

AN ORDINANCE

NO.

An Ordinance amending Chapter 2 of the Columbus Code by adopting a new Article XXII to be known as the Columbus, Georgia Non-discrimination Ordinance; and for other purposes.

THE COUNCIL OF COLUMBUS, GEORGIA HEREBY ORDAINS:

SECTION 1.

A new Article XXII of Chapter of the Columbus Code is hereby adopted in its entirety to read as follows:

"Article XXII Columbus, Georgia Non-discrimination Ordinance

Sec. 2-295. Purpose and Intent. It is the purpose and intent of the Columbus Council to protect and safeguard the right and opportunity of all persons to be free from all forms of discrimination, including discrimination based on real or perceived race, color, religion, national origin, sex, sexual orientation, gender identity, age, disability, marital status, familial status, or veteran status. The Council's purpose in enacting this ordinance is to promote the public health and welfare of all persons who live and work in the geographical boundaries of Columbus, Georgia. It is important for the Columbus Consolidated Government to ensure that all persons within the Columbus have equal access to employment, housing, and public accommodations.

Sec. 2-296. Definitions. For the purposes of this ordinance, the following terms shall have the following meanings:

(1) AGE. An individual's status as having obtained forty or more years of age.

(2) APPLICANT. Any individual seeking employment from an Employer, excluding any individual seeking employment from his or her parents, spouse, or child.

(3) CITY CONTRACTOR. Any person, corporation, or entity that has a contract to do business with the Columbus Consolidated Government.

(4) DISCRIMINATE, DISCRIMINATION OR DISCRIMINATORY. Any

act, policy or practice that, regardless of intent, has the effect of subjecting any person to differential treatment as a result of that person's real or perceived race, color, religion, national origin, sex, sexual orientation, gender identity, age, disability, marital status, familial status, or veteran status.

(5) EMPLOYEE. Any individual employed by an employer, excluding any individual employed by his or her parents, spouse, or child.

(6) EMPLOYER. A person who employs one or more employees in the City of Columbus, or any agent of such person. Employer shall include the City of Columbus and any City Contractor.

(7) FAMILIAL STATUS. Means an individual's past, current or prospective status as parent or legal guardian to a child or children below the age of eighteen (18) who may or may not reside with that individual.

(8) GENDER IDENTITY. The actual or perceived gender-related identity, expression, appearance, or mannerisms, or other gender-related characteristics of an individual, regardless of the individual's designated sex at birth.

(9) MARITAL STATUS. An individual's past, current, or prospective status as single, married, domestically partnered, divorced, or widowed.

(10) NATIONAL ORIGIN. An individual's or his or her ancestor's place of origin.

(11) PLACE OF PUBLIC RESORT, ACCOMMODATION, ASSEMBLAGE, OR AMUSEMENT. Any place, store, or other establishment, either licensed or unlicensed, that supplies accommodations, goods, or services to the general public, or that solicits or accepts the patronage or trade of the general public, or that is supported directly or indirectly by government funds. The term does not include any private club, bona fide membership organization, or other establishment that is not in fact open to the public.

(12) RELIGION. All aspects of religious belief, observance, and practice.

(13) SEXUAL ORIENTATION. Actual or perceived homosexuality, heterosexuality, or bisexuality.

(14) VETERAN STATUS. An individual's status as one who served

in the active military, naval or air service.

Sec. 2-297. Civil Rights Declared. The right of an otherwise qualified person to be free from discrimination because of that person's real or perceived race, color, religion, national origin, sex, gender, sexual orientation, gender identity, age, disability, marital status, familial status, or veteran status is recognized as and declared to be a civil right. This right shall include, but not be limited to, all of the following:

(1) The right to obtain and hold employment and the benefits associated therewith without discrimination.

(2) The right to the full enjoyment of any of the accommodations, advantages, facilities, or privileges of any place of public resort, accommodation, assemblage, or amusement without discrimination.

(3) The right to engage in property transactions, including obtaining housing for rental or sale and credit therefor, without discrimination.

(4) The right to exercise any right granted under this ordinance without suffering coercion or retaliation.

Sec. 2-298. Exceptions. Notwithstanding the foregoing, the following are not discriminatory practices prohibited by Sec.1-3 of this ordinance:

(1) A religious corporation, association, or society that employs an individual of a particular religion to perform work connected with the performance of religious activities by the corporation, association, or society.

(2) An employer who observes the conditions of a bona fide affirmative action plan or a bona fide seniority system which is not a pretext to evade the purposes of this ordinance.

Sec. 2-299. Recognition of the MAYOR'S COMMISSION ON UNITY, DIVERSITY & PROSPERITY. The purpose of the Mayor's Commission on Unity, Diversity & Prosperity ("Commission") as set forth in its by-laws is to promote the principles of diversity, inclusion, and harmony in Columbus, Georgia through education, community events, the provision of advice to the City Council and Mayor. The Commission members of the Commission are appointed by the Mayor to staggered three-year terms. Each member of the Commission shall have experience, training, or perspective which will further the

mission of the Commission, all as set forth in the by-laws governing the Commission. The responsibilities of the Commission include managing Commission records and accounts, developing public education programs, providing training for Commission members, managing citizen complaints, and any other tasks needed to help the Commission perform its functions. It may use the services of attorneys, clerks, or other city government employees or the services of contractors as necessary.

There shall be created a five member Committee for Discrimination Dispute Resolution ("the Committee"), to be appointed and governed in accordance with Section 2-300 below to assist in the implementation of this Non-discrimination Ordinance by receiving and reviewing complaints of violations.

Section 2-300. The Committee for Discrimination Dispute Resolution.

(1) **Composition.** The Committee shall be composed of five members who shall be broadly representative of the population of the city, including representatives of the communities enumerated in this ordinance. There shall be an effort to ensure that Committee members have a cross section of experience in employment/human resources, real estate, banking, law and business. Three members of the Committee shall be nominated by the Commission and confirmed by Council, and the other two members of the Committee will be nominated and confirmed by Council.

(2) **Activities.**

A. The Committee shall receive, investigate, seek to conciliate, and review complaints alleging violations of this ordinance. It shall establish procedures for reviewing such complaints consistent with the provisions of this Ordinance, subject to the approval of Council. The Committee may require the payment of a filing fee for each complaint it accepts in an amount not to exceed \$25.00 provided that the fee may be waived in circumstances of economic hardship as the Committee deems appropriate. After its review, if the Committee determines that there is reasonable cause to believe that a violation has occurred and that there is no likelihood that the parties will be able to resolve the conflict, it shall refer the matter to a hearing officer for a hearing and determination. The hearing officer will be appointed from a list of attorneys willing to serve that has been approved by the Commission.

B. The Committee, as assisted by the Commission, shall present an annual report to the Mayor and City Council of its

activities; it shall develop public education programs regarding compliance with this ordinance and equal opportunity and treatment of all individuals; and it shall engage in any other necessary action to effectuate its purpose and duties.

Sec. 2-301. Enforcement. Upon referral from the Committee, the designated hearing officer shall investigate, hold hearings on and render a decision upon complaints alleging violations of this ordinance. The Hearing Officer shall hear the matter giving both parties an opportunity to be heard and make a written determination as to whether a violation of this ordinance has occurred. If the hearing officer determines that a violation has occurred, the he or she may issue an order to cease and desist from the discriminatory practice and levy a fine of \$500 for a first violation, \$1000 for each subsequent or continuing violation as set forth in Columbus Code Section 1-8. The costs of the hearing officer may also be assessed against the losing party as a penalty. Fines and penalties ordered by the hearing officer for violations of this ordinance shall be paid to Revenue Division of the Finance Department. Any order issued by a hearing officer may be appealed by the losing party through the procedure for Certiorari to the Superior Court of Muscogee County in accordance with the procedures set forth in O.C.G.A. Section 5-4-1, *et seq.* If the event that such fines and penalties are not paid as required by the order of the hearing officer and no Certiorari has been filed within 30 days, then the Hearing Officer shall issue a citation ordering the violator to appear in Recorder's Court of Columbus, Georgia to face contempt charges for failure to pay the fine.

Sec. 2-3027. Other Remedies. This ordinance may not be construed to limit any other remedies available under local, state, or federal law."

SECTION 2.

This ordinance shall become effective sixty (60) days after it is signed by the Mayor.

SECTION 3.

All Ordinances in conflict with this ordinance are hereby repealed.

Introduced at a regular meeting of the Council of Columbus, Georgia held on the 28th day of July, 2020, introduced a second time at a regular meeting of said Council held on the ____ day of _____, 2020, and adopted at said meeting by the affirmative vote of _____ members of said Council.

Councilor Allen	voting	_____
Councilor Barnes	voting	_____
Councilor Crabb	voting	_____
Councilor Davis	voting	_____
Councilor Garrett	voting	_____
Councilor House	voting	_____
Councilor Huff	voting	_____
Councilor Thomas	voting	_____
Councilor Thompson	voting	_____
Councilor Woodson	voting	_____

Sandra T. Davis
Clerk of Council

B. H. "Skip" Henderson, III
Mayor