

LAW AND LEGISLATION COMMITTEE MINUTES

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CITY OF SACRAMENTO
MAY 01
APR 31 11 22 AM '87

Thursday, April 16, 1987
LOCATION: City Council Chambers
915 I Street, Second Floor
Sacramento, California

The meeting was called to order at the hour of 4:05 p.m. by Chairman Terry Kastanis, and roll was answered as follows:

PRESENT: Committee Members Shore, Pope, Kastanis;
Mayor Anne Rudin

ABSENT: Committee Member Bradley*

*Committee Member Charles Bradley arrived at 4:14 p.m.

1. Ordinance prohibiting discrimination against individuals with Acquired Immune Deficiency Syndrome (AIDS) in employment, rental housing, business establishments, City-owned or City-supported services and facilities, and educational institutions.

RECOMMENDATION OF STAFF: PRESENTED FOR REVIEW AND ACTION BY THE COMMITTEE

REPORTS BACK: NONE

COMMITTEE ACTION: RECOMMENDED APPROVAL WITH AMENDMENTS, AND FORWARD TO COUNCIL

VOTING RECORD: MOVE: SHORE; SECONDED: BRADLEY
AYES: UNANIMOUS

MINUTES:

Diane Balter, Deputy City Attorney, was present to discuss the staff report on this issue and answer any questions. She explained the exemptions, such as blood banks and religious schools. She then distributed a letter containing additional recommendations as suggested and/or incorporated in the Los Angeles ordinance regarding AIDS discrimination. A copy of that letter is attached hereto.

Dave Shore asked which sections of this proposed ordinance were new and which were already in the U.S. Supreme Court decision. Attorney Balter explained that the Supreme Court decision only applies to programs supported by Federal funds, and that our ordinance goes much further.

ITEM CONTINUED TO NEXT PAGE

COMMITTEE ACTION SHEET

1. CONTINUED FROM PREVIOUS PAGE

Committee member Bradley arrived at 4:14 p.m.

Mayor Rudin explained how the City incorporated recommendations from the Task Force, as well as how the City of Sacramento is now educating employees about AIDS.

Stan Hadden, a member of the Board of Directors of the Sacramento AIDS Foundation, gave his support of this ordinance and discussed AIDS discrimination problems and proposed solutions. He said education instead of litigation was the key to success in overcoming discrimination. There was considerable discussion regarding the matter of enforcement of this ordinance, including suggestions of handling enforcement through the Human Rights Commission, the County Health Department, or the City Attorney's office. Mr. Hadden felt that the County Health Department has been negligent in this, as the County is usually more conservative, and this is true across the State. Mayor Rudin stated that it was her understanding that enforcement would be handled through the Human Rights and Fair Housing Commission.

A motion was made by Councilman Shore and seconded by Councilman Bradley to approve the ordinance prohibiting AIDS discrimination, incorporating the three amendments. Motion carried as noted above.


The meeting was adjourned at 4:30 p.m.

* * * * *



TERRY KASTANIS, CHAIR

ATTEST:


JUDY VARVEL, SECRETARY



**OFFICE OF THE
CITY ATTORNEY**

**JAMES P. JACKSON
CITY ATTORNEY**

**THEODORE H. KOBAY, JR.
ASSISTANT CITY ATTORNEY**

**CITY OF SACRAMENTO
CALIFORNIA**

April 16, 1987

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**DEPUTY CITY
ATTORNEYS:**
SAMUEL L. JACKSON
WILLIAM P. CARNAZZO
LAWRENCE M. LUNARDINI
GARLAND E. BURRELL, JR.
DIANE B. BALTER
RICHARD F. ANTOINE
TAMARA MILLIGAN-HARMON
LINDA M. GONZALES

**Law & Legislation Committee
City Council Chambers
Sacramento, California**

**Re: Additional Recommendations Concerning An
Ordinance Prohibiting Discrimination
Against Individuals With AIDS**

Honorable Members in Session:

This letter supplements the staff report dated April 8, 1987.

Staff recommends three additions to the ordinance before you. Item 1 already appears on page 3 of your April 8, 1987 staff report. The City's Affirmative Action Officer supports its inclusion. Item 2 incorporates a recent amendment to the City of Los Angeles ordinance on which the proposal before you is modeled. Item 3 is suggested by the Los Angeles City Attorney as an improvement upon their ordinance.

Item 1: Add new (c) to Sec. 74.115 (and renumber old (c)):

Nothing in this Ordinance shall be deemed to prohibit selection or rejection where, because a person actually suffers from AIDS, he/she is unable to perform his or her duties, or cannot perform such duties in a manner which would not endanger his or her health or safety or the health and safety of others.

Item 2: Add second paragraph to Sec. 74.150:

The burden may be met by demonstrating that the practice is consistent with the Department of Health and Human Services guide-

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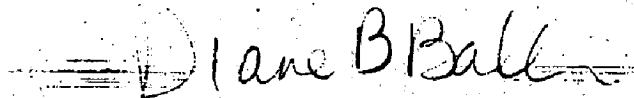
lines entitled "Recommendations for Preventing Transmission of Infection with Human T-Lymphotropic Virus Type III/Lymphadenopathy - Associated Virus in the Workplace" announced in November, 1985.

Item 3: Add new (d) to Sec. 74.165 (and renumber old (d)):

(d) Survival of causes of action arising under this Chapter shall be governed by §573 of the Probate Code.

Respectfully submitted,

JAMES P. JACKSON City Attorney

A handwritten signature in cursive script that reads "Diane B. Balter". The signature is written in dark ink and is positioned above the typed name of the signatory.

DIANE B. BALTER
Deputy City Attorney

DBB:rmn