

**CITY COUNCIL GOVERNANCE COMMITTEE MEETING
MINUTES
WEDNESDAY, MAY 21, 2013
1:00 PM
CITY COUNCIL CHAMBERS**

Council Present:	Mayor Julián Castro, <i>Chair</i> Councilmember Diego Bernal, <i>District 1</i> Councilmember Ivy R. Taylor, <i>District 2</i> Councilmember David Medina Jr., <i>District 5</i> Councilmember Chris Medina, <i>District 7</i>
Staff Present:	Sheryl Sculley, <i>City Manager</i> ; Michael Bernard, <i>City Attorney</i> ; Leticia Vacek, <i>City Clerk</i> ; Leticia Saenz, <i>Deputy City Clerk</i> ; Gloria Hurtado, <i>Assistant City Manager</i> ; John Peterek, <i>Special Projects Manager</i> ; Rebekah Jamison, <i>Office of the City Clerk</i> ;

The meeting was originally scheduled in the Media Briefing Room but due to the vast number of residents attending; said meeting was moved to the City Council Chambers.

CALL TO ORDER

Mayor Castro called the meeting to order.

I. Approval of minutes from the March 20, 2013 Governance Committee Meeting.

It was noted that the minutes would be considered at the next Governance Committee Meeting.

II. Items requiring individual briefing(s)

- a. Briefing and possible action on a request from Councilman Diego Bernal, District 1, regarding discrimination-free workplace initiative.**
Michael Bernard, City Attorney

Mayor Castro stated that as standard for this type of meeting; no public input would be held. Citizens would have an opportunity to comment at a future meeting.

Councilmember Bernal stated that the City Manager and Staff have reviewed programs to determine what steps must be taken to create a Human Rights Commission (HRC) in San Antonio as has been done in the cities of Austin and Fort Worth. The HRC would provide, where the city is authorized by statute, processes to investigate complaints involving various types of discrimination, and provide remedies to an aggrieved party. Councilmember Bernal noted that separate anti-discrimination provisions have been adopted in San Antonio over the years. He added that the City presently prohibits discrimination in the hiring and promotion of City Employees. The City has also adopted a policy that prohibits discrimination in contracting.

Councilmember Bernal stated that consolidating the policies into a central location will provide easier access to these important policies. Expanding protections to recognize sexual orientation, gender identity and veterans status will demonstrate the City of San Antonio's commitment to human rights.

Councilmember Bernal stated that the city currently prohibits discrimination in several ordinances and code provisions, some of which are dated and do not reflect state law. He added that other cities have created a local HRC to assist in their anti-discrimination efforts.

Michael Bernard, City Attorney stated that Councilmember Bernal submitted a request for an Ordinance that would:

- Consolidate the City's current anti-discrimination policies in the City Code;
- Expand the list of protected categories in the policies to recognize sexual orientation, gender identity, and veterans status; and
- Update the policies to reflect current state law and best practices

Mr. Bernard stated that Councilmember Bernal also requested that the City Manager and City Staff review programs in place in other cities and determine what steps could be taken to create a HRC. The HRC, where the City is authorized by state statute, would investigate complaints involving different types of discrimination and provide remedies to an aggrieved party.

Councilmember Bernal stated that in terms of the city's business community, a large majority of our employers and businesses already offer this protection. He added that they know how to operate under these laws.

Mr. Bernard noted that the City currently prohibits discrimination in several ordinances and code provisions, some of which are dated, and do not reflect current state law. Other cities have created a local Human Rights Commission to assist in their anti-discrimination efforts.

Mr. Bernard stated that the HRC would be useful as a centralized place to investigate, enforce and mediate resolutions where disputes occur. He added that the city is not imposing new requirements. Requirements have been in the books since the 60's where the city prohibits discrimination in housing practices, at public accommodations, theaters, and public transportation. Internally, Mr. Bernard stated that the city has non-discrimination on boards and commissions, in the manner which sub-contracts are awarded via the SBEDA Ordinance and how the city works with Delegate Agencies.

Mr. Bernard noted that the ultimate goal is to bring consistency on the administration, enforcement, and application of rules. He added that related to the city contracts; the vendors the city does business with will have to certify that they do not discriminate.

Mayor Castro asked which Texas Cities have such an Ordinance in place. Mr. Bernard replied that Austin, El Paso, Dallas, Fort Worth and Houston all have had an Ordinance in place for 10 years with the exception of Houston, which recently passed their Ordinance.

Councilmember Taylor stated that she would like to see a draft ordinance and the item brought back to the Governance Council Committee or to a “B” Session before going to full Council for approval. She noted that she would also like more dialogue within the community.

Councilmember D. Medina asked if the city has a history or an increase in discrimination with city Employees or businesses that the city contracts. Mr. Bernard stated that he did not know if they would see cases because the city has a non-discrimination policy in place per the City Manager. He added that there is no mechanism by which the city would get complaints.

Councilmember D. Medina asked Mr. Bernard if he was saying this would impact anyone who does business with the City. Mr. Bernard replied yes, the city as policy requires contractors not to discriminate. He added that contractors cannot discriminate on who they hire or who they fire. A contractor will need to put in writing that they will not discriminate or they will not do business with the city.

Councilman D. Medina stated that he would like to review the draft ordinance before it goes to full Council; in order to understand the details of the ordinance.

Councilmember C. Medina thanked Councilmember Bernal for bringing this item to their attention. He stated that first and foremost, he opposes discrimination but would like to have more time to discuss this item with constituents of District 7 due to its importance. He added that because it is such an important topic, he will support additional time to review and requested a draft before hand.

Councilmember D. Medina asked that in terms of reaching out to our Veterans, if the city staff reached out to the Veterans Commission for an opportunity to review this proposal. Mr. Bernard replied that the city had not reached out to the Veterans Commission.

Councilmember D. Medina stated that he preferred to review the draft Ordinance at a Governance Council Committee Meeting so that they could discuss the Ordinance in the next thirty days. He added that this would allow time to discuss with constituents of District 5.

Councilmember D. Medina made a motion to continue said item for 30 days; at the next Governance Council Committee Meeting. The motion died due to lack of a second.

Mayor Castro suggested that they not wait the 30 days. Councilmember D. Medina asked for 30 days to talk with the constituents in his community.

Councilmember Bernal moved to refer said item to a Council “B” Session after the draft ordinance has been provided to the Mayor and Council. Councilmember Taylor seconded the motion. Motion carried unanimously.

III. Consideration of items for future meetings

a. Next Meeting Scheduled: June 19, 2013

Mayor Castro announced that the next Governance Council Committee Meeting was scheduled for June 19, 2013.

There being no further discussion, Mayor Castro adjourned the meeting at 2:29 p.m.

ATTEST:



Leticia Vacek, TRMC/MMC
City Clerk



Julián Castro
Mayor