



CITY COUNCIL STAFF REPORT

DATE: MARCH 15, 2017

LEGISLATIVE

SUBJECT: INTRODUCTION OF ORDINANCE ADDING CHAPTER 2.04.100 TO, AND AMENDING SECTIONS 2.45.005, 2.45.010, AND SECTION 7.010.040 OF, THE PALM SPRINGS MUNICIPAL CODE REAFFIRMING THE CITY'S PROHIBITION OF DISCRIMINATION IN THE CITY

FROM: David H. Ready, City Manager

BY: Douglas Holland, City Attorney

SUMMARY

This proposed Ordinance ratifies and reaffirms existing non-discrimination policies, practices, and procedures of the City and consolidates such policies in Chapter 2.04 of the Palm Springs Municipal Code.

RECOMMENDATION:

Waive the reading of the text and introduce for first reading Ordinance No. ____, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADDING CHAPTER 2.04.100 TO, AND AMENDING SECTIONS 2.45.005, 2.45.010, AND SECTION 7.010.040 OF, THE PALM SPRINGS MUNICIPAL CODE REAFFIRMING THE CITY'S PROHIBITION OF DISCRIMINATION IN THE CITY."

STAFF ANALYSIS:

At the City Council meeting of February 1, 2017, Councilmember Kors requested preparation of an ordinance that would essentially consolidate and codify existing non-discriminatory policies, practices, and procedures in an ordinance of the City. The proposed Ordinance ratifies and reaffirms existing non-discrimination policies, practices, and procedures of the City. The Ordinance codifies these practices in Chapter 2.04 of the Palm Springs Municipal Code, and includes the general requirement that City officials and employees will treat others employees equally and fairly and will not engage in discrimination against anyone because of their actual or perceived race, color, religion, ancestry, national origin, disability, medical condition, marital status, domestic partner status, sex, gender, gender identity, gender expression, or sexual orientation or as a member of any other protected class.

The proposed Ordinance also includes an express prohibition on the City requiring individuals to provide information regarding their actual or perceived race, color,

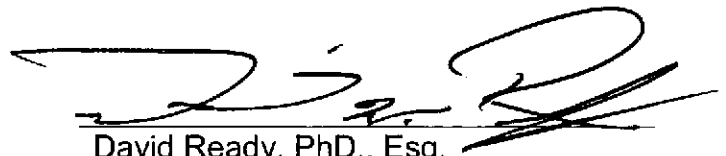
ITEM NO. 3.A.

religion, ancestry, national origin, disability, medical condition, marital status, domestic partner status, sex, gender, gender identity, gender expression, or sexual orientation or as a member of any other protected class unless otherwise authorized under Federal or State Law.

The proposed Ordinance also includes an express prohibition on the City profiling individuals based on their actual or perceived race, color, religion, ancestry, national origin, disability, medical condition, marital status, domestic partner status, sex, gender, gender identity, gender expression, or sexual orientation or as a member of any other protected class. The Ordinance also provides a definition of "national origin" as used in various provisions of the Code.



Douglas Holland
City Attorney



David Ready, PhD., Esq.
City Manager

Attachment: Draft Ordinance

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADDING CHAPTER 2.04.100 TO, AND AMENDING SECTIONS 2.45.005, 2.45.010, AND SECTION 7.010.040 OF, THE PALM SPRINGS MUNICIPAL CODE REAFFIRMING THE CITY'S PROHIBITION OF DISCRIMINATION IN THE CITY.

City Attorney's Summary

This Ordinance essentially ratifies and reaffirms existing non-discrimination policies, practices, and procedures of the City. A separate provision of this Ordinance codifies these practices in Chapter 2.04 of the Palm Springs Municipal Code, and includes the general requirement that City officials and employees will treat others employees equally and fairly and will not engage in discrimination against anyone because of their actual or perceived race, color, religion, ancestry, national origin, disability, medical condition, marital status, domestic partner status, sex, gender, gender identity, gender expression, or sexual orientation or as a member of any other protected class. This Ordinance also includes an express prohibition on the City requiring individuals to provide information regarding their actual or perceived race, color, religion, ancestry, national origin, disability, medical condition, marital status, domestic partner status, sex, gender, gender identity, gender expression, or sexual orientation or as a member of any other protected class unless otherwise authorized under Federal or State Law. This Ordinance also includes an express prohibition on the City profiling individuals based on their actual or perceived race, color, religion, ancestry, national origin, disability, medical condition, marital status, domestic partner status, sex, gender, gender identity, gender expression, or sexual orientation or as a member of any other protected class. The Ordinance also provides a definition of "national origin" as used in various provisions of the Code.

The City Council of the City of Palm Springs ordains:

SECTION 1. Section 2.04.100 is added to the Palm Springs Municipal Code to read:

2.04.100 Policy Against Discrimination

- (a) It is the policy of the City Council that all persons in the City have the right and the opportunity to be free from all forms of discrimination as defined in Chapters 2.45 and 7.01 of this Code.
- (b) City officials, employees, and contractors shall not discriminate against other officials, employees, contractors, and the general public or engage in discrimination because of actual or perceived race, color, religion, ancestry, national origin, disability,

medical condition, marital status, domestic partner status, sex, gender, gender identity, gender expression, or sexual orientation or as a member of any other protected class.

(c) The City and its employees, officials, agents, and contractors shall not require any individual to provide information regarding his or her actual or perceived race, color, religion, ancestry, national origin, disability, medical condition, marital status, domestic partner status, sex, gender, gender identity, gender expression, or sexual orientation or as a member of any other protected class unless otherwise authorized under Federal or State Law.

(d) The City and its employees, officials, and agents shall not profile individuals based on their actual or perceived race, color, religion, ancestry, national origin, disability, medical condition, marital status, domestic partner status, sex, gender, gender identity, gender expression, or sexual orientation or as a member of any other protected class.

SECTION 2. Section 2.45.005 of the Palm Springs Municipal Code is amended to read:

2.45.005 Public Policy

It is declared as the public policy of the City that it is necessary and appropriate to protect and safeguard the right and opportunity of all persons to be free from all forms of discrimination as that term is defined in this Chapter.

SECTION 3. Section 2.45.010 of the Palm Springs Municipal Code is amended by adding the following definition:

“National Origin” shall mean place of origin, immigration status, cultural or linguistic characteristics, or ethnicity.

SECTION 4. Section 7.010.040 of the Palm Springs Municipal Code is amended by adding the following definition:

“National Origin” shall mean place of origin, immigration status, cultural or linguistic characteristics, or ethnicity.

SECTION 5. The City Council finds and declares the existing laws, policy, and practices of the City generally requires City officials and employees to treat each other and the general public equally, fairly, and with respect in the conduct of the City’s business. The City Council specifically finds that this Ordinance reaffirms and ratifies the existing laws, policy, and practices of the City and does not contain or impose any new requirements.

SECTION 6. The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same, or the summary thereof, to be

Ordinance No. _____

Page 3

published and posted pursuant to the provisions of law and this Ordinance shall take effect thirty (30) days after passage.

**PASSED, APPROVED AND ADOPTED BY THE PALM SPRINGS CITY COUNCIL
THIS ____ DAY OF _____, 2017.**

ROBERT MOON, MAYOR

ATTEST:

KATHIE HART, INTERIM CITY CLERK