

ORDINANCE NO. 4643-16

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING CHAPTER 66, PROCUREMENT, ARTICLE I, IN GENERAL, OF THE CODE OF ORDINANCES OF THE CITY OF WEST PALM BEACH BY ENACTING A NEW SECTION 66-12, CONTRACTOR NONDISCRIMINATION, PROHIBITING UNLAWFUL DISCRIMINATION BY A CITY CONTRACTOR; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND A CODIFICATION CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the Code of Ordinances of the City of West Palm Beach contains provisions to promote through fair, orderly and lawful procedure the opportunity for each person so desiring to obtain employment, housing, and public accommodations of the person's choice in the city without regard to race, color, national origin, religion, sex, gender identity or expression, genetic information, sexual orientation, disability, marital status, familial status, or age, and to that end, to prohibit discrimination in employment, housing and public accommodations by any person; and

WHEREAS, Section 66-9 of the Code of Ordinances, in the Procurement Code, provides that no person or business shall be excluded from participation in, denied benefits of, or otherwise discriminated against in connection with procurement by the city on the grounds of race, color, religion, sex, gender identity or expression, genetic information, national origin, age, disability, familial status, marital status, or sexual orientation; and

WHEREAS, while the City's contracts prohibit its contractors from unlawfully discriminating, the City desires to further clarify and codify this requirement; and

WHEREAS, the City desires to enact a text amendment to the Code of Ordinances of the City of West Palm Beach to prohibit a city contractor or subcontractor from unlawful discrimination against any employee, city employee, or applicant for employment who is a member of a protected class, or who associates with members of a protected class;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, that:

SECTION 1: Chapter 66, Procurement, Article I, In General, of the Code of Ordinances of the City of West Palm Beach shall hereby be amended to add Section 66-12, Contractor Nondiscrimination, which shall read as follows:

Sec. 66-12. Contractor Nondiscrimination

In the performance of a city contract, a contractor or subcontractor shall not unlawfully discriminate (as proscribed by federal, state, county, city and any other local law) against any

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employee, city employee working with such contractor or subcontractor, or applicant for employment with such contractor or subcontractor on the basis of that person's race, color, religion, sex, gender identity or expression, genetic information, national origin, age, disability, familial status, marital status, or sexual orientation, or association with members of such protected classes. The contractor or subcontractor shall take action to ensure that applicants are not discriminated against and that employees are treated equally during employment, without regard to the their race, color, religion, sex, gender identity or expression, genetic information, national origin, age, disability, familial status, marital status, sexual orientation or such person's association with members of such protected classes.

SECTION 2: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3: Should any section or provision of this Ordinance or any portion, paragraph, sentence or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this Ordinance.

SECTION 4: Authority is hereby granted to codify the text amendments set forth in Section 1 of this Ordinance.

SECTION 5 This Ordinance shall take effect in accordance with law.