

RESOLUTION NO. 77743**A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE PROHIBITING ALL NON-ESSENTIAL CITY TRAVEL TO THE STATES OF NORTH CAROLINA AND MISSISSIPPI**

WHEREAS, in 2016, the State of North Carolina passed House Bill 2, the "Public Facilities Privacy & Security Act" ("HB 2") which overturned existing local laws against discrimination on the basis of sexual orientation and institutes a number of restrictions on transgender people; and

WHEREAS, HB 2 makes it clear that North Carolina cities and counties cannot enact local measures to protect people on the basis of sexual orientation or gender identity, or to prohibit discriminatory employment practices or to regulate discriminatory practices in public accommodations, or to require businesses to provide higher minimum wages or paid sick leave; and

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

WHEREAS, under HB 2, North Carolina schools and public agencies must require multiple occupancy changing rooms and bathrooms to be designated and used only by persons based on the gender assigned on their birth certificates, thereby placing transgender people in an impossible situation; and

WHEREAS, HB 2 also provides that privately owned places of accommodation may limit usage of multiple occupancy changing rooms and bathrooms based on the gender of the user assigned on their birth certificate and such limitation shall not be deemed to constitute discrimination; and

WHEREAS, civil liberties groups have challenged HB 2 as unconstitutional, filing a federal lawsuit against the State of North Carolina; and

WHEREAS, on May 4, 2016, the U.S. Department of Justice notified the Governor of the State of North Carolina that both the Governor and the State were in violation of Title VII of the Civil Rights Act of 1964 as a result of the implementation of certain provisions of HB 2 and demanded that the Governor advise the Department of Justice by close of business on May 9, 2016 whether the Governor would remedy the specified Title VII violations; and

WHEREAS, on May 9, 2016, the United States of America and the State of North Carolina filed separate lawsuits against each other related to the implementation of provisions of HB 2 requiring North Carolina public agencies to deny transgender persons access to multiple-occupancy bathrooms and changing facilities consistent with their gender identify; and

WHEREAS, in 2016, the State of Mississippi passed House Bill 1523 ("HB 1523"), the "Protecting Freedom of Conscience from Government Discrimination Act", which will take effect on July 1, 2016 and which will invalidate civil rights protections for LGBTQ people; and

WHEREAS, HB 1523 provides that any person may assert a claim against the Mississippi state government for taking certain adverse actions against that person for discriminating against LGBTQ people; and

WHEREAS, HB 1523 grants public and private entities in Mississippi broad immunities that allow them to discriminate against people based on a specific set of religious beliefs or moral convictions that marriage should be a union between one man and one woman, that sex should only take place within such a marriage, and that "man" and "woman" are immutable, biological categories determined at birth; and

WHEREAS, specifically, HB 1523 provides that the Mississippi State government cannot prevent public employees, social workers, and businesses from denying services based on the “sincerely held religious belief or moral conviction” that marriage is strictly between a man and a woman; and

WHEREAS, HB 1523 also provides that the Mississippi State government cannot prevent businesses from making any employment-related decisions, including termination of a transgender employee, for the “sincerely held religious belief or moral conviction” that gender is determined at birth; and

WHEREAS, HB 1523 protects doctors who refuse to provide counseling, sex-reassignment surgery, fertility treatments and other services based on a “sincerely held religious belief or moral conviction” and allows companies and schools to establish sex-specific policies regarding dress and bathroom use; and

WHEREAS, local corporations such as Facebook, PayPal, Google, Apple, Lyft, and many others have spoken out against the North Carolina and Mississippi laws and have vowed to work with organizations across the country to advocate for the repeal of these laws; and

WHEREAS, a lawsuit challenging HB 1523 as unconstitutional has been filed in federal court in Mississippi against the State of Mississippi; and

WHEREAS, the City of San José (“City”) has historically supported policies that prohibit discrimination based on race, sex, color, age, religion, sexual orientation, gender identity, disability, ethnicity, or national origin; and

WHEREAS, the City should not expend funds to travel to North Carolina or Mississippi for conventions, meetings, or other events until these laws are repealed or no longer in force;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE THAT:

1. The City shall not conduct any non-essential City travel within the States of North Carolina and Mississippi.
2. The City shall not use City funds for non-essential travel to North Carolina or Mississippi for attendance of conventions, meetings, or other events.
3. This Resolution shall remain in effect until the discriminatory policies in HB 2 and HB 1523 are invalidated by legislative or judicial action.

ADOPTED this 17th day of May, 2016, by the following vote:

AYES: CARRASCO, HERRERA, JONES, KALRA, KHAMIS,
T. NGUYEN, PERALEZ, ROCHA; LICCARDO.

NOES: OLIVERIO.

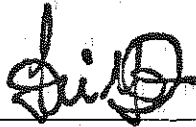
ABSENT: M. NGUYEN.

DISQUALIFIED: NONE.



SAM LICCARDO
Mayor

ATTEST:



TONI J. TABER, CMC
City Clerk