

## City Council – Action Request Form

**Date:** August 10, 2021

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**To:** Mayor, Mayor Pro Tempore, and Members of the City Council

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**From:** Angela I. Carmon, City Attorney  
Ben Rowe, Assistant City Manager  
Wanda Allen-Abraha, Human Relations Director

**Council Action Requested:**  
Consideration of Items Relating to Nondiscrimination Ordinances:

Ordinance Amending Chapter 38 of the Code of the City of Winston-Salem to Create Nondiscrimination in Public Accommodations and Nondiscrimination in Employment Ordinances

Ordinance Amending the Annual Appropriation and Tax Levy Ordinance for the City of Winston-Salem, North Carolina for the Fiscal Year 2021-2022

**Strategic Focus Area:** Livable Neighborhoods  
**Strategic Objective:** No  
**Strategic Plan Action Item:** No  
**Key Work Item:** No



**Summary of Information:**  
**Part A:**  
 The attached ordinance amendment, recommended for your approval, (1) prohibits discrimination in places of public accommodations or public accommodations which means any place, facility store, other establishment, hotel, motel, business, accommodation, refreshment, entertainment, recreation, or transportation facility of any kind, whether licensed or not, whose goods, services, facilities, privileges, advantages or accommodations are extended, offered, sold or otherwise made available to the public. The terms do not include any private club, bona fide membership organization or other establishment closed to the public, and (2) prohibits discrimination in employment and applies to employers that employ one or more persons within the city limits. The ordinance amendment does not apply to Forsyth County, the cities within Forsyth County, state or federal government. There are also a number of other exemptions such as exemptions for religious corporations, associations or societies that employ individuals of a particular religion to perform work connected with the carrying on by the corporation, association, or society of its religious activities.

**Committee Action:**

<b>Committee</b>	CDHGG 8/10/2021	<b>Action</b>	Approval
<b>For</b>	MPT Adams, CM Scippio, and CM Mundy	<b>Against</b>	None; Abstaining: CM Clark

**Remarks:**

An aggrieved person may file a complaint with the City's Human Relations Department which will investigate the complaint within sixty (60) days unless there are extenuating circumstances. If the Director finds reasonable cause to believe that a violation of the either article has occurred, the Director may attempt conciliation. The parties may agree to a hearing before the hearing board of the Human Relations Commission. The conciliation and hearing processes are voluntary.

The ordinance amendment becomes effective January 1, 2022, which was previously 60 days from adoption in the original draft amendment presented in June. The civil enforcement process becomes effective March 1, 2022, which was previously January 1, 2022 in the original draft amendment presented in June. Both changes were made to afford time to allow for more effective outreach once the additional staff as addressed in Part B are hired and to allow time to assess the number of cause complaints and make staff reassignments, if necessary, before filing any lawsuits called for by the ordinance amendment.

**Part B:**

It has been determined that additional staff for the Human Relations Department will be needed to meet the requirements of the aforementioned ordinance amendment. At this time, it appears that one additional person will be needed for outreach, which will include staff support for the NDO study ad-hoc subcommittee of the Human Relations Commission, and one additional person will be needed for investigations and mediations. Consequently, the attached Appropriations and Tax Levy Ordinance Amendment is recommended for your approval.