

December 31, 2014

**TO:** Mayor and Members of City Council

**FROM:** Thomas D. Carruthers, City Attorney

**SUBJECT:** Ordinance Amendments prohibiting discrimination on the basis of Sexual Orientation, Gender Identity and Gender Expression

Pursuant to the request of Mayor Vaughan, there are three ordinance amendments on the January 6, 2015 City Council Agenda for consideration. These proposals will amend Chapters 2, 12, and 21 of the City Code of Ordinances to prohibit discrimination on the basis of sexual orientation, gender identity, and gender expression in addition to the already protected categories of race, sex, gender, color, ethnicity, religion disability, familial status, or political affiliation. Appropriate definitions for these terms will be added to City policies.

Agenda Item No. 15-0020 amends Chapter 2 by adding a new section, Section 2-202, under Article VI entitled, "City Departments." Section 2-202 states that the City will not discriminate in the delivery of city programs, services, or activities. In addition the City Manager is directed to conduct a review of all City facilities that contain restrooms, lockers, and changing rooms to evaluate the creation a Privacy Restroom, Locker, or Changing Room that will be available for both individuals and families on a gender neutral basis. The City Manager will report back to council as to the feasibility and timeline of making these renovations. These privacy rooms would be in addition to the men and women's restrooms, locker rooms, and changing rooms in City facilities.

Agenda Item No. 15-0021 amends Chapter 21, by adding two new sub-sections, (d) and (e), to Section 21-5 entitled "Qualifications for Appointment." This will codify existing City policy on nondiscrimination. Sub-section (d) prohibits discrimination in the selection of City employees. Sub-section (e) requires all personnel responsible for recruiting and employment for the City to regularly review the implementation of this policy so that no employee or applicant suffers discrimination based on any one of these prohibited categories.

Agenda Item No. 15-0022 amends the City's Fair Housing Ordinance in Chapter 12 to expand the definition of prohibited discrimination (as noted above) in the buying, renting, selling, or advertising of real estate. The City receives federal grant funds from the Department of Housing and Urban Development (HUD) to enforce the City's Fair Housing Ordinance and this amendment is supported by this agency. If approved by Council, HUD will review these amendments. HUD approval is expected; given these amendments align with HUD suggestions.

TDC