

1 ORDINANCE NO. 2009-475

LATE FILING

2
3 SPONSOR Mr. Pry, Mr. Kostandaras, Mr. Crawford, Mr. Crossland, Mr. Comunale, Mr.
4 Feeman, Mr. Poda, Ms. Prentice, Ms. Shapiro, Mr. Schmidt and Mr. Smith

5
6 DATE November 30, 2009

COMMITTEE _____ PERSONNEL _____

7
8 **An Ordinance amending the Codified Ordinances of the County of Summit to provide**
9 **equal opportunity and prohibit discrimination on the basis of sexual orientation and**
10 **gender identity in the hiring and employment practices of the County and its vendors, for**
11 **the Executive, and declaring an emergency.**

12
13 WHEREAS, the Codified Ordinances of the County of Summit identify certain classes of
14 people that should be given equal opportunity and protected from discrimination in the hiring
15 and employment practices of the County and its vendors; and

16
17 WHEREAS, currently, the Codified Ordinances of the County of Summit prohibit
18 discrimination in the County's hiring practices on the basis of sexual orientation, but do not
19 provide equal opportunity or prohibit discrimination on that basis during County employment or
20 in the hiring and employment practices of the County's vendors, and contain no prohibitions for
21 discrimination on the basis of gender identity; and

22
23 WHEREAS, several communities throughout the State of Ohio have identified that
24 discrimination on the basis of sexual orientation and/or gender identity is wrong, and have
25 amended their laws to provide equal opportunity and prohibit such discrimination; and

26
27 WHEREAS, Franklin, Lucas, Montgomery and Hamilton Counties have all adopted
28 measures providing equal opportunity and prohibiting discrimination on the basis of sexual
29 orientation or gender identity in their hiring and employment practices; and

30
31 WHEREAS, by Executive Order 2007-10S, Governor Ted Strickland prohibited such
32 discriminatory practices by the State of Ohio; and

33
34 WHEREAS, these governmental entities have identified that they must compete for
35 talented and top quality professionals, and that discrimination in hiring and employment
36 undermines their ability to attract and retain the best possible employees, that it undermines the
37 effectiveness of employees discriminated against, that it offends basic notions of human decency
38 and that it is detrimental to individuals and the community; and

39
40 WHEREAS, concurrently with this Ordinance, the City of Akron is taking the same steps
41 to amend its Codified Ordinances to extend equal opportunity and protection from discrimination
42 to these classes; and

43
44 WHEREAS, this Council finds and determines that it is necessary and in the best interest
45 of the County of Summit to amend the Codified Ordinances of the County of Summit to provide
46 equal opportunity and prohibit discrimination on the basis of sexual orientation and gender
47 identity in the hiring and employment practices of the County and its vendors.

48
49 NOW, THEREFORE, BE IT ORDAINED, by the Council of the County of Summit,
50 State of Ohio, that:

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4 SECTION 1

5
6 Section 101.02 of the Codified Ordinances of the County of Summit, entitled "General
7 Definitions," is hereby amended as follows:

8
9 **101.02 GENERAL DEFINITIONS.**

10 As used in the Codified Ordinances, unless another definition is provided or the
11 context otherwise requires:

- 12
13 (a) "And" may be read "or", and "or" may be read "and", if the sense requires it.
14 (ORC 1.02(F))
- 15
16 (b) "Another" when used to designate the owner of property which is the subject
17 of an offense, includes not only natural persons but also every other owner of
18 property. (ORC 1.02(B))
- 19
20 (c) "Bond" includes an undertaking and "undertaking" includes a bond. (ORC
21 1.02(D), (E))
- 22
23 (d) "Council" means the County Council of the County of Summit, Ohio.
- 24
25 (e) "County" means the County of Summit, Ohio.
- 26
27 (f) "Gender Identity" means the gender a person associates with him or herself.
- 28
29 ~~(f)(g)~~ "Keeper" or "proprietor" includes all persons, whether acting by themselves
30 or as a servant, agent or employee.
- 31
32 ~~(g)(h)~~ "Land" or "real estate" includes rights and easements of an incorporeal
33 nature. (ORC 701.01(F))
- 34
35 ~~(h) Reserved for future legislation.~~
- 36
37 (i) "Oath" includes affirmation and "swear" includes affirm. (ORC 1.59(B))
- 38
39 (j) "Owner", when applied to property, includes any part owner, joint owner or
40 tenant in common of the whole or part of such property.
- 41
42 (k) "Person" includes an individual, corporation, business trust, estate, trust,
43 partnership and association. (ORC 1.59(C))
- 44
45 (l) "Premises", as applied to property, includes land and buildings.
- 46
47 (m) "Property" means real and personal property. (ORC 1.59(E))
48 "Personal property" includes all property except real.
49 "Real property" includes lands, tenements and hereditaments.

3
4 (n) "Public authority" includes boards of education; Summit County, the State or
5 Federal government, its officers or an agency thereof; or any duly authorized
6 public official.

7
8 (o) "Public place" includes any street, sidewalk, park, cemetery, school yard,
9 body of water or watercourse, public conveyance, or any other place for the
10 sale of merchandise, public accommodation or amusement.

11
12 (p) "Registered mail" includes certified mail and "certified mail" includes
13 registered mail. (ORC 1.02(G))

14
15 (q) "Rule" includes regulation. (ORC 1.59(F))

16
17 (r) "Sexual Orientation" means a person's actual or perceived heterosexuality,
18 homosexuality, or bisexuality, by orientation or practice.

19
20 ~~(r)~~(s) "Sidewalk" means that portion of the street between the curb line and the
21 adjacent property line intended for the use of pedestrians.

22
23 ~~(s)~~(t) "This State" or "the State" means the State of Ohio. (ORC 1.59(G))

24
25 ~~(t)~~(u) "Street" includes alleys, avenues, boulevards, lanes, roads, highways,
26 viaducts and all other public thoroughfares within Summit County.

27
28 ~~(u)~~(v) "Tenant" or "occupant", as applied to premises, includes any person
29 holding a written or oral lease, or who actually occupies the whole or any part of
30 such premises, alone or with others.

31
32 ~~(v)~~(w) "Whoever" includes all persons, natural and artificial; partners; principals,
33 agents and employees; and all officials, public or private. (ORC 1.02(A))

34
35 ~~(w)~~(x) "Written" or "in writing" includes any representation of words, letters,
36 symbols or figures. This provision does not affect any law relating to signatures.
37 (ORC 1.59(J))

38
39 SECTION 2

40
41 The Codified Ordinances of the County of Summit shall hereby be amended to include
42 "Sexual Orientation" and "Gender Identity" as classes of people afforded equal opportunity and
43 protected from discrimination in all Sections of the Codified Ordinances wherein other protected
44 classes are enumerated, including, but not limited to, Sections 111.04, 115.03, 169.04, 169.21
45 and 169.26 of the Codified Ordinances.

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SECTION 3

This Ordinance is hereby declared an emergency in the interest of the health, safety and welfare of the citizens of the County of Summit and for the further reason that it is necessary to immediately prevent any discrimination against the individuals who are members of the newly protected classes.

SECTION 4

Provided this Ordinance receives the affirmative vote of eight members of this Council, it shall take effect immediately upon its adoption and approval by the County Executive; otherwise, it shall take effect and be in force at the earliest time provided by law.

SECTION 5

It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

INTRODUCED November 16, 2009

ADOPTED November 30, 2009

Shirley F. Green
CLERK OF THE COUNCIL

Nick Kostandaras
PRESIDENT OF COUNCIL

APPROVED November 30, 2009

Russell M. Fry
EXECUTIVE

November 30, 2009
ENACTED EFFECTIVE

Voice Vote: 10-1 YES: Comunale, Crawford, Crossland, Feeman, Kostandaras, Poda, Prentice, Schmidt, Shapiro, Smith NO: Rodgers