



MINUTES
CITY COMMISSION MEETING
TUESDAY, JULY 19, 2016
7:00 P.M.

The Regular Meeting of the City Commission was held at 7:00 p.m. in the City Commission Room. Mayor Usha Reddi and Commissioners Linda Morse, Michael L. Dodson, Wynn Butler, and Karen McCulloh were present. Also present were the City Manager Ron R. Fehr, Deputy City Manager Jason Hilgers, Assistant City Manager Kiel Mangus, City Attorney Katharine Jackson, City Clerk Gary S. Fees, 11 staff, and approximately 75 interested citizens.

PLEDGE OF ALLEGIANCE

Mayor Reddi led the Commission in the Pledge of Allegiance.

PRESENTATIONS/RECOGNITIONS

Angie and Tim Schultz presented a \$25,000.00 donation to the City for the continued development of the Lee Mill park site. Mayor Reddi accepted the donation and expressed her appreciation to Tim and Angie Schultz.

Mayor Reddi and City Manager Ron Fehr recognized the Citizens' Academy participants. Those in attendance included Tracey Bamberger, Alex Bonson, Sara Fisher, Janelle Fritzson, Norma Nordgren, Valentina Remig, Brandy Ukena-Bush, Peter Waller, Bill Wisdom, Karla Wisdom, and R.J. Youngblood. Those participants not able to attend included Erica Hopwood, Mary Irsik, Brandon Kliewer, Chance Lee, Jackie Harmon, and Alissa Kirchhoff. Valentina Remig provided remarks on her experience in the Academy.

Mayor Reddi recognized the Mandela Washington Fellowship for Young African Leaders program and participants that are here for a six-week academic and leadership institute, hosted by the Staley School of Leadership Studies at Kansas State University. Trisha Gott, Assistant Director for Service Learning, School of Leadership Studies, Kansas State University, was present and provided additional information about the program and activities of the fellows.

PROCLAMATION

Mayor Reddi proclaimed July 23, 2016, *Manhattan Day of the Cowboy*. Susan Adams, Director of the Flint Hills Discovery Center; Pat Orazem, Flint Hills Discovery Center Volunteer and Flint Hills Discovery Center National Day of the Cowboy Committee member; and Becky Wassom, Flint Hills Discovery Center National Day of the Cowboy Committee member, were present to receive the proclamation.

COMMISSIONER COMMENTS

Commissioner Dodson informed the community that solar cars created by high school students can be viewed at the Blue Earth Plaza the morning of Wednesday, July 20, 2016. He stated the solar car competition started at Fort Worth, Texas, and is traveling through Manhattan. He said the technology and determination incorporated into these cars by these young people is truly inspiring and encouraged the public to see the cars and to visit with the students.

Mayor Reddi stated that Furniture Amnesty Day will be on Friday, July 29, 2016, and encouraged those interested to view additional information on the City's website. She stated that she recently attended the Flint Hills Regional Council Meeting and heard that Emporia, which has four disc golf courses, is hosting a world disc golf tournament. She stated that she is looking forward to expanding the course in Manhattan. She reminded the community that there is a lot of construction occurring in the area and encouraged everyone to check the City's and Kansas State University's websites for construction updates.

CONSENT AGENDA

(* denotes those items discussed)

MINUTES

The Commission approved the minutes of the Regular City Commission Meeting held Tuesday, July 5, 2016.

CLAIMS REGISTER NO. 2826

The Commission approved Claims Register No. 2826 authorizing and approving the payment of claims from June 29, 2016, to July 12, 2016, in the amount of \$4,779,340.45.

CONSENT AGENDA (CONTINUED)

FINAL PLAT – NO STONE UNTURNED, UNIT ONE

The Commission accepted the easements and rights-of-way, as shown on the Final Plat of No Stone Unturned, Unit One, generally located east of the Kimball Avenue - Grand Mere Parkway roundabout, based on conformance with the Manhattan Urban Area Subdivision Regulations.

ORDINANCE NO. 7234 – LEVY SPECIAL ASSESSMENTS (GOB 2016-B)

The Commission approved Ordinance No. 7234 levying special assessments against the benefiting properties for the following seven (7) projects, which have been completed: *Downtown Entertainment District, Unit Three, Lot 5 – Street (ST1212); Northlake Addition, Unit 1 – Sanitary Sewer (SS1311), Street (ST1314), and Water (WA1313); Poyntz Avenue Improvements – Street (ST1203); and The Reserve Addition – Sanitary Sewer (SS1210) and Water (WA1216).*

RESOLUTION NO. 071916-A – PETITION – LEDGESTONE RIDGE ADDITION, UNIT TWO – SANITARY SEWER IMPROVEMENTS (SS1623)

The Commission found the petition sufficient, and approved Resolution No. 071916-A, finding the project advisable and authorizing construction for the Ledgestone Ridge Addition, Unit Two, Sanitary Sewer Improvements (SS1623).

RESOLUTION NO. 071916-B – PETITION – LEDGESTONE RIDGE ADDITION, UNIT TWO – WATER IMPROVEMENTS (WA1628)

The Commission found the petition sufficient, and approved Resolution No. 071916-B in the amount of \$182,291.00 finding the project advisable and authorizing construction for the Ledgestone Ridge Addition, Unit Two, Water Improvements (WA1628).

RESOLUTION NO. 071916-C – PETITION – LEDGESTONE RIDGE ADDITION, UNIT TWO – TRAIL IMPROVEMENTS (SW1601)

The Commission found the petition sufficient, and approved Resolution No. 071916-C, finding the project advisable and authorizing construction for the Ledgestone Ridge Addition Trail Improvements (SW1601).

RESOLUTION NO. 071916-D – PETITION – LEDGESTONE RIDGE ADDITION, UNIT TWO – STREET IMPROVEMENT (ST1620)

The Commission found the petition sufficient, and approved Resolution No. 071916-D in the amount of \$984,633.00 finding the project advisable and authorizing construction for the Ledgestone Ridge Addition, Unit Two, Street Improvements (ST1620).

CONSENT AGENDA (CONTINUED)

AGREEMENT – ENGINEERING SERVICES – LEDGESTONE RIDGE ADDITION, UNIT TWO, IMPROVEMENTS (SS1623, WA1628, SW1601, ST1620)

The Commission authorized the Mayor and City Clerk to execute an agreement in an amount not to exceed \$145,101.00 with Schwab-Eaton, P.A., of Manhattan, Kansas, to perform professional services related to the Ledge Stone Ridge, Unit Two, Sanitary Sewer (SS1623), Water (WA1628), Trail (SW1601), and Street (ST1620) improvements.

RESOLUTION NO. 071916-E – PETITION – LEDGE STONE ADDITION – WATER IMPROVEMENTS (WA1623)

The Commission found the petition sufficient and approved Resolution No. 071916-E, finding the project advisable and authorizing construction for the Ledge Stone Addition Water Improvements (WA1623).

RESOLUTION NO. 071916-F - PETITION - LEDGE STONE ADDITION - STREET IMPROVEMENTS (ST1615)

The Commission found the petition sufficient and approved Resolution No. 071916-F, finding the project advisable and authorizing construction for the Ledge Stone Addition Street Improvements (ST1615).

AGREEMENT – ENGINEERING SERVICES – LEDGE STONE ADDITION – WATER (WA1623) AND STREET (ST1615) IMPROVEMENTS

The Commission authorized the Mayor and City Clerk to execute an agreement in an amount not to exceed \$21,593.00 with Schwab-Eaton, P.A., of Manhattan, Kansas, to perform professional services related to the Ledge Stone Addition Water (WA1623) and Street (ST1615) Improvements.

NEGOTIATE CONTRACT – CONSULTANT – WATER AND WASTEWATER FACILITIES PLAN UPDATE (SP1603, CIP #WW143P)

The Commission accepted the recommendation of the Selection Committee and authorized City Administration to negotiate a contract with Alfred Benesch & Company, of Manhattan, Kansas, for professional services for the Water and Wastewater Facilities Plan Update (SP1603, CIP #WW143P) project.

PURCHASE - STREET DIVISION - CONCRETE SAW (CIP #ST058E)

The Commission authorized the purchase of a walk behind concrete saw (CIP#ST058E), used for street maintenance for the Street Division, from PMSI, of Wichita, Kansas, in the amount of \$22,810.00.

CONSENT AGENDA (CONTINUED)

PURCHASE – PUBLIC WORKS DEPARTMENT – LUCITY MOBILE SOFTWARE

The Commission authorized the purchase of 16 licensing packages (seats) of Lucity Mobile for iOS for the Public Works Department at the quoted price of \$28,800.00.

RENEWAL – SUNGARD ANNUAL SUPPORT

The Commission authorized the renewal of an annual support agreement with SunGard Public Sector, Inc. for a period from July 1, 2016, to June 30, 2017, in the amount of \$44,787.00.

BOARD APPOINTMENT – PARKS AND RECREATION ADVISORY BOARD

The Commission approved the re-appointment of Ed Klimek, 2928 Gary Avenue, to a four-year term. Mr. Klimek's term begins immediately, and will expire June 30, 2020.

Commissioner Morse moved to approve the consent agenda. Commissioner Dodson seconded the motion. On a roll call vote, motion carried 5-0.

GENERAL AGENDA

CONTRACT AMENDMENT NO. 1 - PROFESSIONAL SERVICES - PARKS AND RECREATION FACILITY FEASIBILITY STUDY, PHASE 2

Eddie Eastes, Director of Parks and Recreation, introduced and provided history on the item. He highlighted the community engagement, Facility Feasibility Study scope of work, number of courts utilized and current court demand for USD 383 facilities, and considerations and recommendations moving forward. He then responded to questions from the Commission regarding the status and phasing of aquatics, use of the middle school gymnasium facilities, and the need for programmed and unprogrammed activities.

Mayor Reddi opened the public comments.

Hearing no comments, Mayor Reddi closed the public comments.

GENERAL AGENDA (CONTINUED)

CONTRACT AMENDMENT NO. 1 - PROFESSIONAL SERVICES - PARKS AND RECREATION FACILITY FEASIBILITY STUDY, PHASE 2 (CONTINUED)

After discussion and comments from the Commission, Commissioner McCulloh moved to authorize City Administration to finalize and the Mayor and City Clerk to execute a contract amendment in an amount not to exceed \$145,765.00 with Bruce McMillan Architects AIA, P.A., of Manhattan, Kansas, for Phase II of the Parks and Recreation Facility Feasibility Study. Commissioner Morse seconded the motion. On a roll call vote, motion carried 5-0.

Eddie Eastes, Director of Parks and Recreation, highlighted the three design options for the Douglass Center and informed the Commission they will need to determine a preferred option to move the process forward. He then responded to questions from the Commission regarding the site locations, court space and proposed court layout.

Jason Hilgers, Deputy City Manager, provided additional information on the facilities and locations available at the Douglass Center, the City Auditorium, the Ninth Grade Center (Manhattan High School East Campus), and the Community Building. He clarified the utilization of Community Development Block Grant (CDBG) Funds anticipated to be received in the future for the Douglass Center Recreation Center.

Eddie Eastes, Director of Parks and Recreation, reiterated the need for additional court space that was identified in an earlier study and the need to maximize multi-purpose and storage space areas.

Mayor Reddi opened the public comments.

Hearing no comments, Mayor Reddi closed the public comments.

After additional discussion and comments from the Commission, Commissioner Butler moved to authorize and recommend design Option 3 for the Douglass Center Southeast Neighborhood Recreation Center. Commissioner Dodson seconded the motion. On a roll call vote, motion carried 5-0.

SECOND CONSIDERATION - THIRD AMENDMENT - ECONOMIC DEVELOPMENT AGREEMENT - MANHATTAN AREA TECHNICAL COLLEGE

Jason Hilgers, Deputy City Manager, presented an overview of the item and highlighted the proposed Third Amendment to the economic development incentive agreement. He then responded to questions from the Commission regarding the Economic Development Fund and the Fund balance.

GENERAL AGENDA (*CONTINUED*)

SECOND CONSIDERATION - THIRD AMENDMENT - ECONOMIC DEVELOPMENT AGREEMENT - MANHATTAN AREA TECHNICAL COLLEGE (*CONTINUED*)

Jim Genandt, President, Manhattan Area Technical College (MATC), provided additional information about MATC and the request. He then responded to questions from the Commission regarding the amendment, employment numbers projected for the National Bio and Agro-Defense Facility, anticipated graduation numbers for MATC, and percentage of graduates that stay in Manhattan and the state of Kansas.

After comments and questions from the Commission, Jim Genandt, President, MATC, provided additional information on first year graduate salaries and figures provided from the State of Kansas Department of Labor. He highlighted student enrollment at MATC and informed the Commission that they anticipate hiring eight to ten people, but that all programs may not survive in the future. He stated that he was glad to provide information to the City on an annual basis.

Mayor Reddi opened the public comments.

Hearing no comments, Mayor Reddi closed the public comments.

After additional discussion and comments from the Commission, Commissioner Dodson moved to authorize the Mayor and City Clerk to execute a Third Amendment to the economic development incentive agreement with the Manhattan Area Technical College to assist with moving modular units from Fort Riley for use as instructional facilities. Commissioner McCulloh seconded the motion. On a roll call vote, motion carried 5-0.

FIRST READING - AMEND - ANTI-DISCRIMINATION ORDINANCE

Jason Hilgers, Deputy City Manager, presented an overview of the item. He highlighted the history of the item, definitions, exemptions, and an overview of the draft ordinance. He provided a flowchart (*See Attachment No. 1*) showing the complaint process and demonstrated a web page that was created for the proposed modifications to the Discrimination Ordinance and draft Frequently Asked Questions (*See Attachment No. 2*) as part of the educational process. He then responded to questions from the Commission regarding the length of the complaint process timeline and the reference of the jail at the Riley County Police Department and feedback received from Assistant Director Doehling.

Katie Jackson, City Attorney, provided additional information on the complaint process, investigative period of time, and the proposed timeline.

GENERAL AGENDA (*CONTINUED*)

FIRST READING - AMEND - ANTI-DISCRIMINATION ORDINANCE (*CONTINUED*)

Jason Hilgers, Deputy City Manager, and Katie Jackson, City Attorney, responded to additional questions from the Commission. They provided clarification on written records that would be part of the investigative process and the party that would be responsible for paying possible attorney fees.

Mayor Reddi opened the public comments.

Katie Jordon, Chair, Flint Hills Human Rights Project, 2415 Timberlane Drive, thanked City staff and each City Commissioner for their response to concerns expressed on behalf of the lesbian, gay, bisexual, and transgender (LGBT) community to draft an ordinance for support. She expressed some concerns with the proposed exemptions in the proposed ordinance including the lack of a repeat offender mechanism, but stated the group supports the ordinance. She stated that it makes a tremendous difference as an LGBT individual to know when you leave from work that you feel protected from discrimination in the city. Jordan thanked the Commission for their service and their willingness to address inequality.

Harlan Weaver, 1722 Houston Street, lauded the City Commissioners and community members for the care shown in creating this ordinance and provided background information and statistics on harassment and physical assaults for transgender people. Weaver informed the Commission that he is a professor at Kansas State University and has researched and instructed on this topic. Weaver applauded the Commission on the ordinance and for the safety of basic human rights in all spaces in this community.

Richard Hill, representing Manhattan landlords, 3513 Stagecoach Circle, asked questions pertaining to the proposed ordinance and the appeal process.

Katie Jackson, City Attorney, responded to questions related to the proposed ordinance and provided clarification on the process.

Richard Hill, representing Manhattan landlords, 3513 Stagecoach Circle, asked questions about the hearing process and hearing officer in Section 10-22 and raised concerns with the municipal judge that would serve in the capacity if there was a hearing. He also voiced concerns with the court costs and the proposed ordinance regarding locker rooms and showers and asked that those areas be reviewed closer.

Katie Jackson, City Attorney, and Jason Hilgers, Deputy City Manager, responded to questions and provided clarification regarding the duties of the municipal judge and highlighted the complaint process.

GENERAL AGENDA (*CONTINUED*)

FIRST READING - AMEND - ANTI-DISCRIMINATION ORDINANCE (*CONTINUED*)

Ron Fehr, City Manager, provided additional information on the appointment of the municipal judge and considerations due to a potential conflict of interest.

Richard Hill, representing Manhattan landlords, 3513 Stagecoach Circle, stated that he generally thinks this type of ordinance does not help any party, but compared the writing favorably to other ordinances that he has seen. He said this ordinance comes close to being a very good ordinance and is well written, but stated that he was against these kinds of ordinances. Hill reiterated that he wanted to see the hearing officer examined further and wanted assurance that the investigator cannot be someone from the same office and needs to be an arm's length situation.

Ted Morgan, 1801 Humboldt Street, Vice Chair, Flint Hills Human Rights Project, informed the Commission that this is a great ordinance. He stated the ordinance created is good for business, good for the education community, and good for the military. He said the ordinance will help Manhattan and thanked the Commission.

Sue Gerth, 2213 Alta Drive, thanked the Commission for crafting an ordinance that is fair. She voiced concerns with locker room and changing room exemptions. She also provided her personal experiences with her children and a transgender child.

Hearing no other comments, Mayor Reddi closed the public comments.

Commissioner Dodson thanked those that spoke on this topic. He stated that people need to start thinking about what lies ahead. He said that culture changes slowly, but it happens through good education and dialog. He encouraged everyone to help bring others along so that it is comfortable for everybody. He stated that once the ordinance is approved, the battle is not over; while an ordinance can be passed for accommodation, it cannot be passed for acceptance by everyone.

Commissioner Butler voiced concerns with several aspects of the proposed ordinance. He requested the word "consistently" be put back in the definition of gender identity. He wanted additional discussion on the locker room and changing room issue addressed and stated that he did not have an issue with the restrooms. He also wanted to see the Riley County Police Department spelled out further under Exemptions. Finally, he wanted the effective date of the ordinance changed to January 1, 2017.

GENERAL AGENDA (*CONTINUED*)

FIRST READING - AMEND - ANTI-DISCRIMINATION ORDINANCE (*CONTINUED*)

Commissioner McCulloh stated that the Commission has been working on this for a long time and appreciated the work that has been done by City staff on this ordinance. She voiced support on the proposed ordinance and timeline. She stated that she appreciated the compromises that have been developed as we continue to work toward being a community that is accepting and positive.

Commissioner Morse stated that she did not want to see the complaint process get bogged down and be too lengthy. She said that overall, she was glad to see the LGBT community come together and appreciated the work that has been done to support this ordinance. She voiced support of the proposed ordinance as presented and stated that she wants the community to be a welcoming place and to treat all people alike.

Mayor Reddi stated that the community has provided input and that the work of City staff has led to a great compromise and consensus. She provided examples of children in the USD 383 school district and residents that have spoken out about the importance of this ordinance to protect them. She said that we want to protect everyone in the community and recognized that people are still discriminated against. She voiced her support of the proposed ordinance.

After additional discussion and comments from the Commission, Commissioner Butler reiterated his concerns on the proposed ordinance and the Commission discussed their preferences.

Jason Hilgers, Deputy City Manager, and Katie Jackson, City Attorney, provided additional information on the proposed ordinance and clarification regarding public accommodation and exemptions.

Katie Jackson, City Attorney, responded to additional questions from the Commission regarding the word "consistently" in the definition section for gender identity. She also clarified court costs and restitution payments, if applicable.

After further comments and questions from the Commission, Jason Hilgers, Deputy City Manager, and Katie Jackson, City Attorney, responded to questions regarding locker room facilities at the swimming pools and feedback received from the Riley County Police Department regarding exclusion of the jail. They also discussed the enforcement of ordinances and considerations with a higher unit of government.

GENERAL AGENDA (CONTINUED)

FIRST READING - AMEND - ANTI-DISCRIMINATION ORDINANCE
(CONTINUED)

After additional discussion and comments from the Commission, Commissioner McCulloh moved to approve first reading of an ordinance amending Chapter 10 of the Code of Ordinances to the existing discrimination ordinance by including sexual orientation and gender identity. Commissioner Morse seconded the motion. On a roll call vote, motion carried 5-0.

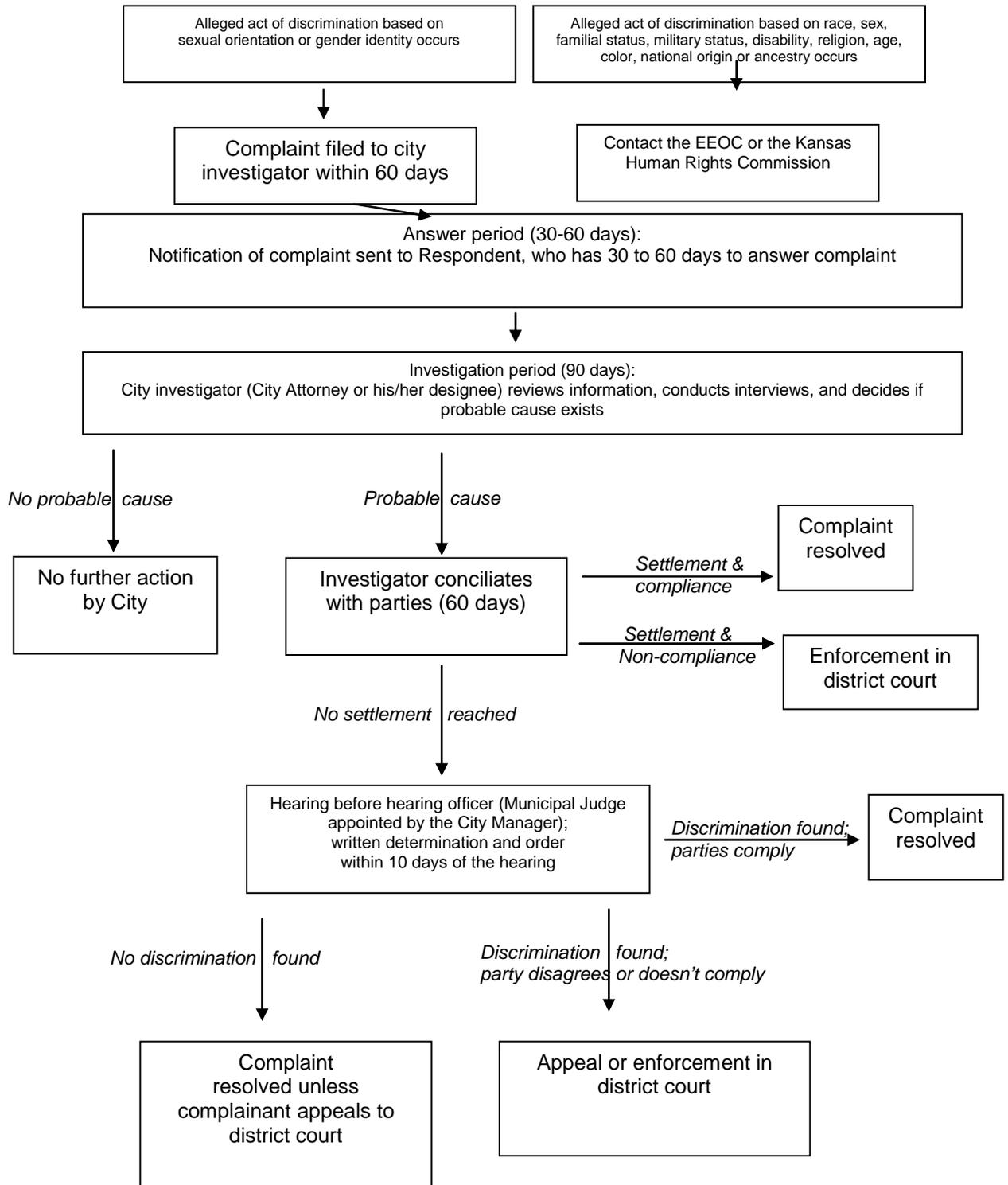
ADJOURNMENT

At 9:58 p.m., the Commission adjourned.



Gary S. Fees, MMC, City Clerk

Proposed Amendment to the
 City of Manhattan Discrimination Ordinance
 Chapter 10 of the City Code
COMPLAINT PROCESS



Proposed Amendment to the
City of Manhattan Discrimination Ordinance
Chapter 10 of the City Code

FREQUENTLY ASKED QUESTIONS

What is the intent of the Proposed Amendment to the Discrimination Ordinance?

For many years, Chapter 10 of the City Code has prohibited discrimination in employment, housing and public accommodations on the bases of race, sex, familial status, military status, disability, religion, age, color, national origin or ancestry. Chapter 10 also creates the Human Rights and Services Advisory Board, which considers and advises on issues related to discrimination.

The proposed amendment adds two new protected classes (sexual orientation and gender identity) to the discrimination prohibition. It makes it unlawful to discriminate on the basis of sexual orientation or gender identity in employment, housing or public accommodations. It creates a local enforcement process for complaints of discrimination on the basis of sexual orientation or gender identity. Complaints of discrimination involving the other protected classes can be enforced through the EEOC or the Kansas Human Rights Commission.

Who would the Proposed Amendment protect?

The Amendment would provide an individual with protection from certain discriminatory acts on the basis of sexual orientation and gender identity. *Sexual orientation* means one's perceived or actual emotional, romantic, or sexual attraction to other people. It can be described as heterosexual, homosexual, or bisexual. *Gender identity* means one's perceived or actual self-identification as a male or a female, regardless to one's anatomical sex at birth. It can be described as cisgender or transgender.

Who must comply with the Proposed Amendment?

The City strongly discourages all forms of discrimination against the protected classes. Because the other protected classes are covered by state and federal laws, the Amendment would make it unlawful to discriminate in employment, housing, and public accommodations on the basis of sexual orientation or gender identity.

Any person within the City limits who has four or more employees, who sells real estate or rents housing with more than four units, or who offers goods, services, facilities or accommodations to the public must comply with the amendment.

However, the ordinance does not apply to a religious organization; a nonprofit fraternal or social association or corporation; a school, university or school district; or another governmental entity.

What are some examples of public accommodations?

A public accommodation is any person who caters or offers goods, services, facilities or accommodations to the public. For example, any restaurant, bar, salon, grocery store, gas station, photography service, rental venue, retail store, medical or business office open to the public would be considered a public accommodation.

How does this Amendment affect restrooms and changing facilities?

A question about an individual's use of a particular restroom or changing facility may arise in employment or public accommodations. It may be an unlawful discriminatory practice for an employer to mandate that an employee use the restroom consistent with his/her biological sex rather than his/her gender identity. Likewise, a public accommodation may offer a restroom or changing facility to be used by patrons or the general public. Again, it may be an unlawful discriminatory practice to mandate that an individual use the restroom consistent with his/her biological sex rather than his/her gender identity.

The Amendment does not require any employer or public accommodation to provide a separate facility for any individual or to otherwise physically alter any existing restroom or changing facility.

The Amendment does not prohibit any employer or public accommodation from addressing issues that may arise from any person's misuse of restrooms and changing facilities that are not based upon discrimination.

What does the Proposed Amendment allow me to do if I believe I have been discriminated against?

If you believe that you have been discriminated against on the basis of sexual orientation or gender identity, the Proposed Amendment allows you or your attorney to complete the City's complaint form and submit it to the City's investigator. A parent or legal guardian may file on behalf of a minor.

If you believe that you have been discriminated against on the basis of race, sex, familial status, military status, disability, religion, age, color, national origin or ancestry, you or your attorney can contact the EEOC or the Kansas Human Rights Commission.

Is the Human Rights and Services Board involved in the complaint process?

No. The investigating officer is a lawyer from the City Attorney's Office and the hearing officer is a Municipal Judge appointed by the City Manager. The only other involved persons are the complainant, respondent and any potential witnesses.

Will there be a filing fee for a complaint with the City?

No.

What would I do if I have had a City complaint filed against me?

You or your attorney will have up to 60 days to respond to any complaint.

Then what happens?

The City's investigator will review the information provided by each party and gather more evidence as needed. Then the City's investigator will determine whether probable cause exists that discrimination occurred. If probable cause is found, then the City's investigator will try to resolve the issue with the complaining party and the respondent. If probable cause is not found, then the City's investigator will notify the parties and the complaint will be resolved.

What happens if I don't like the investigator's decision or I don't want to settle?

You may appeal to the City's Hearing Officer. The City's Hearing Officer will review the evidence from the City's investigator and each party and make a determination of whether discrimination occurred. The Hearing Officer's decision can be appealed to the district court.

What are the penalties?

If discrimination is found to have occurred, then the respondent can be assessed a civil penalty of up to \$500.

Is this a crime?

No, a finding that you committed an unlawful act of discrimination is not a crime. A finding that you committed an unlawful act of discrimination is a civil violation that does not impact your criminal record in any way.

Can a City complaint be filed against a person who makes an offensive comment or gesture toward someone because of their sexual orientation or gender identity?

No. Being rude, offensive, or insulting toward an individual based on any characteristic is, on its own, not an act of discrimination under the proposed ordinance. To commit an unlawful discriminatory practice, a person must deny an individual rights or privileges in employment, housing, or public accommodations on the basis of sexual orientation or gender identity. If a person, in conjunction with an unlawful discriminatory practice, is rude, offensive, or insulting toward that individual, it can be used as evidence during the complaint process.

If adopted, when will this ordinance be effective?

The proposed effective date is November 1, 2016. For the ordinance to be effective, a majority of the City Commission must vote in favor of the ordinance at the first and second readings of the ordinance. The City Commission will consider the first reading of the ordinance at 7 p.m. on July 19, 2016, in the City Commission Room at City Hall.

The City cannot accept discrimination complaints on sexual orientation and/or gender identity before the ordinance becomes effective. Further, the City can only accept discrimination complaints for discrimination that occurred after the ordinance's effective date.