

(Summary Published in the Morning Sun on November 29<sup>th</sup>, 2019)

ORDINANCE NO. G-1306

AN ORDINANCE amending Sections 2-331 and 2-332 of the Pittsburg City Code to include definitions of gender identity and sexual orientation and provide that the City's Human Relations Commission may investigate complaints filed by individuals alleging to have been discriminated against on the basis of gender identity or sexual orientation.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF PITTSBURG,  
KANSAS:

Section 1. Section 2-331 of the Pittsburg City Code is hereby amended to read as follows:

**Sec. 2-331. Definitions.**

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

*Age* means an age of 18 or more years unless state law requires an individual to be older than 18 to perform a certain activity.

*Disability* means:

- (1) A physical or mental impairment that substantially limits one or more of the major life activities of such individual;
- (2) A record of such an impairment; or
- (3) Being regarded as having such an impairment by the person or entity alleged to have committed the unlawful discriminatory practice complained of.

Disability does not include current, illegal use of a controlled substance as defined in Section 102 of the Federal Controlled Substance Act (21 USC 802), in housing discrimination. In employment and public accommodation discrimination, the term "disability" does not include an individual who is currently engaging in the illegal use of drugs where possession or distribution of such drugs is unlawful under the Controlled Substance Act (21 USC 812), when the covered entity acts on the basis of such use.

*Familial status* means, having one or more individuals less than 18 years of age domiciled with:

- (1) A parent or another person having legal custody of such individual; or
- (2) The designee of such parent or other person having such custody, with the written permission of such parent or other person.

*Gender identity* means 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.

*Sexual orientation* means an individual's actual or perceived, by the individual or another, emotional, romantic, or sexual attraction to other people, such as heterosexual, homosexual, bisexual, pansexual or asexual.

Section 2. Section 2-332 of the Pittsburgh City Code is hereby amended to read as follows:

**Sec. 2-332. Human Relations Commission.**

- (a) *Creation; composition; terms.* There is hereby created a Human Relations Commission (HRC) for the City. It shall consist of seven members, serving without compensation. Such members shall be drawn from diverse segments of the public and to be selected for their wisdom, ability and broad perspective and not for the purpose of representing any specific group. The members of the current HRC shall continue to serve for the term for which they were appointed. Upon the expiration of the term of any member, the Governing Body shall reappoint that member or some other qualified individual to a three-year term; provided, however, that no member shall serve more than two consecutive terms. Any member may be removed by the Governing Body for failure to attend three consecutive regular meetings of such HRC.
- (b) *Officers; committees; how chosen.* The HRC at each annual meeting shall elect from its membership a chairperson, vice-chairperson and a second vice-chairperson. The chairperson, vice-chairperson and second vice-chairperson shall have and perform such duties as are commonly associated with their respective titles. The officers of the HRC shall be and constitute the executive committee thereof which shall exercise such powers between its regular meetings as may be authorized by the HRC. The HRC shall be further authorized to appoint and fix the membership of standing and temporary committees as it may find expedient for the performance of its duties.
- (c) *Meetings; regular and special.* The Human Relations Commission shall meet at least quarterly at such time and place as shall be fixed by the HRC by its standing rules. Special meetings shall be called by the chairperson, first or second vice-chairperson, or upon request of a majority of the members of the HRC. Such calls for special meetings shall state the purposes for such special meetings, and notice shall be given at least 24 hours before the time



of the meeting so called. The calls shall be read and entered into the minutes of such special meeting, and no business shall be transacted except that stated in the call for such special meeting. The HRC shall prepare its own agenda for all meetings and establish its own rules of order and publish the same in its bylaws.

(d) *Function.* The functions of the HRC shall be:

- (1) To foster, through education and persuasion, mutual understanding and respect among all persons in the City, regardless of race, color, age, sex, religion, disability, ancestry, national origin, gender identity, sexual orientation, or in housing by reason of familial status.
- (2) To encourage equality of treatment for and prevent discrimination against any person on account of race, color, age, sex, religion, disability, ancestry, national origin, gender identity, sexual orientation, or in housing by reason of familial status.
- (3) To investigate and attempt to conciliate complaints filed by individuals alleging that he or she has been discriminated against due to race, color, age, sex, religion, disability, ancestry, national origin, gender identity, sexual orientation, or in housing by reason of familial status.
- (4) To cooperate with governmental and nongovernmental agencies and organizations having like or kindred function.
- (5) To make such investigations and studies in the field of human relations as in its judgement will aid in effectuating its general purposes.

(e) *Powers and duties.* The powers and duties of the HRC shall be:

- (1) To work together with federal, state and City agencies in developing courses of instruction, for presentation to various groups and organizations and in public and private schools, public libraries, and other suitable places, on techniques for achieving harmonious intergroup relations within the City.
- (2) To enlist the cooperation of racial, religious, and ethnic groups, community organizations, labor organizations, fraternal and benevolent associations and other groups in the City, in programs and campaigns devoted to eliminating group prejudice, intolerance, bigotry, and discrimination.
- (3) To study and make recommendations concerning the problems of prejudice, intolerance, bigotry, and discrimination, and the disorder occasioned thereby, in all or any fields of human relationships.
- (4) To receive and investigate complaints and to initiate its own investigation of:
  - a. Prejudice, intolerance, bigotry, and discrimination due to race, color, age, sex, religion, disability, ancestry, national origin, gender identity, sexual orientation, or in housing by reason of familial status.

- b. Discrimination against any person, group of persons, organizations or corporations, whether practiced by private persons, associations or corporations and if it is found that such discrimination is within the jurisdiction of the state human rights commission, it may be referred to such commission.
- (5) To hold hearings in executive session. No person, including witnesses, shall be allowed to have an attorney present at the hearing. If, at the conclusion of the hearing, the HRC determines a complaint to have merit, it will attempt to hold a conference with the parties and conciliate the dispute. If the parties do not reach a conciliation agreement, the HRC will attempt to inform the parties that they may have the right to file a written complaint with the state human rights commission, the Equal Employment Opportunity Commission, or some other federal agency having authority over the subject matter of the dispute. All findings, recommendations, and terms of conciliation which refer to identifiable individuals, organizations or corporations, shall be kept confidential and not published without the express written consent of all parties to the dispute. If, during the course of its investigation, the HRC determines there has been a violation of an existing ordinance, it shall recommend that the City Manager refer the matter to the municipal court prosecutor or the City Attorney for appropriate legal action. If the HRC determines that a significant amount of discrimination exists and either that there is no City ordinance prohibiting such conduct or that the remedies for such discrimination available through agencies of the state or the federal government are inadequate, it may recommend that the Governing Body adopt an ordinance prohibiting such discrimination.
- (6) To issue publications and research designed to promote good will and to minimize or eliminate prejudice, intolerance, bigotry, discrimination, and the disorder occasioned thereby.
- (7) To submit an annual report to the Governing Body.
- (f) *Staff.* The Governing Body may appoint an executive secretary and other necessary staff and provide compensation for such services as may be authorized in the annual City budget.

Section 3. This Ordinance shall take effect upon its passage and publication in the official city newspaper.

PASSED AND APPROVED BY THE GOVERNING BODY ON THIS 26<sup>th</sup> DAY OF NOVEMBER, 2019.

  
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Mayor-Patrick O'Bryan

  
ATTEST:  
CLERK  
  
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Tammy Nagel - City Clerk