



AGENDA OF THE PROTECTION AND POLICY COMMITTEE

THURSDAY, SEPTEMBER 3, 2020, 5:30 PM
Virtual Meeting. Public may join via Zoom.

A. Zoom Meeting Information.

- I. This item contains documents which provide call in information and instructions for the Zoom Meeting.

B. Roll Call.

C. Approval of the Agenda.

D. Approval of Minutes.

- I. Approval of the minutes from the August 10, 2020 Protection & Policy Committee meeting.

E. Regular Business.

- I. Consideration with possible action on a communication from Alder Dorff to research and create a fair housing ordinance for the City of Green Bay, previously discussed at the July 8, 2019, July 13, 2020, & August 10, 2020 Protection & Policy meetings.
2. Consideration with possible action on an appeal by Branden Neidl regarding the denial of his operator's license.
3. Consideration with possible action on an application for an available "Class B" Combination license for Sliced on Main, LLC at 1238 Main St. with licensed premises description as "1800 sq ft building, kitchen, 2 bathrooms, walk-in cooler, large bar room, small patio." (Previously licensed as Main St. Dreams during the 2019-2020 license year).
4. Consideration with possible action on a request by Alderman Wery to approve a resolution in support of the Green Bay Police Department.

F. Informational.

- I. The Liquor Violation Report for September 3, 2020.

G. Adjournment.

- 1) THIS MEETING IS RECORDED: THE VIDEO OF THIS MEETING AND MINUTES ARE AVAILABLE ONLINE AT www.greenbaywi.gov
- 2) ACCESSIBILITY: Any person wishing to attend who requires special accommodation because of a disability, should contact the City Safety Manager at 920-448-3125 at least 48 hours before the scheduled meeting time so that arrangements can be made.
- 3) QUORUM: Please take notice that a majority or quorum of the Common Council will attend this Protection and Policy committee meeting and will constitute a meeting of the Common Council for purposes of discussion and information gathering relative to this agenda.
- 4) REPRESENTATION: The party requesting the communication, or their representative, should be present at this meeting.
- 5) FOR ALL LICENSING ISSUES, the Committee may convene in closed session pursuant to §19.85 (1)(b) and/or §19.85 (1)(f) Wis. Stats., for the purpose of considering information with respect to licensing for a person, including financial, social, or personal information. The Committee will thereafter reconvene in open session pursuant to Section 19.85(2), Wis. Stats., to take action on items discussed in closed session, if appropriate, and to consider the remainder of the agenda.

Virtual Meeting Instructions



Protection & Policy Committee 09-03-20

Zoom Meeting Information

Join Zoom Meeting

<https://us02web.zoom.us/j/85644399494>

Meeting ID: 856 4439 9494

Passcode: 845325

One tap mobile

+13126266799,,85644399494#,,,,,0#,,845325# US (Chicago)

+19292056099,,85644399494#,,,,,0#,,845325# US (New York)

Dial by your location

+1 312 626 6799 US (Chicago)

+1 929 205 6099 US (New York)

+1 301 715 8592 US (Germantown)

+1 346 248 7799 US (Houston)

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

Meeting ID: 856 4439 9494

Passcode: 845325

Find your local number: <https://us02web.zoom.us/j/85644399494>

Additional Information

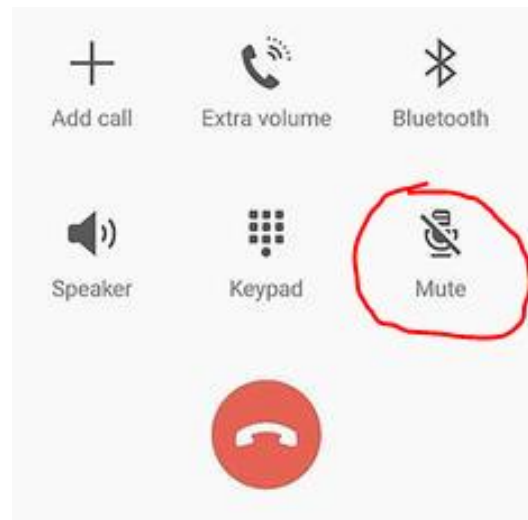
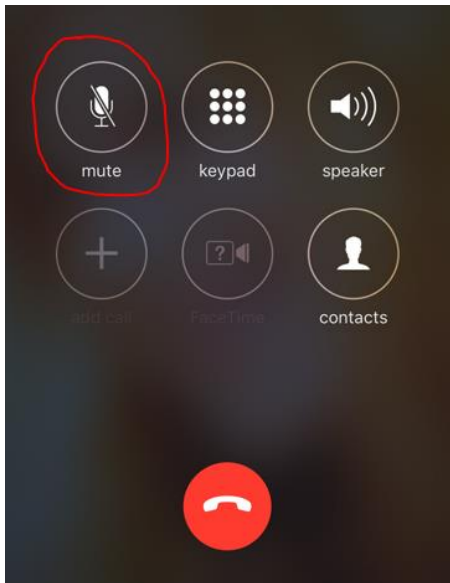
1. Wisconsin Open Meetings Law still applies
 - a. Persons interested in speaking to an item must give their name and address
 - b. Committee/Commission/Board members will still follow *Roberts Rules of Order*
2. All zoom meetings will have a password in the instructions. Please enter when prompted.
3. Please log into the Zoom meeting 10 minutes before the meeting starts to ensure proper technology is working.
 - a. If you are a Board Member, please log into [CivicClerk](#) with a computer, laptop, or tablet device.
4. Once you are in the meeting please mute yourselves.
 - a. You may unmute yourself when you are called upon to speak.
5. Waiting room
 - a. When you call in, all callers/participants will be placed in a “waiting room.”
 - b. Persons on the agenda will be admitted to the meeting, and then once the item is concluded, the host will permanently mute you from the meeting (you can still hear the meeting).
6. Using Zoom with a tablet or computer
 - a. Tablet—you will be asked to sign in. Download the app either with the Apple Store or the Play Store
 - b. Computer—you will be asked to sign in. You may download the app or click on the link to open Zoom in your browser.
7. Registering
 - a. The host may ask you to register for the meeting. A registration link will be sent to you along with the invite. You’ll receive another email confirming that you’re registered for the meeting.
 - b. If you’re using a phone, your registration will still be tied to an email.
8. Raising your hand
 - a. Committee members—you can either use CivicClerk and request to speak or you can “raise your hand” in the zoom meeting (you’d need to use a computer or tablet) to let the host know you’d like to speak. You can also un-mute yourselves and start speaking.
 - b. Persons on the agenda—you can “raise your hand” but you’d need to use a computer. You will be allowed to speak, per Wisconsin Open Meetings Rules, once the committee has “opened the floor for interested parties to speak.” Once the committee is finished with your agenda item, the host will mute you permanently, unless the committee opens the floor again.
9. What devices should I use?
 - a. Smart phone (please see more detailed instructions on page 3)
 - b. Land line
 - c. Tablet—well in advance of the meeting, please download the Zoom Meeting app before you join a meeting by using either the Apple Store or the Play Store. You will be asked to input your name, thus identifying you for the meeting. You’ll also be asked to verify your email.
 - d. Computer—well in advance of the meeting, please download the Zoom Meeting app, but you can also click on a link to open the Zoom Meeting in your browser. You will be asked to input your name, thus identifying you for the meeting.
 - e. For tablet and computer users—if you download the app you will be asked to verify your email.
10. Zoom etiquette
 - a. Muting yourselves when you’re not talking will prevent your background noise from interfering with others’ ability to listen to and participate in the meeting.
 - b. If you’re using a telephone, please identify yourself with your phone number and name before you speak. Zoom meeting hosts can see only your telephone number and will ask you to identify yourselves.
11. Closed session
 - a. Persons in the Zoom meeting will be put into a waiting room while the committee meets in Closed Session. Participants will be admitted back into the Zoom meeting once the committee reconvenes in Open Session.
 - b. Persons watching live on YouTube will see a gray screen with the City logo during closed session.
12. Persons interested in attending anonymously or listening to the meeting may call in by dialing *67 followed by the phone number above.

Calling into the Zoom meeting using a smartphone

1. Dial the phone number listed at the beginning of this document.
2. When prompted, enter the Meeting ID number followed by #
 - a. If you're using a smartphone, you can access the keypad by clicking "Keypad" on your screen



3. Once you are in the meeting, notify the meeting host that you are in and state your name.
4. If you do not need to talk, please make sure your phone is on **Mute**
 - a. If you're using a smartphone, look at your screen and click the Mute button



- b. If you're using a computer, you should see a Mute button in the Zoom application





Report to the
Protection and Policy Committee
of the City of Green Bay

MEETING DATE

September 3, 2020

PREPARED BY

AGENDA ITEM # E.I

Consideration with possible action on a communication from Alder Dorff to research and create a fair housing ordinance for the City of Green Bay, previously discussed at the July 8, 2019, July 13, 2020, & August 10, 2020 Protection & Policy meetings.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

- I. UPDATED DRAFT GO 25-20 - Creating Ch 50 Equal Rights 9-3-20 P&P

GENERAL ORDINANCE NO. 25-20

AN ORDINANCE CREATING CHAPTER 50, GREEN BAY MUNICIPAL CODE, RELATING TO EQUAL RIGHTS

THE COMMON COUNCIL OF THE CITY OF GREEN BAY DOES ORDAIN AS FOLLOWS:

SECTION 1. Chapter 50, Green Bay Municipal Code, is hereby created to read:

50.01 Findings; Declaration of Policy.

- (1) A vibrant, livable, successful, and productive city is made possible by the talents, contributions, and well-being of its diverse residents. It is the policy of the City that the equal rights of all those who live and work in the City are ensured, and that equal rights and equal opportunities within the context of the larger commercial and social fabric of the Green Bay community are promoted.
- (2) The practice of providing equal opportunities to persons without regard to actual or perceived sex, race, religion, creed, color, national origin, ancestry, age, disability, lawful source of income, receipt of rental assistance, marital status, familial status, sexual orientation, gender identity, gender expression, gender non-conformity, transgender status, past or present military service, or status as a victim of domestic abuse, sexual assault, or stalking is a desirable goal of the City and a matter of legitimate concern to its government. Discrimination against any City resident endangers the rights and privileges of all residents. The denial of equal opportunity intensifies group conflict, undermines the foundations of democratic society, and adversely affects the general welfare of the community. Denial of equal opportunity in housing forces individuals and families who are discriminated against to live in housing that falls below reasonably acceptable standards. Denial of equal opportunity in employment deprives the community of the fullest productive capacity of those of its members so discriminated against and denies to them the sufficiency of earnings necessary for maintaining the standards of living consistent with their abilities and talents.
- (3) The provision of adequate safeguards against discrimination is a proper and necessary function of City government. To protect the health, safety, and general welfare of all inhabitants of and all persons employed within the City, it is declared to be the public policy of the City to foster, protect, and enforce the right to equal opportunity without regard to sex, race, religion, creed, color, national origin, ancestry, age, disability, lawful source of income, receipt of rental assistance, marital status, familial status, sexual orientation, gender identity, gender expression, gender non-conformity, transgender status, past or present military service, status as a victim of domestic abuse, sexual assault,

or stalking, or an individual's affiliation or perceived affiliation with any of these categories. To fully effectuate this policy of promoting nondiscrimination, the City shall endeavor to eliminate all discrimination that may occur in the City.

- (4) Where applicable, this chapter shall be interpreted and applied consistently with the provisions of Title VII of the Civil Rights Act of 1964, as amended; Title VIII of the Civil Rights Act of 1968; 42 U.S.C. § 2000a, et seq.; 42 U.S.C. §§ 3601, et seq.; 24 C.F.R. §§ 100, et seq.; 29 C.F.R. 1600, et seq.; §§ 66.1011, 106.50, 106.52, and 111.31-111.395, Wis. Stats.; and any successor provisions of state and federal law.

50.02 Purpose. Each sector of society engaged in the life of the City has a role in promoting equal rights, equity, and a social fabric free of discrimination. City government is uniquely positioned to assume a primary leadership role in these efforts. To achieve this leadership objective, each department, agency, and unit of City government shall be accountable for promoting social and economic equity for all residents of the City, and structuring its work so that the outcomes are directed toward social and economic equity for all residents.

50.03 Definitions. In this chapter:

- (1) *Ancestry* means the country, nation, tribe, or other identifiable group from which one descends.
- (2) *Commission* means the Equal Rights Commission.
- (3) *Covered multifamily dwelling* shall have the same meaning as its definition in 24 C.F.R. § 100.201, as amended from time to time.
- (4) *Disability* means, with respect to a person, any of the following:
 - (a) i. A physical or mental impairment which substantially limits one or more of the person's major life activities.
 - ii. A record of having such an impairment.
 - iii. Being perceived as having such an impairment.
 - (b) Disability does not include current, illegal use of or addiction to a controlled substance.
- (5) *Familial status* means one or more individuals, who have not attained the age of 18 years, being domiciled with a parent or another person having legal custody of such individuals; or the designee of the parent or other person having such custody, with the written permission of the parent or other person. For purposes of this chapter, "familial status" shall include any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of 18 years.

- (6) *Gender expression* means a person's external manifestations of gender, which may be expressed through name, pronouns, clothing, haircut, behavior, voice, body characteristics, or other means. A person's gender expression may be the same or different from that associated with the person's assigned sex at birth.
- (7) *Gender identity* means a person's internal sense of their gender. A person's gender identity may be the same as or different from their assigned sex at birth.
- (8) *Gender non-conformity* broadly describes individuals who do not conform to traditional expectations of their assigned sex at birth and/or whose gender expression does not fit neatly into a conventional gender category.
- (9) *Housing* means any building, structure, or part thereof which is used or occupied, or is intended, arranged, or designed to be used or occupied as a residence, home, or place of habitation of one or more human beings, including a mobile home as defined in § 66.0435, Wis. Stats., and any land or part thereof which is offered for sale, lease, or use as a site for a building, structure, or part thereof intended or designed to be used or occupied as a residence, home, or place of habitation of one or more human beings, including a mobile home park as defined in § 66.0435, Wis. Stats.
- (10) *Lawful source of income* means income that is legally derived and that is subject to reasonable and good-faith efforts to verify the lawfulness of its derivation, and includes moneys received from public assistance, pension, and supplementary security income.
- (11) *Marital status* means the status of being married, separated, divorced, widowed, or single.
- (12) *Owner* means any person having the right of ownership or possession or the right of transfer, sale, rental, or lease of any housing, or the agent of any such person.
- (13) *Person* means one or more individuals, labor organizations, employment agencies, corporations, partnerships, associations, cooperatives, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy or receivers or other fiduciaries, and the agent or agents of any of the foregoing; but, because of actual, potential, or perceived conflicts of interest, shall not include the City of Green Bay, the Green Bay Housing Authority, the Redevelopment Authority of the City of Green Bay, any department of the City, or any other municipal, state, or federal governmental body or any agent, officer, or employee acting in the course of such employment.

(14) *Protected Person* means any individual intended to be protected from violations of prohibited discrimination under this chapter. This includes protections afforded based on an individual's actual or perceived sex, race, religion, creed, color, national origin, ancestry, age, disability, lawful source of income, receipt of rental assistance, marital status, familial status, sexual orientation, gender identity, gender expression, gender non-conformity, transgender status, past or present military service, status as a victim of domestic abuse, sexual assault, or stalking, or an individual's affiliation or perceived affiliation with any of these categories.

(15) *Public Place of Accommodation or Amusement* includes those accommodations, facilities, and services that a person holds out to be open to the common and general use, participation, and enjoyment of the public for any purpose. The term "Public Place of Accommodation or Amusement" shall be interpreted broadly to include, but not be limited to, places of business or recreation, hotels, motels, resorts, short term rentals, restaurants, taverns, barbers, cosmetologists, aestheticians, electrologists, manicuring establishments, nursing homes, clinics, hospitals, cemeteries, and any place where accommodations, amusements, goods, or services are available either free or for consideration, except where such a broad interpretation would deny to any person rights guaranteed by the constitutions of Wisconsin and of the United States. This term does not include:

(a) Any institution or club which by its nature is distinctly private; or

(b) Any religious organization, association, or society, or any nonprofit institution or organization controlled by a religious organization, including places of worship; or

(c) A place where a bona fide private, nonprofit organization or institution provides accommodations, amusement, goods, or services during an event at which the organization or institution provides the accommodations, amusement, goods, or services to the following individuals only:

1. Members of the organization;
2. Guests named by members of the organization or institution; and/or
3. Guests named by the organization or institution.

(16) *Receipt of Rental Assistance* means receipt of rental assistance under Title 24, Code of Federal Regulations, Subtitle B, Chapter VII (commonly known as the Section 8 program) or any other rental assistance that is not considered household income.

(17) *Sexual Orientation* means the type of sexual, romantic, emotional, or spiritual attraction one has the capacity to feel for some others, generally labeled based

on the gender relationship between the person and the people to whom they are attracted.

- (18) *Transgender* broadly refers to individuals whose gender identity and/or expression is different from cultural expectations based on the sex they were assigned at birth. Being transgender does not imply any specific sexual orientation.

50.04 Housing Discrimination Prohibited.

- (1) In this section, prohibited discrimination includes discrimination because of the protected person status of the buyer, renter, or applicant, or any person residing in or intending to reside in a dwelling after it is sold, rented, or made available.
- (2) It shall be an unfair discrimination practice and unlawful and hereby prohibited:
- (a) For any owner to refuse to transfer, sell, or rent, or to refuse to negotiate for the sale, or rental of, or to otherwise make unavailable, deny, or withhold from any person such housing because of the person's status as a protected person.
 - (b) For any owner to discriminate against any person in the terms, conditions, or privileges of the transfer, sale, or rental of any housing, or in the provision of services or facilities in connection therewith, because of the person's status as a protected person. Nothing in this section shall be deemed to prohibit a housing provider from considering a history of disruptive, abusive, or dangerous behavior.
 - (c) For any person to make, print, publish, post, or broadcast, or cause to be made, printed, published, posted, or broadcast any notice, statement, or advertisement with respect to the sale, rental, or financing of a dwelling that expresses any preference, limitation, specifications, or discrimination, or an intention to make such preference, limitation, specification, or discrimination, as to any protected persons.
 - (d) For any owner to falsely represent to any person that any dwelling is not available for inspection, sale, or rental on the basis of a prospective occupant's or tenant's status as a protected person. A person who has received written notice from the Green Bay Police Department that a drug nuisance under § 823.113, Wis. Stats., exists on property for which the person is responsible as owner may take action to eliminate the nuisance, including but not limited to eviction of residents, provided such action is not a subterfuge to evade the provisions of this chapter.

- (e) For any person to induce or attempt to induce any person to sell or rent a dwelling by representations regarding the entry or prospective entry into the neighborhood of protected persons or persons of a particular economic status or by representations to the effect that such present or prospective entry will or may result in any of the following:
 - 1. The lowering of real estate values in the area.
 - 2. A deterioration in the character of the area.
 - 3. An increase in criminal or antisocial behavior in the area.
 - 4. A decline in the quality of the schools or other public service facilities in the area.
- (f) For any person or other entity whose business includes engaging in residential real estate-related transactions to discriminate against any person in making available such a transaction, or in the terms or conditions of such a transaction, because of a person's status as a protected person. As used in this section, the term "residential real estate-related transaction" means any of the following:
 - 1. The lending of money or security, guaranteeing any loan, accepting any mortgage, or in any other manner making available any other funds or resources for the construction, acquisition, purchase, rehabilitation, repair, improvement, or maintenance of any housing or housing accommodation.
 - 2. The selling, brokering, or appraising of residential real property. Nothing in this section prohibits a person engaged in the business of making or furnishing appraisals of residential real property from taking into consideration factors other than a person's status as a protected person.
- (g) For any owner to make or cause to be made any written or oral inquiry or record concerning the nature of any disability of prospective occupants or tenants of such housing, or persons associated with them, unless such inquiry or record is necessary for compliance with applicable local, state, or federal law.
- (h) For any person to refuse to permit, at the expense of the person with a disability, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises, except that, in the case of a rental, an owner may condition permission for such a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted.
- (i) For any person to refuse to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be

necessary to afford persons with a disability equal opportunity to use and enjoy a dwelling.

(j) *Animals assisting persons with disabilities.*

1. If a protected person with a disability keeps an animal that is specially trained to assist the disabled person, it is discrimination for any person to refuse to sell or rent housing to the protected person, cause the eviction of the person from the housing, require extra compensation from the person as a condition of continued residence in the housing, or engage in the harassment of the person because of their service animal, if all of the following apply:
 - i. Upon request, the protected person shows to the owner credentials issued by a school recognized by the State or an agency thereof as accredited to train animals for individuals with disabilities; and
 - ii. The protected person accepts liability for sanitation with respect to, and damage to the premises caused by, the animal.
2. This subsection does not apply in the case of the rental of owner-occupied housing if the owner or a member of the owner's immediate family occupying the housing possesses and, upon request, presents to the person a certificate signed by a physician which states that the owner or family member is allergic to the type of animal the protected person possesses.

(3) Nothing in this section shall affect any person's decision to share occupancy of a lodging room, apartment, or dwelling unit with another person or persons.

(4) *Information Allowed.*

- (a) Nothing in this section shall be deemed to prohibit an owner from requiring that any person who seeks to buy, rent, or lease any housing supply information concerning the person's prior residence, or familial, marital, financial, and business status.
 - (b) Nothing in this section shall be deemed to prohibit an owner from refusing to sell, rent, or lease any housing to any person on the basis of such person's treatment of any property formerly occupied by such person or on the basis of such person's record in paying rent or other obligations when due, or such person's ability to pay.
- (5) The prohibition in this section against discrimination against a person with protected person status because of the person's age or familial status does not apply to housing for older persons, as defined in § 106.50(1m)(m), Wis. Stats., as amended from time to time.

- (6) It is not a violation of this ordinance to restrict occupancy in a dwelling to persons with disabilities or to provide housing for older persons as defined in § 106.50(1m)(m), Wis. Stats., as amended from time to time.
- (7) It is not a violation of this ordinance to restrict occupancy in a dwelling to protected persons or to provide housing for protected persons as provided under any state or federal program that is specifically designed and operated to assist persons in a protected class, as defined in the state or federal program. For example, it is not a violation of this ordinance to restrict occupancy in a dwelling to veterans, homeless individuals, or survivors of domestic violence.
- (8) It is not a violation of this ordinance for a religious organization, association, or society, or any nonprofit institution or organization operated, supervised, or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental, or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons.

50.05 Discrimination in Public Places of Accommodation or Amusement Prohibited.

- (1) All persons shall be entitled to the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of any public place of accommodation or amusement, as defined in this ordinance, without discrimination upon the basis of a person's status as a protected person.
- (2) It shall be an unfair discrimination practice and unlawful and hereby prohibited:
 - (a) For any person to deny to another, or to charge another a price different from the regular rate charged to others for the full and equal enjoyment of any public place of accommodation or amusement because of the person's status as a protected person.
 - (b) For any person to directly or indirectly publish, circulate, display, mail, or otherwise disseminate any written communication which the communicator knows is to the effect that any of the facilities of any public place of accommodation or amusement will be denied to any person by reason of status as a protected person, or that the patronage of a protected person is unwelcome, objectionable, or unacceptable for any reason.
 - (c) For any person to subject a person, directly or through contractual, licensing, or other arrangements, to a denial of the opportunity to participate in or benefit from the goods, services, facilities, privileges, advantages, or

accommodations of an entity on the basis of the individual's status as a protected person.

- (d) For any person to, notwithstanding the existence of separate or different programs or activities provided in accordance with this section, deny an individual the opportunity to participate in programs or activities that are not separate or different on the basis of the individual's status as a protected person.
- (3) This section does not prohibit special services, rates, or benefits provided to veterans or to any protected person fifty (50) years of age or older.
- (4) Any exemption or affirmative defense available under §106.52(3), Wis. Stats., shall apply to this section.

50.06 Access by Persons with Disabilities to Public Places of Accommodation or Amusement.

- (1) No individual shall be discriminated against on the basis of disability, or because of the known disability of an individual with whom the individual or entity is known to have a relationship or association, in the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of any public place of accommodation or amusement by any person who owns, leases (or leases to another), or operates a public place of accommodation or amusement.
 - (a) *Denial of Participation.* It shall be prohibited discrimination to subject an individual, on the basis of a disability, directly or through contractual, licensing, or other arrangements, to a denial of the opportunity to participate in or benefit from the goods, services, facilities, privileges, advantages, or accommodations of an entity.
 - (b) *Participation in Unequal Benefit.* It shall be prohibited discrimination to afford an individual, on the basis of a disability, directly or through contractual, licensing, or other arrangements, with the opportunity to participate in or benefit from a good, service, facility, privilege, advantage, or accommodation that is not equal to that afforded to other individuals.
- (2) A public place of accommodation or amusement shall make reasonable modifications in policies, practices, and procedures to permit the full and equal enjoyment of the public place of accommodation or amusement by a person with a disability. Those policies, practices, and procedures shall ensure that a person with a disability is not segregated from other patrons of the public place of accommodation or amusement.

(3) This section is not intended to impose a greater duty than the reasonable accommodation requirements of the Americans with Disabilities Act Amendments Act of 2008.

(4) *Exemptions for Private Clubs and Religious Organizations.* The provisions of this section shall not apply to private clubs or organizations exempted from coverage under Sec. 50.03 above, or to religious organizations or entities controlled by religious organizations, including places of worship, to the extent that requiring compliance would violate state or federal law.

50.07 City Facilities. It shall be an unfair discrimination practice and unlawful and hereby prohibited for any person, public official, employee, agent, agency, authority, board, commission, or committee of the City of Green Bay to deny any person the use of City facilities or otherwise discriminate against any person in the use of City facilities because of such person's status as a protected person.

(1) This section is not intended to impose a greater duty than the reasonable accommodation requirements of the Americans with Disabilities Act Amendments Act of 2008.

50.08 Employment Discrimination Prohibited.

(1) It shall be an unfair discrimination practice and unlawful and hereby prohibited:

(a) For any person or employer to discriminate against any person with respect to the failure or refusal to hire, discharge, compensation, terms, conditions, or privileges of employment, including promotion, on the basis the person's status as a protected person.

(b) For any person or employer, individually or in concert with others, to limit, segregate, or classify employees or applicants for employment in any way which would deprive or tend to deprive any person of employment opportunities or which would otherwise adversely affect their status as an employee because of such person's status as a protected person.

(c) For any person or employer to fail or refuse to refer for employment, or otherwise to discriminate against any person in a manner that would deprive or limit the person's employment opportunities or otherwise adversely affect their status as an applicant or prospective employee, on the basis of the person's status as a protected person.

(d) For any person or employer to refuse to reasonably accommodate an employee's or prospective employee's disability, unless the employer can demonstrate that the accommodation would pose an undue hardship on the employer's program, enterprise, or business.

- (e) For any person or employer to refuse to reasonably accommodate an employee's or prospective employee's religious observance or practice, unless the person or employer can demonstrate that the accommodation would pose an undue hardship on the employer's program, enterprise, or business.
- (2) It is the policy of the City of Green Bay to include in all contracts negotiated or renegotiated by a contracting department of the City a provision obligating the contractor not to discriminate against any qualified employee or qualified applicant for employment on the basis of a person's status or perceived status as a protected person, and to require the contractor to include a similar provision in all subcontracts.
- (3) *Sexual Harassment.* No employer, labor organization, or employment agency shall engage in sexual harassment, and employers shall ensure that all of their employees work in an environment free of sexual harassment.
- (4) *Exceptions.* Notwithstanding any other provision of this section, the following are permitted practices which do not violate this section:
 - (a) For any employer to hire and employ employees, for an employment agency to classify or refer for employment any person, for a labor organization to classify its membership or to classify or refer for employment any person, or for an employer or a labor organization to admit or employ any person in those certain instances where religion, sex, age, or national origin is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise.
 - (b) For any employer to observe the terms of a bona fide seniority system or any bona fide employee benefit plan such as a retirement, pension, or insurance plan, which is not a subterfuge to evade the purposes of this section, except that no such employee benefit plan shall excuse the failure to hire any person.
 - (c) For an employer to take the behavioral manifestations of an applicant's mental disability into consideration in determining whether the applicant is qualified.
 - (d) For any religious organization, association, or society, or any nonprofit institution or organization operated, supervised, or controlled by or such religious organization, association, or society, to give preference to an applicant or employee who is a member of the same or a similar religious denomination, in hiring or promotion to an instructional or policymaking position, including but not limited to the position of chaplain or counselor.

- (e) For any employer, labor organization, or employment agency to fail or refuse to hire a person with a disability if the employer, labor organization, or employment agency can show that the person's disability is reasonably related to their ability to adequately undertake the job-related responsibilities of the employment.
- (f) For an employer to apply different standards of compensation, or different terms, conditions, or privileges of employment, pursuant to a bona fide seniority or merit system, or a system which measures earnings by quantity or quality of production, or to employees who work in different locations, provided that such differences are not the result of an intention to discriminate because of status as protected persons.

50.09 Enforcement and Jurisdiction.

(1) *Complaints.*

- (a) Any person who claims to have been aggrieved or injured under this chapter may file a written complaint with the city clerk alleging a discriminatory practice or violation. The complaint shall be in writing and signed by the complainant. Such complaints shall be filed within 300 days after the alleged violation of this chapter.
- (b) The complaint shall contain the following information:
 - i. The complainant's name, address, and telephone number;
 - ii. The name and address of the person(s) or entity the complainant alleges discriminated against them or violated this code;
 - iii. The names, addresses, and telephone numbers of witnesses, if any;
 - iv. The date or dates of the alleged violation or discriminatory practice;
 - v. A statement describing in detail the alleged violation or discriminatory practice;
 - vi. A short description of any injury suffered;
 - vii. Any other facts the complainant believes are important; and
 - viii. The original signature of the complainant.

(2) *Review of Complaint.* The city clerk shall provide a copy of a timely-filed complaint to the city prosecutor for preliminary review for completeness and jurisdictional determination under subsection (4).

- (a) If the city prosecutor determines that the complaint does not satisfy the requirements of subsection (1), the city prosecutor shall return the complaint to the complainant without taking any action, and notify the complainant what information is missing from the complaint.

- (b) If the city prosecutor determines that the City does not have jurisdiction over the complaint, the city prosecutor shall notify the complainant in writing that the City does not have jurisdiction, and shall direct the complainant to the appropriate state or federal agency.
 - (c) Upon receipt of a verified complaint over which the City has jurisdiction, the city prosecutor shall initiate enforcement proceedings in municipal court.
 - i. The city attorney shall have the authority to issue subpoenas compelling the attendance of witnesses and production of documents for actions arising under this section. Such subpoenas shall be served according to §§ 885.03 and 885.04, Wis. Stats. Failure to comply with a subpoena issued under this section may result in contempt, as described in § 1.32(8), GBMC.
- (3) *Jurisdiction.* The city shall not exercise jurisdiction over any complaint that sets forth or states any facts or allegations that are within the subject matter jurisdiction of any state or federal equal rights agency, including, but not limited to, the U.S. Equal Employment Opportunity Commission (EEOC) or the Equal Rights Division of the Wisconsin Department of Workforce Development (ERD), regardless of whether the complainant has chosen to file with that agency.
- (a) The city prosecutor shall take no action on any complaint against the City of Green Bay or any public official, employee, agent, agency, authority, board, commission, or committee thereof. The city prosecutor shall refer the complaint to the ERD, EEOC, the U.S. Department of Housing and Urban Development (HUD), or any other state or federal agency that has jurisdiction over the complaint for appropriate action as provided by law. The complainant shall be informed of all such referrals.

50.10 Forfeiture. Any person violating any of the provisions of this section shall, upon conviction, be subject to a forfeiture of not more than one thousand dollars (\$1,000.00).

50.11 Equal Rights Commission.

- (1) *Members.* The Equal Rights Commission shall consist of nine (9) residents of the City, appointed from a diverse and representative cross-section of the community, inclusive of traditionally underrepresented groups, who shall be members only so long as they shall reside in the City. The membership of the Commission shall include one Alder.

(2) *Appointment.* Members of the Commission shall be appointed by the mayor, subject to confirmation by the council. The Alder shall be elected for a term of two (2) years, and all other members of the Commission shall be appointed for a term of three (3) years, except that three (3) members initially appointed shall be appointed for a term of two (2) years, and two (2) members initially appointed shall be appointed for a term of one (1) year. Each member shall hold office until a successor is appointed and confirmed. A vacancy occurring other than by expiration of the member's term shall be filled by appointment of the mayor and confirmation by the council for the unexpired portion of the term.

(3) *Officers.* A chair and vice chair shall be elected from the membership of the Commission at the first regular meeting of each calendar year by a majority of the members of the Commission.

(4) *Powers and Duties.*

(a) The Commission shall meet not less than four (4) times annually for monitoring the employment, contracting, and program activities of the City, and prepare and provide timely reports to the mayor and council on efforts to promote equal rights, equal opportunities, positive community relations, and to eliminate discrimination and inequities in City government and the City.

(b) *Reporting.*

i. *Departments.* The human resources department, with the cooperation of all departments, shall regularly provide the Commission with information of efforts and activities undertaken across City government to achieve the leadership objectives described in sections 50.01 and 50.02, Green Bay Municipal Code. This information shall from time to time identify programs and activities conducted by the City to promote equal rights and equal opportunity, as well as goals, challenges, and strategies for the future. The human resources department shall provide the Commission with information about activities and accomplishments with respect to diversity and equal employment opportunity in City employment. Upon request of the Commission, other City departments, agencies, and units shall report to the Commission orally, in writing, or both, at the pleasure of the Commission.

ii. *Mayor and Common Council.* The Commission shall provide a written communication to the mayor and the Common Council, not less than annually, summarizing the activities of the Commission and the progress of the City in meeting the leadership objectives specified in this chapter. This communication shall further include an examination of those conditions in the City at large which contribute to or detract from equal rights and an environment free from discrimination. The communication

shall provide recommendations for furthering the purposes and objectives provided in this chapter.

- (c) The Commission may, at its discretion, engage with employers, housing providers, community organizations, and other stakeholders to create positive working relationships focused on providing equal opportunities throughout the City and raising awareness of important equity issues.

50.12 Construction; Severability.

- (1) The provisions of this chapter shall be liberally construed in order to promote the purposes and provisions contained herein.
- (2) The provisions of this chapter are severable, and if any provision, sentence, clause, section, or part hereof is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity, unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this chapter or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this chapter would have been adopted if such illegal, invalid, unconstitutional, or inapplicable provision, sentence, clause, section, or part hereof had not been included herein, and if the person or circumstance to which the chapter or any part hereof is inapplicable had been specifically exempted herefrom.

SECTION 2. Section 1.67, Green Bay Municipal Code, is hereby created to read:

1.67 Equal Rights Commission. See § 50.11, Green Bay Municipal Code.

SECTION 3. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 4. Effective Date. This ordinance shall take effect on and after its passage and publication.

Dated at Green Bay, Wisconsin, this _____ of _____, 2020.

APPROVED:

Mayor

ATTEST:

Clerk

ljm

7/21/2020



Report to the
Protection and Policy Committee
of the City of Green Bay

MEETING DATE

September 3, 2020

PREPARED BY

AGENDA ITEM # E.2

Consideration with possible action on an appeal by Branden Neidl regarding the denial of his operator's license.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

1. application
2. appeal letter



Report to the
Protection and Policy Committee
of the City of Green Bay

MEETING DATE

September 3, 2020

PREPARED BY

AGENDA ITEM # E.3

Consideration with possible action on an application for an available "Class B" Combination license for Sliced on Main, LLC at 1238 Main St. with licensed premises description as "1800 sq ft building, kitchen, 2 bathrooms, walk-in cooler, large bar room, small patio." (Previously licensed as Main St. Dreams during the 2019-2020 license year).

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

1. application-1238main
2. patio-1238main
3. STIPULATION AGREEMENT.CARLSONC.374



Report to the
Protection and Policy Committee
of the City of Green Bay

MEETING DATE

September 3, 2020

PREPARED BY

AGENDA ITEM # E.4

Consideration with possible action on a request by Alderman Wery to approve a resolution in support of the Green Bay Police Department.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

- I. DRAFT Resolution in Support of GBPD

RESOLUTION IN SUPPORT OF THE GREEN BAY POLICE DEPARTMENT

September 15, 2020

BY THE COMMON COUNCIL OF THE CITY OF GREEN BAY:

WHEREAS, the Green Bay Police Department has made and continues to make important changes in policy and policing, including:

- Community engagement to include GBPD leaders listening to residents, giving them a voice to be heard, and providing structured platforms to bring forth change;
- Regional leaders in community crisis intervention training. More than 60 GBPD officers are CCIT trained;
- Open door policy to community through a yearly 10-week citizens academy and youth police academy;
- Behavioral Health Unit with sworn officers and a County Social worker (first in the region);
- Embracing Community Policing at all levels ;
- Never authorized nor train chokeholds unless it's a life or death type situation;
- Focus on hiring diversity, striving to match the demographics to the city to the demographics of the department;
- Emphasize De-escalation and non-escalation training for all officers;
- Implicit Bias training for officers and supervisors;
- Ethics training focused on human dignity;
- Accountability of officers at all levels, including removal from office for misconduct;
- Removal of officers who exhibit racial bias, dishonesty and excessive force; and

WHEREAS, we recognize and honor the selfless and heroic service provided by the men and women of the Green Bay Police Department; and

WHEREAS, we rely on law enforcement officers to keep our neighborhoods safe, enforce our laws, and respond in times of crisis; and

WHEREAS, every day law enforcement officers face the threat of violence and danger and routinely put their lives in jeopardy to defend others, potentially resulting in injury, disability or even death; and

WHEREAS, these men and women by their distinctive service and dedicated efforts as law enforcement officers have earned our highest respect and deepest gratitude;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Green Bay, Wisconsin, reiterates its continuing support and recognizes the selfless and heroic service of law enforcement officers of the Green Bay Police Department and their invaluable

contributions and innovations in upholding justice, enforcing the rule of law, and protecting the innocent.

Adopted _____

Approved _____

Mayor

Clerk