was made by Maye and supported by Durian to excuse LaPoint. Motion passed 8-0.

**STAFF PRESENT:** Elizabeth Money, Neighborhood Program Specialist; Vicki Georgeau, Director Community Development; Laurence Shaffer, City Manager; Randy Brown, City Attorney; and Bryan Beach, Assistant City Attorney

**APPROVAL OF MINUTES:** Durian moved and Spalvieri supported approval of the minutes. Motion passed 8-0.

**OLD BUSINESS**

1. **Draft Non-discrimination Ordinance:** Woodin opened the discussion on the draft ordinance and then a presentation was given by Community Development Director Vicki Georgeau. The presentation provided the history and the development process for the proposed ordinance, including research and reference to existing state and federal laws and model ordinances adopted by many other Michigan communities, including the City of Kalamazoo, Kalamazoo Township, and Oshtemo Township. The overview covered the major points including: core protections, intent and purpose, discriminatory practices that would be prohibited if adopted, exemptions, and enforcement and penalties. Georgeau stated several times that the proposed ordinance supplements existing state and federal laws by offering the same protections for sexual orientation and gender expression that already exist for race, gender, familial status, weight, ethnicity, and other protected classes. At the end of the presentation, Woodin asked if the Board had any questions. Morgan asked if people felt uncomfortable in a restroom or public area with someone who was transgender, could they file a complaint under this ordinance? How would the city address complaints if someone felt uncomfortable? Georgeau again summarized the process to file a complaint and the process of investigation and added that the ordinance addresses concerns over people who were being discriminated against. As there were no further Board questions, Spalvieri moved and Durian supported opening the public hearing at 7:16 p.m. Motion passed 8-0. Twelve citizens spoke in regards to the ordinance, as follows: Andy Robinson, 622 Cliffwood Avenue; Cheryl Gilliam, 9727 Southern Oaks Court; Megan Weinberg, 704 S. LaGrave, Paw Paw (employed at Abraxas, 701 E. Milham Avenue); Christy Moore, 6570 Aldersgate Drive; Rita Stevens, 5249 Windyridge; Scott Anderson, 420 Gladys; Nancy Acker, 2396 Shady Oak Cove; Molly Williams, 2425 Sagebrush, Kalamazoo; Ginger Clifton, 3429 Woodhams Avenue; Reverend Duffy Peet, 8353 Greenspire Drive and on behalf of the Unitarian Universalist Community Church, 10441 Shaver Road; Cathy Greaves, 2651 Woody Noll Drive; Mike Hanley, 6323 Echo Court 2A. All citizens spoke in favor of adopting the ordinance, with several giving personal testimony. Testimony included several statements on the overwhelming support and acceptance from the Portage community for themselves or their transgender children, outstanding support from the Portage Public School District, and inclusion in their work environments. Several citizens worked for organizations in a social service or human resource capacity and stated they had seen the negative effects of discrimination first hand, that laws like these were unfortunate but necessary, and that it was time to protect the LGBT community consistent with protections for others. Several citizens spoke on behalf of their children and that when it was time for them to look for employment, shop, or use public facilities, they did not want to have conversations with them about what discrimination would look like. They wanted their children, and anyone else not currently protected, to enjoy the same rights and privileges afforded everyone else. Cheryl Gilliam gave poignant testimony of how she remembers what it was like

in the South during segregation and that there was a time when white people could not imagine using a bathroom or sharing anything with a person of color and that it made them uncomfortable. If someone was uncomfortable using a restroom with a transgender person, then they needed to learn to adapt. Discomfort is not a reason to continue to discriminate and Portage needed to be one of the cities filled with equality. Reverend Duffy Pete, Unitarian Universalist Community Church, read a statement on behalf of the entire congregation in support of the proposed ordinance. As no further comments were given, Morgan moved and Mirza supported closing the public hearing at 7:40 p.m. Motion passed 8-0. Woodin indicated that City Attorney Brown was present to address any questions. As there were none from the citizens, she asked if he had anything to add. Brown indicated that much had been said, and that Director Georgeau's presentation provided a good overview, and the Board had already had several meetings where the ordinance had been discussed. He had nothing further to add unless the Board had any additional questions. As they did not, Woodin indicated they would vote on their recommendation of the proposed ordinance at the June 2, 2016 Human Services Board meeting and from there it would go to City Council. Georgeau added that it could be on the City Council agenda as early as June 14, 2016 for a first reading with a second reading on June 28<sup>th</sup> or the first meeting in July. Woodin thanked the audience for coming and for their participation.

**NEW BUSINESS:**

1. Kalamazoo Transit Authority LAC update - Maye: Maye had no update for the Board.

**STATEMENT OF CITIZENS:** None

**ADJOURNMENT:** Maye moved and Morgan supported adjournment. Motion passed 8-0.

Respectfully Submitted,

Elizabeth Money,  
Neighborhood Program Specialist

**TO:** Human Services Board**DATE:** May 20, 2016**FROM:** Vicki Georgeau,  Director of Community Development**SUBJECT:** Non-discrimination Ordinance

At the March 3, 2016 Human Services Board meeting, the City Attorney and staff provided initial information regarding a proposal by City Council to develop a draft local non-discrimination ordinance. Included in the information provided was:

- An Executive Summary of a 2013 report by the Michigan Civil Rights Commission (MCRC) entitled "*LGBT Inclusion Under Michigan Law with Recommendations for Action*". This report indicates that LGBT discrimination is present in Michigan. In addition to affecting victims, a discriminatory climate hurts efforts to position the state and its communities as a welcoming place to live and do business, and has a negative effect on the economy.
- A 2015 *Non-Discrimination Ordinance Template* developed by the MCRC for local community review.
- A list of 40 Michigan communities with non-discrimination ordinances, including the nearby communities of the City of Kalamazoo, Kalamazoo Township and Oshtemo Township.

Subsequent to this initial meeting, the City Attorney and City Administration conducted research on model ordinances and best practices among other Michigan municipalities to determine the appropriate scope of the ordinance, including core protections to be included in a local ordinance.

Based on this research, it is recommended the local non-discrimination ordinance provide three core protections in the areas of housing, employment, and public accommodations. The ordinance would include protections for persons covered under state and federal civil rights statutes, as well as additional protections for sexual orientation and gender identity. The draft ordinance is similar to ordinances adopted by Oshtemo Township, Kalamazoo Township and the City of Fenton, among others. Not only are some of these ordinances local, but they are also specifically used as examples of "good" ordinances that include a moderate approach to non-discrimination issues.

Attached is the draft Non-Discrimination Ordinance, and a summary of the major provisions of the proposed ordinance is as follows.

- **Intent, Purpose and Construction**

The intent of the ordinance is that no person be denied equal protection, enjoyment of civil rights or be discriminated against because of their actual or perceived race, color, religion, national origin, sex, age, height, weight, marital status, physical or mental disability, family status, sexual orientation, or gender identity.

The draft ordinance also specifies that the prohibitions against discrimination in the ordinance shall not be deemed preempted by federal or state law, but are intended to supplement state and federal civil rights laws prohibiting discrimination.

- **Definitions**

The draft ordinance includes a definitions section that clarifies the meaning of several terms used in the ordinance, including, but limited to the definition of discrimination and various persons protected by the ordinance.

- **Discriminatory Practices**

The ordinance outlines discriminatory practices in housing, public accommodations and employment that are prohibited.

With regard to housing, the ordinance specifies no person shall discriminate in: 1) leasing or selling housing; 2) the terms, conditions, maintenance or repair of housing; 3) the financing for the purchase, repair or remodeling of housing; or 4) the referral or listing of housing information.

With regard to public accommodations (which includes an educational, governmental, health, entertainment, recreational, refreshment, transportation, financial institution, business or facility of any kind), the ordinance specifies no person shall discriminate in making available goods, services, facilities, privileges, and accommodations of any place of public accommodation. Nothing in this section of the ordinance permits access to a place of public accommodation for the purpose or intent of engaging in criminal conduct. In addition, this section of the ordinance does not require the construction of unisex, single use restrooms, changing rooms, locker rooms or shower facilities.

With regard to employment, the ordinance specifies no person, labor organization or employment agency shall discriminate in: 1) the employment, compensation, work classifications, conditions or terms, promotion or demotions, or termination of employment; 2) the membership in a labor union or apprenticeship program; 3) the procurement or recruitment of a person for employment. This section of the ordinance allows exemptions when there is a bona fide occupational qualification reasonably necessary to the normal operation of the business or enterprise.

- **Exceptions**

The ordinance provides a section that allows exceptions, consistent with state and federal statutes. Examples include:

- ✓ Religious institutions may restrict the occupancy of housing facilities or accommodations operated as a direct part of religious activities;
- ✓ Religious institutions may restrict employment opportunities for officers, religious instructors and clergy;

- ✓ A housing facility or development restricted to persons of low income, one sex, disability or over 55 years of age;
- ✓ Public accommodations or employment privileges or assistance to persons of low income, persons over 55 years of age or disable persons;
- ✓ Engaging in a bona fide affirmative action program;
- ✓ Exclusion based on age, as required by state and/or federal law (e.g. excluding minors entry to a bar or adult entertainment facility);
- ✓ To provide discounts on the basis of age (e.g. student or senior discounts);
- ✓ To limit the use of educational or governmental facilities to those affiliated with such institutions;
- ✓ To limit the rental of a housing facility that is occupied by the owner of the housing;
- ✓ The ordinance does not apply to a private club not open to the public. If the private club permits members to invite guests, such organization is not exempted as it concerns a member's guest.

- **Ordinance Enforcement and Penalties**

The draft ordinance provides a simplified approach to investigation and enforcement, which is administered internally by the City Manager. A signed, written complaint must be provided within 180 days of the incident forming the basis of the complaint. Within 30 days, the City Manager shall undertake an investigation of the alleged violation. If the investigation establishes a violation occurred, the City Manager may: 1) refer the matter to a Conflict Resolution Service; 2) refer the complaint to the Department of Public Safety/City Attorney for prosecution; or 3) attempt to resolve the matter through a conciliation agreement.

In keeping with the majority of the ordinances reviewed, the penalty for a violation is a civil infraction, as well as relief permitted under state law, which may also include injunction. Like many others, the draft ordinance proposes the standard "not more than \$500.00" fine. In most cases, the City Manager would pursue conciliation agreements as opposed to penalties and other enforcement options.

Community Development staff and the City Attorney will be in attendance at the May 26<sup>th</sup> public hearing to address questions and comments in regard to the draft ordinance. After review and consideration of the public comments, it is recommended that the Board close the public hearing and make a recommendation to City Council on the draft ordinance after additional review and consideration at the June 2<sup>nd</sup> Board meeting.

Attachment: Draft City of Portage Non-Discrimination Ordinance

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES  
OF THE CITY OF PORTAGE, MICHIGAN BY ADDING ARTICLE 7, NON-  
DISCRIMINATION ORDINANCE, OF CHAPTER 24, COMMUNITY QUALITY**

**THE CITY OF PORTAGE ORDAINS:**

**That Chapter 24 shall be amended as follows to add Article 7, Non-Discrimination Ordinance, as follows:**

**CHAPTER 24. COMMUNITY QUALITY.**

**ARTICLE 7. NON-DISCRIMINATION ORDINANCE.**

**24-148. INTENT, PURPOSE AND CONSTRUCTION.**

(a) It is the intent of the City of Portage that no person be denied the equal protection of the laws; nor shall any person be denied the enjoyment of his or her civil rights or be discriminated against because of their actual or perceived race, color, religion, national origin, sex, age, height, weight, marital status, physical or mental disability, family status, sexual orientation, or gender identity.

(b) The prohibitions against discrimination as provided for in this ordinance shall not be deemed preempted by federal or state law, but are intended to supplement state and federal civil rights law prohibiting discrimination in the areas of employment, public accommodations, and housing. Provided, however, this ordinance shall be construed and applied in a manner consistent with First Amendment jurisprudence regarding the freedom of speech and exercise of religion.

**24-149. DEFINITIONS.**

As used in this chapter, the following words and phrases have the following meanings:

(a) "Age." Chronological age.

(b) "City Manager." The City Manager of the City of Portage or his or her designee.

(c) "Discriminate." 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 race, color, religion, national origin, sex, age, height, weight, marital status, physical or mental disability, family status, sexual orientation, or gender identity, of another person.

(d) "Educational institution." A public or private institution or a separate school or department thereof, including an academy, college, elementary or secondary school, extension course, kindergarten, nursery, local school system, or university, or a business, nursing, professional, secretarial, technical, or vocational school. For the purposes of this definition, educational institution includes an agent of an educational institution.

(e) "Employer." Any person employing one (1) or more persons.

(f) "Employment Agency." A person who undertakes to procure employees for an employer or procures opportunities for individuals to be employed by an employer.

(g) "Family Status." The state of being in a family.

(h) "Family." Includes either of the following:

1. Two or more individuals related by blood within three degrees of consanguinity, marriage, adoption, in a foster care relationship or legal custody relationship;

2. Functional family. A collective number of individuals domiciled together in one dwelling whose relationship is of a permanent and distinctive domestic character, with a demonstrable and recognizable bond characteristic of a cohesive unit, and who are in fact cooking and living as a single non-profit housekeeping unit. However, a "functional family" shall not include:

A. Any group of individuals whose domestic relationship is transitory, temporary or resort/seasonal in nature

B. Any group of individuals whose association is essentially for convenience or economics or for the limited duration of their education, training or a similar determinative period of time.

(i) "Gender Identity or Expression." An individual's appearance, expression, identity or behavior as being either male or female, whether or not that appearance, expression, identity and behavior is different from that which is traditionally associated with the person's gender assigned at birth as being either female or male.

(j) "Housing Facility." Any dwelling unit or facility used or intended or designed to be used as the home, domicile or residence of one or more persons including, but not limited to, a house, apartment, rooming house, housing cooperative, hotel, motel, tourist home, retirement home or nursing home.

(k) "Labor Organization." An organization of any kind or structure in which employees participate or are members and which exists for the purposes, in whole or part, of dealing with employers concerning the terms and conditions of employment of its participants or members, whether or not such organization is subordinate to or affiliated with a national or international labor organization.

(l) "Marital Status." The state of being married, never married, divorced, or widowed.

(m) "Perceived." Refers to the perception of the person who acts, and not to the perception of the person for or against whom the action is taken.

(n) "Person". The word "person" shall include any individual, co-partnership, corporation, association, club, joint adventure, estate, trust, and any other group or combination acting as a unit, and the individuals constituting such group or unit.

(o) "Physical or Mental Disability." A determinable physical or mental characteristic resulting from disease, injury, congenital condition of birth, or functional disorder and is unrelated to one's ability to safely perform the work involved in jobs or positions available to such person for hire or

promotion; or unrelated to one's ability to acquire, rent and maintain property; or unrelated to one's ability to utilize and benefit from the goods, services, activities, privileges and accommodations of a place of public accommodation "Physical or Mental Disability" does not include any condition caused by the current illegal use of a controlled substance or the use of alcohol liquor by an individual.

(p) "Place of Public Accommodation." An educational, governmental, health, entertainment, cultural, recreational, refreshment, transportation, financial institution, business or facility of any kind, whose goods, services, facilities, privileges, advantages or accommodations are extended, offered, sold, or otherwise made available to the public.

(q) "Religious Organization." An organization, church, group, or body of communicants that are organized not for pecuniary profit that regularly gathers for worship and religious purposes, and includes a religious-based private school that is not organized for pecuniary profit. Religious organization includes, for illustration and not limitation: churches, mosques, synagogues and other houses of worship, any subsidiary organizations; educational institutions affiliated with, controlled, or managed by those houses of worship or with articles of incorporation, bylaws and other documents stating an intention to inculcate its religious tenants in students; and, faith based organizations that, due to a sense of duty based on particular religious tenants, provide charitable services to the public.

(r) "Sexual Orientation." Male or female homosexuality, heterosexuality or bisexuality, by orientation or practice, 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.

#### 24-150. DISCRIMINATORY HOUSING PRACTICES.

Except as otherwise provided in this ordinance, no person shall:

- (a) Discriminate in leasing, selling or otherwise make available any housing facilities.
- (b) Discriminate in the terms, conditions, maintenance or repair in providing any housing facility.
- (c) Discriminate in providing financing for the purchase, repair or remodeling of any housing facility.
- (d) Discriminate in making referrals, listings or otherwise providing information regarding a housing facility

#### 24-151. DISCRIMINATORY PUBLIC ACCOMMODATION PRACTICES.

Except as otherwise provided in this ordinance, no person shall discriminate in making available full and equal access to all goods, services, activities, privileges, and accommodations of any place of public accommodation. However, nothing in this ordinance: i) permits or requires access to any place of public accommodation for the purpose or intent of engaging in criminal conduct; or ii) requires the construction or provision of unisex single user restrooms, changing rooms, locker rooms or shower facilities.

24-152. DISCRIMINATORY EMPLOYMENT PRACTICES.

Except as otherwise provided in this ordinance:

- (a) No employer shall discriminate in the employment, compensation, work classifications, conditions or terms, promotion or demotion, or termination of employment of any person.
- (b) No labor organization shall discriminate in limiting membership, conditions of membership, or termination of membership of any person in any labor union or apprenticeship program.
- (c) No employment agency shall discriminate in the procurement or recruitment of any person for possible employment with an employer.
- (d) A person subject to this Section 24-152 is exempt from this section if race, color, religion, national origin, sex, height, weight, marital status, physical or mental disability, family status, sexual orientation or gender identity is a bona fide occupational qualification reasonably necessary to the normal operation of the business or enterprise. A person subject to this section shall have the burden of establishing that the qualification is reasonably necessary to the normal operation of the business.

24-153. EXCEPTIONS.

Notwithstanding anything contained in this ordinance, the following shall not be violations of this ordinance:

- (a) For a religious organization to restrict the occupancy of any of its housing facilities or accommodations which are operated as a direct part of religious activities to persons of the denomination involved or to restrict employment opportunities for officers, religious instructors and clergy to persons of that denomination. It is also permissible for a religious organization to restrict employment opportunities, educational facilities, housing facilities, and homeless shelters or dormitories that are operated as a direct part of its religious activities to persons who are members of or who conform to the moral tenets of that religious organization.
- (b) Standards established for the construction, repair, maintenance, improvement, occupancy, lease or sale of one-family and two-family dwellings which conform to federal and state laws and regulations.
- (c) For the owner or operator of a housing facility or place of public accommodation, devoted entirely to the housing and accommodation of individuals of one sex, to restrict occupancy and use on the basis of sex.
- (d) To limit occupancy in a housing project or to provide public accommodations or employment privileges or assistance to persons of low income, persons over fifty-five (55) years of age or disabled persons.
- (e) To engage in a bona fide effort to establish an affirmative action program to improve opportunities in employment consistent with applicable state and federal law.
- (f) To discriminate based on a person's age when such discrimination is required by state, federal, or local law.

- (g) To refuse to enter a contract with an unemancipated minor.
- (h) To refuse to admit to a place of public accommodation serving alcoholic beverages to a person under the legal age for purchasing alcoholic beverages.
- (i) To refuse to admit to a place persons under eighteen (18) years of age to a business providing entertainment or selling literature that the operator of said business deems unsuitable for minors.
- (j) For an educational institution to limit the use of its facilities to those affiliated with such institution.
- (k) To provide discounts on products or services to students, or on the basis of age.
- (l) To discriminate in any arrangement for the shared ownership, lease or residency of a dwelling unit.
- (m) For a governmental or educational institution to restrict any of its facilities or to restrict employment opportunities based on duly-adopted institutional policies that conform to federal and state laws and regulations.
- (n) To restrict participation in an instructional program, athletic event or on an athletic team that conforms to federal and state laws and regulations.
- (o) This ordinance shall not apply to a private club, or other establishment not in fact open to the public, except to the extent that the goods, services, facilities privileges, advantages or accommodations of the private club or establishment are made available to the customers or patrons of another establishment that is a place of public accommodation or is licensed by the State under Act No. 8 of the Public Act of 1933, being MCLA 436.1-436.58, the Michigan Liquor Control Act as amended. This exemption shall not apply to a private club that is otherwise defined as a place of public accommodation in this ordinance. Further, to the extent that the private club permits members to invite guests on the premises, such organization is not exempted as it concerns a member's guest.
- (p) To the employment of an individual by one's family.
- (q) For an employer offering health or pension plans to provide marital or familial status limitations in such plans provided those limitations conform to state and federal laws, rules and regulations.
- (r) To the rental of housing facilities in a building which contains dwelling units for not more than two families living independently of each other if the owner of the building or a member of the owner's family resides in one of the dwelling units, or to the rental of a room or rooms in a single-family dwelling by an individual if the lessor or a member of the lessor's family resides in the dwelling.
- (s) To allow use of facilities or services by persons that may be affiliated with, or otherwise supported by, a religious organization, which may espouse policies or practices inconsistent with the general intent of this ordinance.

(t) With respect to gender only, to a private educational institution which provides an education to only persons with one gender.

#### 24-154. INFORMATION AND INVESTIGATION.

(a) Any person claiming a violation of this ordinance shall file a signed, written complaint with the City Manager setting forth the details, including the names, dates, witnesses and other factual matters relevant to the claim within 180 days of the incident forming the basis of the complaint.

(b) No person shall provide false information to any authorized employee investigating a complaint regarding a violation of this ordinance.

(c) In the course of the investigation, the City Manager may request a person to produce books, papers, records or other documents which may be relevant to a violation or alleged violation of this ordinance. If said person does not comply with such request, the City Attorney may apply to the Kalamazoo County Circuit Court for an order requiring production of said materials.

(d) Within thirty (30) days of a written complaint being filed, the City Manager shall undertake an investigation of any complaint alleging a violation of this chapter not currently recognized or proscribed by Michigan or federal anti-discrimination statutes, and cause all other complaints to be referred to an appropriate state or federal agency for review. After the completion of an investigation, the City Manager or his or her designee shall give written notice of the results of the investigation to the person who filed the complaint and the person accused of the violation. If the investigation establishes that a violation of this ordinance occurred, the City Manager shall, in his discretion, take one of the following actions: 1) refer the matter to Conflict Resolution Services or a similar mediation service who will attempt to resolve the matter by mediating a conciliation agreement; 2) refer the complaint to the Department of Public Safety/City Attorney for prosecution in a court of competent jurisdiction; 3) attempt to resolve the matter by mediating a conciliation agreement.

(e) No person shall coerce, threaten or retaliate against a person for making a complaint or assisting in the investigation regarding a violation or alleged violation of this ordinance, nor require, request, conspire with, assist or coerce another person to retaliate against a person for making a complaint or assisting in an investigation.

#### 24-155. CONCILIATION AGREEMENTS.

(a) In cases involving alleged violations of this ordinance, the City Manager may enter into conciliation agreements whereby persons agree to methods of terminating discrimination or to reverse the effects of past discrimination. A violation of such conciliation agreements shall be a violation of this ordinance.

(b) Prosecution for violation of this chapter may be initiated by complaint of the affected person on the basis of a violation of a conciliation agreement.

#### 24-156. PENALTIES.

(a) A violation of any provision of this chapter is a municipal civil infraction punishable by a fine of not more than \$500.00, plus court costs and the costs of prosecution, and all other

penalties permitted in accordance with the Municipal Civil Infractions Act, MCL 600.8727 et seq. as amended. In addition, the City shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with this ordinance.

(b) Each day upon which a violation occurs shall constitute a separate and new violation.

(c) A violation proved to exist on a particular day shall be presumed to exist on each subsequent day unless it is proved that the violation no longer exists.

(d) Nothing contained in this ordinance shall be construed to limit in any way the remedies, legal or equitable, which are available to the City or any person for the prevention or correction of discrimination.

24-157. REPEALER.

All former ordinances or parts of ordinances conflicting or inconsistent with the provisions of this ordinance are repealed.

24-158. SEVERABILITY.

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, that portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this ordinance.

24-159. EFFECTIVE DATE.

This ordinance shall take effect [30] days following publication.

## Elizabeth Money

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**From:** Adam Herringa  
**Sent:** Wednesday, May 25, 2016 12:21 PM  
**To:** Elizabeth Money  
**Cc:** Victoria Georgeau  
**Subject:** FW: Non-Discrimination Ordinance

Elizabeth,

This message was received by staff in the Office of the City Clerk.

- Adam

Adam Herringa  
Deputy City Clerk  
Office of the City Clerk  
City of Portage, Michigan  
herringa@portagemi.gov  
(269) 329-4512 (phone)  
(269) 324-8070 (fax)

-----Original Message-----

**From:** Sandy Wood [mailto:skwood43@gmail.com]  
**Sent:** Monday, May 23, 2016 8:16 PM  
**To:** Barbara Janicke; Adam Herringa; James Hudson  
**Subject:** Non-Discrimination Ordinance

I am a white, elderly, heterosexual woman who has had the same partner (my husband) for 55 years and I do not understand why a person who chooses a deviant lifestyle should have "additional protections" that are not available to me. It seems we are now falling fast as a community and a nation to the thought that "good is evil and evil is good." I pray that our community leaders will not fall into the trap of political correctness at the expense of decency and common sense.