



COUNCIL AGENDA: 5-17-16

ITEM: 3.6

Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Toni J. Taber, CMC
City Clerk

SUBJECT: SEE BELOW

DATE: May 5, 2016

SUBJECT: Resolution to Ban All Non-Essential City Travel or Business with North Carolina and Mississippi.

RECOMMENDATION: As recommended by the Rules and Open Government Committee on May 4, 2016, direct the City Manager to:

- (a) Bring forward a resolution to ban non-essential city travel and business within the states of North Carolina and Mississippi.
- (b) Draft a measure for consideration by the City Council prohibiting the use of City funds in travel to North Carolina and Mississippi for attendance of conventions, meetings, or other event there.
- (c) Draft a measure for consideration by the City Council to the extent practicable, and in instances where there is no conflict with law, to refrain from entering into any new or amended City contracts to purchase goods or services from any company that is headquartered in North Carolina and Mississippi.

Such measures would remain in effect until a legislative or judicial change to overturn existing discriminatory policies on sexual orientation is passed.



Memorandum

TO: RULES COMMITTEE

FROM: Councilmember Tam Nguyen
Councilmember Ash Kalra
Councilmember Magdalena Carrasco

SUBJECT: SEE BELOW

DATE: April 27, 2016

Approved: _____

Date: _____

SUBJECT: Resolution to Ban All Non-Essential City Travel or Business with North Carolina and Mississippi

RECOMMENDATION:

Direct the City Manager to:

1. Bring forward a resolution to ban all non-essential city travel and business within the states of North Carolina and Mississippi.
2. Draft a measure for consideration by the City Council prohibiting the use of City funds in travel to North Carolina and Mississippi for attendance of conventions, meetings, or other events there.
3. Draft a measure for consideration by the City Council to the extent practicable, and in instances where there is no conflict with law, to refrain from entering into any new or amended City contracts to purchase goods or services from any company that is headquartered in North Carolina and Mississippi.

Such measures would remain in effect until a legislative or judicial change to overturn existing discriminatory policies on sexual orientation is passed.

DISCUSSION:

Discriminatory Acts

North Carolina passed House Bill 2 which overturned existing state protections against discrimination on the basis of sexual orientation and institutes a number of restrictions on transgender people. Mississippi's "Protecting Freedom of Conscience from Government Discrimination Act" allows discrimination based on sexual orientation or for other reasons should

it be in conflict with an individual's religious beliefs. These states previously had laws protecting the rights of these people, but overturned them with these two bills. Every person regardless of sexual orientation, sexuality, or gender expression should be valued in our community. These acts do not reflect the values that we promote in the City of San Jose.

Public and Private Response

Since the passage of these bills, a number of cities across the country have banned travel and business within North Carolina and Mississippi. Local corporations such as Paypal, Google, Apple, Lyft, and many others have spoken out against the bills and have vowed to work with organizations across the country to advocate for the repeal of these laws. By joining this movement, we continue to mount pressure with the governor and legislature of North Carolina and Mississippi to overturn these bills and provide equal treatment for all of their constituents.

Need for Equality

While we have seen much progress in our country, current events show us that equality is still something we need to achieve. We all agree that every person regardless of race, sexual orientation, gender, religion, or nationality should not have to face discrimination. Last year, similar legislation took effect in Indiana, Senate Bill 101, the Religious Freedom Restoration Act, through intense advocacy it was modified and weakened. In 2010, the City of San Jose joined cities across the country in support of immigrant rights challenged in Arizona. Three years later we passed a resolution urging the repeal of Proposition 8/Anti-Same Sex Marriage, and in 2015 we supported H.R. 2140 a resolution to end human rights violations in Vietnam. We should continue to be a champion and be proud to stand with the people of North Carolina and Mississippi who need us by their side to ensure equality for all.

RESOLUTION

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations or policies to or pending before a local, state or federal government body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, the City of Los Angeles has historically supported policies that prohibit discrimination based on ethnicity, national origin, religion, sexual orientation, and disability; and

WHEREAS, in 2016, North Carolina adopted House Bill (HB) 2, which overturned existing state protections against discrimination on the basis of sexual orientation and institutes a number of unique new restrictions on transgender people; and

WHEREAS, the law makes clear local measures can't protect people on the basis of sexual orientation or gender identity, or require businesses to provide higher minimum wages or paid sick leave; and

WHEREAS, HB 2 blocks workers from suing in state courts over workplace discrimination based on race, religion, color, national origin, age, sex or handicap, directing complaints instead to a state commission; and

WHEREAS, under HB 2, North Carolinians are legally barred from any bathroom or locker room that does not match the gender assigned on their birth certificate, putting transgender men and women in an impossible situation; and

WHEREAS, discrimination should have no place in politics; and

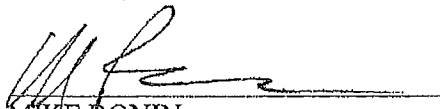
WHEREAS, HB 2 does not reflect the values of the City of Los Angeles, let alone the views that a majority of North Carolinians or our country share; and

WHEREAS, the Human Rights Campaign and Equality North Carolina have organized a campaign with 80 signatories, including the CEOs of Facebook, Apple, Lyft, Google, Dropbox and Tumblr in opposition to HB 2; and

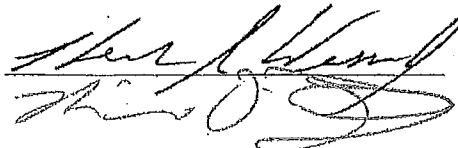
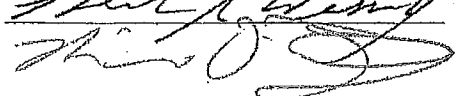
WHEREAS, civil liberties groups have also challenged the bill as unconstitutional, filing a federal lawsuit against the state;

NOW, THEREFORE, BE IT RESOLVED, with the concurrence of the Mayor, that by adoption of this Resolution, the City of Los Angeles shall refrain from conducting business with the State of North Carolina including participating in any conventions or other business that requires City resources, until such time that HB 2 is repealed.

PRESENTED BY:


MIKE BONIN
Councilmember, 11th District

SECONDED BY:

APR 0 2016

ORIGINAL