



City Council Report

Date: February 18, 2021
To: City Council
Through: Christopher J. Brady, City Manager
From: Andrea Alicoate, Diversity Administrator
Subject: Proposed Non- Discrimination Ordinance
Citywide

Purpose and Recommendation

The purpose of this report is to provide an overview of the proposed non-discrimination ordinance.

Background

In 2014, Mesa's Human Relations Advisory Board recommended that the City adopt a non-discrimination ordinance to ensure that Mesa's diverse populations have equal access to good and services, and equal treatment in employment and housing, within the community. An ordinance was not adopted at that time; however, Mesa created the One Mesa Community Pledge in 2015 to demonstrate its commitment to respecting and supporting diversity within and throughout the city. The pledge received over 155 business/organization and 1,312 individual signatures of support. The next step is to codify Mesa's commitment to diversity and inclusion in a non-discrimination ordinance. Adopting a non-discrimination ordinance will demonstrate Mesa's core values, and it will drive the economy forward by attracting and retaining businesses, employees, and visitors. In doing so, Mesa will be following in the footsteps of 330 municipalities nationwide, which includes Tempe, Tucson, Phoenix, Flagstaff, Winslow, and Sedona.

On January 27, 2021, Mesa's Human Relations Advisory Board unanimously supported and recommended that the City Council adopt the proposed non-discrimination ordinance. On February 2, 2021, the Economic Development Advisory Board recommended that the City move forward with the proposed ordinance.

Discussion

The draft ordinance prohibits discrimination in public accommodations, employment, and housing on the basis of race, color, ethnicity, national origin, age, disability, religion, sex, sexual orientation, gender, gender identity, veteran's status, marital status, or familial status, with certain exclusions. For example, it does not apply to religious corporations and organizations, public schools, religious schools, or charter

schools, and single-sex designated areas of a place of public accommodation or single-sex sports and recreational leagues and programs. The ordinance does not infringe upon the free exercise of speech, expression, or religion as recognized under the First Amendment. And it does not regulate employment-based health benefits.

Importantly, the ordinance does not displace or abrogate any criminal laws. Any individual engaging in inappropriate or criminal behavior can be trespassed from a business and reported to the police for criminal charges and prosecution.

The City's goal is to implement the requirements of the ordinance through education and to resolve complaints whenever possible through voluntary compliance and informal means of resolution. Our sister cities report very few complaints filed under their ordinances and that most complaints are resolved in exactly this manner.

If the Council adopts the ordinance, the effective date will be 120 days after adoption. This will allow the City ample time to educate the public, business community and other stakeholders.

Alternatives

1. Do not adopt the proposed ordinance.
2. Request changes to the proposed draft.

Fiscal Impact

It is anticipated that no additional staff will be needed to implement the non-discrimination ordinance.

Coordinated With

The report and draft ordinance were completed in coordination with the City Manager's Office and City Attorney's Office.