ORDINANCE NO. 19-XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, AMENDING CITY ORDINANCE NO. 16-1581 TO MODIFY THE NINTH AND TENTH RECITALS THEREOF

WHEREAS, the City Council of the City of Carson ("City Council") adopted Ordinance No. 16-1581 in 2016 to establish a City-wide Discrimination and Harassment Prevention Policy by Adding Chapter 11 (Discrimination and Harassment Prevention Policy) to Article II (Administration) of the Carson Municipal Code; and

WHEREAS, the City Council has determined that the ninth and tenth recitals of said ordinance should be modified, and now sees fit to do so.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The forgoing recitals are true and correct and are incorporated herein by this reference.

SECTION 2. Ordinance No. 16-1581, "An Ordinance of the City of Carson, California Establishing a City-Wide Discrimination and Harassment Prevention Policy by Adding Chapter 11 (Discrimination and Harassment Prevention Policy) to Article II (Administration) of the Carson Municipal Code," is hereby amended to modify the ninth and tenth recitals of the Ordinance, such that the recitals of the Ordinance shall read in their entirety as follows (additions shown in ***bold italics***, deletions shown in ~~strikethrough~~):

> **"WHEREAS**, Title VII of the Civil Rights Act of 1964 prohibits employment discrimination based on an individual's race, color, religion, sex, or national origin; and
>
> **WHEREAS**, the California Fair Employment and Housing Act prohibits employers from refusing to hire, discharging, or discriminating against an individual in compensation or in terms, conditions, or privileges of employment because of the race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status of the individual; and
>
> **WHEREAS**, the California Fair Employment and Housing Act requires employers to take all reasonable steps to prevent discrimination and harassment from occurring in the workplace; and
>
> **WHEREAS**, the City of Carson is committed to preventing discrimination and harassment in the workplace; and

WHEREAS, the City of Carson adopted an affirmative action plan with Resolution 75-069, as amended by Resolution No. 83-008; and

WHEREAS, the City of Carson adopted Resolution No. 91-049 amending Resolution No. 83-008 to adopt a procedure to resolve complaints of employment discrimination by City employees and job applicants; and

WHEREAS, the City Manager adopted a sexual harassment policy and statement on September 10, 1998; and

WHEREAS, the City Manager adopted a non-discrimination policy and statement on September 10, 1998; and

WHEREAS, ~~the independent Report of Investigation of City Clerk Jim Dear dated September 29, 2015 recommended that~~ the City ***will periodically*** review existing City policy to assure that there are anti-harassment and anti-discrimination policies in place which are up to date, made a part of the City's Standard Management Practice, and made applicable to elected officials and staff to the extent they interact ***with one another*** ~~with City staff~~; and

WHEREAS, the City desires to expand upon ~~a recommendation of the independent Report of Investigation of City Clerk Jim Dear,~~ and apply anti-harassment and anti-discrimination policies to not only the interactions of elected officials with City staff, but also to apply anti-harassment and anti-discrimination policies to interactions of staff and other staff, and elected officials with other elected officials; and

WHEREAS, the City desires to prevent discrimination or harassment by its officials, employees, volunteers, and contractors; and

WHEREAS, in order to prevent discrimination or harassment in the workplace, the City has prepared a new Discrimination and Harassment Prevention Policy; and

WHEREAS, the new and updated Discrimination and Harassment Prevention Policy is intended to supersede, rescind, repeal and replace prior discrimination and harassment prevention policies, as embodied in Resolution No. 91-049 (amending Resolution No. 83-008) which adopted a procedure to resolve complaints of employment discrimination by City employees and job applicants, the sexual harassment policy and statement adopted by the City Manager on September 10, 1998, and the non-discrimination policy and statement adopted by the City Manager on September 10, 1998; and

WHEREAS, the City met and conferred with the City's labor organizations regarding the form and substance of the Discrimination and Harassment Prevention Policy, and the City's labor organizations agreed to the form and substance of the policy;"

SECTION 3. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance, or the application thereof to any person or circumstances, is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any other provision or application, and to this end the provisions of this ordinance are declared to be severable. The City Council hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, part or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, parts or portions thereof be declared invalid or unconstitutional.

SECTION 4. This Ordinance shall be in full force and effect thirty (30) days after its adoption.

SECTION 5. The City Clerk shall certify to the adoption of this Ordinance, and shall cause the same to be posted and codified in the manner required by law.

PASSED, APPROVED and **ADOPTED** at a regular meeting of the City Council on this _____ day of February, 2019.

_____
MAYOR ALBERT ROBLES

ATTEST:

_____
CITY CLERK DONESIA GAUSE-ALDANA

APPROVED AS TO FORM:

_____
CITY ATTORNEY SUNNY K. SOLTANI