

RESOLUTION NO. 92-17

RESOLUTION SUPPORTING THE LESBIAN, GAY, BISEXUAL, TRANSGENDER, INTERSEX, QUEER AND QUESTIONING (LGBTIQQ) COMMUNITY AND ESTABLISHING A POLICY TO PREVENT CITY-FUNDED TRAVEL TO STATES WITH LAWS DISCRIMINATING ON THE BASIS OF SEXUAL ORIENTATION, GENDER IDENTITY OR GENDER EXPRESSION

WHEREAS, the State of California is committed to protecting civil rights, preventing discrimination, and taking action to avoid supporting or financing discrimination against lesbian, gay, bisexual and transgender people; and

WHEREAS, the City of Richmond has resolved to be a leading community in the protection of civil rights and preventing discrimination; and

WHEREAS, Richmond Rainbow Pride is the first and only LGBTQ community organization in the City of Richmond, comprised of lesbian, gay, bisexual, transgender, intersex, queer and questioning (LGBTIQQ) individuals and allies who live, work and gather in the Richmond community, coming together for the collective benefit of their fellow LGBTIQQ community members; and

WHEREAS, Richmond Rainbow Pride seeks to advocate for local policy change to preserve and protect the rights of the LGBTIQQ community within the city of Richmond; and

WHEREAS, in direct response to the landmark Supreme Court's decision in *Obergefell v. Hodges* in which the Court ruled that the fundamental right to marry is guaranteed to same-sex couples, there are bills passed and pending in state legislatures across the country that are designed to allow discrimination against LGBTIQQ people in many aspects of their lives; and

WHEREAS, there continue to be states that enact laws to void or repeal protections against discrimination on the basis of sexual orientation, gender identity, or gender expression, or that authorizes or require discrimination against same-sex couples or their families; and

WHEREAS, Assembly Bill No. 1887 "State government: discrimination: travel" sponsored by California Assembly Member Low was lawfully passed in both houses of the legislature and chaptered in September of 2016 after being signed by Governor Brown; and

WHEREAS, According to the California Department of Justice, Assembly Bill No. 1887 prohibits a state agency, department, board, or commission from requiring any state employees, officers, or members to travel to another state that, after June 26, 2015, has enacted a law that eliminates protections against discrimination on the basis of sexual orientation, gender identity, or gender expression; and

WHEREAS, the City of Richmond should commit to a similar policy in order to continue to show commitment to antidiscrimination and represent the values of equity and acceptance.

NOW, THEREFORE BE IT RESOLVED, that the Richmond City Council stands in solidarity and support of the LGBTIQQ community in Richmond and across the country, and against the institutionalization of discriminatory laws across the country; and

BE IT FURTHER RESOLVED that the Richmond City Council supports the policies of the state of California established in Assembly Bill No. 1887 "State government: discrimination: travel."; and

BE IT FURTHER RESOLVED that the City of Richmond, in concurrence with California Government Code § 11139.8, hereby adopts the following policy prohibiting any city agency, department, board, or commission from requiring any city employees, officers, or members to travel to a state that, after June 26, 2015, has enacted a law that:

(1) has the effect of voiding or repealing existing state or local protections against discrimination on the basis of sexual orientation, gender identity, or gender expression; or

(2) authorizes or requires discrimination against same-sex couples or their families or on the basis of sexual orientation, gender identity, or gender expression; or

(3) creates an exemption to antidiscrimination laws in order to permit discrimination against same-sex couples or their families or on the basis of sexual orientation, gender identity, or gender expression. In addition, the resolution would prohibit Richmond from approving a request for city-funded or city-sponsored travel to such a state; and

BE IT FURTHER RESOLVED that the states subject to this policy shall be the same as those identified by the California Attorney General, as required under California Gov. Code § 11139.8 subdivision (e), which as of the date of the of this resolution include the following: Alabama, Kansas, Kentucky, Mississippi, North Carolina, South Dakota, Tennessee and Texas; and

BE IT FURTHER RESOLVED that exceptions to this policy apply if travel to a subject state is required for the following purposes:

- Enforcement of local laws, including auditing and revenue collection,
- Litigation,
- To meet contractual obligations incurred before January 1, 2017,
- To comply with requests by the federal government to appear before committees,
- To participate in meetings or training required by a grant or required to maintain grant funding,
- To complete job-required training necessary to maintain licensure or similar standards required for holding a position, in the event that comparable training cannot be obtained in California or a different state not subject to the travel prohibition,
- For the protection of public health, welfare, or safety, as determined by the affected agency, department, board, authority, or commission,
- Participation in events, conferences, trainings or other activities that have a stated purpose of advancing anti-discrimination, anti-oppression, social justice, and pro-equality related issues that are directly relevant to the city agency, department, board, or commission requesting permission to travel; and

BE IT FURTHER RESOLVED that this resolution would make it the responsibility of the appropriate city officials to consult the most current list of those states identified by the California Attorney General, as required under California Gov. Code § 11139.8 subd. (e). in order to comply with the travel and funding restrictions imposed by this resolution.

BE IT FURTHER RESOLVED that the provisions of this policy shall be clearly referenced in any relevant city documents related to policies and procedures for travel and training.

I certify that the foregoing resolution was passed and adopted by the Council of the City of Richmond at a regular meeting thereof held July 18, 2017, by the following vote:

AYES: Councilmembers Choi, Martinez, McLaughlin, Willis, Vice Mayor Beckles, and Mayor Butt.
NOES: None.
ABSTENTIONS: None.
ABSENT: Councilmember Myrick.

PAMELA CHRISTIAN

CLERK OF THE CITY OF RICHMOND
(SEAL)

Approved:

TOM BUTT

Mayor

Approved as to form:

BRUCE GOODMILLER

City Attorney

State of California }
County of Contra Costa } : ss.
City of Richmond }

I certify that the foregoing is a true copy of **Resolution No. 92-17**, finally passed and adopted by the City Council of the City of Richmond at a regular meeting held on July 18, 2017.



Pamela Christian, Clerk of the City of Richmond