

6550 N. High Street
Worthington, Ohio 43085

T: 614-436-3100

Worthington City Council Agenda (Amended)

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

Monday June 17, 2019 ~ 7:30 PM

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

1. Call To Order

2. Roll Call

3. Pledge of Allegiance

4. Visitor Comments

5. Special Presentation

5.A. Resolution No. 37-2019 Congrats State Champion Justin Braun - 400 Meter Dash

Expressing the Congratulations and Best Wishes of Worthington City Council to Justin Braun for his Outstanding Achievement as State Champion in the 400 Meter Dash in the 2019 Ohio High School Track and Field Championships.

Executive Summary: Vice Mayor James Lorimer will present Resolution No. 37-2019 congratulating TWHS Freshman Justin Braun on his first place finish in the 400 meter event at the 2019 State Track and Field Championships.

Recommendation: Introduce and Approve as Presented

5.B. Resolution No. 38-2019 Congrats to members of the Thomas Worthington High School State Champion 4 x 800 Relay Team

Expressing the Congratulations and Best Wishes of Worthington City Council to the Members of the State Champion 4 x 800 Relay Team in the 2019 Ohio High School Track and Field Championships.

Executive Summary: Vice Mayor James Lorimer will present Resolution No. 38-2019 congratulating the Thomas Worthington High School State Champion 4 x 800 Relay Team

Recommendation: Introduce and Approve as Presented

6. Approval of the Minutes

6.A. Meeting Minutes - May 20, 2019

Recommendation: Motion to Amend and Approve as Amended

Legislative History: Tabled June 3, 2019

6.B. Meeting Minutes - June 3, 2019

Recommendation: Introduce and Approve as Presented

6.C. Meeting Minutes - June 5, 2019 (Special)

Recommendation: Introduce and Approve as Presented

7. Public Hearings on Legislation

7.A. Ordinance No. 22-2019 Appropriation - Preliminary Engineering - CSX Rail Crossing Improvements

Amending Ordinance No. 52-2018 (As Amended) to Adjust the Annual Budget by Providing for an Appropriation from the Capital Improvements Fund Unappropriated Balance to Pay the Cost of Curb Improvements at Wilson Bridge Road & the Railroad Crossing for the NE Gateway Intersection Improvement Project and all Related Expenses with said Project. (Project No. 602-14)

Executive Summary: This Ordinance appropriates \$45,000 costs required by CSX to fund engineering and inspections of proposed improvements at the East Wilson Bridge Road railroad crossing.

Recommendation: Approve as Presented

Legislative History: Introduced June 3, 2019

7.B. Ordinance No. 23-2019 Appropriation - Resurfacing of East Wilson Bridge Road

Amending Ordinance No. 52-2018 (As Amended) to Adjust the Annual Budget by Providing for an Appropriation from the Capital Improvements Fund Unappropriated Balance to Pay the Costs of the East Wilson Bridge Road Resurfacing Project and all Related Expenses and Determining to Proceed with said Project. (Project No. 692-19)

Executive Summary: This Ordinance appropriates funds for the resurfacing project for East Wilson Bridge Road from High Street to the railroad crossing.

Recommendation: Motion to Amend and Approve as Amended

Legislative History: Introduced June 3, 2019

7.C. Resolution No. 29-2019 [Bicycle and Pedestrian Master Plan](#)

Adopting a Bicycle and Pedestrian Master Plan for the City of Worthington

Executive Summary: The final revised version of the Bicycle and Pedestrian Master Plan will be presented for adoption by the consulting team and staff.

Recommendation: Remove from the Table

Legislative History: This was introduced at the June 3, 2019 meeting where it was tabled.

8. New Legislation to Be Introduced

8.A. Resolution No. 30-2019 [Complete Streets Policy](#)

Adopting a Complete Streets Policy for the City of Worthington.

Executive Summary: This resolution formally adopts the Complete Streets Policy developed through a Technical Assistance Grant with the Mid Ohio Regional Planning Commission (MORPC) Insight 2050 program.

Recommendation: Introduce and Approve as Presented

8.B. Resolution No. 39-2019 Resolution in Support of Ohio Senate Bill 11, the Ohio Fairness Act

Strongly Urging Members of the Ohio General Assembly to Enact the Ohio Fairness Act.

Executive Summary: Resolution supporting the Ohio Fairness Act which would prohibit discrimination in Ohio based on sexual orientation, gender identity or expression.

Recommendation: Introduce and Approve as Presented

8.C. Ordinance No. 24-2019 Appropriation from CIP for 2019 Street Improvement Program

Amending Ordinance No. 52-2018 (As Amended) to Adjust the Annual Budget by Providing for an Appropriation from the Capital Improvements Fund Unappropriated Balance to Pay the Cost of the 2019 Street Improvement Program and all Related Expenses and Determining to Proceed with said Project. (Project No. 694-19)

Executive Summary: Introducing Legislation for the Appropriation of Funding for the 2019 Street Improvements Program.

Recommendation: Introduce for Public Hearing on July 15, 2019

9. Reports of City Officials

9.A. Policy Item(s)

9.A.I. Financial Report - May 2019

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

Recommendation: Motion to Accept as Presented

9.A.II. Permission to Advertise for Bid 2019 Street Program Project Number 694-19

Executive Summary: This Motion seeks permission to bid the 2019 Street Program with bid opening occurring on July 10th, with Public Hearing on Funding Legislation to occur on July 15th.

Recommendation: Motion

- 9.A.III. Continued discussion regarding community visioning consultant proposals

10. Reports of Council Members

11. Other

12. Executive Session

13. Adjournment

RESOLUTION NO. 37-2019

Expressing the Congratulations and Best Wishes of
Worthington City Council to Justin Braun for his
Outstanding Achievement as State Champion in the
400 Meter Dash in the 2019 Ohio High School
Track and Field Championships.

WHEREAS, Thomas Worthington High School Freshman Justin Braun placed first in the 400 meter event at the 2019 State Track and Field Championships; and,

WHEREAS, Justin Braun easily beat out the other field of runners and broke the Thomas Worthington event record; with a winning time of 46.76 seconds; and,

WHEREAS, the Council of the City of Worthington further wishes to recognize the outstanding efforts of Thomas Worthington High School Track and Field Coach Bill Darling and all assistant coaches for an outstanding season;

WHEREAS, in further recognition, Justin Braun is the proud grandson of former Worthington Mayor, the late Lawrence Braun, who served as Mayor of Worthington from 1981 to 1996,

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Worthington, County of Franklin, State of Ohio:

SECTION 1. That on behalf of the community, City Council wishes to extend sincere congratulations and recognition to Justin Braun for his outstanding accomplishments at the 2019 State Track and Field Championships.

SECTION 2. That the Clerk of Council be instructed to forward a duly certified copy of this Resolution to Justin Braun and to record said Resolution in the appropriate record book.

Adopted _____

President of Council

Attest:

Clerk of Council

RESOLUTION NO. 38-2019

Expressing the Congratulations and Best Wishes of
Worthington City Council to the Members of the
State Champion 4 x 800 Relay Team in the 2019
Ohio High School Track and Field Championships.

WHEREAS, Thomas Worthington High School Track Team members Lydia Miller, Morgan Edwards, Carina Napoleon and Gia Napoleon won the State Championship title in the 4 x 800 relay event at the Ohio High School Athletic Association Division I State Championship May 31, 2019; and,

WHEREAS, the 4 x 800 State Championship relay team broke the Thomas Worthington event record, with a winning time of 8 minutes, 55.85 seconds; and,

WHEREAS, the 4 x 800 State Champion relay team won the race in an exciting photo finish by just one-fifth of one second, over last year's champion Gahanna; and,

WHEREAS, the Council of the City of Worthington further wishes to recognize the outstanding efforts of Thomas Worthington High School Track and Field Coach Andy Cox and all assistant coaches for an outstanding season;

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Worthington, County of Franklin, State of Ohio:

SECTION 1. That on behalf of the community, City Council wishes to extend sincere congratulations and recognition to team members Lydia Miller, Morgan Edwards, Carina Napoleon and Gia Napoleon and the coaching staff for their outstanding accomplishments at the 2019 State Track and Field Championships.

SECTION 2. That the Clerk of Council be instructed to forward a duly certified copy of this Resolution to the State Champion team members and to record said Resolution in the appropriate record book.

Adopted _____

President of Council

Attest:

Clerk of Council



CITY OF WORTHINGTON
Worthington City Council Minutes
May 20, 2019

6550 N. High Street
Worthington, Ohio 43085

CALL TO ORDER – Roll Call, Pledge of Allegiance

Worthington City Council met in Regular Session on Monday, May 20, 2019, in the John P. Coleman Council Chambers of the Louis J.R. Goorey Municipal Building, 6550 North High Street, Worthington, Ohio. President Michael called the meeting to order at or about 7:30 p.m.

ROLL CALL

Members Present: Rachael R. Dorothy, Beth Kowalczyk, Scott Myers, Douglas Foust, David Robinson, and Bonnie D. Michael

Member(s) Absent: Douglas K. Smith

Also present: City Manager Matt Greeson, Assistant City Manager Robyn Stewart, Director of Law Tom Lindsey, Director of Finance Scott Bartter, Chief of Fire John Bailot, Director of Service & Engineering Dan Whited, Director of Planning & Building Lee Brown, Chief of Police Jerry Strait, Director of Parks & Recreation Darren Hurley, Clerk of Council D. Kay Thress, Assistant City Clerk Ethan Barnhardt

There were 19 visitors present.

PLEDGE OF ALLEGIANCE

President Michael invited all to stand and join in reciting the Pledge of Allegiance to the flag.

VISITOR COMMENTS

There were no visitor comments.

CONSENT AGENDA

Approval of Meeting Minutes

- Meeting Minutes - May 6, 2019 (Special)
- Meeting Minutes – May 6, 2019 (Joint)
- Meeting Minutes – May 6, 2019

- Meeting Minutes – May 13, 2019 (Special)
- Meeting Minutes – May 13, 2019

Ordinance No. 17-2019

Authorizing and Directing the Establishment of a Special Revenue Fund for the Purpose of Accumulating Resources for Payment of Salaries During any Fiscal Year When the Number of Pay Periods Exceeds the Usual and Customary Number of Pay Periods (27th Pay Fund).

Resolution No. 27-2019

Approving an Agreement and Permit for and between Level 3 Communications, LLC, a Delaware Limited Liability Company, to Operate and Maintain a Telecommunications System Within the City of Worthington Pursuant to and Subject to the Provisions of Chapter 949 of the Codified Ordinances of the City of Worthington.

Introduced by Mr. Myers.

Resolution No. 28-2019

Re-Appointing Ann Horton and Appointing Jordan Schweller to the Worthington Bicycle and Pedestrian Advisory Board.

Introduced by Ms. Dorothy.

President Michael asked if there was anyone who wished to have any of the aforementioned pieces of legislation removed from the Consent Agenda.

MOTION

Mr. Foust moved, Mr. Robinson seconded a motion to approve the Consent Agenda.

There being no additional comments, the motion to approve the consent agenda passed unanimously by a voice vote.

PUBLIC HEARINGS ON LEGISLATION

President Michael declared public hearings and voting on legislation previously introduced to be in order.

Ordinance No. 14-2019

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, and Public Accommodations Based on Designated Classes.

The foregoing Ordinance Title was read.

Mr. Greeson discussed how the Community Relations Commissions (CRC) led by Chair Jack Miner, City Council, and staff have been working for nearly a year on the drafting of a non-discrimination ordinance. Tonight is hopefully the final stage in that process.

Mr. Lindsey explained how this has been a long and thorough process. We have made a number of changes since the last version that Council saw, and those changes are outlined in the memo. The overriding theme of those changes was the desire to make sure the ordinance we adopt is one that will provide the rights that the CRC sought to provide for residents and individuals within the City in a broad manner, but also to make sure the ordinance did not subject the City to unnecessary litigation. Clarified was gender identity and expression, just to make sure that was clear as to what was intended by that definition. That definition is similar to one in the state of Connecticut and that the American Civil Liberties Union had proposed. We have also added some language to clarify that if a court were to examine our ordinance, that it is the intent of Council that this ordinance not violate anybody's first amendment rights. Regarding the questions raised by Mr. Myers a month or two ago pertaining to the civil penalties and the language of that, we took language from the Ohio Revised Code with similar enforcement penalty language to address that concern.

Mr. Miner said this ordinance is really important to the CRC and is at the heart of what the CRC is. Looking back at how the CRC came around it has always been about inclusiveness and making the Worthington community welcome one that is open to everyone. He expressed that this process has made him proud to be a part of the Worthington community. Typically when ordinances like this come forward it was triggered by an incident or creates divisiveness within the community. We have not seen this here. What you see today is work from everyone, including our faith community and business community. The Chamber of Commerce did a resolution in support of this which is out of the ordinary for them. This is something that will serve Worthington and other communities across the country well. We will be the 23rd municipality in Ohio to pass an inclusive nondiscrimination ordinance. We built one that has solved a lot of the questions other communities have been concerned about and is stronger and more risk adverse than others and we hope it will serve as a model for other cities going forward. This was an opportunity to affirm the values that already exist in Worthington.

Gwen Stembridge – Equality Ohio – 118 East Main Street, Columbus, Ohio

Ms. Stembridge said she applauds Council's leadership in fostering an environment that is welcoming to the LGBTQ community. The attention paid to this issue is important in our current climate with rights and live under threat at the state and national level. Misunderstanding leads to ignorant and harmful words and acts both close to home and across the country. Less than 4 years ago marriage equality became the law of the land, and people have since been able to marry the person that they love. However, someone can still be fired and lose their job, be denied a loan, or turned away from a public space because of who they are or who they choose to love. People are being told that they do not belong, and we have the opportunity to send a message that all are welcome no matter who

they are or who they love. These ordinances boil down to the core American values of fairness, equal opportunity, and freedom, and recognizing the dignity of diverse human beings that live among us. Equality Ohio is committed to these principles and it is bold moves like this one that moves forward the Ohio Fairness Act that is being heard at the Statehouse this Wednesday. She expressed how she looks forward to proudly announcing Worthington as next to be on the list of inclusive communities.

Mr. Myers brought up that he read in a news article that indicated that complaints would be filed with the CRC. He wanted to confirm that was not the ultimate version included in this ordinance because there was the concern it would politicize and alter the CRC. Mr. Lindsey said that complaints would be filed with the City Clerk. There was discussion with the CRC about their historic role of welcoming and inclusion, and to become an enforcement arm seemed contrary to that. It made sense to handle complaints in the normal process of filing complaints to the City through the City Clerk's office.

Mr. Robinson said it is with great satisfaction that he anticipates casting an affirming vote. He thanked everyone involved. He articulated that though we are small community, we can provide an outsize influence on other communities by providing an example in the state and beyond.

Ms. Kowalczyk extended her thanks to those who were a part of this endeavor. She stated that she is proud to be a member of this community and member of Council at this time. She explained how she has heard in other settings that Worthington welcomes all and with the codification of this ordinance we are saying that all people in Worthington are equal and deserve to be treated as full members of our community. Other Central Ohio communities are looking at our CRC and starting to create their own and to do similar things. She wholeheartedly supports this ordinance and urges her Council colleagues to do the same.

Ms. Dorothy referenced Mr. Miner's comments where he spoke up about his feelings about Worthington. She said that she did think that Worthington was inclusive, and she feels included, but when you do not know what is going on, you must take sides. Elle Wiesel said, "Neutrality helps the oppressor, never the victim. Silence encourages the tormentor, never the tormented. The opposite of love, is not hate, it is indifference." She is so glad we are taking this positive action to reaffirm that we are inclusive. This is definitely a step we need to take.

Mr. Myers conveyed that he hopes this ordinance will carry forth and reflect to other regional communities just what Worthington is. If you want to live in a place where your neighbor loves you, then move here.

President Michael thanked those involved for taking a forward-thinking view. She explained how Worthington has had a CRC for more years than people realize. It is great that the CRC had the vision and strength to come forward and say this is what is needed in order to ensure that people who live and work in our City have a wonderful opportunity to be here and be part of the community.

There being no additional comments, the clerk called the roll on Ordinance No. 14-2019. The motion carried by the following vote:

Yes 6 Robinson, Kowalczyk, Foust, Dorothy, Myers, and Michael

No 0

Ordinance No. 14-2019 was thereupon declared duly passed and is recorded in full in the appropriate record book.

Ordinance No. 18-2019

Amending Ordinance No. 52-2018 (As Amended) to Adjust the Annual Budget by Providing for Appropriations from the General Fund and 350 West Wilson Bridge Road TIF Fund Unappropriated Balance.

The foregoing Ordinance Title was read.

Mr. Greeson described this ordinance as an additional appropriation that addresses the need to increase the appropriations line for retirement payouts because of the large number of long tenured employees that are anticipated to retire this year exceed what we originally allocated. Additionally, we need to appropriate some TIF funds for 350 West Wilson Bridge Road and money for computer maintenance.

There being no additional comments, the clerk called the roll on Ordinance No. 18-2019. The motion carried by the following vote:

Yes 6 Kowalczyk, Foust, Dorothy, Myers, Robinson, and Michael

No 0

Ordinance No. 18-2019 was thereupon declared duly passed and is recorded in full in the appropriate record book.

Ordinance No. 19-2019

Amending Ordinance No. 52-2018 (As Amended) to Adjust the Annual Budget by Providing for an Appropriation from the Capital Improvements Fund Unappropriated Balance to Pay the Costs of the NE Gateway - Huntley Rd. Waterline Project and all Related Expenses and Determining to Proceed with the said Project. (Project No. 602-14)

The foregoing Ordinance Title was read.

Mr. Whited explained how this is the kickoff of the Northeast Gateway Project. This will be for about one mile of eight-inch waterline along Huntley Road for aged infrastructure. We had a successful bid submitted. The project last approximately 160 days and the lifecycle of the waterline would be somewhere around 50 years.

MOTION A motion was made by Mr. Myers to insert in Section 1. an amount not to exceed six hundred forty-one thousand dollars (\$641,000) and in Section 2. the firm of J & T Excavating LLC. Seconded by Ms. Kowalczyk.

The motion passed unanimously by a voice vote.

Ms. Dorothy asked when construction would start. Mr. Whited estimated construction would begin mid to late July lasting into November.

There being no additional comments, the clerk called the roll on Ordinance No. 19-2019 (As Amended). The motion carried by the following vote:

Yes 6 Foust, Dorothy, Myers, Robinson, Kowalczyk, and Michael

No 0

Ordinance No. 19-2019 (As Amended) was thereupon declared duly passed and is recorded in full in the appropriate record book.

Ordinance No. 20-2019 An Ordinance Authorizing the Appropriation of Property and Easements from Multiple Properties for the Public Purpose of Constructing a Roadway Project, Specifically, for the FRA-CR 84-1.36 Northeast Gateway Project, Which Such Roadway Shall be Open to the Public Without Charge.

The foregoing Ordinance Title was read.

Mr. Lindsey asked this be tabled so that notifications can be sent out and people receive them prior to the actual vote on this ordinance.

MOTION A motion was made by Mr. Foust, seconded by Mr. Myers to table Ordinance No. 20-2019 until the June 5, 2019 meeting.

The motion carried unanimously by a voice vote.

NEW LEGISLATION TO BE INTRODUCED

Resolution No. 29-2019 Adopting a Bicycle and Pedestrian Master Plan for the City of Worthington.

Introduced by Ms. Dorothy.**MOTION**

Ms. Kowalczyk made a motion to adopt Resolution No. 29-2019.
The motion was seconded by Mr. Robinson.

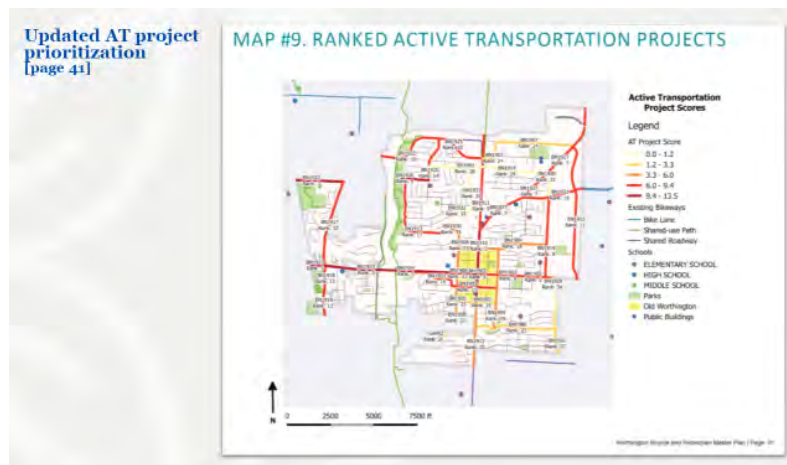
Mr. Hurley said that bicycle and pedestrian access has been a stated priority of Council for several years now. Creation of the Bicycle and Pedestrian Master Plan included a robust variety of methods and public meetings to gather community input, and the expertise of our consulting team has led to development of this plan. It is important to note that this ties together with the Complete Streets policy. The Bicycle and Pedestrian Advisory Board made a unanimous motion recommending Council's adoption of the plan.

Tony Hull – Blue Zones

Mr. Hull said that there has been a lot of good input received since their last presentation to Council in February. There are a number of new elements added, but much is unchanged.

He described the vision of a connected Worthington and a description of their engagement survey. The recommendations have been restructured so that instead of talking about short-term near-term projects, it has been reorganized into tiers. However, the prioritization scheme is unchanged. Additionally, cost opinions have been added to the recommendations to give a better understanding of the budget necessary to deliver the plan.

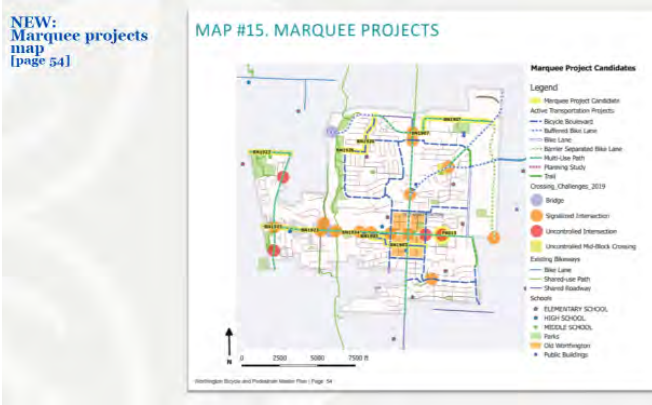
He described the active transportation corridors and the overlay with project prioritizations. As these projects go on under Complete Streets, we really aren't just looking at bicycle facilities, but all the opportunities in that corridor.



There are crossing challenges sections, which have been mapped out where there are three identified types. In terms of recommendations, we actually only used the uncontrolled crossings which get linked to counter measure selection systems for that. For signalized crossings and

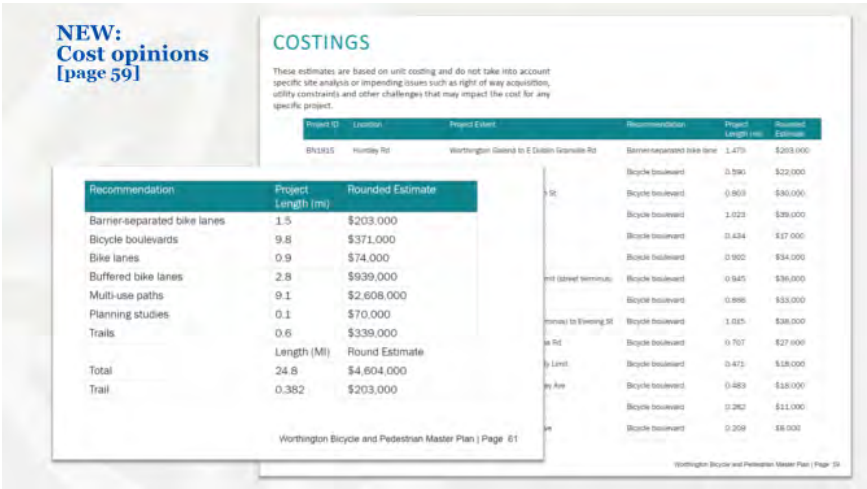
bridges, we only recommend that Mr. Whited and his staff continue to do quality monitoring and looking at opportunities to better accommodate bike and pedestrian access.

- 1. **Uncontrolled** – Intersections or mid-block locations where crosswalks exist (marked and unmarked), or are needed to improve safe crossing for pedestrians
- 2. **Signalized** – Intersections and locations currently controlled by signals, where there may be opportunities to improve safety and convenience for pedestrian crossings
- 3. **Bridges** – Walkways across ridges are especially important from a connectivity standpoint as alternatives often involve significant distances to overcome



A new section is for marquee projects because it can be difficult to know where to start. We have identified projects in terms of readiness, ability to create impact, and prioritization of projects to look at in the first year to identify some things you can begin to get wind with. It gives staff and the Bicycle and Pedestrian Advisory board a starting point in getting the work done.

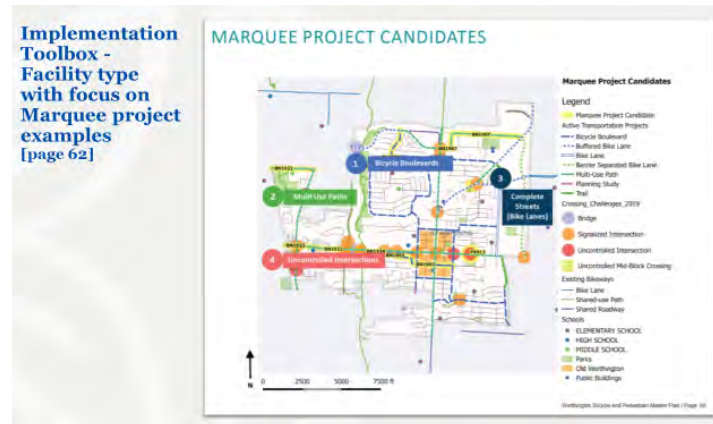
The sidewalk gaps map cross referenced those that overlapped in active transportation corridors to recognize the gap fill projects. We are not currently trying to make a recommendation to change the policy with that because the existing program for gap fill, is something that is better addressed as implementation of the Complete Streets policy. If we tried to make this entire plan a gap fill, it would become a laundry list of expensive things and you would not be able to get a lot of stuff in the plan done.



With cost opinions it is important to think about the resources needed to build things out and what things can be accomplished with the existing budget.

The implementation toolbox looks at creating some guidance and resources that supplement the guidance that comes from the new Complete Streets policy, but also specific to the types of projects we anticipate implementing from the plan. There are four types of projects they would like to highlight. The first is the focus on the bike boulevard

tools. There have been a lot of questions about what exactly a bike boulevard is. He suggested that the bike boulevard is a new and innovative tool for communities to address bicycling on lower volume streets. Worthington will decide what a bike boulevard is.



Mr. Foust asked if the slides displaying a bike boulevard shows a one lane street with bike lanes on either side. Mr. Hull said sometimes they utilize advisory shoulders with dashed lines to demark lines for biking and walking. With two-way travel they actually share the street, when you encounter a car that's the only time you would actually transverse into the bikeway only when yielding to the bikes and the pedestrians. This concept is becoming popular in some cities. Mr. Foust clarified that this is not a one-way street, you are proposing two-way traffic where two cars come towards each other in the same lane until they decide to scoot to either side, assuming there is no bicycle there. Mr. Hull shared that it is commonly called courtesy yielding which has the effect of making drivers more cautious and forcing them to be more centered and paying attention. The safety benefits are also well documented and European countries have been doing this for 30 years now. He explained that other elements can be context specific to streets, but they do involve things such as traffic calming in an effort to make sure streets are working well for bicycling and walking, keeping traffic slow.



Mr. Hull detailed the toolbox for multi-use paths and trails and there is an opportunity with a long vision for signature trails. There are a lot of elements for consideration. Regarding Complete Streets applications, we are thinking about cross sections to help think about different options that are available.

Mr. Robinson thanked everyone who has worked on this and acknowledged that there has been a great bit of effort put into this. He prefaced his statements by establishing his credibility. He explained that he and his family moved here 10 years ago specifically

because it is a walkable community. He loves walking his kids to school. He detailed how he biked across the country and has a love for cycling. With that being said, he explained that what we are being asked to do is to approve a significant plan, with broad implications about how we will build out and shape our community. These plans tend to take on a life of their own and wield immense authority in coming years. He views a vote approving this with great significance. However, when he received his packet on Thursday, that was the first time he had seen this final report and been able to read the language. He suggested that we take a little more time to talk through some specifics. The proposals in here are far reaching and he does not know what we are committing to. He thinks it is more than just aspirations and recommendations. This will have impact on City practices and expectations for budgeting. Specifically, the tier one toolbox has ideas stating that we should intentionally build impediments to slow traffic. He does not know if that is a good idea. The Complete Streets policy is even more far reaching and dramatic. He is not prepared to vote for it tonight. He does not know if we have had enough time to discuss this significant proposal.

Ms. Kowalczyk brought up that we have had a presentation on this, and she feels like she has had a thorough briefing of it. She does question what the next steps are but has no trepidation about supporting this plan tonight. Mr. Robinson asked if she was referring to the February presentation on this report. Ms. Kowalczyk said she did not know the specific date, but this information was reviewed. Her question is once we pass this, then what are the next steps. She said that she knows that there is one project that is already being implemented that is on the list.

Mr. Hurley said there are a couple of things and this reaches further than Parks and Recreation, it affects the departments of Messrs. Brown and Whited. For context, a couple years ago we had a parks master plan that basically took a community assessment and said when opportunity allows there are projects and the prioritization of them. As a staff member, he would approach this in his role with Bicycle and Pedestrian Advisory Committee and would look at this to identify things that are achievable with a certain amount of money. That was the process used to identify the Pingree-161 crossing, and they did utilize the draft of this plan. When we approach a street project, the Complete Streets policy and this are used as a filter if there is something recommended and then if it is doable in the budget.

Mr. Whited said that to him it has been a huge paradigm shift as they have previously looked at streets at a functional classification. The context sensitivity in Complete Streets and in the Bicycle and Pedestrian plan asks you to think a little more broadly and to tie in the ability to accommodate all users and be more literally context sensitive. Also, he has to look through this with the Service Director's hat on because we have to plow the streets, be able to fit emergency vehicles through, and make sure refuse trucks can get through. There are a multitude of different considerations and this is guidance forcing us to consider things in a different perspective and utilize different ways of thinking.

Ms. Dorothy said one reason we had a committee to look at bike, pedestrian, and multimodal access is that Worthington has been lacking and is not meeting the needs of all

users. We can be encouraging walking, biking, multimodal and still maintain effective and efficient means of accommodating vehicular traffic, but that needs to be balanced out. This document has more of a focus on bicycles and pedestrians and it provides guidance. The Bicycle and Pedestrian Advisory Committee has said they had trouble prioritizing things and this document helps them to do that. She expressed that she thinks it is a good document and we have had a number of opportunities to review and give input.

Mr. Foust respectfully asked for more time before we adopt this. He got this Thursday night and it is 192 pages with tables and 8-point font. It is a very comprehensive document. He noted the fact that our own Council President asked a question about bicycle boulevards and he is not sure it got answered. ~~He read the description of bicycle boulevards from the topic and explained how these are pretty big wholesale changes from what people have come to expect in the community.~~ He explained how his own street has been tagged as one of those that would be a likely choice for a bicycle boulevard. He read from the Bicycle and Pedestrian Master Plan document that bicycle boulevards are slow speed, low volume streets shared by people driving. A target speed of 20 mile per hour is achieved through the use of traffic calming tools such as mini circles, raised tables, short medians, and chicanes. A target speed of 20 miles per hours should be planned, designed, and enforced. These are some pretty big wholesale changes that alter what people have come to expect in the community and he would like to be able to answer when his neighbors ask exactly what it is that we are doing here. He cannot answer that question because he has not had enough time with this. He has not had time to fully digest it and it was placed on our laps abruptly.

President Michael read Mr. Smith's submitted comments. She read that he likes the report, but he hopes that Council does not vote on anything because he would like to analyze it before finalizing the approval. He figured we would want to discuss the details first. If Council wanted to wait, he would support that decision.

Mr. Myers said maybe he was negligent when this was last presented, but he does not remember being presented with marquee projects. Mr. Hurley said that was requested in order to identify projects that could be moved upon early on. Mr. Myers asked about the tier classifications. Mr. Hull said they were previously described as mid-term and near term. Mr. Myers said in the last report that Huntley from Worthington-Galena to Dublin is ranked as the 11th project and Proprietors from Schrock to Dublin is ranked as the 8th project. He asked if the committee looked at the meeting minutes when Council discussed this. His point is that we had a pretty robust discussion and one of the things he was hoping for is that we discussed Proprietors and Huntley and where we should encourage bicycles. What he is reading in the report is in both places. Council had that discussion. Mr. Hull said that the ranking and prioritization was an objective exercise. Mr. Myers said that he is a little gun shy about guidelines because some people are taking them as a bible, and he does not want this to become the bible. He reads the resolution and it could be interpreted as such that this is to guide city staff with their planning. He does not view it as that type of document. It is aspirational and a guideline with examples. In the resolution as written, he is not sure that is what it says.

Mr. Greeson said that there is language in this plan and the Complete Streets toolkit that expressly says this is not prescriptive. You do not find this is law. Mr. Myers said that the design guidelines and master plan are not law. Mr. Greeson said those documents are also guidance for committees and staff. Mr. Myers reminded that we have a legal appeal pending based upon a violation of the design guidelines, which he believes is not a legal appeal, but that is not a universally held belief. Mr. Greeson said that the fundamental difference with that as opposed to this is that there is a codified ordinance appeal process and while limited in nature speaks to the use of the design guidelines. In this case, there is a conversation about how some communities adopt these, whether that is by ordinance or resolution. With a resolution, it is more often guidance to inform decisions, but not to prescribe them. We have no objection if there is concern about this and we need to spend more time with it. There is not a project that is not going to move forward if this is not voted on tonight.

Mr. Myers said those are two distinct discussions about the plan itself and the resolution adopting the plan. For him the issue is the resolution adopting the plan and what it means. This should be just a guideline and tool, not prescriptive. He does not want to build up false hopes. He asked if it is just a guideline, then his objections to specific items are less important. He does not believe there should be any priority of anything going down Huntley Road, he thinks it should be moved to Proprietors. We have semis going down Huntley. If this is just guidance to look at, then those concerns are not as important. Mr. Greeson brought up an example from a couple years ago about a discussion regarding Huntley Road. We backed into Complete Streets discussion. Essentially, the Complete Streets does not prescribe that we apply a specific project, but we can at least explore it and evaluate whether or not it makes sense to include some other users. We are not saying definitely doing something but rather it is more about when faced with a project, we will evaluate whether or not other users need to be accommodated for and if tools in the tool kit need to be applied.

Mr. Myers said five years ago this resolution would have been fine, but today it needs a better resolution. These types of things along with sustainability and lifecycle issues should be front of mind thinking. To him that is what this does. He wants to make it abundantly clear that this is a statement of policy and not of directive. He is willing to help draft a resolution that he can get his head around better that specifically details that out. Mr. Greeson said we could do that.

Ms. Kowalczyk said that she believes the resolution does what it needs, but if it needs to be worked on more she is on board with that. It is another lens to look at development and street maintenance to make sure we are doing everything we can to accommodate people of all ages, abilities, and all modes of transportation. So yes, she supports taking the time to do so. It is a guide and lens that we can use to evaluate as things come up.

President Michael said she agrees with Mr. Myers and expressed how she has seen people looking at guidelines as being more than guidelines. She supports a rewrite of the resolution.

Mr. Greeson said as we frame the next discussion there are multiple categories of conversation. First is one of clarity of purpose which is bringing that to the forefront and putting it in the resolution, so it is clear. Second is how we are going to use it more practically. Third regards projects and then talk about them as a group. Mr. Myers said that if he has clarity of purpose, he is less concerned about projects. He wants to see some language in the resolution that says the ultimate decision to fund or go forward with projects is vested in Council. So when that next project comes up, it will be debated at that time. He does not want to be bogged down with the details of specific projects and he does not want to recreate what the committee has done over the past year. Mr. Greeson said it is helpful to the consultants and to staff that if there are particular projects or concepts that need discussion then we need to know that to prepare the materials ahead of time to have a fruitful discussion that leads to decision.

Mr. Foust said he stops on the resolution where it reads, "... the bike and ped master plan will provide direction to staff in the planning and prioritization..." It is the section, "...will provide direction..." that he struggles with. He thinks to Mr. Myer's thoughts that something that reads "will serve as a reference tool" or "will serve as a guidance resource" is what he wants to see. There are things within this master plan and the Complete Streets policy where we need to have some allowance for assessing the appropriateness of some of these tools. He stated that he believes some of these tools do not fit. He is cautious of having them introduced here as if they are endorsed concepts we are ready to take on over the next few years.

MOTION Mr. Myers moved, seconded by Mr. Foust to table Resolution No. 29-2019.

There being no additional comments, the motion to table Resolution No. 29-2019 passed unanimously by a voice vote.

Mr. Myers suggested to bring specific questions about specific projects to staff within the next week before the next meeting.

Council decided to wait to introduce Resolution No. 30-2019 until the Bicycle and pedestrian master plan is brought back for continued discussion.

Resolution No. 31-2019 Authorizing the City Manager to Enter into an Agreement with the City of Dublin for the Northwest Regional Emergency Communication Center to provide public safety dispatching communication services.

Introduced by Ms. Kowalczyk.

MOTION Ms. Dorothy made a motion to adopt Resolution No. 31-2019. The motion was seconded by Mr. Myers.

Ms. Stewart said she wanted to touch briefly on the reasoning behind this recommendation. Since the April meeting, we have conducted extensive public outreach to the community. The recommendation is to join the Northwest Regional Emergency Communications Center for 911 call answering and dispatching services for police, firefighters, and paramedics. They would also include handling of afterhours dispatching of other City services. The challenges we have as a small independent center drove this recommendation and it centers around the ever-increasing demands and expectations in this service area. It is challenging to meet these demands as a small jurisdiction. Additionally, we cannot receive wireless 911 calls directly. This decision was not driven by the performance of our existing personnel. They serve our community extremely well every day.

She explained how we first began looking at this idea in 2012-2013 with a study evaluating the feasibility of a multi-jurisdictional center with other local jurisdictions. We have conducted additional research off and on since that time. We completed our evaluation in late 2018 after experiencing staffing shortages in our center.

The Northwest Center is operated by the City of Dublin and currently serves Dublin, Hilliard, Upper Arlington, Norwich Township, and Washington Township. By joining Northwest we would have the benefits of enhanced service because we currently cannot take 911 cell calls directly but the Northwest Center can. This will result in quicker response times and fewer 911 call transfers for Worthington paramedics, firefighters, and police. Because there would be dedicated call takers, callers would receive more focused attention and there are separate personnel tasked with dispatching the first responders and sharing information. They also have the capacity to be more responsive to future advances in technology and operations. Call takers and dispatchers would also have enhanced training, and there would be more capacity available for large scale emergency events.

There has been extensive public engagement and discussion around this recommendation. There were multiple Coffee with the Chiefs discussions. We had an amazing response from the telephone townhall with almost 500 total attendees, and 138 callers listening at one time. This participation was much greater than any of the in-person activities. We also had lots of web, social media, and newspaper articles communicating information. We also conducted visits with community groups, and reached out to our partners in Perry Township, Sharon Township, and the Village of Riverlea for their input. Information was distributed to our Police Citizens Academy alumni, Citizens Academy alumni, and members of our boards and commissions.

The financial agreement with the City of Dublin will be determined each year based on the Joint Dispatching Budget, proportioned across the jurisdictions based on usage of the Center. The Joint Dispatching Budget is developed by the Executive Committee comprised of the Chiefs from each jurisdiction and adopted by Dublin City Council. Worthington will receive the cost for the upcoming year in the fall of each year, which will be incorporated into the annual budget.

Mr. Myers said given the dearth of people here, we expected people would be more energized, he likes to think this is a positive. He asked if any negative comments were received during the outreach effort. Ms. Stewart said in other communities it has been controversial and we wanted to actively and extensively communicate with the community. Generally there has been no expressed opposition.

Ms. Dorothy commented on how happy she was about the outreach to the community. She anticipates if there are any issues we will work towards continuous improvement. She hopes that if anyone in the public wanted to tour the Northwest facility, we would extend them that opportunity. This is a very good direction for us to go in.

There being no additional comments, the motion to adopt Resolution No. 31-2019 passed unanimously by a voice vote.

Resolution No. 32-2019

Approving an Agreement and Permit for and between Everstream Solutions, LLC, an Ohio Limited Liability Company, to Operate and Maintain a Telecommunications System Within the City of Worthington Pursuant to and Subject to the Provisions of Chapter 949 of the Codified Ordinances of the City of Worthington.

Introduced by Mr. Foust

MOTION

Mr. Robinson made a motion to adopt Resolution No. 32-2019. The motion was seconded by Ms. Kowalczyk.

Mr. Greeson said this is for a new permit. It appears to be a reputable fiberoptic provider who has complied with our codified ordinances to receive a permit.

There being no additional comments, the motion to adopt Resolution No. 32-2019 passed unanimously by a voice vote.

Resolution No. 33-2019

Appointing Janet Grubb, S. Michael Miller, Donald Breckinridge, and Charles “Kip” Kelsey to Serve as Mayor’s Court Magistrates when the Mayor and Vice-Mayor are Not Available.

Introduced by Ms. Dorothy.

MOTION

Mr. Myers made a motion to adopt Resolution No. 33-2019. The motion was seconded by Mr. Foust.

Mr. Lindsey said that Mayor Holmes indicated some concern about the possibility that we might not have someone available to handle Mayors Court activities if he were out of town. Since Vice Mayor Lorimer is less inclined in doing a full court hearing, there is the need

to have a bullpen ready to go. These recommended magistrates have all indicated a willingness to serve if needed. We anticipate the need only occurring once or twice a year at a maximum.

There being no additional comments, the motion to adopt Resolution No. 33-2019 passed unanimously by a voice vote.

Resolution No. 34-2019

Authorizing the Acquisition of Certain Real Estate Interests Involving Parcels 5 and 19 for the Northeast Gateway Intersection Improvement Project. (Project No. 602-14)

Introduced by Mr. Foust.

MOTION

Mr. Robinson made a motion to adopt Resolution No. 34-2019. The motion was seconded by Ms. Kowalczyk.

Mr. Greeson said this is a continuation of the Northeast Gateway process.

There being no additional comments, the motion to adopt Resolution No. 34-2019 passed unanimously by a voice vote.

Ordinance No. 21-2019

Authorizing the City Manager to Enter into a Community Reinvestment Area Agreement with Worthington 17, LLC to Grant a Seventy-Five Percent (75%) Tax Exemption for Real Property Improvements to be Made to the Property Located at 6740 North High Street in the City of Worthington for a Period Not to Exceed Ten (10) Years.

Introduced by Ms. Dorothy.

The Clerk was instructed to give notice of a public hearing on said ordinance(s) in accordance with the provisions of the City Charter unless otherwise directed.

REPORTS OF CITY OFFICIALS

Policy Item(s)

- Permission to Advertise for Bids - East Wilson Bridge Road Resurfacing Project

Mr. Whited said that they are excited to resurface East Wilson Bridge Road and he hopes to do that after the waterline project is completed. He appreciates the permission to solicit for bids.

Ms. Dorothy said she understands we will look at all waterlines. Mr. Whited said it is behind schedule currently.

MOTION Mr. Myers moved, seconded Mr. Foust to give permission to advertise for bids.

There being no additional comments, the motion passed unanimously by a voice vote.

Mr. Greeson asked to discuss scheduling for visioning RFP interviews. This has been a challenging affair in terms of determining dates that work for Council's schedules and the consultants. Several options have been distributed along with the pros and cons of each of those options.

After Council discussion the consensus was for option 2 beginning at 7pm.

Mr. Greeson said that the meetings would be hosted in the meeting room, so no one has advantage of watching livestream. Ms. Stewart said it would be noticed as a public meeting.

REPORT OF COUNCIL MEMBERS

Ms. Dorothy updated that she had a cemetery meeting after the joint meeting approving the continuance of the .5 mil. They have adopted the master plan and are now getting quotes for construction documents. It is a slow process. Architectural engineering documents still need to be bid and designed. Something may be finished in several years.

President Michael asked if Councilmembers could let staff know who their choices for the visioning committee are to be reviewed in executive session.

ADJOURNMENT

MOTION Mr. Foust moved, Mr. Myers seconded a motion to adjourn.

The motion carried unanimously by a voice vote.

President Michael declared the meeting adjourned at 9:31 p.m.

Assistant City Clerk

*APPROVED by the City Council, this
3rd day of June, 2019.*

Council President



CITY OF WORTHINGTON
Worthington City Council Minutes
May 20, 2019

6550 N. High Street
Worthington, Ohio 43085

CALL TO ORDER – Roll Call, Pledge of Allegiance

Worthington City Council met in Regular Session on Monday, May 20, 2019, in the John P. Coleman Council Chambers of the Louis J.R. Goorey Municipal Building, 6550 North High Street, Worthington, Ohio. President Michael called the meeting to order at or about 7:30 p.m.

ROLL CALL

Members Present: Rachael R. Dorothy, Beth Kowalczyk, Scott Myers, Douglas Foust, David Robinson, and Bonnie D. Michael

Member(s) Absent: Douglas K. Smith

Also present: City Manager Matt Greeson, Assistant City Manager Robyn Stewart, Director of Law Tom Lindsey, Director of Finance Scott Bartter, Chief of Fire John Bailot, Director of Service & Engineering Dan Whited, Director of Planning & Building Lee Brown, Chief of Police Jerry Strait, Director of Parks & Recreation Darren Hurley, Clerk of Council D. Kay Thress, Assistant City Clerk Ethan Barnhardt

There were 19 visitors present.

PLEDGE OF ALLEGIANCE

President Michael invited all to stand and join in reciting the Pledge of Allegiance to the flag.

VISITOR COMMENTS

There were no visitor comments.

CONSENT AGENDA

Approval of Meeting Minutes

- Meeting Minutes - May 6, 2019 (Special)
- Meeting Minutes – May 6, 2019 (Joint)
- Meeting Minutes – May 6, 2019

- Meeting Minutes – May 13, 2019 (Special)
- Meeting Minutes – May 13, 2019

Ordinance No. 17-2019

Authorizing and Directing the Establishment of a Special Revenue Fund for the Purpose of Accumulating Resources for Payment of Salaries During any Fiscal Year When the Number of Pay Periods Exceeds the Usual and Customary Number of Pay Periods (27th Pay Fund).

Resolution No. 27-2019

Approving an Agreement and Permit for and between Level 3 Communications, LLC, a Delaware Limited Liability Company, to Operate and Maintain a Telecommunications System Within the City of Worthington Pursuant to and Subject to the Provisions of Chapter 949 of the Codified Ordinances of the City of Worthington.

Introduced by Mr. Myers.

Resolution No. 28-2019

Re-Appointing Ann Horton and Appointing Jordan Schweller to the Worthington Bicycle and Pedestrian Advisory Board.

Introduced by Ms. Dorothy.

President Michael asked if there was anyone who wished to have any of the aforementioned pieces of legislation removed from the Consent Agenda.

MOTION

Mr. Foust moved, Mr. Robinson seconded a motion to approve the Consent Agenda.

There being no additional comments, the motion to approve the consent agenda passed unanimously by a voice vote.

PUBLIC HEARINGS ON LEGISLATION

President Michael declared public hearings and voting on legislation previously introduced to be in order.

Ordinance No. 14-2019

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, and Public Accommodations Based on Designated Classes.

The foregoing Ordinance Title was read.

Mr. Greeson discussed how the Community Relations Commissions (CRC) led by Chair Jack Miner, City Council, and staff have been working for nearly a year on the drafting of a non-discrimination ordinance. Tonight is hopefully the final stage in that process.

Mr. Lindsey explained how this has been a long and thorough process. We have made a number of changes since the last version that Council saw, and those changes are outlined in the memo. The overriding theme of those changes was the desire to make sure the ordinance we adopt is one that will provide the rights that the CRC sought to provide for residents and individuals within the City in a broad manner, but also to make sure the ordinance did not subject the City to unnecessary litigation. Clarified was gender identity and expression, just to make sure that was clear as to what was intended by that definition. That definition is similar to one in the state of Connecticut and that the American Civil Liberties Union had proposed. We have also added some language to clarify that if a court were to examine our ordinance, that it is the intent of Council that this ordinance not violate anybody's first amendment rights. Regarding the questions raised by Mr. Myers a month or two ago pertaining to the civil penalties and the language of that, we took language from the Ohio Revised Code with similar enforcement penalty language to address that concern.

Mr. Miner said this ordinance is really important to the CRC and is at the heart of what the CRC is. Looking back at how the CRC came around it has always been about inclusiveness and making the Worthington community welcome one that is open to everyone. He expressed that this process has made him proud to be a part of the Worthington community. Typically when ordinances like this come forward it was triggered by an incident or creates divisiveness within the community. We have not seen this here. What you see today is work from everyone, including our faith community and business community. The Chamber of Commerce did a resolution in support of this which is out of the ordinary for them. This is something that will serve Worthington and other communities across the country well. We will be the 23rd municipality in Ohio to pass an inclusive nondiscrimination ordinance. We built one that has solved a lot of the questions other communities have been concerned about and is stronger and more risk adverse than others and we hope it will serve as a model for other cities going forward. This was an opportunity to affirm the values that already exist in Worthington.

Gwen Stembridge – Equality Ohio – 118 East Main Street, Columbus, Ohio

Ms. Stembridge said she applauds Council's leadership in fostering an environment that is welcoming to the LGBTQ community. The attention paid to this issue is important in our current climate with rights and live under threat at the state and national level. Misunderstanding leads to ignorant and harmful words and acts both close to home and across the country. Less than 4 years ago marriage equality became the law of the land, and people have since been able to marry the person that they love. However, someone can still be fired and lose their job, be denied a loan, or turned away from a public space because of who they are or who they choose to love. People are being told that they do not belong, and we have the opportunity to send a message that all are welcome no matter who

they are or who they love. These ordinances boil down to the core American values of fairness, equal opportunity, and freedom, and recognizing the dignity of diverse human beings that live among us. Equality Ohio is committed to these principles and it is bold moves like this one that moves forward the Ohio Fairness Act that is being heard at the Statehouse this Wednesday. She expressed how she looks forward to proudly announcing Worthington as next to be on the list of inclusive communities.

Mr. Myers brought up that he read in a news article that indicated that complaints would be filed with the CRC. He wanted to confirm that was not the ultimate version included in this ordinance because there was the concern it would politicize and alter the CRC. Mr. Lindsey said that complaints would be filed with the City Clerk. There was discussion with the CRC about their historic role of welcoming and inclusion, and to become an enforcement arm seemed contrary to that. It made sense to handle complaints in the normal process of filing complaints to the City through the City Clerk's office.

Mr. Robinson said it is with great satisfaction that he anticipates casting an affirming vote. He thanked everyone involved. He articulated that though we are small community, we can provide an outsize influence on other communities by providing an example in the state and beyond.

Ms. Kowalczyk extended her thanks to those who were a part of this endeavor. She stated that she is proud to be a member of this community and member of Council at this time. She explained how she has heard in other settings that Worthington welcomes all and with the codification of this ordinance we are saying that all people in Worthington are equal and deserve to be treated as full members of our community. Other Central Ohio communities are looking at our CRC and starting to create their own and to do similar things. She wholeheartedly supports this ordinance and urges her Council colleagues to do the same.

Ms. Dorothy referenced Mr. Miner's comments where he spoke up about his feelings about Worthington. She said that she did think that Worthington was inclusive, and she feels included, but when you do not know what is going on, you must take sides. Elle Wiesel said, "Neutrality helps the oppressor, never the victim. Silence encourages the tormentor, never the tormented. The opposite of love, is not hate, it is indifference." She is so glad we are taking this positive action to reaffirm that we are inclusive. This is definitely a step we need to take.

Mr. Myers conveyed that he hopes this ordinance will carry forth and reflect to other regional communities just what Worthington is. If you want to live in a place where your neighbor loves you, then move here.

President Michael thanked those involved for taking a forward-thinking view. She explained how Worthington has had a CRC for more years than people realize. It is great that the CRC had the vision and strength to come forward and say this is what is needed in order to ensure that people who live and work in our City have a wonderful opportunity to be here and be part of the community.

There being no additional comments, the clerk called the roll on Ordinance No. 14-2019. The motion carried by the following vote:

Yes 6 Robinson, Kowalczyk, Foust, Dorothy, Myers, and Michael

No 0

Ordinance No. 14-2019 was thereupon declared duly passed and is recorded in full in the appropriate record book.

Ordinance No. 18-2019

Amending Ordinance No. 52-2018 (As Amended) to Adjust the Annual Budget by Providing for Appropriations from the General Fund and 350 West Wilson Bridge Road TIF Fund Unappropriated Balance.

The foregoing Ordinance Title was read.

Mr. Greeson described this ordinance as an additional appropriation that addresses the need to increase the appropriations line for retirement payouts because of the large number of long tenured employees that are anticipated to retire this year exceed what we originally allocated. Additionally, we need to appropriate some TIF funds for 350 West Wilson Bridge Road and money for computer maintenance.

There being no additional comments, the clerk called the roll on Ordinance No. 18-2019. The motion carried by the following vote:

Yes 6 Kowalczyk, Foust, Dorothy, Myers, Robinson, and Michael

No 0

Ordinance No. 18-2019 was thereupon declared duly passed and is recorded in full in the appropriate record book.

Ordinance No. 19-2019

Amending Ordinance No. 52-2018 (As Amended) to Adjust the Annual Budget by Providing for an Appropriation from the Capital Improvements Fund Unappropriated Balance to Pay the Costs of the NE Gateway - Huntley Rd. Waterline Project and all Related Expenses and Determining to Proceed with the said Project. (Project No. 602-14)

The foregoing Ordinance Title was read.

Mr. Whited explained how this is the kickoff of the Northeast Gateway Project. This will be for about one mile of eight-inch waterline along Huntley Road for aged infrastructure. We had a successful bid submitted. The project last approximately 160 days and the lifecycle of the waterline would be somewhere around 50 years.

MOTION A motion was made by Mr. Myers to insert in Section 1. an amount not to exceed six hundred forty-one thousand dollars (\$641,000) and in Section 2. the firm of J & T Excavating LLC. Seconded by Ms. Kowalczyk.

The motion passed unanimously by a voice vote.

Ms. Dorothy asked when construction would start. Mr. Whited estimated construction would begin mid to late July lasting into November.

There being no additional comments, the clerk called the roll on Ordinance No. 19-2019 (As Amended). The motion carried by the following vote:

Yes 6 Foust, Dorothy, Myers, Robinson, Kowalczyk, and Michael

No 0

Ordinance No. 19-2019 (As Amended) was thereupon declared duly passed and is recorded in full in the appropriate record book.

Ordinance No. 20-2019 An Ordinance Authorizing the Appropriation of Property and Easements from Multiple Properties for the Public Purpose of Constructing a Roadway Project, Specifically, for the FRA-CR 84-1.36 Northeast Gateway Project, Which Such Roadway Shall be Open to the Public Without Charge.

The foregoing Ordinance Title was read.

Mr. Lindsey asked this be tabled so that notifications can be sent out and people receive them prior to the actual vote on this ordinance.

MOTION A motion was made by Mr. Foust, seconded by Mr. Myers to table Ordinance No. 20-2019 until the June 5, 2019 meeting.

The motion carried unanimously by a voice vote.

NEW LEGISLATION TO BE INTRODUCED

Resolution No. 29-2019 Adopting a Bicycle and Pedestrian Master Plan for the City of Worthington.

Introduced by Ms. Dorothy.**MOTION**

Ms. Kowalczyk made a motion to adopt Resolution No. 29-2019.
The motion was seconded by Mr. Robinson.

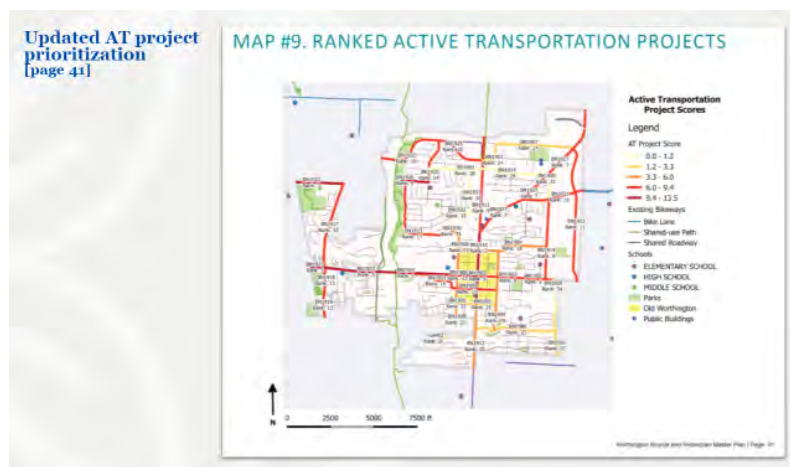
Mr. Hurley said that bicycle and pedestrian access has been a stated priority of Council for several years now. Creation of the Bicycle and Pedestrian Master Plan included a robust variety of methods and public meetings to gather community input, and the expertise of our consulting team has led to development of this plan. It is important to note that this ties together with the Complete Streets policy. The Bicycle and Pedestrian Advisory Board made a unanimous motion recommending Council's adoption of the plan.

Tony Hull – Blue Zones

Mr. Hull said that there has been a lot of good input received since their last presentation to Council in February. There are a number of new elements added, but much is unchanged.

He described the vision of a connected Worthington and a description of their engagement survey. The recommendations have been restructured so that instead of talking about short-term near-term projects, it has been reorganized into tiers. However, the prioritization scheme is unchanged. Additionally, cost opinions have been added to the recommendations to give a better understanding of the budget necessary to deliver the plan.

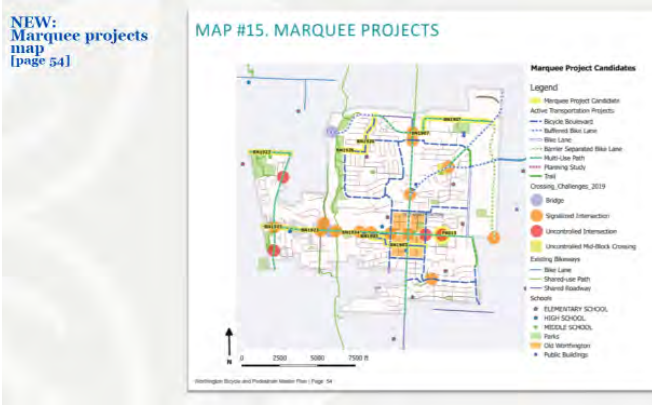
He described the active transportation corridors and the overlay with project prioritizations. As these projects go on under Complete Streets, we really aren't just looking at bicycle facilities, but all the opportunities in that corridor.



There are crossing challenges sections, which have been mapped out where there are three identified types. In terms of recommendations, we actually only used the uncontrolled crossings which get linked to counter measure selection systems for that. For signalized crossings and

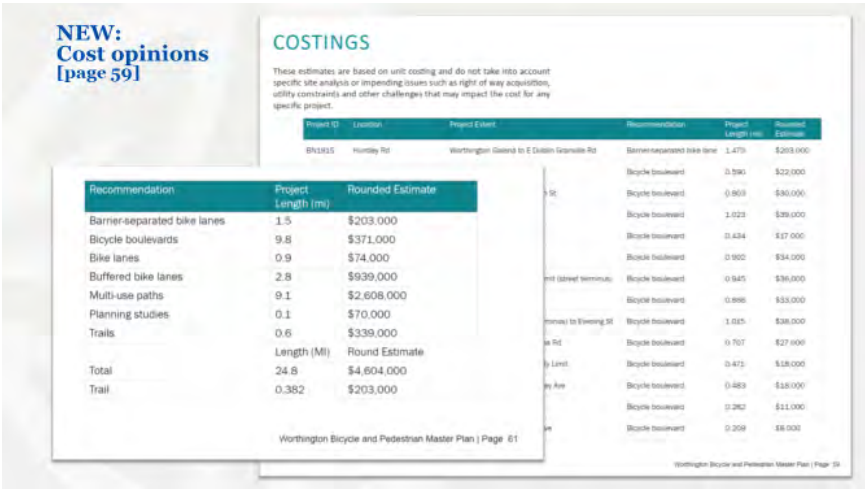
bridges, we only recommend that Mr. Whited and his staff continue to do quality monitoring and looking at opportunities to better accommodate bike and pedestrian access.

- 1. **Uncontrolled** – Intersections or mid-block locations where crosswalks exist (marked and unmarked), or are needed to improve safe crossing for pedestrians
- 2. **Signalized** – Intersections and locations currently controlled by signals, where there may be opportunities to improve safety and convenience for pedestrian crossings
- 3. **Bridges** – Walkways across ridges are especially important from a connectivity standpoint as alternatives often involve significant distances to overcome



A new section is for marquee projects because it can be difficult to know where to start. We have identified projects in terms of readiness, ability to create impact, and prioritization of projects to look at in the first year to identify some things you can begin to get wind with. It gives staff and the Bicycle and Pedestrian Advisory board a starting point in getting the work done.

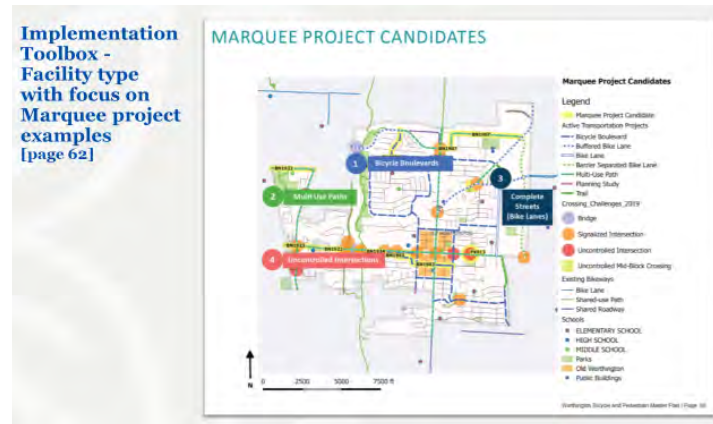
The sidewalk gaps map cross referenced those that overlapped in active transportation corridors to recognize the gap fill projects. We are not currently trying to make a recommendation to change the policy with that because the existing program for gap fill, is something that is better addressed as implementation of the Complete Streets policy. If we tried to make this entire plan a gap fill, it would become a laundry list of expensive things and you would not be able to get a lot of stuff in the plan done.



With cost opinions it is important to think about the resources needed to build things out and what things can be accomplished with the existing budget.

The implementation toolbox looks at creating some guidance and resources that supplement the guidance that comes from the new Complete Streets policy, but also specific to the types of projects we anticipate implementing from the plan. There are four types of projects they would like to highlight. The first is the focus on the bike boulevard

tools. There have been a lot of questions about what exactly a bike boulevard is. He suggested that the bike boulevard is a new and innovative tool for communities to address bicycling on lower volume streets. Worthington will decide what a bike boulevard is.



Mr. Foust asked if the slides displaying a bike boulevard shows a one lane street with bike lanes on either side. Mr. Hull said sometimes they utilize advisory shoulders with dashed lines to demark lines for biking and walking. With two-way travel they actually share the street, when you encounter a car that's the only time you would actually transverse into the bikeway only when yielding to the bikes and the pedestrians. This concept is becoming popular in some cities. Mr. Foust clarified that this is not a one-way street, you are proposing two-way traffic where two cars come towards each other in the same lane until they decide to scoot to either side, assuming there is no bicycle there. Mr. Hull shared that it is commonly called courtesy yielding which has the effect of making drivers more cautious and forcing them to be more centered and paying attention. The safety benefits are also well documented and European countries have been doing this for 30 years now. He explained that other elements can be context specific to streets, but they do involve things such as traffic calming in an effort to make sure streets are working well for bicycling and walking, keeping traffic slow.



Mr. Hull detailed the toolbox for multi-use paths and trails and there is an opportunity with a long vision for signature trails. There are a lot of elements for consideration. Regarding Complete Streets applications, we are thinking about cross sections to help think about different options that are available.

Mr. Robinson thanked everyone who has worked on this and acknowledged that there has been a great bit of effort put into this. He prefaced his statements by establishing his credibility. He explained that he and his family moved here 10 years ago specifically

because it is a walkable community. He loves walking his kids to school. He detailed how he biked across the country and has a love for cycling. With that being said, he explained that what we are being asked to do is to approve a significant plan, with broad implications about how we will build out and shape our community. These plans tend to take on a life of their own and wield immense authority in coming years. He views a vote approving this with great significance. However, when he received his packet on Thursday, that was the first time he had seen this final report and been able to read the language. He suggested that we take a little more time to talk through some specifics. The proposals in here are far reaching and he does not know what we are committing to. He thinks it is more than just aspirations and recommendations. This will have impact on City practices and expectations for budgeting. Specifically, the tier one toolbox has ideas stating that we should intentionally build impediments to slow traffic. He does not know if that is a good idea. The Complete Streets policy is even more far reaching and dramatic. He is not prepared to vote for it tonight. He does not know if we have had enough time to discuss this significant proposal.

Ms. Kowalczyk brought up that we have had a presentation on this, and she feels like she has had a thorough briefing of it. She does question what the next steps are but has no trepidation about supporting this plan tonight. Mr. Robinson asked if she was referring to the February presentation on this report. Ms. Kowalczyk said she did not know the specific date, but this information was reviewed. Her question is once we pass this, then what are the next steps. She said that she knows that there is one project that is already being implemented that is on the list.

Mr. Hurley said there are a couple of things and this reaches further than Parks and Recreation, it affects the departments of Messrs. Brown and Whited. For context, a couple years ago we had a parks master plan that basically took a community assessment and said when opportunity allows there are projects and the prioritization of them. As a staff member, he would approach this in his role with Bicycle and Pedestrian Advisory Committee and would look at this to identify things that are achievable with a certain amount of money. That was the process used to identify the Pingree-161 crossing, and they did utilize the draft of this plan. When we approach a street project, the Complete Streets policy and this are used as a filter if there is something recommended and then if it is doable in the budget.

Mr. Whited said that to him it has been a huge paradigm shift as they have previously looked at streets at a functional classification. The context sensitivity in Complete Streets and in the Bicycle and Pedestrian plan asks you to think a little more broadly and to tie in the ability to accommodate all users and be more literally context sensitive. Also, he has to look through this with the Service Director's hat on because we have to plow the streets, be able to fit emergency vehicles through, and make sure refuse trucks can get through. There are a multitude of different considerations and this is guidance forcing us to consider things in a different perspective and utilize different ways of thinking.

Ms. Dorothy said one reason we had a committee to look at bike, pedestrian, and multimodal access is that Worthington has been lacking and is not meeting the needs of all

users. We can be encouraging walking, biking, multimodal and still maintain effective and efficient means of accommodating vehicular traffic, but that needs to be balanced out. This document has more of a focus on bicycles and pedestrians and it provides guidance. The Bicycle and Pedestrian Advisory Committee has said they had trouble prioritizing things and this document helps them to do that. She expressed that she thinks it is a good document and we have had a number of opportunities to review and give input.

Mr. Foust respectfully asked for more time before we adopt this. He got this Thursday night and it is 192 pages with tables and 8-point font. It is a very comprehensive document. He noted the fact that our own Council President asked a question about bicycle boulevards and he is not sure it got answered. His own street is tagged as a likely choice for a bicycle boulevard. He read the description of bicycle boulevards from the topic and explained how these are pretty big wholesale changes from what people have come to expect in the community. He wants to be able to give an answer when he is asked what it is we are doing here. He has not had time to fully digest it and it was placed on our laps abruptly.

President Michael read Mr. Smith's submitted comments. She read that he likes the report, but he hopes that Council does not vote on anything because he would like to analyze it before finalizing the approval. He figured we would want to discuss the details first. If Council wanted to wait, he would support that decision.

Mr. Myers said maybe he was negligent when this was last presented, but he does not remember being presented with marquee projects. Mr. Hurley said that was requested in order to identify projects that could be moved upon early on. Mr. Myers asked about the tier classifications. Mr. Hull said they were previously described as mid-term and near term. Mr. Myers said in the last report that Huntley from Worthington-Galena to Dublin is ranked as the 11th project and Proprietors from Schrock to Dublin is ranked as the 8th project. He asked if the committee looked at the meeting minutes when Council discussed this. His point is that we had a pretty robust discussion and one of the things he was hoping for is that we discussed Proprietors and Huntley and where we should encourage bicycles. What he is reading in the report is in both places. Council had that discussion. Mr. Hull said that the ranking and prioritization was an objective exercise. Mr. Myers said that he is a little gun shy about guidelines because some people are taking them as a bible, and he does not want this to become the bible. He reads the resolution and it could be interpreted as such that this is to guide city staff with their planning. He does not view it as that type of document. It is aspirational and a guideline with examples. In the resolution as written, he is not sure that is what it says.

Mr. Greeson said that there is language in this plan and the Complete Streets toolkit that expressly says this is not prescriptive. You do not find this is law. Mr. Myers said that the design guidelines and master plan are not law. Mr. Greeson said those documents are also guidance for committees and staff. Mr. Myers reminded that we have a legal appeal pending based upon a violation of the design guidelines, which he believes is not a legal appeal, but that is not a universally held belief. Mr. Greeson said that the fundamental difference with that as opposed to this is that there is a codified ordinance appeal process

and while limited in nature speaks to the use of the design guidelines. In this case, there is a conversation about how some communities adopt these, whether that is by ordinance or resolution. With a resolution, it is more often guidance to inform decisions, but not to prescribe them. We have no objection if there is concern about this and we need to spend more time with it. There is not a project that is not going to move forward if this is not voted on tonight.

Mr. Myers said those are two distinct discussions about the plan itself and the resolution adopting the plan. For him the issue is the resolution adopting the plan and what it means. This should be just a guideline and tool, not prescriptive. He does not want to build up false hopes. He asked if it is just a guideline, then his objections to specific items are less important. He does not believe there should be any priority of anything going down Huntley Road, he thinks it should be moved to Proprietors. We have semis going down Huntley. If this is just guidance to look at, then those concerns are not as important. Mr. Greeson brought up an example from a couple years ago about a discussion regarding Huntley Road. We backed into Complete Streets discussion. Essentially, the Complete Streets does not prescribe that we apply a specific project, but we can at least explore it and evaluate whether or not it makes sense to include some other users. We are not saying definitely doing something but rather it is more about when faced with a project, we will evaluate whether or not other users need to be accommodated for and if tools in the tool kit need to be applied.

Mr. Myers said five years ago this resolution would have been fine, but today it needs a better resolution. These types of things along with sustainability and lifecycle issues should be front of mind thinking. To him that is what this does. He wants to make it abundantly clear that this is a statement of policy and not of directive. He is willing to help draft a resolution that he can get his head around better that specifically details that out. Mr. Greeson said we could do that.

Ms. Kowalczyk said that she believes the resolution does what it needs, but if it needs to be worked on more she is on board with that. It is another lens to look at development and street maintenance to make sure we are doing everything we can to accommodate people of all ages, abilities, and all modes of transportation. So yes, she supports taking the time to do so. It is a guide and lens that we can use to evaluate as things come up.

President Michael said she agrees with Mr. Myers and expressed how she has seen people looking at guidelines as being more than guidelines. She supports a rewrite of the resolution.

Mr. Greeson said as we frame the next discussion there are multiple categories of conversation. First is one of clarity of purpose which is bringing that to the forefront and putting it in the resolution, so it is clear. Second is how we are going to use it more practically. Third regards projects and then talk about them as a group. Mr. Myers said that if he has clarity of purpose, he is less concerned about projects. He wants to see some language in the resolution that says the ultimate decision to fund or go forward with projects is vested in Council. So when that next project comes up, it will be debated at that

time. He does not want to be bogged down with the details of specific projects and he does not want to recreate what the committee has done over the past year. Mr. Greeson said it is helpful to the consultants and to staff that if there are particular projects or concepts that need discussion then we need to know that to prepare the materials ahead of time to have a fruitful discussion that leads to decision.

Mr. Foust said he stops on the resolution where it reads, "... the bike and ped master plan will provide direction to staff in the planning and prioritization..." It is the section, "...will provide direction..." that he struggles with. He thinks to Mr. Myer's thoughts that something that reads "will serve as a reference tool" or "will serve as a guidance resource" is what he wants to see. There are things within this master plan and the Complete Streets policy where we need to have some allowance for assessing the appropriateness of some of these tools. He stated that he believes some of these tools do not fit. He is cautious of having them introduced here as if they are endorsed concepts we are ready to take on over the next few years.

MOTION Mr. Myers moved, seconded by Mr. Foust to table Resolution No. 29-2019.

There being no additional comments, the motion to table Resolution No. 29-2019 passed unanimously by a voice vote.

Mr. Myers suggested to bring specific questions about specific projects to staff within the next week before the next meeting.

Council decided to wait to introduce Resolution No. 30-2019 until the Bicycle and pedestrian master plan is brought back for continued discussion.

Resolution No. 31-2019 Authorizing the City Manager to Enter into an Agreement with the City of Dublin for the Northwest Regional Emergency Communication Center to provide public safety dispatching communication services.

Introduced by Ms. Kowalczyk.

MOTION Ms. Dorothy made a motion to adopt Resolution No. 31-2019. The motion was seconded by Mr. Myers.

Ms. Stewart said she wanted to touch briefly on the reasoning behind this recommendation. Since the April meeting, we have conducted extensive public outreach to the community. The recommendation is to join the Northwest Regional Emergency Communications Center for 911 call answering and dispatching services for police, firefighters, and paramedics. They would also include handling of afterhours dispatching of other City services. The challenges we have as a small independent center drove this recommendation and it centers around the ever-increasing demands and expectations in

this service area. It is challenging to meet these demands as a small jurisdiction. Additionally, we cannot receive wireless 911 calls directly. This decision was not driven by the performance of our existing personnel. They serve our community extremely well every day.

She explained how we first began looking at this idea in 2012-2013 with a study evaluating the feasibility of a multi-jurisdictional center with other local jurisdictions. We have conducted additional research off and on since that time. We completed our evaluation in late 2018 after experiencing staffing shortages in our center.

The Northwest Center is operated by the City of Dublin and currently serves Dublin, Hilliard, Upper Arlington, Norwich Township, and Washington Township. By joining Northwest we would have the benefits of enhanced service because we currently cannot take 911 cell calls directly but the Northwest Center can. This will result in quicker response times and fewer 911 call transfers for Worthington paramedics, firefighters, and police. Because there would be dedicated call takers, callers would receive more focused attention and there are separate personnel tasked with dispatching the first responders and sharing information. They also have the capacity to be more responsive to future advances in technology and operations. Call takers and dispatchers would also have enhanced training, and there would be more capacity available for large scale emergency events.

There has been extensive public engagement and discussion around this recommendation. There were multiple Coffee with the Chiefs discussions. We had an amazing response from the telephone townhall with almost 500 total attendees, and 138 callers listening at one time. This participation was much greater than any of the in-person activities. We also had lots of web, social media, and newspaper articles communicating information. We also conducted visits with community groups, and reached out to our partners in Perry Township, Sharon Township, and the Village of Riverlea for their input. Information was distributed to our Police Citizens Academy alumni, Citizens Academy alumni, and members of our boards and commissions.

The financial agreement with the City of Dublin will be determined each year based on the Joint Dispatching Budget, proportioned across the jurisdictions based on usage of the Center. The Joint Dispatching Budget is developed by the Executive Committee comprised of the Chiefs from each jurisdiction and adopted by Dublin City Council. Worthington will receive the cost for the upcoming year in the fall of each year, which will be incorporated into the annual budget.

Mr. Myers said given the dearth of people here, we expected people would be more energized, he likes to think this is a positive. He asked if any negative comments were received during the outreach effort. Ms. Stewart said in other communities it has been controversial and we wanted to actively and extensively communicate with the community. Generally there has been no expressed opposition.

Ms. Dorothy commented on how happy she was about the outreach to the community. She anticipates if there are any issues we will work towards continuous improvement. She

hopes that if anyone in the public wanted to tour the Northwest facility, we would extend them that opportunity. This is a very good direction for us to go in.

There being no additional comments, the motion to adopt Resolution No. 31-2019 passed unanimously by a voice vote.

Resolution No. 32-2019

Approving an Agreement and Permit for and between Everstream Solutions, LLC, an Ohio Limited Liability Company, to Operate and Maintain a Telecommunications System Within the City of Worthington Pursuant to and Subject to the Provisions of Chapter 949 of the Codified Ordinances of the City of Worthington.

Introduced by Mr. Foust

MOTION

Mr. Robinson made a motion to adopt Resolution No. 32-2019. The motion was seconded by Ms. Kowalczyk.

Mr. Greeson said this is for a new permit. It appears to be a reputable fiberoptic provider who has complied with our codified ordinances to receive a permit.

There being no additional comments, the motion to adopt Resolution No. 32-2019 passed unanimously by a voice vote.

Resolution No. 33-2019

Appointing Janet Grubb, S. Michael Miller, Donald Breckinridge, and Charles “Kip” Kelsey to Serve as Mayor’s Court Magistrates when the Mayor and Vice-Mayor are Not Available.

Introduced by Ms. Dorothy.

MOTION

Mr. Myers made a motion to adopt Resolution No. 33-2019. The motion was seconded by Mr. Foust.

Mr. Lindsey said that Mayor Holmes indicated some concern about the possibility that we might not have someone available to handle Mayors Court activities if he were out of town. Since Vice Mayor Lorimer is less inclined in doing a full court hearing, there is the need to have a bullpen ready to go. These recommended magistrates have all indicated a willingness to serve if needed. We anticipate the need only occurring once or twice a year at a maximum.

There being no additional comments, the motion to adopt Resolution No. 33-2019 passed unanimously by a voice vote.

Resolution No. 34-2019

Authorizing the Acquisition of Certain Real Estate Interests Involving Parcels 5 and 19 for the Northeast Gateway Intersection Improvement Project. (Project No. 602-14)

Introduced by Mr. Foust.

MOTION

Mr. Robinson made a motion to adopt Resolution No. 34-2019. The motion was seconded by Ms. Kowalczyk.

Mr. Greeson said this is a continuation of the Northeast Gateway process.

There being no additional comments, the motion to adopt Resolution No. 34-2019 passed unanimously by a voice vote.

Ordinance No. 21-2019

Authorizing the City Manager to Enter into a Community Reinvestment Area Agreement with Worthington 17, LLC to Grant a Seventy-Five Percent (75%) Tax Exemption for Real Property Improvements to be Made to the Property Located at 6740 North High Street in the City of Worthington for a Period Not to Exceed Ten (10) Years.

Introduced by Ms. Dorothy.

The Clerk was instructed to give notice of a public hearing on said ordinance(s) in accordance with the provisions of the City Charter unless otherwise directed.

REPORTS OF CITY OFFICIALS

Policy Item(s)

- Permission to Advertise for Bids - East Wilson Bridge Road Resurfacing Project

Mr. Whited said that they are excited to resurface East Wilson Bridge Road and he hopes to do that after the waterline project is completed. He appreciates the permission to solicit for bids.

Ms. Dorothy said she understands we will look at all waterlines. Mr. Whited said it is behind schedule currently.

MOTION

Mr. Myers moved, seconded Mr. Foust to give permission to advertise for bids.

There being no additional comments, the motion passed unanimously by a voice vote.

Mr. Greeson asked to discuss scheduling for visioning RFP interviews. This has been a challenging affair in terms of determining dates that work for Council's schedules and the consultants. Several options have been distributed along with the pros and cons of each of those options.

After Council discussion the consensus was for option 2 beginning at 7pm.

Mr. Greeson said that the meetings would be hosted in the meeting room, so no one has advantage of watching livestream. Ms. Stewart said it would be noticed as a public meeting.

REPORT OF COUNCIL MEMBERS

Ms. Dorothy updated that she had a cemetery meeting after the joint meeting approving the continuance of the .5 mil. They have adopted the master plan and are now getting quotes for construction documents. It is a slow process. Architectural engineering documents still need to be bid and designed. Something may be finished in several years.

President Michael asked if Councilmembers could let staff know who their choices for the visioning committee are to be reviewed in executive session.

ADJOURNMENT

MOTION Mr. Foust moved, Mr. Myers seconded a motion to adjourn.

The motion carried unanimously by a voice vote.

President Michael declared the meeting adjourned at 9:31 p.m.

Assistant City Clerk

*APPROVED by the City Council, this
3rd day of June, 2019.*

Council President



CITY OF WORTHINGTON
Worthington City Council Minutes
June 3, 2019

6550 N. High Street
Worthington, Ohio
43085

CALL TO ORDER – Roll Call, Pledge of Allegiance

Worthington City Council met in Regular Session on Monday, June 3, 2019, in the John P. Coleman Council Chambers of the Louis J.R. Goorey Municipal Building, 6550 North High Street, Worthington, Ohio. President Michael called the meeting to order at or about 7:30 p.m.

ROLL CALL

Members Present: Rachael R. Dorothy, Douglas Foust, Beth Kowalczyk, David Robinson, Douglas K. Smith, Scott Myers, and Bonnie D. Michael

Member(s) Absent:

Also present: City Manager Matt Greeson, Assistant City Manager Robyn Stewart, Director of Law Tom Lindsey, Director of Finance Scott Bartter, Chief of Fire John Bailot, Director of Service & Engineering Dan Whited, Director of Planning & Building Lee Brown, Chief of Police Jerry Strait, Director of Parks & Recreation Darren Hurley, Clerk of Council D. Kay Thress, Assistant City Clerk Ethan Barnhardt

There were 7 visitors present.

PLEDGE OF ALLEGIANCE

President Michael invited all to stand and join in reciting the Pledge of Allegiance to the flag.

VISITOR COMMENTS

No visitor comments.

APPROVAL OF THE MINUTES

- Special Meeting Minutes – May 20, 2019
- Regular Meeting – May 20, 2019

Mr. Foust requested that there is a 35 second portion on the video feed from 1:04:45 – 1:05:20 that he would like to see included in the minutes.

Mr. Greeson recommended that we table the minutes and bring back an amendment.

MOTION Mr. Foust moved, Mr. Smith seconded a motion to table the meeting minutes for the Regular Meeting of May 20, 2019.

The motion to table the minutes for the Regular Meeting of May 20, 2019 carried unanimously by a voice vote.

The minutes for the Special Meeting of May 20, 2019 were approved as presented unanimously by a voice vote.

PUBLIC HEARINGS ON LEGISLATION

President Michael declared public hearings and voting on legislation previously introduced to be in order.

Ordinance No. 20-2019 An Ordinance Authorizing the Appropriation of Property and Easements from Multiple Properties for the Public Purpose of Constructing a Roadway Project, Specifically, for the FRA-CR 84-1.36 Northeast Gateway Project, Which Such Roadway Shall be Open to the Public Without Charge.

The foregoing Ordinance Title was read.

MOTION Mr. Robinson moved, Mr. Smith seconded a motion to remove Ordinance No. 20-2019 from the table.

The motion to remove Ordinance No. 20-2019 from the table carried unanimously by a voice vote.

Mr. Lindsey explained how this ordinance is part of a two step legislatively required process by state statute for us to move forward with the appropriation of any properties we cannot successfully negotiate a purchase price. We have listed all of the properties that we would anticipate might meet that requirement. However, negotiations have continued, and he is happy to report one of the parcels has reached a tentative agreement subject to signatures by both parties and the actually closing. We will not remove it from the actual ordinance, though he does not anticipate any problems between now and the closing. None of the other ones have closed. We are still optimistic on a number of these parcels and a number have entered into Right of Entry Agreements which would give us authority to move forward, which is not the same as us purchasing it, but it will not hold up the project. It is possible that if something were not to resolve, we would need to appropriate.

Mr. Robinson asked if Mr. Boggs with Frost, Brown, Todd, who is handling negotiations for this could come back to explain how this negotiation process works.

There being no additional comments, the clerk called the roll on Ordinance No. 20-2019. The motion carried by the following vote:

Yes 7 Robinson, Kowalczyk, Foust, Dorothy, Smith, Myers, and Michael

No 0

Ordinance No. 20-2019 was thereupon declared duly passed and is recorded in full in the appropriate record book.

Ordinance No. 21-2019

Authorizing the City Manager to Enter into a Community Reinvestment Area Agreement with Worthington 17, LLC to Grant a Seventy-Five Percent (75%) Tax Exemption for Real Property Improvements to be Made to the Property Located at 6740 North High Street in the City of Worthington for a Period Not to Exceed Ten (10) Years.

The foregoing Ordinance Title was read.

Mr. McCorkle described how he is pleased to recommend for approval a Community Reinvestment Area (CRA) for the former Anthem-Blue Cross/Blue Shield property. CRAs exempt a percentage of real property taxes on just the improvements of a property. The baseline property tax revenue will continue to be paid to the various jurisdictions as is currently being done, only the increased percentage of the valuation will be abated.

CRAs were originally created in the 1960s to deal with urban blight. Cities, villages, or counties can petition the state to create a CRA area or zone. A housing survey must be completed as part of the petition, which was completed in 2002-2003. The state requires that the CRA have contiguous boundaries or zones which are preferred for reporting purposes. The area or zone must also have two structures, one of which must be residential or historic. They also require a Housing Council, Housing Officer, and Tax Incentive Review Council.

CRA agreements require that anything more than 50% or 10 years have school board approval. This CRA received the school board approval in May. We also complete an annual report that is submitted to the state every year by March 31st.

In Worthington our program is primarily focused on Huntley & Proprietors Corridors, Wilson Bridge Corridor, and High Street. Our program was formally created in 2005 and the CRA here only focuses on commercial and industrial, residential properties are not eligible.

In Worthington there are three criteria for a CRA required:

1. Conduct commercial or industrial activity on the property such as manufacturing, warehousing, wholesale or office
2. Minimum investment of at least \$1M in new construction or improvements to the property
3. Employ minimum of 25 new employees or incur at least \$1M in new annual payroll costs in the City

Property owners or developers must enter into a legal agreement with the City to obtain CRA exemption before commencing any remodeling or construction work.

This property is located at 6740 N. High Street and is the former home of Anthem Blue Cross/Blue Shield. When they left, they had approximately 400 employees with about 225 of those on-site. An additional 150 employees were working remotely. They did have significant payroll at that building. When they left, they were only occupying 30,000 square feet of 207,000 square feet. They moved to the Point at Polaris and only leased 30,000 square feet. The property was purchased by Worthington 17, LLC in late 2017 and is currently vacant. The 207,000 square foot office building was built in the early 1970s. The request is for 10 acres comprised of 6 parcels that are to be abated.

Mr. Myers asked how this property ended up as six parcels and if there has ever been a move to combine those. Mr. Brown said that they probably gathered it parcel by parcel at a time. If it were coming in today, or when we work with the applicant for any redevelopment, we will probably go through a process to combine the parcels. Usually with state building codes for commercial, you cannot cross property lines. We will eventually be able to clean it up and create one big parcel.

Mr. McCorkle said that there are three parcels that are not being abated, the parking lot to the east and the anticipated retail development to the south. For that reason they are not included in the property tax abatement.

Mr. Foust asked if that would be the time to combine those two into one if something is to be developed there. Mr. McCorkle responded affirmatively.

Mr. Robinson asked for clarification about the requirement for there to be two properties, residential or historic for a CRA. Mr. McCorkle replied that requirement was for the CRA district to be initially created, which was done in 2005, and does not apply in this instance.

Mr. McCorkle gave a description of the project details and how with an abatement, the rationale would be that it would create a fixed expense that will attract office tenants. It would be a triple net lease where the property owner will ask for a certain price for square foot as a base price. It is then on the tenant to pay for utilities, taxes, and insurance on top of that. The property tax abatement allows us to hold the property taxes relatively consistent, making the property more attractive. They will have an expected expense for the next ten years.

Mr. Robinson asked if the tenant is the beneficiary of the 75% abatement. Mr. McCorkle said the true beneficiary is who is paying the tax bill, which would be Worthington 17, LLC. It is his understanding that Worthington 17, LCC is planning to structure the lease as a triple net lease which would pass the benefit along to the tenants.

Mr. McCorkle explained how the baseline property value is estimated at \$5.25 million. They acquire the site for \$6.5 million and the property owner then anticipates selling the southern parcel as a cash infusion, reducing the baseline value. They anticipate \$4-6 million in renovation costs. They are waiting on a tenant to come and say what they want done. The assumption is the creation of 400 new jobs by year five, assuming a multitenant user. The property owners are marketing it as both a single occupancy with a single user utilizing the entire building, and multitenant with multiple users splitting the building. Both are possible and we do not know the answer to that right now. He is hopeful we blow past the estimation of jobs created in year one, but we do not know that yet. The payroll commitment of \$16 million by year five assumes an average salary of \$40,000.

Mr. Myers asked if the job commitment numbers are baked into the agreement. Mr. McCorkle said that is correct. The TIRC has the ability to recommend changes to the agreement if they are not in compliance, which would then be brought to Council.

Mr. McCorkle detailed the economic impact to the Worthington City Schools and the City of Worthington. In this particular case, the schools are foregoing an average of \$106,000 per year, but will receive 25% from the portion not abated, and new revenues from a retail building for an estimated net gain of \$7,079. The City of Worthington is foregoing \$5,309, but the increased income tax revenues and property taxes from the non-abated portion and the new retail results in an estimated net annual impact to the City of \$400,355. If the retail building is not constructed on the southern parcel as anticipated, the City and schools will work in good faith on an income tax sharing agreement.

He described how the property is currently addressed as 6740 North High Street, but they anticipate rebranding it as 6700 North High Street.

Ms. Dorothy asked how many CRAs we have in the City of Worthington. Mr. McCorkle said we approved three 10-year CRAs in 2007, which have already burned off. We have one that is currently active at FC Bank which was approved in 2015. Ms. Dorothy asked about tenants looking for another location after the abatement burns off. Mr. McCorkle said that can happen and used the example of Roadrunner leaving with the abatement on their building burning off. Ms. Dorothy detailed how we receive most of our general revenue from income tax and when Anthem went away, we lost nearly \$1 million in income tax. The listed number here that we are incentivizing of \$400,000, is lower and she questioned if that is better than nothing. Mr. McCorkle explained that is a conservative estimate. The building is currently vacant, and they have shown many people the space. He believes it is critical we make the space as attractive as possible and offer as much as we can to attract businesses into that. In addition to the CRA, this was also our first user of the PACE assistance program.

Ms. Kowalczyk asked why the CRA is so important for this initiative. Mr. McCorkle detailed how we have an aging office product in Worthington, and we are struggling to compete with new Class-A office space in Easton, Polaris, and Bridge Park in Dublin. If you look at our neighbors, they are baking tax abatements into their buildings when they are constructed. That makes it challenging to compete. It is challenging to take a 40-50-year-old building and make it attractive from an incentive perspective. This levels the playing field and is getting us a little more on an equal footing with the other product coming online.

Mr. Robinson noted a clerical error in the CRA documents and then asked about the ordinance itself where it references revisions or additions approved by the City Manager and he asked what authority the City Manager may have and what types of things fall under that description. Mr. Lindsey explained how the language is standard where a sample agreement is being attached to the ordinance prior to the finalization of that agreement, and so the Exhibit A here is a draft agreement. In this language you would be authorizing the City Manager to make those revisions or additions that are consistent with the general objectives and requirements of the ordinance as set forth in the ordinance. As with all of our agreements it would require the Law Director's approval to form.

There being no comments, the clerk called the roll on Ordinance No. 21-2019. The motion carried by the following vote:

Yes 7 Foust, Dorothy, Smith, Myers, Robinson, Kowalczyk, and Michael

No 0

Ordinance No. 21-2019 was thereupon declared duly passed and is recorded in full in the appropriate record book.

NEW LEGISLATION TO BE INTRODUCED

Resolution No. 35-2019 Amending the Position Title and Position Description for Police Chief.

Introduced by Ms. Kowalczyk.

MOTION Mr. Robinson made a motion to adopt Resolution No. 35-2019. The motion was seconded by Mr. Foust.

Mr. Greeson explained how Chief Strait is retiring from the Division of Police later this summer and it is customary when we are anticipating any opening, to review the job description for the position and begin a process for recruitment. We have recommended some changes to the job description. There are a couple including a modest change in the timing requirement for a bachelor's degree. The most significant change is an amendment to the title of the position to Deputy Director of Safety/Police Chief. The Fire Chief and other department heads are all unclassified positions, also at-will, and this resolution would designate the Police Chief as a similar unclassified position.

There being no additional comments, the motion to adopt Resolution No. 35-2019 passed unanimously by a voice vote.

Resolution No. 36-2019

Strongly Urging the Ohio Governor and Members of the Ohio General Assembly to Restore the Local Government Fund to Pre-Recession Levels.

Introduced by Mr. Foust.

MOTION

Mr. Smith made a motion to adopt Resolution No. 25-2019. The motion was seconded by Mr. Myers.

Mr. Greeson detailed how the Local Government Fund (LGF) has been reduced significantly since the Great Recession. There was a time where we received \$1 million per year in LGF monies and last year in 2018 we received \$358,937. It is an important revenue stream and is one of the few that are discretionary and not designated for a particular use. Strong cities make a strong Ohio. Since the 1930s there has been some kind of revenue sharing because there is value in helping local governments be sustainable from a fiscal standpoint and have stable levels of service. The economy has rebounded and with state revenues rebounding, it is logical to increase the LGF dollars that were cut during the recession. Many organizations advocating for local governments are supporting increased local government funding.

Ms. Kowalczyk asked if it was fair to say due to the cuts, when we do need funding it has been up to the community, putting pressure on our residents. Mr. Greeson said that the reductions in the LGF have had different effects on different communities. In our case, we have less diverse revenue streams than in the past. In 2008, we had Estate Tax revenues which were eliminated, Tangible Personal Property Tax which were phased out, and we had more LGF funding. With those sources of revenue gone, income tax as a percentage of our overall budget now stands at 74%, necessitating that we retain significant fund balances.

President Michael said that if the funds are not coming in, it takes the projects we would like to do and pushes them back because we do not have the additional funding coming in.

Ms. Kowalczyk said that taking those revenues and holding them at the state level and segregating them into specific funding streams really inhibits local governments from driving dollars where they need to go. She believes this is incredibly important and we should encourage the General Assembly to take a close look at it.

Mr. Robinson says that this resolution is a good idea, however, the General Assembly will ultimately be more motivated by the voters. He asked if there are ways to communicate the purpose of this resolution to the public and educate them as to what we are doing and what is going on at the Statehouse. Mr. Greeson said we would engage Ms. Brown who is best equipped to do that.

There being no additional comments, the motion to adopt Resolution No. 36-2019 passed unanimously by a voice vote.

Ordinance No. 22-2019 Amending Ordinance No. 52-2018 (As Amended) to Adjust the Annual Budget by Providing for an Appropriation from the Capital Improvements Fund Unappropriated Balance to Pay the Cost of Curb Improvements at Wilson Bridge Road & the Railroad Crossing for the NE Gateway Intersection Improvement Project and all Related Expenses with said Project. (Project No. 602-14)

Introduced by Ms. Dorothy.

Ordinance No. 23-2019 Amending Ordinance No. 52-2018 (As Amended) to Adjust the Annual Budget by Providing for an Appropriation from the Capital Improvements Fund Unappropriated Balance to Pay the Costs of the East Wilson Bridge Road Resurfacing Project and all Related Expenses and Determining to Proceed with said Project. (Project No. 692-19)

Introduced by Ms. Kowalczyk.

The Clerk was instructed to give notice of a public hearing on said ordinance(s) in accordance with the provisions of the City Charter unless otherwise directed.

REPORTS OF CITY OFFICIALS

Policy Item(s)

- Architectural Review Board Appeal - 885 Evening Street

Mr. Greeson explained that the appellant has withdrawn their appeal for the ARB's approval of the modular classroom at 885 Evening Street. Council tabled that and procedurally we want to remove it from the table before accepting the withdrawal.

MOTION Mr. Foust moved, Mr. Smith seconded a motion to remove the appeal from the table.

The motion to remove the appeal from the table carried unanimously by a voice vote.

MOTION Mr. Myers moved, Ms. Dorothy seconded a motion to accept the withdraw of the appeal.

The motion to accept the withdraw of the appeal carried unanimously by a voice vote.

Mr. Greeson reported that our Electric Aggregation Program has a reported 98% participation rate according to our consultant Rich Surace with Energy Alliances. Typically, there is a higher opt out rate of approximately 5% in other communities he has worked with.

REPORT OF COUNCIL MEMBERS

Mr. Smith said residents have reached out to us via email and letters and he asked if we have a plan to respond as a group. President Michael responded that staff are developing responses to the correspondence, which will be shared with Councilmembers.

Mr. Myers noted that June 7 is National Gun Violence Prevention Day and he asked if we heard anything back from Senator Kunze about the letter we sent a year ago. Mr. Greeson said he remembers we got an acknowledgement receipt of the letter. Mr. Myers said he would imagine we received acknowledgement of receipt, but doubts we received committal about doing anything.

Ms. Dorothy thanked the American Legion, and everyone involved with the Memorial Day Parade. It was a fabulous event. Several residents came up to her to ask if Worthington was ever going to consider a single use plastic bag ban such as Bexley has recently done.

Ms. Kowalczyk commented that when she was on vacation in South Carolina recently, she noticed plastic bags were not being used and things were still running very smoothly. She mentioned how Worthington First Wednesday is coming up and the focus this month is on the arts. The Picnic with the Partnership is on June 22nd and this is the Partnership's signature event. She brought up how she received an email from a resident about our nondiscrimination ordinance and asked since June is Pride Month if we could highlight that, perhaps by flying flag over City Hall.

President Michael thanked those involved in the Memorial Day Parade and remembering those who died. Our own Vice Mayor Lorimer was the marshal and the distinguished keynote speaker was Chief Jerry Strait. She also mentioned that last night's Concert on the Green was recognized as Eric Gnezda day, celebrating the songs he has written, and his work with Songs at the Center.

Mr. Foust said in response to Ms. Kowalczyk's suggestion about flying a flag above City Hall, he discussed his work with the County Commissioners and how they have had a lot of dialogue over time about displays on the County Courthouse lawn. If we start having that conversation, he has some things to offer. However, it is one of those things where the word slippery slope comes to mind.

EXECUTIVE SESSION

MOTION

Mr. Myers moved, Ms. Dorothy seconded a motion to meet in Executive Session to discuss board and commission appointments and land acquisition.

The clerk called the roll on Executive Session. The motion carried by the following vote

Yes 7 Dorothy, Myers, Kowalczyk, Foust, Robinson, Smith, and Michael

No 0

Council recessed at 8:28 p.m. from the Regular meeting session

MOTION Mr. Foust moved, Mr. Robinson seconded a motion to return to open session at 9:07 p.m.

The motion carried unanimously by a voice vote.

ADJOURNMENT

MOTION Mr. Myers moved, Mr. Smith seconded a motion to adjourn.

The motion carried unanimously by a voice vote.

President Michael declared the meeting adjourned at 9:07 p.m.

*APPROVED by the City Council, this
17th day of June, 2019.*

Assistant City Clerk

Council President



**Worthington City Council
Special Meeting Minutes**
Wednesday, June 5, 2019 ~ 7:00 p.m.

6550 N. High Street
Worthington, Ohio 43085

CALL TO ORDER – Roll Call, Pledge of Allegiance

Worthington City Council met in Regular Session on Wednesday, June 5, 2019, in the second floor Meeting Room of the Louis J.R. Goorey Municipal Building, 6550 North High Street, Worthington, Ohio. President Michael called the meeting to order at or about 7:00 p.m.

ROLL CALL

Members Present: Douglas Foust, Beth Kowalczyk, Scott Myers, David Robinson, Douglas Smith and Bonnie D. Michael (Rachael Dorothy arrived at approximately 7:15 p.m.)

Also present: City Manager Matt Greeson and Clerk of Council D. Kay Thress

PLEDGE OF ALLEGIANCE

President Michael invited all to stand and join in reciting the Pledge of Allegiance to the flag.

SPECIAL PRESENTATION

- Future iQ, Inc.

David Beurle and Heather Branigin were the representatives for Future iQ. They provided background information and shared their approach to community visioning. While he will be the point person and very involved, Mr. Beurle by way of PowerPoint introduced the other members of the team that will be working on the Worthington Visioning project.

Mr. Beurle shared that their approach to visioning is data driven to maximize the outcome of any type of visioning process. Their most recent works have involved the Department of Defense in assisting communities that have a strong military presence, they do tourism planning in Washington, Oregon and Maine, and they assist with city planning (he provided several examples, one of which was Hilton Head Island, S.C.). If he were to stereotype the communities that they have worked with he would say that they are relatively affluent, have well educated citizenry and they are people who really want to do a deep dive and think about the tough questions of the future. They want to work with communities that are either at a crossroads or things are changing and residents want to think about their future.

The goal is to produce a powerful outcome for the community and set Worthington up with a clear plan. Their approach uses three elements: Future Oriented (determine trend lines), People Focused (want people to feel like they are investing their time well and are engaged in the process), and Data Driven (use data to give council a defensible base for its decisions going forward). They spend a great deal of time analyzing the input from the community in order to clarify where points

of contention exist, determine how big the deviations are and which cohorts have different views and then pull all of that together. He thinks they are unique because of the Future Oriented piece and the Data Driven effort which are both very important elements in their process.

They look at emerging trends as well as the previous work that has been done because there is a history in planning. They will be looking at what the vision and action plan is for 2030-2040. They will also consider the internal dynamics of the community as well as the external forces that might be involved.

The process involves four phases. An initial community survey, which does not necessarily have quality data points, but it gives people a change to have a say. They have a think tank, which convenes a group of people over several days to think about different iterations of the future. They will use scenarios to envision what the City might look like ten to twenty years from now. There are several months of community engagement efforts. The Visioning Committee can be used to assist with surveys, local events and focus group meetings. They probably want a 1,000 to 1,500 response rate from this community. We look at the different groups and design appropriate engagement to reach each of them through different approaches. Then the think tank group is brought back together to evaluate the data and develop the vision and action plan.

We often have quite an interface with the Council. We will brief members in working sessions and have several touch points. They will need guidance because some Councils want to be very hands off and some want to be involved because they are part of the community.

Mr. Beurle explained that the \$80,000 cost is a fixed price and includes everything on the list. He thinks that the depth and width of the stakeholder engagement piece could fluctuate if needed.

Council members asked questions and thanked the two for joining them this evening.

ADJOURNMENT

MOTION Mr. Foust made a motion to adjourn the Special Meeting. The motion was seconded by Ms. Dorothy.

President Michael declared the meeting adjourned at 8:04 p.m.

Clerk of Council

*APPROVED by the City Council, this
17th day of June, 2019.*

President of Council



STAFF MEMORANDUM
City Council Meeting – June 17, 2019

Date: May 29, 2019

To: Matthew H. Greeson, City Manager

From: Daniel Whited, P.E. Director of Service and Engineering

Subject: **Ordinance No. 22-2019 – Appropriation - Preliminary Engineering - CSX Rail Crossing Improvements**

EXECUTIVE SUMMARY

This Ordinance appropriates \$45,000 costs required by CSX to fund engineering and inspections of proposed improvements at the East Wilson Bridge Road railroad crossing.

RECOMMENDATION

Approve as Presented

BACKGROUND/DESCRIPTION

The Ohio Rail Development Commission (ORDC) has approved the preliminary engineering plans for City-related construction to take place at the rail crossing on East Wilson Bridge Road. These improvements will construct new curb and gutter, in addition to concrete traffic islands, which will eliminate the ability for vehicles to circumvent the gates and risk a train-car collision. The improvements will work in conjunction with new signals, gates and detection systems being installed by ORDC, and CSX and Norfolk Southern Railroads.

Earlier this year, staff secured funding to complete the work this summer. As we moved forward, CSX determined we would need to pay \$45,000 into a force account which will cover their cost for engineering and inspections of the work. The account must be established before they will allow work to take place in their right-of-way. These funds can be reimbursed through our grant from the Ohio Rail Development Commission.

FINANCIAL IMPLICATIONS/FUNDING SOURCES (if applicable)

\$45,000

ATTACHMENT

Ordinance No. 22-2019

ORDINANCE NO. 22-2019

Amending Ordinance No. 52-2018 (As Amended) to Adjust the Annual Budget by Providing for an Appropriation from the Capital Improvements Fund Unappropriated Balance to Pay the Cost of Curb Improvements at Wilson Bridge Road & the Railroad Crossing for the NE Gateway Intersection Improvement Project and all Related Expenses with said Project. (Project No. 602-14)

WHEREAS, the Charter of the City of Worthington, Ohio, provides that City Council may at any time amend or revise the Budget by Ordinance, providing that such amendment does not authorize the expenditure of more revenue than will be available;

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

SECTION 1. That there be and hereby is appropriated from the Capital Improvements Fund Unappropriated Balance to Account No. 308.8150.533330 an amount not to exceed forty five thousand dollars (\$45,000.00) to pay the cost of curb improvements at Wilson Bridge Road and the Railroad Crossing for the NE Gateway Intersection Improvement Project and all related expenses (Project No. 602-14).

SECTION 2. 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.

Passed _____

President of Council

Attest:

Clerk of Council



STAFF MEMORANDUM
City Council Meeting – June 17, 2019

Date: June 12, 2019

To: Matthew H. Greeson, City Manager

From: Daniel Whited, P.E.

Subject: **Ordinance No. 23-2019 – Appropriation - East Wilson Bridge Road Resurfacing**

EXECUTIVE SUMMARY

This Ordinance appropriates funds for the resurfacing project for East Wilson Bridge Road from High Street to the railroad crossing.

RECOMMENDATION

Motion to Amend and Approve as Amended

BACKGROUND/DESCRIPTION

East Wilson Bridge Road has experienced a number of large-scale water main breaks over the last several years. The breaks, along with regular wear and tear, have taken a toll on the existing asphalt road surface. This spring a new waterline is being constructed with the intention of eliminating further damage to the roadway and disruption in water surface. At the conclusion of the waterline construction, we plan to have East Wilson Bridge Road resurfaced to bring it back into an acceptable level of service for motor vehicles and bicycles.

Bids were opened June 5th, with Strawser Paving being the best, lowest bidder. We are seeking permission to allow the City Manager to award and enter into contract with Strawser Paving to complete the work.

FINANCIAL IMPLICATIONS/FUNDING SOURCES (if applicable)

The engineering estimate for the asphalt resurfacing is \$564,000

ATTACHMENTS

Ordinance No. 23-2019 (As Amended)
Ordinance No. 23-2019

ORDINANCE NO. 23-2019
(As Amended)

Amending Ordinance No. 52-2018 (As Amended) to Adjust the Annual Budget by Providing for an Appropriation from the Capital Improvements Fund Unappropriated Balance to Pay the Costs of the East Wilson Bridge Road Resurfacing Project and all Related Expenses and Determining to Proceed with said Project. (Project No. 692-19)

WHEREAS, the Charter of the City of Worthington, Ohio, provides that City Council may at any time amend or revise the Budget by Ordinance, providing that such amendment does not authorize the expenditure of more revenue than will be available;

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

SECTION 1. That there be and hereby is appropriated from the Capital Improvements Fund Unappropriated Balance to Account No. 308.8150.533421 an amount not to exceed five-hundred sixty-four thousand dollars (\$564,000) to pay the cost of the East Wilson Bridge Road Resurfacing Project and all related expenses (Project No. 692-19).

SECTION 2. That the City Manager be and hereby is authorized and directed to enter into an agreement with the firm of Strawser Paving Company for the provision of the aforementioned services.

SECTION 3. For the purposes of Section 2.21 of the Charter of the City, this ordinance shall be considered an "Ordinance Determining to Proceed" with the Project, notwithstanding future actions of this Council, which may be necessary or appropriate in order to comply with other requirements of law.

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.

Passed _____

President of Council

Attest:

Introduced June 3, 2019
P.H. June 17, 2019

Clerk of Council

ORDINANCE NO. 23-2019

Amending Ordinance No. 52-2018 (As Amended) to Adjust the Annual Budget by Providing for an Appropriation from the Capital Improvements Fund Unappropriated Balance to Pay the Costs of the East Wilson Bridge Road Resurfacing Project and all Related Expenses and Determining to Proceed with said Project. (Project No. 692-19)

WHEREAS, the Charter of the City of Worthington, Ohio, provides that City Council may at any time amend or revise the Budget by Ordinance, providing that such amendment does not authorize the expenditure of more revenue than will be available;

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

SECTION 1. That there be and hereby is appropriated from the Capital Improvements Fund Unappropriated Balance to Account No. 308.8150.533421 an amount not to exceed _____ (\$_____) to pay the cost of the East Wilson Bridge Road Resurfacing Project and all related expenses (Project No. 692-19).

SECTION 2. That the City Manager be and hereby is authorized and directed to enter into an agreement with the firm of _____ for the provision of the aforementioned services.

SECTION 3. For the purposes of Section 2.21 of the Charter of the City, this ordinance shall be considered an "Ordinance Determining to Proceed" with the Project, notwithstanding future actions of this Council, which may be necessary or appropriate in order to comply with other requirements of law.

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.

Passed _____

President of Council

Attest:

Clerk of Council



STAFF MEMORANDUM
City Council Meeting –June 17, 2019

Date: June 13, 2019

To: Matthew H. Greeson, City Manager

From: Darren Hurley, Parks & Recreation Director

CC: Dan Whited, Director of Service and Engineering

Subject: **Resolution No. 29-2019 Bicycle and Pedestrian Master Plan Follow Up**

EXECUTIVE SUMMARY

At the May 20, 2019 City Council Meeting, the approval of the Bike and Pedestrian Master Plan and related Resolution was tabled. At your request, Council Members had an opportunity to provide feedback to staff for revisions to the plan and the Resolution. We received input and suggested changes on the resolution from Council Member Myers. We also received suggested edits on the plan and Resolution from Council Members Robinson and Foust.

Attached, please see the newly drafted Resolution and the suggested changes to the text of the plans provided by Mr. Robinson and endorsed by Mr. Foust. We have not rewritten the plan based on the suggestions yet as the suggestions are more complex in some cases and staff would like to have Council review them and determine if consensus can be reached to direct staff on revising the plan and resolution language for approval by City Council.

Comments from Council Member Robinson (June 5, 2019)

To my reading, the draft of the Bike & Ped Master Plan is not only an uncontroversial plan to enhance Worthington's everyday means of walking and biking through our town. If that were the case, I would wholeheartedly embrace it. But it also advances in its Vision and introductory statements the idea that automobiles are onerous (see notes below pgs. 6-7), reflecting societal mistakes that we need to now correct, at great cost, through various far-reaching changes in street design and functionality.

If the language of the study is modified so that its contents are described simply as options and ideas for possible application where publicly supported and suitable, and when

funding is available, then I can readily support most of the report. But if the study is presented in its current form—conceived as an articulation of a firm policy that commits the city to a host of new goals, practices and expenditures—then I cannot embrace it due to the inclusion of what I view as inappropriate and costly elements.

My request is that two basic issues be discussed at Council: 1) the nature of the report itself (is it a study offering options without us committing to its core philosophy, policy changes, and spending requirements, or is it an actual plan that commits us to actions and funding in support of its underlying vision?), and 2) are there elements of the report, even if we decide that the document is simply a study providing options and not a fully actionable plan, that ought to be removed or fundamentally qualified (e.g., p. 78, Two-Way Travel Lanes, or p.66, Bike Boulevards that introduce street impediments so as to try slow traffic to 20 mph)?

It is my hope that the language of the Resolutions and the study itself can be modified with qualifications and edits along these lines.

Working Notes re Bike & Ped Master Plan

(I believe all page references refer to pagination in bound document distributed at Council meeting; I've also got notes from the council meeting handout with two different pagination references and I tried not to get my signals crossed—sorry if I did)

Cover - change Title from “Plan” to “Report” throughout document:

A Connected Worthington

Bicycle and Pedestrian Report

2019

p.3 - change from “Chapter 3: Recommendations” to “Chapter 3: Options”

p.6 - change text in first paragraph to “...of possible pedestrian and bicycle routes that would connect the city’s neighborhoods with its many activity centers, as well as with the regional network.”

p.6 - last bullet point: change to: “A focus on encouraging walking and biking as desirable modes of transportation, while maintaining safe and efficient means of facilitating vehicular traffic to, from, and within Worthington.”

p.7 - replace the first paragraph—a sweeping socio-historical criticism—with a more relevant and value-neutral statement such as:

“As broad cultural values evolve, there is an increasing desire in Worthington for us to enhance our ability to safely and easily walk and bike throughout our city. Doing so in a way that is compatible with the existing automobile infrastructure is a challenge that this study squarely acknowledges and creatively addresses through a range of proposed systems and possible design options.”

p. 7 - replace second paragraph with “With this Bike and Pedestrian Study, the Worthington community has identified specific means of enhancing social interaction, increasing public safety, supporting certain economic activities, and supporting healthier lifestyles.

Worthington has much to preserve, and while no single study will address all possible transportation goals, this document may be used to guide development of pedestrian and bicycle infrastructure so that the healthy choice becomes an easy choice.”

p. 7 - replace third paragraph with “This study is intended to be a resource for informing decisions regarding cycling, walkability, proposed development, capital improvements, and annual budgeting. For elements of this study to be employed, strategic approaches in both the use of capital improvement dollars and in the acquisition of grant monies are required. This document prioritizes projects in order to facilitate decision-making and collaboration between policy makers, planners, and private developers. The concepts and proposals of this study should be considered and addressed, though not necessarily implemented, in all applicable development proposals. In this way, Worthington will evolve and enhance its transportation infrastructure, purposefully transforming it over time in ways compatible with public sentiment and budgetary realities.”

p. 7 - replace fourth paragraph with “Given funding limitations, physical constraints, and desirability of employing the full “complete streets” concept in a mature, built-out community, the implementation of this study’s recommendations will be selective, methodical, and conditioned by ongoing public dialog.”

p. 16 - specify West in second key message, Improve West Dublin Granville:

p. 40 - the Recommendations are made “in concert with the development of the city’s new Complete Streets policies and implementation approach.” As far as I know, the city has not adopted Complete Streets policies as suitable or affordable for Worthington. Have we? If not, then this language needs to be qualified. If the CS policy is adopted, then I would suggest language that acknowledges the qualified nature of the policy’s adoption for Worthington along the lines of notes for p.7 above.

p. 68 - Bicycle Blvds. - Beyond very targeted situations where safety may be the primary goal, do we embrace the goal of intentionally introducing traffic impediments to our streets in order to slow traffic? Further, what is currently deterring cyclists from targeted streets, e.g., W. New England? I’ve cycled W. New England many times, with children in tow, and found it a joy.

p. 78 - Two-Way Travel Lanes: Where in Worthington would this be considered desirable? If nowhere, let’s eliminate.

p. 84 - Complete Streets - This term encompasses a wide range of design elements and activities, some of which are uncontroversial and relatively modest (e.g., planting of trees, marking bike lanes with paint, making intersections pedestrian friendly), to highly consequential and disputable, e.g, its advocacy of building to the street, reducing the width or even number of vehicle lanes. Endorsing this concept without qualification introduces vague commitments that have far-reaching implications. I ask that we get specific about what we mean by Complete Streets in Worthington and just what it is we are endorsing, and not adopt the MORPC document in toto. See a couple of additional notes below:

RECOMMENDATION

Remove from the Table

BACKGROUND/DESCRIPTION

This was introduced at the June 3, 2019 meeting where it was tabled.

ATTACHMENTS

Resolution No. 29-2019 (As Amended)

Resolution No. 29-2019 (redline version)

[Bicycle and Pedestrian Master Plan Document](#)

RESOLUTION NO. 29-2019
(As Amended)

Adopting a Bicycle and Pedestrian Master Plan for
the City of Worthington.

WHEREAS, Bicycle and Pedestrian access has been a stated priority of the Worthington City Council; and,

WHEREAS, Worthington City Council appointed a Bicycle and Pedestrian Advisory Board made up of Worthington residents to make recommendations on bicycle and pedestrian accommodations in Worthington; and,

WHEREAS, the Bicycle and Pedestrian Advisory Board made a recommendation to City Council to allocate funding to hire a consultant team to gather community input and create a Bicycle and Pedestrian Master Plan to guide future projects and investments; and,

WHEREAS, the Bicycle and Pedestrian Advisory Board, with the assistance of a professional consulting team and staff has completed a process involving community input and dialogue including walk audits, community workshops, stakeholder meetings, on-line input opportunities, public presentations, open houses, a City Council workshop, and input from a steering committee of community representatives; and,

WHEREAS, the adoption of the Bicycle and Pedestrian Master Plan represents the acknowledgement that city streets should be designed to appropriately accommodate all forms of transportation, including vehicular, bicycle and pedestrian; and,

WHEREAS, Council supports integrating alternative forms of mobility, including bicycle and pedestrian transportation, as non-exclusive factors to be considered, where appropriate, in future transportation related decisions; and,

WHEREAS, the Bicycle and Pedestrian Master Plan will provide an additional tool available to staff and Council in the planning and prioritization of future transportation related initiatives and projects.

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

SECTION 1. That the Worthington City Council adopts the attached Bicycle and Pedestrian Master Plan for the City of Worthington as an expression of goals and aspirations and not as a commitment to proceed with any specific project.

SECTION 2. That the City Manager and his designees will utilize the Bicycle and Pedestrian Master Plan as one guideline to inform future decisions regarding how bicycle and pedestrian accommodations may be included, where appropriate in future transportation related initiatives and projects.

RESOLUTION NO. 29-2019
(As Amended)

SECTION 3. That the Clerk be and hereby is instructed to record this Resolution in the appropriate record book upon its adoption.

Adopted _____

President of Council

Attest:

Clerk of Council

RESOLUTION NO. 29-2019

Adopting a Bicycle and Pedestrian Master Plan for
the City of Worthington.

WHEREAS, Bicycle and Pedestrian access has been a stated priority of the
Worthington City Council;

WHEREAS, Worthington City Council appointed a Bicycle and Pedestrian
Advisory Board made up of Worthington residents to make recommendations on bicycle
and pedestrian accommodations in Worthington;

WHEREAS, the Bicycle and Pedestrian Advisory Board made a recommendation
to City Council to allocate funding to hire a consultant team to gather community input and
create a Bicycle and Pedestrian Master Plan to guide future projects and investments;

WHEREAS, the Bicycle and Pedestrian Advisory Board, with the assistance of a
professional consulting team and staff has completed a process involving community input
and dialogue including walk audits, community workshops, stakeholder meetings, on-line
input opportunities, public presentations, open houses, a City Council workshop, and input
from a steering committee of community representatives;

WHEREAS, The adoption of the Bicycle and Pedestrian Master Plan represents the
acknowledgement that city streets should be designed to appropriately accommodate all
forms of transportation, including vehicular, bicycle and pedestrian,

WHEREAS, ~~it is the stated purpose of Council to integrate~~Council supports
integrating alternative forms of mobility, including bicycle and pedestrian transportation,
as non-exclusive factors to be considered, where appropriate, in future transportation
related decisions, ~~therefore Council adopts the Bicycle and Pedestrian as an expression of
goals and aspirations not a commitment to any specific project,~~

WHEREAS, the Bicycle and Pedestrian Master Plan will provide an additional tool
available ~~provide direction~~ to staff and council in the planning and prioritization of future
transportation related initiatives and projects~~bike and pedestrian initiatives and projects;~~

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

SECTION 1. That the Worthington City Council adopts the attached Bicycle and
Pedestrian Master Plan for the City of Worthington as an expression of goals and
aspirations and not as a commitment to proceed with any specific project.

SECTION 2. That the City Manager and his designees will utilize the Bicycle and
Pedestrian Master Plan as one guideline to inform future decisions regarding how bicycle
and pedestrian accommodations ~~transportation~~ may be included, where appropriate in
future transportation related initiatives and projects.

SECTION 3. That the Clerk be and hereby is instructed to record this Resolution in the appropriate record book upon its adoption.

Adopted _____

President of Council

Attest:

Clerk of Council



STAFF MEMORANDUM
City Council Meeting – June 17, 2019

Date: June 13, 2019

To: Matthew H. Greeson, City Manager

From: Darren Hurley, Parks & Recreation Director

CC: Dan Whited, Director of Service and Engineering

Subject: **Resolution No. 30-2019 Complete Streets Policy Follow Up**

EXECUTIVE SUMMARY

At the May 20, 2019 City Council Meeting, the Complete Streets Policy and related Resolutions were not introduced because of concerns by Council members. At your request, Council Members had an opportunity to provide feedback to staff for revisions to the policy and the Resolution. We received input and suggested changes on the resolution from Council Member Myers. We also received suggested edits on the policy and Resolution from Council Members Robinson and Foust.

Attached is the originally proposed Resolution as well as the newly drafted one. Suggested changes to the text of the policy was provided by Mr. Robinson and endorsed by Mr. Foust. We have not rewritten the policy based on the suggestions yet as the suggestions are more complex in some cases and staff would like to have Council review them and determine if consensus can be reached to direct staff on revising the plans and resolution language for approval by City Council.

Comments from Council Member Robinson (June 5, 2019)

The complete streets concept endorsed in the documents ventures into the controversial issue of building setbacks as well. As a result, the plan, as written, overcommits the city to ideals, policies, and practices with big implications, based on this underlying philosophy, that have not been adequately considered by Council or, to the best of my knowledge, by the public at large.

MORPC Complete Streets Policy

In general, I would ask that the resolution language contain significant qualifiers as to what is being

p.63 - If we approve of the language as written, how do we determine what is “safe” and “equitable”? What are the specific metrics that would be used to measure impacts and justify expenditures? For example, how would we assess the pros/cons of dedicated bike lanes that require the elimination of vehicle lanes? Or the narrowing of vehicle lanes to create bike lanes, e.g., on E. Dublin Granville (a street with heavy truck traffic).

p. 63 - How would we assess the claim that roadway capacity would be maximized in Worthington through CS concepts?

RECOMMENDATION

Introduce and Approve as Presented

ATTACHMENTS

Resolution No. 30-2019

Resolution No. 30-2019 – edits

[Complete Street Policy](#)

RESOLUTION NO. 30-2019

Adopting a Complete Streets Policy for the City of
Worthington.

WHEREAS, the City of Worthington has shown strong commitment to the concepts of sustainability and to improving quality of life for its residents; and,

WHEREAS, developing a context-sensitive Complete Streets policy is an opportunity to expand on these efforts and reaffirm the city's commitment to incorporating sustainable practices where appropriate and navigating the evolving transportation technology landscape in a way that prioritizes residents' needs; and,

WHEREAS, staff made a recommendation to City Council to accept a Mid-Ohio Planning Commission (MORPC) Technical Assistance Program (TAP) grant to complete a Complete Streets Policy document, in conjunction with a Bicycle and Pedestrian Master Plan; and,

WHEREAS, MORPC, the Bicycle and Pedestrian Advisory Board, a professional consulting team, and staff have completed an evaluation and determination of context sensitive applications for implementation of complete street concepts, and developed a complete streets policy document; and,

WHEREAS, the Complete Streets Policy will provide guidance to staff to maintain streets that safely and comfortably accommodate all users.

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

SECTION 1. That the Worthington City Council adopts the attached Complete Streets Policy for the City of Worthington as an expression of goals and objectives and not a commitment to approve any particular design or proceed with any specific project.

SECTION 2. That the City Manager and designees will utilize the Complete Streets Policy to include feasibility consideration for complete streets principles into future infrastructure or transportation projects.

SECTION 3. That the Clerk be and hereby is instructed to record this Resolution in the appropriate record book upon its adoption.

Adopted _____

President of Council

Attest:

Clerk of Council

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Adopted _____

President of Council

Attest:

Clerk of Council



STAFF MEMORANDUM
City Council Meeting – June 17, 2019

Date: June 13, 2019

To: Worthington City Council

From: Matt Greeson
City Manager

Subject: **Resolution No. 39-2019 Support of Ohio Senate Bill 11, the Ohio Fairness Act**

EXECUTIVE SUMMARY

Resolution supporting the Ohio Fairness Act which would prohibit discrimination in Ohio based on sexual orientation, gender identity or expression.

BACKGROUND/DESCRIPTION

At the recent Special Meeting, under other business, Council Member Kowalczyk requested that the City Council consider a resolution supporting Ohio Senate Bill 11 called the Ohio Fairness Act, noting that June was Pride Month. This bill changes or expands current Ohio law to prohibit discrimination based on sexual orientation or gender identity or expression. Council Members directed staff to place a resolution of support on the next regular meeting agenda for consideration.

Enclosed is a resolution supporting Senate Bill 11. Additionally, enclosed is the bill text as Introduced and the Legislative Service Commission analysis.

ATTACHMENTS

Resolution No. 39-2019
Senate Bill 11, as Introduced
Legislative Service Commission Bill Analysis

RESOLUTION NO. 39-2019

Strongly Urging Members of the Ohio General Assembly to Enact the Ohio Fairness Act.

WHEREAS, Ohio is among 28 states where sexual orientation and gender expression are not protected classes; and,

WHEREAS, although a 2015 U.S. Supreme Court decision legalized same-sex marriage in all 50 states, Ohioans can still be denied housing, employment or services based on sexual orientation or gender expression without repercussions to the employer, business or landlord; and,

WHEREAS, Worthington is a community that values equality and non-discrimination, and has a long tradition of inclusion and respect for people of diverse backgrounds; and,

WHEREAS, on May 20, 2019, Worthington became the 24th locality in the state of Ohio to pass a comprehensive nondiscrimination ordinance (Ordinance No. 14-2019) that includes sexual orientation and gender expression as protected classes; and,

WHEREAS, Ohio Senate Bill 11, commonly referred to as the “Ohio Fairness Act” seeks to update discrimination laws to provide statewide protections based on sexual orientation, gender identification and gender expression.

NOW, THERFORE, BE IT RESOLVED by the Council of the Municipality of Worthington, County of Franklin, State of Ohio:

SECTION 1. The City encourages the Ohio General Assembly to consider Ohio Senate Bill 11 or other similar legislation to update discrimination laws to include sexual orientation, gender identification and gender expression, and urges members of the Ohio Legislature to support such legislation.

SECTION 2. That the Clerk of Council be and hereby is directed to forward certified copies of this resolution to Senator Stephanie Kunze, Representative Beth Liston, and other relevant state public officials and organizations.

SECTION 3. That the Clerk of Council be and hereby is instructed to record this Resolution in the appropriate record book.

Adopted _____

President of Council

Attest:

Clerk of Council

As Introduced

133rd General Assembly

Regular Session

2019-2020

S. B. No. 11

Senator Antonio

**Cosponsors: Senators Craig, Fedor, Maharath, O'Brien, Sykes, Thomas, Williams,
Yuko, Rulli**

A BILL

To amend sections 9.03, 124.93, 125.111, 153.59, 1
153.591, 340.12, 511.03, 717.01, 1501.012, 2
1751.18, 2927.03, 3113.36, 3301.53, 3304.15, 3
3304.50, 3314.06, 3332.09, 3721.13, 3905.55, 4
4111.17, 4112.01, 4112.02, 4112.021, 4112.04, 5
4112.05, 4112.08, 4117.19, 4725.67, 4735.16, 6
4735.55, 4744.54, 4757.07, 4758.16, 4765.18, 7
5104.09, 5107.26, 5123.351, 5126.07, 5165.08, 8
5312.04, 5515.08, and 5709.832 of the Revised 9
Code to enact the Ohio Fairness Act to prohibit 10
discrimination on the basis of sexual 11
orientation or gender identity or expression, to 12
add mediation as an informal method that the 13
Ohio Civil Rights Commission may use, and to 14
uphold existing religious exemptions under 15
Ohio's Civil Rights Law. 16

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 9.03, 124.93, 125.111, 153.59, 17
153.591, 340.12, 511.03, 717.01, 1501.012, 1751.18, 2927.03, 18

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As Introduced****Page 2**

3113.36, 3301.53, 3304.15, 3304.50, 3314.06, 3332.09, 3721.13, 19
 3905.55, 4111.17, 4112.01, 4112.02, 4112.021, 4112.04, 4112.05, 20
 4112.08, 4117.19, 4725.67, 4735.16, 4735.55, 4744.54, 4757.07, 21
 4758.16, 4765.18, 5104.09, 5107.26, 5123.351, 5126.07, 5165.08, 22
 5312.04, 5515.08, and 5709.832 of the Revised Code be amended to 23
 read as follows: 24

Sec. 9.03. (A) As used in this section: 25

(1) "Political subdivision" means any body corporate and 26
 politic, except a municipal corporation that has adopted a 27
 charter under Section 7 of Article XVIII, Ohio Constitution, and 28
 except a county that has adopted a charter under Sections 3 and 29
 4 of Article X, Ohio Constitution, to which both of the 30
 following apply: 31

(a) It is responsible for governmental activities only in 32
 a geographic area smaller than the state. 33

(b) It is subject to the sovereign immunity of the state. 34

(2) "Cigarettes" and "tobacco product" have the same 35
 meanings as in section 5743.01 of the Revised Code. 36

(3) "Transaction" has the same meaning as in section 37
 1315.51 of the Revised Code. 38

(4) "Campaign committee," "campaign fund," "candidate," 39
 "legislative campaign fund," "political action committee," 40
 "political committee," "political party," and "separate 41
 segregated fund" have the same meanings as in section 3517.01 of 42
 the Revised Code. 43

(B) Except as otherwise provided in division (C) of this 44
 section, the governing body of a political subdivision may use 45
 public funds to publish and distribute newsletters, or to use 46

any other means, to communicate information about the plans, 47
policies, and operations of the political subdivision to members 48
of the public within the political subdivision and to other 49
persons who may be affected by the political subdivision. 50

(C) Except as otherwise provided in division (A) (7) of 51
section 340.03 of the Revised Code, no governing body of a 52
political subdivision shall use public funds to do any of the 53
following: 54

(1) Publish, distribute, or otherwise communicate 55
information that does any of the following: 56

(a) Contains defamatory, libelous, or obscene matter; 57

(b) Promotes alcoholic beverages, cigarettes or other 58
tobacco products, or any illegal product, service, or activity; 59

(c) Promotes illegal discrimination on the basis of race, 60
color, religion, age, ancestry, national origin, or handicap, 61
age, or ancestry; or sexual orientation or gender identity or 62
expression as those terms are defined in section 4112.01 of the 63
Revised Code; 64

(d) Supports or opposes any labor organization or any 65
action by, on behalf of, or against any labor organization; 66

(e) Supports or opposes the nomination or election of a 67
candidate for public office, the investigation, prosecution, or 68
recall of a public official, or the passage of a levy or bond 69
issue. 70

(2) Compensate any employee of the political subdivision 71
for time spent on any activity to influence the outcome of an 72
election for any of the purposes described in division (C) (1) (e) 73
of this section. Division (C) (2) of this section does not 74

**S. B. No. 11
As Introduced****Page 4**

prohibit the use of public funds to compensate an employee of a 75
political subdivision for attending a public meeting to present 76
information about the political subdivision's finances, 77
activities, and governmental actions in a manner that is not 78
designed to influence the outcome of an election or the passage 79
of a levy or bond issue, even though the election, levy, or bond 80
issue is discussed or debated at the meeting. 81

(D) Except as otherwise provided in division (A) (7) of 82
section 340.03 of the Revised Code or in division (E) of this 83
section, no person shall knowingly conduct a direct or indirect 84
transaction of public funds to the benefit of any of the 85
following: 86

- (1) A campaign committee; 87
- (2) A political action committee; 88
- (3) A legislative campaign fund; 89
- (4) A political party; 90
- (5) A campaign fund; 91
- (6) A political committee; 92
- (7) A separate segregated fund; 93
- (8) A candidate. 94

(E) Division (D) of this section does not prohibit the 95
utilization of any person's own time to speak in support of or 96
in opposition to any candidate, recall, referendum, levy, or 97
bond issue unless prohibited by any other section of the Revised 98
Code. 99

(F) Nothing in this section prohibits or restricts any 100
political subdivision from sponsoring, participating in, or 101

doing any of the following: 102

(1) Charitable or public service advertising that is not 103
commercial in nature; 104

(2) Advertising of exhibitions, performances, programs, 105
products, or services that are provided by employees of a 106
political subdivision or are provided at or through premises 107
owned or operated by a political subdivision; 108

(3) Licensing an interest in a name or mark that is owned 109
or controlled by the political subdivision. 110

(G) Whoever violates division (D) of this section shall be 111
punished as provided in section 3599.40 of the Revised Code. 112

Sec. 124.93. (A) As used in this section, "physician" 113
means any person who holds a valid license to practice medicine 114
and surgery or osteopathic medicine and surgery issued under 115
Chapter 4731. of the Revised Code. 116

(B) No health insuring corporation that, on or after July 117
1, 1993, enters into or renews a contract with the department of 118
administrative services under section 124.82 of the Revised 119
Code, because of a physician's race, color, religion, sex, age, 120
ancestry, or national origin, ~~;~~ or disability, sexual 121
orientation, gender identity or expression, or military status 122
as those terms are defined in section 4112.01 of the Revised 123
Code, ~~age, or ancestry,~~ shall refuse to contract with that 124
physician for the provision of health care services under 125
section 124.82 of the Revised Code. 126

Any health insuring corporation that violates this 127
division is deemed to have engaged in an unlawful discriminatory 128
practice as defined in section 4112.02 of the Revised Code and 129
is subject to Chapter 4112. of the Revised Code. 130

(C) Each health insuring corporation that, on or after 131
 July 1, 1993, enters into or renews a contract with the 132
 department of administrative services under section 124.82 of 133
 the Revised Code and that refuses to contract with a physician 134
 for the provision of health care services under that section 135
 shall provide that physician with a written notice that clearly 136
 explains the reason or reasons for the refusal. The notice shall 137
 be sent to the physician by regular mail within thirty days 138
 after the refusal. 139

Any health insuring corporation that fails to provide 140
 notice in compliance with this division is deemed to have 141
 engaged in an unfair and deceptive act or practice in the 142
 business of insurance as defined in section 3901.21 of the 143
 Revised Code and is subject to sections 3901.19 to 3901.26 of 144
 the Revised Code. 145

Sec. 125.111. (A) Every contract for or on behalf of the 146
 state or any of its political subdivisions for any purchase 147
 shall contain provisions similar to those required by section 148
 153.59 of the Revised Code in the case of construction contracts 149
 by which the contractor agrees to both of the following: 150

(1) That, in the hiring of employees for the performance 151
 of work under the contract or any subcontract, no contractor or 152
 subcontractor, by reason of race, color, religion, sex, age, 153
ancestry, or national origin, or disability, sexual orientation, 154
gender identity or expression, or military status as those terms 155
are defined in section 4112.01 of the Revised Code, ~~national~~ 156
~~origin, or ancestry,~~ shall discriminate against any citizen of 157
 this state in the employment of a person qualified and available 158
 to perform the work to which the contract relates; 159

(2) That no contractor, subcontractor, or person acting on 160

behalf of any contractor or subcontractor, in any manner, shall 161
discriminate against, intimidate, or retaliate against any 162
employee hired for the performance of work under the contract on 163
account of race, color, religion, sex, age, ancestry, or 164
national origin; or disability, sexual orientation, gender 165
identity or expression, or military status as those terms are 166
defined in section 4112.01 of the Revised Code, ~~national origin,~~ 167
~~or ancestry.~~ 168

(B) All contractors from whom the state or any of its 169
political subdivisions make purchases shall have a written 170
affirmative action program for the employment and effective 171
utilization of economically disadvantaged persons, as referred 172
to in division (E)(1) of section 122.71 of the Revised Code. 173
Annually, each such contractor shall file a description of the 174
affirmative action program and a progress report on its 175
implementation with the equal employment opportunity office of 176
the department of administrative services. 177

Sec. 153.59. Every contract for or on behalf of the state, 178
or any township, county, or municipal corporation of the state, 179
for the construction, alteration, or repair of any public 180
building or public work in the state shall contain provisions by 181
which the contractor agrees to both of the following: 182

(A) That, in the hiring of employees for the performance 183
of work under the contract or any subcontract, no contractor, 184
subcontractor, or any person acting on a contractor's or 185
subcontractor's behalf, by reason of race, color, creed, sex,; 186
or disability, sexual orientation, gender identity or 187
expression, or military status, as those terms are defined in 188
section 4112.01 of the Revised Code, ~~or color,~~ shall 189
discriminate against any citizen of the state in the employment 190

of labor or workers who is qualified and available to perform 191
the work to which the employment relates; 192

(B) That no contractor, subcontractor, or any person on a 193
contractor's or subcontractor's behalf, in any manner, shall 194
discriminate against or intimidate any employee hired for the 195
performance of work under the contract on account of race, 196
color, creed, or sex~~;~~ or disability, sexual orientation, 197
gender identity or expression, or military status, as those 198
terms are defined in section 4112.01 of the Revised Code~~, or~~ 199
~~color.~~ 200

The department of administrative services shall ensure 201
that no capital moneys appropriated by the general assembly for 202
any purpose shall be expended unless the project for which those 203
moneys are appropriated provides for an affirmative action 204
program for the employment and effective utilization of 205
disadvantaged persons whose disadvantage may arise from 206
cultural, racial, or ethnic background, or other similar cause, 207
including, but not limited to, race, religion, sex, ancestry, or 208
national origin; or disability, sexual orientation, gender 209
identity or expression, or military status as those terms are 210
defined in section 4112.01 of the Revised Code~~, national origin,~~ 211
~~or ancestry.~~ 212

In awarding contracts for capital improvement projects, 213
the department shall ensure that equal consideration be given to 214
contractors, subcontractors, or joint venturers who qualify as a 215
minority business enterprise. As used in this section, "minority 216
business enterprise" means a business enterprise that is owned 217
or controlled by one or more socially or economically 218
disadvantaged persons who are residents of this state. "Socially 219
or economically disadvantaged persons" means persons, regardless 220

of marital status, who are members of groups whose disadvantage 221
may arise from discrimination on the basis of race, religion, 222
sex, ancestry, or national origin; or disability, sexual 223
orientation, gender identity or expression, or military status, 224
as those terms are defined in section 4112.01 of the Revised 225
Code, ~~national origin, ancestry,~~ or other similar cause. 226

Sec. 153.591. Any provision of a hiring hall contract or 227
agreement which obligates a contractor to hire, if available, 228
only employees referred to the contractor by a labor 229
organization shall be void as against public policy and 230
unenforceable with respect to employment under any public works 231
contract unless ~~at both of the following apply:~~ 232

(A) At the date of execution of the hiring hall contract 233
or agreement, or within thirty days thereafter, the labor 234
organization has in effect procedures for referring qualified 235
employees for hire without regard to race, color, religion, sex, 236
ancestry, or national origin; or sexual orientation, gender 237
identity or expression, or military status as defined in section 238
4112.01 of the Revised Code, ~~or ancestry and unless the .~~ 239

(B) The labor organization includes in its apprentice and 240
journeyperson's membership, or otherwise has available for job 241
referral without discrimination, qualified employees, both 242
whites and non-whites (including ~~African Americans~~ African 243
Americans). 244

Sec. 340.12. As used in this section, "disability," ~~has~~ 245
"sexual orientation," and "gender identity or expression" have 246
the same ~~meaning meanings~~ as in section 4112.01 of the Revised 247
Code. 248

No board of alcohol, drug addiction, and mental health 249

services or any community addiction services provider or 250
community mental health services provider under contract with 251
such a board shall discriminate in the provision of addiction 252
services, mental health services, or recovery supports under its 253
authority, in employment, or under a contract on the basis of 254
race, color, religion, sex, age, ancestry, military status, sex, 255
~~age, or~~ national origin; or disability, sexual orientation, 256
gender identity or expression, or military status. 257

Each board, community addiction services provider, and 258
community mental health services provider shall have a written 259
affirmative action program. The affirmative action program shall 260
include goals for the employment and effective utilization of, 261
including contracts with, members of economically disadvantaged 262
groups as defined in division (E)(1) of section 122.71 of the 263
Revised Code in percentages reflecting as nearly as possible the 264
composition of the alcohol, drug addiction, and mental health 265
service district served by the board. Each board and provider 266
shall file a description of the affirmative action program and a 267
progress report on its implementation with the department of 268
mental health and addiction services. 269

Sec. 511.03. After an affirmative vote in an election held 270
under sections 511.01 and 511.02 of the Revised Code, the board 271
of township trustees may make all contracts necessary for the 272
purchase of a site, and the erection, improvement, or 273
enlargement of such building. The board shall have control of 274
any town hall belonging to the township, and it may rent or 275
lease all or part of any hall, lodge, or recreational facility 276
belonging to the township, to any person or organization under 277
terms the board considers proper, for which all rent shall be 278
paid in advance or fully secured. In establishing the terms of 279
any rental agreement or lease pursuant to this section, the 280

board of township trustees may give preference to persons who 281
 are residents of or organizations that are headquartered in the 282
 township or that are charitable or fraternal in nature. All 283
 persons or organizations shall be treated on a like or similar 284
 basis, and no differentiation shall be made on the basis of 285
 race, color, religion, ~~national origin, sex, national origin,~~ or 286
political affiliation; or sexual orientation or gender identity 287
or expression as those terms are defined in section 4112.01 of 288
the Revised Code. The rents received for such facilities may be 289
 used for their repair or improvement, and any balance shall be 290
 used for general township purposes. 291

Sec. 717.01. Each municipal corporation may do any of the 292
 following: 293

(A) Acquire by purchase or condemnation real estate with 294
 or without buildings on it, and easements or interests in real 295
 estate; 296

(B) Extend, enlarge, reconstruct, repair, equip, furnish, 297
 or improve a building or improvement that it is authorized to 298
 acquire or construct; 299

(C) Erect a crematory or provide other means for disposing 300
 of garbage or refuse, and erect public comfort stations; 301

(D) Purchase turnpike roads and make them free; 302

(E) Construct wharves and landings on navigable waters; 303

(F) Construct infirmaries, workhouses, prisons, police 304
 stations, houses of refuge and correction, market houses, public 305
 halls, public offices, municipal garages, repair shops, storage 306
 houses, and warehouses; 307

(G) Construct or acquire waterworks for supplying water to 308

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As Introduced****Page 12**

the municipal corporation and its inhabitants and extend the	309
waterworks system outside of the municipal corporation limits;	310
(H) Construct or purchase gas works or works for the	311
generation and transmission of electricity, for the supplying of	312
gas or electricity to the municipal corporation and its	313
inhabitants;	314
(I) Provide grounds for cemeteries or crematories, enclose	315
and embellish them, and construct vaults or crematories;	316
(J) Construct sewers, sewage disposal works, flushing	317
tunnels, drains, and ditches;	318
(K) Construct free public libraries and reading rooms, and	319
free recreation centers;	320
(L) Establish free public baths and municipal lodging	321
houses;	322
(M) Construct monuments or memorial buildings to	323
commemorate the services of soldiers, sailors, and marines of	324
the state and nation;	325
(N) Provide land for and improve parks, boulevards, and	326
public playgrounds;	327
(O) Construct hospitals and pesthouses;	328
(P) Open, construct, widen, extend, improve, resurface, or	329
change the line of any street or public highway;	330
(Q) Construct and improve levees, dams, waterways,	331
waterfronts, and embankments and improve any watercourse passing	332
through the municipal corporation;	333
(R) Construct or improve viaducts, bridges, and culverts;	334
(S) (1) Construct any building necessary for the police or	335

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As Introduced****Page 13**

fire department;	336
(2) Purchase fire engines or fire boats;	337
(3) Construct water towers or fire cisterns;	338
(4) Place underground the wires or signal apparatus of any police or fire department.	339 340
(T) Construct any municipal ice plant for the purpose of manufacturing ice for the citizens of a municipal corporation;	341 342
(U) Construct subways under any street or boulevard or elsewhere;	343 344
(V) Acquire by purchase, gift, devise, bequest, lease, condemnation proceedings, or otherwise, real or personal property, and thereon and thereof to establish, construct, enlarge, improve, equip, maintain, and operate airports, landing fields, or other air navigation facilities, either within or outside the limits of a municipal corporation, and acquire by purchase, gift, devise, lease, or condemnation proceedings rights-of-way for connections with highways, waterways, and electric, steam, and interurban railroads, and improve and equip such facilities with structures necessary or appropriate for such purposes. No municipal corporation may take or disturb property or facilities belonging to any public utility or to a common carrier engaged in interstate commerce, which property or facilities are required for the proper and convenient operation of the utility or carrier, unless provision is made for the restoration, relocation, or duplication of the property or facilities elsewhere at the sole cost of the municipal corporation.	345 346 347 348 349 350 351 352 353 354 355 356 357 358 359 360 361 362
(W) Provide by agreement with any regional airport authority, created under section 308.03 of the Revised Code, for	363 364

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As Introduced

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the making of necessary surveys, appraisals, and examinations 365
 preliminary to the acquisition or construction of any airport or 366
 airport facility and pay the portion of the expense of the 367
 surveys, appraisals, and examinations as set forth in the 368
 agreement; 369

(X) Provide by agreement with any regional airport 370
 authority, created under section 308.03 of the Revised Code, for 371
 the acquisition, construction, maintenance, or operation of any 372
 airport or airport facility owned or to be owned and operated by 373
 the regional airport authority or owned or to be owned and 374
 operated by the municipal corporation and pay the portion of the 375
 expense of it as set forth in the agreement; 376

(Y) Acquire by gift, purchase, lease, or condemnation, 377
 land, forest, and water rights necessary for conservation of 378
 forest reserves, water parks, or reservoirs, either within or 379
 without the limits of the municipal corporation, and improve and 380
 equip the forest and water parks with structures, equipment, and 381
 reforestation necessary or appropriate for any purpose for the 382
 utilization of any of the forest and water benefits that may 383
 properly accrue therefrom to the municipal corporation; 384

(Z) Acquire real property by purchase, gift, or devise and 385
 construct and maintain on it public swimming pools, either 386
 within or outside the limits of the municipal corporation; 387

(AA) Construct or rehabilitate, equip, maintain, operate, 388
 and lease facilities for housing of elderly persons and for 389
 persons of low and moderate income, and appurtenant facilities. 390
 No municipal corporation shall deny housing accommodations to or 391
 withhold housing accommodations from elderly persons or persons 392
 of low and moderate income because of race, color, religion, 393
 sex, ancestry, or national origin; or familial status~~as defined~~ 394

~~in section 4112.01 of the Revised Code, military status as~~ 395
~~defined in that section, disability as defined in that section,~~ 396
~~ancestry, or national origin, sexual orientation, gender~~ 397
identity or expression, or military status as those terms are 398
defined in section 4112.01 of the Revised Code. Any elderly 399
 person or person of low or moderate income who is denied housing 400
 accommodations or has them withheld by a municipal corporation 401
 because of race, color, religion, sex, ancestry, or national 402
origin; or ~~familial status as defined in section 4112.01 of the~~ 403
~~Revised Code, military status as defined in that section,~~ 404
~~disability as defined in that section, ancestry, or national~~ 405
~~origin,~~ sexual orientation, gender identity or expression, or 406
military status as those terms are defined in section 4112.01 of 407
the Revised Code, may file a charge with the Ohio civil rights 408
 commission as provided in Chapter 4112. of the Revised Code. 409

(BB) Acquire, rehabilitate, and develop rail property or 410
 rail service, and enter into agreements with the Ohio rail 411
 development commission, boards of county commissioners, boards 412
 of township trustees, legislative authorities of other municipal 413
 corporations, with other governmental agencies or organizations, 414
 and with private agencies or organizations in order to achieve 415
 those purposes; 416

(CC) Appropriate and contribute money to a soil and water 417
 conservation district for use under Chapter 940. of the Revised 418
 Code; 419

(DD) Authorize the board of county commissioners, pursuant 420
 to a contract authorizing the action, to contract on the 421
 municipal corporation's behalf for the administration and 422
 enforcement within its jurisdiction of the state building code 423
 by another county or another municipal corporation located 424

within or outside the county. The contract for administration 425
and enforcement shall provide for obtaining certification 426
pursuant to division (E) of section 3781.10 of the Revised Code 427
for the exercise of administration and enforcement authority 428
within the municipal corporation seeking those services and 429
shall specify which political subdivision is responsible for 430
securing that certification. 431

(EE) Expend money for providing and maintaining services 432
and facilities for senior citizens. 433

"Airport," "landing field," and "air navigation facility," 434
as defined in section 4561.01 of the Revised Code, apply to 435
division (V) of this section. 436

As used in divisions (W) and (X) of this section, 437
"airport" and "airport facility" have the same meanings as in 438
section 308.01 of the Revised Code. 439

As used in division (BB) of this section, "rail property" 440
and "rail service" have the same meanings as in section 4981.01 441
of the Revised Code. 442

Sec. 1501.012. (A) The director of natural resources may 443
lease lands in state parks, as defined in section 1501.07 of the 444
Revised Code, and contract for the construction and operation of 445
public service facilities, as mentioned in that section, and for 446
major renovation or remodeling of existing public service 447
facilities by the lessees on those lands. If the director 448
determines that doing so would be consistent with long-range 449
planning of the department of natural resources and in the best 450
interests of the department and the division of parks and 451
watercraft in the department, the director shall negotiate and 452
execute a lease and contract for those purposes in accordance 453

with this chapter except as otherwise provided in this section. 454

(B) The director shall draft a statement of intent 455
describing any public service facility that the department 456
wishes to have constructed in accordance with this section and 457
establishing a procedure for the submission of proposals for 458
providing the facility, including, but not limited to, a 459
requirement that each prospective bidder or lessee of land shall 460
submit with the proposal a completed questionnaire and financial 461
statement, on forms prescribed and furnished by the department, 462
to enable the department to ascertain the person's financial 463
worth and experience in maintaining and operating facilities 464
similar or related to the public service facility in question. 465
The completed questionnaire and financial statement shall be 466
verified under oath by the prospective bidder or lessee. 467
Questionnaires and financial statements submitted under this 468
division are confidential and are not open to public inspection. 469
Nothing in this division shall be construed to prevent use of or 470
reference to questionnaires and financial statements in a civil 471
action or criminal prosecution commenced by the state. 472

The director shall publish the statement of intent in at 473
least three daily newspapers of general circulation in the state 474
at least once each week for four consecutive weeks. The director 475
then shall accept proposals in response to the statement of 476
intent for at least thirty days following the final publication 477
of the statement. At the end of the period during which 478
proposals may be submitted under this division, the director 479
shall select the proposal that the director determines best 480
complies with the statement of intent and may negotiate a lease 481
and contract with the person that submitted that proposal. 482

(C) Any lease and contract negotiated under this section 483

shall include in its terms and conditions all of the following: 484

(1) The legal description of the leasehold; 485

(2) The duration of the lease and contract, which shall 486
not exceed forty years, and a requirement that the lease and 487
contract be nonrenewable; 488

(3) A requirement that the lessee maintain in full force 489
and effect during the term of the lease and contract 490
comprehensive liability insurance for injury, death, or loss to 491
persons or property and fire casualty insurance for the public 492
service facility and all its structures in an amount established 493
by the director and naming the department as an additional 494
insured; 495

(4) A requirement that the lessee maintain in full force 496
and effect suitable performance bonds or other adequate security 497
pertaining to the construction and operation of the public 498
service facility; 499

(5) Detailed plans and specifications controlling the 500
construction of the public service facility that shall include 501
all of the following: 502

(a) The size and capacity of the facility; 503

(b) The type and quality of construction; 504

(c) Other criteria that the department considers necessary 505
and advisable. 506

(6) The manner of rental payment; 507

(7) A stipulation that the director shall have control and 508
supervision over all of the following: 509

(a) The operating season of the public service facility; 510

(b) The facility's hours of operation;	511
(c) The maximum rates to be charged guests using the facility;	512 513
(d) The facility's sanitary conditions;	514
(e) The quality of food and service furnished the guests of the facility;	515 516
(f) The lessee's general and structural maintenance responsibilities at the facility.	517 518
(8) The disposition of the leasehold and improvements at the expiration of the lease and contract;	519 520
(9) A requirement that the public service facility be available to all members of the public without regard to sex, race, color, creed, <u>sex</u> , ancestry, <u>or national origin</u> ; or disability, <u>sexual orientation, gender identity or expression,</u> <u>or military status,</u> as <u>those terms are</u> defined in section 4112.01 of the Revised Code;	521 522 523 524 525 526
(10) Other terms and conditions that the director considers necessary and advisable to carry out the purposes of this section.	527 528 529
(D) The attorney general shall approve the form of the lease and contract prior to its execution by the director.	530 531
(E) The authority granted in this section to the director is in addition and supplemental to any other authority granted the director under state law.	532 533 534
Sec. 1751.18. (A) (1) No health insuring corporation shall cancel or fail to renew the coverage of a subscriber or enrollee because of any health status-related factor in relation to the	535 536 537

subscriber or enrollee, the subscriber's or enrollee's 538
requirements for health care services, or for any other reason 539
designated under rules adopted by the superintendent of 540
insurance. 541

(2) Unless otherwise required by state or federal law, no 542
health insuring corporation, or health care facility or provider 543
through which the health insuring corporation has made 544
arrangements to provide health care services, shall discriminate 545
against any individual with regard to enrollment, disenrollment, 546
or the quality of health care services rendered, on the basis of 547
the individual's race, color, sex, religion, or age, ~~religion, ;~~ 548
or sexual orientation, gender identity or expression, or 549
military status, as those terms are defined in section 4112.01 550
of the Revised Code, ~~;~~ or the individual's status as a recipient 551
of medicare or medicaid, ~~;~~ or any health status-related factor in 552
relation to the individual. However, a health insuring 553
corporation shall not be required to accept a recipient of 554
medicare or medical assistance, if an agreement has not been 555
reached on appropriate payment mechanisms between the health 556
insuring corporation and the governmental agency administering 557
these programs. Further, except for open enrollment coverage 558
under sections 3923.58 and 3923.581 of the Revised Code and 559
except as provided in section 1751.65 of the Revised Code, a 560
health insuring corporation may reject an applicant for nongroup 561
enrollment on the basis of any health status-related factor in 562
relation to the applicant. 563

(B) A health insuring corporation may cancel or decide not 564
to renew the coverage of an enrollee if the enrollee has 565
performed an act or practice that constitutes fraud or 566
intentional misrepresentation of material fact under the terms 567
of the coverage and if the cancellation or nonrenewal is not 568

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based, either directly or indirectly, on any health status- 569
related factor in relation to the enrollee. 570

(C) An enrollee may appeal any action or decision of a 571
health insuring corporation taken pursuant to section 2742(b) to 572
(e) of the "Health Insurance Portability and Accountability Act 573
of 1996," Pub. L. No. 104-191, 110 Stat. 1955, 42 U.S.C.A. 574
300gg-42, as amended. To appeal, the enrollee may submit a 575
written complaint to the health insuring corporation pursuant to 576
section 1751.19 of the Revised Code. The enrollee may, within 577
thirty days after receiving a written response from the health 578
insuring corporation, appeal the health insuring corporation's 579
action or decision to the superintendent. 580

(D) As used in this section, "health status-related 581
factor" means any of the following: 582

(1) Health status; 583

(2) Medical condition, including both physical and mental 584
illnesses; 585

(3) Claims experience; 586

(4) Receipt of health care; 587

(5) Medical history; 588

(6) Genetic information; 589

(7) Evidence of insurability, including conditions arising 590
out of acts of domestic violence; 591

(8) Disability. 592

Sec. 2927.03. (A) No person, whether or not acting under 593
color of law, shall by force or threat of force willfully 594
injure, intimidate, or interfere with, or attempt to injure, 595

intimidate, or interfere with, any of the following: 596

(1) Any person because of race, color, religion, sex, 597
ancestry, or national origin; or familial status as defined in 598
~~section 4112.01 of the Revised Code, national origin, military~~ 599
~~status as defined in that section, disability as defined in that~~ 600
~~section, sexual orientation, gender identity or expression, or~~ 601
~~ancestry military status as those terms are defined in section~~ 602
4112.01 of the Revised Code, and because that person is or has 603
 been selling, purchasing, renting, financing, occupying, 604
 contracting, or negotiating for the sale, purchase, rental, 605
 financing, or occupation of any housing accommodations, or 606
 applying for or participating in any service, organization, or 607
 facility relating to the business of selling or renting housing 608
 accommodations; 609

(2) Any person because that person is or has been doing, 610
 or in order to intimidate that person or any other person or any 611
 class of persons from doing, either of the following: 612

(a) Participating, without discrimination on account of 613
 race, color, religion, sex, ancestry, or national origin, or 614
~~familial status as defined in section 4112.01 of the Revised~~ 615
~~Code, national origin, military status as defined in that~~ 616
~~section, disability as defined in that section, sexual~~ 617
orientation, gender identity or expression, or ancestry, 618
military status as those terms are defined in section 4112.01 of 619
the Revised Code, in any of the activities, services, 620
 organizations, or facilities described in division (A) (1) of 621
 this section; 622

(b) Affording another person or class of persons 623
 opportunity or protection so to participate. 624

(3) Any person because that person is or has been, or in order to discourage that person or any other person from, lawfully aiding or encouraging other persons to participate, without discrimination on account of race, color, religion, sex, ancestry, or national origin; or familial status as defined in section 4112.01 of the Revised Code, national origin, military status as defined in that section, disability as defined in that section, sexual orientation, gender identity or expression, or ancestry, military status, as those terms are defined in section 4112.01 of the Revised Code, in any of the activities, services, organizations, or facilities described in division (A)(1) of this section, or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to so participate.

(B) Whoever violates division (A) of this section is guilty of a misdemeanor of the first degree.

Sec. 3113.36. (A) To qualify for funds under section 3113.35 of the Revised Code, a shelter for victims of domestic violence shall meet all of the following requirements:

(1) Be incorporated in this state as a nonprofit corporation;

(2) Have trustees who represent the racial, ethnic, and socioeconomic diversity of the community to be served, including at least one person who is or has been a victim of domestic violence;

(3) Receive at least twenty-five per cent of its funds from sources other than funds distributed pursuant to section 3113.35 of the Revised Code. These other sources may be public or private, and may include funds distributed pursuant to

section 3113.37 of the Revised Code, and contributions of goods 654
or services, including materials, commodities, transportation, 655
office space, or other types of facilities or personal services. 656

(4) Provide residential service or facilities for children 657
when accompanied by a parent, guardian, or custodian who is a 658
victim of domestic violence and who is receiving temporary 659
residential service at the shelter; 660

(5) Require persons employed by or volunteering services 661
to the shelter to maintain the confidentiality of any 662
information that would identify individuals served by the 663
shelter. 664

(B) A shelter for victims of domestic violence does not 665
qualify for funds if it discriminates in its admissions or 666
provision of services on the basis of race, ~~religion~~, color, 667
religion, age, ancestry, national origin, or marital status, 668
national origin, or ancestry; or sexual orientation or gender 669
identity or expression, as those terms are defined in section 670
4112.01 of the Revised Code. A shelter does not qualify for 671
funds in the second half of any year if its application projects 672
the provision of residential service and such service has not 673
been provided in the first half of that year; such a shelter 674
does not qualify for funds in the following year. 675

Sec. 3301.53. (A) The state board of education, in 676
consultation with the director of job and family services, shall 677
formulate and prescribe by rule adopted under Chapter 119. of 678
the Revised Code minimum standards to be applied to preschool 679
programs operated by school district boards of education, county 680
boards of developmental disabilities, community schools, or 681
eligible nonpublic schools. The rules shall include the 682
following: 683

(1) Standards ensuring that the preschool program is 684
located in a safe and convenient facility that accommodates the 685
enrollment of the program, is of the quality to support the 686
growth and development of the children according to the program 687
objectives, and meets the requirements of section 3301.55 of the 688
Revised Code; 689

(2) Standards ensuring that supervision, discipline, and 690
programs will be administered according to established 691
objectives and procedures; 692

(3) Standards ensuring that preschool staff members and 693
nonteaching employees are recruited, employed, assigned, 694
evaluated, and provided inservice education without 695
discrimination on the basis of race, color, sex, age, ~~color, or~~ 696
national origin, ~~race, or sex~~; or sexual orientation or gender 697
identity or expression, as those terms are defined in section 698
4112.01 of the Revised Code, and that preschool staff members 699
and nonteaching employees are assigned responsibilities in 700
accordance with written position descriptions commensurate with 701
their training and experience; 702

(4) A requirement that boards of education intending to 703
establish a preschool program demonstrate a need for a preschool 704
program prior to establishing the program; 705

(5) Requirements that children participating in preschool 706
programs have been immunized to the extent considered 707
appropriate by the state board to prevent the spread of 708
communicable disease; 709

(6) Requirements that the parents of preschool children 710
complete the emergency medical authorization form specified in 711
section 3313.712 of the Revised Code. 712

(B) The state board of education in consultation with the 713
 director of job and family services shall ensure that the rules 714
 adopted by the state board under sections 3301.52 to 3301.58 of 715
 the Revised Code are consistent with and meet or exceed the 716
 requirements of Chapter 5104. of the Revised Code with regard to 717
 child day-care centers. The state board and the director of job 718
 and family services shall review all such rules at least once 719
 every five years. 720

(C) The state board of education, in consultation with the 721
 director of job and family services, shall adopt rules for 722
 school child programs that are consistent with and meet or 723
 exceed the requirements of the rules adopted for school-age 724
 child care centers under Chapter 5104. of the Revised Code. 725

Sec. 3304.15. (A) There is hereby created the 726
 opportunities for Ohioans with disabilities agency. The agency 727
 is the designated state unit authorized under the 728
 "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C. 701, as 729
 amended, to provide vocational rehabilitation services to 730
 eligible individuals with disabilities. 731

(B) The governor shall appoint an executive director of 732
 the opportunities for Ohioans with disabilities agency to serve 733
 at the pleasure of the governor and shall fix the executive 734
 director's compensation. The executive director shall devote the 735
 executive director's entire time to the duties of the executive 736
 director's office, shall hold no other office or position of 737
 trust and profit, and shall engage in no other business during 738
 the executive director's term of office. The governor may grant 739
 the executive director the authority to appoint, remove, and 740
 discipline without regard to ~~sex, race, creed, color, creed,~~ 741
sex, age, or national origin; or sexual orientation or gender 742

identity or expression, as those terms are defined in section 743
4112.01 of the Revised Code, such other professional, 744
 administrative, and clerical staff members as are necessary to 745
 carry out the functions and duties of the agency. 746

The executive director of the opportunities for Ohioans 747
 with disabilities agency is the executive and administrative 748
 officer of the agency. Whenever the Revised Code imposes a duty 749
 on or requires an action of the agency, the executive director 750
 shall perform the duty or action on behalf of the agency. The 751
 executive director may establish procedures for all of the 752
 following: 753

(1) The governance of the agency; 754

(2) The conduct of agency employees and officers; 755

(3) The performance of agency business; 756

(4) The custody, use, and preservation of agency records, 757
 papers, books, documents, and property. 758

(C) The executive director shall have exclusive authority 759
 to administer the daily operation and provision of vocational 760
 rehabilitation services under this chapter. In exercising that 761
 authority, the executive director may do all of the following: 762

(1) Adopt rules in accordance with Chapter 119. of the 763
 Revised Code; 764

(2) Prepare and submit an annual report to the governor; 765

(3) Certify any disbursement of funds available to the 766
 agency for vocational rehabilitation services; 767

(4) Take appropriate action to guarantee rights of 768
 vocational rehabilitation services to eligible individuals with 769

disabilities; 770

(5) Consult with and advise other state agencies and 771
coordinate programs for eligible individuals with disabilities; 772

(6) Comply with the requirements for match as part of 773
budget submission; 774

(7) Establish research and demonstration projects; 775

(8) Accept, hold, invest, reinvest, or otherwise use gifts 776
to further vocational rehabilitation services; 777

(9) For the purposes of the business enterprise program 778
administered under sections 3304.28 to 3304.35 of the Revised 779
Code: 780

(a) Establish and manage small business entities owned or 781
operated by individuals who are blind; 782

(b) Purchase insurance; 783

(c) Accept computers. 784

(10) Enter into contracts and other agreements for the 785
provision of vocational rehabilitation services. 786

(D) The executive director shall establish a fee schedule 787
for vocational rehabilitation services in accordance with 34 788
C.F.R. 361.50. 789

Sec. 3304.50. The Ohio independent living council 790
established and appointed by the governor under the authority of 791
section 107.18 of the Revised Code and pursuant to the 792
"Rehabilitation Act Amendments of 1992," 106 Stat. 4344, 29 793
U.S.C.A. 796d, shall appoint an executive director to serve at 794
the pleasure of the council and shall fix his the executive 795
director's compensation. The executive director shall not be 796

considered a public employee for purposes of Chapter 4117. of 797
the Revised Code. The council may delegate to the executive 798
director the authority to appoint, remove, and discipline, 799
without regard to sex, race, ~~creed~~, color, creed, age, or 800
national origin; or sexual orientation or gender identity or 801
expression, as those terms are defined in section 4112.01 of the 802
Revised Code, such other professional, administrative, and 803
clerical staff members as are necessary to carry out the 804
functions and duties of the council. 805

Sec. 3314.06. The governing authority of each community 806
school established under this chapter shall adopt admission 807
procedures that specify the following: 808

(A) That, except as otherwise provided in this section, 809
admission to the school shall be open to any individual age five 810
to twenty-two entitled to attend school pursuant to section 811
3313.64 or 3313.65 of the Revised Code in a school district in 812
the state. 813

Additionally, except as otherwise provided in this 814
section, admission to the school may be open on a tuition basis 815
to any individual age five to twenty-two who is not a resident 816
of this state. The school shall not receive state funds under 817
section 3314.08 of the Revised Code for any student who is not a 818
resident of this state. 819

An individual younger than five years of age may be 820
admitted to the school in accordance with division (A)(2) of 821
section 3321.01 of the Revised Code. The school shall receive 822
funds for an individual admitted under that division in the 823
manner provided under section 3314.08 of the Revised Code. 824

If the school operates a program that uses the Montessori 825

method endorsed by the American Montessori society, the 826
 Montessori accreditation council for teacher education, or the 827
 association Montessori internationale as its primary method of 828
 instruction, admission to the school may be open to individuals 829
 younger than five years of age, but the school shall not receive 830
 funds under this chapter for those individuals. Notwithstanding 831
 anything to the contrary in this chapter, individuals younger 832
 than five years of age who are enrolled in a Montessori program 833
 shall be offered at least four hundred fifty-five hours of 834
 learning opportunities per school year. 835

If the school operates a preschool program that is 836
 licensed by the department of education under sections 3301.52 837
 to 3301.59 of the Revised Code, admission to the school may be 838
 open to individuals who are younger than five years of age, but 839
 the school shall not receive funds under this chapter for those 840
 individuals. 841

(B) (1) That admission to the school may be limited to 842
 students who have attained a specific grade level or are within 843
 a specific age group; to students that meet a definition of "at- 844
 risk," as defined in the contract; to residents of a specific 845
 geographic area within the district, as defined in the contract; 846
 or to separate groups of autistic students and nondisabled 847
 students, as authorized in section 3314.061 of the Revised Code 848
 and as defined in the contract. 849

(2) For purposes of division (B) (1) of this section, "at- 850
 risk" students may include those students identified as gifted 851
 students under section 3324.03 of the Revised Code. 852

(C) Whether enrollment is limited to students who reside 853
 in the district in which the school is located or is open to 854
 residents of other districts, as provided in the policy adopted 855

pursuant to the contract. 856

(D) (1) That there will be no discrimination in the 857
admission of students to the school on the basis of race, ~~creed,~~ 858
color, creed, or sex; or disability, ~~or sex~~ sexual orientation, 859
or gender identity or expression, as those terms are defined in 860
section 4112.01 of the Revised Code, except that: 861

(a) The governing authority may do either of the following 862
for the purpose described in division (G) of this section: 863

(i) Establish a single-gender school for either sex; 864

(ii) Establish single-gender schools for each sex under 865
the same contract, provided substantially equal facilities and 866
learning opportunities are offered for both boys and girls. Such 867
facilities and opportunities may be offered for each sex at 868
separate locations. 869

(b) The governing authority may establish a school that 870
simultaneously serves a group of students identified as autistic 871
and a group of students who are not disabled, as authorized in 872
section 3314.061 of the Revised Code. However, unless the total 873
capacity established for the school has been filled, no student 874
with any disability shall be denied admission on the basis of 875
that disability. 876

(2) That upon admission of any student with a disability, 877
the community school will comply with all federal and state laws 878
regarding the education of students with disabilities. 879

(E) That the school may not limit admission to students on 880
the basis of intellectual ability, measures of achievement or 881
aptitude, or athletic ability, except that a school may limit 882
its enrollment to students as described in division (B) of this 883
section. 884

(F) That the community school will admit the number of 885
students that does not exceed the capacity of the school's 886
programs, classes, grade levels, or facilities. 887

(G) That the purpose of single-gender schools that are 888
established shall be to take advantage of the academic benefits 889
some students realize from single-gender instruction and 890
facilities and to offer students and parents residing in the 891
district the option of a single-gender education. 892

(H) That, except as otherwise provided under division (B) 893
of this section or section 3314.061 of the Revised Code, if the 894
number of applicants exceeds the capacity restrictions of 895
division (F) of this section, students shall be admitted by lot 896
from all those submitting applications, except preference shall 897
be given to students attending the school the previous year and 898
to students who reside in the district in which the school is 899
located. Preference may be given to siblings of students 900
attending the school the previous year. Preference also may be 901
given to students who are the children of full-time staff 902
members employed by the school, provided the total number of 903
students receiving this preference is less than five per cent of 904
the school's total enrollment. 905

Notwithstanding divisions (A) to (H) of this section, in 906
the event the racial composition of the enrollment of the 907
community school is violative of a federal desegregation order, 908
the community school shall take any and all corrective measures 909
to comply with the desegregation order. 910

Sec. 3332.09. The state board of career colleges and 911
schools may limit, suspend, revoke, or refuse to issue or renew 912
a certificate of registration or program authorization or may 913
impose a penalty pursuant to section 3332.091 of the Revised 914

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Code for any one or combination of the following causes:	915
(A) Violation of any provision of sections 3332.01 to	916
3332.09 of the Revised Code, the board's minimum standards, or	917
any rule made by the board;	918
(B) Furnishing of false, misleading, deceptive, altered,	919
or incomplete information or documents to the board;	920
(C) The signing of an application or the holding of a	921
certificate of registration by a person who has pleaded guilty	922
or has been found guilty of a felony or has pleaded guilty or	923
been found guilty of a crime involving moral turpitude;	924
(D) The signing of an application or the holding of a	925
certificate of registration by a person who is addicted to the	926
use of any controlled substance, or who is found to be mentally	927
incompetent;	928
(E) Violation of any commitment made in an application for	929
a certificate of registration or program authorization;	930
(F) Presenting to prospective students, either at the time	931
of solicitation or enrollment, or through advertising, mail	932
circulars, or phone solicitation, misleading, deceptive, false,	933
or fraudulent information relating to any program, employment	934
opportunity, or opportunities for enrollment in accredited	935
institutions of higher education after entering or completing	936
programs offered by the holder of a certificate of registration;	937
(G) Failure to provide or maintain premises or equipment	938
for offering programs in a safe and sanitary condition;	939
(H) Refusal by an agent to display the agent's permit upon	940
demand of a prospective student or other interested person;	941
(I) Failure to maintain financial resources adequate for	942

the satisfactory conduct of programs as presented in the plan of 943
operation or to retain a sufficient number and qualified staff 944
of instruction, except that nothing in this chapter requires an 945
instructor to be licensed by the state board of education or to 946
hold any type of post-high school degree; 947

(J) Offering training or programs other than those 948
presented in the application, except that schools may offer 949
special courses adapted to the needs of individual students when 950
the special courses are in the subject field specified in the 951
application; 952

(K) Discrimination in the acceptance of students upon the 953
basis of race, color, religion, sex, or national origin; or 954
sexual orientation or gender identity or expression, as those 955
terms are defined in section 4112.01 of the Revised Code; 956

(L) Accepting the services of an agent not holding a valid 957
permit issued under section 3332.10 or 3332.11 of the Revised 958
Code; 959

(M) The use of monetary or other valuable consideration by 960
the school's agents or representatives to induce prospective 961
students to enroll in the school, or the practice of awarding 962
monetary or other valuable considerations without board approval 963
to students in exchange for procuring the enrollment of others; 964

(N) Failure to provide at the request of the board, any 965
information, records, or files pertaining to the operation of 966
the school or recruitment and enrollment of students. 967

If the board modifies or adopts additional minimum 968
standards or rules pursuant to section 3332.031 of the Revised 969
Code, all schools and agents shall have sixty days from the 970
effective date of the modifications or additional standards or 971

rules to comply with such modifications or additions. 972

Sec. 3721.13. (A) The rights of residents of a home shall 973
include, but are not limited to, the following: 974

(1) The right to a safe and clean living environment 975
pursuant to the medicare and medicaid programs and applicable 976
state laws and rules adopted by the director of health; 977

(2) The right to be free from physical, verbal, mental, 978
and emotional abuse and to be treated at all times with 979
courtesy, respect, and full recognition of dignity and 980
individuality; 981

(3) Upon admission and thereafter, the right to adequate 982
and appropriate medical treatment and nursing care and to other 983
ancillary services that comprise necessary and appropriate care 984
consistent with the program for which the resident contracted. 985
This care shall be provided without regard to considerations 986
such as race, color, religion, age, or national origin, ~~age, ;~~ 987
sexual orientation or gender identity or expression, as those 988
terms are defined in section 4112.01 of the Revised Code; or 989
source of payment for care. 990

(4) The right to have all reasonable requests and 991
inquiries responded to promptly; 992

(5) The right to have clothes and bed sheets changed as 993
the need arises, to ensure the resident's comfort or sanitation; 994

(6) The right to obtain from the home, upon request, the 995
name and any specialty of any physician or other person 996
responsible for the resident's care or for the coordination of 997
care; 998

(7) The right, upon request, to be assigned, within the 999

capacity of the home to make the assignment, to the staff 1000
 physician of the resident's choice, and the right, in accordance 1001
 with the rules and written policies and procedures of the home, 1002
 to select as the attending physician a physician who is not on 1003
 the staff of the home. If the cost of a physician's services is 1004
 to be met under a federally supported program, the physician 1005
 shall meet the federal laws and regulations governing such 1006
 services. 1007

(8) The right to participate in decisions that affect the 1008
 resident's life, including the right to communicate with the 1009
 physician and employees of the home in planning the resident's 1010
 treatment or care and to obtain from the attending physician 1011
 complete and current information concerning medical condition, 1012
 prognosis, and treatment plan, in terms the resident can 1013
 reasonably be expected to understand; the right of access to all 1014
 information in the resident's medical record; and the right to 1015
 give or withhold informed consent for treatment after the 1016
 consequences of that choice have been carefully explained. When 1017
 the attending physician finds that it is not medically advisable 1018
 to give the information to the resident, the information shall 1019
 be made available to the resident's sponsor on the resident's 1020
 behalf, if the sponsor has a legal interest or is authorized by 1021
 the resident to receive the information. The home is not liable 1022
 for a violation of this division if the violation is found to be 1023
 the result of an act or omission on the part of a physician 1024
 selected by the resident who is not otherwise affiliated with 1025
 the home. 1026

(9) The right to withhold payment for physician visitation 1027
 if the physician did not visit the resident; 1028

(10) The right to confidential treatment of personal and 1029

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medical records, and the right to approve or refuse the release 1030
of these records to any individual outside the home, except in 1031
case of transfer to another home, hospital, or health care 1032
system, as required by law or rule, or as required by a third- 1033
party payment contract; 1034

(11) The right to privacy during medical examination or 1035
treatment and in the care of personal or bodily needs; 1036

(12) The right to refuse, without jeopardizing access to 1037
appropriate medical care, to serve as a medical research 1038
subject; 1039

(13) The right to be free from physical or chemical 1040
restraints or prolonged isolation except to the minimum extent 1041
necessary to protect the resident from injury to self, others, 1042
or to property and except as authorized in writing by the 1043
attending physician for a specified and limited period of time 1044
and documented in the resident's medical record. Prior to 1045
authorizing the use of a physical or chemical restraint on any 1046
resident, the attending physician shall make a personal 1047
examination of the resident and an individualized determination 1048
of the need to use the restraint on that resident. 1049

Physical or chemical restraints or isolation may be used 1050
in an emergency situation without authorization of the attending 1051
physician only to protect the resident from injury to self or 1052
others. Use of the physical or chemical restraints or isolation 1053
shall not be continued for more than twelve hours after the 1054
onset of the emergency without personal examination and 1055
authorization by the attending physician. The attending 1056
physician or a staff physician may authorize continued use of 1057
physical or chemical restraints for a period not to exceed 1058
thirty days, and at the end of this period and any subsequent 1059

period may extend the authorization for an additional period of 1060
not more than thirty days. The use of physical or chemical 1061
restraints shall not be continued without a personal examination 1062
of the resident and the written authorization of the attending 1063
physician stating the reasons for continuing the restraint. 1064

If physical or chemical restraints are used under this 1065
division, the home shall ensure that the restrained resident 1066
receives a proper diet. In no event shall physical or chemical 1067
restraints or isolation be used for punishment, incentive, or 1068
convenience. 1069

(14) The right to the pharmacist of the resident's choice 1070
and the right to receive pharmaceutical supplies and services at 1071
reasonable prices not exceeding applicable and normally accepted 1072
prices for comparably packaged pharmaceutical supplies and 1073
services within the community; 1074

(15) The right to exercise all civil rights, unless the 1075
resident has been adjudicated incompetent pursuant to Chapter 1076
2111. of the Revised Code and has not been restored to legal 1077
capacity, as well as the right to the cooperation of the home's 1078
administrator in making arrangements for the exercise of the 1079
right to vote; 1080

(16) The right of access to opportunities that enable the 1081
resident, at the resident's own expense or at the expense of a 1082
third-party payer, to achieve the resident's fullest potential, 1083
including educational, vocational, social, recreational, and 1084
habilitation programs; 1085

(17) The right to consume a reasonable amount of alcoholic 1086
beverages at the resident's own expense, unless not medically 1087
advisable as documented in the resident's medical record by the 1088

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attending physician or unless contradictory to written admission 1089
policies; 1090

(18) The right to use tobacco at the resident's own 1091
expense under the home's safety rules and under applicable laws 1092
and rules of the state, unless not medically advisable as 1093
documented in the resident's medical record by the attending 1094
physician or unless contradictory to written admission policies; 1095

(19) The right to retire and rise in accordance with the 1096
resident's reasonable requests, if the resident does not disturb 1097
others or the posted meal schedules and upon the home's request 1098
remains in a supervised area, unless not medically advisable as 1099
documented by the attending physician; 1100

(20) The right to observe religious obligations and 1101
participate in religious activities; the right to maintain 1102
individual and cultural identity; and the right to meet with and 1103
participate in activities of social and community groups at the 1104
resident's or the group's initiative; 1105

(21) The right upon reasonable request to private and 1106
unrestricted communications with the resident's family, social 1107
worker, and any other person, unless not medically advisable as 1108
documented in the resident's medical record by the attending 1109
physician, except that communications with public officials or 1110
with the resident's attorney or physician shall not be 1111
restricted. Private and unrestricted communications shall 1112
include, but are not limited to, the right to: 1113

(a) Receive, send, and mail sealed, unopened 1114
correspondence; 1115

(b) Reasonable access to a telephone for private 1116
communications; 1117

(c) Private visits at any reasonable hour.	1118
(22) The right to assured privacy for visits by the	1119
spouse, or if both are residents of the same home, the right to	1120
share a room within the capacity of the home, unless not	1121
medically advisable as documented in the resident's medical	1122
record by the attending physician;	1123
(23) The right upon reasonable request to have room doors	1124
closed and to have them not opened without knocking, except in	1125
the case of an emergency or unless not medically advisable as	1126
documented in the resident's medical record by the attending	1127
physician;	1128
(24) The right to retain and use personal clothing and a	1129
reasonable amount of possessions, in a reasonably secure manner,	1130
unless to do so would infringe on the rights of other residents	1131
or would not be medically advisable as documented in the	1132
resident's medical record by the attending physician;	1133
(25) The right to be fully informed, prior to or at the	1134
time of admission and during the resident's stay, in writing, of	1135
the basic rate charged by the home, of services available in the	1136
home, and of any additional charges related to such services,	1137
including charges for services not covered under the medicare or	1138
medicaid program. The basic rate shall not be changed unless	1139
thirty days' notice is given to the resident or, if the resident	1140
is unable to understand this information, to the resident's	1141
sponsor.	1142
(26) The right of the resident and person paying for the	1143
care to examine and receive a bill at least monthly for the	1144
resident's care from the home that itemizes charges not included	1145
in the basic rates;	1146

(27) (a) The right to be free from financial exploitation; 1147

(b) The right to manage the resident's own personal 1148
financial affairs, or, if the resident has delegated this 1149
responsibility in writing to the home, to receive upon written 1150
request at least a quarterly accounting statement of financial 1151
transactions made on the resident's behalf. The statement shall 1152
include: 1153

(i) A complete record of all funds, personal property, or 1154
possessions of a resident from any source whatsoever, that have 1155
been deposited for safekeeping with the home for use by the 1156
resident or the resident's sponsor; 1157

(ii) A listing of all deposits and withdrawals transacted, 1158
which shall be substantiated by receipts which shall be 1159
available for inspection and copying by the resident or sponsor. 1160

(28) The right of the resident to be allowed unrestricted 1161
access to the resident's property on deposit at reasonable 1162
hours, unless requests for access to property on deposit are so 1163
persistent, continuous, and unreasonable that they constitute a 1164
nuisance; 1165

(29) The right to receive reasonable notice before the 1166
resident's room or roommate is changed, including an explanation 1167
of the reason for either change. 1168

(30) The right not to be transferred or discharged from 1169
the home unless the transfer is necessary because of one of the 1170
following: 1171

(a) The welfare and needs of the resident cannot be met in 1172
the home. 1173

(b) The resident's health has improved sufficiently so 1174

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that the resident no longer needs the services provided by the 1175
home. 1176

(c) The safety of individuals in the home is endangered. 1177

(d) The health of individuals in the home would otherwise 1178
be endangered. 1179

(e) The resident has failed, after reasonable and 1180
appropriate notice, to pay or to have the medicare or medicaid 1181
program pay on the resident's behalf, for the care provided by 1182
the home. A resident shall not be considered to have failed to 1183
have the resident's care paid for if the resident has applied 1184
for medicaid, unless both of the following are the case: 1185

(i) The resident's application, or a substantially similar 1186
previous application, has been denied. 1187

(ii) If the resident appealed the denial, the denial was 1188
upheld. 1189

(f) The home's license has been revoked, the home is being 1190
closed pursuant to section 3721.08, sections 5165.60 to 5165.89, 1191
or section 5155.31 of the Revised Code, or the home otherwise 1192
ceases to operate. 1193

(g) The resident is a recipient of medicaid, and the 1194
home's participation in the medicaid program is involuntarily 1195
terminated or denied. 1196

(h) The resident is a beneficiary under the medicare 1197
program, and the home's participation in the medicare program is 1198
involuntarily terminated or denied. 1199

(31) The right to voice grievances and recommend changes 1200
in policies and services to the home's staff, to employees of 1201
the department of health, or to other persons not associated 1202

with the operation of the home, of the resident's choice, free 1203
from restraint, interference, coercion, discrimination, or 1204
reprisal. This right includes access to a residents' rights 1205
advocate, and the right to be a member of, to be active in, and 1206
to associate with persons who are active in organizations of 1207
relatives and friends of nursing home residents and other 1208
organizations engaged in assisting residents. 1209

(32) The right to have any significant change in the 1210
resident's health status reported to the resident's sponsor. As 1211
soon as such a change is known to the home's staff, the home 1212
shall make a reasonable effort to notify the sponsor within 1213
twelve hours. 1214

(B) A sponsor may act on a resident's behalf to assure 1215
that the home does not deny the residents' rights under sections 1216
3721.10 to 3721.17 of the Revised Code. 1217

(C) Any attempted waiver of the rights listed in division 1218
(A) of this section is void. 1219

Sec. 3905.55. (A) Except as provided in division (B) of 1220
this section, an agent may charge a consumer a fee if all of the 1221
following conditions are met: 1222

(1) The fee is disclosed to the consumer in a manner that 1223
separately identifies the fee and the premium. 1224

(2) The fee is not calculated as a percentage of the 1225
premium. 1226

(3) The fee is not refunded, forgiven, waived, offset, or 1227
reduced by any commission earned or received for any policy or 1228
coverage sold. 1229

(4) The amount of the fee, and the consumer's obligation 1230

to pay the fee, are not conditioned upon the occurrence of a 1231
future event or condition, such as the purchase, cancellation, 1232
lapse, declination, or nonrenewal of insurance. 1233

(5) The agent discloses to the consumer that the fee is 1234
being charged by the agent and not by the insurance company, 1235
that neither state law nor the insurance company requires the 1236
agent to charge the fee, and that the fee is not refundable. 1237

(6) The consumer consents to the fee. 1238

(7) The agent, in charging the fee, does not discriminate 1239
on the basis of race, sex, religion, age, national origin, 1240
~~religion, disability, marital status,~~ health status, ~~age, marital~~ 1241
~~status, or geographic location; or disability, sexual~~ 1242
orientation, gender identity or expression, or military status, 1243
as those terms are defined in section 4112.01 of the Revised 1244
Code, ~~or geographic location,~~ and does not unfairly discriminate 1245
between persons of essentially the same class and of essentially 1246
the same hazard or expectation of life. 1247

(B) A fee may not be charged for taking or submitting an 1248
initial application for coverage with any one insurer or 1249
different programs with the same insurer, or processing a change 1250
to an existing policy, a cancellation, a claim, or a renewal, in 1251
connection with any of the following personal lines policies: 1252

(1) Private passenger automobile; 1253

(2) Homeowners, including coverage for tenants or 1254
condominium owners, owner-occupied fire or dwelling property 1255
coverage, personal umbrella liability, or any other personal 1256
lines-related coverage whether sold as a separate policy or as 1257
an endorsement to another personal lines policy; 1258

(3) Individual life insurance; 1259

(4) Individual sickness or accident insurance;	1260
(5) Disability income policies;	1261
(6) Credit insurance products.	1262
(C) Notwithstanding any other provision of this section,	1263
an agent may charge a fee for agent services in connection with	1264
a policy issued on a no-commission basis, if the agent provides	1265
the consumer with prior disclosure of the fee and of the	1266
services to be provided.	1267
(D) In the event of a dispute between an agent and a	1268
consumer regarding any disclosure required by this section, the	1269
agent has the burden of proving that the disclosure was made.	1270
(E) (1) No person shall fail to comply with this section.	1271
(2) Whoever violates division (E) (1) of this section is	1272
deemed to have engaged in an unfair and deceptive act or	1273
practice in the business of insurance under sections 3901.19 to	1274
3901.26 of the Revised Code.	1275
(F) This section does not apply with respect to any	1276
expense fee charged by a surety bail bond agent to cover the	1277
costs incurred by the surety bail bond agent in executing the	1278
bail bond.	1279
Sec. 4111.17. (A) No employer, including the state and	1280
political subdivisions thereof, shall discriminate in the	1281
payment of wages on the basis of race, color, religion, sex,	1282
age, <u>ancestry, or national origin</u> , or ancestry <u>sexual</u>	1283
<u>orientation or gender identity or expression, as those terms are</u>	1284
<u>defined in section 4112.01 of the Revised Code,</u> by paying wages	1285
to any employee at a rate less than the rate at which the	1286
employer pays wages to another employee for equal work on jobs	1287

the performance of which requires equal skill, effort, and 1288
responsibility, and which are performed under similar 1289
conditions. 1290

(B) Nothing in this section prohibits an employer from 1291
paying wages to one employee at a rate different from that at 1292
which the employer pays another employee for the performance of 1293
equal work under similar conditions on jobs requiring equal 1294
skill, effort, and responsibility, when the payment is made 1295
pursuant to any of the following: 1296

(1) A seniority system; 1297

(2) A merit system; 1298

(3) A system which measures earnings by the quantity or 1299
quality of production; 1300

(4) A wage rate differential determined by any factor 1301
other than race, color, religion, sex, age, ancestry, or 1302
national origin, ~~or ancestry~~; or sexual orientation or gender 1303
identity or expression, as those terms are defined in section 1304
4112.01 of the Revised Code. 1305

(C) No employer shall reduce the wage rate of any employee 1306
in order to comply with this section. 1307

(D) The director of commerce shall carry out, administer, 1308
and enforce this section. Any employee discriminated against in 1309
violation of this section may sue in any court of competent 1310
jurisdiction to recover two times the amount of the difference 1311
between the wages actually received and the wages received by a 1312
person performing equal work for the employer, from the date of 1313
the commencement of the violation, and for costs, including 1314
attorney fees. The director may take an assignment of any such 1315
wage claim in trust for such employee and sue in the employee's 1316

behalf. In any civil action under this section, two or more 1317
employees of the same employer may join as co-plaintiffs in one 1318
action. The director may sue in one action for claims assigned 1319
to the director by two or more employees of the same employer. 1320
No agreement to work for a discriminatory wage constitutes a 1321
defense for any civil or criminal action to enforce this 1322
section. No employer shall discriminate against any employee 1323
because such employee makes a complaint or institutes, or 1324
testifies in, any proceeding under this section. 1325

(E) Any action arising under this section shall be 1326
initiated within one year after the date of violation. 1327

Sec. 4112.01. (A) As used in this chapter: 1328

(1) "Person" includes one or more individuals, 1329
partnerships, associations, organizations, corporations, legal 1330
representatives, trustees, trustees in bankruptcy, receivers, 1331
and other organized groups of persons. "Person" also includes, 1332
but is not limited to, any owner, lessor, assignor, builder, 1333
manager, broker, salesperson, appraiser, agent, employee, 1334
lending institution, and the state and all political 1335
subdivisions, authorities, agencies, boards, and commissions of 1336
the state. 1337

(2) "Employer" includes the state, any political 1338
subdivision of the state, any person employing four or more 1339
persons within the state, and any person acting directly or 1340
indirectly in the interest of an employer. 1341

(3) "Employee" means an individual employed by any 1342
employer but does not include any individual employed in the 1343
domestic service of any person. 1344

(4) "Labor organization" includes any organization that 1345

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exists, in whole or in part, for the purpose of collective 1346
bargaining or of dealing with employers concerning grievances, 1347
terms or conditions of employment, or other mutual aid or 1348
protection in relation to employment. 1349

(5) "Employment agency" includes any person regularly 1350
undertaking, with or without compensation, to procure 1351
opportunities to work or to procure, recruit, refer, or place 1352
employees. 1353

(6) "Commission" means the Ohio civil rights commission 1354
created by section 4112.03 of the Revised Code. 1355

(7) "Discriminate" includes segregate or separate. 1356

(8) "Unlawful discriminatory practice" means any act 1357
prohibited by section 4112.02, 4112.021, or 4112.022 of the 1358
Revised Code. 1359

(9) "Place of public accommodation" means any inn, 1360
restaurant, eating house, barbershop, public conveyance by air, 1361
land, or water, theater, store, other place for the sale of 1362
merchandise, or any other place of public accommodation or 1363
amusement of which the accommodations, advantages, facilities, 1364
or privileges are available to the public. 1365

(10) "Housing accommodations" includes any building or 1366
structure, or portion of a building or structure, that is used 1367
or occupied or is intended, arranged, or designed to be used or 1368
occupied as the home residence, dwelling, dwelling unit, or 1369
sleeping place of one or more individuals, groups, or families 1370
whether or not living independently of each other; and any 1371
vacant land offered for sale or lease. "Housing accommodations" 1372
also includes any housing accommodations held or offered for 1373
sale or rent by a real estate broker, salesperson, or agent, by 1374

any other person pursuant to authorization of the owner, by the 1375
owner, or by the owner's legal representative. 1376

(11) "Restrictive covenant" means any specification 1377
limiting the transfer, rental, lease, or other use of any 1378
housing accommodations because of race, color, religion, sex, 1379
~~military status, familial status~~ancestry, national origin, 1380
familial status, disability, or ancestry~~sexual orientation,~~ 1381
gender identity or expression, or military status, or any 1382
limitation based upon affiliation with or approval by any 1383
person, directly or indirectly, employing race, color, religion, 1384
sex, ~~military status, familial status~~ancestry, national origin, 1385
familial status, disability, or ancestry ~~sexual orientation,~~ 1386
gender identity or expression, or military status, as a 1387
condition of affiliation or approval. 1388

(12) "Burial lot" means any lot for the burial of deceased 1389
persons within any public burial ground or cemetery, including, 1390
but not limited to, cemeteries owned and operated by municipal 1391
corporations, townships, or companies or associations 1392
incorporated for cemetery purposes. 1393

(13) "Disability" means a physical or mental impairment 1394
that substantially limits one or more major life activities, 1395
including the functions of caring for one's self, performing 1396
manual tasks, walking, seeing, hearing, speaking, breathing, 1397
learning, and working; a record of a physical or mental 1398
impairment; or being regarded as having a physical or mental 1399
impairment. 1400

(14) Except as otherwise provided in section 4112.021 of 1401
the Revised Code, "age" means at least forty years old. 1402

(15) "Familial status" means either of the following: 1403

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(a) One or more individuals who are under eighteen years 1404
of age and who are domiciled with a parent or guardian having 1405
legal custody of the individual or domiciled, with the written 1406
permission of the parent or guardian having legal custody, with 1407
a designee of the parent or guardian; 1408

(b) Any person who is pregnant or in the process of 1409
securing legal custody of any individual who is under eighteen 1410
years of age. 1411

(16) (a) Except as provided in division (A) (16) (b) of this 1412
section, "physical or mental impairment" includes any of the 1413
following: 1414

(i) Any physiological disorder or condition, cosmetic 1415
disfigurement, or anatomical loss affecting one or more of the 1416
following body systems: neurological; musculoskeletal; special 1417
sense organs; respiratory, including speech organs; 1418
cardiovascular; reproductive; digestive; genito-urinary; hemic 1419
and lymphatic; skin; and endocrine; 1420

(ii) Any mental or psychological disorder, including, but 1421
not limited to, intellectual disability, organic brain syndrome, 1422
emotional or mental illness, and specific learning disabilities; 1423

(iii) Diseases and conditions, including, but not limited 1424
to, orthopedic, visual, speech, and hearing impairments, 1425
cerebral palsy, autism, epilepsy, muscular dystrophy, multiple 1426
sclerosis, cancer, heart disease, diabetes, human 1427
immunodeficiency virus infection, intellectual disability, 1428
emotional illness, drug addiction, and alcoholism. 1429

(b) "Physical or mental impairment" does not include any 1430
of the following: 1431

(i) ~~Homosexuality and bisexuality,~~ 1432

(ii) Transvestism, transsexualism, pedophilia, Pedophilia,	1433
exhibitionism, voyeurism, gender identity disorders not	1434
resulting from physical impairments, or other sexual behavior	1435
disorders <u>with corresponding criminal behavior;</u>	1436
(iii) <u>(ii)</u> Compulsive gambling, kleptomania, or pyromania;	1437
(iv) <u>(iii)</u> Psychoactive substance use disorders resulting	1438
from the current illegal use of a controlled substance or the	1439
current use of alcoholic beverages.	1440
(17) "Dwelling unit" means a single unit of residence for	1441
a family of one or more persons.	1442
(18) "Common use areas" means rooms, spaces, or elements	1443
inside or outside a building that are made available for the use	1444
of residents of the building or their guests, and includes, but	1445
is not limited to, hallways, lounges, lobbies, laundry rooms,	1446
refuse rooms, mail rooms, recreational areas, and passageways	1447
among and between buildings.	1448
(19) "Public use areas" means interior or exterior rooms	1449
or spaces of a privately or publicly owned building that are	1450
made available to the general public.	1451
(20) "Controlled substance" has the same meaning as in	1452
section 3719.01 of the Revised Code.	1453
(21) "Disabled tenant" means a tenant or prospective	1454
tenant who is a person with a disability.	1455
(22) "Military status" means a person's status in "service	1456
in the uniformed services" as defined in section 5923.05 of the	1457
Revised Code.	1458
(23) "Aggrieved person" includes both of the following:	1459

(a) Any person who claims to have been injured by any 1460
unlawful discriminatory practice described in division (H) of 1461
section 4112.02 of the Revised Code; 1462

(b) Any person who believes that the person will be 1463
injured by, any unlawful discriminatory practice described in 1464
division (H) of section 4112.02 of the Revised Code that is 1465
about to occur. 1466

(24) "Sexual orientation" means actual or perceived, 1467
heterosexuality, homosexuality, or bisexuality. 1468

(25) "Gender identity or expression" means the gender- 1469
related identity, appearance, or mannerisms or other gender- 1470
related characteristics of an individual, without regard to the 1471
individual's designated sex at birth. 1472

(B) For the purposes of divisions (A) to (F) of section 1473
4112.02 of the Revised Code, the terms "because of sex" and "on 1474
the basis of sex" include, but are not limited to, because of or 1475
on the basis of pregnancy, any illness arising out of and 1476
occurring during the course of a pregnancy, childbirth, or 1477
related medical conditions. Women affected by pregnancy, 1478
childbirth, or related medical conditions shall be treated the 1479
same for all employment-related purposes, including receipt of 1480
benefits under fringe benefit programs, as other persons not so 1481
affected but similar in their ability or inability to work, and 1482
nothing in division (B) of section 4111.17 of the Revised Code 1483
shall be interpreted to permit otherwise. This division shall 1484
not be construed to require an employer to pay for health 1485
insurance benefits for abortion, except where the life of the 1486
mother would be endangered if the fetus were carried to term or 1487
except where medical complications have arisen from the 1488
abortion, provided that nothing in this division precludes an 1489

employer from providing abortion benefits or otherwise affects 1490
bargaining agreements in regard to abortion. 1491

Sec. 4112.02. It shall be an unlawful discriminatory 1492
practice: 1493

(A) For any employer, because of the race, color, 1494
religion, sex, age, ancestry, national origin, disability, 1495
sexual orientation, gender identity or expression, or military 1496
status, ~~national origin, disability, age, or ancestry~~ of any 1497
person, to discharge without just cause, to refuse to hire, or 1498
otherwise to discriminate against that person with respect to 1499
hire, tenure, terms, conditions, or privileges of employment, or 1500
any matter directly or indirectly related to employment. 1501

(B) For an employment agency or personnel placement 1502
service, because of race, color, religion, sex, age, ancestry, 1503
national origin, disability, sexual orientation, gender identity 1504
or expression, or military status, ~~national origin, disability,~~ 1505
~~age, or ancestry,~~ to do any of the following: 1506

(1) Refuse or fail to accept, register, classify properly, 1507
or refer for employment, or otherwise discriminate against any 1508
person; 1509

(2) Comply with a request from an employer for referral of 1510
applicants for employment if the request directly or indirectly 1511
indicates that the employer fails to comply with the provisions 1512
of sections 4112.01 to 4112.07 of the Revised Code. 1513

(C) For any labor organization to do any of the following: 1514

(1) Limit or classify its membership on the basis of race, 1515
color, religion, sex, age, ancestry, national origin, 1516
disability, sexual orientation, gender identity or expression, 1517
or military status, ~~national origin, disability, age, or~~ 1518

ancestry; 1519

(2) Discriminate against, limit the employment 1520
opportunities of, or otherwise adversely affect the employment 1521
status, wages, hours, or employment conditions of any person as 1522
an employee because of race, color, religion, sex, age, 1523
ancestry, national origin, disability, sexual orientation, 1524
gender identity or expression, or military status,~~national~~ 1525
~~origin, disability, age, or ancestry.~~ 1526

(D) For any employer, labor organization, or joint labor- 1527
management committee controlling apprentice training programs to 1528
discriminate against any person because of race, color, 1529
religion, sex, ancestry, national origin, disability, sexual 1530
orientation, gender identity or expression, or military status, 1531
~~national origin, disability, or ancestry~~ in admission to, or 1532
employment in, any program established to provide apprentice 1533
training. 1534

(E) Except where based on a bona fide occupational 1535
qualification certified in advance by the commission, for any 1536
employer, employment agency, personnel placement service, or 1537
labor organization, prior to employment or admission to 1538
membership, to do any of the following: 1539

(1) Elicit or attempt to elicit any information concerning 1540
the race, color, religion, sex, age, ancestry, national origin, 1541
disability, sexual orientation, gender identity or expression, 1542
or military status,~~national origin, disability, age, or~~ 1543
~~ancestry~~ of an applicant for employment or membership; 1544

(2) Make or keep a record of the race, color, religion, 1545
sex, age, ancestry, national origin, disability, sexual 1546
orientation, gender identity or expression, or military status, 1547

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~~national origin, disability, age, or ancestry~~ of any applicant 1548
for employment or membership; 1549

(3) Use any form of application for employment, or 1550
personnel or membership blank, seeking to elicit information 1551
regarding race, color, religion, sex, age, ancestry, national 1552
origin, disability, sexual orientation, gender identity or 1553
expression, or military status,~~national origin, disability,~~ 1554
~~age, or ancestry;~~ but an employer holding a contract containing 1555
a nondiscrimination clause with the government of the United 1556
States, or any department or agency of that government, may 1557
require an employee or applicant for employment to furnish 1558
documentary proof of United States citizenship and may retain 1559
that proof in the employer's personnel records and may use 1560
photographic or fingerprint identification for security 1561
purposes; 1562

(4) Print or publish or cause to be printed or published 1563
any notice or advertisement relating to employment or membership 1564
indicating any preference, limitation, specification, or 1565
discrimination, based upon race, color, religion, sex, age, 1566
ancestry, national origin, disability, sexual orientation, 1567
gender identity or expression, or military status,~~national~~ 1568
~~origin, disability, age, or ancestry;~~ 1569

(5) Announce or follow a policy of denying or limiting, 1570
through a quota system or otherwise, employment or membership 1571
opportunities of any group because of the race, color, religion, 1572
sex, age, ancestry, national origin, disability, sexual 1573
orientation, gender identity or expression, or military status,~~—~~ 1574
~~national origin, disability, age, or ancestry~~ of that group; 1575

(6) Utilize in the recruitment or hiring of persons any 1576
employment agency, personnel placement service, training school 1577

or center, labor organization, or any other employee-referring 1578
source known to discriminate against persons because of their 1579
race, color, religion, sex, age, ancestry, national origin, 1580
disability, sexual orientation, gender identity or expression, 1581
or military status,~~national origin, disability, age, or~~ 1582
~~ancestry.~~ 1583

(F) For any person seeking employment to publish or cause 1584
to be published any advertisement that specifies or in any 1585
manner indicates that person's race, color, religion, sex, age, 1586
ancestry, national origin, disability, sexual orientation, 1587
gender identity or expression, or military status,~~national~~ 1588
~~origin, disability, age, or ancestry,~~ or expresses a limitation 1589
or preference as to the race, color, religion, sex, age, 1590
ancestry, national origin, disability, sexual orientation, 1591
gender identity or expression, or military status,~~national~~ 1592
~~origin, disability, age, or ancestry~~ of any prospective 1593
employer. 1594

(G) For any proprietor or any employee, keeper, or manager 1595
of a place of public accommodation to deny to any person, except 1596
for reasons applicable alike to all persons regardless of race, 1597
color, religion, sex, age, ancestry, national origin, 1598
disability, sexual orientation, gender identity or expression, 1599
or military status,~~national origin, disability, age, or~~ 1600
~~ancestry,~~ the full enjoyment of the accommodations, advantages, 1601
facilities, or privileges of the place of public accommodation. 1602

(H) Subject to section 4112.024 of the Revised Code, for 1603
any person to do any of the following: 1604

(1) Refuse to sell, transfer, assign, rent, lease, 1605
sublease, or finance housing accommodations, refuse to negotiate 1606
for the sale or rental of housing accommodations, or otherwise 1607

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deny or make unavailable housing accommodations because of race, 1608
 color, religion, sex, ancestry, national origin, familial 1609
status, disability, sexual orientation, gender identity or 1610
expression, or military status,~~familial status, ancestry,~~ 1611
~~disability, or national origin;~~ 1612

(2) Represent to any person that housing accommodations 1613
 are not available for inspection, sale, or rental, when in fact 1614
 they are available, because of race, color, religion, sex, 1615
ancestry, national origin, familial status, disability, sexual 1616
orientation, gender identity or expression, or military status,~~—~~ 1617
~~familial status, ancestry, disability, or national origin;~~ 1618

(3) Discriminate against any person in the making or 1619
 purchasing of loans or the provision of other financial 1620
 assistance for the acquisition, construction, rehabilitation, 1621
 repair, or maintenance of housing accommodations, or any person 1622
 in the making or purchasing of loans or the provision of other 1623
 financial assistance that is secured by residential real estate, 1624
 because of race, color, religion, sex, ancestry, national 1625
origin, familial status, disability, sexual orientation, gender 1626
identity or expression, or military status,~~familial status,~~ 1627
~~ancestry, disability, or national origin~~ or because of the 1628
 racial composition of the neighborhood in which the housing 1629
 accommodations are located, provided that the person, whether an 1630
 individual, corporation, or association of any type, lends money 1631
 as one of the principal aspects or incident to the person's 1632
 principal business and not only as a part of the purchase price 1633
 of an owner-occupied residence the person is selling nor merely 1634
 casually or occasionally to a relative or friend; 1635

(4) Discriminate against any person in the terms or 1636
 conditions of selling, transferring, assigning, renting, 1637

leasing, or subleasing any housing accommodations or in 1638
 furnishing facilities, services, or privileges in connection 1639
 with the ownership, occupancy, or use of any housing 1640
 accommodations, including the sale of fire, extended coverage, 1641
 or homeowners insurance, because of race, color, religion, sex, 1642
ancestry, national origin, familial status, disability, sexual 1643
orientation, gender identity or expression, or military status, 1644
~~familial status, ancestry, disability, or national origin~~ or 1645
 because of the racial composition of the neighborhood in which 1646
 the housing accommodations are located; 1647

(5) Discriminate against any person in the terms or 1648
 conditions of any loan of money, whether or not secured by 1649
 mortgage or otherwise, for the acquisition, construction, 1650
 rehabilitation, repair, or maintenance of housing accommodations 1651
 because of race, color, religion, sex, ancestry, national 1652
origin, familial status, disability, sexual orientation, gender 1653
identity or expression, or military status, ~~familial status,~~ 1654
~~ancestry, disability, or national origin~~ or because of the 1655
 racial composition of the neighborhood in which the housing 1656
 accommodations are located; 1657

(6) Refuse to consider without prejudice the combined 1658
 income of both husband and wife for the purpose of extending 1659
 mortgage credit to a married couple or either member of a 1660
 married couple; 1661

(7) Print, publish, or circulate any statement or 1662
 advertisement, or make or cause to be made any statement or 1663
 advertisement, relating to the sale, transfer, assignment, 1664
 rental, lease, sublease, or acquisition of any housing 1665
 accommodations, or relating to the loan of money, whether or not 1666
 secured by mortgage or otherwise, for the acquisition, 1667

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construction, rehabilitation, repair, or maintenance of housing 1668
accommodations, that indicates any preference, limitation, 1669
specification, or discrimination based upon race, color, 1670
religion, sex, ancestry, national origin, familial status, 1671
disability, sexual orientation, gender identity or expression, 1672
or military status, ~~familial status, ancestry, disability, or~~ 1673
~~national origin,~~ or an intention to make any such preference, 1674
limitation, specification, or discrimination; 1675

(8) Except as otherwise provided in division (H) (8) or 1676
(17) of this section, make any inquiry, elicit any information, 1677
make or keep any record, or use any form of application 1678
containing questions or entries concerning race, color, 1679
religion, sex, ancestry, national origin, familial status, 1680
disability, sexual orientation, gender identity or expression, 1681
or military status, ~~familial status, ancestry, disability, or~~ 1682
~~national origin~~ in connection with the sale or lease of any 1683
housing accommodations or the loan of any money, whether or not 1684
secured by mortgage or otherwise, for the acquisition, 1685
construction, rehabilitation, repair, or maintenance of housing 1686
accommodations. Any person may make inquiries, and make and keep 1687
records, concerning race, color, religion, sex, ancestry, 1688
national origin, familial status, disability, sexual 1689
orientation, gender identity or expression, or military status, 1690
~~familial status, ancestry, disability, or national origin~~ for 1691
the purpose of monitoring compliance with this chapter. 1692

(9) Include in any transfer, rental, or lease of housing 1693
accommodations any restrictive covenant, or honor or exercise, 1694
or attempt to honor or exercise, any restrictive covenant; 1695

(10) Induce or solicit, or attempt to induce or solicit, a 1696
housing accommodations listing, sale, or transaction by 1697

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representing that a change has occurred or may occur with 1698
 respect to the racial, religious, sexual, familial status, 1699
sexual orientation, gender identity or expression, military 1700
 status, ~~familial status,~~ or ethnic composition of the block, 1701
 neighborhood, or other area in which the housing accommodations 1702
 are located, or induce or solicit, or attempt to induce or 1703
 solicit, a housing accommodations listing, sale, or transaction 1704
 by representing that the presence or anticipated presence of 1705
 persons of any race, color, religion, sex, ancestry, national 1706
origin, familial status, disability, sexual orientation, gender 1707
identity or expression, or military status, ~~familial status,~~ 1708
~~ancestry, disability, or national origin,~~ in the block, 1709
 neighborhood, or other area will or may have results including, 1710
 but not limited to, the following: 1711

(a) The lowering of property values; 1712

(b) A change in the racial, religious, sexual, familial 1713
status, sexual orientation, gender identity or expression, 1714
 military status, ~~familial status,~~ or ethnic composition of the 1715
 block, neighborhood, or other area; 1716

(c) An increase in criminal or antisocial behavior in the 1717
 block, neighborhood, or other area; 1718

(d) A decline in the quality of the schools serving the 1719
 block, neighborhood, or other area. 1720

(11) Deny any person access to or membership or 1721
 participation in any multiple-listing service, real estate 1722
 brokers' organization, or other service, organization, or 1723
 facility relating to the business of selling or renting housing 1724
 accommodations, or discriminate against any person in the terms 1725
 or conditions of that access, membership, or participation, on 1726

account of race, color, religion, sex, ancestry, national 1727
origin, familial status, disability, sexual orientation, gender 1728
identity or expression, or military status,~~familial status,~~ 1729
~~national origin, disability, or ancestry;~~ 1730

(12) Coerce, intimidate, threaten, or interfere with any 1731
 person in the exercise or enjoyment of, or on account of that 1732
 person's having exercised or enjoyed or having aided or 1733
 encouraged any other person in the exercise or enjoyment of, any 1734
 right granted or protected by division (H) of this section; 1735

(13) Discourage or attempt to discourage the purchase by a 1736
 prospective purchaser of housing accommodations, by representing 1737
 that any block, neighborhood, or other area has undergone or 1738
 might undergo a change with respect to its racial, religious, 1739
~~racial, sexual, familial status, sexual orientation, gender~~ 1740
identity or expression, military status,~~familial status,~~ or 1741
 ethnic composition; 1742

(14) Refuse to sell, transfer, assign, rent, lease, 1743
 sublease, or finance, or otherwise deny or withhold, a burial 1744
 lot from any person because of the race, color, sex, age, 1745
ancestry, national origin, familial status, disability, sexual 1746
orientation, gender identity or expression, or military status, ~~1747~~
~~familial status, age, ancestry, disability, or national origin~~ 1748
 of any prospective owner or user of the lot; 1749

(15) Discriminate in the sale or rental of, or otherwise 1750
 make unavailable or deny, housing accommodations to any buyer or 1751
 renter because of a disability of any of the following: 1752

(a) The buyer or renter; 1753

(b) A person residing in or intending to reside in the 1754
 housing accommodations after they are sold, rented, or made 1755

available; 1756

(c) Any individual associated with the person described in 1757
division (H) (15) (b) of this section. 1758

(16) Discriminate in the terms, conditions, or privileges 1759
of the sale or rental of housing accommodations to any person or 1760
in the provision of services or facilities to any person in 1761
connection with the housing accommodations because of a 1762
disability of any of the following: 1763

(a) That person; 1764

(b) A person residing in or intending to reside in the 1765
housing accommodations after they are sold, rented, or made 1766
available; 1767

(c) Any individual associated with the person described in 1768
division (H) (16) (b) of this section. 1769

(17) Except as otherwise provided in division (H) (17) of 1770
this section, make an inquiry to determine whether an applicant 1771
for the sale or rental of housing accommodations, a person 1772
residing in or intending to reside in the housing accommodations 1773
after they are sold, rented, or made available, or any 1774
individual associated with that person has a disability, or make 1775
an inquiry to determine the nature or severity of a disability 1776
of the applicant or such a person or individual. The following 1777
inquiries may be made of all applicants for the sale or rental 1778
of housing accommodations, regardless of whether they have 1779
disabilities: 1780

(a) An inquiry into an applicant's ability to meet the 1781
requirements of ownership or tenancy; 1782

(b) An inquiry to determine whether an applicant is 1783

qualified for housing accommodations available only to persons 1784
with disabilities or persons with a particular type of 1785
disability; 1786

(c) An inquiry to determine whether an applicant is 1787
qualified for a priority available to persons with disabilities 1788
or persons with a particular type of disability; 1789

(d) An inquiry to determine whether an applicant currently 1790
uses a controlled substance in violation of section 2925.11 of 1791
the Revised Code or a substantively comparable municipal 1792
ordinance; 1793

(e) An inquiry to determine whether an applicant at any 1794
time has been convicted of or pleaded guilty to any offense, an 1795
element of which is the illegal sale, offer to sell, 1796
cultivation, manufacture, other production, shipment, 1797
transportation, delivery, or other distribution of a controlled 1798
substance. 1799

(18) (a) Refuse to permit, at the expense of a person with 1800
a disability, reasonable modifications of existing housing 1801
accommodations that are occupied or to be occupied by the person 1802
with a disability, if the modifications may be necessary to 1803
afford the person with a disability full enjoyment of the 1804
housing accommodations. This division does not preclude a 1805
landlord of housing accommodations that are rented or to be 1806
rented to a disabled tenant from conditioning permission for a 1807
proposed modification upon the disabled tenant's doing one or 1808
more of the following: 1809

(i) Providing a reasonable description of the proposed 1810
modification and reasonable assurances that the proposed 1811
modification will be made in a workerlike manner and that any 1812

required building permits will be obtained prior to the 1813
commencement of the proposed modification; 1814

(ii) Agreeing to restore at the end of the tenancy the 1815
interior of the housing accommodations to the condition they 1816
were in prior to the proposed modification, but subject to 1817
reasonable wear and tear during the period of occupancy, if it 1818
is reasonable for the landlord to condition permission for the 1819
proposed modification upon the agreement; 1820

(iii) Paying into an interest-bearing escrow account that 1821
is in the landlord's name, over a reasonable period of time, a 1822
reasonable amount of money not to exceed the projected costs at 1823
the end of the tenancy of the restoration of the interior of the 1824
housing accommodations to the condition they were in prior to 1825
the proposed modification, but subject to reasonable wear and 1826
tear during the period of occupancy, if the landlord finds the 1827
account reasonably necessary to ensure the availability of funds 1828
for the restoration work. The interest earned in connection with 1829
an escrow account described in this division shall accrue to the 1830
benefit of the disabled tenant who makes payments into the 1831
account. 1832

(b) A landlord shall not condition permission for a 1833
proposed modification upon a disabled tenant's payment of a 1834
security deposit that exceeds the customarily required security 1835
deposit of all tenants of the particular housing accommodations. 1836

(19) Refuse to make reasonable accommodations in rules, 1837
policies, practices, or services when necessary to afford a 1838
person with a disability equal opportunity to use and enjoy a 1839
dwelling unit, including associated public and common use areas; 1840

(20) Fail to comply with the standards and rules adopted 1841

under division (A) of section 3781.111 of the Revised Code; 1842

(21) Discriminate against any person in the selling, 1843
 brokering, or appraising of real property because of race, 1844
 color, religion, sex, ancestry, national origin, familial 1845
status, disability, sexual orientation, gender identity or 1846
expression, or military status, familial status, ancestry, 1847
~~disability, or national origin;~~ 1848

(22) Fail to design and construct covered multifamily 1849
 dwellings for first occupancy on or after June 30, 1992, in 1850
 accordance with the following conditions: 1851

(a) The dwellings shall have at least one building 1852
 entrance on an accessible route, unless it is impractical to do 1853
 so because of the terrain or unusual characteristics of the 1854
 site. 1855

(b) With respect to dwellings that have a building 1856
 entrance on an accessible route, all of the following apply: 1857

(i) The public use areas and common use areas of the 1858
 dwellings shall be readily accessible to and usable by persons 1859
 with a disability. 1860

(ii) All the doors designed to allow passage into and 1861
 within all premises shall be sufficiently wide to allow passage 1862
 by persons with a disability who are in wheelchairs. 1863

(iii) All premises within covered multifamily dwelling 1864
 units shall contain an accessible route into and through the 1865
 dwelling; all light switches, electrical outlets, thermostats, 1866
 and other environmental controls within such units shall be in 1867
 accessible locations; the bathroom walls within such units shall 1868
 contain reinforcements to allow later installation of grab bars; 1869
 and the kitchens and bathrooms within such units shall be 1870

designed and constructed in a manner that enables an individual 1871
in a wheelchair to maneuver about such rooms. 1872

For purposes of division (H) (22) of this section, "covered 1873
multifamily dwellings" means buildings consisting of four or 1874
more units if such buildings have one or more elevators and 1875
ground floor units in other buildings consisting of four or more 1876
units. 1877

(I) For any person to discriminate in any manner against 1878
any other person because that person has opposed any unlawful 1879
discriminatory practice defined in this section or because that 1880
person has made a charge, testified, assisted, or participated 1881
in any manner in any investigation, proceeding, or hearing under 1882
sections 4112.01 to 4112.07 of the Revised Code. 1883

(J) For any person to aid, abet, incite, compel, or coerce 1884
the doing of any act declared by this section to be an unlawful 1885
discriminatory practice, to obstruct or prevent any person from 1886
complying with this chapter or any order issued under it, or to 1887
attempt directly or indirectly to commit any act declared by 1888
this section to be an unlawful discriminatory practice. 1889

(K) Nothing in divisions (A) to (E) of this section shall 1890
be construed to require a person with a disability to be 1891
employed or trained under circumstances that would significantly 1892
increase the occupational hazards affecting either the person 1893
with a disability, other employees, the general public, or the 1894
facilities in which the work is to be performed, or to require 1895
the employment or training of a person with a disability in a 1896
job that requires the person with a disability routinely to 1897
undertake any task, the performance of which is substantially 1898
and inherently impaired by the person's disability. 1899

(L) An aggrieved individual may enforce the individual's 1900
rights relative to discrimination on the basis of age as 1901
provided for in this section by instituting a civil action, 1902
within one hundred eighty days after the alleged unlawful 1903
discriminatory practice occurred, in any court with jurisdiction 1904
for any legal or equitable relief that will effectuate the 1905
individual's rights. 1906

A person who files a civil action under this division is 1907
barred, with respect to the practices complained of, from 1908
instituting a civil action under section 4112.14 of the Revised 1909
Code and from filing a charge with the commission under section 1910
4112.05 of the Revised Code. 1911

(M) With regard to age, it shall not be an unlawful 1912
discriminatory practice and it shall not constitute a violation 1913
of division (A) of section 4112.14 of the Revised Code for any 1914
employer, employment agency, joint labor-management committee 1915
controlling apprenticeship training programs, or labor 1916
organization to do any of the following: 1917

(1) Establish bona fide employment qualifications 1918
reasonably related to the particular business or occupation that 1919
may include standards for skill, aptitude, physical capability, 1920
intelligence, education, maturation, and experience; 1921

(2) Observe the terms of a bona fide seniority system or 1922
any bona fide employee benefit plan, including, but not limited 1923
to, a retirement, pension, or insurance plan, that is not a 1924
subterfuge to evade the purposes of this section. However, no 1925
such employee benefit plan shall excuse the failure to hire any 1926
individual, and no such seniority system or employee benefit 1927
plan shall require or permit the involuntary retirement of any 1928
individual, because of the individual's age except as provided 1929

for in the "Age Discrimination in Employment Act Amendment of 1978," 92 Stat. 189, 29 U.S.C.A. 623, as amended by the "Age Discrimination in Employment Act Amendments of 1986," 100 Stat. 3342, 29 U.S.C.A. 623, as amended.

(3) Retire an employee who has attained sixty-five years of age who, for the two-year period immediately before retirement, is employed in a bona fide executive or a high policymaking position, if the employee is entitled to an immediate nonforfeitable annual retirement benefit from a pension, profit-sharing, savings, or deferred compensation plan, or any combination of those plans, of the employer of the employee, which equals, in the aggregate, at least forty-four thousand dollars, in accordance with the conditions of the "Age Discrimination in Employment Act Amendment of 1978," 92 Stat. 189, 29 U.S.C.A. 631, as amended by the "Age Discrimination in Employment Act Amendments of 1986," 100 Stat. 3342, 29 U.S.C.A. 631, as amended;

(4) Observe the terms of any bona fide apprenticeship program if the program is registered with the Ohio apprenticeship council pursuant to sections 4139.01 to 4139.06 of the Revised Code and is approved by the federal committee on apprenticeship of the United States department of labor.

(N) Nothing in this chapter prohibiting age discrimination and nothing in division (A) of section 4112.14 of the Revised Code shall be construed to prohibit the following:

(1) The designation of uniform age the attainment of which is necessary for public employees to receive pension or other retirement benefits pursuant to Chapter 145., 742., 3307., 3309., or 5505. of the Revised Code;

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(2) The mandatory retirement of uniformed patrol officers 1959
of the state highway patrol as provided in section 5505.16 of 1960
the Revised Code; 1961

(3) The maximum age requirements for appointment as a 1962
patrol officer in the state highway patrol established by 1963
section 5503.01 of the Revised Code; 1964

(4) The maximum age requirements established for original 1965
appointment to a police department or fire department in 1966
sections 124.41 and 124.42 of the Revised Code; 1967

(5) Any maximum age not in conflict with federal law that 1968
may be established by a municipal charter, municipal ordinance, 1969
or resolution of a board of township trustees for original 1970
appointment as a police officer or firefighter; 1971

(6) Any mandatory retirement provision not in conflict 1972
with federal law of a municipal charter, municipal ordinance, or 1973
resolution of a board of township trustees pertaining to police 1974
officers and firefighters; 1975

(7) Until January 1, 1994, the mandatory retirement of any 1976
employee who has attained seventy years of age and who is 1977
serving under a contract of unlimited tenure, or similar 1978
arrangement providing for unlimited tenure, at an institution of 1979
higher education as defined in the "Education Amendments of 1980
1980," 94 Stat. 1503, 20 U.S.C.A. 1141(a). 1981

(O) (1) (a) Except as provided in division (O) (1) (b) of this 1982
section, for purposes of divisions (A) to (E) of this section, a 1983
disability does not include any physiological disorder or 1984
condition, mental or psychological disorder, or disease or 1985
condition caused by an illegal use of any controlled substance 1986
by an employee, applicant, or other person, if an employer, 1987

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employment agency, personnel placement service, labor 1988
organization, or joint labor-management committee acts on the 1989
basis of that illegal use. 1990

(b) Division (O) (1) (a) of this section does not apply to 1991
an employee, applicant, or other person who satisfies any of the 1992
following: 1993

(i) The employee, applicant, or other person has 1994
successfully completed a supervised drug rehabilitation program 1995
and no longer is engaging in the illegal use of any controlled 1996
substance, or the employee, applicant, or other person otherwise 1997
successfully has been rehabilitated and no longer is engaging in 1998
that illegal use. 1999

(ii) The employee, applicant, or other person is 2000
participating in a supervised drug rehabilitation program and no 2001
longer is engaging in the illegal use of any controlled 2002
substance. 2003

(iii) The employee, applicant, or other person is 2004
erroneously regarded as engaging in the illegal use of any 2005
controlled substance, but the employee, applicant, or other 2006
person is not engaging in that illegal use. 2007

(2) Divisions (A) to (E) of this section do not prohibit 2008
an employer, employment agency, personnel placement service, 2009
labor organization, or joint labor-management committee from 2010
doing any of the following: 2011

(a) Adopting or administering reasonable policies or 2012
procedures, including, but not limited to, testing for the 2013
illegal use of any controlled substance, that are designed to 2014
ensure that an individual described in division (O) (1) (b) (i) or 2015
(ii) of this section no longer is engaging in the illegal use of 2016

any controlled substance;	2017
(b) Prohibiting the illegal use of controlled substances	2018
and the use of alcohol at the workplace by all employees;	2019
(c) Requiring that employees not be under the influence of	2020
alcohol or not be engaged in the illegal use of any controlled	2021
substance at the workplace;	2022
(d) Requiring that employees behave in conformance with	2023
the requirements established under "The Drug-Free Workplace Act	2024
of 1988," 102 Stat. 4304, 41 U.S.C.A. 701, as amended;	2025
(e) Holding an employee who engages in the illegal use of	2026
any controlled substance or who is an alcoholic to the same	2027
qualification standards for employment or job performance, and	2028
the same behavior, to which the employer, employment agency,	2029
personnel placement service, labor organization, or joint labor-	2030
management committee holds other employees, even if any	2031
unsatisfactory performance or behavior is related to an	2032
employee's illegal use of a controlled substance or alcoholism;	2033
(f) Exercising other authority recognized in the	2034
"Americans with Disabilities Act of 1990," 104 Stat. 327, 42	2035
U.S.C.A. 12101, as amended, including, but not limited to,	2036
requiring employees to comply with any applicable federal	2037
standards.	2038
(3) For purposes of this chapter, a test to determine the	2039
illegal use of any controlled substance does not include a	2040
medical examination.	2041
(4) Division (O) of this section does not encourage,	2042
prohibit, or authorize, and shall not be construed as	2043
encouraging, prohibiting, or authorizing, the conduct of testing	2044
for the illegal use of any controlled substance by employees,	2045

applicants, or other persons, or the making of employment 2046
decisions based on the results of that type of testing. 2047

(P) This section does not apply to a religious 2048
corporation, association, educational institution, or society 2049
with respect to the employment of an individual of a particular 2050
religion to perform work connected with the carrying on by that 2051
religious corporation, association, educational institution, or 2052
society of its activities. 2053

The unlawful discriminatory practices defined in this 2054
section do not make it unlawful for a person or an appointing 2055
authority administering an examination under section 124.23 of 2056
the Revised Code to obtain information about an applicant's 2057
military status for the purpose of determining if the applicant 2058
is eligible for the additional credit that is available under 2059
that section. 2060

(Q) It shall be an unlawful discriminatory practice for 2061
any employer, employment agency, or labor organization to limit, 2062
segregate, or classify its employees or applicants for 2063
employment in any way that would deprive or tend to deprive any 2064
individual of employment or otherwise adversely affect the 2065
status of the individual as an employee because of the 2066
individual's actual or perceived sexual orientation or gender 2067
identity or expression. 2068

Sec. 4112.021. (A) As used in this section: 2069

(1) "Credit" means the right granted by a creditor to a 2070
person to defer payment of a debt, to incur debt and defer its 2071
payment, or to purchase property or services and defer payment 2072
for the property or services. 2073

(2) "Creditor" means any person who regularly extends, 2074

renews, or continues credit, any person who regularly arranges 2075
for the extension, renewal, or continuation of credit, or any 2076
assignee of an original creditor who participates in the 2077
decision to extend, renew, or continue credit, whether or not 2078
any interest or finance charge is required. 2079

(3) "Credit reporting agency" means any person who, for 2080
monetary fees or dues or on a cooperative nonprofit basis, 2081
regularly assembles or evaluates credit information for the 2082
purpose of furnishing credit reports to creditors. 2083

(4) "Age" means any age of eighteen years or older. 2084

(B) It shall be an unlawful discriminatory practice: 2085

(1) For any creditor to do any of the following: 2086

(a) Discriminate against any applicant for credit in the 2087
granting, withholding, extending, or renewing of credit, or in 2088
the fixing of the rates, terms, or conditions of any form of 2089
credit, on the basis of race, color, religion, sex, age,~~sex~~ 2090
ancestry, national origin, marital status, disability, sexual 2091
orientation, gender identity or expression, or military status, 2092
~~marital status, national origin, disability, or ancestry,~~ except 2093
that this division shall not apply with respect to age in any 2094
real estate transaction between a financial institution, a 2095
dealer in intangibles, or an insurance company as defined in 2096
section 5725.01 of the Revised Code and its customers; 2097

(b) Use or make any inquiry as to race, color, religion, 2098
sex, age,~~sex~~ ancestry, national origin, marital status, 2099
disability, sexual orientation, gender identity or expression, 2100
or military status,~~marital status, national origin, disability,~~ 2101
~~or ancestry~~ for the purpose of limiting or specifying those 2102
persons to whom credit will be granted, except that an inquiry 2103

of marital status does not constitute discrimination for the 2104
 purposes of this section if the inquiry is made for the purpose 2105
 of ascertaining the creditor's rights and remedies applicable to 2106
 the particular extension of credit, and except that creditors 2107
 are excepted from this division with respect to any inquiry, 2108
 elicitation of information, record, or form of application 2109
 required of a particular creditor by any instrumentality or 2110
 agency of the United States, or required of a particular 2111
 creditor by any agency or instrumentality to enforce the "Civil 2112
 Rights Act of 1968," 82 Stat. 84, 85, 42 U.S.C.A. 3608(c); 2113

(c) Refuse to consider the sources of income of an 2114
 applicant for credit, or disregard or ignore the income of an 2115
 applicant, in whole or in part, on the basis of race, color, 2116
 religion, sex, age, ~~sex~~, ancestry, national origin, marital 2117
status, disability, sexual orientation, gender identity or 2118
expression, or military status, ~~marital status, disability,~~ 2119
~~national origin, or ancestry;~~ 2120

(d) Refuse to grant credit to an individual in any name 2121
 that individual customarily uses, if it has been determined in 2122
 the normal course of business that the creditor will grant 2123
 credit to the individual; 2124

(e) Impose any special requirements or conditions, 2125
 including, but not limited to, a requirement for co-obligors or 2126
 reapplication, upon any applicant or class of applicants on the 2127
 basis of race, color, religion, sex, age, ~~sex~~, ancestry, national 2128
origin, marital status, disability, sexual orientation, gender 2129
identity or expression, or military status, ~~marital status,~~ 2130
~~national origin, disability, or ancestry~~ in circumstances where 2131
 similar requirements or conditions are not imposed on other 2132
 applicants similarly situated, unless the special requirements 2133

or conditions that are imposed with respect to age are the 2134
 result of a real estate transaction exempted under division (B) 2135
 (1) (a) of this section or are the result of programs that grant 2136
 preferences to certain age groups administered by 2137
 instrumentalities or agencies of the United States, a state, or 2138
 a political subdivision of a state; 2139

(f) Fail or refuse to provide an applicant for credit a 2140
 written statement of the specific reasons for rejection of the 2141
 application if requested in writing by the applicant within 2142
 sixty days of the rejection. The creditor shall provide the 2143
 written statement of the specific reason for rejection within 2144
 thirty days after receipt of a request of that nature. For 2145
 purposes of this section, a statement that the applicant was 2146
 rejected solely on the basis of information received from a 2147
 credit reporting agency or because the applicant failed to meet 2148
 the standards required by the creditor's credit scoring system, 2149
 uniformly applied, shall constitute a specific reason for 2150
 rejection. 2151

(g) Fail or refuse to print on or firmly attach to each 2152
 application for credit, in a type size no smaller than that used 2153
 throughout most of the application form, the following notice: 2154
 "The Ohio laws against discrimination require that all creditors 2155
 make credit equally available to all credit worthy customers, 2156
 and that credit reporting agencies maintain separate credit 2157
 histories on each individual upon request. The Ohio civil rights 2158
 commission administers compliance with this law." This notice is 2159
 not required to be included in applications that have a multi- 2160
 state distribution if the notice is mailed to the applicant with 2161
 the notice of acceptance or rejection of the application. 2162

(h) Fail or refuse on the basis of race, color, religion, 2163

sex, age, ~~sex~~ ancestry, national origin, marital status, 2164
disability, sexual orientation, gender identity or expression, 2165
or military status, ~~marital status, national origin, disability,~~ 2166
~~or ancestry~~ to maintain, upon the request of the individual, a 2167
 separate account for each individual to whom credit is extended; 2168

(i) Fail or refuse on the basis of race, color, religion, 2169
sex, age, ~~sex~~ ancestry, national origin, marital status, 2170
disability, sexual orientation, gender identity or expression, 2171
or military status, ~~marital status, national origin, disability,~~ 2172
~~or ancestry~~ to maintain records on any account established after 2173
 November 1, 1976, to furnish information on the accounts to 2174
 credit reporting agencies in a manner that clearly designates 2175
 the contractual liability for repayment as indicated on the 2176
 application for the account, and, if more than one individual is 2177
 contractually liable for repayment, to maintain records and 2178
 furnish information in the name of each individual. This 2179
 division does not apply to individuals who are contractually 2180
 liable only if the primary party defaults on the account. 2181

(2) For any credit reporting agency to do any of the 2182
 following: 2183

(a) Fail or refuse on the basis of race, color, religion, 2184
sex, age, ~~sex~~ ancestry, national origin, marital status, 2185
disability, sexual orientation, gender identity or expression, 2186
or military status, ~~marital status, national origin, disability,~~ 2187
~~or ancestry~~ to maintain, upon the request of the individual, a 2188
 separate file on each individual about whom information is 2189
 assembled or evaluated; 2190

(b) Fail or refuse on the basis of race, color, religion, 2191
sex, age, ~~sex~~ ancestry, national origin, marital status, 2192
disability, sexual orientation, gender identity or expression, 2193

~~or military status, marital status, national origin, disability,~~ 2194
~~or ancestry~~ to clearly note, maintain, and report any 2195
information furnished it under division (B) (1) (i) of this 2196
section. 2197

(C) This section does not prohibit a creditor from 2198
requesting the signature of both spouses to create a valid lien, 2199
pass clear title, or waive inchoate rights to property. 2200

(D) The rights granted by this section may be enforced by 2201
aggrieved individuals by filing a civil action in a court of 2202
common pleas within one hundred eighty days after the alleged 2203
unlawful discriminatory practice occurred. Upon application by 2204
the plaintiff and in circumstances that the court considers 2205
just, the court in which a civil action under this section is 2206
brought may appoint an attorney for the plaintiff and may 2207
authorize the commencement of a civil action upon proper showing 2208
without the payment of costs. If the court finds that an 2209
unlawful discriminatory practice prohibited by this section 2210
occurred or is about to occur, the court may grant relief that 2211
it considers appropriate, including a permanent or temporary 2212
injunction, temporary restraining order, or other order, and may 2213
award to the plaintiff compensatory and punitive damages of not 2214
less than one hundred dollars, together with attorney's fees and 2215
court costs. 2216

(E) Nothing contained in this section shall bar a creditor 2217
from reviewing an application for credit on the basis of 2218
established criteria used in the normal course of business for 2219
the determination of the credit worthiness of the individual 2220
applicant for credit, including the credit history of the 2221
applicant. 2222

Sec. 4112.04. (A) The commission shall do all of the 2223

following: 2224

(1) Establish and maintain a principal office in the city 2225
of Columbus and any other offices within the state that it 2226
considers necessary; 2227

(2) Appoint an executive director who shall serve at the 2228
pleasure of the commission and be its principal administrative 2229
officer. The executive director shall be paid a salary fixed 2230
pursuant to Chapter 124. of the Revised Code. 2231

(3) Appoint hearing examiners and other employees and 2232
agents who it considers necessary and prescribe their duties 2233
subject to Chapter 124. of the Revised Code; 2234

(4) Adopt, promulgate, amend, and rescind rules to 2235
effectuate the provisions of this chapter and the policies and 2236
practice of the commission in connection with this chapter; 2237

(5) Formulate policies to effectuate the purposes of this 2238
chapter and make recommendations to agencies and officers of the 2239
state or political subdivisions to effectuate the policies; 2240

(6) Receive, investigate, and pass upon written charges 2241
made under oath of unlawful discriminatory practices; 2242

(7) Make periodic surveys of the existence and effect of 2243
discrimination because of race, color, religion, sex, age, 2244
ancestry, national origin, familial status, disability, sexual 2245
orientation, gender identity or expression, or military status, 2246
~~familial status, national origin, disability, age, or ancestry~~ 2247
on the enjoyment of civil rights by persons within the state; 2248

(8) Report, from time to time, but not less than once a 2249
year, to the general assembly and the governor, describing in 2250
detail the investigations, proceedings, and hearings it has 2251

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conducted and their outcome, the decisions it has rendered, and 2252
the other work performed by it, which report shall include a 2253
copy of any surveys prepared pursuant to division (A) (7) of this 2254
section and shall include the recommendations of the commission 2255
as to legislative or other remedial action; 2256

(9) Prepare a comprehensive educational program, in 2257
cooperation with the department of education, for the students 2258
of the primary and secondary public schools of this state and 2259
for all other residents of this state that is designed to 2260
eliminate prejudice on the basis of race, color, religion, sex, 2261
military status, familial status, national origin, disability, 2262
age, ~~or~~ ancestry, sexual orientation, or gender identity or 2263
expression in this state, to further good will among those 2264
groups, and to emphasize the origin of prejudice against those 2265
groups and discrimination, its ~~their~~ harmful effects, and ~~its~~ 2266
~~their~~ incompatibility with American principles of equality and 2267
fair play; 2268

(10) Receive progress reports from agencies, 2269
instrumentalities, institutions, boards, commissions, and other 2270
entities of this state or any of its political subdivisions and 2271
their agencies, instrumentalities, institutions, boards, 2272
commissions, and other entities regarding affirmative action 2273
programs for the employment of persons against whom 2274
discrimination is prohibited by this chapter, or regarding any 2275
affirmative housing accommodations programs developed to 2276
eliminate or reduce an imbalance of race, color, religion, sex, 2277
ancestry, national origin, familial status, disability, sexual 2278
orientation, gender identity or expression, or military status, 2279
~~familial status, national origin, disability, or ancestry.~~ All 2280
agencies, instrumentalities, institutions, boards, commissions, 2281
and other entities of this state or its political subdivisions, 2282

and all political subdivisions, that have undertaken affirmative 2283
 action programs pursuant to a conciliation agreement with the 2284
 commission, an executive order of the governor, any federal 2285
 statute or rule, or an executive order of the president of the 2286
 United States shall file progress reports with the commission 2287
 annually on or before the first day of November. The commission 2288
 shall analyze and evaluate the progress reports and report its 2289
 findings annually to the general assembly on or before the 2290
 thirtieth day of January of the year immediately following the 2291
 receipt of the reports. 2292

(B) The commission may do any of the following: 2293

(1) Meet and function at any place within the state; 2294

(2) Initiate and undertake on its own motion 2295
 investigations of problems of employment or housing 2296
 accommodations discrimination; 2297

(3) Hold hearings, subpoena witnesses, compel their 2298
 attendance, administer oaths, take the testimony of any person 2299
 under oath, require the production for examination of any books 2300
 and papers relating to any matter under investigation or in 2301
 question before the commission, and make rules as to the 2302
 issuance of subpoenas by individual commissioners. 2303

(a) In conducting a hearing or investigation, the 2304
 commission shall have access at all reasonable times to 2305
 premises, records, documents, individuals, and other evidence or 2306
 possible sources of evidence and may examine, record, and copy 2307
 the premises, records, documents, and other evidence or possible 2308
 sources of evidence and take and record the testimony or 2309
 statements of the individuals as reasonably necessary for the 2310
 furtherance of the hearing or investigation. In investigations, 2311

the commission shall comply with the fourth amendment to the 2312
United States Constitution relating to unreasonable searches and 2313
seizures. The commission or a member of the commission may issue 2314
subpoenas to compel access to or the production of premises, 2315
records, documents, and other evidence or possible sources of 2316
evidence or the appearance of individuals, and may issue 2317
interrogatories to a respondent, to the same extent and subject 2318
to the same limitations as would apply if the subpoenas or 2319
interrogatories were issued or served in aid of a civil action 2320
in a court of common pleas. 2321

(b) Upon written application by a party to a hearing under 2322
division (B) of section 4112.05 of the Revised Code, the 2323
commission shall issue subpoenas in its name to the same extent 2324
and subject to the same limitations as subpoenas issued by the 2325
commission. Subpoenas issued at the request of a party shall 2326
show on their face the name and address of the party and shall 2327
state that they were issued at the party's request. 2328

(c) Witnesses summoned by subpoena of the commission are 2329
entitled to the witness and mileage fees provided for under 2330
section 119.094 of the Revised Code. 2331

(d) Within five days after service of a subpoena upon any 2332
person, the person may petition the commission to revoke or 2333
modify the subpoena. The commission shall grant the petition if 2334
it finds that the subpoena requires an appearance or attendance 2335
at an unreasonable time or place, that it requires production of 2336
evidence that does not relate to any matter before the 2337
commission, that it does not describe with sufficient 2338
particularity the evidence to be produced, that compliance would 2339
be unduly onerous, or for other good reason. 2340

(e) In case of contumacy or refusal to obey a subpoena, 2341

the commission or person at whose request it was issued may 2342
petition for its enforcement in the court of common pleas in the 2343
county in which the person to whom the subpoena was addressed 2344
resides, was served, or transacts business. 2345

(4) Create local or statewide advisory agencies and 2346
conciliation councils to aid in effectuating the purposes of 2347
this chapter. The commission may itself, or it may empower these 2348
agencies and councils to, do either or both of the following: 2349

(a) Study the problems of discrimination in all or 2350
specific fields of human relationships when based on race, 2351
color, religion, sex, age, ancestry, national origin, familial 2352
status, disability, sexual orientation, gender identity or 2353
expression, or military status, familial status, national 2354
origin, disability, age, or ancestry; 2355

(b) Foster through community effort, or otherwise, good 2356
will among the groups and elements of the population of the 2357
state. 2358

The agencies and councils may make recommendations to the 2359
commission for the development of policies and procedures in 2360
general. They shall be composed of representative citizens who 2361
shall serve without pay, except that reimbursement for actual 2362
and necessary traveling expenses shall be made to citizens who 2363
serve on a statewide agency or council. 2364

(5) Issue any publications and the results of 2365
investigations and research that in its judgment will tend to 2366
promote good will and minimize or eliminate discrimination 2367
because of race, color, religion, sex, age, ancestry, national 2368
origin, familial status, disability, sexual orientation, gender 2369
identity or expression, or military status, familial status, 2370

~~national origin, disability, age, or ancestry.~~ 2371

Sec. 4112.05. (A) (1) The commission, as provided in this 2372
section, shall prevent any person from engaging in unlawful 2373
discriminatory practices. 2374

(2) The commission may at any time attempt to resolve 2375
allegations of unlawful discriminatory practices by the use of 2376
alternative dispute resolution, provided that, before 2377
instituting the formal hearing authorized by division (B) of 2378
this section, it shall attempt, by informal methods of 2379
conference, conciliation, mediation, and persuasion, to induce 2380
compliance with this chapter. 2381

(B) (1) Any person may file a charge with the commission 2382
alleging that another person has engaged or is engaging in an 2383
unlawful discriminatory practice. In the case of a charge 2384
alleging an unlawful discriminatory practice described in 2385
division (A), (B), (C), (D), (E), (F), (G), (I), or (J) of 2386
section 4112.02 or in section 4112.021 or 4112.022 of the 2387
Revised Code, the charge shall be in writing and under oath and 2388
shall be filed with the commission within six months after the 2389
alleged unlawful discriminatory practice was committed. In the 2390
case of a charge alleging an unlawful discriminatory practice 2391
described in division (H) of section 4112.02 of the Revised 2392
Code, the charge shall be in writing and under oath and shall be 2393
filed with the commission within one year after the alleged 2394
unlawful discriminatory practice was committed. 2395

(a) An oath under this chapter may be made in any form of 2396
affirmation the person deems binding on the person's conscience. 2397
Acceptable forms include, but are not limited to, declarations 2398
made under penalty of perjury. 2399

(b) Any charge timely received, via facsimile, postal 2400
mail, electronic mail, or otherwise, may be signed under oath 2401
after the limitations period for filing set forth under division 2402
(B) (1) of this section and will relate back to the original 2403
filing date. 2404

(2) Upon receiving a charge, the commission may initiate a 2405
preliminary investigation to determine whether it is probable 2406
that an unlawful discriminatory practice has been or is being 2407
engaged in. The commission also may conduct, upon its own 2408
initiative and independent of the filing of any charges, a 2409
preliminary investigation relating to any of the unlawful 2410
discriminatory practices described in division (A), (B), (C), 2411
(D), (E), (F), (I), or (J) of section 4112.02 or in section 2412
4112.021 or 4112.022 of the Revised Code. Prior to a 2413
notification of a complainant under division (B) (4) of this 2414
section or prior to the commencement of informal methods of 2415
conference, conciliation, mediation, and persuasion, or 2416
alternative dispute resolution, under that division, the members 2417
of the commission and the officers and employees of the 2418
commission shall not make public in any manner and shall retain 2419
as confidential all information that was obtained as a result of 2420
or that otherwise pertains to a preliminary investigation other 2421
than one described in division (B) (3) of this section. 2422

(3) (a) Unless it is impracticable to do so and subject to 2423
its authority under division (B) (3) (d) of this section, the 2424
commission shall complete a preliminary investigation of a 2425
charge filed pursuant to division (B) (1) of this section that 2426
alleges an unlawful discriminatory practice described in 2427
division (H) of section 4112.02 of the Revised Code, and shall 2428
take one of the following actions, within one hundred days after 2429
the filing of the charge: 2430

(i) Notify the complainant and the respondent that it is 2431
not probable that an unlawful discriminatory practice described 2432
in division (H) of section 4112.02 of the Revised Code has been 2433
or is being engaged in and that the commission will not issue a 2434
complaint in the matter; 2435

(ii) Initiate a complaint and schedule it for informal 2436
methods of conference, conciliation, mediation, and persuasion, 2437
or alternative dispute resolution; 2438

(iii) Initiate a complaint and refer it to the attorney 2439
general with a recommendation to seek a temporary or permanent 2440
injunction or a temporary restraining order. If this action is 2441
taken, the attorney general shall apply, as expeditiously as 2442
possible after receipt of the complaint, to the court of common 2443
pleas of the county in which the unlawful discriminatory 2444
practice allegedly occurred for the appropriate injunction or 2445
order, and the court shall hear and determine the application as 2446
expeditiously as possible. 2447

(b) If it is not practicable to comply with the 2448
requirements of division (B) (3) (a) of this section within the 2449
one-hundred-day period described in that division, the 2450
commission shall notify the complainant and the respondent in 2451
writing of the reasons for the noncompliance. 2452

(c) Prior to the issuance of a complaint under division 2453
(B) (3) (a) (ii) or (iii) of this section or prior to a 2454
notification of the complainant and the respondent under 2455
division (B) (3) (a) (i) of this section, the members of the 2456
commission and the officers and employees of the commission 2457
shall not make public in any manner and shall retain as 2458
confidential all information that was obtained as a result of or 2459
that otherwise pertains to a preliminary investigation of a 2460

charge filed pursuant to division (B)(1) of this section that 2461
alleges an unlawful discriminatory practice described in 2462
division (H) of section 4112.02 of the Revised Code. 2463

(d) Notwithstanding the types of action described in 2464
divisions (B)(3)(a)(ii) and (iii) of this section, prior to the 2465
issuance of a complaint or the referral of a complaint to the 2466
attorney general and prior to endeavoring to eliminate an 2467
unlawful discriminatory practice described in division (H) of 2468
section 4112.02 of the Revised Code by informal methods of 2469
conference, conciliation, mediation, and persuasion, or by 2470
alternative dispute resolution, the commission may seek a 2471
temporary or permanent injunction or a temporary restraining 2472
order in the court of common pleas of the county in which the 2473
unlawful discriminatory practice allegedly occurred. 2474

(4) If the commission determines after a preliminary 2475
investigation other than one described in division (B)(3) of 2476
this section that it is not probable that an unlawful 2477
discriminatory practice has been or is being engaged in, it 2478
shall notify any complainant under division (B)(1) of this 2479
section that it has so determined and that it will not issue a 2480
complaint in the matter. If the commission determines after a 2481
preliminary investigation other than the one described in 2482
division (B)(3) of this section that it is probable that an 2483
unlawful discriminatory practice has been or is being engaged 2484
in, it shall endeavor to eliminate the practice by informal 2485
methods of conference, conciliation, mediation, and persuasion, 2486
or by alternative dispute resolution. 2487

(5) Nothing said or done during informal methods of 2488
conference, conciliation, mediation, and persuasion, or during 2489
alternative dispute resolution, under this section shall be 2490

disclosed by any member of the commission or its staff or be 2491
 used as evidence in any subsequent hearing or other proceeding. 2492
 If, after a preliminary investigation and the use of informal 2493
 methods of conference, conciliation, mediation, and persuasion, 2494
 or alternative dispute resolution, under this section, the 2495
 commission is satisfied that any unlawful discriminatory 2496
 practice will be eliminated, it may treat the charge involved as 2497
 being conciliated and enter that disposition on the records of 2498
 the commission. If the commission fails to effect the 2499
 elimination of an unlawful discriminatory practice by informal 2500
 methods of conference, conciliation, mediation, and persuasion, 2501
 or by alternative dispute resolution under this section and to 2502
 obtain voluntary compliance with this chapter, the commission 2503
 shall issue and cause to be served upon any person, including 2504
 the respondent against whom a complainant has filed a charge 2505
 pursuant to division (B)(1) of this section, a complaint stating 2506
 the charges involved and containing a notice of an opportunity 2507
 for a hearing before the commission, a member of the commission, 2508
 or a hearing examiner at a place that is stated in the notice 2509
 and that is located within the county in which the alleged 2510
 unlawful discriminatory practice has occurred or is occurring or 2511
 in which the respondent resides or transacts business. The 2512
 hearing shall be held not less than thirty days after the 2513
 service of the complaint upon the complainant, the aggrieved 2514
 persons other than the complainant on whose behalf the complaint 2515
 is issued, and the respondent, unless the complainant, an 2516
 aggrieved person, or the respondent elects to proceed under 2517
 division (A)(2) of section 4112.051 of the Revised Code when 2518
 that division is applicable. If a complaint pertains to an 2519
 alleged unlawful discriminatory practice described in division 2520
 (H) of section 4112.02 of the Revised Code, the complaint shall 2521
 notify the complainant, an aggrieved person, and the respondent 2522

of the right of the complainant, an aggrieved person, or the 2523
 respondent to elect to proceed with the administrative hearing 2524
 process under this section or to proceed under division (A) (2) 2525
 of section 4112.051 of the Revised Code. 2526

(6) The attorney general shall represent the commission at 2527
 any hearing held pursuant to division (B) (5) of this section and 2528
 shall present the evidence in support of the complaint. 2529

(7) Any complaint issued pursuant to division (B) (5) of 2530
 this section after the filing of a charge under division (B) (1) 2531
 of this section shall be so issued within one year after the 2532
 complainant filed the charge with respect to an alleged unlawful 2533
 discriminatory practice. 2534

(C) (1) Any complaint issued pursuant to division (B) of 2535
 this section may be amended by the commission, a member of the 2536
 commission, or the hearing examiner conducting a hearing under 2537
 division (B) of this section. 2538

(a) Except as provided in division (C) (1) (b) of this 2539
 section, a complaint issued pursuant to division (B) of this 2540
 section may be amended at any time prior to or during the 2541
 hearing. 2542

(b) If a complaint issued pursuant to division (B) of this 2543
 section alleges an unlawful discriminatory practice described in 2544
 division (H) of section 4112.02 of the Revised Code, the 2545
 complaint may be amended at any time up to seven days prior to 2546
 the hearing and not thereafter. 2547

(2) The respondent has the right to file an answer or an 2548
 amended answer to the original and amended complaints and to 2549
 appear at the hearing in person, by attorney, or otherwise to 2550
 examine and cross-examine witnesses. 2551

(D) The complainant shall be a party to a hearing under 2552
division (B) of this section, and any person who is an 2553
indispensable party to a complete determination or settlement of 2554
a question involved in the hearing shall be joined. Any 2555
aggrieved person who has or claims an interest in the subject of 2556
the hearing and in obtaining or preventing relief against the 2557
unlawful discriminatory practices complained of shall be 2558
permitted to appear only for the presentation of oral or written 2559
arguments, to present evidence, perform direct and cross- 2560
examination, and be represented by counsel. The commission shall 2561
adopt rules, in accordance with Chapter 119. of the Revised Code 2562
governing the authority granted under this division. 2563

(E) In any hearing under division (B) of this section, the 2564
commission, a member of the commission, or the hearing examiner 2565
shall not be bound by the Rules of Evidence but, in ascertaining 2566
the practices followed by the respondent, shall take into 2567
account all reliable, probative, and substantial statistical or 2568
other evidence produced at the hearing that may tend to prove 2569
the existence of a predetermined pattern of employment or 2570
membership, provided that nothing contained in this section 2571
shall be construed to authorize or require any person to observe 2572
the proportion that persons of any race, color, religion, sex, 2573
age, ancestry, national origin, familial status, disability, 2574
sexual orientation, gender identity or expression, or military 2575
status, familial status, national origin, disability, age, or 2576
ancestry bear to the total population or in accordance with any 2577
criterion other than the individual qualifications of the 2578
applicant. 2579

(F) The testimony taken at a hearing under division (B) of 2580
this section shall be under oath and shall be reduced to writing 2581
and filed with the commission. Thereafter, in its discretion, 2582

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the commission, upon the service of a notice upon the 2583
complainant and the respondent that indicates an opportunity to 2584
be present, may take further testimony or hear argument. 2585

(G) (1) (a) If, upon all reliable, probative, and 2586
substantial evidence presented at a hearing under division (B) 2587
of this section, the commission determines that the respondent 2588
has engaged in, or is engaging in, any unlawful discriminatory 2589
practice, whether against the complainant or others, the 2590
commission shall state its findings of fact and conclusions of 2591
law and shall issue and, subject to the provisions of Chapter 2592
119. of the Revised Code, cause to be served on the respondent 2593
an order requiring the respondent to do all of the following: 2594

(i) Cease and desist from the unlawful discriminatory 2595
practice; 2596

(ii) Take any further affirmative or other action that 2597
will effectuate the purposes of this chapter, including, but not 2598
limited to, hiring, reinstatement, or upgrading of employees 2599
with or without back pay, or admission or restoration to union 2600
membership; 2601

(iii) Report to the commission the manner of compliance. 2602

If the commission directs payment of back pay, it shall 2603
make allowance for interim earnings. 2604

(b) If the commission finds a violation of division (H) of 2605
section 4112.02 of the Revised Code, in addition to the action 2606
described in division (G) (1) (a) of this section, the commission 2607
additionally may require the respondent to undergo remediation 2608
in the form of a class, seminar, or any other type of 2609
remediation approved by the commission, may require the 2610
respondent to pay actual damages and reasonable attorney's fees, 2611

and may, to vindicate the public interest, assess a civil 2612
penalty against the respondent as follows: 2613

(i) If division (G) (1) (b) (ii) or (iii) of this section 2614
does not apply, a civil penalty in an amount not to exceed ten 2615
thousand dollars; 2616

(ii) If division (G) (1) (b) (iii) of this section does not 2617
apply and if the respondent has been determined by a final order 2618
of the commission or by a final judgment of a court to have 2619
committed one violation of division (H) of section 4112.02 of 2620
the Revised Code during the five-year period immediately 2621
preceding the date on which a complaint was issued pursuant to 2622
division (B) of this section, a civil penalty in an amount not 2623
to exceed twenty-five thousand dollars; 2624

(iii) If the respondent has been determined by a final 2625
order of the commission or by a final judgment of a court to 2626
have committed two or more violations of division (H) of section 2627
4112.02 of the Revised Code during the seven-year period 2628
immediately preceding the date on which a complaint was issued 2629
pursuant to division (B) of this section, a civil penalty 2630
damages in an amount not to exceed fifty thousand dollars. 2631

(2) Upon the submission of reports of compliance, the 2632
commission may issue a declaratory order stating that the 2633
respondent has ceased to engage in particular unlawful 2634
discriminatory practices. 2635

(H) If the commission finds that no probable cause exists 2636
for crediting charges of unlawful discriminatory practices or 2637
if, upon all the evidence presented at a hearing under division 2638
(B) of this section on a charge, the commission finds that a 2639
respondent has not engaged in any unlawful discriminatory 2640

practice against the complainant or others, it shall state its findings of fact and shall issue and cause to be served on the complainant an order dismissing the complaint as to the respondent. A copy of the order shall be delivered in all cases to the attorney general and any other public officers whom the commission considers proper.

If, upon all the evidence presented at a hearing under division (B) of this section on a charge, the commission finds that a respondent has not engaged in any unlawful discriminatory practice against the complainant or others, it may award to the respondent reasonable attorney's fees to the extent provided in 5 U.S.C. 504 and accompanying regulations.

(I) Until the time period for appeal set forth in division (H) of section 4112.06 of the Revised Code expires, the commission, subject to the provisions of Chapter 119. of the Revised Code, at any time, upon reasonable notice, and in the manner it considers proper, may modify or set aside, in whole or in part, any finding or order made by it under this section.

Sec. 4112.08. This chapter shall be construed liberally for the accomplishment of its purposes, and any law inconsistent with any provision of this chapter shall not apply. Nothing contained in this chapter shall be considered to repeal any of the provisions of any law of this state relating to discrimination because of race, color, religion, sex, age, ancestry, national origin, familial status, disability, sexual orientation, gender identity or expression, or military status, ~~familial status, disability, national origin, age, or ancestry,~~ except that any person filing a charge under division (B) (1) of section 4112.05 of the Revised Code, with respect to the unlawful discriminatory practices complained of, is barred from

instituting a civil action under section 4112.14 or division (L) 2671
of section 4112.02 of the Revised Code. This chapter does not 2672
limit actions, procedures, and remedies afforded under federal 2673
law. 2674

Sec. 4117.19. (A) Every employee organization that is 2675
certified or recognized as a representative of public employees 2676
under this chapter shall file with the state employment 2677
relations board a registration report that is signed by its 2678
president or other appropriate officer. The report shall be in a 2679
form prescribed by the board and accompanied by two copies of 2680
the employee organization's constitution and bylaws. The board 2681
shall accept a filing by a statewide, national, or international 2682
employee organization of its constitution and bylaws in lieu of 2683
a filing of the documents by each subordinate organization. The 2684
exclusive representative or other employee organization 2685
originally filing its constitution and bylaws shall report, 2686
promptly, to the board all changes or amendments to its 2687
constitution and bylaws. 2688

(B) Every employee organization shall file with the board 2689
an annual report. The report shall be in a form prescribed by 2690
the board and shall contain the following information: 2691

(1) The names and addresses of the organization, any 2692
parent organization or organizations with which it is 2693
affiliated, and all organizationwide officers; 2694

(2) The name and address of its local agent for service of 2695
process; 2696

(3) A general description of the public employees the 2697
organization represents or seeks to represent; 2698

(4) The amounts of the initiation fee and monthly dues 2699

members must pay; 2700

(5) A pledge, in a form prescribed by the board, that the 2701
organization will comply with the laws of the state and that it 2702
will accept members as provided by law without regard to ~~age,~~ 2703
~~race, color, sex, creed,~~ religion, creed, sex, age, ancestry, 2704
or national origin,; disability, sexual orientation, gender 2705
identity or expression, or military status as those terms are 2706
defined in section 4112.01 of the Revised Code, ~~military status~~ 2707
~~as defined in that section,~~; or physical disability as provided 2708
by law; 2709

(6) A financial report. 2710

(C) The constitution or bylaws of every employee 2711
organization shall do all of the following: 2712

(1) Require that the organization keep accurate accounts 2713
of all income and expenses, prepare an annual financial report, 2714
keep open for inspection by any member of the organization its 2715
accounts, and make loans to officers and agents only on terms 2716
and conditions available to all members; 2717

(2) Prohibit business or financial interests of its 2718
officers and agents, their spouses, minor children, parents, or 2719
otherwise, in conflict with the fiduciary obligation of such 2720
persons to the organization; 2721

(3) When specifically requested by the board, require 2722
every official who is designated as a fiscal officer of an 2723
employee organization and who is responsible for funds or other 2724
property of the organization or trust in which an organization 2725
is interested, or a subsidiary organization be bonded with the 2726
amount, scope, and form of the bond determined by the board; 2727

(4) Require periodic elections of officers by secret 2728

ballot subject to recognized safeguards concerning the equal 2729
right of all members to nominate, seek office, and vote in the 2730
elections, the right of individual members to participate in the 2731
affairs of the organization, and fair and equitable procedures 2732
in disciplinary actions. 2733

(D) The board shall prescribe rules necessary to govern 2734
the establishment and reporting of trusteeships over employee 2735
organizations. The establishment of trusteeships is permissible 2736
only if the constitution or bylaws of the organization set forth 2737
reasonable procedures. 2738

(E) The board may withhold certification of an employee 2739
organization that willfully refuses to register or file an 2740
annual report or that willfully refuses to comply with other 2741
provisions of this section. The board may revoke a certification 2742
of an employee organization for willfully failing to comply with 2743
this section. The board may enforce the prohibitions contained 2744
in this section by petitioning the court of common pleas of the 2745
county in which the violation occurs for an injunction. Persons 2746
complaining of a violation of this section shall file the 2747
complaint with the board. 2748

(F) Upon the written request to the board of any member of 2749
a certified employee organization and where the board determines 2750
the necessity for an audit, the board may require the employee 2751
organization to provide a certified audit of its financial 2752
records. 2753

(G) Any employee organization subject to the "Labor- 2754
Management Reporting and Disclosure Act of 1959," 73 Stat. 519, 2755
29 U.S.C.A., 401, as amended, may file copies with the board of 2756
all reports it is required to file under that act in lieu of 2757
compliance with all parts of this section other than division 2758

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(A) of this section. The board shall accept a filing by a 2759
 statewide, national, or international employee organization of 2760
 its reports in lieu of a filing of such reports by each 2761
 subordinate organization. 2762

Sec. 4725.67. The state vision professionals board and any 2763
 committees established by the board shall not discriminate 2764
 against an applicant or holder of a certificate, license, 2765
 registration, or endorsement issued under this chapter because 2766
 of the person's race, color, religion, sex, national origin, or 2767
age; or disability, sexual orientation, or gender identity or 2768
expression, as those terms are defined in section 4112.01 of the 2769
 Revised Code, ~~or age~~. A person who files with the board or 2770
 committee a statement alleging discrimination based on any of 2771
 those reasons may request a hearing with the board or committee, 2772
 as appropriate. 2773

Sec. 4735.16. (A) Every real estate broker licensed under 2774
 this chapter shall erect or maintain a sign on the business 2775
 premises plainly stating that the licensee is a real estate 2776
 broker. If the real estate broker maintains one or more branch 2777
 offices, the real estate broker shall erect or maintain a sign 2778
 at each branch office plainly stating that the licensee is a 2779
 real estate broker. 2780

(B) (1) Any licensed real estate broker or salesperson who 2781
 advertises to buy, sell, exchange, or lease real estate, or to 2782
 engage in any act regulated by this chapter, with respect to 2783
 property the licensee does not own, shall be identified in the 2784
 advertisement by name and indicate the name of the brokerage 2785
 with which the licensee is affiliated. 2786

(2) Any licensed real estate broker or ~~sales person~~ 2787
salesperson who advertises to sell, exchange, or lease real 2788

estate, or to engage in any act regulated by this chapter, with 2789
respect to property that the licensee owns, shall be identified 2790
in the advertisement by name and indicate that the property is 2791
agent owned, and if the property is listed with a real estate 2792
brokerage, the advertisement shall also indicate the name of the 2793
brokerage with which the property is listed. 2794

(3) The name of the brokerage shall be displayed in equal 2795
prominence with the name of the salesperson in the 2796
advertisement. For purposes of this section, "brokerage" means 2797
the name the real estate company or sole broker is doing 2798
business as, or if the real estate company or sole broker does 2799
not use such a name, the name of the real estate company or sole 2800
broker as licensed. 2801

(4) A real estate broker who is representing a seller 2802
under an exclusive right to sell or lease listing agreement 2803
shall not advertise such property to the public as "for sale by 2804
owner" or otherwise mislead the public to believe that the 2805
seller is not represented by a real estate broker. 2806

(5) If any real estate broker or real estate salesperson 2807
advertises in a manner other than as provided in this section or 2808
the rules adopted under this section, that advertisement is 2809
prima-facie evidence of a violation under division (A) (21) of 2810
section 4735.18 of the Revised Code. 2811

When the superintendent determines that prima-facie 2812
evidence of a violation of division (A) (21) of section 4735.18 2813
of the Revised Code or any of the rules adopted thereunder 2814
exists, the superintendent may do either of the following: 2815

(a) Initiate disciplinary action under section 4735.051 of 2816
the Revised Code for a violation of division (A) (21) of section 2817

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4735.18 of the Revised Code, in accordance with Chapter 119. of 2818
the Revised Code; 2819

(b) Personally, or by certified mail, serve a citation 2820
upon the licensee. 2821

(C) (1) Every citation served under this section shall give 2822
notice to the licensee of the alleged violation or violations 2823
charged and inform the licensee of the opportunity to request a 2824
hearing in accordance with Chapter 119. of the Revised Code. The 2825
citation also shall contain a statement of a fine of two hundred 2826
dollars per violation, not to exceed two thousand five hundred 2827
dollars per citation. All fines collected pursuant to this 2828
section shall be credited to the real estate recovery fund, 2829
created in the state treasury under section 4735.12 of the 2830
Revised Code. 2831

(2) If any licensee is cited three times within twelve 2832
consecutive months, the superintendent shall initiate 2833
disciplinary action pursuant to section 4735.051 of the Revised 2834
Code for any subsequent violation that occurs within the same 2835
twelve-month period. 2836

(3) If a licensee fails to request a hearing within thirty 2837
days of the date of service of the citation, or the licensee and 2838
the superintendent fail to reach an alternative agreement, the 2839
citation shall become final. 2840

(4) Unless otherwise indicated, the licensee named in a 2841
final citation must meet all requirements contained in the final 2842
citation within thirty days of the effective date of that 2843
citation. 2844

(5) The superintendent shall suspend automatically a 2845
licensee's license if the licensee fails to comply with division 2846

(C) (4) of this section. 2847

(D) A real estate broker or salesperson obtaining the 2848
signature of a party to a listing or other agreement involved in 2849
a real estate transaction shall furnish a copy of the listing or 2850
other agreement to the party immediately after obtaining the 2851
party's signature. Every broker's office shall prominently 2852
display in the same immediate area as licenses are displayed a 2853
statement that it is illegal to discriminate against any person 2854
because of race, color, religion, sex, ancestry, or national 2855
origin; or familial status as defined in section 4112.01 of the 2856
Revised Code, national origin, disability, sexual orientation, 2857
gender identity or expression, or military status as defined in 2858
that section, disability as defined in that section, or ancestry 2859
, as those terms are defined in section 4112.01 of the Revised 2860
Code, in the sale or rental of housing or residential lots, in 2861
advertising the sale or rental of housing, in the financing of 2862
housing, or in the provision of real estate brokerage services 2863
and that blockbusting also is illegal. The statement shall bear 2864
the United States department of housing and urban development 2865
equal housing logo, shall contain the information that the 2866
broker and the broker's salespersons are licensed by the 2867
division of real estate and professional licensing and that the 2868
division can assist with any consumer complaints or inquiries, 2869
and shall explain the provisions of section 4735.12 of the 2870
Revised Code. The statement shall provide the division's address 2871
and telephone number. The Ohio real estate commission shall 2872
provide by rule for the wording and size of the statement. The 2873
pamphlet required under section 4735.03 of the Revised Code 2874
shall contain the same statement that is required on the 2875
statement displayed as provided in this section and shall be 2876
made available by real estate brokers and salespersons to their 2877

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clients. The commission shall provide the wording and size of 2878
the pamphlet. 2879

Sec. 4735.55. (A) Each written agency agreement shall 2880
contain all of the following: 2881

(1) An expiration date; 2882

(2) A statement that it is illegal, pursuant to the Ohio 2883
fair housing law, division (H) of section 4112.02 of the Revised 2884
Code, and the federal fair housing law, 42 U.S.C.A. 3601, as 2885
amended, to refuse to sell, transfer, assign, rent, lease, 2886
sublease, or finance housing accommodations, refuse to negotiate 2887
for the sale or rental of housing accommodations, or otherwise 2888
deny or make unavailable housing accommodations because of race, 2889
color, religion, sex, ancestry, or national origin; or familial 2890
status as defined in section 4112.01 of the Revised Code, 2891
ancestry, disability, sexual orientation, gender identity or 2892
expression, or military status as defined in that section, 2893
disability as defined in that section, or national origin, as 2894
those terms are defined in section 4112.01 of the Revised Code, 2895
or to so discriminate in advertising the sale or rental of 2896
housing, in the financing of housing, or in the provision of 2897
real estate brokerage services; 2898

(3) A statement defining the practice known as 2899
"blockbusting" and stating that it is illegal; 2900

(4) A copy of the United States department of housing and 2901
urban development equal housing opportunity logotype, as set 2902
forth in 24 C.F.R. 109.30, as amended. 2903

(B) Each written agency agreement shall contain a place 2904
for the licensee and the client to sign and date the agreement. 2905

(C) A licensee shall furnish a copy of any written agency 2906

agreement to a client in a timely manner after the licensee and
the client have signed and dated it.

Sec. 4744.54. The state speech and hearing professionals
board or any committees established by the board shall not
discriminate against an applicant or license holder because of
the person's race, color, religion, sex, national origin, or
age; or disability, sexual orientation, or gender identity or
expression, as those terms are defined in section 4112.01 of the
Revised Code, ~~or age~~. A person who files with the board or
committee a statement alleging discrimination based on any of
those reasons may request a hearing with the board or committee,
as appropriate.

Sec. 4757.07. The counselor, social worker, and marriage
and family therapist board and its professional standards
committees shall not discriminate against any licensee,
registrant, or applicant for a license or certificate of
registration under this chapter because of the person's race,
color, religion, sex, age, or national origin, ~~;~~ or disability,
sexual orientation, or gender identity or expression, as those
terms are defined in section 4112.01 of the Revised Code, ~~or~~
~~age~~. The board or committee, as appropriate, shall afford a
hearing to any person who files with the board or committee a
statement alleging discrimination based on any of those reasons.

Sec. 4758.16. The chemical dependency professionals board
shall not discriminate against any licensee, certificate holder,
endorsement holder, or applicant for a license, certificate, or
endorsement under this chapter because of the individual's race,
color, religion, ~~gender~~ sex, age, or national origin, ~~;~~ or
disability, sexual orientation, or gender identity or
expression, as those terms are defined in section 4112.01 of the

Revised Code, ~~or age~~. The board shall afford a hearing to any 2937
individual who files with the board a statement alleging 2938
discrimination based on any of those reasons. 2939

Sec. 4765.18. The state board of emergency medical, fire, 2940
and transportation services may suspend or revoke a certificate 2941
of accreditation or a certificate of approval issued under 2942
section 4765.17 of the Revised Code for any of the following 2943
reasons: 2944

(A) Violation of this chapter or any rule adopted under 2945
it; 2946

(B) Furnishing of false, misleading, or incomplete 2947
information to the board; 2948

(C) The signing of an application or the holding of a 2949
certificate of accreditation by a person who has pleaded guilty 2950
to or has been convicted of a felony, or has pleaded guilty to 2951
or been convicted of a crime involving moral turpitude; 2952

(D) The signing of an application or the holding of a 2953
certificate of accreditation by a person who is addicted to the 2954
use of any controlled substance or has been adjudicated 2955
incompetent for that purpose by a court, as provided in section 2956
5122.301 of the Revised Code; 2957

(E) Violation of any commitment made in an application for 2958
a certificate of accreditation or certificate of approval; 2959

(F) Presentation to prospective students of misleading, 2960
false, or fraudulent information relating to the emergency 2961
medical services training program or emergency medical services 2962
continuing education program, employment opportunities, or 2963
opportunities for enrollment in accredited institutions of 2964
higher education after entering or completing courses offered by 2965

the operator of a program; 2966

(G) Failure to maintain in a safe and sanitary condition 2967
premises and equipment used in conducting courses of study; 2968

(H) Failure to maintain financial resources adequate for 2969
the satisfactory conduct of courses of study or to retain a 2970
sufficient number of certified instructors; 2971

(I) Discrimination in the acceptance of students upon the 2972
basis of race, color, religion, sex, or national origin; or 2973
sexual orientation or gender identity or expression, as those 2974
terms are defined in section 4112.01 of the Revised Code. 2975

Sec. 5104.09. No administrator, licensee, or child-care 2976
staff member shall discriminate in the enrollment of children in 2977
a child day-care center upon the basis of race, color, religion, 2978
sex, or national origin; or sexual orientation or gender 2979
identity or expression, as those terms are defined in section 2980
4112.01 of the Revised Code. 2981

Sec. 5107.26. (A) As used in this section, "transitional 2982
child care" means publicly funded child care provided under 2983
division (A) (3) of section 5104.34 of the Revised Code. 2984

(B) Except as provided in division (C) of this section: 2985

(1) Each member of an assistance group participating in 2986
Ohio works first is ineligible to participate in the program for 2987
six payment months if a county department of job and family 2988
services determines that a member of the assistance group 2989
terminated the member's employment. 2990

(2) Each person who, on the day prior to the day a 2991
recipient begins to receive transitional child care, was a 2992
member of the recipient's assistance group is ineligible to 2993

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participate in Ohio works first for six payment months if a 2994
 county department determines that the recipient terminated the 2995
 recipient's employment. 2996

(C) No assistance group member shall lose or be denied 2997
 eligibility to participate in Ohio works first pursuant to 2998
 division (B) of this section if the termination of employment 2999
 was because an assistance group member or recipient of 3000
 transitional child care secured comparable or better employment 3001
 or the county department of job and family services certifies 3002
 that the member or recipient terminated the employment with just 3003
 cause. 3004

Just cause includes the following: 3005

(1) Discrimination by an employer based on ~~age, race, sex,~~ 3006
~~color, handicap, religious beliefs, or sex, age, national~~ 3007
~~origin; or disability, sexual orientation, or gender identity or~~ 3008
~~expression, as those terms are defined in section 4112.01 of the~~ 3009
~~Revised Code;~~ 3010

(2) Work demands or conditions that render continued 3011
 employment unreasonable, such as working without being paid on 3012
 schedule; 3013

(3) Employment that has become unsuitable due to any of 3014
 the following: 3015

(a) The wage is less than the federal minimum wage; 3016

(b) The work is at a site subject to a strike or lockout, 3017
 unless the strike has been enjoined under section 208 of the 3018
 "Labor-Management Relations Act," 61 Stat. 155 (1947), 29 3019
 U.S.C.A. 178, as amended, an injunction has been issued under 3020
 section 10 of the "Railway Labor Act," 44 Stat. 586 (1926), 45 3021
 U.S.C.A. 160, as amended, or an injunction has been issued under 3022

section 4117.16 of the Revised Code; 3023

(c) The documented degree of risk to the member or 3024
recipient's health and safety is unreasonable; 3025

(d) The member or recipient is physically or mentally 3026
unfit to perform the employment, as documented by medical 3027
evidence or by reliable information from other sources. 3028

(4) Documented illness of the member or recipient or of 3029
another assistance group member of the member or recipient 3030
requiring the presence of the member or recipient; 3031

(5) A documented household emergency; 3032

(6) Lack of adequate child care for children of the member 3033
or recipient who are under six years of age. 3034

Sec. 5123.351. The director of developmental disabilities, 3035
with respect to the eligibility for state reimbursement of 3036
expenses incurred by facilities and programs established and 3037
operated under Chapter 5126. of the Revised Code for persons 3038
with developmental disabilities, shall do all of the following: 3039

(A) Make rules that may be necessary to carry out the 3040
purposes of Chapter 5126. and sections 5123.35, 5123.351, and 3041
5123.36 of the Revised Code; 3042

(B) Define minimum standards for qualifications of 3043
personnel, professional services, and in-service training and 3044
educational leave programs; 3045

(C) Review and evaluate community programs and make 3046
recommendations for needed improvements to county boards of 3047
developmental disabilities and to program directors; 3048

(D) Withhold state reimbursement, in whole or in part, 3049

from any county or combination of counties for failure to comply 3050
with Chapter 5126. or section 5123.35 or 5123.351 of the Revised 3051
Code or rules of the department of developmental disabilities; 3052

(E) Withhold state funds from an agency, corporation, or 3053
association denying or rendering service on the basis of race, 3054
color, ~~sex~~, religion, sex, ancestry, or national origin; or 3055
disability, sexual orientation, or gender identity or 3056
expression, as those terms are defined in section 4112.01 of the 3057
Revised Code, or inability to pay; 3058

(F) Provide consultative staff service to communities to 3059
assist in ascertaining needs and in planning and establishing 3060
programs. 3061

Sec. 5126.07. No county board of developmental 3062
disabilities or any agency, corporation, or association under 3063
contract with a county board of developmental disabilities shall 3064
discriminate in the provision of services under its authority or 3065
contract on the basis of race, color, ~~sex~~, creed, sex, national 3066
origin, or disability, national origin; sexual orientation or 3067
gender identity or expression, as those terms are defined in 3068
section 4112.01 of the Revised Code; or the inability to pay. 3069

Each county board of developmental disabilities shall 3070
provide a plan of affirmative action describing its goals and 3071
methods for the provision of equal employment opportunities for 3072
all persons under its authority and shall ensure 3073
nondiscrimination in employment under its authority or contract 3074
on the basis of race, color, ~~sex~~, creed, sex, national origin, 3075
or disability, or national origin; or sexual orientation or 3076
gender identity or expression, as those terms are defined in 3077
section 4112.01 of the Revised Code. 3078

Sec. 5165.08. (A) As used in this section: 3079

"Bed need" means the number of long-term care beds a 3080
county needs as determined by the director of health pursuant to 3081
division (B) (3) of section 3702.593 of the Revised Code. 3082

"Bed need excess" means that a county's bed need is such 3083
that one or more long-term care beds may be relocated from the 3084
county according to the director's determination of the county's 3085
bed need. 3086

(B) Every provider agreement with a nursing facility 3087
provider shall do both of the following: 3088

(1) Permit the provider to exclude one or more parts of 3089
the nursing facility from the provider agreement, even though 3090
those parts meet federal and state standards for medicaid 3091
certification, if all of the following apply: 3092

(a) The nursing facility initially obtained both its 3093
nursing home license under Chapter 3721. of the Revised Code and 3094
medicaid certification on or after January 1, 2008. 3095

(b) The nursing facility is located in a county that has a 3096
bed need excess at the time the provider excludes the parts from 3097
the provider agreement. 3098

(c) Federal law permits the provider to exclude the parts 3099
from the provider agreement. 3100

(d) The provider gives the department of medicaid written 3101
notice of the exclusion not less than forty-five days before the 3102
first day of the calendar quarter in which the exclusion is to 3103
occur. 3104

(2) Prohibit the provider from doing either of the 3105
following: 3106

(a) Discriminating against a resident on the basis of 3107
 race, color, sex, creed, or national origin; or sexual 3108
orientation or gender identity or expression, as those terms are 3109
defined in section 4112.01 of the Revised Code; 3110

(b) Subject to division (D) of this section, failing or 3111
 refusing to do either of the following: 3112

(i) Except as otherwise prohibited under section 5165.82 3113
 of the Revised Code, admit as a resident of the nursing facility 3114
 an individual because the individual is, or may (as a resident 3115
 of the nursing facility) become, a medicaid recipient unless at 3116
 least twenty-five per cent of the nursing facility's medicaid- 3117
 certified beds are occupied by medicaid recipients at the time 3118
 the person would otherwise be admitted; 3119

(ii) Retain as a resident of the nursing facility an 3120
 individual because the individual is, or may (as a resident of 3121
 the nursing facility) become, a medicaid recipient. 3122

(C) For the purpose of division (B) (2) (b) (ii) of this 3123
 section, a medicaid recipient who is a resident of a nursing 3124
 facility shall be considered a resident of the nursing facility 3125
 during any hospital stays totaling less than twenty-five days 3126
 during any twelve-month period. 3127

(D) Nothing in this section shall bar a provider from 3128
 doing any of the following: 3129

(1) If the provider is a religious organization operating 3130
 a religious or denominational nursing facility from giving 3131
 preference to persons of the same religion or denomination; 3132

(2) Giving preference to persons with whom the provider 3133
 has contracted to provide continuing care; 3134

(3) If the nursing facility is a county home organized 3135
under Chapter 5155. of the Revised Code, admitting residents 3136
exclusively from the county in which the county home is located; 3137

(4) Retaining residents who have resided in the provider's 3138
nursing facility for not less than one year as private pay 3139
patients and who subsequently become medicaid recipients, but 3140
refusing to accept as a resident any person who is, or may (as a 3141
resident of the nursing facility) become a medicaid recipient, 3142
if all of the following apply: 3143

(a) The provider does not refuse to retain any resident 3144
who has resided in the provider's nursing facility for not less 3145
than one year as a private pay resident because the resident 3146
becomes a medicaid recipient, except as necessary to comply with 3147
division (D) (4) (b) of this section; 3148

(b) The number of medicaid recipients retained under 3149
division (D) (4) of this section does not at any time exceed ten 3150
per cent of all the residents in the nursing facility; 3151

(c) On July 1, 1980, all the residents in the nursing 3152
facility were private pay residents. 3153

(E) No provider shall violate the provider agreement 3154
obligations imposed by this section. 3155

(F) A nursing facility provider who excludes one or more 3156
parts of the nursing facility from a provider agreement pursuant 3157
to division (B) (1) of this section does not violate division (C) 3158
of section 3702.53 of the Revised Code. 3159

Sec. 5312.04. (A) A board of directors of an owners 3160
association shall elect officers from the members of the board, 3161
to include a president, secretary, treasurer, and other officers 3162
as the board designates. 3163

(B) A board may act in all instances on behalf of an 3164
association unless otherwise provided in this chapter, the 3165
declaration, or bylaws. The board may appoint persons to fill 3166
vacancies in its membership for the unexpired portion of any 3167
term. 3168

(C) Except during a period of declarant control, the board 3169
shall call a meeting of the owners association at least once 3170
each year. Special meetings may be called by the president, a 3171
majority of the board, owners representing fifty per cent of the 3172
voting power in the owners association, or any lower share of 3173
the voting power as the declaration or bylaws specify. 3174

(D) The board may hold a meeting by any method of 3175
communication, including electronic or telephonic communication, 3176
provided that each member of the board can hear or read in real 3177
time and participate and respond to every other member of the 3178
board. 3179

(E) In lieu of conducting a meeting, the board may take an 3180
action with the unanimous written consent of the members of the 3181
board. Any written consent shall be filed with the minutes of 3182
the meetings of the board. 3183

(F) No owner other than a director may attend or 3184
participate in any discussion or deliberation of a meeting of 3185
the board of directors unless the board expressly authorizes 3186
that owner to attend or participate. 3187

(G) The board of directors of an owners association shall 3188
comply with all applicable state and federal laws concerning 3189
prohibitions against discrimination on the basis of race, color, 3190
religion, ~~sex, military status, ancestry, or national origin, or~~ 3191
~~sex, age, disability, age, or ancestry~~ sexual orientation, gender 3192

identity or expression, or military status, as those terms are 3193
defined in section 4112.01 of the Revised Code, including, but 3194
not limited to, Chapter 4112. of the Revised Code. No private 3195
right of action additional to those conferred by the applicable 3196
state and federal anti-discrimination laws is conferred on any 3197
aggrieved individual by the preceding sentence. 3198

Sec. 5515.08. (A) The department of transportation may 3199
contract to sell commercial advertising space within or on the 3200
outside surfaces of any building located within a roadside rest 3201
area under its jurisdiction in exchange for cash payment. Money 3202
the department receives under this section shall be deposited in 3203
the state treasury to the credit of the highway operating fund. 3204

(B) Advertising placed under this section shall comply 3205
with all of the following: 3206

(1) It shall not be libelous or obscene and shall not 3207
promote any illegal product or service. 3208

(2) It shall not promote illegal discrimination on the 3209
basis of the race, religion, age, ancestry, national origin, or 3210
handicap, age, or ancestry or sexual orientation or gender 3211
identity or expression, as those terms are defined in section 3212
4112.01 of the Revised Code, of any person. 3213

(3) It shall not support or oppose any candidate for 3214
political office or any political cause, issue, or organization. 3215

(4) It shall comply with any controlling federal or state 3216
regulations or restrictions. 3217

(5) To the extent physically and technically practical, it 3218
shall state that the advertisement is a paid commercial 3219
advertisement and that the state does not endorse the product or 3220
service promoted by the advertisement or make any representation 3221

about the accuracy of the advertisement or the quality or 3222
performance of the product or service promoted by the 3223
advertisement. 3224

(6) It shall conform to all applicable rules adopted by 3225
the director of transportation under division (E) of this 3226
section. 3227

(C) Contracts entered into under this section shall be 3228
awarded only to the qualified bidder who submits the highest 3229
responsive bid or according to uniformly applied rate classes. 3230

(D) No person, except an advertiser alleging a breach of 3231
contract or the improper awarding of a contract, has a cause of 3232
action against the state with respect to any contract or 3233
advertising authorized by this section. Under no circumstances 3234
is the state liable for consequential or noneconomic damages 3235
with respect to any contract or advertising authorized under 3236
this section. 3237

(E) The director, in accordance with Chapter 119. of the 3238
Revised Code, shall adopt rules to implement this section. The 3239
rules shall be consistent with the policy of protecting the 3240
safety of the traveling public and consistent with the national 3241
policy governing the use and control of such roadside rest 3242
areas. The rules shall regulate the awarding of contracts and 3243
may regulate the content, display, and other aspects of the 3244
commercial advertising authorized by this section. 3245

Sec. 5709.832. The legislative authority of a county, 3246
township, or municipal corporation that grants an exemption from 3247
taxation under Chapter 725. or 1728. or section 3735.67, 3248
5709.40, 5709.41, 5709.45, 5709.62, 5709.63, 5709.632, 5709.73, 3249
or 5709.78 of the Revised Code shall develop policies to ensure 3250

that the recipient of the exemption practices nondiscriminatory 3251
 hiring in its operations. As used in this section, 3252
 "nondiscriminatory hiring" means that no individual may be 3253
 denied employment solely on the basis of race, color, religion, 3254
 sex, ancestry, or national origin; or disability, ~~color~~, 3255
~~national origin, or ancestry~~ sexual orientation, or gender 3256
identity or expression, as those terms are defined in section 3257
4112.021 of the Revised Code. 3258

Section 2. That existing sections 9.03, 124.93, 125.111, 3259
 153.59, 153.591, 340.12, 511.03, 717.01, 1501.012, 1751.18, 3260
 2927.03, 3113.36, 3301.53, 3304.15, 3304.50, 3314.06, 3332.09, 3261
 3721.13, 3905.55, 4111.17, 4112.01, 4112.02, 4112.021, 4112.04, 3262
 4112.05, 4112.08, 4117.19, 4725.67, 4735.16, 4735.55, 4744.54, 3263
 4757.07, 4758.16, 4765.18, 5104.09, 5107.26, 5123.351, 5126.07, 3264
 5165.08, 5312.04, 5515.08, and 5709.832 of the Revised Code are 3265
 hereby repealed. 3266

Section 3. Section 4112.04 of the Revised Code is 3267
 presented in this act as a composite of the section as amended 3268
 by both Am. Sub. H.B. 525 of the 127th General Assembly and Am. 3269
 Sub. H.B. 1 of the 128th General Assembly. Section 5104.09 of 3270
 the Revised Code is presented in this act as a composite of the 3271
 section as amended by both Am. Sub. H.B. 487 and Am. Sub. S.B. 3272
 316 of the 129th General Assembly. The General Assembly, 3273
 applying the principle stated in division (B) of section 1.52 of 3274
 the Revised Code that amendments are to be harmonized if 3275
 reasonably capable of simultaneous operation, finds that the 3276
 composites are the resulting versions of the sections in effect 3277
 prior to the effective date of the sections as presented in this 3278
 act. 3279

Section 4. (A) The General Assembly finds both of the 3280

following: 3281

(1) Lesbian, gay, bisexual, and transgender individuals 3282
are too often the victims of discrimination. They may be fired 3283
from jobs, denied access to housing and educational 3284
institutions, refused credit, and excluded from public 3285
accommodations because of their sexual orientation or gender 3286
identity or expression. 3287

(2) It is essential that the State of Ohio protect the 3288
civil rights of all its residents. 3289

(B) The Ohio Fairness Act is enacted to protect civil 3290
rights by prohibiting discrimination against lesbian, gay, 3291
bisexual, and transgender individuals. 3292

This act upholds existing religious exemptions currently 3293
in Ohio law. 3294



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OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
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Office

S.B. 11
133rd General Assembly

Bill Analysis

Version: As Introduced**Primary Sponsor:** Sen. Antonio

Jennifer A. Parker, Attorney

Summary

- Creates the Ohio Fairness Act to prohibit discrimination on the basis of sexual orientation or gender identity or expression.
- With respect to the Ohio Civil Rights Commission (OCRC) Law, expands many of the existing prohibitions against various unlawful discriminatory practices to apply to discriminatory practices on the basis of “sexual orientation,” or “gender identity or expression,” both of which are defined by the bill.
- Makes it an unlawful discriminatory practice for any employer, employment agency, or labor organization to limit or classify its employees or applicants for employment in any way that would deprive any individual of employment because of the individual’s sexual orientation or gender identity or expression.
- Modifies the current list of characteristics excluded from the definition of “physical or mental impairment,” for purposes of the OCRC Law.
- Requires the OCRC to exercise certain of its existing powers and duties also with respect to discrimination on the basis of sexual orientation and gender identity or expression.
- Modifies the scope and content of the comprehensive educational program regarding prejudice that the OCRC must prepare.
- Includes sexual orientation and gender identity or expression in a provision stating that nothing in the OCRC Law that governs OCRC hearings on alleged unlawful discriminatory practices may be construed to authorize any person to observe the proportion that persons of a covered characteristic bear to the total population or in accordance with any criterion other than the individual qualifications of an applicant for employment or membership.
- Provides that nothing in the OCRC Law: (1) may be considered as repealing any Ohio law relating to discrimination because of sexual orientation or gender identity or expression, or (2) limits actions, procedures, or remedies afforded under federal law.

March 12, 2019

- Adds mediation as an informal method by which compliance with the OCRC Law can be induced.
- Adds sexual orientation and gender identity or expression to the list of covered characteristics specified in various provisions outside the OCRC Law that generally prohibit persons or entities from discriminating on the basis of some or all of the covered characteristics.
- Adds sexual orientation and gender identity or expression to the list of covered characteristics specified in various provisions outside the OCRC Law that require certain functions or duties to be performed without discrimination, require certain documents to include statements pertaining to nondiscrimination, or generally pertain to discrimination on the basis of some or all of the covered characteristics.
- Makes unenforceable any provision of a hiring hall contract that obligates a contractor to hire, if available, only employees referred to the contractor by a union, unless within 30 days after the contract's execution the union has in effect procedures for referring qualified employees for hire without regard to sex.

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Detailed Analysis

Ohio Fairness Act – overview

The bill creates the Ohio Fairness Act, which generally expands the list of protected classes throughout the Revised Code to include sexual orientation and gender identity or expression.

The bill specifies in its statement of intent that (1) lesbian, gay, bisexual, and transgender individuals are too often the victims of discrimination, and may be fired from jobs, denied access to housing and educational institutions, refused credit, and excluded from public accommodations because of their sexual orientation or gender identity or expression, (2) it is

essential that Ohio protect the civil rights of all its residents, and (3) the Ohio Fairness Act is intended to protect civil rights by prohibiting discrimination against lesbian, gay, bisexual, and transgender individuals. In addition, the Ohio Fairness Act upholds existing religious exemptions currently provided under Ohio law.¹

Ohio Civil Rights Commission Law

Existing law

The Ohio Civil Rights Commission (OCRC) Law currently prohibits various unlawful discriminatory practices by the following: (1) employers, employment agencies, personnel placement services, labor organizations (unions), joint labor-management committees, and persons seeking employment, in specified employment situations or employment-related membership situations, (2) proprietors, employees, keepers, and managers of places of public accommodation in making the full enjoyment of these places available to the public, (3) any person in specified transactions involving housing accommodations, such as the sale, rental, or financing of housing accommodations or the extension of financial assistance for the purchase, construction, repair, etc., of those accommodations, (4) any creditor in the extension of credit, or other specified credit-related matters, for other types of purchases or transactions, (5) credit reporting agencies in maintaining information, and (6) educational institutions in connection with admission, assignment to programs or housing, awarding of grades, services, or financial aid, or permitting participation in activities with respect to their treatment of individuals with a disability.² These unlawful discriminatory practices include discrimination regarding the specified matter on the basis of the race, color, religion, age, sex, familial status, marital status, military status, national origin, ancestry, or disability (“covered characteristics”) of an employee; of an applicant for employment, for membership, for the purchase, lease, or financing of housing accommodations, or for credit; of a person seeking access to a place of public accommodation; or of a person as specified in the laws generally described in (1) to (6), above.³ Not every covered characteristic listed in the preceding sentence is included in each prohibition against unlawful discriminatory practices. For example, “familial status” is listed consistently in the law governing unlawful discriminatory practices generally, but not in the law governing unlawful discriminatory practices by creditors and credit reporting agencies, where “marital status” is included in the list.

Operation of the bill

The bill adds “sexual orientation” and “gender identity or expression” to the list of covered characteristics that can be the basis for unlawful discriminatory practices under the prohibitions of the existing OCRC Law.⁴ The bill defines “sexual orientation” as actual or perceived heterosexuality, homosexuality, or bisexuality. “Gender identity or expression” means the gender-related identity, appearance, or mannerisms or other gender-related

¹ Title; Section 4.

² R.C. 4112.02 and 4112.021; R.C. 4112.022, not in the bill.

³ R.C. 4112.02(A) to (H) and 4112.021.

⁴ R.C. 4112.02(A) to (H) and 4112.021.

characteristics of an individual, without regard to the individual's designated sex at birth.⁵ Also, in the definitions that apply to the OCRC Law, the bill includes "sexual orientation" and "gender identity or expression." The bill also reorganizes the covered characteristic to list them in a consistent order.⁶

New unlawful discriminatory practice – limiting, segregating, or classifying employees or applicants

Under the bill, it is an unlawful discriminatory practice for any employer, employment agency, or labor organization to limit, segregate, or classify its employees or applicants for employment in any way that would deprive or tend to deprive any individual of employment or otherwise adversely affect the status of the individual as an employee because of the individual's actual or perceived sexual orientation or gender identity or expression.⁷

Exclusion from the definition of "physical or mental impairment"

Current law excludes various characteristics and disorders from the definition of "physical or mental impairment" under the OCRC Law. (Physical or mental impairment is part of the definition of "disability" under the OCRC Law.) The bill removes homosexuality, bisexuality, transvestism, transexualism, and gender identity disorders not resulting from physical impairments from the current law list of excluded characteristics and disorders, and qualifies the current law exclusion for "other sexual behavior disorders" to only exclude those sexual behavior disorders that have corresponding criminal behavior.⁸

Statistics, surveys, and progress reports

The bill adds sexual orientation and gender identity or expression to the covered characteristics in the provisions of existing law (and reorganizes the list of covered characteristics) that require the OCRC to do both of the following:

1. Make periodic surveys of the existence and effect of discrimination on the basis of any of the covered characteristics on the enjoyment of civil rights by persons within Ohio;
2. Receive progress reports from state agencies and entities, etc., and from political subdivisions and their agencies and entities, etc., regarding: (a) affirmative action programs for the employment of persons against whom discrimination is prohibited by the OCRC Law, or (b) affirmative housing accommodations programs developed to eliminate or reduce an imbalance in relation to a covered characteristic.⁹

OCRC duty – comprehensive educational program

Continuing law requires the OCRC, in cooperation with the state Department of Education, to develop a comprehensive education program for Ohio public school students and all other Ohio residents. The program must be designed to do both of the following:

⁵ R.C. 4112.01(A)(24) and (25).

⁶ R.C. 4112.01(A)(11), 4112.02(A) to (H), and 4112.021.

⁷ R.C. 4112.02(Q).

⁸ R.C. 4112.01(A)(13) and (A)(16).

⁹ R.C. 4112.04(A)(7) and (10).

(1) eliminate prejudice on the basis of each covered characteristic, (2) emphasize the origin of prejudice and, as added by the bill, discrimination, their harmful effects, and their incompatibility with American principles of equality and fair play.

The bill adds “sexual orientation” and “gender identity or expression” to the list of covered characteristics and specifies the program is for primary and secondary students.¹⁰

OCRC authority – study discrimination problems and issue publications

The bill adds sexual orientation and gender identity or expression to the covered characteristics in the current provisions (and reorganizes the list of covered characteristics) that: (1) authorize the OCRC itself, or authorize the OCRC to empower local and statewide advisory agencies and conciliation councils it creates, to study the problems of discrimination on the basis of any of the covered characteristics in all or specific fields of human relationships, and (2) authorize the OCRC to issue any publications and the results of investigations and research that in its judgment will tend to promote good will and minimize or eliminate discrimination on the basis of any of the covered characteristics.¹¹

Enforcement provisions

The bill provides that nothing in the OCRC Law that governs OCRC hearings on alleged unlawful discriminatory practices may be construed to authorize or require any person to observe the proportion that persons of any sexual orientation or gender identity or expression bear to the total population or in accordance with any criterion other than the individual qualifications of an applicant for employment or membership. Current law contains a similar statement regarding persons in any of the currently covered characteristics. (The bill also reorganizes the list of covered characteristics.)

In addition, under the bill, nothing in the OCRC Law may be considered as repealing any provision of Ohio law relating to discrimination because of sexual orientation or gender identity or expression. But a person filing a charge with the OCRC alleging an unlawful discriminatory practice concerning age is barred from instituting a civil action under the OCRC Law with respect to the practice alleged. A similar provision exists in current law relative to discrimination on the basis of any of the currently covered characteristics. (The bill also reorganizes the list of covered characteristics.)

The bill states that the OCRC Law does not limit actions, procedures, and remedies afforded under federal law.

Under continuing law, the OCRC Law is to be construed liberally for the accomplishment of its purposes, and that any law inconsistent with any provision of the OCRC Law does not apply.¹²

¹⁰ R.C. 4112.04(A)(9).

¹¹ R.C. 4112.04(B)(4)(a) and (5).

¹² R.C. 4112.05(E) and 4112.08.

Also under continuing law, before instituting formal hearing enforcement proceedings under the OCRC Law, the OCRC is required to attempt to induce compliance by informal methods of conference, conciliation, and persuasion. The bill adds mediation as an informal method by which compliance with the OCRC Law can be induced.¹³

Discrimination prohibitions outside the OCRC Law

Various provisions of current law located outside the OCRC Law prohibit persons or entities from discriminating on the basis of most or all of the covered characteristics described above under **“Operation of the bill.”** Some of those existing provisions also include another characteristic (such as inability to pay, political affiliation, or health status), in addition to the covered characteristics, that applies to the particular situation covered by the provision.

The bill adds sexual orientation and gender identity or expression to the list of covered characteristics specified in many of those provisions, but it does not add those characteristics to all of the provisions. In the provisions of current law to which the bill adds sexual orientation and gender identity or expression to the list of covered characteristics, the bill’s definitions of those terms apply. Additionally, the bill reorganizes the listed covered characteristics to list them in a consistent order.

The provisions of current law to which the bill adds sexual orientation and gender identity or expression to the list of covered characteristics specified in the provisions, and the persons or entities that are prohibited from doing the described acts, are as follows:

1. A governing body of a political subdivision – generally prohibited from using public funds to publish, distribute, or otherwise communicate information that promotes illegal discrimination on the basis of race, color, religion, age, ancestry, national origin, or handicap.¹⁴
2. A health insuring corporation that contracts with the Department of Administrative Services under the law governing group health insurance for state employees – prohibited from refusing to contract with a physician for the provision of health care services because of the physician’s race, color, religion, sex, age, ancestry, national origin, disability, or military status.¹⁵
3. A board of alcohol, drug addiction, and mental health services or any community addiction or mental health services provider under contract with such a board – prohibited from discriminating in the provision of services under its authority, in employment, or under a contract on the basis of race, color, religion, sex, age, ancestry, national origin, disability, or military status.¹⁶
4. A board of township trustees, in establishing the terms of any rental agreement or lease of all or part of any hall, lodge, or recreational facility of the township – prohibited from

¹³ R.C. 4112.05(A) and (B).

¹⁴ R.C. 9.03.

¹⁵ R.C. 124.93.

¹⁶ R.C. 340.12.

making a differentiation in the treatment of persons on the basis of race, color, religion, sex, national origin, or political affiliation.¹⁷

5. A municipal corporation – prohibited from denying housing accommodations to, or withholding housing accommodations from, elderly persons or persons of low and moderate income because of race, color, religion, sex, ancestry, national origin, familial status, disability, or military status. Any elderly person or person of low or moderate income who is aggrieved by such denial or withholding may file a charge with the OCRC.¹⁸
6. A health insuring corporation, or its agents, unless otherwise required by state or federal law – prohibited from discriminating against any individual with regard to enrollment or the quality of health care services rendered, on the basis of the individual's race, color, sex, religion, age, military status, or status as a recipient of Medicare or medical assistance, or any health status-related factor in relation to the individual.¹⁹
7. Any person by force or threat of force – prohibited from willfully injuring, intimidating, or interfering with, or attempting to injure, intimidate, or interfere with, any of the following:²⁰
 - Any person because of race, color, religion, sex, ancestry, national origin, familial status, disability, or military status and because that person is or has been selling, purchasing, renting, financing, occupying, contracting, or negotiating for the sale, purchase, rental, financing, or occupation of any housing accommodations, or applying for or participating in any service, organization, or facility relating to the business of selling or renting housing accommodations;
 - Any person because that person is or has been participating, or in order to intimidate that person or any other person or any class of persons from participating, without discrimination on account of those same covered characteristics, in any of the activities, services, organizations, or facilities described in the preceding bullet point;
 - Any person because that person is or has been, or in order to discourage that person or any other person from, lawfully aiding or encouraging other persons to participate, without discrimination on account of those same covered characteristics, in any of the activities, services, organizations, or facilities described in the second preceding bullet point, or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to so participate.

¹⁷ R.C. 511.03.

¹⁸ R.C. 717.01.

¹⁹ R.C. 1751.18.

²⁰ R.C. 2927.03.

8. An employer – prohibited from discriminating in the payment of wages on the basis of race, color, religion, sex, age, ancestry, or national origin by paying wages to any employee at a rate less than the rate at which the employer pays wages to another employee for equal work on comparable jobs unless the payment is made pursuant to any of several specified criteria, including a wage differential determined by any factor other than those covered characteristics.²¹
9. The State Vision Professionals Board and any committees established by the Board – prohibited from discriminating against an applicant or holder of a certificate, license, registration, or endorsement issued under the Vision Professionals Law because of the person’s race, color, religion, sex, age, national origin, or disability. A person who files with the Board or committee a statement alleging discrimination based on any of those reasons may request a hearing.²²
10. The State Speech and Hearing Professionals Board and any committees established by the Board – prohibited from discriminating against an applicant or license holder because of the person’s race, color, religion, sex, age, national origin, or disability. A person who files with the Board or committee a statement alleging discrimination based on any of those reasons may request a hearing.²³
11. The Counselor, Social Worker, and Marriage and Family Therapist Board and its professional standards committees – prohibited from discriminating against any licensee, registrant, or applicant under the Counselor, Social Worker, and Marriage and Family Therapist Law because of the person’s race, color, religion, sex, age, national origin, or disability. The Board or committee, as appropriate, must afford a hearing to any person who files with the Board or committee a statement alleging discrimination based on any of those reasons.²⁴
12. The Chemical Dependency Professionals Board – prohibited from discriminating against any licensee, certificate or endorsement holder, or applicant under the Chemical Dependency Professionals Law because of the individual’s race, color, religion, gender, age, national origin, or disability. The Board must afford a hearing to any individual who files with it a statement alleging discrimination based on any of those reasons. Also, the bill replaces the term “gender” with the term “sex.”²⁵
13. An administrator, licensee, or child-care staff member of a child day-care center – prohibited from discriminating in the enrollment of children in a child day-care center on the basis of race, color, religion, sex, or national origin.²⁶

²¹ R.C. 4111.17.

²² R.C. 4725.67.

²³ R.C. 4744.54.

²⁴ R.C. 4757.07.

²⁵ R.C. 4758.16.

²⁶ R.C. 5104.09.

14. A county board of developmental disabilities or any entity under contract with such a board – prohibited from discriminating in the provision of services under its authority or contract on the basis of race, color, creed, sex, national origin, disability, or the inability to pay. Each county board must provide a plan of affirmative action describing its goals and methods for the provision of equal employment opportunities for all persons under its authority and must ensure nondiscrimination in employment under its authority or contract on the basis of race, color, creed, sex, national origin, or disability.²⁷
15. A homeowners association board of directors – required to comply with all applicable state and federal laws concerning prohibitions against discrimination on the basis of race, color, religion, sex, age, ancestry, national origin, disability, or military status.²⁸

Other discrimination-related provisions

There are also sections of the Revised Code located outside the OCRC Law that require certain functions or duties to be performed without discrimination, require certain documents to include statements pertaining to nondiscrimination, or otherwise pertain to discrimination, on the basis of some or all of the covered characteristics described above under **“Operation of the bill.”** Some of those existing provisions also include another characteristic (such as health status, geographic location, or inability to pay), in addition to the covered characteristics, that applies to the particular situation covered by the provision.

The bill adds sexual orientation and gender identity or expression to the list of covered characteristics specified in many of those provisions, but it does not add those characteristics to all of the provisions. In the provisions of current law to which the bill adds sexual orientation and gender identity or expression to the list of covered characteristics specified in the provisions, the bill’s definitions of those terms apply. Additionally, the bill reorganizes the listed covered characteristics to list them in a consistent order.

The bill adds sexual orientation and gender identity or expression to the list of covered characteristics specified in the existing provisions that do the following:

1. **Public contracts.** Require every contract for or on behalf of Ohio or any of its political subdivisions for any purchase to contain provisions by which the contractor agrees to both of the following: (a) that, in the hiring of employees for the performance of work under the contract or any subcontract, no contractor or subcontractor, by reason of race, color, religion, sex, age, ancestry, national origin, disability, or military status, will discriminate against any Ohio citizen in the employment of a person qualified and available to perform the work to which the contract relates, and (b) that no contractor, subcontractor, or person acting on their behalf will discriminate against, intimidate, or retaliate against any employee hired for the performance of work under the contract on account of those covered characteristics.²⁹

²⁷ R.C. 5126.07.

²⁸ R.C. 5312.04.

²⁹ R.C. 125.111.

Require every contract for or on behalf of Ohio, or any township, county, or municipal corporation, for the construction, alteration, or repair of any public building or public work to contain provisions by which the contractor agrees to both of the following: (a) that, in the hiring of employees for the performance of work under the contract or any subcontract, no contractor or subcontractor, or any person acting on a contractor's or subcontractor's behalf, by reason of race, color, creed, sex, disability, or military status will discriminate against any Ohio citizen in the employment of a person qualified and available to perform the work to which the contract relates and (b) that no contractor, subcontractor, or person acting on their behalf will discriminate against or intimidate any employee hired for the performance of work under the contract on account of those covered characteristics.

In addition, the Department of Administrative Services must ensure that (1) no capital money appropriated for the project will be spent unless the project provides for an affirmative action program for the employment and effective utilization of disadvantaged persons whose disadvantage may arise from cultural, racial, or ethnic background, or other similar cause, including race, religion, sex, ancestry, national origin, disability, or military status, and (2) equal consideration be given to contractors, subcontractors, or joint venturers who qualify as a minority business enterprise. For this purpose, "minority business enterprise" means a business owned or controlled by persons whose disadvantage may arise from discrimination on the basis of race, religion, sex, ancestry, national origin, disability, military status, or other similar cause.³⁰

2. **Hiring hall contracts.** With respect to public works contracts, make unenforceable any hiring hall contract that obligates a contractor to hire, if available, only employees referred to the contractor by a union, unless within 30 days after the hiring hall contract's execution, the union has procedures in effect for referring qualified employees for hire without regard to race, color, religion, ancestry, national origin, or military status. The bill additionally adds "sex" to the list of covered characteristics.³¹
3. **Department of Natural Resources leases and contracts.** Require leases and contracts negotiated by the Director of Natural Resources for the construction, renovation, and operation of certain public service facilities in state parks to include in their terms and conditions a requirement that the facility be available to all members of the public without regard to race, color, creed, sex, ancestry, national origin, or disability.³²
4. **Domestic violence shelters.** Disqualify a shelter for victims of domestic violence for funds from its local county's collection of fees for marriage licenses and as additional costs in divorce actions if it discriminates in its admissions or provision of services on the basis of race, color, religion, age, ancestry, national origin, or marital status.³³
5. **Preschool program standards.** Require the State Board of Education rules that prescribe minimum standards for certain preschool programs to include standards ensuring that

³⁰ R.C. 153.59.

³¹ R.C. 153.591.

³² R.C. 1501.012.

³³ R.C. 3113.36.

preschool staff members and nonteaching employees are recruited, employed, and otherwise treated without discrimination on the basis of race, color, sex, age, or national origin.³⁴

6. **Opportunities for Ohioans with Disabilities Agency.** Authorize the Governor to grant the Executive Director of the Opportunities for Ohioans with Disabilities Agency the authority to appoint, remove, and discipline, without regard to sex, race, creed, color, age, or national origin, such other professional, administrative, and clerical staff members as necessary to carry out the Agency's functions and duties.³⁵
7. **Ohio Independent Living Council.** Authorize the Ohio Independent Living Council to delegate to the Council's Executive Director the authority to appoint, remove, and discipline, without regard to race, color, creed, sex, age, or national origin, staff as are necessary to carry out the Council's functions and duties.³⁶
8. **Community schools.** Require the governing authority of each community school to adopt admission procedures that specify there will be no discrimination in the admission of students to the school on the basis of race, color, creed, sex, or disability, except that single-gender schools and schools serving both autistic students and students who are not disabled may be established if certain conditions are met.³⁷
9. **Career colleges and schools.** Authorize the State Board of Career Colleges and Schools to limit, suspend, revoke, or refuse to issue or renew a certificate of registration or program authorization or to impose a penalty for discrimination in the acceptance of students on the basis of race, color, religion, sex, or national origin.³⁸
10. **Nursing homes and residential care facilities.** Require that the rights of residents of a nursing home, residential care facility, etc., include the right, upon admission and thereafter, to adequate and appropriate care and to other ancillary services that are consistent with the program for which the resident contracted and that is provided without regard to race, color, religion, age, national origin, or the source of payment for care.³⁹
11. **Insurance agents.** Generally authorize an insurance agent to charge a consumer a fee if specified conditions are met, including the condition that the agent, in charging the fee, does not discriminate on the basis of race, religion, sex, age, national origin, marital status, disability, military status, health status, or geographic location, and does not

³⁴ R.C. 3301.53.

³⁵ R.C. 3304.15.

³⁶ R.C. 3304.50.

³⁷ R.C. 3314.06.

³⁸ R.C. 3332.09.

³⁹ R.C. 3721.13.

unfairly discriminate between persons of essentially the same class and the same hazard or expectation of life.⁴⁰

12. **State Employment Relations Board filings.** Require the annual report that a public employee union files with the State Employment Relations Board to contain specified information and statements, including a pledge that the union will accept members without regard to race, color, religion, creed, sex, age, ancestry, national origin, disability, military status, or physical disability.⁴¹
13. **Real estate brokers.** Require every real estate broker's office to prominently display a statement that it is illegal to discriminate against any person because of race, color, religion, sex, ancestry, national origin, familial status, disability, or military status, in the sale or rental of housing or residential lots, in advertising the sale or rental of housing, in the financing of housing, or in the provision of real estate brokerage services.⁴²
14. **Real estate agency agreements.** Require each written agency agreement to contain a statement that it is illegal, pursuant to the Ohio Fair Housing Law and the Federal Fair Housing Law, to deny or make unavailable housing accommodations because of race, color, religion, sex, ancestry, national origin, familial status, disability, or military status or to so discriminate in advertising the sale or rental of housing, in the financing of housing, or in the provision of real estate brokerage services.⁴³
15. **Emergency Medical, Fire, and Transportation Services Board.** Authorize the State Board of Emergency Medical, Fire, and Transportation Services to suspend or revoke a certificate of accreditation or a certificate of approval for discrimination in the acceptance of students on the basis of race, color, religion, sex, or national origin.⁴⁴
16. **Ohio Works First.** For purposes of the provision preventing any Ohio Works First assistance group member from losing or being denied eligibility to participate in Ohio Works First if the member's termination of employment was because an assistance group member or recipient of transitional child care secured comparable or better employment or the county department of job and family services certifies that the member or recipient terminated the employment with just cause, specify that just cause includes discrimination by an employer based on race, color, religious beliefs, sex, age, national origin, or handicap. Also, the bill replaces the term "handicap" with the term "disability."⁴⁵
17. **Facilities and programs for persons with a developmental disability.** Require the Director of Developmental Disabilities, with respect to the eligibility for state reimbursement of expenses incurred by facilities and programs for persons with a

⁴⁰ R.C. 3905.55.

⁴¹ R.C. 4117.19.

⁴² R.C. 4735.16.

⁴³ R.C. 4735.55.

⁴⁴ R.C. 4765.18.

⁴⁵ R.C. 5107.26.

developmental disability, to withhold state funds from an entity denying or rendering service on the basis of race, color, religion, sex, ancestry, national origin, disability, or the inability to pay.⁴⁶

18. **Nursing facilities.** Require every provider agreement with the provider of a nursing facility to prohibit the facility from discriminating against any resident on the basis of race, color, creed, sex, or national origin.⁴⁷

19. **Roadside rest area advertising.** Require that commercial advertising placed in Department of Transportation roadside rest areas not promote illegal discrimination on the basis of race, religion, age, ancestry, national origin, or handicap.⁴⁸

20. **Local government tax exemptions.** For purposes of the requirement that local governments that grant an exemption from taxation under certain laws must develop policies to ensure that the exemption recipient practices nondiscriminatory hiring in its operations, specify that “nondiscriminatory hiring” means that no individual may be denied employment solely on the basis of race, color, religion, sex, ancestry, national origin, or disability.⁴⁹

History

Action	Date
Introduced	02-12-19

S0011-I-133/ar

⁴⁶ R.C. 5123.351.

⁴⁷ R.C. 5165.08.

⁴⁸ R.C. 5515.08.

⁴⁹ R.C. 5709.832.

ORDINANCE NO. 24-2019

Amending Ordinance No. 52-2018 (As Amended) to Adjust the Annual Budget by Providing for an Appropriation from the Capital Improvements Fund Unappropriated Balance to Pay the Cost of the 2019 Street Improvement Program and all Related Expenses and Determining to Proceed with said Project. (Project No. 694-19)

WHEREAS, the Charter of the City of Worthington, Ohio, provides that City Council may at any time amend or revise the Budget by Ordinance, providing that such amendment does not authorize the expenditure of more revenue than will be available;

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

SECTION 1. That there be and hereby is appropriated from the Capital Improvements Fund Unappropriated Balance to Account No. 308.8150.533423 the sum of _____ to pay the cost of the 2019 Street Improvement Program and all related expenses (Project 694-19).

SECTION 2. That the City Manager be and hereby is authorized and directed to enter into an agreement with firm of _____ for the provision of the aforementioned services.

SECTION 3. For the purposes of Section 2.21 of the Charter of the City, this ordinance shall be considered an "Ordinance Determining to Proceed" with the Project, notwithstanding future actions of this Council, which may be necessary or appropriate in order to comply with other requirements of law.

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.

Passed _____

President of Council

Attest:

Clerk of Council



STAFF MEMORANDUM
City Council Meeting – June 17th. 2019

Date: June 12, 2019

To: Matthew H. Greeson

From: Dan Whited, Director of Service & Engineering

Subject: **Ordinance 24-2019 Appropriation to Fund 2019 Street Program**

EXECUTIVE SUMMARY

This Ordinance Appropriates funding for the 2019 Street Program.

RECOMMENDATION

Introduce for Public Hearing July 15th.

BACKGROUND/DESCRIPTION

The 2019 Street Improvements Program has been assembled and is ready to bid. This year's program will include full depth repairs, mill and overlay, spot repair, extensive curb, gutter and sidewalk work. Repairs will be made to the Community Center parking lot

In order to complete the improvement, the Service and Engineering Department is introducing legislation to fund the improvements from the CIP budget, 2019 Street Improvements Program Number 694-19 Account Number 308.8150.533423. The resulting bid opening occurring at noon on Wednesday July 10th with the Public Hearing set for July 15th.

FINANCIAL IMPLICATIONS/FUNDING SOURCES (if applicable)

Capital Improvements Project Fund

Attachments



Department of Finance

May 2019 Financial Report

Quick Facts

All Funds

<u>05/31/2019</u>	<u>05/31/2019</u>
<u>Cash Balances</u>	<u>Unencumbered</u>
\$30,338,556	Balance
(January 1, 2019 balance: \$30,338,812)	\$21,496,813

General Fund

<u>05/31/2019</u>	<u>05/31/2019</u>
<u>Cash Balance</u>	<u>Unencumbered</u>
\$15,794,305	Balance
(January 1, 2019 balance: \$14,667,073)	\$13,630,643
	(49% of prior year expenditures)

Highlights & Trends for May 2019

Income Tax Collections

- Year to Date (YTD) income tax collections are above 2018 YTD income tax collections \$223,138 or 2.12%.
- YTD Income tax collections are above estimates by \$127,337 (1.20%).
- Refunds issued in May totaled \$45,898 with year to date refunds totaling \$271,826.

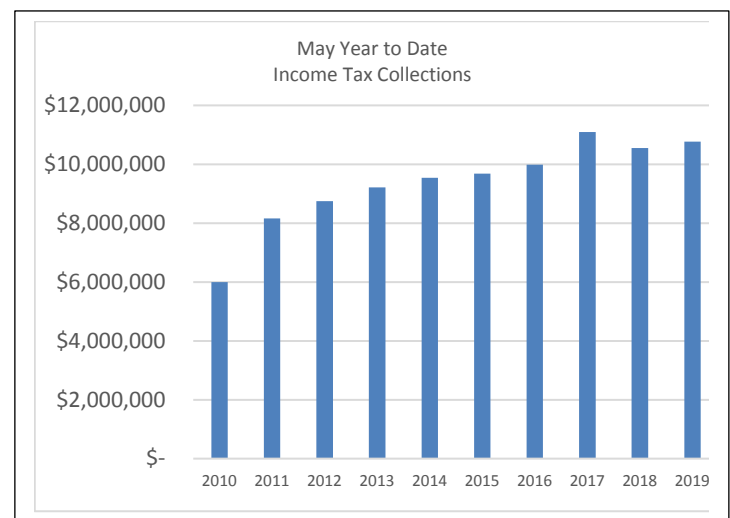
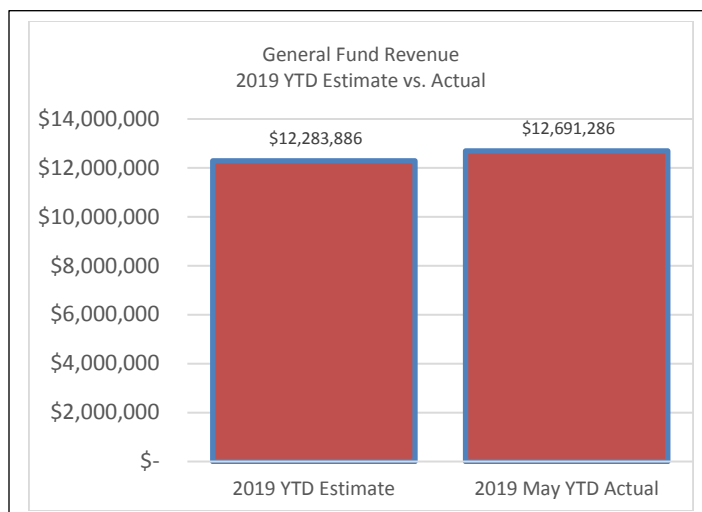
Income Tax Revenue by Account Type

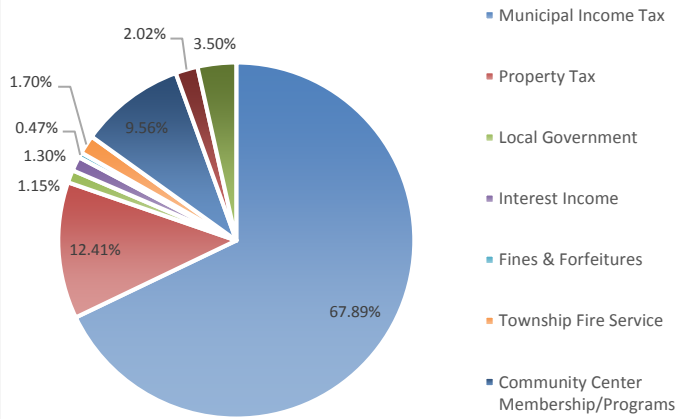
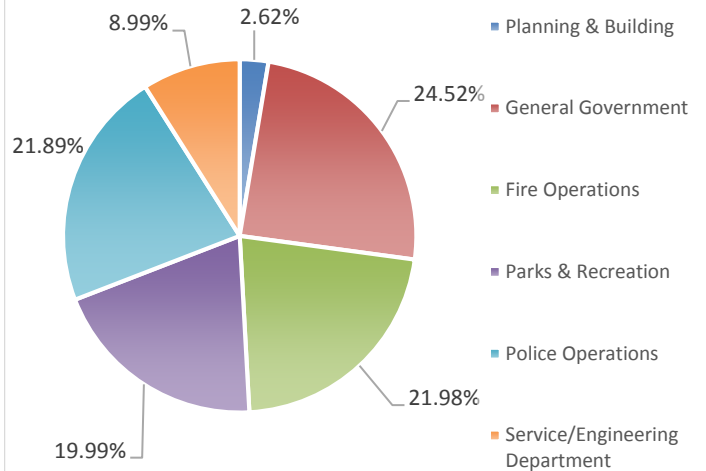
For May of 2019:

Withholding Accounts – 57.97% of collections
Individual Accounts – 25.40% of collections
Net Profit Accounts – 16.63% of collections

For May of 2018:

Withholding Accounts – 63.64% of collections
Individual Accounts – 20.47% of collections
Net Profit Accounts – 15.89% of collections

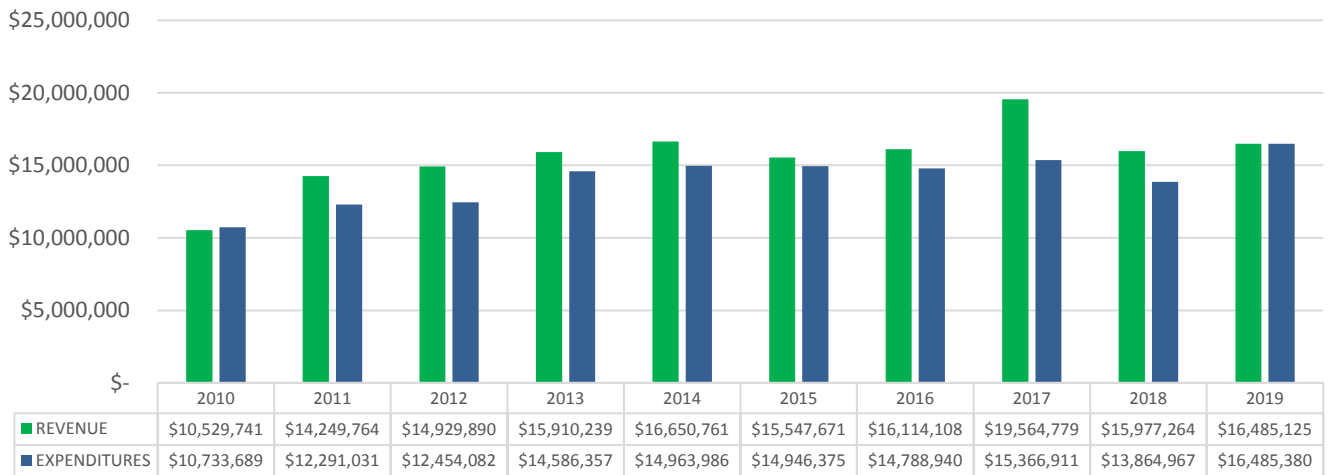
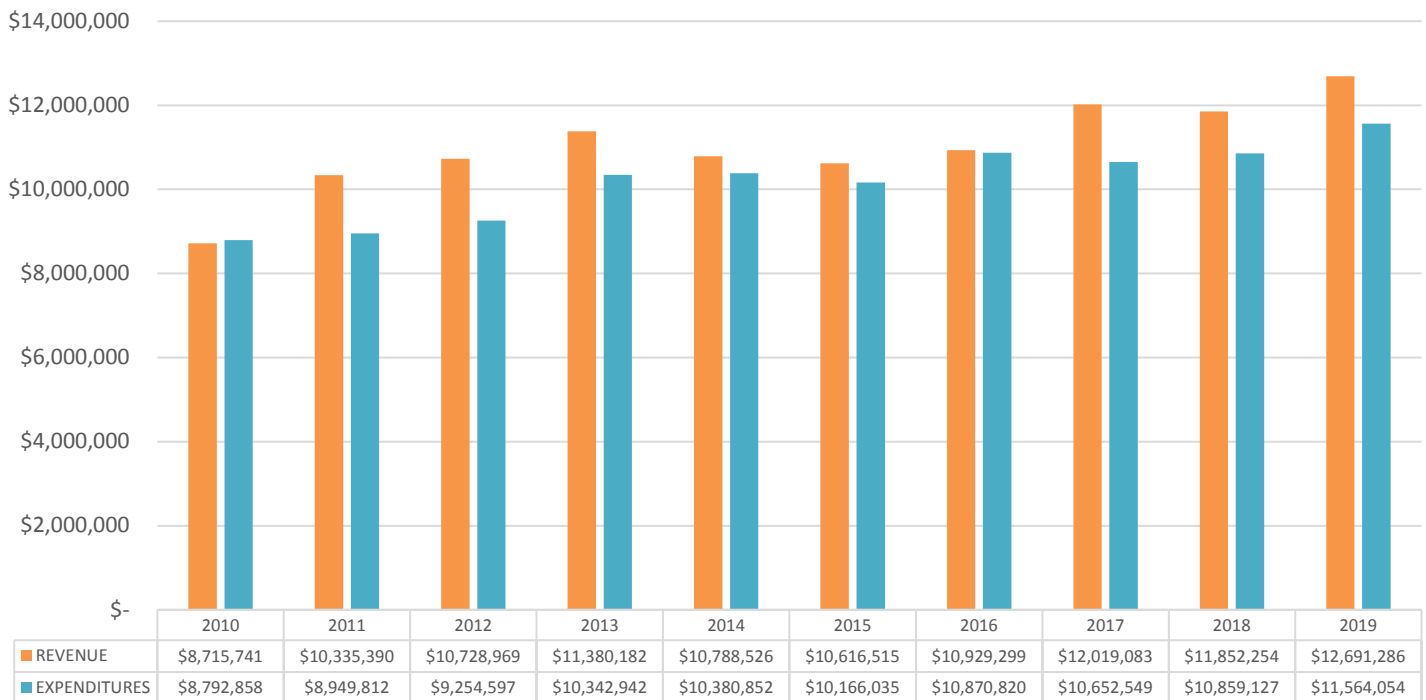


**Highlights & Trends for May 2019 (continued)****May 2019 Year to Date
General Fund Revenue****May 2019 Year to Date
General Fund Expenses****Notable Initiatives & Activities**

- Fund balances for all funds decreased from \$30,338,812 on January 1, 2019 to \$30,338,556 as of May 31, 2019, with year to date expenditures exceeding revenues for all funds by \$255.
- For the month of May, fund balances for all funds increased from \$30,223,548 as of May 1, 2019 to \$30,338,556 as of May 31, 2019, with revenues exceeding expenditures by \$115,009.
- The General Fund cash balance increased from \$14,667,073 as of January 1, 2019 to \$15,794,305 as of May 31, 2019, with revenues exceeding expenditures by \$1,127,232.
- For the month of May, the General Fund balance increased from \$15,310,892 on May 1, 2019 to \$15,794,305 as of May 31, 2019, with revenues exceeding expenditures by \$483,413.



Financial Tracking

May Year to Date
Revenue to Expenditures
All FundsMay Year to Date
General Fund
Cash Position

**May 2019
Cash Reconciliation**

Total Fund Balances: \$30,338,556.23

Depository Balances:

General Account: \$ 7,944,542.93

Total Bank Balances: \$7,944,542.93

Investment Accounts:

Certificates of Deposit: \$ 9,219,000.00

Star Ohio/Star Plus 5,344,628.68

Fifth Third MMKT/CDs 7,583,794.62

CF Bank 245,000.00

Total Investment Accounts: \$22,392,423.30

Petty Cash/Change Fund: 1,590.00

Total Treasury Balance as of May 31, 2019 \$30,338,556.23

Total Interest Earnings as of April 30, 2019 \$165,040.07

Average Interest Earnings 2.26%

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 May 31, 2019**

		<u>1/1/2019 Beginning</u>	<u>Year to Date</u>	<u>Year to Date</u>	<u>05/31/2019</u>		<u>Unencumbered</u>
<u>FUND</u>	<u>Balance</u>	<u>Actual Revenue</u>	<u>Actual Expenses</u>	<u>Cash Balance</u>	<u>Encumbrances</u>	<u>Balance</u>	
101 General Fund	\$ 14,667,073	\$ 12,691,286	\$ 11,564,054	\$ 15,794,305	\$ 2,163,662	\$ 13,630,643	
202 Street M&R	56,646	312,916	365,039	4,523	63,013	\$ (58,490)	
203 State Highway	49,792	21,317	40,000	31,110	2,224	\$ 28,886	
204 Water	20,778	38,489	39,872	19,395	5,483	\$ 13,912	
205 Sewer	31,539	17,853	32,848	16,544	4,928	\$ 11,616	
210 Convention & Visitor's Bureau F	-	162,722	55,830	106,892	-	\$ 106,892	
212 Police Pension	499,195	104,316	274,485	329,026	-	\$ 329,026	
214 Law Enforcement Trust	64,438	237	1,938	62,738	-	\$ 62,738	
215 Municipal MV License Tax	140,740	49,345	-	190,084	-	\$ 190,084	
216 Enforcement/Education	50,181	489	-	50,670	-	\$ 50,670	
217 Community Technology	13,029	-	2,595	10,434	10,434	\$ -	
218 Court Clerk Computer	232,905	4,440	2,178	235,167	6,907	\$ 228,260	
219 Economic Development	563,285	4,831	255,449	312,667	131,819	\$ 180,848	
220 FEMA Grant	-	-	-	-	-	\$ -	
221 Law Enf CED	20,360	-	-	20,360	-	\$ 20,360	
224 Parks & Rec Revolving	406,090	-	11,377	394,713	-	\$ 394,713	
229 Special Parks	40,023	11,006	24,994	26,034	-	\$ 26,034	
253 2003 Bicentennial	72,566	-	-	72,566	-	\$ 72,566	
306 Trunk Sewer	375,149	-	-	375,149	-	\$ 375,149	
308 Capital Improvements	10,850,531	2,614,543	3,667,115	9,797,958	5,392,508	\$ 4,405,450	
313 County Permissive Tax	-	-	-	-	-	\$ -	
409 General Bond Retirement	1,191,328	59,106	56,927	1,193,507	1,055,333	\$ 138,174	
410 Special Assessment Bond	278,448	-	-	278,448	-	\$ 278,448	
825 Accrued Acreage Benefit	11,108	41,605	-	52,713	5,019	\$ 47,694	
830 OBBS	2,009	1,680	1,716	1,974	483	\$ 1,491	
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	85,405	12,796	505,472	-	\$ 505,472	
930 933 High St. MPI TIF Fund	96,589	8,729	99	105,219	-	\$ 105,219	
935 Downtown Worthington MPI TIF	131,369	127,511	6,826	252,055	-	\$ 252,055	
940 Worthington Square TIF	558	13,934	157	14,334	-	\$ 14,334	
945 W Dublin Granville Rd. MPI TIF	1,091	52,858	52,597	1,352	-	\$ 1,352	
950 350 W. Wilson Bridge	-	44,019	-	44,019	-	\$ 44,019	
999 PACE Fund	-	16,488	16,488	-	-	\$ -	
						\$ -	
Total All Funds	\$ 30,338,812	\$ 16,485,125	\$ 16,485,381	\$ 30,338,556	\$ 8,841,813	\$ 21,496,743	



		2018	2019	2019	2019	2019	2019	Variance										
		Year End	Original	Revised	Y-T-D	May	Variance	as % of										
Revenues		Actual	Budget	Budget	Estimates	Y-T-D Actual	Over/(Under)	Budget										
Municipal Income Tax	1	\$ 20,854,635	\$ 20,800,000	\$ 20,800,000	\$ 8,516,622	\$ 8,615,965	\$ 99,342	1.17%										
Property Tax	2	2,939,140	3,004,150	\$ 2,901,140	1,450,570	1,575,220	\$ 124,650	8.59%										
Local Government	*	358,938	350,000	\$ 354,098	147,541	145,322	\$ (2,219)	-1.50%										
Inheritance Tax	2	-	-	\$ -	-	-	\$ -	0.00%										
Interest Income	*	402,431	350,000	\$ 350,000	145,833	165,040	\$ 19,207	13.17%										
Fines & Forfeitures	*	150,200	170,000	\$ 170,000	70,833	59,330	\$ (11,503)	-16.24%										
Township Fire Service	2	469,460	486,875	\$ 486,875	243,438	215,846	\$ (27,591)	-11.33%										
Community Center Membership/Progr	*	1,435,227	2,459,200	\$ 2,494,125	1,039,219	1,213,918	\$ 174,699	16.81%										
EMS Transport	*	621,898	691,875	\$ 691,875	288,281	256,374	\$ (31,907)	-11.07%										
All Other Revenue	*	1,469,183	1,316,933	\$ 1,358,693	381,548	444,271	\$ 62,723	16.44%										
Total Revenues		\$ 28,701,110	\$ 29,629,033	\$ 29,606,806	\$ 12,283,886	\$ 12,691,286	\$ 407,400	3.32%										
Expenditures																		
Planning & Building		\$ 675,224	\$ 812,191	\$ 812,191	\$ 338,413	\$ 289,243	\$ (49,170)	85.47%										
General Government		6,639,309	7,243,124	\$ 7,447,364	\$ 2,918,423	2,707,390	\$ (211,032)	92.77%										
Fire Operations		6,101,062	6,965,743	\$ 6,965,743	\$ 2,902,393	2,427,203	\$ (475,190)	83.63%										
Parks & Recreation		4,566,131	5,872,638	\$ 5,880,938	\$ 2,450,391	2,207,576	\$ (242,814)	90.09%										
Police Operations		5,856,535	6,408,351	\$ 6,483,351	\$ 2,701,396	2,416,287	\$ (285,109)	89.45%										
Service/Engineering Department		2,310,552	2,828,529	\$ 2,828,529	\$ 1,178,554	993,094	\$ (185,459)	84.26%										
Total Expenditures		\$ 26,148,813	\$ 30,130,576	\$ 30,418,116	\$ 12,489,569	\$ 11,040,795	\$ (1,448,774)	88.40%										
Excess of Revenues Over (Under) Expenditures		\$ 2,552,297	\$ (501,543)	\$ (811,310)	\$ (205,683)	\$ 1,650,491												
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	608,362	253,484		1 - Income Tax budget based on individual monthly projections.											
Expenditures versus Prior Year Enc		1,376,																



STAFF MEMORANDUM
City Council Meeting – June 17th. 2019

Date: June 12, 2019

To: Matthew H. Greeson

From: Dan Whited, Director of Service & Engineering

Subject: **Permission to Bid - 2019 Street Program**

EXECUTIVE SUMMARY

Staff is requesting permission to advertise for bids for the 2019 Street Program.

RECOMMENDATION

Motion authorizing the advertisement for bids

BACKGROUND/DESCRIPTION

The 2019 Street Improvements Program has been assembled and is ready to bid. This year's program will include full depth repairs, mill and overlay, spot repair, extensive curb, gutter and sidewalk work. Repairs will be made to the Community Center parking lot

In order to complete the improvement, the Service and Engineering Department is asking for permission to advertise the project for bid, with the resulting bid opening occurring at noon on Wednesday July 10th with the Public Hearing set for July 15th.

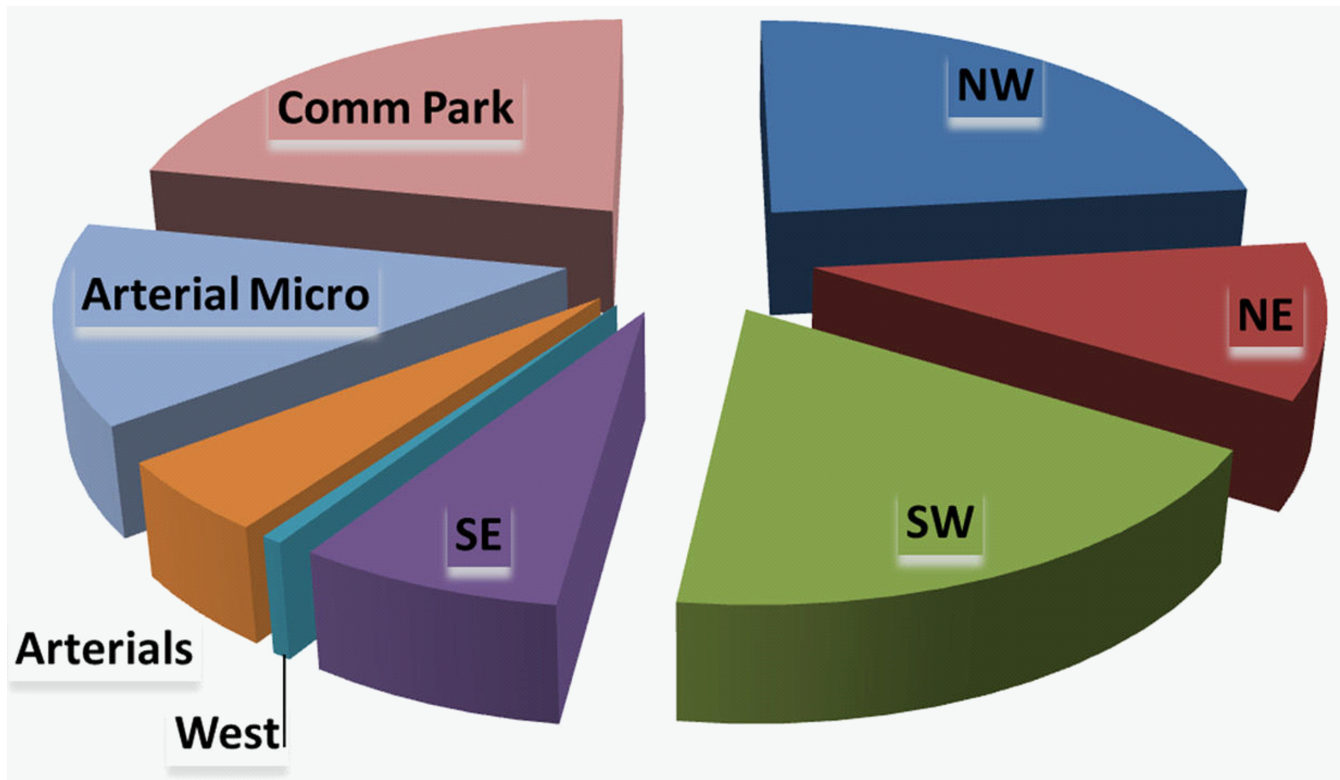


CITY OF WORTHINGTON

PROPOSED

2019 STREET IMPROVEMENT PROGRAM

***Cost Breakdown by Proposed
Improvement Area
2019 Street Improvement Program***



Summary of Proposed Improvements and Estimated Costs 2019 Street Improvement Program



North West

<i>Alloway St. E., Caren Ave. - Curve</i>	<i>\$40,745.75</i>
<i>Scope of Work: Mill/Overlay, Curbs (spot) & Sidewalks</i>	
<i>Alloway St. W., Caren Ave. - Curve</i>	<i>\$52,020.75</i>
<i>Scope of Work: Mill/Overlay, Curbs (spot) & Sidewalks</i>	
<i>Clearview Ave. W., Evening St. - Hartford St.</i>	<i>\$38,735.00</i>
<i>Scope of Work: Mill/Overlay, & Curbs (spot)</i>	
<i>Evening St., north St. - Highgate Ave.</i>	<i>\$53,335.75</i>
<i>Scope of Work: Mill/Overlay, Curbs (spot) & Sidewalks</i>	
<i>Greenbrier Ct., Evening St. - Cul-de-sac</i>	<i>\$33,562.00</i>
<i>Scope of Work: Mill/Overlay, Curbs (spot) & Sidewalks</i>	
<i>Longfellow Ave., 160 Longfellow</i>	<i>\$555.00</i>
<i>Scope of Work: Curb</i>	
<i>Old Wilson Bridge Rd., W. Wilson Bridge Rd. - Cul-de-sac</i>	<i>\$4,538.70</i>
<i>Scope of Work: Mill/Overlay & Patching</i>	
<i>Oxford St., W. Stafford Ave. - W. Dublin-Granville Rd.</i>	<i>\$31,622.50</i>
<i>Scope of Work: Mill/Overlay, Curbs (spot), Sidewalks & Inlet Repairs</i>	
<i>Oxford St., W. Stafford Ave. - North St.</i>	<i>\$37,283.50</i>
<i>Scope of Work: Mill/Overlay, Curbs (spot), Sidewalks & Inlet Repairs</i>	
<i>Stafford Ave. W., Alley @ 28 W. Stafford Ave.</i>	<i>\$5,106.00</i>
<i>Scope of Work: Sidewalk & Patching</i>	

<i>Wilson Bridge Rd. W., Rieber - Bridge</i>	<i>\$12,340.00</i>
<i>Scope of Work: Mill/Overlay & Patching</i>	
<i>Total for Division</i>	<i>\$309,844.95</i>

North East

<i>Community Center Parking Lot, and Highland Complex</i>	<i>\$287,377.00</i>
<i>Scope of Work: Repave and make modifications to lots</i>	
<i>Greenwich St., Greenwich & E. New England</i>	<i>\$2,380.00</i>
<i>Scope of Work: Ramp</i>	
<i>Heischman Ave., Worthington-Galena Rd. - Joslyn Pl.</i>	<i>\$36,318.20</i>
<i>Scope of Work: Mill/Overlay, Curbs (spot) & Sidewalks</i>	
<i>High St., Behind Old E. Wilson Bridge Rd. @ Sewer Repair</i>	<i>\$2,880.00</i>
<i>Scope of Work: Sidewalk</i>	
<i>Highland Ave., Various Locations</i>	<i>\$14,960.00</i>
<i>Scope of Work: Patching</i>	
<i>North St. E., High St. - Harford St.</i>	<i>\$32,349.00</i>
<i>Scope of Work: Mill/Overlay, Curbs (spot) & Sidewalks</i>	
<i>Northland Rd., Schrock Rd. - Kertess Ave.</i>	<i>\$28,460.75</i>
<i>Scope of Work: Mill/Overlay, Curbs(spot), Sidewalks & Inlet Repairs</i>	
<i>Old Wilson Bridge Rd., E. Wilson Bridge Rd. - Cul-de-sac</i>	<i>\$18,595.00</i>
<i>Scope of Work: Mill/Overlay</i>	
<i>Rockwoods Pl., 7041 Rockwoods Pl.</i>	<i>\$1,755.00</i>
<i>Scope of Work: Approach</i>	
<i>Total for Division</i>	<i>\$425,074.95</i>

South West

<i>Blandford Ave., Sanbridge Cir. - Seabury Dr.</i>	<i>\$57,785.00</i>
<i>Scope of Work: Mil/Overlay, Curbs (spot), Sidewalks & Inlet Repairs</i>	

Melbourne Pl., Northbrook Dr. E. - Northbrook Dr. W.	\$16,200.00
Scope of Work: Mill/Overlay, Curbs(spot) & Sidewalks	
Northbrook Dr. E., W. Selby - Melbourne Pl.	\$11,814.00
Scope of Work: Mill/Overlay, Curbs (spot) & Sidewalks	
Northbrook Dr. W., W. Selby - Melbourne Pl.	\$15,421.00
Scope of Work: Mill/Overlay, Curbs (spot), & Sidewalks	
Oxford St., W. New England Ave. - South St.	\$5,175.00
Scope of Work: Patching	
Oxford St., 609 Oxford St.	\$3,200.00
Scope of Work: Grading	
Pioneer St., Melbourne Pl. - Chaucer Ct.	\$11,880.00
Scope of Work: Mill/Overlay Curbs (spot) & Sidewalks	
Seabury Dr., Blandford Dr. - W. Dublin-Granville Rd.	\$48,137.75
Scope of Work: Mill/Overlay, Curbs (spot) & Sidewalks	
Selby Blvd. W., High St. - W. Northbrook Dr.	\$72,530.75
Scope of Work: Mill/Overlay, Curbs (spot) & Sidewalks	
Short St., 60 Short St.	\$1,147.50
Scope of Work: Approach	
Total for Division	\$243,291.00
South East	
Howard Ave., High St. - Granby St.	\$36,838.50
Scope of Work: Mill/Overlay, Curbs (spot) & Inlet Repairs	
Lakeridge Rd., Park Blvd. - Cul-de-sac	\$27,398.00
Scope of Work: Mill/Overlay & Curbs (spot)	
Loveman Ave., 434 Loveman Ave.	\$1,442.00
Scope of Work: Curb & Approach	

Morning St., E. New England Ave. - South St. ***\$19,898.50***
Scope of Work: Mill/Overlay, Curbs (spot) & Sidewalks

White Oak Pl., E. South St.to end ***\$9,190.00***
Scope of Work: Mill & Overlay

Total for Division ***\$94,767.00***

West of River

Olentangy River Rd., @ Robbins Way ***\$6,410.00***
Scope of Work: Ditch Grading & Patching

Olentangy River Rd., Path north of Dublin-Granville Rd ***\$1,350.00***
Scope of Work: Patch path

Total for Division ***\$7,760.00***

Arterials

High St., Intersection of North St. E. & W. ***\$19,425.00***
Scope of Work: Mill/Overlay

High St., S. Selby - S. Corp. ***\$20,625.00***
Scope of Work: Mill/Overlay & Patching

Miscellaneous Locations, 161, Linworth Rd., Snouffer Rd., W.Wilson Bridge Rd., H ***\$15,223.33***
Scope of Work: Long Line Striping

Schrock Rd., Worthington-Galena to RR tracks ***\$43,789.50***
Scope of Work: Microsurfacing

Wilson Bridge Rd. E., RR Tracks - Worthington-Galena ***\$8,100.00***
Scope of Work: Patching

Worthington-Galena Rd., Crandall to RR tracks ***\$134,032.00***
Scope of Work: Microsurfacing

Total for Division ***\$241,194.83***

Other Locations

<i>Miscellaneous Locations, Various Locations throughout city</i>	<i>\$5,900.00</i>
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Scope of Work: Various Work Done

<i>Miscellaneous Locations, City Properties</i>	<i>\$9,810.50</i>
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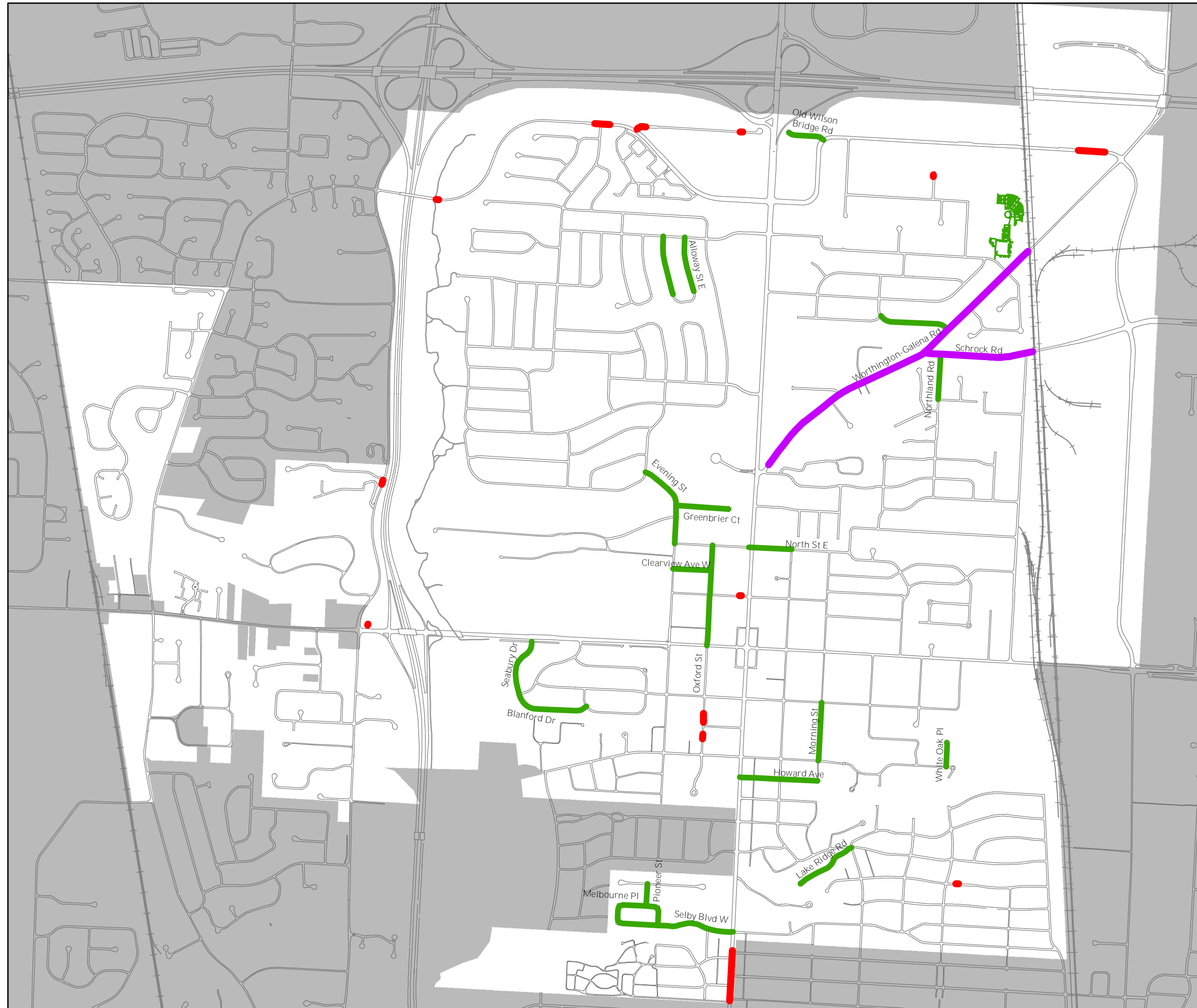
Scope of Work: R/W Concrete

<i>Total for Division</i>	<i>\$15,710.50</i>
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<i>Project Total</i>	<i>\$1,337,643.23</i>
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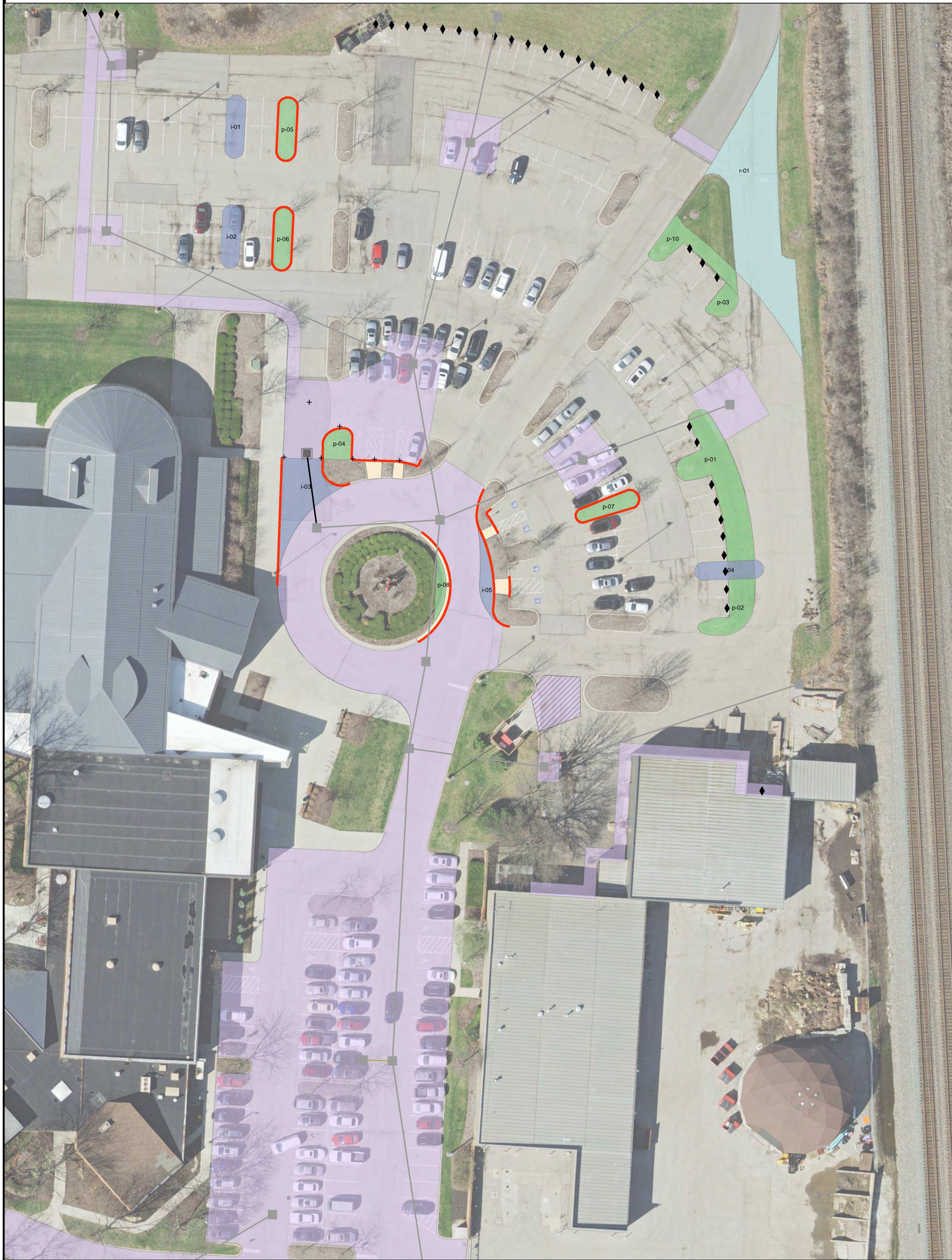


Proposed 2019 Street Improvement Program

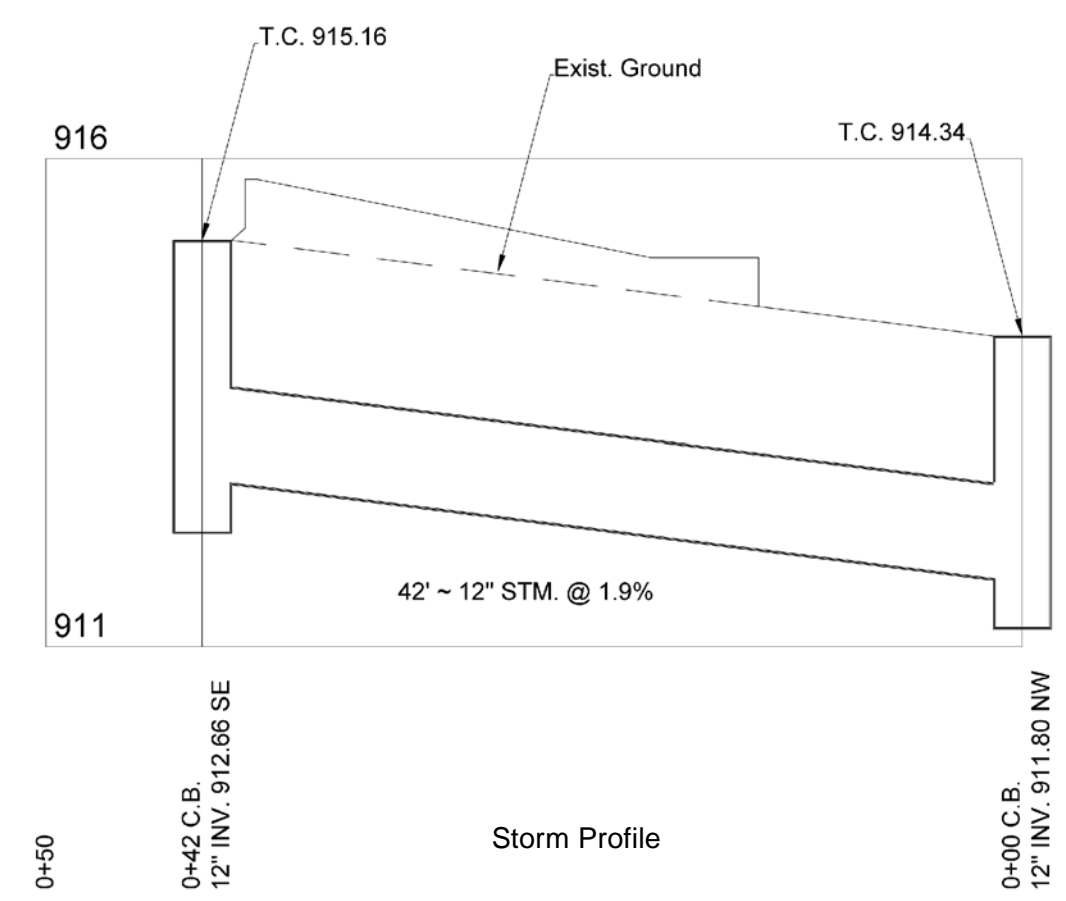
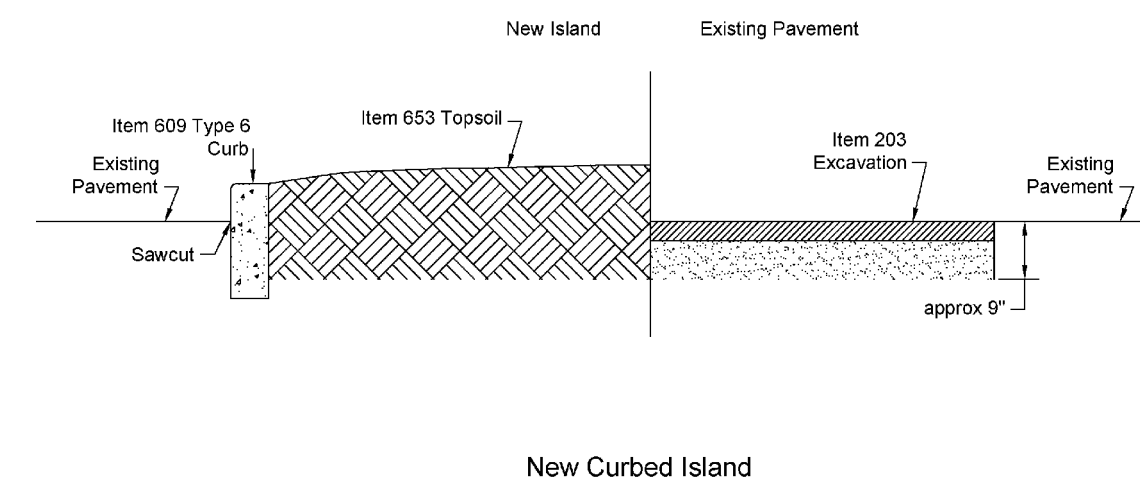
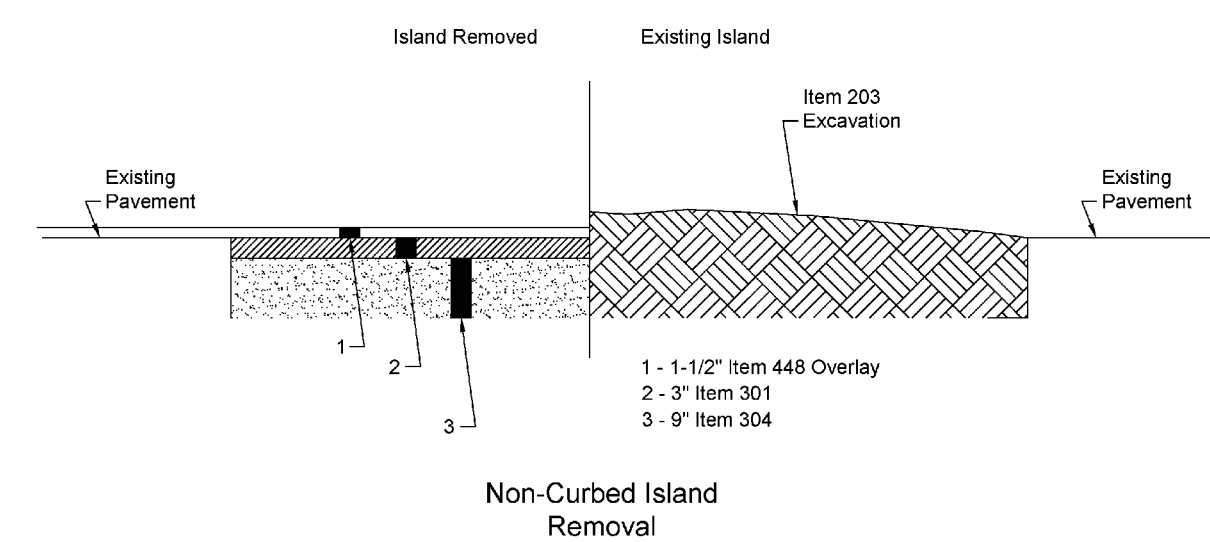
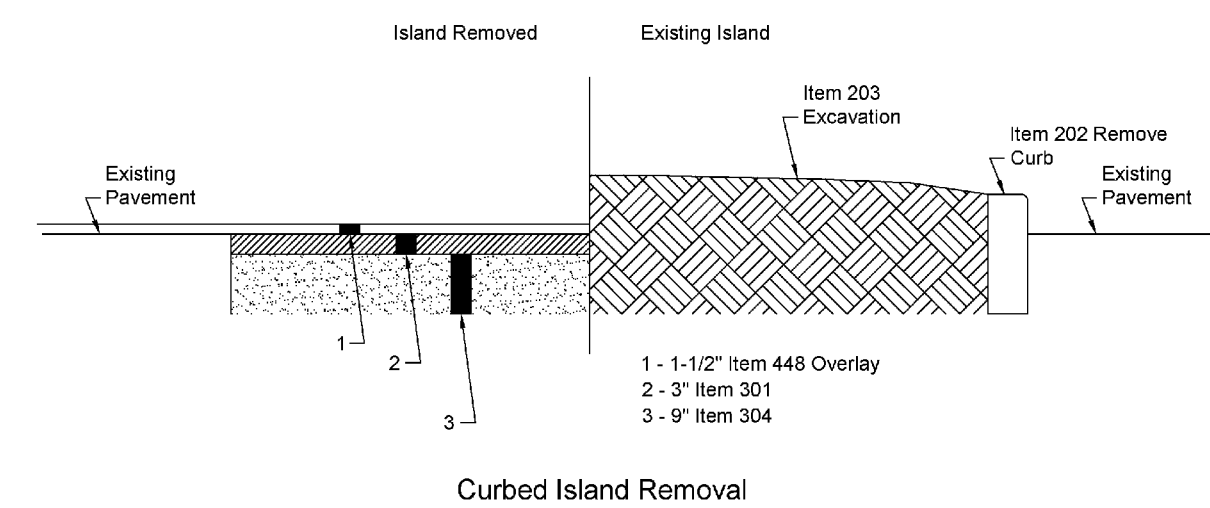


Repairs

- Pavement or Concrete Repair
- Renovation (Mill & Overlay)
- Micro Surfacing



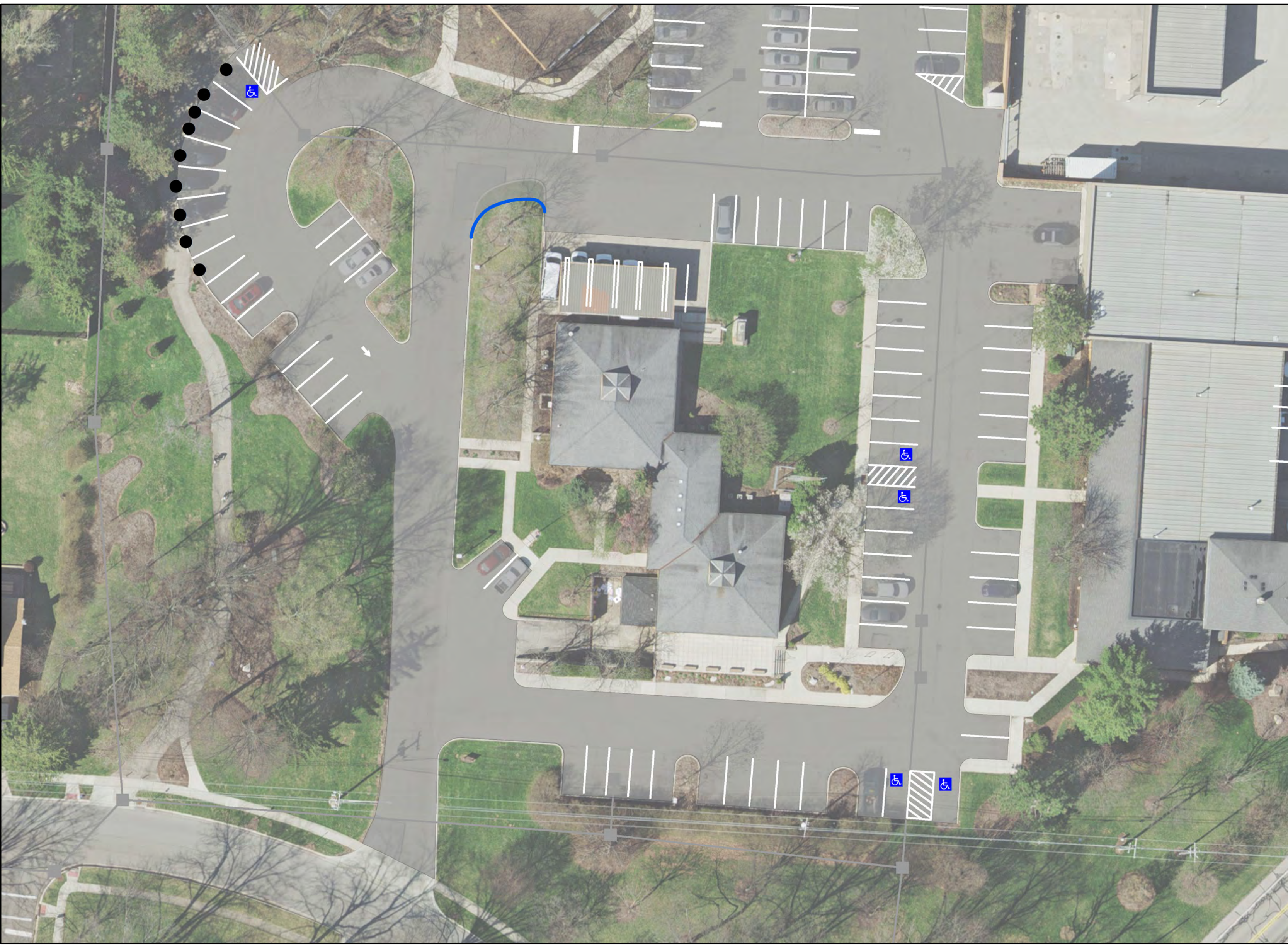
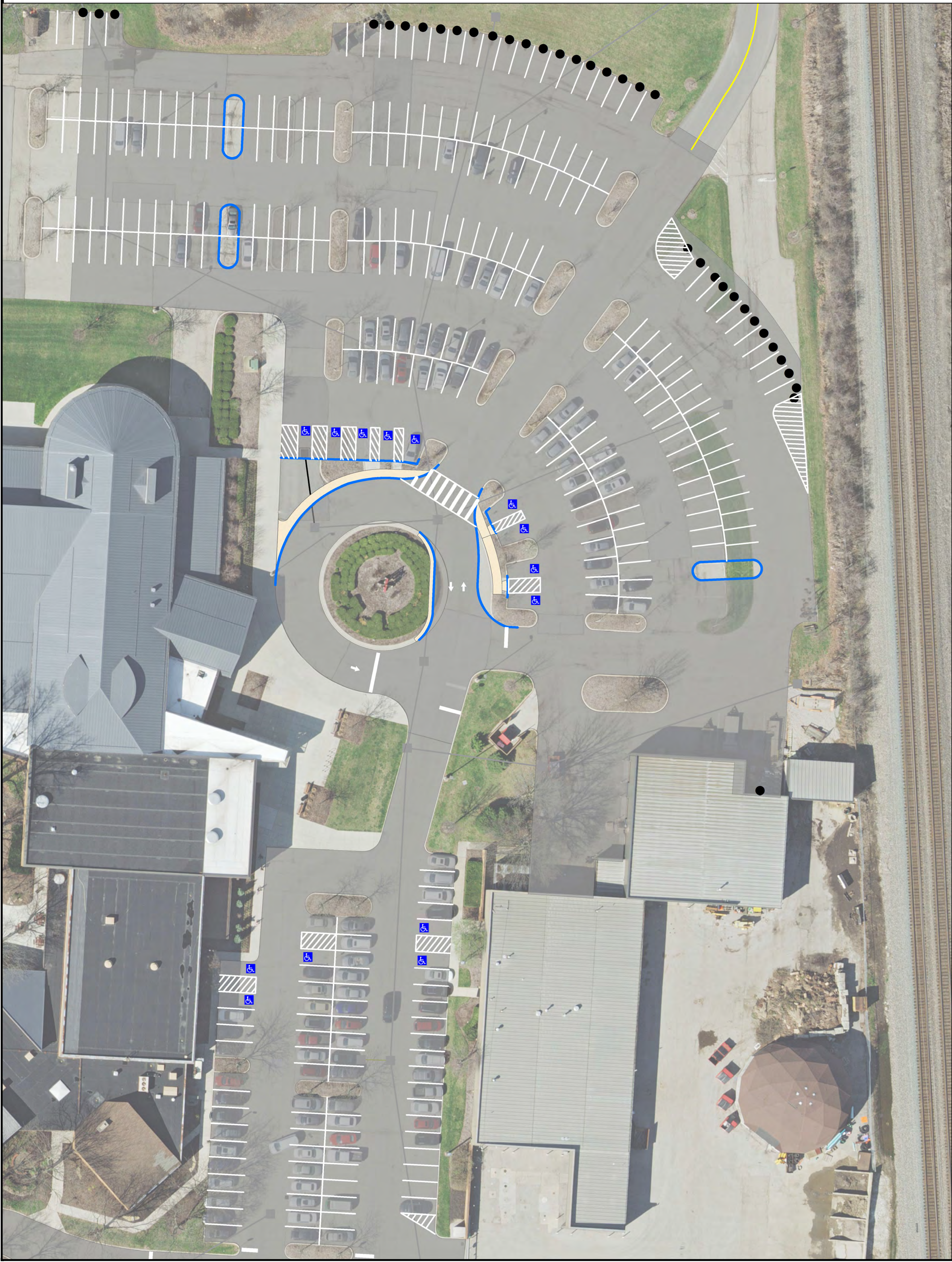
- new catch basin
- parking block - move and store
- curb to remove
- concrete to remove
- new island (i)
- remove island, add pavement (p)
- remove pavement (r)
- base repair
- milling



Community Center & Highland Complex Parking Lot Resurfacing

Milling & Modifications





parking blocks to set



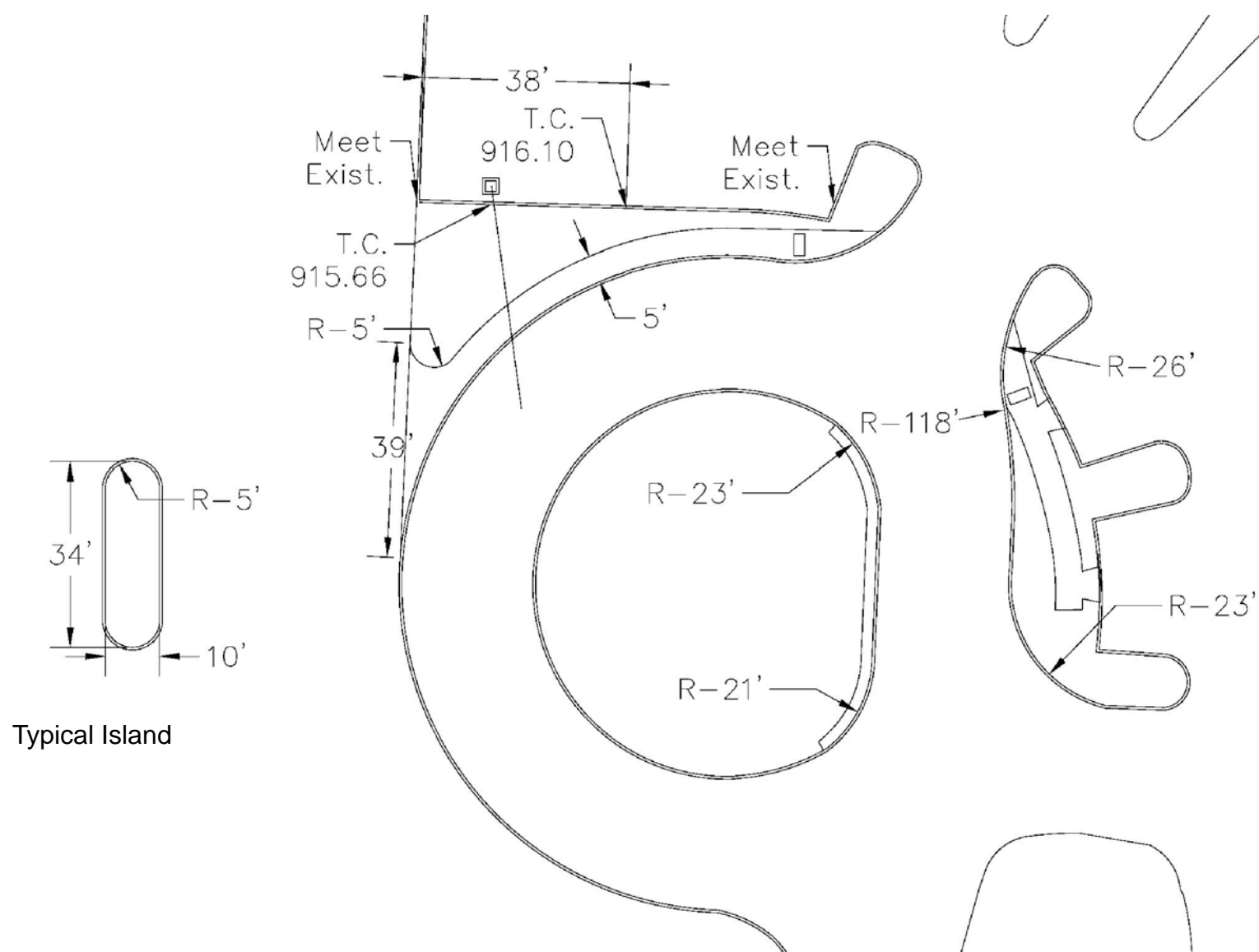
New Curb

New Concrete

Overlay

Estimated Quantities

ITEM	DESCRIPTION	UNIT	Quantity
202	Conc. Curb Removed & Disposed Of	LF	1000
202	Concrete Removed & Disposed Of	SF	270
203	Excavation (including pavement)	CY	425
254	Edge Milling - Asphalt (0'-2", per plan)	SY	1250
254	Pavement Planing - (6" depth)	SY	135
254	Pavement Planing Asphalt (1 1/2")	SY	8125
301	Asphalt Concrete Base	Ton	100
304	Compacted Aggregate Base	Ton	205
407	Tack Coat, Trackless	Gal	1800
448	Asphalt Concrete Surface Course (Medium Traffic) 1 1/2"	Ton	1700
604	Precast Catch Basin and casting per plan	EA	1
608	Concrete Sidewalk, 4" Rem. & Repl.	SF	200
608	Concrete Sidewalk, 4"	SF	520
608	Curb Ramp	SF	180
609	ODOT type 6 Curb	LF	1030
642	Centerline, 5", single yellow	LF	120
642	Parking lot markings - White 5"	LF	9850
642	Arrow - 60"	EA	4
644	Cross Walk Bar (20") (Piano Key)	EA	6
644	Cross Walk Lines 10"	LF	80
642	Handicapped Symbol (EA)	EA	19
644	Stop Bar 20"	LF	80
653	Topsoil Furnished & Placed	CY	105
901	Storm Pipe 12" RCP Type I Bedding, per plan	LF	40
999.12	Remove and Reset Parking Blocks	EA	88
1551	Detectable Warning	SF	16



Community Center & Highland Complex
Parking Lot Resurfacing

Paving & Striping

