

THE CITY OF



OWATONNA

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MEMORANDUM

DATE: August 11, 2017
TO: City Administrator, Mayor and City Council Members
FROM: Mark M. Walbran
RE: Amendment to Human Rights Commission Ordinance

Purpose:

The Human Rights Commission requested amendment to Section 32.020 of our ordinance: Creation; Purpose; Membership.

Background:

The Human Rights Commission asked for clarification regarding definition of membership in the City's ordinance. The proposed ordinance includes this language which is also consistent with the Minnesota Human Rights Act.

Budget Impact:

None

Recommendation:

Staff recommends approval of the first reading of this proposed ordinance.

8/14/17: Council approved first reading of Proposed Ordinance 17-17; second (final) reading will be held during their next meeting on September 5, 2017.

Proposed Ordinance No. 17-17

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 32.020, ENTITLED
"CREATIONS; PURPOSE, MEMBERSHIP" OF THE
2015 ORDINANCE CODE OF THE CITY OF OWATONNA

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OWATONNA, MINNESOTA DO
ORDAIN:

Section 1. Chapter 32.020 entitled "Creations; Purpose; Membership" of the 2015 Ordinance Code of the City of Owatonna establishing the Owatonna Human Rights Commission is hereby amended to include the amended statement as follows:

There is hereby established a Human Rights Commission. The purpose of the Commission is to promote the acceptance of cultural diversity in the city; to promote the elimination of hate, prejudice and discrimination against persons or groups based on race, color, gender, creed, religion, national origin, sex, marital status, familial status, disability, status with regard to public assistance, sexual orientation, and age all as defined in Minnesota Statute §363A.03 (herein "Protected Classes") ~~gender, religion or other status of the person or group;~~ to educate the community on issues of discrimination and cultural diversity; to advise the City Council and administration on human rights issues; and to promote the goals and objectives of the State Human Rights Act, being Minn. Stat. §§ 363A.01 et seq. The Commission shall consist of seven members who shall be appointed by the Mayor with the approval of the City Council. Appointments to the Commission should reflect a broad cross section of the ethnic, cultural, and other diversity of the community ~~as defined in Minn. Stat. Ch. 363, as it may be amended from time to time.~~ Appointments. In making appointments, consideration should be given to persons of Protected Classes, including persons of either sex, sexual orientation, various economic levels, racial and ethnic minorities, various age groups including senior citizens and students, and both property owners and tenants. Of the first seven appointments, three shall be for three years, two shall be for two years and two shall be for one year. Thereafter, all appointments shall be for a term of three years. All members who have served for two full consecutive terms shall not be eligible for reappointment. Members shall serve without compensation.

Section 2. Effective date. This ordinance shall be in full force and effect from and after its passage and publication.

Passed and adopted this _____ day of _____, 2017 with the following vote:

Aye _____; No _____; Absent _____.

Approved and signed this _____ day of _____, 2017.

ATTEST:

Thomas A. Kuntz, Mayor

Kris M. Busse, City Administrator/City Clerk

UNDERLINING INDICATES NEW LANGUAGE. STRIKEOUTS INDICATE DELETIONS.

Obstructing the work of the Department of Human Rights is illegal as well. For example, it is illegal for a person to suggest to others that they lie or withhold information relevant to a discrimination investigation, or that they refrain from testifying in a discrimination investigation.

Definitions

Protected Classes

There are 13 protected classes covered in the Minnesota Human Rights Act. These classes represent specific characteristics, like race, religion, sex or disability.

Race: such as Caucasian, African American, Asian or American Indian. Some people see themselves as belonging to more than one race.

Color: skin color.

Creed: a belief system. A creed is very important to the person who believes it. A creed is like a religion, but it does not have to involve a God or Gods.

Religion: a set of beliefs, values, and practices based on the teachings of a spiritual leader. Religion involves a God or Gods.

National Origin: what part of the world you come from, or where your ancestors lived.

Sex (gender): whether a person is male or female.

Marital Status: whether you are single, married or divorced.

Disability: a person has a disability if:

- He or she has a physical, sensory—blindness or deafness, for example—or mental impairment; and
- This impairment “materially interferes” with—it largely gets in the way of—a major life activity; or
- He or she has a record of this kind of impairment; or
- He or she is recognized as having this kind of impairment.

Not every injury or illness amounts to “disability” under the Minnesota Human Rights Act.

Public Assistance: these are government programs that help people with low incomes or special needs. Some examples of public assistance are:

- Medicaid or Medical Assistance
- Food Support (food stamps)
- Minnesota Family Investment Program (MFIP)
- Supplemental Security Income (SSI)
- Federal Housing Assistance or Section 8 Assistance





- Low Income Home Energy Assistance (LIHEAP)
- National School Lunch Program's free lunch program

Age: how old you are. This class is protected only in two areas, employment and education. If a minor—child under 18 years old—wants to file a discrimination charge, they must have a parent or legal guardian do it for them.

Sexual Orientation: whether someone is—or is thought to be—gay, lesbian, straight, bisexual or transgender.

Familial Status: someone who has children under 18 years old living with them. Generally, a landlord cannot refuse to rent to parents with children. This class is only protected in housing.

Local Human Rights Commission Activity: you cannot be discriminated against because you serve with a local human rights commission. This class is only protected in employment.

Protected Areas

Under the Minnesota Human Rights Act, discrimination is illegal in business, credit, education, employment, housing, public accommodations and public services. These are called “protected areas.”

Employment: where you work, or a job you are applying for.

Housing: renting an apartment, or buying a house. Housing is also called “real property.”

Public Accommodations: any place generally open to the public, like:

- Grocery stores
- Restaurants
- Movie theaters
- Day care

Public Service: a place or a service run by the government. Some examples are:

- State parks
- City buses
- Libraries
- Police and fire departments
- City, county, and state departments of health

Education: any public or private school, or college, university or trade school.

Credit: an organization that gives loans, like a bank or a credit union.

Business: if you own a business, other businesses cannot discriminate against you.