



MEMORANDUM

TO: Marc Ott, City Manager

FROM: Ed Van Eenoo, Budget Officer

DATE: August 5, 2009

SUBJECT: Fiscal Memo for Item #37

Item #37 on the August 6, 2009 Council Agenda is to approve a resolution directing the city manager to review and amend contracting policies, economic development programs, and review personnel policies related to non-discrimination for lesbian, gay, bisexual or transgender individuals.

This item will require staff time from several City departments – the Contract and Land Management Department (CLMD), Human Resources Department (HRD), the Financial and Administrative Services Department (FASD) Purchasing Office, and the Economic Growth and Redevelopment Services Office (EGRSO). HRD anticipates this will require sixteen hours of staff time for a Division Manager to revise the personnel policies. EGRSO does not expect to need additional time or resources to work on this item.

CLMD estimates a total of 250 hours of staff time will be required for the first year of implementation by Contract Compliance and Division Management staff. This work includes adjustments to contract language and processes as well as legal review. It should be noted that this estimate is based on the initial requirements of this ordinance. Any additional monitoring and compliance requirements implemented, as well as how to evaluate the responsiveness of contractors and consultants as part of the solicitation process could have a greater staffing impact for CLMD.

FASD Purchasing will manage this item using existing staff, but it will require additional hours. Purchasing estimates a total of 550 hours will be needed to work on this item for the first year of implementation and then 375 hours in the following years. Work on this effort will be spent by Contract staff reviewing the changes to the City's bidding and contract documents, communicating the changes to the bidders and proposers, Buyers reviewing bids and RFPs to ensure these requirements are met, and for scanning the forms. The staff time estimate is based on a preliminary assessment of the impact from this ordinance and may be adjusted depending on how this ordinance is implemented.

RESOLUTION NO. _____

WHEREAS, the state and federal government do not currently provide protections against discrimination against an individual based on sexual orientation or gender identity; and

WHEREAS, it is a value of the City of Austin to be an open and inclusive city for all of its citizens, including those who are lesbian, gay, bisexual or transgender (LGBT); and

WHEREAS, in 1992, the City of Austin passed an Ordinance creating Chapter 7-4, now codified as Chapter 5-4 (*Discrimination in Employment by City Contractors*) of the City Code to prohibit discrimination in employment by City Contractors, including discrimination against an individual based on sexual orientation or gender identity (added in Ord. 20040610-7); and

WHEREAS, on May 13, 2006, City of Austin voters amended the City Charter to allow domestic partner benefits for City employees; and

WHEREAS, the City encourages and wants to attract companies that provide non-discrimination policies that include both sexual orientation and gender identity, as well as provide domestic partner benefits to their LGBT employees and their families; and

WHEREAS, in 1992 the Austin City Council also passed an ordinance declaring that it is the policy of the City to provide opportunity for each person

to obtain employment without regard to race, color, religion, sex, sexual orientation, gender identity, national origin, age, or disability, and the Human Resources Department is currently reviewing the City's personnel policies and other internal guidelines, including the City's Equal Opportunity and Non-discrimination statements; **NOW, THEREFORE,**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Manager is directed to amend the City's Standard Terms and Conditions used in competitive procurements required by state law: (1) to require a copy of the contractor's employment non-discrimination policy when applying for City contracting opportunities and (2) to specify that non-compliance with Chapter 5-4 will terminate a contract and may hinder a contractor's eligibility for future contracts until deemed compliant with Chapter 5-4.

BE IT FURTHER RESOLVED:

To assist contractors with this administrative change, the City Manager shall prepare a model non-discriminatory policy for use by City contractors.

BE IT FURTHER RESOLVED:

That the City Manager is directed to review and amend all economic development loan programs and incentives, such as the Economic Development

Business Information Forms, to encourage Domestic Partner benefits and non-discrimination policies including sexual orientation and gender identity.

BE IT FURTHER RESOLVED:

The City Manager is directed to review the City's current compliance processes related to contractor non-discrimination and report back to council on changes that would ensure more effective compliance monitoring.

BE IT FURTHER RESOLVED:

The City Manager is directed to report to the Minority-Owned and Women-Owned Business Enterprise and Small-Business Council Committee and council on the Human Resources Department's review of the City's personnel policies and other internal guidelines related to non-discrimination for sexual orientation and gender identity.

ADOPTED: August 6, 2009

ATTEST: _____
Shirley A. Gentry
City Clerk