

MOTION WAS MADE BY ALDERMAN SEILS, SECONDED BY ALDERMAN HAVEN-O'DONNELL, TO APPROVE THE FOLLOWING RESOLUTION:

A RESOLUTION AFFIRMING THE DIGNITY OF LESBIAN, GAY, BISEXUAL, AND TRANSGENDER PEOPLE AND CALLING FOR THE REPEAL OF SESSION LAW 2016-3/HOUSE BILL 2

WHEREAS, on February 22, 2016, the Charlotte City Council demonstrated admirable leadership by approving a local ordinance that adds marital status, familial status, sexual orientation, gender identity, and gender expression to its list of categories protected from discrimination in city contracting and public accommodations; and

WHEREAS, on March 23, 2016, in response to the Charlotte ordinance, the North Carolina General Assembly in special session ratified, and Governor Pat McCrory signed, House Bill 2 (Session Law 2016-3), the Public Facilities Privacy & Security Act; and

WHEREAS, House Bill 2 appears to repeal the Charlotte ordinance by establishing new statewide standards for what constitutes discriminatory practice in employment and public accommodations; and by establishing new statewide requirements for bathrooms and changing facilities in all public agencies, including schools; and

WHEREAS, the omission of sexual orientation, gender identity, gender expression, and other categories from the statewide list of categories protected from discrimination means that not only do protections on these bases appear to be unavailable under state law, but further, that local governments appear to be preempted from offering these protections to their residents; and

WHEREAS, the legislation also appears to eliminate the right of any person to bring a civil action in a North Carolina court for a claim of discrimination in employment or public accommodations on account of race, religion, color, national origin, age, or biological sex (as well as handicap for employment only); and

WHEREAS, by enacting House Bill 2, our state's political leaders have once again taken extreme measures to attempt to diminish the legislative authority of local governments, and have once again used the laws of the State of North Carolina to codify discrimination and division rather than to advance the rights and dignity of North Carolinians; and

WHEREAS, the legislation, its brief twelve-hour legislative history, and lawmakers' public statements clearly demonstrate a discriminatory intent; a lack of knowledge and understanding of the experiences of transgender people; and a lack of respect for the dignity of lesbian, gay, bisexual, and transgender (LGBT) people on the part of the General Assembly and Governor McCrory; and

WHEREAS, the legislation is inconsistent with the Equal Protection Clause of the United States Constitution, which provides that no state shall deny to any person within its jurisdiction “the equal protection of the laws” (US Const amend XIV, § 1); and the legislation is mean-spirited and “born of animosity toward the class of persons affected” (*Romer v Evans*, 517 US 620 [1996]); and

WHEREAS, the General Assembly expended an estimated \$42,000 to hold an urgent special session to enact House Bill 2, meanwhile neglecting to act with urgency to address real challenges facing the people of North Carolina: the state’s 18% poverty rate (including 25% of children and 27% of African Americans); expansion of the Medicaid program and access to high-quality health care for all; funding for public education, including historically black colleges and universities; protection of the natural environment; mitigation of and adaptation to the effects of global climate change; and job opportunities and fair and living wages for all workers; and

WHEREAS, Carrboro is a community dedicated to the principles of equality, nondiscrimination, and full inclusion and engagement by any resident in the civil rights, benefits, and privileges of all residents; and

WHEREAS, Carrboro has a proud history of advancing the rights of LGBT North Carolinians, including being the first municipality in the state to create a domestic partner registry and to extend eligibility for employment benefits to same-sex partners of Town employees; being the first to elect a gay mayor and, later, the first to elect a lesbian mayor; among the first to support civil marriage for same-sex couples and inclusion of LGBT families in comprehensive immigration reform; and one of several municipalities and counties to oppose the General Assembly’s discriminatory and arguably unconstitutional Senate Bill 2 (Session Law 2015-75).

NOW, THEREFORE, BE IT RESOLVED:

SECTION 1. The Board of Aldermen reaffirms its support for protecting and advancing the constitutional rights and equitable treatment of all residents and its opposition to discrimination, prejudice, homophobia, and transphobia.

SECTION 2. The Board of Aldermen applauds the people of Charlotte and the members of the Charlotte City Council for their historic achievement, and particularly for their courageous leadership in standing for dignity and equality in North Carolina’s largest city.

SECTION 3. The Board of Aldermen extends gratitude to the Orange County Board of Commissioners, which approved a resolution in support of the Charlotte nondiscrimination ordinance on March 22, 2016.

SECTION 4. The Board of Aldermen urges the North Carolina General Assembly to repeal House Bill 2 at the earliest opportunity. Meanwhile, the Board will look to the court system for

remedy, seeking opportunities to partner with other local jurisdictions and advocacy organizations in taking appropriate legal action against this unconstitutional legislation; to adopt appropriate local ordinances to advance the cause of equal protection; and to encourage other local governments to exercise their legislative authority to promote equal protection and nondiscrimination.

SECTION 5. The Board of Aldermen encourages all businesses providing public accommodations in Carrboro and throughout North Carolina to demonstrate their support for the dignity of all people by openly welcoming LGBT people to their places of business, and by providing gender-nonspecific bathroom facilities for their customers and employees wherever practicable.

SECTION 6. The Board of Aldermen encourages all municipalities, counties, and boards of education in North Carolina to adopt similar resolutions at a special meeting or at their next regular meeting calling for the repeal of House Bill 2; and to use this resolution as a model from which to craft their own resolutions, or to use a more succinct version available by email from the Office of the Mayor at llavelle@townofcarrboro.org.

SECTION 7. The Board of Aldermen asks the town manager and staff to raise the Town's rainbow pride flags on Monday, March 28, in a demonstration of the Town's solidarity with LGBT North Carolinians and visitors.

SECTION 8. The Board of Aldermen asks the town clerk to send copies of this resolution to the members of the Orange County delegation to the General Assembly, the chair of the Orange County Board of Commissioners, and the mayors of the Town of Chapel Hill, the Town of Hillsborough, and the City of Charlotte.

This the 26th day of March, 2016.

VOTE: AFFIRMATIVE: SIX (CHANEY, HAVEN-O'DONNELL, JOHNSON, LAVELLE, SLADE, SEILS); ABSENT: ONE (GIST).