



CITY MANAGER'S OFFICE

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Date: March 16, 2021
To: Honorable Mayor and Members of the City Council
From: Brent Stockwell, Assistant City Manager
Subject: Anti-Discrimination Ordinance Work Study Session

Here are two attachments for this item:

1. Public Comment received to date via feedback@ScottsdaleAZ.gov or forwarded to us from the Mayor and City Council office.
2. An updated version of the Ordinance for discussion at the March 23 meeting.

This draft eliminated the definition of "sex" and changed the definition of "sex discrimination" to "discriminate because of sex" in 15-15, and capitalized Internal Revenue Code in 15-17(a).

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SCOTTSDALE, ARIZONA AMENDING SCOTTSDALE REVISED CODE CHAPTER 14, HUMAN RESOURCES MANAGEMENT, BY AMENDING SECTION 14-1.1, CHAPTER 15, HUMAN RIGHTS, ARTICLES I AND II BY ADDING SECTIONS 15-1 THROUGH 15-12, AMENDING SECTIONS 15-16 THROUGH 15-20 AND ADDING ARTICLE III, SECTIONS 15-21 THROUGH 15-32.

WHEREAS, the City of Scottsdale ("City") is committed to anti-discrimination and fair treatment of residents, visitors, and employees; and

WHEREAS, the City Council ("Council") supports and values diversity and inclusiveness; and

WHEREAS, the City of Scottsdale is comprised of diverse and varied groups, communities, and individuals; and

WHEREAS, the City wishes to provide a clear and comprehensive mandate for the prevention of discrimination in employment, housing, places of public accommodation, and City services, programs and activities.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Scottsdale as follows:

Section 1. Scottsdale Revised Code, Chapter 14, Human Resources Management, is amended by amending Section 14-1.1 to read as follows, with new language shown in shaded format and deleted language shown in strikeout format:

Gender identity means an individual's gender-related identity, regardless of whether the identity is or is perceived to be different than the identity traditionally associated with the sex assignment to the individual at birth ~~various attributes as they are understood to be either masculine and/or feminine and shall be interpreted to include pre and post-operative transgender individuals.~~

Section 2. Scottsdale Revised Code, Chapter 15, Human Rights, is amended by adding Sections 15-1 through 15-8, amending Sections 15-17 through 15-20, and adding Article III, Sections 15-21 through 15-32 to read as follows, with new language shown in shaded format and deleted language shown in strikethrough format:

ARTICLE I. ~~IN GENERAL~~ – ANTI-DISCRIMINATION IN CITY SERVICES, PROGRAMS AND ACTIVITIES AND CONTRACTING

Sec. 15-1. ~~Reserved.~~ – Generally.

This article is hereby adopted as the non-discrimination and anti-harassment policy of the city.

Sec. 15-2. –Reserved. – Establishment of Anti-discrimination and anti-harassment policy.

It is the policy of the city to not discriminate and provide equal opportunity to all persons regardless of actual or perceived race, color, religion, sex, national origin, age, sexual orientation, gender identity, or disability in the access, provision and treatment of city services, programs and activities. It is the policy of the city that all persons be treated with respect and dignity as specified in sections 15-4 through 15-7. Each person has the right to receive service from the city in a manner that promotes equality under the law and prohibits unlawful discrimination, including harassment and retaliation.

Sec. 15-3. –Reserved. – Individuals and Conduct Covered.

These policies apply to all elected and appointed officials, employees, and volunteers while acting within the scope of their city duties and all contractors, vendors and consultants of the city. City contracts and agreements will include language regarding compliance with this policy. Conduct prohibited by these policies is unacceptable in the workplace and in any work-related setting outside the workplace, such as during business trips, business meetings and business-related social events.

Sec. 15-4. –Reserved. – Discrimination.

Discrimination based on any protected characteristic is strictly prohibited. Under this policy, “discrimination” means engaging in or making directly or indirectly, any act, policy or practice that unfavorably subjects any person to different or separate treatment on the basis of actual or perceived race, color, religion, sex, age, disability, national origin, sexual orientation or gender identity.

Sec. 15-5. –Reserved. – Harassment.

Harassment based on any protected characteristic is strictly prohibited. Under this policy, harassment is verbal, written or physical conduct that denigrates or shows hostility or aversion toward an individual because of actual or perceived race, color, religion, sex, age, disability, national origin, sexual orientation or gender identity. Harassing conduct includes epithets, slurs or negative stereotyping; threatening, intimidating or hostile acts; denigrating jokes; and written or graphic material that denigrates or shows hostility or aversion toward an individual or group that is placed on walls or elsewhere on the employer’s premises or circulated or posted in the workplace by e-mail, phone (including voice messages), text messages, social networking sites or other means.

Sec. 15-6. –Reserved. – Retaliation.

Retaliation against any person who reports discrimination or harassment or participates in an investigation of such reports is strictly prohibited. Under this policy “retaliation” means any act, policy or practice that unfavorably subjects any person to different or separate treatment because the person has opposed or reported any practice prohibited under this article. The city strongly encourages reporting of all perceived incidents of discrimination or harassment. It is the policy of the city to promptly and thoroughly investigate such reports. Retaliation against an individual for reporting harassment or discrimination or for participating in an investigation of a claim of

harassment or discrimination is a serious violation of this policy and, like harassment or discrimination itself, will be subject to disciplinary action as set forth in section 15-9. Acts of retaliation should be reported immediately and will be promptly investigated and addressed.

Sec. 15-7. —Reserved. — Prohibited practices.

The following shall constitute a violation of this chapter:

- A. For any elected or appointed official, employee, volunteer, contractor, vendor or consultant to discriminate against any person, including to restrict or refuse access because of actual or perceived race, color, religion, sex, age, disability, national origin, sexual orientation or gender identity.
- B. For any elected or appointed official, employee, volunteer, contractor, vendor or consultant, because of actual or perceived race, color, religion, sex, age, disability, national origin, sexual orientation or gender identity to refuse to hire, or employ, or bar, or discharge from employment any person, or to discriminate against such person in compensation, conditions, or privileges of employment. Each city vendor, contractor or consultant shall provide a copy of its antidiscrimination policy to the city's purchasing director to confirm compliance with this chapter or attest in writing to compliance with this chapter.
- C. For any elected or appointed official, employee, volunteer, contractor, vendor or consultant, to coerce, intimidate, threaten, or interfere with any person in the exercise and enjoyment of, or on account of, any aid or encouragement of any right granted or protected under this chapter.
- D. For any elected or appointed official, employee, volunteer, contractor, vendor or consultant, to discriminate against, harass, threaten, harm, damage, or otherwise penalize another person for opposing an unlawful practice, for filing a complaint, for assisting or participating in any manner in the investigation or in mediation of disputes.

Sec. 15-8. —Reserved. — Reporting an Incident of Harassment, Discrimination or Retaliation; Investigation.

The city encourages reporting of all perceived incidents of discrimination, harassment or retaliation, regardless of the offender's identity or position. Employees or volunteers who believe that they have been the victim of such conduct should discuss their concerns with the director of human resources or designee. In addition, the city encourages individuals who believe they are being subjected to such conduct to promptly advise the offender that his or her behavior is unwelcome and to request that it be discontinued. The city recognizes, however, that an individual may prefer to pursue the matter through complaint procedures. Complaints that state a violation of this article will be investigated promptly. A complaint that an employee or volunteer has violated this article may be made to the director of human resources. A complaint that an elected or appointed official has violated this article may be made to the city attorney or designee. A complaint that a contractor, vendor or consultant has violated this article may be made to the purchasing director or if the complaint is against a Scottsdale-based contractor, vendor or consultant, it may be filed under section 15-19. Complaints shall be made by the person whose rights under this article were allegedly violated. The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have observed the alleged conduct or may have other relevant knowledge. The city will maintain confidentiality

throughout the investigatory process to the extent consistent with adequate investigation and appropriate corrective action, and to the extent allowed by law.

Sec. 15-9. –Reserved. – Disciplinary action.

Misconduct constituting discrimination, harassment or retaliation will be dealt with appropriately. Responsive action may include, for example, training, referral to counseling or disciplinary action such as a warning, reprimand, withholding of a promotion or pay increase, reassignment, temporary suspension without pay, or termination, as the city believes appropriate under the circumstances. Any discipline of employees will follow the applicable procedures outlined in the Human Resources Ordinance. For elected and appointed officials, a finding that a violation of this policy has occurred will be considered in the same manner as a violation of the Code of Ethical Behavior. If a contractor, vendor or consultant does not agree with the resolution of a complaint, the party may appeal as provided in the Procurement Code.

Sec. 15-10. –Reserved. – Policy education and training.

The city will make every reasonable effort to ensure that all concerned are familiar with these policies and are aware that any complaint in violation of such policies will be investigated and resolved appropriately. Any person who has questions or concerns about these policies should contact the applicable person identified in section 15-8.

Sec. 15-11. –Reserved. – Exclusions.

Notwithstanding any other provision herein, nothing in this chapter is intended to alter or abridge other rights, protections, or privileges secured under state or federal law. This chapter shall be construed and applied in a manner consistent with First Amendment jurisprudence regarding freedom of speech, freedom of association and exercise of religion.

Sec. 15-12. –Reserved. – No Separate Cause of Action.

Nothing in this chapter creates a separate cause of action or imposes legal liability against the City of Scottsdale or any other individual or business entity in regard to violation of this article.

ARTICLE II. —FAIR HOUSING - ANTI-DISCRIMINATION IN EMPLOYMENT AND PUBLIC ACCOMMODATIONS

Sec. 15-14. –Reserved. - Policy Declaration.

It is the policy of the City of Scottsdale to prohibit discrimination due to actual or perceived race, color, religion, sex, age, disability, national origin, sexual orientation or gender identity in employment and places of public accommodation.

Sec. 15-15. –Reserved. - Definitions Applicable to the Chapter.

In this chapter, unless the context otherwise requires:

- A. *Age* means at least forty (40) years of age.
- B. *Contractor* means any person who has a contract with the City of Scottsdale.

C. *Disability* means:

1. A physical or mental impairment that substantially limits one or more of the major life activities of such individual;
2. A record of such an impairment; or
3. Being regarded as having such an impairment.

Disability does not include the current illegal use of or addiction to a controlled substance (as defined in the Controlled Substances Act, 21 U.S.C. § 801 et seq.) or the current use of alcohol that prevents an individual from performing the duties of the job in question or whose employment, by reason of such current alcohol use, would constitute a direct threat to the property or the safety of others.

Discrimination on the basis of disability shall be interpreted in a manner consistent with the Americans with Disabilities Act, 42 U.S.C. § 12101 et seq.

D. *Discriminate* or *discrimination* means to engage in or make, directly or indirectly, any act, policy or practice that unfavorably subjects any person to different or separate treatment on the basis of actual or perceived race, color, religion, sex, age, disability, national origin, sexual orientation or gender identity.

E. *Discriminate because of sex* includes discrimination based on actual or perceived gender, pregnancy, child birth or related medical conditions.

F. *Discrimination complaint administrator* means the person designated by the city manager to investigate a complaint under this article.

G. *Dwelling* means:

1. Any building, structure or part of a building or structure that is occupied as, or designed or intended for occupancy as, a residence by one or more families;
2. Any vacant land that is offered for sale or lease for the construction or location of a building, structure or part of building or structure described by subsection (1) of this definition.

H. *Educational institution* means any private educational institution located or operating in the City of Scottsdale which provides educational services including an academy, college, university, elementary or secondary school, kindergarten, extension course, nursery school system, and a business, nursing, professional, secretarial, technical or vocational school.

I. *Employee* means an individual employed for pay to perform services for an employer and whose job-related activities are controlled and directed by the employer for whom services are being performed.

J. *Employer* means any person employing one or more employees in the City of Scottsdale in each of twenty (20) or more calendar weeks in the current or preceding calendar year, and includes any agent of such person.

- K. *Employment agency* means any person regularly undertaking, with or without compensation, to procure, recruit, refer or place employees with an employer.
- L. *Familial status* means a person is:
1. Pregnant;
 2. A parent or other person having legal custody or who is in the process of securing legal custody of one or more individuals who are younger than 18 years and who are domiciled with such person;
 3. The designee of such parent or other person having legal custody as described in subsection (2) with the written permission of the parent or other person.
- M. *Gender identity* means an individual's actual or perceived gender-related identity, regardless of whether the identity is or is perceived to be different than the identity traditionally associated with the sex assigned to the individual at birth.
- N. *Labor organization* means any organization, labor union or craft union conducting a hiring hall which engages in the hiring of employees, or any voluntary unincorporated association designed to further the cause of the rights of union labor, which is constituted for the purpose in whole or in part of collective bargaining or dealing with employers concerning grievances, terms or conditions of employment or apprenticeships or applications for apprenticeships, or for other mutual aid or protection in connection with employment, including apprentice jobs or application for apprenticeship.
- O. *Person* means one or more individuals, partnerships, associations or corporations, legal representatives, trustees, receivers, or other organized groups of persons.
- P. *Place of public accommodation* means facilities, establishments, accommodations, services or commodities offered to or enjoyed by the general public, including but not limited to public places where food or beverages are sold, public places operated for temporary lodging or for the benefit, use or accommodation of those seeking health or recreation and all establishments offering services, facilities, or goods to members of the general public or supported by government funds. Any dwelling, private club or place which is in its nature distinctly private is not a place of public accommodation.
- Q. *Religion* means all aspects of religious observance and practice, as well as belief. Discrimination on the basis of religion does not include a situation where an employer demonstrates that the employer is unable to reasonably accommodate an employee's or prospective employee's religious observance or practice without undue hardship on the conduct of the employer's business.
- R. *Religious organization* means a religious corporation, association or society or a school, college, university, or other educational institution or institution of learning if the institution is in whole or substantial part controlled, managed, owned, or supported by a religious corporation, association or society, or the curriculum of the institution is directed toward the propagation of a religion.
- S. *Sexual orientation* means an individual's actual or perceived heterosexuality, homosexuality, or bisexuality.

Section 15-16. –Generally. - Prohibited Acts.

~~This article is hereby adopted as the fair housing policy of the housing authority of the city.~~

It is a violation of this article:

- A. For any owner, operator, lessee, manager, agent or employee of any place of public accommodation to discriminate against any person, or directly or indirectly display, circulate, publicize or mail any advertisement, notice or communication which states or implies that any facility or service will be refused or restricted because of actual or perceived race, color, religion, sex, age, disability, national origin, sexual orientation or gender identity, or that any person, because of actual or perceived race, color, religion, sex, age, disability, national origin, sexual orientation or gender identity, would be unwelcome, objectionable, unacceptable or undesirable.
- B. For an employer, because of actual or perceived race, color, religion, sex, age, disability, national origin, sexual orientation or gender identity to refuse to hire or employ any person or to bar or discharge from employment such person, or to discriminate against such person in compensation or in terms, conditions or privileges of employment. Nothing in this subsection shall be interpreted to require that a less qualified person be preferred over a better qualified person because of actual or perceived race, color, religion, sex, age, disability, national origin, sexual orientation or gender identity.
- C. For a labor organization, because of actual or perceived race, color, religion, sex, age, disability, national origin, sexual orientation or gender identity to exclude, expel, limit or restrict from its membership any person, or to provide only inferior or segregated membership opportunities, or to discriminate in any manner against any of its members or against any employer or any person employed by an employer.
- D. For any employer or employment agency to print or circulate, or cause to be printed or circulated, any publication, or to use any form of application for employment, or to make any inquiry in connection with prospective employment, which expresses, directly or indirectly, any limitation, specification or discrimination as to race, color, religion, sex, age, disability, national origin, sexual orientation or gender identity, or expresses any intent to make any such limitation, specification or discrimination.
- E. For any employer, labor organization or employment agency to discharge, expel or otherwise discriminate against any person because such person has opposed in a lawful manner any practices prohibited under this article, or because he or she has filed a complaint, testified or assisted in any proceeding under this article.
- F. For any person to cause or attempt to cause an employer to discriminate against an individual in violation of this article.
- G. For any person to aid, abet, incite, compel or coerce the doing of any of the acts prohibited under this article or to attempt to do so.
- H. For any person to discriminate in places of public accommodation or employment against any person, because that person has made a complaint, testified, assisted or participated in any manner in an investigation, proceeding or hearing under this article.

Sec. 15-17. ~~Establishment of nondiscrimination policy.~~ - Exemptions.

~~In the selection of residents there shall be no discrimination against families because of race, color, creed, sex, religion, national origin, or ancestry. No person shall automatically be excluded from participation in or be denied the benefits of any project operated by the housing authority of the city because of membership in a class such as unmarried mothers, recipients of public assistance.~~

- A. This article shall not apply to any establishment operated by a bona fide private membership club that is exempt from taxation under section 501(c)(3) of the Internal Revenue Code not conducted for the purpose of evading this article, when the accommodations, advantages, facilities and services are restricted to members of such club and their guests.
- B. This article shall not apply to the United States government, any of its departments or agencies, or any corporation wholly owned by it; a federally recognized American Indian tribe; or the State of Arizona or any of its departments, agencies, or political subdivisions.
- C. This chapter shall not apply to any person who violates any policy or regulation of any place of public accommodation that applies to all persons, regardless of race, color, religion, sex, age, disability, national origin, sexual orientation or gender identity. Any such person may be excluded without penalty under this article from any such place of public accommodation, and nothing in this article shall be considered to limit such right of exclusion.
- D. This article shall not be applicable to a religious organization that employs an individual of a particular religion to perform work connected with the performance by the corporation, association or society.
- E. This article does not apply to employment by the City of Scottsdale. Discrimination related to city employment is prohibited by Scottsdale Revised Code §14-2.
- F. Notwithstanding any other provision in this article, it shall not be a violation of this article:
 1. For an employer, labor organization, or employment agency to prohibit the illegal use of drugs and the use of alcohol at the workplace by all employees;
 2. For an employer, labor organization, or employment agency to require that employees not be under the influence of alcohol or engage in the use of potentially impairing drugs while at work;
 3. For an employer, labor organization, or employment agency to require that employees comply with the requirements established under the Drug-Free Workplace Act of 1988 (41 U.S.C. § 701 et seq.) or the drug testing provisions of state law (A.R.S. § 23-493 et seq.);
 4. For an employer, labor organization, or employment agency to hold an employee who engages in the use of potentially impairing drugs or who is an alcoholic to the same standards for employment, job performance and behavior to which such entity holds other employees;

5. For a place of public accommodation to afford beneficial pricing or policies to senior citizens, students, veterans or individuals with disabilities;
6. For an employer to establish a legitimate dress code that is applied uniformly to all employees within certain job categories and is reasonably related to the employer's business needs.

Sec. 15-18. ~~Compliance with state and federal laws. - Violation; Procedure; Penalties.~~

- ~~(a) It is the intention of the housing authority of the city to comply with any state fair housing laws that now or are hereafter adopted.~~
- ~~(b) The Civil Rights Act of 1968, Title VIII, Fair Housing (42 U.S.C. §§ 3601—3619) prohibits discrimination in the sale or rental of residential property involving all buildings containing five (5) or more units; buildings with two (2), three (3) or four (4) units if the owner does not live in the building; one family houses sold or rented by those who own more than three (3) single family houses, and all one family houses which are sold or rented with the services of a real estate broker, agent or salesman. The law also prohibits discrimination by mortgage lending institutions and by real estate boards in their membership policies and in participation in multiple listing services and makes "blockbusting" illegal. "Blockbusting" is defined as meaning ". . . to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry into the neighborhood of persons of a particular race, religion, or national origin."~~
- ~~(c) The Civil Rights Act of 1964, Title VI, nondiscrimination in federally assisted programs, provides that no person shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.~~
- ~~(d) Executive Order 11063 equal opportunity in housing, requires all federal departments and agencies to take all action necessary and appropriate to prevent discrimination because of race, color, creed, or national origin in sales or rental of residential property and related facilities owned or operated by the federal government or provided with federal financial assistance. The order also prohibits discrimination in lending practices, insofar as such practices relate to loans insured or guaranteed by the federal government.~~
- ~~(e) The United States Supreme Court has determined that Federal Statute of 1866 U.S. Code Section 1982 prohibits any racial discrimination in any kind of housing regardless of whether the housing is covered under any other law.~~
- ~~(f) The housing authority of the city shall not, on account of creed or sex, discriminate in the sale, leasing, rental, or other disposition of housing or related facilities (including land) included in any project or in the use or occupancy thereof, nor deny to any family the opportunity to lease or rent any dwelling in any such housing suitable to its needs.~~

A. It is a civil violation for any person to violate any of the provisions of this chapter. Complaints of violations of this chapter shall proceed as prescribed in section 15-19.

B. The following penalties shall be imposed by the Scottsdale City Court for civil violations under this chapter:

1. A person found responsible for a civil violation shall be fined no less than five hundred dollars (\$500.00) per violation but no more than twenty-five hundred dollars (\$2,500.00) per violation. Each day that a violation continues is deemed a separate violation.
2. Failure of a person to comply with any order contained in a judgment for a civil infraction may result in an additional fine as established by the Scottsdale City Court.

Sec. 15-19. ~~Display of the fair housing poster.~~ - Complaint Procedures.

~~The fair housing poster will be displayed so as to be clearly visible to applicants and residents. The poster lists the types of discrimination to be guarded against, the buyers' or renters' right to file complaints if discrimination exists, and the address of the HUD area office to receive them.~~

- A. Any person claiming to be aggrieved by an alleged violation of this article or article III (hereinafter the "complainant") may file with the city clerk a verified charge, in writing, within ninety (90) calendar days after the alleged violation occurred. The charge shall set forth the facts upon which it is based, shall identify the person charged (hereinafter the "respondent"), and shall be signed by the complainant.
- B. Within forty-five (45) days following receipt of the charge from the complainant, the discrimination complaint administrator, in consultation with the city attorney or designee, shall conduct an initial screening of the charge to determine whether the city has jurisdiction over the charge, whether the charge was timely filed, and whether the allegations, if true, would constitute a violation.
- C. If the charge is within the jurisdiction of a federal or state agency, the discrimination complaint administrator shall refer the complainant to the appropriate public agency. The complainant shall be responsible for filing the charge within the time frames set out in federal or state law and the city shall take no further action regarding the charge.
- D. The discrimination complaint administrator shall furnish the respondent with a copy of the charge via first class United States mail. The respondent shall file, not later than twenty (20) days following the date the charge is mailed to the respondent, a written verified answer to the charge.
- E. If the discrimination complaint administrator determines that the city does not have jurisdiction, the charge is untimely, or the allegations would be insufficient to show a violation, the discrimination complaint administrator shall dismiss the charge as not warranting further action or investigation by the city. The decision to dismiss a charge is final. The discrimination complaint administrator shall provide the complainant, the respondent, and the city attorney with written findings concerning the determination to dismiss the charge.
- F. If the discrimination complaint administrator makes an initial determination that the city has jurisdiction over the charge, the charge was timely filed and the allegations, if true,

would constitute a violation, the discrimination complaint administrator may offer mediation services to the complainant and respondent in an attempt to resolve the matter.

- G. Any failure by the charging party to timely respond or take action as requested by the city may be considered withdrawal of the complaint.
- H. If mediation is not successful in resolving the charge or if mediation does not occur, the discrimination complaint administrator shall determine whether the facts support a finding that a violation has occurred. If the discrimination complaint administrator determines that a violation did not occur, the discrimination complaint administrator shall issue a determination that the charge is unfounded and the matter will be considered closed. If the discrimination complaint administrator determines that there is cause to believe that a violation did occur, the discrimination complaint administrator shall refer the matter to the city attorney or designee for a determination as to whether to proceed with prosecution. The city attorney or designee may file civil complaints in city court to enforce this chapter.

Sec. 15-20. - Enforcement of fair housing laws. - No Private Right of Action; Effect of Federal and State Laws.

~~Families experiencing discrimination covered by fair housing laws may file a complaint with the city. The complainant may state the complaint in a letter or use a HUD complaint form (HUD 0903). Complaints must be sent to HUD within one hundred eighty (180) days of the alleged discriminatory act. The executive director or the housing authority shall assist families desiring assistance in filing a complaint, when necessary.~~

This chapter does not create a private cause of action, nor does it create any right or remedy that is the same or substantially equivalent to the remedies provided under federal or state law. Nothing in this chapter shall supersede federal or Arizona law.

Sec. 15-21. - Severability.

If any section, sentence, paragraph, term, definition or provision of this chapter is for any reason determined to be illegal, invalid, superseded by other authority or unconstitutional by any court of competent jurisdiction or by any state or federal regulatory authority having jurisdiction thereof, such portion shall be deemed a separate, distinct, and independent provision and such determination shall have no effect on the validity of any other section, sentence, paragraph, term, definition or provision of this chapter, all of which will remain in full force and effect.

ARTICLE III. FAIR HOUSING

Sec. 15-22. - Prohibited actions.

It is a violation of this article for any person:

- (1) To discriminate against any person in the sale, lease, rental or any other condition involving housing because of actual or perceived race, color, religion, sex, age, disability, national origin, sexual orientation, gender identity or familial status.
- (2) To refuse to sell or rent a dwelling after the making of a bona fide offer, because of actual or perceived race, color, religion, sex, age, disability, national origin, sexual orientation, gender identity or familial status.

- (3) To discriminate in the terms, conditions, or privileges of sale or rental of a dwelling because of actual or perceived race, color, religion, sex, age, disability, national origin, sexual orientation, gender identity or familial status.
- (4) To print, publish, or advertise sale or rental of a dwelling which indicates preference, limitations, or discrimination because of race, color, religion, sex, age, disability, national origin, sexual orientation, gender identity or familial status.
- (5) To represent to any person that a dwelling is not available for inspection, sale, or rental, when such dwelling is, in fact, available because of actual or perceived race, color, religion, sex, age, disability, national origin, sexual orientation, gender identity or familial status.
- (6) To induce, or attempt to induce, for profit, any person to sell or rent a house by representation regarding the entry or prospective entry into the neighborhood of a person or persons of a particular actual or perceived race, color, religion, sex, age, disability, national origin, sexual orientation, gender identity or familial status.

Sec. 15-4823. - Compliance with state and federal laws.; Exemptions.

- (a) Nothing in this article is intended to or shall be construed as diminishing protections afforded by applicable federal or state housing laws.
- (b) Nothing in this article is intended to or shall be construed as diminishing exemptions provided by applicable federal or state housing laws, including the following.
 1. Nothing in this article regarding discrimination based on familial status applies to housing:
 - a. Provided under any state or federal program that is specifically designed and operated to assist elderly persons;
 - b. Intended for and solely occupied by persons 62 years of age or older; or
 - c. Intended and operated for occupancy by persons 55 years of age or older.
 2. This article does not prohibit a religious organization from limiting the sale, rental or occupancy of dwellings that it owns or operates for other than a commercial purpose to persons of the same religion or from giving preference to such persons.
 3. This article does not apply to the selection of a roommate to reside within a dwelling or portion of a dwelling occupied by the person selecting the roommate.
 4. This article does not prohibit a private club that is not in fact open to the public, which incident to its primary purpose, provides lodging that it owns

or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or giving preference to its members.

Sec. 15-24. - Enforcement of fair housing provisions.

The complaint procedures in section 15-19 apply to any claimed violation of this article. Such complaint procedures are in addition to and are not intended to supplant any complaint procedures or remedies available under applicable federal or state housing laws.

PASSED AND ADOPTED by the City Council of the City of Scottsdale this ____ day of _____, 20__.

CITY OF SCOTTSDALE, an Arizona
municipal corporation

ATTEST:

David D. Ortega, Mayor

Ben Lane, City Clerk

APPROVED AS TO FORM:

Sherry R. Scott, City Attorney
By: William Hylan
Senior Assistant City Attorney

CITY COUNCIL REPORT



Meeting Date: **March 23, 2021**
 Charter Provision: ***Provide for the orderly government and administration of the affairs of the City***
 Objective: ***Determine Policies***

ITEM

Anti-Discrimination Ordinance. Presentation, discussion and possible direction to staff regarding the items to be included in an anti-discrimination ordinance scheduled for action on April 20, 2021.

BACKGROUND

In the context of the national discourse on race in Summer 2020, the Human Relations Commission recommended at their August meeting that the City Council consider a non-discrimination ordinance and anti-harassment policy. Their recommendation was shared with the City Council via the attached letter (Attachment 2) with a follow-up letter sent by the Chair and Vice-Chair on February 24, 2021 (Attachment 3).

Other Arizona cities, including Flagstaff, Mesa, Phoenix, Sedona, Tempe, Tucson and Winslow have passed anti-discrimination ordinances, as have at least 225 cities or counties nationwide including economic development and tourism peers, Austin, Texas; Myrtle Beach, South Carolina; and Orlando, Florida, Palm Springs, California and San Diego, California.

ANALYSIS & ASSESSMENT

Scottsdale currently has two ordinances that provide civil rights protections. Scottsdale Revised Code Section 14-2 provides employment opportunities to all persons based solely on ability, regardless of race, color, religion, sex, national origin, age, sexual orientation, gender identity or disability. S.R.C. Section 15-17 relates to fair housing and is intended to mirror federal protections and does not cover sexual orientation or gender identity.

However, there are not any Scottsdale-specific ordinances that cover discrimination in these areas:

- private employment,
- public accommodations or
- city services, including contracting

An anti-discrimination ordinance would expand anti-discrimination laws to include local businesses and employers and require their compliance with the law. It would also provide a mechanism for

responding to complaints of discrimination. Finally, if discrimination occurs, violators would be subject to civil prosecution.

Different types of anti-discrimination laws can be found at all levels of government. These laws vary from jurisdiction to jurisdiction, sometimes significantly. Laws traditionally prohibit discrimination based on a person's race, color, religion, sex, national origin, age or disability. Generally, discrimination is unfavorably treating someone differently because they are in a protected class.

However, there are gaps in the patchwork of laws. For example, neither federal law nor state law currently specifically protect persons from discrimination in public accommodations based on their sexual orientation or gender identity. In addition, these laws do not prohibit discrimination based on sexual orientation or gender identity by employers who employ less than 15 people. This is because only employers with 15 or more employees are covered under federal civil rights laws.

The Supreme Court in *Bostock v. Clayton County* did rule that discrimination based on sexual orientation or gender identity is discrimination on the basis of sex. As a result, employers with 15 or more employees are prohibited from discriminating against their employees based on sexual orientation or gender identity. It has been announced that the federal government will be investigating complaints of housing discrimination based on sexual orientation or gender identity under the federal Fair Housing Act. In addition, federal contractors are prohibited from discriminating based on sexual orientation or gender identity.

Currently, people can be legally denied service in Scottsdale based on such factors as sexual orientation or gender identity and can be discriminated against in employment if they work for an employer with less than 15 employees, which comprise the vast majority of all businesses in Scottsdale. There are no records on how often such discrimination occurs, as it is currently not illegal.

Policy Implications

Anti-discrimination in City Services, Programs and Activities and Contracting – The proposed ordinance opens with statements of public policy regarding anti-discrimination in the provision of city services, programs, activities and contracting. Some of these requirements existed previously in City Code, for example equal employment opportunity in employment (S.R.C. 14-2), and prohibitions against discrimination and harassment for city employees (S.R.C. 14-72). The ordinance outlines classes that have historically been covered by the City of Scottsdale under the Human Resources Ordinance which include race, color, religion, sex, national origin, age, sexual orientation, gender identity or disability. These are often referred to as “protected classes” and includes people whether they are an actual member of a protected class, or just perceived to be a member.

This is the overall statement of public policy (15-2):

“It is the policy of the city to not discriminate and provide equal opportunity to all persons regardless of actual or perceived race, color, religion, sex, national origin, age, sexual orientation, gender identity, or disability in the access, provision and treatment of city services, programs and activities. It is the policy of the city that all persons be treated with respect and dignity as specified in sections 15-4 through 15-7. Each person has the right to receive service from the city in a manner

that promotes equality under the law and prohibits unlawful discrimination, including harassment and retaliation.”

The word “anti-discrimination” has been used rather than “non-discrimination” to take a strong stance. It is consistent with the word choice in Scottsdale’s Administrative Regulation 333 which provides anti-discrimination and non-harassment regulations for Scottsdale employees and volunteers. It is also the title of Tempe’s ordinance, although Phoenix has a non-discrimination ordinance.

The ordinance expands application to include all elected and appointed officials, and contractors, vendors and consultants (15-3) in addition to city employees and volunteers which have been covered under language in Chapter 14 of City Code. The proposed ordinance also promotes equality under the law and prohibits unlawful discrimination (15-4) which is defined and includes harassment (15-5) and retaliation (15-6). In addition, the definition of gender identity has been updated to reflect current understanding.

Including a policy statement covering the city’s operations would demonstrate that Scottsdale is fully committed to anti-discrimination in all its practices before requiring Scottsdale businesses to do the same. Many large Scottsdale businesses have already adopted similar policies, as noted in the Commission’s letter including the San Francisco Giants, Nationwide, HonorHealth, Mayo Clinic, Vanguard and GoDaddy. This policy is also similar to those promulgated for organizations by the Society of Human Resources Management.

Unlawful practices which constitute a violation are outlined in the proposed ordinance as well (15-7). All are prohibited from discrimination in provision of access to services (15-7A) or employment decisions (15-7B and D), or membership (15-7C). Further, all groups are prohibited from coercing, intimidating, threatening or interfering with any person exercising rights under the policy (15-7E) or from harassment against a person for opposing an unlawful practice or filing a complaint (15-7F). In addition, city vendor, contractors or consultants are required to provide a copy of its anti-discrimination policy to the city’s purchasing director (15-7D).

The proposed ordinance also encourages reporting of perceived incidents of discrimination, harassment or retaliation, and outlines disciplinary action. Different processes are used for different classes, for example, complaints regarding elected or appointed officials are made to the City Attorney (similar to the Code of Ethical Behavior), employees and volunteers to the Human Resources Director, and contractors, vendors and consultants to the Purchasing Director (15-8 and 15-9). The city is required to make reasonable efforts at policy education and training (15-10), and this policy is not intended to alter or abridge other rates (15-11), and does not create a separate cause of action or impose legal liability in regard to a violation of this article (15-12).

Anti-discrimination in Employment and Public Accommodations – In addition, as recommended by the Human Relations Commission, the proposed ordinance also prohibits discrimination in employment and places of public accommodating within the City of Scottsdale to the same classes (15-14). In addition, there are defined terms included in this section for:

- age,
- contractor,
- disability,
- discriminate or discrimination,
- dwelling,
- educational institution,
- employee,
- employer,
- employment agency,
- familial status,
- gender identity,
- labor organization,
- person,
- place of public accommodation,
- religion,
- religious organization,
- sex discrimination, and
- sexual orientation (15-17)

The proposed ordinance also outlines prohibited acts in employment and public accommodation (15-16). This includes posting a notice saying that access is refused or restricted to persons of a certain class in places of public accommodation (15-16A), in employment actions by employers (15-16B and 15-16-D), for labor organizations in membership decisions (15-16C), in taking action against someone who files a complaint under this ordinance (15-16E), in causing an employer to discriminate against an individual (15-16F), for participating in the commission of any act prohibited under the ordinance (15-16G), or for otherwise discrimination because the person has been involved in a matter under this ordinance (15-16H).

The proposed ordinance outlines eight exemptions that are not subject to this ordinance:

- private clubs (15-17A)
- other governments (15-17B)
- any policies or regulations of places of public accommodation that apply to all persons, regardless of class (15-17C)
- religious organizations (15-17D)
- employment by the City of Scottsdale, because it's already covered under S.R.C. 14-2 (15-17E)
- prohibition of the illegal use of drugs or the use of alcohol (15-17F1-4)
- for places of public accommodation to provide beneficial pricing or policies to senior citizens, students, veterans or individuals with disabilities (15-17F5)
- For employers to establish dress codes applied uniformly and reasonably related to the employer's business needs (15-17F6)

Penalties – The proposed ordinance makes it a civil violation to violate any provisions (15-18A). The fines imposed by the City Court will range from \$500-2,500 per violation, with each day that a violation continues deemed a separate violation. (15-18B1) Failure to comply with an order contained in a judgement may result in additional fines as established by the City Court. (15-18B2).

Complaint Procedures – The proposed ordinance outlines a complaint process that would ultimately result in charges filed by the City Prosecutor for valid complaints, not within state or federal jurisdiction, that cannot be resolved through mediation. Here are the key steps in the process.

- A. Complaints may be filed with the city manager or designee within 90 days of the alleged violation. The written complaint must set forth the facts of the complaint, the person alleged to have violated the ordinance, and shall be signed by the complainant (15-19A).
- B. Within 45 days following receipt of the written complaint, the city will conduct an initial screening to determine whether the city has jurisdiction, whether it was filed timely, and whether the allegations, if true, would constitute a violation of the ordinance (15-19B).
- C. If a state or federal agency has jurisdiction, the city will refer the complainant to the appropriate agency and no further action will be taken by the city (15-19C). This would include most complaints regarding employers or businesses of 15 or more employees.
- D. If the city has jurisdiction, a copy of the written charge shall be provided to the person alleged to have violated the ordinance, with a response requested within 20 days (15-19D).
- E. The city can dismiss charges if the city does not have jurisdiction, the charge is untimely, or if the allegations would be insufficient to show a violation. The complainant would be notified of the decision to dismiss charges (15-19E).
- F. If the city determines that the city has jurisdiction, the complaint was filed within 90 days, and the allegations, if true, would be sufficient to show a violation, the city may offer mediation services to both parties in an attempt to resolve the matter (15-19F).
- G. If the complainant does not respond or act as requested by the city, the complaint may be considered withdrawn (15-19G).
- H. If the city determines there is reason to believe a violation occurred, the matter will be referred to the city attorney's office to determine whether to prosecute by filing a civil complaint in City Court (15-19H).

Housing – The ordinance also updates language in the housing section and relocates it from SRC 15-16 – 15-20 to new sections 15-22 – 15-24. The ordinance adds “familial status” to the listing of protected classes used elsewhere in the ordinance. This is because familial status (such as being pregnant or a parent with children under 18) is covered under state and federal laws applicable to housing and not to employment or public accommodations. The housing section also clarifies what would constitute a violation. The ordinance provides for exemptions that mirror the exemptions in state and federal housing laws, including an exemption for an individual choosing a roommate, which a court has found to implicate the 1st Amendment right to free association.

Community Involvement

As noted in the background section, the need for an ordinance was identified by a citizen advisory group, the Human Relations Commission, and discussion and deliberation regarding the

recommendation was noticed on Commission agendas. In addition, since the recommendation was transmitted to the City Council, an update item has been included on each agenda as well.

The draft ordinance has been provided to diversity partners and advocacy organizations, as well as the city's LGBTQ liaisons for review and comment. It will be discussed at the March 23, 2021 City Council work study session, before being placed on the April 20, 2021 City Council agenda for action.

At their March 8 meeting, the Human Relations Commission reviewed the proposed anti-discrimination ordinance, and unanimously recommended adoption of the ordinance (See also discussion below regarding U.S. Military Veteran Status as a Protected Class).

A news release has been prepared and shared through the city's electronic newsletters, and a web page created to explain the proposed ordinance with a method was provided for the community to provide their comments. All comments received will be included with this City Council Report when the item comes forward for City Council action.

U.S. Military Veteran Status as a Protected Class - Staff was asked at the City Council retreat to review the Mesa ordinance as a model. The Mesa ordinance included Military Veteran Status and the Scottsdale draft did not. To determine whether there was interest in adding Military Veteran Status, and because Scottsdale has a Veterans Advisory Commission, the VAC was asked for their input.

At their March 3, 2021 meeting, the VAC debated whether it was necessary or not. In the end, the majority felt that it would be a better statement about Scottsdale as a veteran-friendly community to include it. They always want to make sure that we do not just limit veterans to those who served – thus including family, active duty, reserves, etc. While it is not prevalent now (that we know of), there have been times in our history when veterans have been discriminated against (in housing, employment, etc.), such as in the Vietnam era. The transient nature of military service also could lead some landlords, employers, from avoiding these folks. The VAC recommended putting this in place now rather than try to do it after experiencing an issue.

For reference, a majority of the Arizona cities with ordinances (Tempe, Sedona, Flagstaff and Mesa) have Military Veterans Status included, while the others (Phoenix, Tucson and Winslow) do not.

At their March 3 meeting, the VAC recommended that the ordinance cover the following as protected classes:

“veteran status, active duty status, current service in the National Guard or Reserves, or being the spouse of a veteran, or spouse of a person in active duty status or in the National Guard or Reserves”

At their March 8 meeting, the Human Relations Commission reviewed and discussed the proposed anti-discrimination ordinance, including the language recommended by the VAC, and unanimously recommended the City Council adopt the ordinance as presented inserting U.S. Military Veteran Status as a protected class.

Should the City Council wish to accept either of these additions, the following sections in the draft ordinance would need to be changed to reflect the preferred language (Sections 15-2, 15-4, 15-5, 15-7, 15-15, 15-16, 15-17, and 15-22).

Staff continues to research the subject of veteran protections, and anticipates providing a supplemental memorandum on this subject prior to the work study session.

RESOURCE IMPACTS

Staffing, Workload Impact

To develop the ordinance, staff reached out to staff in local governments within Arizona and nationally to learn more about their ordinances and how they have been implemented. Information gained during this process has been included in the ordinance.

Research identified other cities with similar ordinances have experienced very limited costs and complaints under their ordinances. Examples from other Arizona municipalities below forecast Scottsdale's workload impacts involving complaints would be similar:

1. Sedona has not received any complaints or had any charges/investigations/mediations etc., since adopting the human rights ordinance. The adoption did not result in any significant media attention or public input.
2. Tempe has had minimal to no cases that have seen full adjudication, if at all regarding nondiscrimination ordinance violations.
3. Phoenix reported a handful of cases since their ordinance was adopted in 2015.

Current city structures include policies and procedures in place for specific areas of employee or citizen discrimination complaints, that could also be used for complaints made under the ordinance. For example, Human Resources currently investigates internal employee discrimination complaint process and coordinates with employee relations and if necessary, the Personnel Board for resolution. Human Resources also provides training relating to nondiscrimination in the workplace. In addition, the Diversity and Inclusion Program Manager assists city departments in addressing complaints from the public involving city services, programs and activities.

Currently, if a citizen has a discrimination complaint against the city, designated city staff will coordinate with the City Manager's Office and/or the City Attorney's Office to assess the complaint. Depending on the circumstances, the city also refers to the appropriate state or federal civil rights office. The City Attorney's Office also coordinates the process outlined in the Code of Ethical Behavior for complaints. Concerns may also be addressed to the seven Council-appointed members of the Scottsdale Human Relations Commission as well as two staff-appointed LGBTQ liaisons – one to the city manager and the other to the Police Chief.

In addition, the Diversity and Inclusion Program Manager also implements preventative, educational and inclusive strategies and programs both for city employees and for the community. This office is the staff contact for the Human Relations Commission, the appointed LGBTQ liaisons, city-wide Americans with Disabilities Act coordination and oversight for the city's Title VI Civil Rights

coordination. It is also a resource for citizens to air positive and negative diversity perceptions, which is a valuable opportunity for staff to revise programs, activities, and services in response.

If the Anti-Discrimination Ordinance is adopted, staff will use a team approach to put the anti-discrimination ordinance into practice. A team of staff will be trained to review complaints and conduct investigations. We'll refer to other agencies, or suggest mediation, if appropriate.

As noted in the ordinance, mediation is also available to resolve complaints if both parties are willing. In addition to private mediation services, which could be obtained at a cost to the city, the city also has a Mediation Program with trained community mediators. The mediation program is a private, voluntary process in which an impartial person facilitates communication between parties to promote settlement. It does not involve a decision by the mediator. The mediator is a neutral person selected by the parties to assist in the identification of issues, generation of options, and facilitation of a mutually acceptable agreement.

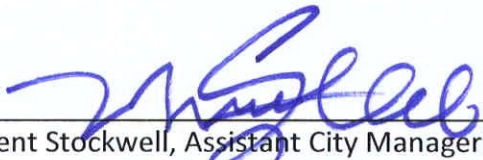
RESPONSIBLE DEPARTMENT(S)

City Manager's Office, Office of Communications and Citizen Service, Office of Diversity and Inclusion

STAFF CONTACTS (S)

Sharon Cini, Diversity & Inclusion Program Manager, SCini@ScottsdaleAZ.gov, 480-312-2727;
Kelly Corsette, Communications/Public Affairs Director, KCorsette@ScottsdaleAZ.gov, 480-312-2336

APPROVED BY



Brent Stockwell, Assistant City Manager

3/3/2021

Date

480-312-7288, BStockwell@ScottsdaleAZ.gov

ATTACHMENTS

1. Anti-Discrimination Ordinance
2. Human Relations Commission Letter and Recommendations
3. February 24, 2021 Chair and Vice Chair Letter

ATTACHMENT 1

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SCOTTSDALE, ARIZONA AMENDING SCOTTSDALE REVISED CODE CHAPTER 14, HUMAN RESOURCES MANAGEMENT, BY AMENDING SECTION 14-1.1, CHAPTER 15, HUMAN RIGHTS, ARTICLES I AND II BY ADDING SECTIONS 15-1 THROUGH 15-12, AMENDING SECTIONS 15-16 THROUGH 15-20 AND ADDING ARTICLE III, SECTIONS 15-21 THROUGH 15-32.

WHEREAS, the City of Scottsdale ("City") is committed to anti-discrimination and fair treatment of residents, visitors, and employees; and

WHEREAS, the City Council ("Council") supports and values diversity and inclusiveness; and

WHEREAS, the City of Scottsdale is comprised of diverse and varied groups, communities, and individuals; and

WHEREAS, the City wishes to provide a clear and comprehensive mandate for the prevention of discrimination in employment, housing, places of public accommodation, and City services, programs and activities.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Scottsdale as follows:

Section 1. Scottsdale Revised Code, Chapter 14, Human Resources Management, is amended by amending Section 14-1.1 to read as follows, with new language shown in shaded format and deleted language shown in strikeout format:

~~*Gender identity* means an individual's gender-related identity, regardless of whether the identity is or is perceived to be different than the identity traditionally associated with the sex assignment to the individual at birth various attributes as they are understood to be either masculine and/or feminine and shall be interpreted to include pre and post-operative transgender individuals.~~

Section 2. Scottsdale Revised Code, Chapter 15, Human Rights, is amended by adding Sections 15-1 through 15-8, amending Sections 15-17 through 15-20, and adding Article III, Sections 15-21 through 15-32 to read as follows, with new language shown in shaded format and deleted language shown in strikethrough format:

~~ARTICLE I. -IN GENERAL~~ **ANTI-DISCRIMINATION IN CITY SERVICES, PROGRAMS AND ACTIVITIES AND CONTRACTING**

Sec. 15-1. -Reserved. ~~Generally~~

This article is hereby adopted as the non-discrimination and anti-harassment policy of the city.

Sec. 15-2. ~~Reserved.~~ – Establishment of Anti-discrimination and anti-harassment policy.

It is the policy of the city to not discriminate and provide equal opportunity to all persons regardless of actual or perceived race, color, religion, sex, national origin, age, sexual orientation, gender identity, or disability in the access, provision and treatment of city services, programs and activities. It is the policy of the city that all persons be treated with respect and dignity as specified in sections 15-4 through 15-7. Each person has the right to receive service from the city in a manner that promotes equality under the law and prohibits unlawful discrimination, including harassment and retaliation.

Sec. 15-3. ~~Reserved.~~ - Individuals and Conduct Covered.

These policies apply to all elected and appointed officials, employees, and volunteers while acting within the scope of their city duties and all contractors, vendors and consultants of the city. City contracts and agreements will include language regarding compliance with this policy. Conduct prohibited by these policies is unacceptable in the workplace and in any work-related setting outside the workplace, such as during business trips, business meetings and business-related social events.

Sec. 15-4. ~~Reserved.~~ – Discrimination.

Discrimination based on any protected characteristic is strictly prohibited. Under this policy, "discrimination" means engaging in or making directly or indirectly, any act, policy or practice that unfavorably subjects any person to different or separate treatment on the basis of actual or perceived race, color, religion, sex, age, disability, national origin, sexual orientation or gender identity.

Sec. 15-5. ~~Reserved.~~ – Harassment.

Harassment based on any protected characteristic is strictly prohibited. Under this policy, harassment is verbal, written or physical conduct that denigrates or shows hostility or aversion toward an individual because of actual or perceived race, color, religion, sex, age, disability, national origin, sexual orientation or gender identity. Harassing conduct includes epithets, slurs or negative stereotyping; threatening, intimidating or hostile acts; denigrating jokes; and written or graphic material that denigrates or shows hostility or aversion toward an individual or group that is placed on walls or elsewhere on the employer's premises or circulated or posted in the workplace by e-mail, phone (including voice messages), text messages, social networking sites or other means.

Sec. 15-6. ~~Reserved.~~ – Retaliation.

Retaliation against any person who reports discrimination or harassment or participates in an investigation of such reports is strictly prohibited. Under this policy "retaliation" means any act, policy or practice that unfavorably subjects any person to different or separate treatment because the person has opposed or reported any practice prohibited under this article. The city strongly encourages reporting of all perceived incidents of discrimination or harassment. It is the policy of the city to promptly and thoroughly investigate such reports. Retaliation against an individual for reporting harassment or discrimination or for participating in an investigation of a claim of

harassment or discrimination is a serious violation of this policy and, like harassment or discrimination itself, will be subject to disciplinary action as set forth in section 15-9. Acts of retaliation should be reported immediately and will be promptly investigated and addressed.

Sec. 15-7. –~~Reserved.~~ – Prohibited practices.

The following shall constitute a violation of this chapter:

- A. For any elected or appointed official, employee, volunteer, contractor, vendor or consultant to discriminate against any person, including to restrict or refuse access on the basis of actual or perceived race, color, religion, sex, age, disability, national origin, sexual orientation or gender identity.
- B. For any elected or appointed official, employee, volunteer, contractor, vendor or consultant, because of actual or perceived race, color, religion, sex, age, disability, national origin, sexual orientation or gender identity to refuse to hire, or employ, or bar, or discharge from employment any person, or to discriminate against such person in compensation, conditions, or privileges of employment. Each city vendor, contractor or consultant shall provide a copy of its antidiscrimination policy to the city's purchasing director to confirm compliance with this chapter or attest in writing to compliance with this chapter.
- C. For any elected or appointed official, employee, volunteer, contractor, vendor or consultant, to coerce, intimidate, threaten, or interfere with any person in the exercise and enjoyment of, or on account of, any aid or encouragement of any right granted or protected under this chapter.
- D. For any elected or appointed official, employee, volunteer, contractor, vendor or consultant, to discriminate against, harass, threaten, harm, damage, or otherwise penalize another person for opposing an unlawful practice, for filing a complaint, for assisting or participating in any manner in the investigation or in mediation of disputes.

Sec. 15-8. —~~Reserved.~~ – Reporting an Incident of Harassment, Discrimination or Retaliation; Investigation.

The city encourages reporting of all perceived incidents of discrimination, harassment or retaliation, regardless of the offender's identity or position. Employees or volunteers who believe that they have been the victim of such conduct should discuss their concerns with the director of human resources or designee. In addition, the city encourages individuals who believe they are being subjected to such conduct to promptly advise the offender that his or her behavior is unwelcome and to request that it be discontinued. The city recognizes, however, that an individual may prefer to pursue the matter through complaint procedures. Complaints that state a violation of this article will be investigated promptly. A complaint that an employee or volunteer has violated this article may be made to the director of human resources. A complaint that an elected or appointed official has violated this article may be made to the city attorney or designee. A complaint that a contractor, vendor or consultant has violated this article may be made to the purchasing director or if the complaint is against a Scottsdale-based contractor, vendor or consultant, it may be filed under section 15-19. Complaints shall be made by the person whose rights under this article were allegedly violated. The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have observed the alleged conduct or may have other relevant knowledge. The city will maintain confidentiality

throughout the investigatory process to the extent consistent with adequate investigation and appropriate corrective action, and to the extent allowed by law.

Sec. 15-9. ~~Reserved.~~ – Disciplinary action.

Misconduct constituting discrimination, harassment or retaliation will be dealt with appropriately. Responsive action may include, for example, training, referral to counseling or disciplinary action such as a warning, reprimand, withholding of a promotion or pay increase, reassignment, temporary suspension without pay, or termination, as the city believes appropriate under the circumstances. Any discipline of employees will follow the applicable procedures outlined in the Human Resources Ordinance. For elected and appointed officials, a finding that a violation of this policy has occurred will be considered in the same manner as a violation of the Code of Ethical Behavior. If a contractor, vendor or consultant does not agree with the resolution of a complaint, the party may appeal as provided in the Procurement Code.

Sec. 15-10. ~~Reserved.~~ – Policy education and training.

The city will make every reasonable effort to ensure that all concerned are familiar with these policies and are aware that any complaint in violation of such policies will be investigated and resolved appropriately. Any person who has questions or concerns about these policies should contact the applicable person identified in section 15-8.

Sec. 15-11. ~~Reserved.~~ – Exclusions.

Notwithstanding any other provision herein, nothing in this chapter is intended to alter or abridge other rights, protections, or privileges secured under state or federal law. This chapter shall be construed and applied in a manner consistent with First Amendment jurisprudence regarding freedom of speech, freedom of association and exercise of religion.

Sec. 15-12. ~~Reserved.~~ – No Separate Cause of Action.

Nothing in this chapter creates a separate cause of action or imposes legal liability against the City of Scottsdale or any other individual or business entity in regard to violation of this article.

ARTICLE II. ~~FAIR HOUSING~~ - ANTI-DISCRIMINATION IN EMPLOYMENT AND PUBLIC ACCOMMODATIONS

Sec. 15-14. ~~Reserved.~~ - Policy Declaration.

It is the policy of the City of Scottsdale to prohibit discrimination due to actual or perceived race, color, religion, sex, age, disability, national origin, sexual orientation or gender identity in employment and places of public accommodation.

Sec. 15-15. ~~Reserved.~~ - Definitions Applicable to the Chapter.

In this chapter, unless the context otherwise requires:

- A. *Age* means at least forty (40) years of age.
- B. *Contractor* means any person who has a contract with the City of Scottsdale.

C. *Disability* means:

1. A physical or mental impairment that substantially limits one or more of the major life activities of such individual;
2. A record of such an impairment; or
3. Being regarded as having such an impairment.

Disability does not include the current illegal use of or addiction to a controlled substance (as defined in the Controlled Substances Act, 21 U.S.C. § 801 et seq.) or the current use of alcohol that prevents an individual from performing the duties of the job in question or whose employment, by reason of such current alcohol use, would constitute a direct threat to the property or the safety of others.

Discrimination on the basis of disability shall be interpreted in a manner consistent with the Americans with Disabilities Act, 42 U.S.C. § 12101 et seq.

D. *Discriminate or discrimination* means to engage in or make, directly or indirectly, any act, policy or practice that unfavorably subjects any person to different or separate treatment on the basis of actual or perceived race, color, religion, sex, age, disability, national origin, sexual orientation or gender identity.

E. *Discrimination complaint administrator* means the person designated by the city manager to investigate a complaint under this article.

F. *Dwelling* means:

1. Any building, structure or part of a building or structure that is occupied as, or designed or intended for occupancy as, a residence by one or more families;
2. Any vacant land that is offered for sale or lease for the construction or location of a building, structure or part of building or structure described by subsection (1) of this definition.

G. *Educational institution* means any private educational institution located or operating in the City of Scottsdale which provides educational services including an academy, college, university, elementary or secondary school, kindergarten, extension course, nursery school system, and a business, nursing, professional, secretarial, technical or vocational school.

H. *Employee* means an individual employed for pay to perform services for an employer and whose job-related activities are controlled and directed by the employer for whom services are being performed.

I. *Employer* means any person employing one or more employees in the City of Scottsdale in each of twenty (20) or more calendar weeks in the current or preceding calendar year, and includes any agent of such person.

J. *Employment agency* means any person regularly undertaking, with or without compensation, to procure, recruit, refer or place employees with an employer.

K. *Familial status* means a person is:

1. Pregnant;
2. A parent or other person having legal custody or who is in the process of securing legal custody of one or more individuals who are younger than 18 years and who are domiciled with such person;
3. The designee of such parent or other person having legal custody as described in subsection (2) with the written permission of the parent or other person.

L. *Gender identity* means an individual's actual or perceived gender-related identity, regardless of whether the identity is or is perceived to be different than the identity traditionally associated with the sex assigned to the individual at birth.

M. *Labor organization* means any organization, labor union or craft union conducting a hiring hall which engages in the hiring of employees, or any voluntary unincorporated association designed to further the cause of the rights of union labor, which is constituted for the purpose in whole or in part of collective bargaining or dealing with employers concerning grievances, terms or conditions of employment or apprenticeships or applications for apprenticeships, or for other mutual aid or protection in connection with employment, including apprentice jobs or application for apprenticeship.

N. *Person* means one or more individuals, partnerships, associations or corporations, legal representatives, trustees, receivers, or other organized groups of persons.

O. *Place of public accommodation* means facilities, establishments, accommodations, services or commodities offered to or enjoyed by the general public, including but not limited to public places where food or beverages are sold, public places operated for temporary lodging or for the benefit, use or accommodation of those seeking health or recreation and all establishments offering services, facilities, or goods to members of the general public or supported by government funds. Any dwelling, private club or place which is in its nature distinctly private is not a place of public accommodation.

P. *Religion* means all aspects of religious observance and practice, as well as belief. Discrimination on the basis of religion does not include a situation where an employer demonstrates that the employer is unable to reasonably accommodate an employee's or prospective employee's religious observance or practice without undue hardship on the conduct of the employer's business.

Q. *Religious organization* means a religious corporation, association or society or a school, college, university, or other educational institution or institution of learning if the institution is in whole or substantial part controlled, managed, owned, or supported by a religious corporation, association or society, or the curriculum of the institution is directed toward the propagation of a religion.

R. *Sex* means biological or anatomical sex as male or female as designated at birth.

S. *Sex discrimination* includes discrimination based on actual or perceived gender, pregnancy, child birth or related medical conditions.

T. *Sexual orientation* means an individual's actual or perceived heterosexuality, homosexuality, or bisexuality.

Section 15-16. –~~Generally.~~ - Prohibited Acts.

~~This article is hereby adopted as the fair housing policy of the housing authority of the city.~~

It is a violation of this article:

- A. For any owner, operator, lessee, manager, agent or employee of any place of public accommodation to discriminate against any person, or directly or indirectly display, circulate, publicize or mail any advertisement, notice or communication which states or implies that any facility or service will be refused or restricted because of actual or perceived race, color, religion, sex, age, disability, national origin, sexual orientation or gender identity, or that any person, because of actual or perceived race, color, religion, sex, age, disability, national origin, sexual orientation or gender identity, would be unwelcome, objectionable, unacceptable or undesirable.
- B. For an employer, because of actual or perceived race, color, religion, sex, age, disability, national origin, sexual orientation or gender identity to refuse to hire or employ any person or to bar or discharge from employment such person, or to discriminate against such person in compensation or in terms, conditions or privileges of employment. Nothing in this subsection shall be interpreted to require that a less qualified person be preferred over a better qualified person because of actual or perceived race, color, religion, sex, age, disability, national origin, sexual orientation or gender identity.
- C. For a labor organization, because of actual or perceived race, color, religion, sex, age, disability, national origin, sexual orientation or gender identity to exclude, expel, limit or restrict from its membership any person, or to provide only inferior or segregated membership opportunities, or to discriminate in any manner against any of its members or against any employer or any person employed by an employer.
- D. For any employer or employment agency to print or circulate, or cause to be printed or circulated, any publication, or to use any form of application for employment, or to make any inquiry in connection with prospective employment, which expresses, directly or indirectly, any limitation, specification or discrimination as to race, color, religion, sex, age, disability, national origin, sexual orientation or gender identity, or expresses any intent to make any such limitation, specification or discrimination.
- E. For any employer, labor organization or employment agency to discharge, expel or otherwise discriminate against any person because such person has opposed in a lawful manner any practices prohibited under this article, or because he or she has filed a complaint, testified or assisted in any proceeding under this article.
- F. For any person to cause or attempt to cause an employer to discriminate against an individual in violation of this article.
- G. For any person to aid, abet, incite, compel or coerce the doing of any of the acts prohibited under this article or to attempt to do so.

H. For any person to discriminate in places of public accommodation or employment against any person, because that person has made a complaint, testified, assisted or participated in any manner in an investigation, proceeding or hearing under this article.

Sec. 15-17. ~~Establishment of nondiscrimination policy.~~ Exemptions.

~~In the selection of residents there shall be no discrimination against families because of race, color, creed, sex, religion, national origin, or ancestry. No person shall automatically be excluded from participation in or be denied the benefits of any project operated by the housing authority of the city because of membership in a class such as unmarried mothers, recipients of public assistance.~~

- A. This article shall not apply to any establishment operated by a bona fide private membership club that is exempt from taxation under section 501(c)(3) of the internal revenue code not conducted for the purpose of evading this article, when the accommodations, advantages, facilities and services are restricted to members of such club and their guests.
- B. This article shall not apply to the United States government, any of its departments or agencies, or any corporation wholly owned by it; a federally recognized American Indian tribe; or the State of Arizona or any of its departments, agencies, or political subdivisions.
- C. This chapter shall not apply to any person who violates any policy or regulation of any place of public accommodation that applies to all persons, regardless of race, color, religion, sex, age, disability, national origin, sexual orientation or gender identity. Any such person may be excluded without penalty under this article from any such place of public accommodation, and nothing in this article shall be considered to limit such right of exclusion.
- D. This article shall not be applicable to a religious organization that employs an individual of a particular religion to perform work connected with the performance by the corporation, association or society.
- E. This article does not apply to employment by the City of Scottsdale. Discrimination related to city employment is prohibited by Scottsdale Revised Code §14-2.
- F. Notwithstanding any other provision in this article; it shall not be a violation of this article:
 - 1. For an employer, labor organization, or employment agency to prohibit the illegal use of drugs and the use of alcohol at the workplace by all employees;
 - 2. For an employer, labor organization, or employment agency to require that employees not be under the influence of alcohol or engage in the use of potentially impairing drugs while at work;
 - 3. For an employer, labor organization, or employment agency to require that employees comply with the requirements established under the Drug-Free Workplace Act of 1988 (41 U.S.C. § 701 et seq.) or the drug testing provisions of state law (A.R.S. § 23-493 et seq.);

4. For an employer, labor organization, or employment agency to hold an employee who engages in the use of potentially impairing drugs or who is an alcoholic to the same standards for employment, job performance and behavior to which such entity holds other employees;
5. For a place of public accommodation to afford beneficial pricing or policies to senior citizens, students, veterans or individuals with disabilities;
6. For an employer to establish a legitimate dress code that is applied uniformly to all employees within certain job categories and is reasonably related to the employer's business needs.

Sec. 15-18. ~~Compliance with state and federal laws. - Violation; Procedure; Penalties.~~

- ~~(a) It is the intention of the housing authority of the city to comply with any state fair housing laws that now or are hereafter adopted.~~
- ~~(b) The Civil Rights Act of 1968, Title VIII, Fair Housing (42 U.S.C. §§ 3601-3610) prohibits discrimination in the sale or rental of residential property involving all buildings containing five (5) or more units; buildings with two (2), three (3) or four (4) units if the owner does not live in the building; one family houses sold or rented by those who own more than three (3) single family houses, and all one family houses which are sold or rented with the services of a real estate broker, agent or salesman. The law also prohibits discrimination by mortgage lending institutions and by real estate boards in their membership policies and in participation in multiple listing services and makes "blockbusting" illegal. "Blockbusting" is defined as meaning ". . . to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry into the neighborhood of persons of a particular race, religion, or national origin."~~
- ~~(c) The Civil Rights Act of 1964, Title VI, nondiscrimination in federally assisted programs, provides that no person shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.~~
- ~~(d) Executive Order 11063 equal opportunity in housing, requires all federal departments and agencies to take all action necessary and appropriate to prevent discrimination because of race, color, creed, or national origin in sales or rental of residential property and related facilities owned or operated by the federal government or provided with federal financial assistance. The order also prohibits discrimination in lending practices, insofar as such practices relate to loans insured or guaranteed by the federal government.~~
- ~~(e) The United States Supreme Court has determined that Federal Statute of 1866 U.S. Code Section 1982 prohibits any racial discrimination in any kind of housing regardless of whether the housing is covered under any other law.~~
- ~~(f) The housing authority of the city shall not, on account of creed or sex, discriminate in the sale, leasing, rental, or other disposition of housing or related facilities (including land) included in any project or in the use or occupancy thereof, nor deny~~

~~to any family the opportunity to lease or rent any dwelling in any such housing suitable to its needs.~~

A. It is a civil violation for any person to violate any of the provisions of this chapter. Complaints of violations of this chapter shall proceed as prescribed in section 15-19.

B. The following penalties shall be imposed by the Scottsdale City Court for civil violations under this chapter:

1. A person found responsible for a civil violation shall be fined no less than five hundred dollars (\$500.00) per violation but no more than twenty-five hundred dollars (\$2,500.00) per violation. Each day that a violation continues is deemed a separate violation.

2. Failure of a person to comply with any order contained in a judgment for a civil infraction may result in an additional fine as established by the Scottsdale City Court.

Sec. 15-19. ~~Display of the fair housing poster.~~ Complaint Procedures.

~~The fair housing poster will be displayed so as to be clearly visible to applicants and residents. The poster lists the types of discrimination to be guarded against, the buyers' or renters' right to file complaints if discrimination exists, and the address of the HUD area office to receive them.~~

A. Any person claiming to be aggrieved by an alleged violation of this article or article III (hereinafter the "complainant") may file with the city clerk a verified charge, in writing, within ninety (90) calendar days after the alleged violation occurred. The charge shall set forth the facts upon which it is based, shall identify the person charged (hereinafter the "respondent"), and shall be signed by the complainant.

B. Within forty-five (45) days following receipt of the charge from the complainant, the discrimination complaint administrator, in consultation with the city attorney or designee, shall conduct an initial screening of the charge to determine whether the city has jurisdiction over the charge, whether the charge was timely filed, and whether the allegations, if true, would constitute a violation.

C. If the charge is within the jurisdiction of a federal or state agency, the discrimination complaint administrator shall refer the complainant to the appropriate public agency. The complainant shall be responsible for filing the charge within the time frames set out in federal or state law and the city shall take no further action regarding the charge.

D. The discrimination complaint administrator shall furnish the respondent with a copy of the charge via first class United States mail. The respondent shall file, not later than twenty (20) days following the date the charge is mailed to the respondent, a written verified answer to the charge.

E. If the discrimination complaint administrator determines that the city does not have jurisdiction, the charge is untimely, or the allegations would be insufficient to show a violation, the discrimination complaint administrator shall dismiss the charge as not warranting further action or investigation by the city. The decision to dismiss a charge is final. The discrimination complaint administrator shall provide the complainant, the

respondent, and the city attorney with written findings concerning the determination to dismiss the charge.

- F. If the discrimination complaint administrator makes an initial determination that the city has jurisdiction over the charge, the charge was timely filed and the allegations, if true, would constitute a violation, the discrimination complaint administrator may offer mediation services to the complainant and respondent in an attempt to resolve the matter.
- G. Any failure by the charging party to timely respond or take action as requested by the city may be considered withdrawal of the complaint.
- H. If mediation is not successful in resolving the charge or if mediation does not occur, the discrimination complaint administrator shall determine whether the facts support a finding that a violation has occurred. If the discrimination complaint administrator determines that a violation did not occur, the discrimination complaint administrator shall issue a determination that the charge is unfounded and the matter will be considered closed. If the discrimination complaint administrator determines that there is cause to believe that a violation did occur, the discrimination complaint administrator shall refer the matter to the city attorney or designee for a determination as to whether to proceed with prosecution. The city attorney or designee may file civil complaints in city court to enforce this chapter.

Sec. 15-20. —~~Enforcement of fair housing laws.~~ - No Private Right of Action; Effect of Federal and State Laws.

~~Families experiencing discrimination covered by fair housing laws may file a complaint with the city. The complainant may state the complaint in a letter or use a HUD complaint form (HUD-0903). Complaints must be sent to HUD within one hundred eighty (180) days of the alleged discriminatory act. The executive director or the housing authority shall assist families desiring assistance in filing a complaint, when necessary.~~

This chapter does not create a private cause of action, nor does it create any right or remedy that is the same or substantially equivalent to the remedies provided under federal or state law. Nothing in this chapter shall supersede federal or Arizona law.

Sec. 15-21. - Severability.

If any section, sentence, paragraph, term, definition or provision of this chapter is for any reason determined to be illegal, invalid, superseded by other authority or unconstitutional by any court of competent jurisdiction or by any state or federal regulatory authority having jurisdiction thereof, such portion shall be deemed a separate, distinct, and independent provision and such determination shall have no effect on the validity of any other section, sentence, paragraph, term, definition or provision of this chapter, all of which will remain in full force and effect.

ARTICLE III. FAIR HOUSING

Sec. 15-22. - Prohibited actions.

It is a violation of this article for any person:

- (1) To discriminate against any person in the sale, lease, rental or any other condition involving housing because of actual or perceived race, color, religion, sex, age, disability, national origin, sexual orientation, gender identity or familial status.
- (2) To refuse to sell or rent a dwelling after the making of a bona fide offer, because of actual or perceived race, color, religion, sex, age, disability, national origin, sexual orientation, gender identity or familial status.
- (3) To discriminate in the terms, conditions, or privileges of sale or rental of a dwelling because of actual or perceived race, color, religion, sex, age, disability, national origin, sexual orientation, gender identity or familial status.
- (4) To print, publish, or advertise sale or rental of a dwelling which indicates preference, limitations, or discrimination because of race, color, religion, sex, age, disability, national origin, sexual orientation, gender identity or familial status.
- (5) To represent to any person that a dwelling is not available for inspection, sale, or rental, when such dwelling is, in fact, available because of actual or perceived race, color, religion, sex, age, disability, national origin, sexual orientation, gender identity or familial status.
- (6) To induce, or attempt to induce, for profit, any person to sell or rent a house by representation regarding the entry or prospective entry into the neighborhood of a person or persons of a particular actual or perceived race, color, religion, sex, age, disability, national origin, sexual orientation, gender identity or familial status.

Sec. 15-4823. - Compliance with state and federal laws; Exemptions.

- (a) Nothing in this article is intended to or shall be construed as diminishing protections afforded by applicable federal or state housing laws.
- (b) Nothing in this article is intended to or shall be construed as diminishing exemptions provided by applicable federal or state housing laws, including the following.
 1. Nothing in this article regarding discrimination based on familial status applies to housing:
 - a. Provided under any state or federal program that is specifically designed and operated to assist elderly persons;
 - b. Intended for and solely occupied by persons 62 years of age or older; or
 - c. Intended and operated for occupancy by persons 55 years of age or older.
 2. This article does not prohibit a religious organization from limiting the sale, rental or occupancy of dwellings that it owns or operates for other than a commercial purpose to persons of the same religion or from giving preference to such persons.

- 3. This article does not apply to the selection of a roommate to reside within a dwelling or portion of a dwelling occupied by the person selecting the roommate.
- 4. This article does not prohibit a private club that is not in fact open to the public, which incident to its primary purpose, provides lodging that it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or giving preference to its members.

Sec. 15-24. - Enforcement of fair housing provisions.

The complaint procedures in section 15-19 apply to any claimed violation of this article. Such complaint procedures are in addition to and are not intended to supplant any complaint procedures or remedies available under applicable federal or state housing laws.

PASSED AND ADOPTED by the City Council of the City of Scottsdale this ____ day of _____, 20__.

CITY OF SCOTTSDALE, an Arizona
municipal corporation

ATTEST:

David D. Ortega, Mayor

Ben Lane, City Clerk

APPROVED AS TO FORM:

Sherry R. Scott, City Attorney
By: William Hylan
Senior Assistant City Attorney



City of Scottsdale
Human Relations Commission
3939 North Drinkwater Boulevard
Scottsdale, AZ 85251

PHONE 480-312-2727
FAX 480-312-9055
WEB www.ScottsdaleAZ.gov

Aug. 17, 2020

Dear Mayor Lane and City Council Members:

Twenty years ago, the Scottsdale City Council formed the Human Relations Commission to make recommendations on ways to discourage prejudice and discrimination in Scottsdale. There has never been a more important time than now during the local and national discourse on race.

We respectfully recommend that you request the non-discrimination ordinance and anti-harassment policy recommendations (attached) be added to a City Council agenda within sixty (60) calendar days or sooner.

BACKGROUND

Equality and Social Justice are not new subjects. Indeed, they span the full spectrum of recorded history and human endeavor. Recent events have, however, brought new, wide-spread and intensified attention and emphasis to these issues. It is against this backdrop that the Scottsdale Human Relations Commission has carefully considered policy recommendations to ensure that hate is not tolerated in Scottsdale.

In that context, we are mindful of the wise words of Martin Luther King Jr., *"Injustice anywhere is a threat to justice everywhere. We are caught in an inescapable network of mutuality, tied in a single garment of destiny."* Consequently, we offer these reasonable and balanced recommendations which work to benefit Scottsdale citizens, businesses and visitors.

WHY ACT NOW?

Scottsdale, like all cities, faces challenge, change, and competition. What previously attracted new businesses, residents and tourists has, in many cases, evolved and require municipalities to consider fundamental changes. As the national discourse on race continues, people and companies expect equality, basic fairness, and equity in the places they live, work and visit. Our city, for all its other virtues and positive attributes, lacks policies to ensure basic necessities.

Businesses with strong foundations in Scottsdale such as the San Francisco Giants, Nationwide, HonorHealth, Mayo Clinic, Vanguard and GoDaddy (just to name a few), are all committed to fostering diverse organizations that value and support each individual - and they expect the communities in which they operate to reflect those values.

This clearly reinforces the importance for Scottsdale to embrace a local non-discrimination ordinance. In addition, other premier tourism destinations such as West Palm Beach, FL, Key West, FL, Palm Springs, CA and San Diego, CA, as well as Arizona destinations like Sedona have non-discrimination ordinances in place. Scottsdale needs to be on equal footing to continue to be a competitive force.

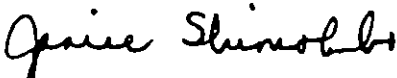
We recognize that prior efforts at adopting a nondiscrimination ordinance in Scottsdale were not successful primarily because of concerns about imposing additional requirements on local businesses. However, such concerns have been addressed in a recent Supreme Court decision (Bostock v. Clayton County), as a result, this should not be an objection to adopting an ordinance now.

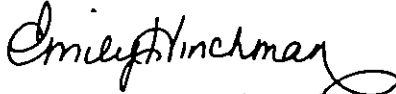
Last, our proposals speak to the spirit and substance of Doing the Right Thing: They address formal gaps in our city's existing codes, they are fair and equitable in their intent and scope and make a clear policy statement from Scottsdale's elected leaders.

CONCLUSION

Scottsdale's history is marked by repeated courageous and visionary decisions. Individually and collectively, these transformed a dusty patch of desert into the thriving and vibrant metropolis Scottsdale is today. The two proposals before you provide an opportunity for the City Council to write another chapter in the city's profiles in courage. The time for change is now and we urge you to act swiftly.

Sincerely,


Janice Shimokubo, Chairperson


Emily Hinchman, Vice Chairperson

Attachment:

Human Relations Commission recommendations regarding a Non-Discrimination Ordinance and/or an Anti-Harassment, Non-Discrimination, Non-Retaliation Policy

Document for Discussion of a Recommendation to the Scottsdale City Council by the Human Relations Commission Regarding Adopting a Non-Discrimination Ordinance and/or an Anti-Harassment, Non-Discrimination, Non-Retaliation Policy for the City of Scottsdale Elected and Appointed Officials.

RECOMMENDATION #1: The Scottsdale City Council should adopt an ordinance prohibiting discrimination in employment and public accommodations, and expanded prohibitions in fair housing to certain enumerated classes.

EMPLOYMENT

- The ordinance should prohibit employment discrimination on the basis of ethnicity, age, race, sex, gender, national origin, religious belief, sexual orientation, gender identity, or disability.
- Discrimination might include refusing to hire someone or discharging individuals; taking actions that adversely affect pay, benefits or other employment terms; segregating jobs or work sites; sexual harassment; engaging in or tolerating harassment; or retaliating against someone because they complained about discrimination.
- Discrimination may also include wage disparities or unequal pay treatment solely because an employee is a member of a protected class.
- Religious organizations and activities conducted by religious organizations would be exempt but not for any purpose that would evade this ordinance or state or federal law.

HOUSING

- The ordinance should add to the prohibitions of housing discrimination on the basis of race, color, creed, sex, religion, national origin, or ancestry, the following: ethnicity, gender, sexual orientation, gender identity, or disability.
- Housing discrimination may include refusing to show, rent or sell; refusing to negotiate; charging more to buy, rent or asking for a larger security deposit; advising that the property is no longer for sale or rent when it really is; advertising that they want a certain type of person to buy or rent; denying access or use of the facility or service that is normally available with occupancy; suggesting you move to an area where you don't want to live; allowing unlawful bias to affect the appraisal of a property.
- The ordinance should not apply to religious organizations and facilities that they own or operate.

PUBLIC ACCOMMODATION

- "Public accommodations" are businesses and organizations that are available to the general public as defined by law.
- The ordinance should prohibit discrimination in public accommodations on the basis of ethnicity, age, race, sex, gender, national origin, religious belief, sexual orientation, gender identity, or disability.
- Discrimination in public accommodations may include failure to allow entrance, providing barriers to entrance, or treating persons differently.
- The ordinance should not apply to religious organizations and facilities they own or operate.
- Private clubs could not be established for the purpose of evading the ordinance.

ENFORCEMENT

- The city will actively enforce complaints of discrimination in relation to ethnicity, age, race, sex, gender, national origin, religious belief, sexual orientation, gender identity, or disability, and will also be referred to the applicable state or federal agency.
- Anyone accused of discrimination would have the opportunity to respond to the complaint.
- Valid complaints would go through mediation by an independent mediator.
- Charges would only be filed after an independent investigation reviewed by the city attorney.
- Charges would be civil, not criminal, and would include warnings and incremental fines maxed at \$2,500.

- False or misleading complaints may be referred by the city attorney for possible prosecution.

PROTECTION OF RIGHTS AND FREEDOMS

- The ordinance should guarantee protection of First Amendment rights, including freedom of speech and religious expression, and is not intended to limit other rights, protections or privileges available under state or federal constitutions and law.

RECOMMENDATION #2: The ordinance should also establish an anti-harassment, non-discrimination and non-retaliation policy that would apply to elected and appointed officials of the City of Scottsdale.

ANTI-HARASSMENT, NON-DISCRIMINATION AND NON-RETIATION POLICY

- The policy should prohibit any elected and appointed official of Scottsdale, when acting in the course and scope of their duties during their term in office, from using words, conduct or behavior to harass or discriminate against any person or group on the basis of ethnicity, age, race, sex, gender, national origin, religious belief, sexual orientation, gender identity, or disability.
- The policy should prohibit any elected and appointed official of Scottsdale, when acting in the course and scope of their duties during their term in office, from making negative or disparaging comments or behavior towards a person or group that is a protected class.
- The policy should also prohibit retaliation against any person or group that makes a complaint or participates in an investigation under this policy.
- The City of Scottsdale City Council will actively enforce complaints of discriminatory behavior by elected and appointed officials. Any official accused of violating the policy would have the opportunity to respond to the complaint. After investigation, valid complaints would be voted upon by the full City Council. A vote of majority of Council members would determine whether the official violated the policy. Like the City's Code of Ethical Behavior, the City Council could vote to remove the appointed official from their respective board or commission.
- Unlike other municipal laws or ordinances that include three forms of sanctions (censure, fines and/or removal from office), the Scottsdale policy would limit sanctions to a formal vote by the City Council regarding whether the elected or appointed official violated the policy.
- The City Council should consider referring to the voters a City Charter amendment allowing the City Council to censure a City Council member for violations of this policy.
- This policy would focus solely on discriminatory, prejudicial or racist language or behavior and does not impose overarching restrictions on the guaranteed protection of First Amendment rights, including freedom of speech and religious expression, and is not intended to limit other rights, protections or privileges available under state or federal constitutions and law.
- This would not apply to any legitimate discussion with regard to issues of discrimination and retaliation. Comments by an elected or appointed official calling out discriminatory, prejudicial or racist language or behavior would not constitute a violation of this policy.
- False or misleading complaints may be referred by the city attorney for review.



City of Scottsdale
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February 24, 2021

Dear Mayor Ortega and City Council Members,

We listened and followed with interest your February 23rd City Council Retreat discussion. As an advisory body to the City Council, we respectfully offer the following Human Relations Commission (HRC) thoughts and observations about two agenda items.

Anti-Discrimination Ordinance (ADO):

- We strongly agree with the idea to move forward with the adoption of an ADO without conducting a work-study session. This topic has been studied for many years and there appears to be little reason to do it again. Time is of the essence for the City of Scottsdale to *"Do the right thing"*.
- We support your plan to place this topic on the April 20, 2021 City Council agenda. This will enable you to capture and confirm the strong support for an ADO from organizations such as the United Fire Fighters Union and City employees.
- As noted, this topic will be on the March 8, 2021 HRC meeting agenda. We look forward to sharing feedback from the Commission, above and beyond our past unanimous endorsement of a Non-Discrimination Ordinance.
- We're encouraged by the speed with which the City of Mesa City Council moved through their approval process and look forward to their public hearing and final approval of a Mesa Non-Discrimination Ordinance on Monday, March 1, 2021. We're hopeful that the City of Scottsdale will not be far behind.

The National Community Survey (NCS):

- The HRC studied past NCS data and noted rating differences based on respondents' race and ethnicity. Now that the 2020 results are finalized, the HRC plans to dig deeper into this recent data and will advise the Council of any significant findings.

The Human Relations Commission remains deeply invested in promoting diversity and inclusion in our beloved City.

Sincerely,

Chair, Janice Shimokubo

Vice-Chair, Emily Hinchman

Proposed Anti-Discrimination Ordinance

City Council work study session

March 23, 2021

The journey: An on-going commitment for equality

- The Scottsdale Human Relations Commission recommended that City Council consider a non-discrimination ordinance and anti-harassment policy
- This discussion is occurring within the renewed national discourse on race and equity, a movement that has touched and activated many within the Scottsdale community.

What are Scottsdale anti-discrimination endeavors?

- 1999 – Established Scottsdale’s Administrative Regulation 333 Anti-discrimination and Non-harassment regulations for Scottsdale employees and volunteers
- 2007 – HR Ordinance amendments to include sexual orientation and gender identity
- 2015 – Scottsdale signed and supported the One Community Unity Pledge.
- 2017 – Scottsdale becomes a Golden Rule City valuing kindness, empathy, respect and civility.
- 2020 – Human Rights Campaign annual Municipal Equality Index score is currently 80 of 100 points.

Updated ordinance covers two separate areas:

CITY GOVERNMENT

- Employees and volunteers
- Contractors, vendors, consultants
- Elected and appointed officials

COMMUNITY

- Businesses who serve the public
- Employers
- Housing

Updated ordinance covers two separate areas:

CITY GOVERNMENT

- Employees and volunteers
- Contractors, vendors, consultants
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COMMUNITY

- Businesses who serve the public
- Employers
- Housing

Policy statement:

- It is the policy of the city to not discriminate and provide equal opportunity to all persons regardless of protected class
- In the access, provision and treatment of city services, programs and activities.
- It is the policy of the city that all persons be treated with respect and dignity as specified in sections 15-4 through 15-7.
- Each person has the right to receive service from the city in a manner that promotes equality under the law and prohibits unlawful discrimination, including harassment and retaliation.

Identified Protected classes: Actual or perceived

- Race
- Color
- Religion
- Sex
- National origin
- Age
- Disability
- Sexual orientation
- Gender identity

What do these terms mean?

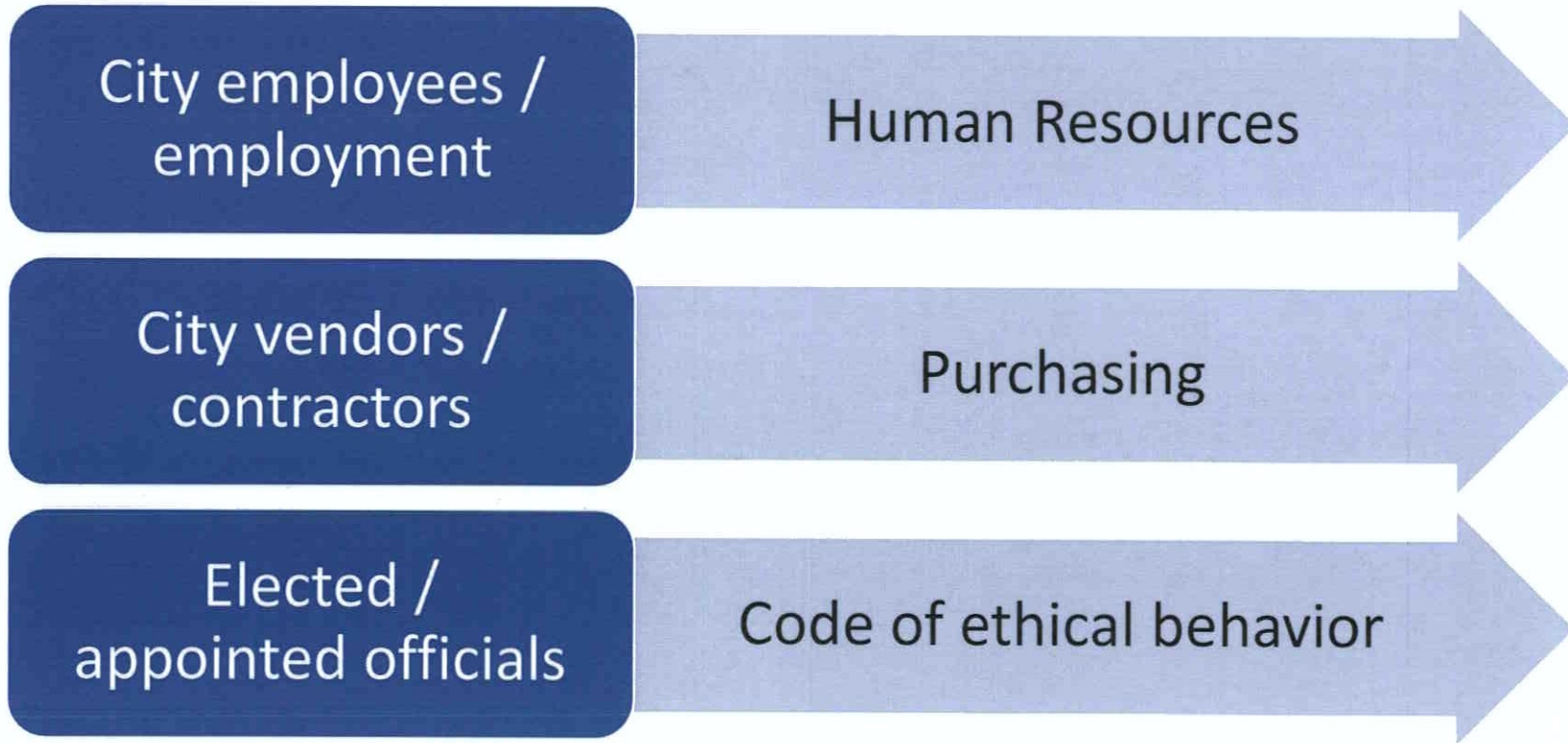
- Discrimination based is any act, policy or practice that unfavorably subjects any person to different or separate treatment
- Harassment is verbal, written or physical conduct that denigrates or shows hostility or aversion toward an individual
- Retaliation is any act, policy or practice that unfavorably subjects an person to different or separate treatment because the person has opposed or reported any prohibited practice

Ref. Sec. 15-4-6

To whom does the current ordinance apply to?

- All elected and appointed officials
- City volunteers, contractors, vendors and consultants
- City employees are already covered under language in Chapter 14 of City Code.

What happens when a complaint is filed?



Addressing two areas:

CITY GOVERNMENT

- Employees and volunteers
- Contractors, vendors, consultants
- Elected and appointed officials

COMMUNITY

- Businesses who serve the public
- Employers
- Housing

A public commitment in 2021:

The ordinance represents a public commitment to the concept of fairness and equity in our community and action for compliance.

The ordinance proposed here would:

- ✓ Require local businesses and employers to comply with the law
- ✓ Provide a mechanism for responding to complaints
- ✓ Subject violators to civil prosecution

Current city limitations and gaps:

- Current city ordinances provide some civil rights protections, but do not protect individuals from discrimination in private employment, public accommodations or housing.
- Effect of these gaps in federal, state and local law is that persons can be denied public service, denied public housing, and employment.
- Most businesses in Scottsdale are small businesses which account for about 80 percent.

What is being proposed for businesses?

This local ordinance would add to existing federal and state protections by adding sexual orientation and gender identity to the protected classes and

Extending anti-discrimination protections to people working for employers that employ fewer than 15 people.

What constitutes an unlawful practice?

Discrimination in:

- Access to services
- Employment decisions
- Membership
- It is also unlawful to retaliate or harass of those reporting violations

What are the business exemptions?

Specific exceptions allowed for:

- Bona fide private membership clubs
- Religious organizations

What is proposed for fair housing?

Any person would be prohibited from using a protected class to make decisions about the sale, lease, rental or any other condition involving housing.

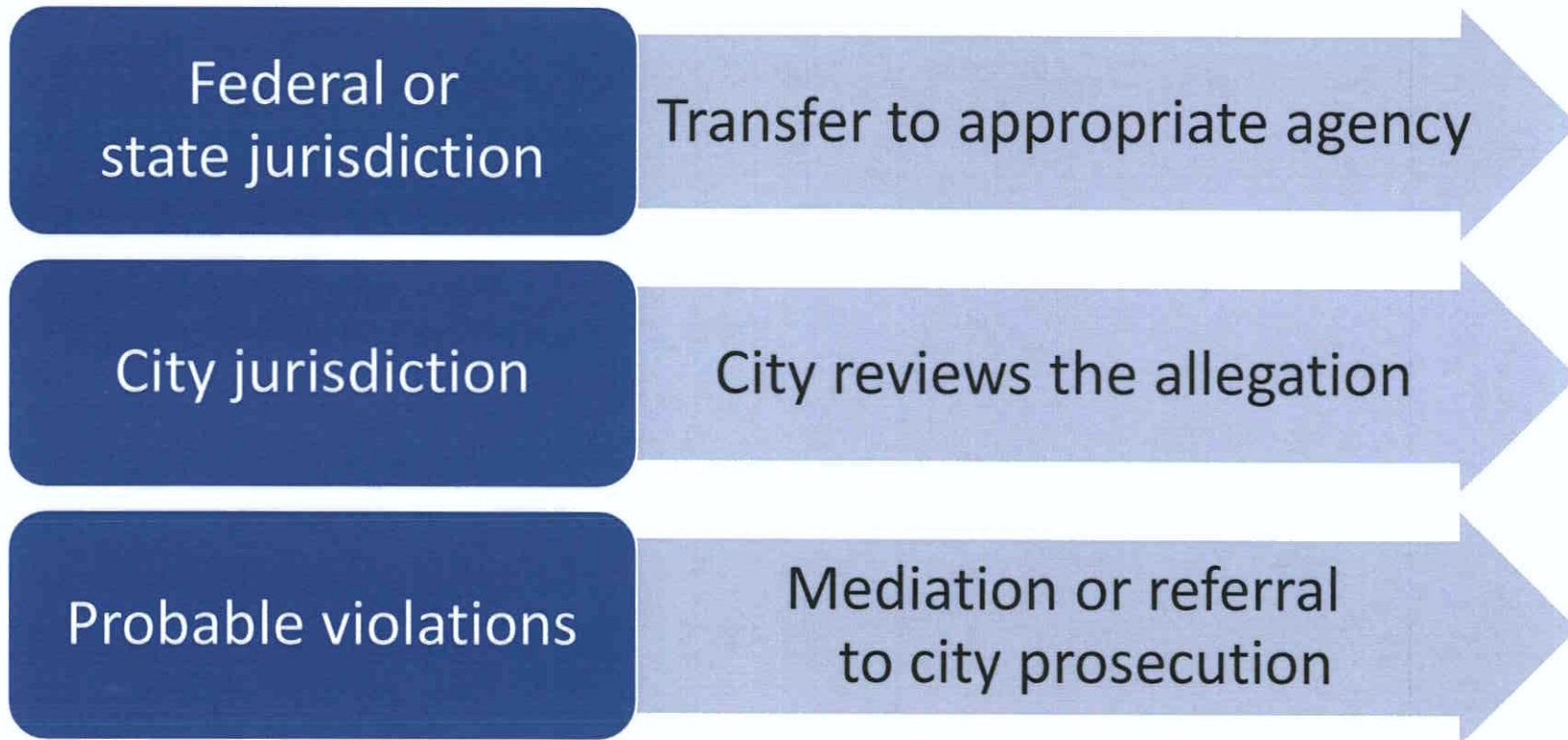
This ordinance adds “familial status” and covers those who are pregnant or a parent with children under age 18

What are the fair housing exemptions?

Exceptions are provided for:

- Housing operated under any state or federal program specifically designed or intended for persons of a certain age
- Religious organizations giving preference to persons of the same religion
- Selection of a roommate to reside within a dwelling or portion of a dwelling occupied by the person selecting the roommate
- Private clubs who provide lodging to members

What will happen when a complaint is filed?



What are the penalties?

- Fines from \$500 to \$2,500 per violation
- Each day a violation continues could be deemed a separate violation
- Failure to comply could result in additional fines as established by the City Court

Resource implications

- With Scottsdale's existing resources, team collaboration and future training plan, our team approach anticipates using current processes and people
- Experiences in peer communities with similar ordinances also helps Scottsdale to forecast potential costs and time to handle complaints. Trends say cost and time is expected to be minimal

Community involvement

- Recommendation was discussed multiple times by the Human Relations Commission
- Copies provided to community diversity partners and advocacy organizations along with the city's LGBTQ liaisons
- Public education and community involvement opportunities to get feedback

Updated ordinance covers two separate areas:

CITY GOVERNMENT

- Employees and volunteers
- Contractors, vendors, consultants
- Elected and appointed officials

COMMUNITY

- Businesses who serve the public
- Employers
- Housing

Identified Protected classes: Actual or perceived

- Race
- Color
- Religion
- Sex
- National origin
- Age
- Disability
- Sexual orientation
- Gender identity

Should veteran status be a protected class?

- Recommendations from the Veterans Advisory Commission

The recommendation to the City Council is to include veterans, active-duty service members, national guard and reserves, and spouses of active-duty service members and veterans among protected groups in the city's proposed anti-discrimination ordinance.

- Recommendation from the Human Relations Commission

Include "U.S. Military veteran status" only.

Proposed Anti-Discrimination Ordinance

City Council work study session

March 23, 2021

Item WS01

From: lawangler@cox.net <lawangler@cox.net>
Sent: Tuesday, March 09, 2021 5:37 PM
To: City Council <CityCouncil@scottsdaleaz.gov>
Subject: Duplicate Ordinances

We don't need duplicate ordinances when the Federal and State laws cover discrimination as an example. Certainly, you can indicate that the Council supports Federal and State anti-discrimination regulations. In the meantime, stay focused on issues specific to Scottsdale. Scottsdale with its approval of multiple housing complexes that pack people into small accommodations is changing the very character of Scottsdale.

Lawrence Wangler
7687 E. Mary Sharon Drive
Scottsdale 85266

From: Rose Cudzewicz <rose008@aol.com>
Sent: Tuesday, March 09, 2021 3:19 PM
To: City Council <CityCouncil@scottsdaleaz.gov>; Mayor David D. Ortega <DOrtega@Scottsdaleaz.gov>
Subject: LGBTQRST Law

I am opposed to a law that includes provisions where, citizens might eventually be accused of violating the ordinance, and fined up to \$2,500 for activities such as the following:

- Excluding biological men from a women's domestic violence shelter.
- Operating a women's sports league that does not permit biological males as athletes.
- Protecting the safety and privacy of women and girls in facilities like locker rooms, bathrooms, and showers.
- Making private decisions regarding transgender issues in businesses, housing, and facilities.

Please give the ramifications of this type of law on the health and safety of girls and women.

Rosemary Cudzewicz
Scottsdale, AZ

From: Carolyn Kinville <jkcn1746@gmail.com>
Sent: Friday, March 05, 2021 6:57 PM
To: Feedback <FEEDBACK@SCOTTSDALEAZ.GOV>
Subject: ordinance to promote equality and prohibit discrimination.

What took so long ?

Carolyn Kinville

From: Dan Schwartzstein <dan.schwartzstein@gmail.com>
Sent: Tuesday, March 09, 2021 8:35 AM
To: Feedback <FEEDBACK@SCOTTSDALEAZ.GOV>
Subject: Support an Anti-Discrimination Ordinance in Scottsdale!

Scottsdale needs to support all citizens, regardless of race, color, creed, and sexual orientation, especially if we want to keep our vibrant tourism industry. The country is exceedingly accepting of all types of people, and very aware of which places are "with the times". Our citizens and visitors have a right to be accepted and not discriminated against. Please support an anti-discrimination ordinance in our city!

Dan Schwartzstein
Scottsdale citizen

From: Cara Davidson <cara.davidson@gmail.com>
Sent: Wednesday, March 10, 2021 10:55 AM
To: Feedback <FEEDBACK@SCOTTSDALEAZ.GOV>
Subject: Please Pass the Non-Discrimination Ordinance

Hi,

I am THRILLED that there is an ordinance to promote equality and prohibit discrimination under consideration. This has my full support and the support of my family! Please pass this ordinance to make Scottsdale an even more wonderful place to live and raise a family.

Thank you,
Cara Davidson
27879 N 108th Way

-----Original Message-----

From: Jordan Kirk <jordan@portraitsthrujordan.com>
Sent: Thursday, March 11, 2021 11:04 AM
To: Feedback <FEEDBACK@SCOTTSDALEAZ.GOV>
Subject: MUST PASS NON-DISCRIMINATION ORDINANCE!

Dear City Council,

I have been a North Scottsdale resident for over 20 years. I URGE you to do the right thing for our city. Pass the non-discrimination ordinance. This ordinance reflects who we are in Scottsdale and is good for business, our families and our community. We cannot be backward here in Scottsdale.

Thank you,

Jordan Kirk
85260

From: Suzanne Cecil <skeller928@gmail.com>
Sent: Thursday, March 11, 2021 11:36 AM
To: Feedback <FEEDBACK@SCOTTSDALEAZ.GOV>
Subject: Anti-discrimination Ordinance

Good morning,

I am writing to encourage the Scottsdale City Council to adopt an Anti-Discrimination Ordinance as soon as possible. It's quite surprising that our city doesn't have one already, but it is beyond time to take action.

As a Scottsdale resident, I want to know that our citywide policies reflect our world-class hospitality. We should want all visitors to feel welcome and safe within our community.

Thank you for your attention to this matter.
Suzanne Cecil
858.750.9044

From: Donna Garcia <dmgrvrgrl@gmail.com>
Sent: Friday, March 12, 2021 9:08 PM
To: Feedback <FEEDBACK@SCOTTSDALEAZ.GOV>
Subject: Urgent for your consideration

Dear City Council,

I understand it is still legal in our city to discriminate against LGBTQ+ in private employment, public accommodations and city services.

City Council is considering a nondiscrimination ordinance which would promote equality and prohibit discrimination. I am urging you to pass it.

Sincerely,
Donna Garcia, citizen of Scottsdale

-----Original Message-----

From: Martha S. O'Connor <msogha@gmail.com>
Sent: Saturday, March 13, 2021 2:31 PM
To: Feedback <FEEDBACK@SCOTTSDALEAZ.GOV>
Subject: Please Pass the Scottsdale Non-Discrimination Ordinance

Current city ordinances provide some civil rights protections, but do not protect individuals from discrimination in private employment, public accommodations or city services. This local ordinance would add to existing federal and state protections, including specifically prohibiting discrimination based on sexual orientation or gender identity and extending anti-discrimination protections to people working for employers that employ fewer than 15 people. Please Pass the Scottsdale Non-Discrimination Ordinance,

Martha S. O'Connor, PhD.OT
Scottsdale AZ 85258

From: Martha S. O'Connor <msogha@gmail.com>
Sent: Sunday, March 14, 2021 2:29 PM
To: Feedback <FEEDBACK@SCOTTSDALEAZ.GOV>
Subject: Please Pass the Non-Discrimination Ordinance

Scottsdale needs to join six other Arizona cities with inclusive non-discrimination ordinances including Winslow, Flagstaff, Sedona, Phoenix, Tempe and Tucson. Arizona has no statewide law barring discrimination against LGBTQ+ people in employment, housing or public accommodations. Discrimination is always wrong.

Respectfully,
Martha S. O'Connor, PhD.OT

-----Original Message-----

From: Joy Leveen <joyleveen@gmail.com>
Sent: Saturday, March 13, 2021 6:50 PM
To: Feedback <FEEDBACK@SCOTTSDALEAZ.GOV>
Subject: Anti-Discrimination Ordinance

Yes! Please!

Thank you for bringing this forward and please adopt this ordinance!

Let Scottsdale be a light to others and to other cities.

Our LGBTQ+ brothers and sisters deserve to be treated with dignity and respect and this ordinance is another step in acknowledging and celebrating their humanity.

Thank you, Mayor and Council Members!

Joy Leveen

From: johnthompsonaz@cox.net <johnthompsonaz@cox.net>
Sent: Sunday, March 14, 2021 12:39 PM
To: Mayor David D. Ortega <DOrtega@Scottsdaleaz.gov>
Subject: LGBTQ PROTECTIONS

Mayor Ortega,

We strongly support City Protection for the LGBTQ community, especially in employment and housing. We need to continue attracting a diverse community to work and live in Scottsdale. Making them feel safe and supported. Mesa beat us to this and it had not been seriously discussed since Jan Dolan was our City Manager. Mayor Lane would not discuss this issue, say it was unnecessary. We hope you will be supportive of this measure.

John Thompson
8102 E. Del Tiburon Dr.

Sent from my LG Mobile

From: Diane Piantek <dpiantek@yahoo.com>
Sent: Sunday, March 14, 2021 9:56 AM
To: City Council <CityCouncil@scottsdaleaz.gov>
Subject: Non discrimination law

Do not pass this ordinance on April 20, 2021.

Diane Piantek
Scottsdale, Arizona

From: Jeffrie Story <jeffriestory@me.com>
Sent: Monday, March 15, 2021 12:52 PM
To: City Council <CityCouncil@scottsdaleaz.gov>
Subject: Support for anti-discrimination ordinance

City Council,

My purpose in this email is to voice strong and unequivocal support for Scottsdale's proposed anti-discrimination ordinance. It's the right thing to do, with NO qualifications or exceptions.

Any exception, by definition, would preclude equality. It would be saying, "Yes, Scottsdale is an anti-discrimination city *except* where it's not." And if I were a corporation deciding on having an event in that Scottsdale, I would immediately cross it off my list.

This ordinance answers the question, "Who are we and what do we stand for?" Equality? Or discrimination? Or equality only where the nearly-all-white citizens will allow it?

Thank you for allowing me to voice my deep belief,

Jeffrie Story
8650 E Via de la Escuela
Scottsdale, AZ 85258
602 478 8497
jeffriestory@me.com

From: Denny Brown <dennydowntownbrown@gmail.com>
Sent: Monday, March 15, 2021 12:57 PM
To: City Council <CityCouncil@scottsdaleaz.gov>
Subject: Anti-Discrimination

Hi Council,

I hope we can finally pass this. Our fragile economy needs this and it's the right thing to do.

Denny Brown 480.209.4216

From: Susan Leeper <leeper.susan@gmail.com>
Sent: Monday, March 15, 2021 11:14 AM
To: City Council <CityCouncil@scottsdaleaz.gov>; d.ortega@scottsdaleaz.gov
Subject: NO on SOGI

I am totally against your latest attempt to hoodwink Scottsdale citizens with your SOGI law.

As Scottsdale residents, we have the right to full transparency. I would like the statistics on how many people have been discriminated here on this basis. No problem, I'll wait.

**Prohibit discrimination based on actual or perceived race, color, religion, sex, national origin, age, sexual orientation, gender identity, disability and veteran status.
Extend protections to employees of businesses of any size.**

Susan Leeper
Resident since 1992

Cordova, Rommel

From: notifications@cognitoforms.com on behalf of City of Scottsdale
<notifications@cognitoforms.com>
Sent: Friday, March 12, 2021 3:53 PM
To: Jagger, Carolyn; Butteweg, Cathie; Cordova, Rommel; Kiva Presentation; Lane, Benjamin
Subject: City Council Written Public Comment Form - Jill C Maratea

⚠ External Email: Please use caution if opening links or attachments!

City of Scottsdale

City Council Written Public Comment Form 03-23-2021 Meeting

[View full entry at CognitoForms.com.](#)

Entry Details

Agenda Item

WHAT WOULD YOU LIKE TO COMMENT ON?	An item on the agenda
WHICH AGENDA ITEM ARE YOU COMMENTING ON?	WS01. Draft Anti-Discrimination Ordinance - Work Study Session
FOR THE AGENDA ITEM, DO YOU:	Support

Comment

COMMENT	Please end discrimination of gay and lesbian people. They could be your doctor or nurse or police officer. They pay taxes and should be equally protected under your ordinances.
----------------	--

Name

FULL NAME	Jill C Maratea
NAME OF GROUP OR ORGANIZATION	Equality Arizona

IP ADDRESS 68.231.65.147

Contact Information

EMAIL jmaratea@cox.net

PREFERRED PHONE (520) 325-1013

ADDRESS 4721 E Lee St

CITY Tucson

Cordova, Rommel

From: notifications@cognitofrms.com on behalf of City of Scottsdale
<notifications@cognitofrms.com>
Sent: Friday, March 12, 2021 6:54 PM
To: Jagger, Carolyn; Butteweg, Cathie; Cordova, Rommel; Kiva Presentation; Lane, Benjamin
Subject: City Council Written Public Comment Form - Shea Najafi

⚠ External Email: Please use caution if opening links or attachments!

City of Scottsdale

City Council Written Public Comment Form 03-23-2021 Meeting

[View full entry at CognitoForms.com.](#)

Entry Details

Agenda Item

WHAT WOULD YOU LIKE TO COMMENT ON?	An item on the agenda
WHICH AGENDA ITEM ARE YOU COMMENTING ON?	WS01. Draft Anti-Discrimination Ordinance - Work Study Session
FOR THE AGENDA ITEM, DO YOU:	Support

Comment

COMMENT	I fully support this agenda!!
---------	-------------------------------

Name

FULL NAME	Shea Najafi
IP ADDRESS	174.238.134.104

Contact Information

EMAIL shea_wenk@yahoo.com

ADDRESS 7451 E Northern Ave

CITY Scottsdale

Cordova, Rommel

From: notifications@cognitoforms.com on behalf of City of Scottsdale
<notifications@cognitoforms.com>
Sent: Friday, March 12, 2021 7:13 PM
To: Jagger, Carolyn; Butteweg, Cathie; Cordova, Rommel; Kiva Presentation; Lane, Benjamin
Subject: City Council Written Public Comment Form - Eileen S. Rogers

⚠ External Email: Please use caution if opening links or attachments!

City of Scottsdale

City Council Written Public Comment Form 03-23-2021 Meeting

[View full entry at CognitoForms.com.](#)

Entry Details

Agenda Item

WHAT WOULD YOU LIKE TO COMMENT ON?

An item on the agenda

WHICH AGENDA ITEM ARE YOU COMMENTING ON?

WS01. Draft Anti-Discrimination Ordinance - Work Study Session

FOR THE AGENDA ITEM, DO YOU:

Support

Comment

COMMENT

It is time. Our world class city needs to protect and include everyone. Scottsdale used to be the Arizona city that others looked up to. To live here without this ordinance continues to be embarrassing to me. Get this done this time please.

Name

FULL NAME

Eileen S. Rogers

IP ADDRESS

70.190.94.192

Contact Information

EMAIL esrogersaz@gmail.com

PREFERRED PHONE (602) 531-4963

ADDRESS 3213 N 81st Pl

CITY SCOTTSDALE

Cordova, Rommel

From: notifications@cognitoforms.com on behalf of City of Scottsdale
<notifications@cognitoforms.com>
Sent: Friday, March 12, 2021 7:26 PM
To: Jagger, Carolyn; Butteweg, Cathie; Cordova, Rommel; Kiva Presentation; Lane, Benjamin
Subject: City Council Written Public Comment Form - Nikki Territo

⚠ External Email: Please use caution if opening links or attachments!

City of Scottsdale

City Council Written Public Comment Form 03-23-2021 Meeting

[View full entry at CognitoForms.com.](#)

Entry Details

Agenda Item

WHAT WOULD YOU LIKE TO
COMMENT ON?

An item on the agenda

WHICH AGENDA ITEM ARE YOU
COMMENTING ON?

WS01. Draft Anti-Discrimination Ordinance - Work
Study Session

FOR THE AGENDA ITEM, DO YOU:

Support

Comment

COMMENT

This is a long time coming and so necessary for our
community to show Scottsdale is a welcoming and
inclusive community.

Name

FULL NAME

Nikki Territo

IP ADDRESS

184.103.247.118

Contact Information

EMAIL nikki.territo@gmail.com

PREFERRED PHONE (202) 361-7687

ADDRESS 7124 N 79th Place

CITY Scottsdale

Cordova, Rommel

From: notifications@cognitofrms.com on behalf of City of Scottsdale
<notifications@cognitofrms.com>
Sent: Tuesday, March 16, 2021 3:41 PM
To: Jagger, Carolyn; Butteweg, Cathie; Cordova, Rommel; Kiva Presentation; Lane, Benjamin
Subject: City Council Written Public Comment Form - Amy Ettinger

⚠ External Email: Please use caution if opening links or attachments!

City of Scottsdale

City Council Written Public Comment Form 03-23-2021 Meeting

Entry Details

Agenda Item

WHAT WOULD YOU LIKE TO COMMENT ON?

An item on the agenda

WHICH AGENDA ITEM ARE YOU COMMENTING ON?

WS01. Draft Anti-Discrimination Ordinance - Work Study Session

FOR THE AGENDA ITEM, DO YOU:

Support

Comment

COMMENT

Scottsdale is long overdue for the NDO. Both Virginia Korte and Linda Milhaven worked hard to make it happen. The previous City Council and Mayor Lane were disingenuous when they said they supported it and then voted to table. Our new city Council is considerably more thoughtful and informed. I entrusted most of them with my vote on the hope and belief that they will do the right thing now that the majority seems to be more progressive.

Name

FULL NAME

Amy Ettinger

IP ADDRESS 68.98.4.86

Contact Information

EMAIL scottsdaleiff@gmail.com

CITY Scottsdale

Cordova, Rommel

From: notifications@cognitoforms.com on behalf of City of Scottsdale
<notifications@cognitoforms.com>
Sent: Tuesday, March 16, 2021 4:39 PM
To: Jagger, Carolyn; Butteweg, Cathie; Cordova, Rommel; Kiva Presentation; Lane, Benjamin
Subject: City Council Written Public Comment Form - Elton Gilbert

⚠ External Email: Please use caution if opening links or attachments!

City of Scottsdale

City Council Written Public Comment Form 03-23-2021 Meeting

Entry Details

Agenda Item

WHAT WOULD YOU LIKE TO COMMENT ON?

An item on the agenda

WHICH AGENDA ITEM ARE YOU COMMENTING ON?

WS01. Draft Anti-Discrimination Ordinance - Work Study Session

FOR THE AGENDA ITEM, DO YOU:

Support

Comment

COMMENT

As a property owner and voter in Scottsdale, I am glad to see the Scottsdale City Council is going to pass a anti- discrimination ordinance. Once passed, Scottsdale will really be a world class city for everyone. I don't understand how Scottsdale can call itself a world class city when it supports it's citizens to be discriminated. I will be watching to see who votes for and who votes against.

Name

FULL NAME

Elton Gilbert

IP ADDRESS 174.26.65.129

Contact Information

EMAIL GILBERTE@SBCGLOBAL.NET

PREFERRED PHONE (415) 552-7539

ADDRESS 7733 E Monte Vista Rd

CITY Scottsdale

City of Scottsdale Proposed Anti-Discrimination Ordinance

Public comment received since March 16

From: peterayloraz@gmail.com <peterayloraz@gmail.com>
Sent: Wednesday, March 17, 2021 2:46 PM
To: City Council <CityCouncil@scottsdaleaz.gov>
Cc: Thanes Vanig <thanesvanig@aznohiv.org>
Subject: LGBTQ+ Anti-Discrimination Ordinance is Long Overdue

As a same-sex couple living in Scottsdale for 10 years, and plan to for the rest of our lives, we implore you to recognize the clear and present discrimination against us and enact anti-discrimination ordinances.

I attended the City Council Meeting where the Council discussed the issue and was disgusted with many of the Council Members denial of the existence of discrimination as an argument against the need for legislative action. The inane argument came after one of the Council Members shared their personal experience of clear employment discrimination of her life partner. Of course, the narrow-minded councilmen had not experienced discrimination as a heterosexual. Do the Council Members with such an argument believe their fellow councilwoman was lying? How can you believe discrimination stops at the Scottsdale border?

As a gay Scottsdale resident, I have experienced life-threatening discrimination. When stopped at a light on Hayden with the top down, the driver behind me noticed the rainbow bumper sticker. He hanged out his window yelling at me that he knew what the sticker meant calling me a faggot and proclaiming he had a gun in his glove box then reached for it. Fortunately, the light turned green and I was able to turn and getaway. I called the Scottsdale police to report it. There was no interest or sense of concern.

I have since removed the rainbow symbol and will never feel comfortable making the innocuous expression again. Based on my experience at the prior hearing, I can imagine there are Council Members that prefer to not see rainbow symbols and prefer 10% of the population stay in the closet.

A close friend of mine was physically attacked when leaving the Scottsdale gay bar.

Putting your head in the sand, denying any need for such an ordinance, makes Scottsdale look backward and ignorant. If compassion for people different from you is absent, perhaps the financial incentive of loss of tourism dollars appeals to you.

Peter Taylor

Peter Taylor
Spectrum Medical

U=U

Undetectable equals Untransmittable

From: Natalie.ChrismanLazarr@aps.com <Natalie.ChrismanLazarr@aps.com>
Sent: Wednesday, March 17, 2021 5:42 PM
To: Feedback <FEEDBACK@SCOTTSDALEAZ.GOV>
Subject: Anti-Discrimination Ordinance

As a Scottsdale Resident and active community member, I wholeheartedly support the aims and approach outlined in the proposed Anti-Discrimination Ordinance currently under consideration by City Council. It has been a long time coming and I appreciate the leadership that all parties have shown (both past and present) in bringing this important milestone for our community of inclusion to fruition.

Natalie Chrisman Lazarr, PE

Principal Engineer in Corporate Environmental
400 North 5th Street, Phoenix, AZ 85004-3902, M.S. 9303
Tel 602 250 3608 **Cell** 602 316 1324
natalie.chrisman@aps.com aps.com

From: Julie Cieniawski <juliecieniawski@gmail.com>
Sent: Tuesday, March 16, 2021 12:11 AM
To: Feedback <FEEDBACK@SCOTTSDALEAZ.GOV>
Subject: Anti Discrimination

An updated and inclusive anti discrimination ordinance in the city of Scottsdale is the right thing to do right now.

As taken from the City of Scottsdale Website:

“Scottsdale currently has two ordinances that provide civil rights protections. Scottsdale Revised Code Section 14-2 provides employment opportunities to all persons based solely on ability, regardless of race, color, religion, sex, national origin, age, sexual orientation, gender identity or disability. S.R.C. Section 15-17 relates to fair housing and is intended to mirror federal protections and does not cover sexual orientation or gender identity. Other than as noted above, there are not currently any Scottsdale-specific ordinances that cover discrimination in these areas: ♣ private employment, ♣ public accommodations or ♣ city services, including contracting An anti-discrimination ordinance would expand anti-discrimination laws to include local businesses and employers and require their compliance with the law. It would also provide a mechanism for responding to complaints of discrimination. Finally, if discrimination occurs, violators would be subject to civil prosecution.”

Most importantly, if Scottsdale really is the Golden Rule City, wouldn't it be best to include all residents in that rule?

Thank you for the work that you do to pull our city into a better tomorrow.

Sincerely,
Julie Cieniawski

From: Nadia Mustafa <mustafa.nadia@gmail.com>
Sent: Tuesday, March 16, 2021 2:18 PM
To: Feedback <FEEDBACK@SCOTTSDALEAZ.GOV>
Subject: nondiscrimination ordinance

I applaud the city for again considering an NDO for the LGBTQ community. It is unacceptable that we don't already have those protections in place. Let's follow the great examples set by our neighboring municipalities and live our Golden Rule values by making it official that we will not tolerate discrimination. Not only is it the no-brainer right thing to do, but it also will attract tourism and investment. Scottsdale for all!

Thank you,
Nadia Mustafa
Scottsdale resident

From: Rhonda Bannard <rbannard@cox.net>
Sent: Tuesday, March 16, 2021 9:40 PM
To: Feedback <FEEDBACK@SCOTTSDALEAZ.GOV>
Subject: nondiscrimination ordinance

As a long time Arizonan, I urge the leadership of Scottsdale to support the nondiscrimination ordinance in support of all of our citizens, no matter who they love or how they identify.

Thank you.

Rhonda Bannard
@rhondabannard

From: Susan Leeper <leeper.susan@gmail.com>
Sent: Thursday, March 18, 2021 6:53 AM
To: City Council <CityCouncil@scottsdaleaz.gov>; Mayor David D. Ortega <DOrtega@Scottsdaleaz.gov>
Subject: Fwd: 4 Highlights From Senate Hearing on Liberals' Equality Act

There was a hearing on Capitol Hill recently about the so-called Equality Act (a blatant perversion of the word) Here are some things to think about before passing your SOGI law. I strongly urge you to vote NO on this.

"Opponents argued that the bill's title is misleading and in fact the legislation would harm the equality that women spent decades fighting for.

The [Equality Act](#) is “misnamed because although this act supports the prevention of discrimination, it actually causes it by undermining hard-fought protections for women,” Sen. Cindy Hyde-Smith, R-Miss., said.

By expanding the definition of sex under federal law to include gender identity and sexual orientation, the Equality Act stands to eliminate women-only spaces such as locker rooms, restrooms, sororities, and sports teams, Hyde-Smith said.

“Biological sex matters in law, medicine, and for many of us, in the practice of our faith,” Hasson said. “The Equality Act goes where no federal law has gone before.” ...

The bill [threatens religious](#) organizations by removing protection provided by the Religious Freedom Restoration Act of 1993, a federal law also known as RFRA, Hasson warned in her opening statement. ...

If passed, the Equality Act would prohibit discrimination on the basis of sexual orientation and gender identity within “places of public accommodation,” which, in a break with legal tradition, would include churches, mosques, temples, and other places of worship. "

<https://www.dailysignal.com/2021/03/17/4-highlights-from-senate-hearing-on-liberals-equality-act/>

From: Paul Rockower <paul.rockower@jcrphoenix.org>
Sent: Thursday, March 18, 2021 2:52:36 PM
To: City Council <CityCouncil@scottsdaleaz.gov>
Subject: Scottsdale Anti-Discrimination Ordinance

Dear Mayor Ortega and City Council Members,

On behalf of the Jewish community, the Jewish Community Relations Council of Greater Phoenix urges the Scottsdale City Council to adopt the anti-discrimination ordinance to help promote equality and fight discrimination.

As residents of Arizona, we are distressed by growing intolerance throughout our state and country. We urge you to adopt all possible, practical measures to help protect everyone who is marginalized in our society. The proposed anti-discrimination ordinance is an important tool to further protection and equality for all.

Sincerely,
Paul Rockower

--

Paul Rockower
Executive Director
JCRC of Greater Phoenix
paul.rockower@jcrphoenix.org
Cell: (301) 875-8319
Office: (480) 481-7149
www.jcrphoenix.org
www.facebook.com/JCRCPhoenix/
https://twitter.com/JCRC_Phoenix



From: Eric Kurland <erickurland23@gmail.com>
Sent: Saturday, March 20, 2021 11:29 AM
To: Feedback <FEEDBACK@SCOTTSDALEAZ.GOV>
Subject: Anti-Discrimination Ordinance

Good morning,

I would like to be as clear and concise as possible; no member of my family should be allowed to be discriminated against. Period. Full stop.

Forget all the bogus arguments that will come across your path and focus on that. There is never a wrong time to do the right thing and that time happens to be now. Please pass this long overdue ordinance and turn the page.

I am happy to discuss this further if you'd like.

Best,
Eric Kurland
602-361-6959
Sincerely,

Eric Kurland

From: Shakir Gushgari <shakirg@skgaz.com>
Sent: Saturday, March 20, 2021 8:56 AM
To: City Council <CityCouncil@scottsdaleaz.gov>
Subject: anti-discrimination ordinance

Dear Mayor Ortega and members of the City Council,

Thank you for your tireless effort and commitment to make Scottsdale a progressive and a great City for all.

The adoption of the proposed anti-discrimination ordinance as recommended by the Human Relations Commission is a solid basis for continuing to place Scottsdale in the forefront of leadership on all meaningful fronts especially when it comes to human-relation. We, as people, should not allow any possibility of unequal treatment to mankind irrespective of their background. As a longtime resident, immigrant, volunteer, and a business owner of Scottsdale, I support & encourage the adoption of this ordinance. Thank you for your consideration.

Sincerely, Shakir Gushgari

From: mike norton <xway.mike.norton@gmail.com>
Sent: Monday, March 22, 2021 7:01 AM
To: Mayor David D. Ortega <DOrtega@Scottsdaleaz.gov>; City Council <CityCouncil@scottsdaleaz.gov>;
Thompson, Jim <JThompson@Scottsdaleaz.gov>
Subject: Support for Scottsdale's Proposed Anti-Discrimination Ordinance

Mayor Ortega, City Council, City Mgr. Thompson:

I urge this City not only to approve our proposed LGBTQ rights proposal but to do so unanimously. As religious leaders throughout the Valley have just done, we should present to the nation and the world a unified and unbroken statement that Scottsdale finds no place for hatred or discrimination, but instead wholeheartedly embraces all inherent human rights.

--

CEO

The Athena Foundation Scottsdale, a visionary think tank supporting the development of public policy for our Community
A 501(c)(3) organization

Former Co-Chair and Founding Chair

For The Best of Scottsdale, a Political Action Committee for the Scottsdale City 2019 Bond Election

Scottsdale Unified School District Committees:

2012-2013 Academic Year -- Budget Committee

2017- Present -- Bond Oversight Committee

2015 - 2019 -- Cheyenne Traditional School Site Council elected member - 2 terms

2019 -- Yes To Children, Political Action Committee For the M&O Override election (Steering Committee Member)

Former Co-Chair and Co-Founder

The SCOTT Project, founded upon the principle that fact based analysis and civil discussion between opposing points of view moves Scottsdale forward more efficiently than any other concept

<https://www.linkedin.com/in/michael-norton-6083ab36/>

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From: Dana Close <danaclose3@gmail.com>

Sent: Tuesday, March 23, 2021 1:36 PM

To: City Council <CityCouncil@scottsdaleaz.gov>; Mayor David D. Ortega <DOrtega@Scottsdaleaz.gov>

Subject: Anti-Discrimination Ordinance

I am writing as a private citizen in support of the Anti-Discrimination Ordinance. It is time to pass this. We are lagging behind other cities and it is critical that we are an inclusive city in which to live and visit. It is critical to our tourism industry. The major corporations who call Scottsdale home expect this and so do their employees. Let's get with it. It is time....long past time, actually. But, better late than never. It is the right thing to do.

Respectfully,
Dana Close



March 22, 2021

Dear Mayor Ortega and Scottsdale City Council Members:

Experience Scottsdale urges the Scottsdale City Council to approve the anti-discrimination ordinance proposed by the Human Relations Commission to address gaps in federal, state and local laws so that all are protected in our community.

Scottsdale's tourism industry fully supports the city's efforts to champion diversity, inclusion and equality through this effort. People of all races, sexual orientations, gender identities, religions, physical abilities and backgrounds not only visit Scottsdale but also call Scottsdale home. They include our employees, colleagues, neighbors, family members and friends.

The anti-discrimination ordinance would signal that Scottsdale is a welcoming and safe community for all, including our LGBTQ+ residents and visitors excluded from current protections. Celebrating, respecting and protecting all people is not only the right thing to do but also good for the business of Scottsdale.

Tourism is one of Scottsdale's largest industries. At a time when tourism is struggling with the ongoing pandemic, inclusivity will be essential to our industry's recovery. According to the publication *Travel Weekly*, on average, the U.S. LGBTQ+ community travels more frequently and enjoys more disposable income than the general population – and could be one of the first travel sectors to bounce back.

As we know from our state's history, perception alone can affect where people choose to vacation and where companies choose to meet. While Scottsdale has failed to act for years, competitive destinations like Tucson, Palm Springs, Austin and Orlando have offered protections for the LGBTQ+ community.

Scottsdale cannot afford to delay the anti-discrimination ordinance's passage any further. Passing the ordinance now would convey to the world that Scottsdale provides basic protections for anyone who chooses to live, work and play in our community. It would further fuel our city's economic engine by opening our doors and making Scottsdale even more inviting for tourists, conventions and events.

Experience Scottsdale hopes for meaningful and sustainable change that will improve our economy, our reputation and our community. The anti-discrimination ordinance is an important step on that path to change. Thank you for your leadership and for creating a legacy in Scottsdale of which we can all be proud.

Respectfully,

A handwritten signature in black ink that reads "Rachel Sacco". The signature is written in a cursive, flowing style.

Rachel Sacco
President & CEO
Experience Scottsdale