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City of Racine, Wisconsin
COMMON COUNCIL

AGENDA BRIEFING MEMORADUM (ABM)

COMMITTEE: Finance and Personnel Committee **LEGISLATION ITEM #:** 0685-18

AGENDA DATE: June 25, 2018

DEPARTMENT: City Attorney's Office

Prepared By: City Attorney Scott R. Letteney

Reviewed By: N/A

SUBJECT: Communication from the Mayor and the Alderperson of the 15th District requesting that Chapter 62 of the Racine Code of Ordinances be amended to provide for greater protection against sexual orientation and gender identity discrimination.

EXECUTIVE SUMMARY: The Mayor and the Alderperson of the 15th District requesting that Chapter 62 of the Racine Code of Ordinances be amended to provide for greater protection against sexual orientation and gender identity discrimination.

BACKGROUND & ANALYSIS: By Racine Ordinance section 62-27, it is the public policy of the City of Racine "to assure equal opportunities and fair housing to all citizens of the city" and discrimination on the basis of "age, sex, race, color, veteran's status, disabled veteran's status, religion, disability or disabilities, national origin, marital status, sexual orientation, familial status, lawful source of income, or economic status" is anathema. Pursuant to Racine Ordinance section 62-38, it is illegal in the City of Racine to discriminate on any of these bases in the furnishing of goods and services and in hiring, promoting, discharging, or making any other personnel transaction. Violations of such law are the purview of the Racine Affirmative Action/Human Rights Commission.

The concept of discrimination on the basis of "gender identity" does not exist within Racine ordinance. Miriam-Webster defines "gender identity" as "a person's internal sense of being male, female, some combination of male and female, or neither male nor female." The Human Rights Campaign defines "gender identity" as "[o]ne's innermost concept of self as male, female, a blend of both or neither – how

31 individuals perceive themselves and what they call themselves. One's gender identity can be the same
32 or different from their sex assigned at birth.”

33 “Gender identity” is different from “sexual orientation.” “Sexual orientation” is defined by Black’s Law
34 Dictionary as “[a] person’s predisposition or inclination toward a particular type of sexual activity or
35 behavior” and by the Human Rights Campaign as “[a]n inherent or immutable enduring emotional,
36 romantic or sexual attraction to other people.”

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38 **BUDGETARY IMPACT:** The City Attorney’s Office will draft any changes directed at no additional cost to
39 the City.

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41 **OPTIONS/ALTERNATIVES:** Decline to amend Racine ordinances.

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43 **RECOMMENDED ACTION:** Direct the City Attorney to draft amendments to Chapter 62 of the Racine
44 Code of Ordinances to provide for greater protection against sexual orientation and gender identity
45 discrimination.

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47 **ATTACHMENT(S):** None