



HUMAN RELATIONS COMMISSION

Quality Services for a Quality Community

MEMBERS

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Carla McWherter
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Sean Perry
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City of East Lansing
DEPARTMENT OF HUMAN
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AGENDA

March 4, 2020, 7:00 PM

Court/City Council Conference Room
East Lansing, MI 48823

- 1) Opening
 - A) Roll Call
 - B) Review of Agenda for March 4, 2020
 - C) Approval of Minutes for February 12, 2020
 - D) Approval of Minutes for February 18, 2020 Special Meeting
- 2) Public Comment
- 3) Written Correspondence
- 4) Council Liaison Comments
- 6) Staff Liaison Comments
- 7) Commissioner Concerns
- 8) New Business
 - a. Human Relations Ordinance: Recommended Changes Discussion (Attachment)
- 9) Old Business
 - a. Racial & Ethnic Events in the Greater East Lansing Community
 - a. Subcommittee Reports
 - b. *Coffee & Conversation*
- 10) Adjournment

CALENDAR:

January, Stalking Awareness Month
January 20, Martin Luther King Jr. Day
March 7, East Lansing's Ban on Discrimination Based on Sexual Orientation
April, Crime Victims' Week
April, Sexual Assault Awareness Month
July 26, Anniversary of the Passage of the Americans with Disabilities Act (ADA)
October, Domestic Violence Awareness Month & Breast Cancer Awareness Month

PLEASE NOTE: Meeting starts at 7:00 PM and will be held in the Court/City Council Conference Room. If you will not be at the meeting, please call Shelli Neumann (319-6893).

Chapter 22 - HUMAN RELATIONS⁴¹

Footnotes:

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Cross reference— Administration, ch. 2; human relations commission, § 2-361 et seq.; housing commission, § 2-401 et seq.

ARTICLE I. - IN GENERAL

Secs. 22-1—22-30. - Reserved.

ARTICLE II. - CIVIL RIGHTS

Sec. 22-31. - Public policy.

It is hereby declared to be contrary to the public policy of the City of East Lansing for any person to deny any other person the enjoyment of his/her civil rights or for any person to discriminate against any other person in the exercise of his/her civil rights or to harass any person because of religion, race, color, national origin, age, height, weight, disability, sex, marital status, sexual orientation, gender identity or expression, student status, or because of the use by an individual of adaptive devices or aids.

(Ord. No. 977, ch. 111, § 9.301, 3-19-2002; Ord. No. 1275, 2-7-2012)

Sec. 22-32. - Definitions.

The following words, terms and phrases, when used in this article or in policies or guidelines implementing this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Age means chronological age, except as otherwise provided by law.

Commission means the East Lansing Human Relations Commission.

Contractor means a person or business that provides goods or services to the city.

Disability means that term as defined at section 103(d) of the Persons With Disabilities Civil Rights Act, Public Act No. 220 of 1976 (MCL 37.1103(d)).

Gender identity or expression means a person's actual or perceived gender, including a person's self-image, appearance, expression, or behavior, whether or not that self-image, appearance, expression, or behavior is different from that traditionally associated with the person's biological sex as assigned at birth.

General business practice means the typical, standard or usual manner in which a person or entity performs or habitually engages in the operation of a particular aspect of its business; or the customary action a person or entity takes in the operation of its business.

Marital status means being single, divorced, widowed, separated or married, and the conditions associated therewith, including pregnancy and parenthood.

National origin includes the national origin of an ancestor, and shall include persons who are not naturalized citizens.

Sex includes, but is not limited to, pregnancy, childbirth, or a medical condition related to pregnancy, or childbirth. Discrimination because of sex includes sexual harassment which means unwelcome sexual

advances, requests for sexual favors, and other verbal or physical conduct or communication of sexual nature when:

- (1) Submission to such conduct or communication is made a term or condition either explicitly or implicitly to obtain employment, public accommodations or public services, education, or housing.
- (2) Submission to or rejection of such conduct or communication by an individual is used as a factor in decisions affecting such individual's employment, public accommodations or public services, education, or housing.
- (3) Such conduct or communication has the purpose or effect of substantially interfering with an individual's employment, public accommodations or public services, education, or housing; or creating an intimidating, hostile, or offensive employment, public accommodation, public service, educational or housing environment.

Sexual orientation means being or regarded as being heterosexual, homosexual, bisexual, or having a history of such identification.

Student status refers to a person enrolled in an educational institution recognized by the State of Michigan in pursuit of a recognized degree.

To harass means to have physical conduct or communication which refers to an individual protected under this article, when such conduct or communication has the purpose or effect of substantially interfering with an individual's employment, public accommodations or public services, education, or housing, or creating an intimidating, hostile, or offensive employment, public accommodations, public services, educational, or housing environment.

(Ord. No. 977, ch. 111, § 9.302, 3-19-2002; Ord. No. 1275, 2-7-2012; Ord. No. 1340, 9-10-2014; Ord. No. 1447, 1-22-2019)

Cross reference— Definitions generally, § 1-7.

Sec. 22-33. - Employment.

(a) As used in this section:

Employer means a person who has one or more employees and includes any agent of that person.

Employment agency means a person regularly undertaking, with or without compensation, to procure, refer, recruit, or place an employee for an employer, or to procure, refer, recruit, or place for an employer or person the opportunity to work for an employer and includes any agent of that person.

Labor organization includes an organization of any kind, an agency or employee representation committee, group, association, or plan in which employees participate and which exists for the purpose, in whole or in part, of dealing with employees concerning grievances, labor disputes, wages, rate of pay, hours, or other terms or conditions of employment.

(b) It is unlawful for an employer to:

- (1) Limit, segregate, classify, fail or refuse to hire, to recruit, to discharge, or otherwise discriminate against an individual with respect to employment, compensation, or a term, condition, or privilege of employment, including a benefit plan or system, because of religion, race, color, national origin, age, disability, sex, height, weight, marital status, sexual orientation, gender identity or expression, or student status, or because of the use by an individual of adaptive devices or aids.
- (2) Fail or refuse to hire, recruit, or promote an individual on the basis of physical or mental examinations that are not directly related to the requirements of the specific job.
- (3) Discharge or take other discriminatory action against an individual on the basis of physical or mental examinations that are not directly related to the requirements of the specific job.

- (4) Fail or refuse to hire, recruit, or promote an individual when adaptive devices or aids may be utilized thereby enabling that individual to perform the specific requirements of the job.
 - (5) Discharge or take other discriminatory action against an individual when adaptive devices or aids may be utilized thereby enabling that individual to perform the specific requirements of the job.
 - (6) Discriminate against a person with respect to hire, tenure, terms, conditions, or privileges of employment because of an arrest, detention, or disposition of a violation of a misdemeanor, felony, or local ordinance substantially corresponding to state law, when a conviction did not result, other than employment by a law enforcement agency. This prohibition shall not apply to persons who have been convicted of a crime constituting a sexual offense, which shall include criminal sexual conduct in any degree, or a child abusive commercial activity, or child cruelty or child torture, or any act of violence against a child, or attempts to commit such offenses and who are employed or seeking employment with a licensed child care center or child caring institution, or who are employed or seeking employment with a licensed foster care facility or a facility contracted with by the community mental health board, or to persons who are employed or seeking employment with any business licensed by the city if the person will be in direct contact alone with a child or children. This section shall not apply to information relative to a felony charge before a charge is dismissed in cases where the charges involve a child victim or a mentally ill victim or a developmentally disabled victim and are still pending.
 - (7) Make, keep, or use an oral inquiry, form of application, or record that elicits or attempts to elicit information concerning the religion, race, color, national origin, age, disability, sex, height, weight, marital status, sexual orientation, gender identity or expression, student status or because of the use by an individual of adaptive devices or aids except where applicable under federal and state law, or local ordinance.
- (c) An employer, labor organization, or employment agency shall not print, circulate, post, mail, or otherwise cause to be published a statement, advertisement, notice, or sign relating to employment by the employer, or relating to membership in or a classification or referral for employment by the labor organization, or relating to a classification or referral for employment by the employment agency, which indicates a preference, limitation, specification, or discrimination, based on religion, race, color, national origin, age, disability, sex, height, weight, marital status, sexual orientation, gender identity or expression, student status or use by an individual of adaptive devices or aids.
 - (d) This section shall not apply to the employment of an individual by his/her parent, spouse, or child.
 - (e) A person subject to this section may apply to the commission for an exemption on the basis that religion, national origin, age, sex, height, weight, marital status, sexual orientation, gender identity or expression, or student status is a bona fide occupational qualification reasonably necessary to the normal operation of the business or enterprise. Upon sufficient showing, the commission may grant an exemption to this section. An employer who does not obtain an exemption for such bona fide occupational qualification shall have the burden of establishing that the qualification is reasonably necessary to the normal operation of the business.
 - (f) An individual seeking employment shall not publish, or cause to be published, a notice or advertisement that specifies or indicates the individual's religion, race, color, national origin, age, sex, height, weight, marital status, disability, sexual orientation, gender identity or expression, student status, use by an individual of adaptive devices or aids, or expresses a preference, specification, limitation, or discrimination as to the religion, race, color, national origin, age, disability, height, weight, sex, marital status, sexual orientation, gender identity or expression, student status or use by an individual of adaptive devices or aids of a prospective employer.
 - (g) A contract to which the city, a political subdivision, or an agency thereof, is a party shall contain a covenant by the contractor and his/her subcontractors not to discriminate against an employee or applicant for employment with respect to hire, tenure, terms, conditions, or privileges of employment, including a benefit plan or system or a matter directly or indirectly related to employment, because of race, color, religion, national origin, age, sex, height, weight, marital status, disability, sexual orientation, gender identity or expression, student status or use by an individual of adaptive devices or aids. Breach of this covenant may be regarded as a material breach of the contract.

- (h) This section is also applicable to labor organizations, employment agencies, apprenticeships, and job training programs. In addition, a labor organization shall not discriminate in its membership practices nor fail to fairly represent its membership in a grievance process because of religion, race, color, national origin, age, disability, sex, height, weight, marital status, sexual orientation, gender identity or expression, student status or use by an individual of adaptive devices or aids.

(Ord. No. 977, ch. 111, § 9.303, 3-19-2002; Ord. No. 1275, 2-7-2012)

Sec. 22-34. - Housing.

- (a) As used in this section:

Housing accommodation includes improved or unimproved real property, or a part thereof, which is used or occupied, or is intended, arranged, or designed to be used or occupied, as the home or residence of one or more persons.

Real estate broker or salesperson means a person, whether licensed or not, who, for or with the expectation of receiving a consideration, lists, sells, purchases, exchanges, rents, or leases real property; negotiates or attempts to negotiate any of those activities; who holds himself/herself out as engaged in those activities; who negotiates or attempts to negotiate a loan secured or to be secured by a mortgage or other encumbrance upon real property; who is engaged in the business of listing real property in a publication; or a person employed by or acting on behalf of a real estate broker or salesperson.

Real estate transaction means the sale, exchange, rental, or lease of real property, or an interest therein.

Real property includes a building, structure, mobile home, real estate, land, mobile home park, trailer park, tenement, leasehold, or an interest in a real estate cooperative or condominium.

- (b) The opportunity to purchase, lease, sell, hold, use, and convey dwelling houses or dwelling units or engage in any other type of real estate transaction as protected in this section or under state and federal law is hereby recognized and declared to be a civil right. This includes, but is not limited to seeking, inspecting, advertising, offering, or listing of real property without discrimination because of religion, race, color, national origin, age, height, weight, disability, sex, marital status, sexual orientation, gender identity or expression, student status, use of adaptive devices or aids, or legal source of income, except with respect to age or income only, where necessary to meet the requirements of federal, state, or local programs.
- (c) It shall not be a violation of this section for the owner of an owner-occupied, one-family dwelling to restrict occupancy in the rental unit, or to the rental of a housing accommodation for not more than 12 months by the owner or lessor where it was occupied by him/her for at least three months immediately preceding occupancy by the tenant and is temporarily vacated while maintaining legal residence.
- (d) A person to whom application is made for financial assistance or financing in connection with a real estate transaction or in connection with the construction, rehabilitation, repair, maintenance, or improvement of real property, or a representative of that person, shall not:
 - (1) Discriminate against the applicant because of the religion, race, color, national origin, age, height, weight, disability, sex, marital status, sexual orientation, gender identity or expression, student status, legal source of income, or the use by an individual of adaptive devices or aids of the applicant or a person residing with the applicant.
 - (2) Use a form of application for financial assistance or financing or make or keep a record of inquiry in connection with an application for financial assistance or financing which indicates, directly or indirectly, a preference, limitation, specification, or discrimination as to the religion, race, color, national origin, age, height, weight, disability, sex, marital status, sexual orientation, gender identity or expression, student status, source of legal income, or the use by an individual of adaptive devices or aids of the applicant or a person residing with the applicant, except that information relative to the age, marital status, or source of income may be obtained when

necessary for the preparation of a deed or other recordable instrument or to meet the requirements of a federal, state, or local housing program.

- (3) Subsection (d)(2) of this section shall not apply to a form of application for financial assistance prescribed for the use of a lender regulated as a mortgagee under the National Housing Act, as amended, being 12 USC 1701 to 1750g (Supp. 1973) or by a regulatory board or officer acting under the statutory authority of this state or the United States.
- (e) A person shall not represent, for the purpose of inducing a real estate transaction from which the person may benefit financially, that a change has occurred or will or may occur in the composition with respect to religion, race, color, national origin, age, height, weight, disability, sex, marital status, sexual orientation, gender identity or expression, student status, use by an individual of adaptive devices or aids, or legal source of income of the owners or occupants in the block, neighborhood, or area in which the real property is located, or represent that this change will or may result in the lowering of property values, an increase in criminal or antisocial behavior, or a decline in the quality of schools in the block, neighborhood, or area in which the real property is located.
- (f) Subparagraph (b) of this section and section 22-31 of this Code do not apply, with respect to the age provisions only, to the sale, rental, or lease of housing accommodations meeting the requirements of federal, state, or local housing programs for senior citizens, or housing accommodations otherwise intended, advertised, designed, or operated, bona fide, for the purpose of providing housing accommodations for persons 55 years of age or older.

(Ord. No. 977, ch. 111, § 9.304, 3-19-2002; Ord. No. 1275, 2-7-2012; Ord. No. 1332, 5-6-2014)

Sec. 22-35. - Public accommodations or services.

(a) *Definitions.* As used in this section:

Place of public accommodation means a business, or an educational, refreshment, entertainment, recreation, health or transportation facility, or institution of any kind, whether licensed or not, whose goods, services, facilities, privileges, advantages, or accommodations are extended, offered, sold, or otherwise made available to the public.

Public service means a public facility, department, agency, board or commission, owned, operated, or managed by or on behalf of the state, a political subdivision, or an agency thereof, or a nonprofit organization, or a tax-exempt private agency established to provide service to the public.

(b) *Prohibited practices.* Except where permitted by law, a person shall not:

- (1) Deny an individual the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of a place of public accommodation or public service because of religion, race, color, national origin, age, height, weight, disability, sex, marital status, sexual orientation, gender identity or expression, student status, or because of the use by an individual of adaptive devices or aids.
- (2) Print, circulate, post, mail, or otherwise cause to be published a statement, advertisement, notice, or sign which indicates that the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of a place of public accommodation or public service will be refused, withheld from, or denied an individual because of religion, race, color, national origin, age, height, weight, sex, disability, marital status, sexual orientation, gender identity or expression, or student status, or because of an individual's use of adaptive devices or aids.

(Ord. No. 977, ch. 111, § 9.305, 3-19-2002; Ord. No. 1275, 2-7-2012; Ord. No. 1447, 1-22-2019)

Sec. 22-36. - Duty to accommodate persons with disabilities.

A person shall accommodate a person with disabilities for purposes of employment, public accommodation, public service, education, or housing unless the person demonstrates that the accommodation would impose an undue hardship.

(Ord. No. 977, ch. 111, § 9.306, 3-19-2002)

Sec. 22-37. - Exemptions.

This article shall not apply to a private club or other establishment not in fact open to the public, except to the extent that the goods, services, facilities, privileges, advantages, or accommodations of the private club or establishment are made available to the customers or patrons of another establishment that is a place of public accommodation, or if it is licensed, chartered, or certified by the state or any of its political subdivisions.

(Ord. No. 977, ch. 111, § 9.307, 3-19-2002)

Sec. 22-38. - Complaint process.

- (a) As used in this section, the human relations commission shall mean the whole commission or the designee of the commission which may be a subcommittee of the commission.
- (b) The human relations commission may receive, initiate, investigate, mediate, conciliate, adjust, dispose of, issue orders, and hold hearings on complaints alleging a violation of this article.
- (c) Any person claiming to be aggrieved by a violation of civil rights as set out in this article may file with the human relations commission a signed, notarized complaint, in writing, which shall state the name and address of the person alleged to have deprived him/her of a civil right, the nature and date of the alleged deprivation. A person filing a complaint must do so within 180 days of the incident or situation which is the cause of the complaint.
- (d) Upon the filing of such a complaint, the human relations commission may investigate such alleged deprivation of a civil right. If it is determined that no violation of civil rights has occurred, the commission shall state such finding and dismiss the complaint. If upon investigation the commission finds that a violation of this article has occurred, the commission shall attempt to mediate the matter. In the event that the commission holds any hearings in the process of its investigations, written notice to the complainant and respondent shall be made.
- (e) In the course of its investigations, the commission may, through court authorization, require answers to interrogatories, order the submission of books, papers, records, and other materials pertinent to a complaint, and require the attendance of witnesses, administer oaths, take testimony and compel compliance with its orders.
- (f) Any time after a complaint has been filed, the commission is authorized to and may assist the complainant in filing a complaint with an appropriate state or federal agency.
- (g) If the commission, after receiving a complaint, and after failing to mediate the matter, determines that the respondent has violated this article, the commission may refer the matter to the MDCR and/or the CA for appropriate action.
- (h) Action ordered under this section may include, but is not limited to, an order which requires:
 - (1) Hiring, reinstatement, or upgrading of employees with or without back pay.
 - (2) Admission or restoration of individuals to labor organization membership, admission to or participation in a guidance program, apprenticeship training program, on-the-job training program, or other occupational training or retraining program, with the utilization of objective criteria in the admission of persons to those programs.
 - (3) Admission of persons to a public accommodation.

- (4) Sale, exchange, lease, rental, assignment, or sublease of real property to a person.
 - (5) Extension to all persons of the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of the respondent.
 - (6) Reporting as to the manner of compliance.
 - (7) Requiring the posting of notices in a conspicuous place which the commission may publish or cause to be published setting forth requirements for compliance with civil rights law or other relevant information which the commission determines necessary to explain those laws.
 - (8) Payment to an injured party of profits obtained by the respondent through violation of this article.
 - (9) Payment to the complainant of damage for an injury or loss caused by a violation of this article, including reasonable attorney fees plus statutory interest from the date of occurrence.
 - (10) Payment to the complainant of all or a portion of the costs of maintaining the action before the commission, including reasonable attorney fees and expert witness fees, when the commission determines that award to be appropriate.
 - (11) In addition to any other penalty or legal remedy available to the City of East Lansing or any complainant under this article, a person who is convicted in district court of a violation of any provision of this article, or any rule or regulation adopted or issued in pursuance thereof, may be punished by a fine of not more than \$500.00 and cost of prosecution or by imprisonment for not more than 90 days, or by both such fine and imprisonment. Each act of violation and every day upon which such violation shall occur constitutes a separate offense. The penalty provided in this section, unless another penalty is expressly provided therein, shall apply to each and every addition to this article and to the amendment of any section thereof without the necessity of providing such penalty in the ordinance making any such addition or amendment.
 - (12) Any other relief the commission deems appropriate.
- (i) In addition, in the case of a respondent operating by virtue of a license issued by the city, the commission, upon finding that the respondent has violated this article and that the violation was authorized, requested, commended, performed, or permitted by the board of directors of the respondent or by an officer or agent acting within the scope of his/her employment, may refer the matter to the city clerk and/or city manager and such violations of this article shall be grounds for suspension or revocation of the respondent's license.
 - (j) The commission shall monitor contracts to insure compliance by a contractor or subcontractor.
 - (1) In the case of a respondent who violates this article in the course of performing under a contract or subcontract with the city, where the violation was authorized, requested, commended, performed, or permitted by the board of directors of the respondent or by an officer or agent acting within the scope of his/her employment, the commission shall so certify to the contracting agency. The finding is binding on the contracting agency.
 - (2) Upon receiving a certification made under this section, the city, or a contracting agency of the city, shall take appropriate action to terminate a contract or portion thereof previously entered into with the respondent, either absolutely or on condition that the respondent carry out a program of compliance with this article. The city, or any agency of the city, shall not enter into further contracts or extensions or modifications of existing contracts with the respondent until the commission is satisfied that the respondent carries out policies that conform to this article.
 - (k) This article shall not be so construed as to diminish the rights of a person to direct or immediate legal or equitable remedies in the courts of this state.
 - (l) Two or more persons shall not conspire to, or a person shall not retaliate or discriminate against a person because a person has opposed a violation of this article, or because the person has made a charge, filed a complaint, testified, assisted, or participated in an investigation, proceeding, or hearing under this article. A violation of this subsection shall be punishable as provided by section 1-12 of this Code.

- (m) This article shall not be construed as preventing the commission from securing civil rights guaranteed by law other than the civil rights set forth in this article, nor as restricting the implementation of approved plans, programs, or services to eliminate discrimination and the effects thereof when appropriate.

(Ord. No. 977, ch. 111, § 9.308, 3-19-2002)

Sec. 22-39. - Posting requirements.

- (a) *Employer posting requirements.* The city shall provide a notice as set forth in subparagraph (c) to all employers with places of business within the City of East Lansing which the employer shall post in a conspicuous area of their place of business, readily visible to employees.
- (b) *Rental unit posting requirements.* The city shall include on all rental unit licenses the notice described in subparagraph (c) of this section. All owners of rental units and/or their legal agents required to display a rental unit license pursuant to provision ES-1005.11 of section 6-175 of chapter 6 of this Code, shall display the rental license in a manner that the notice contained in subparagraph (c) of this section is visible. Owners of class V rental licenses shall display the license and notice contained in subparagraph (c) of this section in their rental offices in a place readily visible to prospective tenants.
- (c) *Notice.* The notice prepared by the city for posting pursuant to subparagraph (a) shall be capitalized, in no less than 12-point type and shall read as follows:

EAST LANSING ORDINANCES PROHIBIT DISCRIMINATION IN EMPLOYMENT, HOUSING, PUBLIC ACCOMMODATION AND PUBLIC SERVICE BECAUSE OF RELIGION, RACE, COLOR, NATIONAL ORIGIN, AGE, HEIGHT, WEIGHT, DISABILITY, SEX, MARITAL STATUS, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, STUDENT STATUS, USE OF ADAPTIVE DEVICES OR AIDS OR LEGAL SOURCE OF INCOME.

PERSONS DENIED EQUAL OPPORTUNITY BECAUSE OF THESE REASONS MAY FILE A COMPLAINT WITH THE EAST LANSING HUMAN RELATIONS COMMISSION WITHIN 180 DAYS OF THE INCIDENT OF DISCRIMINATION.

SEE ARTICLE II OF CHAPTER 22 OF THE CODE OF THE CITY OF EAST LANSING FOR DETAILS, OR CONSULT A LEGAL REPRESENTATIVE.

- (d) *Penalty.* A person who violates this section is responsible for a civil infraction and is punishable as provided in section 1-13 of this Code.

(Ord. No. 1127, 10-18-2005; Ord. No. 1275, 2-7-2012)

Sec. 22-40. - City contractor discrimination in providing benefits; prohibited.

- (a) Except as otherwise provided herein, the city, a political subdivision, or an agency thereof shall not enter into a contract with any contractor that discriminates against its employees on the basis of marital status, sexual orientation, or gender identity or expression by failing to provide employment benefits for employees with domestic partners that it otherwise provides for the spouse of a married employee.
- (b) A contract to which the city, a political subdivision, or an agency thereof, is a party shall contain a covenant that the contractor is in compliance with this provision and that a breach of this covenant may be regarded as a material breach of the contract.
- (c) This provision shall not apply to any of the following contracts:
 - (1) Contracts less than \$20,000.00 total.
 - (2) Where there are no compliant contractors capable of providing the goods or services at comparable prices.

- (3) Where another public agency is a party to the contract and a law, rule or policy of that agency would not permit compliance with this section.
- (4) Where the work or purchases are funded in whole or in part by a governmental entity and the application of this section is not feasible.
- (5) Purchases made through the State of Michigan's Extended Purchasing Program or other cooperative purchasing contractual arrangements utilized by the city.
- (6) Purchases with any sole source supplier for supplies, material, or other equipment.
- (7) Contracts entered into in response to emergency or exigent circumstances.
- (8) Contracts which provide benefits that are collectively bargained by city employees.

(Ord. No. 1340, 9-10-2014)

Secs. 22-41—22-50. - Reserved.

ARTICLE III. - DOMESTIC PARTNERSHIPS

Sec. 22-51. - Purpose.

Many persons today share a life as families in enduring and committed relationships apart from marriages. Some are lesbians, some are gay males, some are bisexual persons, and some are heterosexual persons. The City of East Lansing has an interest in strengthening and supporting all caring, committed and responsible family forms. The city has also long recognized the importance of cultural diversity and equal treatment and, toward that end, has adopted a human rights ordinance which protects its citizens from discrimination based on, among other things, marital status and sexual orientation.

This domestic partnership ordinance furthers the City of East Lansing's interest in families and in cultural diversity and equal treatment by establishing a mechanism for the public expression, sanction and documentation of the commitment reflected by the domestic partnership, whose members cannot legally marry or choose not to marry. It provides appropriate public recognition of these relationships.

(Ord. No. 1305, 10-15-2013)

Sec. 22-52. - Definition of domestic partnership.

For purposes of this chapter, "domestic partners" are two persons:

- (1) Who declare that they are in a relationship of mutual support, caring and commitment; and
- (2) Who share the common necessities of life; and
- (3) Who are not related by blood in a manner that would bar marriage in the State of Michigan; and
- (4) Neither of whom are married or in any other domestic partnership; and
- (5) Who are at least 18 years of age and otherwise competent to enter into a contract.

(Ord. No. 1305, 10-15-2013)

Sec. 22-53. - Declaration of domestic partnership.

Domestic partners may declare a domestic partnership by signing, having two witnesses sign and having a notary public notarize the uniform declaration of domestic partnership form provided by the city clerk and either:

- (1) Presenting the completed form to the city clerk who will file it and give the partners a certificate of domestic partnership showing that the declaration was filed; or
- (2) Having both partners retain a copy of the completed uniform declaration of domestic partnership form.

(Ord. No. 1305, 10-15-2013)

Sec. 22-54. - Ending domestic partnerships.

A domestic partnership ends when:

- (1) One or both partners file the notice under section 22-55; or
- (2) One of the partners dies; or
- (3) One of the partners legally marries.

(Ord. No. 1305, 10-15-2013)

Sec. 22-55. - Notice of end of domestic partnership.

Notice of the end of a domestic partnership shall be accomplished as follows:

- (1) *To a domestic partner.* A domestic partnership is terminated pursuant to section 22-54 when at least one of the partners signs (with notarization) a notice saying that the partnership has ended. If the declaration of domestic partnership was filed with the city clerk, the notice must be filed with the clerk to be valid. If one partner does not sign the notice, the clerk shall mail a copy of the notice to the last known address of that domestic partner. If the declaration of domestic partnership was not filed with the city clerk, then the notice of the end of the partnership must either be signed by both partners or be signed by one partner, notarized and mailed to the last known address of the other domestic partner.
- (2) *To third parties.* When a domestic partnership ends, a former partner may cancel a declaration given to a third party by giving the third party a signed notice stating that the partnership has ended.

(Ord. No. 1305, 10-15-2013)

Sec. 22-56. - Form of declarations.

The city clerk shall provide a uniform declaration of domestic partnership form, which shall be accompanied by a copy of this ordinance and information about available counseling for AIDS and sexually transmitted diseases in the same manner as required for marriage licenses.

(Ord. No. 1305, 10-15-2013)

Sec. 22-57. - Fees.

The city clerk shall charge a fee for the filing of a domestic partnership declaration in accordance with the amount set forth in the city's budget resolution, which fee shall be designed to pay the actual costs to the city clerk's office for processing domestic partnership declarations and termination notices, but in no case shall the fee for a domestic partnership declaration exceed the fee charged for a marriage license in the county. The payment of the established fee shall entitle the person filing a declaration on behalf of the domestic partnership to receive from the clerk two copies of a certificate of domestic

partnership. Additional certified copies of the certificate shall be available at the same time or at any other time for a fee set forth in the city's budget resolution to the person filing or named in the domestic partnership. No additional fee shall be charged for filing a termination of domestic partnership statement.

(Ord. No. 1305, 10-15-2013)

Sec. 22-58. - City clerk records.

The city clerk shall maintain records of domestic partnership statements showing which domestic partnerships have been created, terminated or amended.

(Ord. No. 1305, 10-15-2013)

Sec. 22-59. - Civil actions.

Any person, business or organization defrauded by a false statement contained in a declaration of domestic partnership or termination statement may bring a civil action for fraud to recover their actual charges.

(Ord. No. 1305, 10-15-2013)

HUMAN RELATIONS COMMISSION

Quality Services for a Quality Community



MINUTES

February 12, 2020 –7:00 P.M.
Court/City Council Conference Room
East Lansing, MI 48823

MEMBERS

Patrick Cannon
Chuck Grigsby
Karen Hoene, Vice Chair
Carla McWherter
Liz Miller
Talyce Murray, Chair
Sean Perry
Thasin Sardar
Quentin Tyler

City Council Liaison
Aaron Stephens

Staff Liaison
Shelli Neumann
(517) 319-6893

City of East Lansing
DEPARTMENT OF HUMAN
RESOURCES
410 Abbot Road
East Lansing, MI 48823

(517) 337-1731
www.cityofeastlansing.com

1) Opening

A) Roll Call

Present at the meeting were Commissioners Cannon, Grigsby, Hoene, McWherter (arrived at 7:35 PM), Miller, Murray, Sardar and Tyler. Absent at the meeting were Commissioner Perry. Also present were Council Liaison Aaron Stephens and Shelli Neumann, Staff Liaison.

B) Review of Agenda

The Commission approved the agenda for February 12, 2020. Motion by Hoene; second by Cannon. All yeas; motion carried.

C) Approval of Minutes

The Commission approved the minutes for January 15, 2020. Motion by Miller; second by Sardar. All yeas; motion carried.

2) Public Comment

Elaine Hardy, City of East Lansing Coordinator and Chair of Greater Lansing Area MLK Commission, thanked the HRC for their support of the recently held events, including Joanne Bland's lecture on February 11.

Chris Root, 729 Sunset, spoke about the ELPD demographic tracking.

Alice Dreger, 621 Sunset Lane, noted that the ELPD Complaint Summary was not made available to the public prior to this evening's meeting, as part of the agenda packet.

Kath Edsall, 1026 Daisy Lane, noted that she would like to see public comment for the meeting after the ELPD complaint summary presentation.

Motion by Hoene; second by Sardar to add an additional Public Comment to this evening's agenda after the ELPD Complaint Summary. All yeas; motion carried.

3) Written Correspondence

None

4) East Lansing Police Department Complaint Summary 2019---Chief Larry Sparkes & Deputy Chief Steve Gonzalez

Three documents were handed out to Commissioners and members of the public:

- 1) 2019 Internal Complaint Audit Memo, dated 1/29/2020
- 2) 2019 Body Worn Camera Review Information Sheet
- 3) East Lansing Police Department 21st Century Policing Implementation Tracking

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Chief Sparkes and Deputy Chief Gonzalez walked the Commissioners through each of the six (6) ELPD internal complaint summaries filed and investigated in 2019. Commissioners and Mayor Pro Tem Stephens asked specific questions regarding each complaint.

During the course of the conversation, the following items were discussed:

- The legality and reason to request ID from an automobile passenger
- ELPD training on diversity, inclusion and anti-bias—Could it be offered more regularly than once a year topic? Can a metric be developed to correlate the number of police complaints received with training?
- The HRC would like to see the demographics of ELPD (including and excluding females).
- Goal: develop ways to illicit more feedback regarding ELPD interactions---both positive and negative
- Further efforts to publicize on-line feedback feature located on City website
- ELPD efforts and goal to use technology to make communication more effective
- HRC would prefer complaint updates more frequently than once a year
- Lansing Police Department has added a Social Worker to their department. Can a relationship with this individual be utilized by ELPD?
- How can the department get more accurate/complete information on the race/ethnicity of those that have interactions with the police?

Sparkes and Gonzalez explained the Body Worn Camera (BWC) Information Sheet, as well as the ELPD 21st Century Policing Implementation Tracking sheet.

5) Public Comment

Kath Edsall, 1026 Daisy Lane, noted that she appreciates ELPD efforts. She stressed that there is an underlining problem that needs to be addressed—policing practices and policies in the country are based in white supremacy. Edsall shared personal experiences that she has experienced with police. Edsall stressed the need for continuous police officer training

Chief Sparkes noted, in follow up to Edsall’s comments, that ELPD is planning to go through an accreditation process that will commence on 7/1/2020. This is a two-year process.

Alice Dreger, 621 Sunset, spoke about bias perception and that self-identifying does not actually get to the issue of bias.

6) Council Liaison Comments

Mayor Pro Tem Stephens reported the following items to the commission:

- Public Safety Oversight will be on a City Council agenda in March. Mayor Beier and Mayor Pro Tem Stephens are drafting an ordinance.
- The HRC ordinance has been updated to change the definition of “free speech.”
- Commissioners are encouraged to look at the HRC Ordinance and propose suggested changes/updates at the March meeting.
- The Plea-Bargaining Policy will return to City Council

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Quality Services for a Quality Community

7) Staff Liaison Report

Neumann reminded Commissioners that the second Slavery to Freedom Lecture, April Ryan has been moved to Tuesday, February 18, 5:00 PM., Wharton Center—Pasant Theater. Commissioner Murray will attend the special event related to Ryan's visit at 3:45 PM on 2/18.

Thanks to Commissioners Grigsby, Hoene and Sardar for their support of the Joanne Bland visit on February 11.

6) Commissioner Concerns/Items

Commissioner Murray noted that she is in the process of setting up a meeting with East Lansing Fire Chief Talifarro. Reminder that April is Sexual Assault Awareness Month. How can the HRC offer support in recognition of Sexual Assault Awareness in the East Lansing community?

Commissioner Miller noted that there is a movement to expand the Elliott-Larsen Civil Right Act to include LGBTQ protections. There are trainings being offered to individuals who are interested in collecting signatures for this initiative.

7) New Business

A) Wharton Center Gift Shop Incident

Commissioner Murray gave an update on MSU student groups' (Black Student Alliance and Multi-cultural Center) reactions and ongoing actions to the recent racist display at the Wharton Center Gift Shop. There is increased pressure to hold MSU accountable for these types of incidents that are occurring.

Due to the length of this meeting and the late hour, Commissioners agreed that a Special Meeting of the HRC would be called soon to discuss an appropriate HRC response to the recent racist event at MSU.

8. Old Business

A) HRC Subcommittee Updates

No updates

B) *Coffee & Conversation*—HRC Monthly Event

- February 26, 4 – 6 PM, Foster Coffee, Census Edition---Commissioner Sardar in coordination with Amy Schlusler-Schmitt
- March 18, Gender Edition, 5:00 – 7:00 PM, Foster Coffee, Commissioner Miller
- April 19, Student Edition, 1:30 – 3:30 PM, Foster Coffee, , Commissioner Murray

Commissioner Murray noted that perhaps the April Edition could be changed to be an ELPD Edition.

9) Adjournment

The meeting was adjourned at 10:02 PM. Motion by Miller; second by Grigsby. All yeas; motion carried.

sln

HUMAN RELATIONS COMMISSION

Quality Services for a Quality Community



MINUTES

February 18, 2020 –6:30 P.M.---Special Meeting

Conference Room A

East Lansing, MI 48823

MEMBERS

Patrick Cannon
Chuck Grigsby
Karen Hoene, Vice Chair
Carla McWherter
Liz Miller
Talyce Murray, Chair
Sean Perry
Thasin Sardar
Quentin Tyler

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1) Opening

A) Roll Call

Present at the meeting were Commissioners Cannon, Grigsby, Hoene (arrived at 8:30 PM), McWherter, Murray and Sardar. Absent at the meeting were Commissioners Miller, Perry and Tyler. Also present were Council Liaison Aaron Stephens (left at 6:50 PM) and Shelli Neumann, Staff Liaison.

2) Public Comment

None

3) Written Correspondence

None

4) New Business

A) Racial & Ethnic Events in the Greater East Lansing Community

1. Relationship between the community and public safety bodies
2. Incidents targeting protected classes; and, HRC response?
3. How can the HRC support the community?
4. Community leaders/stake holders list

Commissioners discussed the following topics related to the agenda item:

1. They have concerns that the February 9, 2020 complaint of ELPD use of force against an African-American male was not brought up in Chief Sparkes' presentation to the HRC on 2/12/2020.
2. How does the HRC establish contacts at MSU to build relationships? At this time, MSU has not announced a resolution to the various incidents that happened on campus. Could Commissioner Tyler help create an HRC voice at MSU?
3. The HRC should establish contacts with intentional leaders throughout the East Lansing community. How can these contacts be established? Which existing groups representing protected classes should the HRC be contacting? It's important to touch base with stakeholders within the community to touch base with after incidents of discrimination/bias occur.
4. Commissioners discussed developing a potential HRC response plan to discriminatory incidents. Possible responses of the HRC include:
 - Finding an ordinance violation
 - The request of a specific action
 - The request for City Council action
 - Issue a public letter/press release
 - Create a public forum

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5. Motion by Cannon; second by Grigsby to allow public to comment throughout the meeting rather than follow Robert's Rules. All yeas; motion carried.
6. Farhan Sheikh-Omar, 3120 Turner St., Apt. C, Lansing, noted that he was frustrated that there was not an established process in place to handle these types of concerns. Sheikh-Omar stated that the public cannot trust an investigation into the police, handled by the police department.
7. Commissioner Murray noted that the investigation is going to be transparent, per the Mayor and Mayor Pro Tem. The HRC may ask questions and make recommendations. The HRC can also ask the public what they need.
8. Sheikh-Omar spoke about the need for this investigation to be transparent. He described his own negative, personal experiences with ELPD and stated that there is a history of racial issues and harassing minority groups.
9. Jordan X. Evans, Community Engagement Specialist with One Love Global, 1145 Linwood, Lansing, stated that he has been working on similar issues around law enforcement in the Greater Lansing area. Evans spoke for the need for both transparency and accountability by law enforcement agencies. Evans noted that the HRC should determine how they can have a voice in matters such as these. Since the HRC is an advisory board to City Council, options include making recommendations to City Council, specifically related to the City's budget and recommending implicit bias training for City leadership.
10. Erick Williams, 1209 Old Hickory, noted that there is power in a collective voice. He encouraged commissioners to use social media to communicate their feelings with the public. Williams also spoke about identifying lawyers who specialize in protected classes and discrimination as an important resource for the community.
11. Commissioner Grigsby noted that he believes that it may take baby steps for the HRC to have an impact. He suggested educating the public, so that they understand their rights and provide them with resource tools.
11. Dana Watson, 563 N. Hagadorn, supported Williams' comments and encouraged commissioners to post messages on social media to advise the public of the HRC's thoughts and position.
12. There was discussion regarding police stop demographics. It was noted that ELPD has started collecting this data effective February 1.
13. Commissioner Murray asked how the HRC could encourage the reporting of complaints to the HRC. Outreach attempts, such as *Coffee & Conversation*, have been in place; however, they tend to attract a very specific and limited demographic of attendee (over age 50). Spending money in this area may be necessary and helpful.
14. Kath Edsall, 1026 Daisy Lane, noted that all the ideas mentioned are band-aids that do not address the underlying problem that law enforcement policies protect the police and have evolved out of slave control. Many community problems do not need police response, but they require other resources, such as social workers.
15. Ralph Monsma, 1350 Red Leaf Lane, spoke to the current fine for Driving While License Suspended that City Council is currently considering reducing under a revised plea-bargaining policy.
16. Commissioners noted their general distrust with ELPD in consideration of this complaint and the way it has been handled by the department. Of specific concern to the commission was the lack of immediate information provided to the HRC/public, the delay in the release of the videotape footage, lack of information regarding the specific complaint at the 2/12/2020 HRC meeting.
17. Commissioner discussed various action options that the HRC could take in response to the incident. Motion by McWherter; second by Hoene that the HRC make a recommendation to City Council to require ELPD to immediately publicly release all relevant video footage (as established by Lansing Police Department's recent video release within 36-hours) related to the February 9 incident. All yeas; motion carried.
18. Motion by Hoene; second by McWherter for the HRC to write/send a letter to the MSU community and the greater East Lansing community who were impacted by the Wharton Center Gift Shop display. Commissioner Hoene will draft and circulate this letter.

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19. Motion by Hoene; second by McWherter for the HRC to write/send a letter of support and public statement indicating support and concern regarding Mr. Gasito's interaction with ELPD on February 9, 2020. Commissioner Murray will draft and circulate this letter.
20. Commissioners discussed the February 17 on-line question and answer session with MSU President Stanley, in which numerous anonymous racist comment/questions were received.

5) Public Comment

Public commented through the discussion of the agenda topic listed above, as noted.

6) Adjournment

The meeting was adjourned at 9:41 PM. Motion by Hoene; second by Sardar. All yeas; motion carried.

sln

HRC ATTENDANCE: 2020

Name	Term Expires	Jan 15	Feb 12	Feb. 18 (SM)	March 4	Apr 1	May 6
Cannon, Pat	2020	Ab	P	P			
McWherter, Carla	2022	P	P	P			
Miller, Liz	2022	P	P	Ab			
Murray, Talyce	2022	P	P	P			
Hoene, Karen	2021	P	P	P			
Perry, Sean	2021	Ab	Ab	Ab			
Grigsby, Chuck	2020	Ab	P	P			
Sardar, Thasin	2020	P	P	P			
Tyler, Quentin	2022	P	P	P			

P= Present

Ab=Absent

NA=Not Applicable

First Meeting

