

RESOLUTION NO. 22- _____

**RESOLUTION BY THE TOWN COUNCIL OF THE TOWN OF APEX PERMITTING
APPLICATION OF THE WAKE COUNTY NONDISCRIMINATION ORDINANCE
WITHIN THE CORPORATE TOWN LIMITS PURSUANT TO N.C. GEN. STAT.
§153A-122**

WHEREAS, The Town of Apex is a community that respects and actively works to welcome and protect all those who reside, work, do business, and visit Apex; and

WHEREAS, The Town of Apex has determined that discrimination in the business dealings of its citizens harms the citizens and the Town and impairs the Town’s ability to attract new businesses and residents and is not consistent with the Town’s purpose, vision, and identity as a Town that embraces and celebrates diversity; and

WHEREAS, The Town of Apex finds that the 14th Amendment to the United States Constitution provides for the equal protection of all citizens; and

WHEREAS, pursuant to North Carolina General Statute §160A-174(a), “[a] city may by ordinance define, prohibit, regulate, or abate acts, omissions, or conditions detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the city[;]” and

WHEREAS, pursuant to North Carolina General Statute §160A-4, “[i]t is the policy of the General Assembly that the cities of this State should have adequate authority to execute the powers, duties, privileges, and immunities conferred upon them by law. To this end, the provisions of this Chapter . . . shall be broadly construed and grants of power shall be construed to include any additional and supplementary powers that are reasonably necessary or expedient to carry them into execution and effect[.]”

WHEREAS, Apex Town Code of Ordinances Chapter 3 is entitled “Nondiscrimination” and describes the Town’s purpose and policy in protecting and safeguarding the right and opportunity of all person in protected classes, as defined in that Chapter, to be free from discrimination and applies to Town administration, committees, boards, commissions, and any entity contracting with the Town. Section 3-2 specifically authorizes the manager to establish town policies and procedures to ensure that the functions and actions of the town government meet the purpose and intent of Chapter 3. The Town Council directs that Chapter 3 of the Town Code, as amended from time to time, and the Town’s internal policies and procedures remain in place and continue to govern these actions.

WHEREAS, on October 18, 2021, Wake County enacted an Ordinance Prohibiting Discrimination in Public Accommodations and Employment (“Wake County Nondiscrimination Ordinance”) that, among other things, prohibits discrimination in public accommodations and employment for areas within Wake County’s jurisdiction but outside the territorial jurisdiction of the Town.

WHEREAS, the Town desires its residents to be protected from discriminatory practices in public accommodations and employment under the same terms and conditions as set forth in the Wake County Nondiscrimination Ordinance.

WHEREAS, the governing board of a municipality is authorized by N.C. Gen. Stat. §153A-122 to permit a county ordinance to apply within the municipality's territorial jurisdiction by enacting a resolution so providing.

WHEREAS, Town and County leaders have agreed that Wake County and the Town of Apex should collaborate in their efforts to eradicate discrimination and that a coordinated approach in public accommodations and employment advances those goals.

NOW, THEREFORE, BE IT RESOLVED by the Town Council as follows:

Section 1. Except as provided herein, the Wake County Nondiscrimination Ordinance shall apply within the corporate limits of the Town of Apex and have the same force and effect and be enforced to the same extent within the corporate limits of the Town of Apex as within Wake County. Wake County shall be authorized and permitted to enforce the provisions of the Wake County Nondiscrimination Ordinance within the corporate limits of the Town of Apex pursuant to N.C. Gen. Stat. §153A-122 to the fullest extent allowed by law.

Section 2. The following *shall not apply* to the Town of Apex or within the Town's corporate limits:

- A. Section 34.03(B) of the Wake County Nondiscrimination Ordinance concerning bids or proposals submitted to Wake County; and
- B. Any matter regulated by the Wake County Nondiscrimination Ordinance that is subject to N.C. Gen. Stat. §160A-168; and
- C. Any provision of the Wake County Nondiscrimination Ordinance that is in conflict with Chapter 3 of the Town of Apex Code of Ordinances, which will continue to be in effect for the topics it governs; and

Except as provided herein, all provisions of the Wake County Nondiscrimination Ordinance shall apply without restriction.

Section 3. This Resolution is effective upon adoption.

Upon motion duly made by Council Member _____ and duly seconded by Council Member _____, the above Resolution was duly adopted by the Apex Town Council at a meeting held on the ____ day of _____, 2022 in the Apex Town Hall.

Upon call for a vote the following Council Members voted in the affirmative:

and the following Council Members voted in the negative:

This the _____ day of _____, 2022.

Attest:

TOWN OF APEX, NORTH CAROLINA

Allen L. Coleman, CMC, NCCCC
Town Clerk

Jacques K. Gilbert
Mayor

Approved As To Form:

Laurie L. Hohe
Town Attorney