



**CITY OF SAN ANTONIO
OFFICE OF THE CITY COUNCIL
COUNCIL CONSIDERATION REQUEST**

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| TO: | Mayor and City Council |
| FROM: | Jalen McKee-Rodriguez |
| COPIES TO: | Erik Walsh, City Manager; Debbie Racca-Sittre, City Clerk; Andy Segovia, City Attorney; John Peterek, Assistant to the City Manager; Emily McGinn, Assistant to City Council |
| SUBJECT: | Expansion of the City of San Antonio's Non-Discrimination Ordinance |
| DATE: | October 21, 2021 |

Issue Proposed for Consideration:

I ask for your support for the inclusion of the following item on the agenda of the earliest available meeting of the Governance Committee:

Concurrence in directing staff to:

- (1) Review and determine amendments for the purpose of expanding San Antonio's Non-Discrimination Ordinance (NDO) by including:
 - a. Language to clarify and establish protections in the area of private employment,
 - b. Mechanical improvements to the complaint process,
 - c. Additional support for complainants, and
 - d. Increased penalties under our enforcement mechanisms.

- (2) Establish an awareness campaign to broaden public knowledge of their rights and protections under the Non-Discrimination ordinance.

Brief Background: On September 5, 2013, City Council voted to approve the Non-Discrimination Ordinance, joining other major Texas cities in codifying protections from discrimination for protected classes. The NDO as currently written, applies only to city employment, city contracts and subcontracts, appointments to Boards and Commissions, housing, and places of public accommodation and prohibits discrimination based on an individual's race, color, religion, sex, sexual orientation, gender identity, veteran status, disability, familial status, national origin or age. The NDO currently does not apply to employment discrimination by private businesses.

In 2015, the City of San Antonio created the Office of Diversity and Inclusion and hired a Diversity Officer to manage the newly established office. Later the name was changed to the Office of Equity and was tasked with managing the intake and case management for all discrimination complaints made through the NDO's complaint process.

In FY 2022, this office was consolidated to include relevant support personnel and renamed the Office of Diversity, Equity, and Inclusion. Within the department, the City established a Civil Rights Coordinator position to streamline the NDO's complaint process.

Nationally, occurrences of discrimination are underreported, leaving those experiencing discrimination with limited support. Numerous complainants will either not file a claim or instead opt for costly private litigation. San Antonio is not immune to this national trend. Since 2013, a little over 100 complaints have been submitted. This demonstrates a dramatic lack of public awareness of the protections afforded under the NDO and the complaint process. Even considering the limited number of complaints filed,

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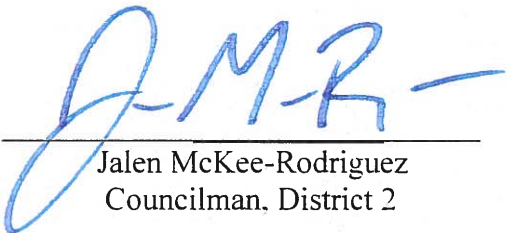
very few have made it to the enforcement stage. In addition to this, internally, many discrimination inquiries received by various city departments circumvent the Office of Equity and are instead maintained internally.

The next step in protecting San Antonio residents from discrimination is to expand and improve the current NDO. The expansion will clarify its application to private places of employment to include businesses or private employers with 15 or more employees, in addition to contract employment, and will improve upon current processes to create a uniform enforcement mechanism that will ensure fairness and opportunity for all people within San Antonio.





The expansion of the Non-Discrimination Ordinance should outline support provided to complainants by the City of San Antonio, to include legal support, in contract with entities such as TRLA.

In addition, the newly amended ordinance should outline penalties for private businesses found to be in violation of the Non-Discrimination Ordinance, to include limitations on access to city contracts and public funding opportunities.

Submitted for Council consideration by:


Jalen McKee-Rodriguez
Councilman, District 2

Supporting Councilmembers' Signatures (4 only)

| | Supporting Councilmembers' Signatures (4 only) | District |
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| 2. |  | 2 |
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