



City of Culver City

Staff Report

File #: 24-799, Version: 1

Item #: A-3.

CC - ACTION ITEM: (1) Introduction of an Ordinance Amending Subchapters 9.10.005, et seq. through 9.10.600, et seq. of Culver City Municipal Code (CCMC) Chapter 9.10 (Parks, Public Buildings and Property); and (2) Direction to the City Manager as Deemed Appropriate.

Meeting Date: March 11, 2024

Contact Person/Dept: Adam Ferguson/Parks, Recreation, and Community Services
Michelle Hamilton/Human Resources

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Fiscal Impact: Yes No

General Fund: Yes No

Attachments: Yes No

Public Notification: (E-Mail) Meetings and Agendas - City Council (03/05/2024)

Department Approval: Ted Stevens, PRCS Director (02/28/2024)
Dana Anderson, Human Resources Director (02/28/2024)

RECOMMENDATION

Staff recommends the City Council (1) introduce the ordinance amending subchapters 9.10.005, et seq. through 9.10.600, et seq. of Chapter 9.10 (Parks, Public Buildings and Property); and (2) provide direction to the City Manager as deemed appropriate.

BACKGROUND

On August 7, 2018, the Parks, Recreation and Community Services (PRCS) Commission formed the *Parks and Facilities Sections of the Culver City Municipal Code Review (CCMC Review) Ad Hoc Subcommittee* to review and provide potential recommended updates to the Culver City Municipal Code (CCMC) related to parks and facilities under the purview of the PRCS Department. The members of the CCMC Review Ad Hoc Subcommittee, Chair Mohammed and Commissioner Rickards worked with staff to update the Parks and Facilities sections of the CCMC. As part of the update process, the Ad Hoc Subcommittee and staff reviewed Parks regulations from Anaheim, Beverly Hills, Cerritos, El Segundo, Huntington Beach, Inglewood, Manhattan Beach, Newport Beach, Santa Monica, and Torrance.

In consultation with the Ad Hoc Subcommittee, PRCS staff and the City Attorney's Office prepared draft revisions to Chapter 9.10 Parks, Public Buildings and Property.

The Ordinance adopts a number of revisions to certain Subchapters of Chapter 9.10, including the following:

- Revising the definitions of Department, Director, and Park;
- Adding sections giving the Director and Department general administrative authority over the parks;
- Clarifying the procedures and authority for issuing permits and use agreements;
- Updating the list of prohibited activities to address current issues in parks and public buildings.

The PRCS Commission reviewed the proposed revisions on September 5, 2023, and voted 4-0 to recommend the City Council approve the proposed revisions.

At the January 22, 2024, City Council meeting, City Council reviewed the proposed revisions and specifically discussed the following proposed language in subsection 9.10.200F:

§ 9.10.200 PROHIBITIONS. It shall be unlawful for any person to do any of the following in public buildings or on public property:

...

F. Use a restroom, washroom, changing room, shower, or locker room designated for a gender that is different from that individual's gender expression or gender identity. This prohibition shall not apply to a person under the age of ten (10). The City shall allow an individual the use of gender-neutral individual facilities or gender-segregated group facilities, such as restrooms, washrooms, changing rooms, showers, and locker rooms, where applicable, that are consistent with that individual's gender expression or gender identity.

The City Council directed staff to take subsection 9.10.200.F to the Equity and Human Relations Advisory Committee (EHRAC) in order to provide comments on subsection 9.10.200.F and to hear thoughts on the next approach to notify the public of such changes.

DISCUSSION

At its special meeting on February 27, 2024, EHRAC discussed the language in subsection 9.10.200.F and their recommendations for notifying the public of any changes. After hearing public comment and weighing the issues that come with gendered restrooms in a more inclusive society, EHRAC voted on the following recommendations:

Recommendation #1

EHRAC proposed removing all references to gender-segregated group facilities in section 9.10.200.F (Prohibitions) and recommended the City Council replace subsection 9.10.200F as follows:

§ 9.10.200 PROHIBITIONS. It shall be unlawful for any person to do any of the following in public buildings or on public property:

...

F. To fight or challenge another person to fight; to maliciously or willfully disturb another person by loud and unreasonable noise; to use offensive words that are inherently likely to provoke an immediate violent reaction from another person; or to engage in bullying, as defined by City Council resolution, within any restroom, shower, changing room, and locker room in a public building or on public property.

This proposal takes the language at § 9.10.055.O and § 9.10.055.X which prohibit bullying, fighting words, and loud and unreasonable noises in public parks, and prohibits that conduct in a public restroom, shower, changing room, or locker room.

This proposed language was approved by EHRAC with a vote of 9-0.

EHRAC's recommended language has been modified by the City Attorney's Office to reverse the phrasing for purposes of clarity that all conduct listed is prohibited "within a public restroom..." etc., and this provision has been added to the draft Ordinance attached as Exhibit A as follows:

§ 9.10.200 PROHIBITIONS. It shall be unlawful for any person to do any of the following in public buildings or on public property:

...

F. Within any restroom, shower, changing room, and locker room in a public building or on public property, to fight or challenge another person to fight; to maliciously or willfully disturb another person by loud and unreasonable noise; to use offensive words that are inherently likely to provoke an immediate violent reaction from another person; or to engage in bullying, as defined by City Council resolution.

Recommendation #2

Add a new subsection to Chapter 9 of the CCMC as follows:

Section 9.10.205 - Restroom, Shower, Changing Room, and Locker Room Facilities

- A. This Section shall apply to restroom, shower, changing room, or locker room facilities in a public building or on public property.
- B. An individual shall not be requested or required to use gender-segregated facilities that are inconsistent with that individual's gender expression or gender identity, or to use separate or gender-neutral facilities.
- C. Whenever feasible, the City shall provide options for privacy, such as additional or single-use gender-neutral facilities, that are available to any individual.
- D. The same standards will be consistently applied to all facility users, regardless of gender expression or gender identity.

This proposed language was approved by EHRAC with a vote of 9-0. This language has been added to the draft Ordinance attached as Exhibit A. It should be noted, the language recommended by EHRAC does not prohibit an individual's use of a gender-segregated facility that is inconsistent with

that individual's gender expression or gender identity and would not be a means for regulating the public's conduct. This provision addresses duties and obligations of the City.

Recommendation Regarding Notifying the Public

During the discussion concerning the best ways to notify the public, EHRAC identified the following tools that should be considered by the City:

- Posting signage in every restroom, changing room, and locker room that begins with an inclusivity statement and at the bottom of the signs mentions specifically the proposed subchapter of the CCMC.
- Utilize the City's email notification tools and social media accounts.
- Incorporate the proposed subchapter of the CCMC into trainings for all City employees.
- Announce the proposed subchapter in the PRCS Culver City Living brochure and Culver City Senior Center Newsletter.
- Coordinate press coverage of the changes.
- Create a public education campaign utilizing videos and written materials.
- Incorporate the new proposed language into the PRCS rental permit process so all permit holders, both new and long-term recurring renters, are responsible for adhering to the proposed language.

These tools to notify the public were approved by EHRAC with a vote of 9-0.

FISCAL ANALYSIS

There is no fiscal impact associated with this discussion or the introduction of the proposed Ordinance.

ATTACHMENTS

1. 2024-03-11 - ATT Ordinance Amending Subchapters 9.10.005, et seq. through 9.10.600, et seq. of Chapter 9.10 (Parks, Public Buildings And Property)
2. 2024-03-11 - ATT Redlined Revisions to Certain Subchapters of Chapter 9.10

MOTIONS

That the City Council:

1. Introduce the Ordinance amending Subchapters 9.10.005, et seq. through 9.10.600, et seq. of Chapter 9.10 (Parks, Public Buildings and Property); and
2. Provide other direction to the City Manager as deemed appropriate.