

ORDINANCE NO. 2020-130

AN ORDINANCE OF THE CITY OF KENT, OHIO, AUTHORIZING THE CITY'S LAW DIRECTOR TO APPEAR AS *AMICUS CURIAE* AND/OR TO JOIN AS A SIGNATORY OF ANY LOCAL GOVERNMENT AMICUS BRIEF IN SUPPORT OF LOCAL CONVERSION THERAPY BANS, INCLUDING, BUT NOT LIMITED, TO THE CURRENT PETITION FOR REHEARING AND REHEARING EN BANC IN *OTTO ET AL. V CITY OF BOCA RATON ET AL.*, AND DECLARING AN EMERGENCY.

WHEREAS, in 2017, the City of Boca Raton, Florida, and the County of Palm Beach, Florida, each enacted local ordinances prohibiting state-licensed therapists from trying to change the sexual orientation or gender identity of a patient under 18 years old; and

WHEREAS, every leading medical and mental health organization in the country has warned that these practices do not work and put young people at risk of serious harm, including depression, substance abuse, and suicide; and

WHEREAS, in 2018, an anti-LGBTQ legal group filed a federal lawsuit, captioned *Otto v. City of Boca Raton*, challenging the law on First Amendment grounds on behalf of two licensed therapists who wish to engage in conversion therapy with minors; and

WHEREAS, on November 20, 2020, in a 2-1 decision, the Eleventh U.S. Circuit Court of Appeals enjoined bans on the therapy by Boca Raton and Palm Beach County on First Amendment grounds; and

WHEREAS, according to The Trevor Project's research, LGBTQ youth who had undergone conversion therapy were more than twice as likely to report having attempted suicide as those who did not; and

WHEREAS, the Eleventh Circuit Court's decision is a dangerous outlier – two other federal appeals courts have upheld similar protections against conversion therapy, and twenty (20) states and more than eighty (80) localities have enacted similar laws with strong bipartisan support; and

WHEREAS, two local government defendants in the case, City of Boca Raton and Palm Beach County, are filing a petition for rehearing and rehearing en banc before the full Eleventh Circuit; and

WHEREAS, the City of Kent, Ohio is in the process of securing authorization to draft and file a local government amicus brief in favor of rehearing in *Otto v. City of Boca Raton*; and

WHEREAS, as a long-standing champion for diversity, the City of Kent, Ohio should support the City of Boca Raton and Palm Beach County in their petition for rehearing and rehearing *en banc* before the full Eleventh Circuit, the ruling in which could ultimately affect the ability of local governments to protect their LGBTQ youths.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Kent, Portage County, Ohio, that:

SECTION 1 That the City of Kent, Ohio, authorizes the City's Law Director to appear as *amicus curiae* and/or to join as a signatory of any local government amicus brief in support of local

conversion therapy bans, including, but not limited, to the current petition for rehearing and rehearing en banc in *Otto et al. V City of Boca Raton, et al.*

SECTION 2. That 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 of Section 121.22 of the Ohio Revised Code.

SECTION 3. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, and welfare of the residents of this City, for which reason and other reasons manifest to this Council this Ordinance is hereby declared to be an emergency measure and shall take effect and be in force immediately after passage.

PASSED: December 16, 2020
Date

J. Fiala

Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: December 16, 2020
Date

ATTEST: Amy Wilkens
Amy Wilkens
Clerk of Council

I, AMY WILKENS, CLERK OF COUNCIL FOR THE CITY OF KENT, COUNTY OF PORTAGE, AND STATE OF OHIO, AND IN WHOSE CUSTODY THE ORIGINAL FILES AND RECORDS OF SAID COUNCIL ARE REQUIRED TO BE KEPT BY THE LAWS OF THE STATE OF OHIO, HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF RESOLUTION No. _____, ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON _____, 20_____.

(SEAL)

AMY WILKENS
CLERK OF COUNCIL