

6/10/21

First Published in The *Wichita Eagle* on June 25, 2021

ORDINANCE NO. 51-578

AN ORDINANCE CREATING CHAPTER 2.06 OF THE CODE OF THE CITY OF WICHITA PERTAINING TO DISCRIMINATION.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. Section 2.06.010 of the Code of the City of Wichita, is hereby created to read as follows:

**“Definitions.**

The definitions contained in the Kansas Act Against Discrimination, K.S.A. 44-1001 to 44-1044; the Kansas Age Discrimination in Employment Act, K.S.A. 44-1111 to 44-1121; and the Discrimination Against Military Personnel Act, K.S.A. 44-1125 to 44-1128, all as may be amended from time to time, shall apply to this Chapter unless specifically defined herein.”

SECTION 2. Section 2.06.020 of the Code of the City of Wichita, is hereby created to read as follows:

**“Policy Prohibiting Discrimination.**

The practice or policy of discrimination against persons by reason of their actual or perceived age, color, disability, familial status, gender identity, genetic information, national origin or ancestry, race, religion, sex, sexual orientation, veteran status or any other factor protected by law (“protected class”) is a matter of concern to the City, since such discrimination not only threatens the rights and privileges of the inhabitants of the City but also menaces the institutions and foundations of a free democratic state. It is hereby declared to be the policy of the City, in exercise of its police power for the protection of the public safety, health and general welfare, for the maintenance of business and good

government, and for the promotion of the City's trade and commerce, to eliminate and prevent discrimination or segregation based on a protected class. It is further declared to be the policy of the City to assure equal opportunity and encouragement for every person, regardless of their membership in a protected class, to secure and hold, without discrimination, employment in any field of work or labor for which the person is otherwise properly qualified; to assure equal opportunity for all persons within this City to full and equal public accommodations and the full and equal use and enjoyment of the services, facilities, privileges and advantages of all governmental departments or agencies; and to assure equal opportunity for all persons within this City in housing, without distinction on account of membership in a protected class."

SECTION 3. Section 2.06.030 of the Code of the City of Wichita, is hereby created to read as follows:

**"Non Discrimination in Contracting.**

- (a) It is the policy of the City to promote the principles of equal opportunity in its contracting activities by assuring that those seeking to do business with the City will treat contractors, subcontractors, and employees equally and will not engage in discrimination against their contractors, subcontractors, or employees because of their actual or perceived age, color, disability, familial status, gender identity, genetic information, national origin or ancestry, race, religion, sex, sexual orientation, veteran status or any other factor protected by law ("protected class").
- (b) It is also the policy of the City to ensure that work performed on behalf of the City is done in a cost effective and high quality manner. Employees who are treated fairly are more productive in their jobs and less likely to change jobs, thus helping to ensure that government contracts are both cost effective and completed in a professional manner.
- (c) All City contracts shall include provisions prohibiting discrimination **in employment and in the performance of contracts** on the basis of actual or perceived age, color, disability, familial status, gender identity, genetic

information, national origin or ancestry, race, religion, sex, sexual orientation, veteran status or any other factor protected by law (“protected class”). This prohibition shall extend to retaliation for opposition to any practices forbidden under this Section, against any person seeking accommodations, advantages, facilities, privileges, services, or membership in all business, social, or other establishments or organizations, operated by that contractor. All contractors shall include a similar provision in all subcontracts.”

SECTION 4. Section 2.06.040 of the Code of the City of Wichita, is hereby created to read as follows:

**“Civil Rights Declared.**

- (a) The right of an otherwise qualified person to be free from discrimination because of that person’s actual or perceived age, color, disability, familial status, gender identity, genetic information, national origin or ancestry, race, religion, sex, sexual orientation or military or veteran status is recognized as, and declared to be, a civil right. This right shall include, but not be limited to, all of the following:
- (1) The right to obtain and hold employment and the benefits associated therewith without discrimination.
  - (2) The right to the full enjoyment of any of the accommodations, advantages, facilities or privileges of any place of public accommodation without discrimination.
  - (3) The right to engage in property transactions, including obtaining housing for rental or sale and credit therefor, without discrimination.
  - (4) The right to exercise any right granted under this chapter without suffering coercion or retaliation.

~~(b) Because Federal and State law consistently address unlawful discriminatory and retaliatory practices related to the above-described civil rights, a separate enforcement procedure is not created.”~~

SECTION 5. Section 2.06.050 of the Code of the City of Wichita, is hereby created to read as follows:

**“Creation of the Wichita Human Rights Commission.**

- (a) *The purpose of the Wichita Human Rights Commission (“Commission”) shall be to promote principles of diversity, inclusion, and harmony in the City of Wichita through education, community events, the provision of advice to the City Council and Mayor, and through receiving and resolving complaints filed under this ordinance.*
- (b) *Composition. The Commission shall be composed of members who shall be broadly representative of the population of the city, including representatives of the communities enumerated in this ordinance. The Mayor shall appoint the members of the Commission subject to confirmation by a vote of the City Council.*
- (c) *Governance. The Commission shall formulate its own procedures, and may create task forces or committees as it deems appropriate. These procedures are subject to review by the Mayor and City Council.*
- (d) *Responsibilities. The responsibilities of the Commission include managing Commission records and accounts, developing public education programs, providing training for Commission members, managing complaints, and any other tasks needed to help the Commission perform its functions. It may use the services of attorneys, clerks, or other city government employees or the services of contractors as necessary.*
- (e) *Activities. The Commission shall receive, initiate, investigate, seek to conciliate, hold hearings on and pass upon complaints alleging violations of this ordinance,*

including issuing penalties; it shall present an annual report to the Mayor and City Council of its activities; it shall develop public education programs regarding compliance with this ordinance and equal opportunity and treatment of all individuals; and it shall engage in any other necessary action to effectuate its purpose and duties.

SECTION 6. Section 2.06.060 of the Code of the City of Wichita, is hereby created to read as follows:

**Enforcement.**

- (a) It is unlawful for any person to infringe upon the right to be free from discrimination based on membership in a protected class in employment, housing, and public accommodations pursuant to Section 2.06.040 of the Code of the City of Wichita.
- (b) Subject to the procedures the Commission develops, the Commission shall receive, initiate, investigate, seek to conciliate, hold hearings on and pass upon complaints alleging violations of this ordinance. If a complaint is not successfully conciliated, the Commission shall hear the matter and make a determination as to whether a violation of this ordinance has occurred. If the Commission determines that a violation has occurred, the Commission shall issue an order to cease and desist from the discriminatory practice and levy a fine of [\$500] for a first violation, [\$1000] for a second violation, and [\$2000] for a third or subsequent violation. Each day any violation of this ordinance continues shall constitute a separate offense. These penalties shall be enforceable, if necessary, via an action in municipal court. All proceedings described herein shall be conducted in accordance with Kansas law.
- (c) In lieu of filing a complaint with the Commission, or in the event of failure of the Commission to resolve a complaint within 120 days or dismissal of a complaint by the Commission, the complainant may seek redress in municipal court.
- (d) This ordinance shall not be construed to limit any other remedies available under

**local, state, or federal law.**

SECTION 7. Section 2.06.070 of the Code of the City of Wichita, is hereby created to read as follows:

**“Severability.**

If any clause, sentence, paragraph or part of this chapter or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this chapter and the application thereof to other persons or circumstances, but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment shall have been rendered and the persons or circumstances involved. It is hereby declared to be the legislative intent that this chapter would have been adopted had such provisions not been included.

SECTION 6. This ordinance shall be included in the Code of the City of Wichita, Kansas, and shall be effective upon publication once in the official paper.

ADOPTED at Wichita, Kansas, 22nd day of June, 2021.

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Brandon J. Whipple, Mayor

ATTEST:

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Karen Sublett, City Clerk

Approved as to form:

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Jennifer Magaña  
City Attorney and Director of Law

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  - (2) The right to the full enjoyment of any of the accommodations, advantages, facilities or privileges of any place of public accommodation without discrimination.
  - (3) The right to engage in property transactions, including obtaining housing for rental or sale and credit therefor, without discrimination.
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~~(b) Because Federal and State law consistently address unlawful discriminatory and retaliatory practices related to the above-described civil rights, a separate enforcement procedure is not created.”~~

SECTION 5. Section 2.06.050 of the Code of the City of Wichita, is hereby created to read as follows:

**“Enforcement.**

- (a) *It is unlawful for any person to infringe upon the right to be free from discrimination based on membership in a protected class in employment, housing, and public accommodations pursuant to Section 2.06.040 of the Code of the City of Wichita.*
- (b) *Subject to the procedures developed by the City of Wichita, the City Attorney shall receive, initiate, investigate, seek to conciliate, hold hearings on and pass upon complaints alleging violations of this ordinance. If a complaint is not successfully conciliated, the City of Wichita shall hear the matter and make a determination as to whether a violation of this ordinance has occurred. If the City determines that a violation has occurred, the City shall issue an order to cease and desist from the discriminatory practice and levy a fine of [\$500] for a first violation, [\$1000] for a second violation, and [\$2000] for a third or subsequent violation. Each day any violation of this ordinance continues shall constitute a separate offense. These penalties shall be enforceable, if necessary, via an action in municipal court. All proceedings described herein shall be conducted in accordance with Kansas law.*
- (c) *If the City Attorney does not resolve a complaint within 120 days, the complainant may seek redress through municipal court.*
- (d) *This ordinance shall not be construed to limit any other remedies available under local, state, or federal law.*

SECTION 6. Section 2.06.060 of the Code of the City of Wichita, is hereby created to read as

follows:

**“Severability.**

If any clause, sentence, paragraph or part of this chapter or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this chapter and the application thereof to other persons or circumstances, but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment shall have been rendered and the persons or circumstances involved. It is hereby declared to be the legislative intent that this chapter would have been adopted had such provisions not been included.

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Brandon J. Whipple, Mayor

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Jennifer Magaña  
City Attorney and Director of Law