



City of Culver City

Staff Report

File #: 19-1460, Version: 1

Item #: A-4.

CC-(1) Consideration of a Request by the Mayors Against LGBTQ Discrimination to Support an Amicus (Friend of the Court) Brief Regarding Discrimination against LGBTQ (Lesbian, Gay, Bisexual, Transgender, and Questioning) for Three Cases Currently Before the United States Supreme Court for Review; and (2) Direction to the City Manager/City Attorney as Deemed Appropriate.

Meeting Date: June 24, 2019

Contact Person/Dept: Shelly Wolfberg/City Manager's Office
Phone Number: (310) 253-6000

Fiscal Impact: Yes No

General Fund: Yes No

Public Hearing: **Action Item:** **Attachments:**

Commission Action Required: Yes No **Date:**

Public Notification: (E-Mail) Danielle Long, Mayors Against LGBTQ Discrimination and Meetings and Agendas - City Council (06/19/19);

Department Approval: John M. Nachbar, City Manager (06/19/19)

RECOMMENDATION

The City Council Ad Hoc Equity Subcommittee (Mayor Sahli-Wells and Council Member Lee) recommends the City Council (1) consider a request by the Mayors Against LGBTQ Discrimination to support an amicus (friend of the court) brief regarding three cases currently before the United States Supreme Court for review; and (2) provide direction to the City Manager/City Attorney as deemed appropriate.

BACKGROUND/DISCUSSION

Title VII of the Civil Rights Act of 1964 is a federal law that prohibits employers from discriminating against employees on the basis of sex, race, color, national origin and religion. It generally applies to employers with 15 or more employees, including federal, state and local governments.

On October 24, 2018, the City Council adopted a Resolution 2016-R099 (Attachment 1), "Condemning violence and hate speech, expressing solidarity with Muslims and all those targeted for

their ethnicity, race, religion or sexual orientation.”

The Resolution:

- (1) Condemns all hateful speech and violent action directed at people who are Muslims, those perceived to be Muslims, or people based on their religious beliefs, their immigration status, their race, their ethnicity, or their sexual orientation;
- (2) Categorically rejects political tactics that use fear to manipulate voters or to gain power or influence;
- (3) Commits to pursuing a policy agenda that affirms civil and human rights, and ensures that those targeted on the basis of race, religion, sexual orientation, or immigration status can turn to government without fear of recrimination; and
- (4) Reaffirms the value of a pluralistic society, the beauty of a society composed of multiple cultures, and the inalienable right of every person to live and practice their faith without fear.

On December 12, 2016, the City Council adopted the City’s Legislative and Policy Platform, which states that the City Council support efforts to:

- Encourage equality, equal pay, marriage equality, religious freedom, immigrant rights, diversity, and social justice.
- Condemn all hateful speech and violent action directed people based on their religious beliefs, their immigration status, their race, their ethnicity, or their sexual orientation.
- Reject political tactics that use fear to manipulate voters or to gain power or influence.
- Commit to pursuing a policy agenda that affirms civil and human rights, and ensures that those targeted on the basis of race, religion, sexual orientation, or immigration status can turn to government without fear of recrimination.
- Reaffirm the value of a pluralistic society, the beauty of a society composed of multiple cultures, and the inalienable right of every person to live and practice their faith without fear.

On June 18, 2019, Mayor Sahli-Wells received an email from Danielle Long, Project Coordinator, Mayors Against LGBTQ Discrimination. Ms. Long requested that the City of Culver City support an amicus (friend of the court) brief regarding three Title VII LGBTQ cases which were granted review by the United States Supreme Court to consider how Title VII’s ban on workplace sex discrimination protects people from discrimination on the basis of sexual orientation or gender identity. Currently, Mayor Sahli-Wells is a member of the City Council Ad Hoc Equity Subcommittee, as well as a member of Mayors Against LGBTQ Discrimination Coalition. Mayor Sahli-Wells, along with Council Member Lee requested this item be agendized for City Council’s consideration.

A copy of the Amicus Primer is attached to this report as Attachment 2. The deadline for mayors and/or cities to sign onto this amicus brief is Monday, July 1, 2019. The amicus brief must be filed at the Supreme Court on July 3, 2019. In litigation before the U.S. Supreme Court, amicus briefs are used to bring relevant matter not already brought to the Court’s attention by the parties, but which

may be helpful to the Court in reaching its decision. Amicus briefs are often filed in appellate cases involving issues of public interest, including social questions or civil liberties.

If the City Council authorizes the City's support of the amicus brief, staff will work to provide the writers of the brief with their requested information, as applicable and available.

FISCAL ANALYSIS

There is no fiscal impact to the City of Culver City for the City Council to support the amicus brief.

ATTACHMENTS

1. 2019-06-24__ATT__Resolution 2016-R099 Condemning violence and hate speech, expressing solidarity with Muslims and all those targeted for their ethnicity, race, religion or sexual orientation
2. 2019-06-24__ATT__Title VII Amicus Primer

MOTION

That the City Council:

1. Consider a request by the Mayors Against LGBTQ Discrimination to support an amicus (friend of the court) regarding three cases currently before the United States Supreme Court for review; and
2. Provide direction to the City Manager and/or City Attorney as deemed appropriate.