



OFFICE OF THE CITY ATTORNEY
Long Beach, California

ORD-34

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July 8, 2008

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HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Recommendation to declare an ordinance amending Chapter 5.09 of the Long Beach Municipal Code by amending section 5.09.010, Subsection E, all relating to employment discrimination read the first time and laid over the next regular meeting of the City Council for final reading.

DISCUSSION:

Pursuant to your request of May 20, 2008, this office has prepared and submits the above-described ordinance for your consideration.


The amendment is show in Attachment "A."

SUGGESTED ACTION:

Approve recommendation.

Very truly yours,

ROBERT E. SHANNON, City Attorney

By: 
GARY J. ANDERSON
Deputy City Attorney

GJA:ikm
Enclosure
A08-01628

ATTACHMENT A
REDLINED VERSION

CHAPTER 5.09
EMPLOYMENT DISCRIMINATION

5.09.010 DEFINITIONS.

A. "Business establishment" means any person that offers goods or services to the general public. An otherwise qualifying organization which has membership requirements shall be considered to be a "business establishment" if the following criteria are met:

1. Its membership requirements consist only of the payment of fees; or
2. Its membership standards are standards under which a substantial portion of the residents of the City could qualify; or
3. Its membership standards constitute an effort to avoid compliance with the requirements of the ordinance codified in this Chapter through subterfuge by creating membership standards with no bona fide relationship to the purpose or nature of the organization.

The term "business establishment" shall not include the following (a) Any religious association or corporation not organized for private profit; (b) The Federal government or any agency thereof or the State government or any agency or local subdivision thereof, including but not limited to, counties, cities, districts, authorities and agencies.

B. "Employee" does not include any individual employed by his or her parents, spouse, or child, or any individual employed under a special license in a nonprofit sheltered workshop or rehabilitation facility.

C. "Person" means any natural person, and any firm, corporation,

1 partnership or other organization, association or group of persons,
2 however organized.

3 D. "Sexual orientation" means heterosexuality, homosexuality or
4 bisexuality

5 E. "Gender Identity" means an individual's sense of being either
6 male or female, something other or in-between.

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF LONG BEACH AMENDING THE LONG BEACH
MUNICIPAL CODE BY ADDING SUBSECTION E TO
SECTION 5.09.010, ALL RELATING TO EMPLOYMENT
DISCRIMINATION

The City Council of the City of Long Beach ordains as follows:

Section 1. Section 5.09.010 of the Long Beach Municipal Code is
hereby amended by adding Subsection E to read as follows:

A. "Business establishment" means any person that offers goods or
services to the general public. An otherwise qualifying organization which
has membership requirements shall be considered to be a "business
establishment" if the following criteria are met:

1. Its membership requirements consist only of the payment of
fees; or

2. Its membership standards are standards under which a
substantial portion of the residents of the City could qualify; or

3. Its membership standards constitute an effort to avoid
compliance with the requirements of the ordinance codified in this Chapter
through subterfuge by creating membership standards with no bona fide
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Federal government or any agency thereof or the State government or any
agency or local subdivision thereof, including but not limited to, counties,

1 cities, districts, authorities and agencies.

2 B. "Employee" does not include any individual employed by his or
3 her parents, spouse, or child, or any individual employed under a special
4 license in a nonprofit sheltered workshop or rehabilitation facility.

5 C. "Person" means any natural person, and any firm, corporation,
6 partnership or other organization, association or group of persons,
7 however organized.

8 D. "Sexual orientation" means heterosexuality, homosexuality or
9 bisexuality

10 E. "Gender Identity" means an individual's sense of being either
11 male or female, something other or in-between.

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13 Section 2. The City Clerk shall certify to the passage of this Ordinance by
14 the City Council and cause it to be posted in three conspicuous places in the City of Long
15 Beach, and it shall take effect on the thirty-first day after it is approved by the Mayor.

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OFFICE OF THE CITY ATTORNEY
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I hereby certify that the foregoing Ordinance was adopted by the City
Council of the City of Long Beach at its meeting of _____, 2008, by
the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

City Clerk

Approved: _____

Mayor