

Agenda Report

December 15, 2025

TO: Honorable Mayor and City Council

THROUGH: Legislative Policy Committee (October 7, 2025)

FROM: Office of the City Manager

SUBJECT: **ADOPTION OF ANTI-DISCRIMINATION POLICY STATEMENT AND CONSIDERATION TO DIRECT THE CITY ATTORNEY TO PREPARE AN ORDINANCE**

RECOMMENDATION:

It is recommended that the City Council:

1. Find that the action proposed herein is not a "project" subject to the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21065 and within the meaning of State CEQA Guidelines Section 15378(b);
2. Adopt a policy statement on anti-discrimination that expresses the City's intent to be a tolerant City that identifies protected characteristics in private employment, housing, education, and commerce; and
3. Consider whether to direct the City Attorney to prepare and return with an ordinance for Anti-Discrimination in private employment, housing, education, and commerce within 90 days consistent with the provisions set forth in this Agenda Report.

BACKGROUND:

Currently, the City of Pasadena does not have a comprehensive anti-discrimination policy statement that expresses its intent to be a tolerant city which promotes the inclusion of all its community members. The City does have an Equal Opportunity in City Employment Ordinance to provide equal opportunity employment to all persons and an "AIDS anti-discrimination ordinance" which was adopted in 1988 to make it unlawful to discriminate against victims of AIDS in employment, housing, business establishments, education, and city facilities and services.

At the June 3, 2025, Legislative Policy Committee meeting, staff introduced a draft Anti-Discrimination Policy statement. The policy statement was the culmination of input staff received from the Commission on the Status of Women, Accessibility and Disability Commission, and the Human Relations Commission. The draft policy statement reads:

No person shall discriminate against another person in private employment, housing, education or commerce, because of that person's actual or perceived: race; color; ethnicity; creed; age; national origin; religion; citizenship or immigration status; gender; gender identity or expression; sexual orientation; visible or non-visible disability; medical condition; genetic information; marital status; partnership status; pregnancy and/or reproductive health choice(s); employment status; housing status; source of income; military status; veteran status; or primary language or any other characteristic protected by law.

The Legislative Policy Committee also requested information identifying protections in state laws to assess other categories which may be missing in the City's draft policy. The City Attorney's Office prepared additional information that summarizes state law which provides anti-discrimination protection in the four identified categories (employment, housing, education, and commerce), the classes of persons and attributes protected from discrimination, and the remedies for violation (Attachment A).

In Pasadena's draft policy statement, partnership status and employment status are listed as protected characteristics but are not expressly protected under state law. Meanwhile, ancestry, sex, and familial status are protected under state law but are not included in the draft policy. Committee members noted that many of the protected characteristics in Pasadena's draft Anti-Discrimination policy overlap with those already covered by state law.

Members of the Legislative Policy Committee also expressed their interest to include prefatory statements of legislative intent if there is support from the City Council to direct the City Attorney's Office to draft an Ordinance and codify the anti-discrimination policy.

Enforcement of Policy

Staff presented three options for enforcement of the policy that include: private civil action, administrative action, and/or criminal prosecution. Those options provide flexibility when trying to address the spectrum of violations that might occur. The City Attorney's Office prepared sample language for consideration that can be incorporated into an Ordinance.

Any violation of this Ordinance shall be enforceable through a civil action, an administrative action, and/or a criminal prosecution (as either a misdemeanor or infraction) in the discretion of the city attorney or city prosecutor, or their assistants. These remedies are not exclusive and may be used cumulatively with any other remedies or otherwise available at law.

Criminal prosecution has an established framework using the Pasadena Police Department for investigations for matters such as hate crimes. There are established protocols and policies with case referrals submitted to the City Prosecutor's Office. While

not all allegations of discrimination will rise to the level of criminal prosecution, the existing systems can be used to implement a new anti-discrimination policy.

Staff researched and shared administrative actions and/or civil actions used by larger cities (Los Angeles, New York, Chicago, and San Francisco) with fines ranging from \$500 per offense to \$250,000 for harassing or violent acts. State law provides that cities may establish fines up to \$1,000 for violations of ordinances. The Legislative Policy Committee expressed concerns over criminal violations but voiced support of misdemeanor fines up to \$1,000 for violations of the anti-discrimination policy.

A set of criteria to assess the severity of the penalty could be used including but not limited to:

- Extent of the harm caused by the violation;
- Number of violations;
- Nature and persistence of the violation; and
- Length of time over which the violation occurred, including past violations.

The City does not have an existing Commission with the authority or expertise to conduct hearings and render decisions. The City could solicit proposals from experienced professionals to supplement staffing in the City Attorney's Office. The contracted services would be to intake complaints, investigate individual claims, and direct complainants to the appropriate resources if referral to the State of California Civil Rights Department is appropriate.

Currently there remains no funding available to support additional City staff or contractors for enforcement of an anti-discrimination policy. As-needed contracted services provide the lowest cost option while the quantity and complexity of potential complaints is monitored and evaluated.

The Legislative Policy Committee recognized funding constraints for enforcement and stated it does not want a new large enforcement system.

COUNCIL POLICY CONSIDERATION:

This action would support the City Council goal to support and promote the quality of life and local economy.

ENVIRONMENTAL ANALYSIS:

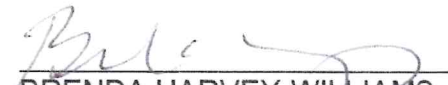
CEQA excludes, from environmental review, actions that are not "projects" as defined by Public Resources Code Section 21065 and within the meaning of State CEQA Guidelines Section 15378(b). Sections 21065 and 15378(b) define a project as an action which may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. Section 15378 excludes from the definition of "project" organizational or administrative governmental activities that do not result in physical changes to the environment. The actions proposed herein, adopting a policy statement on anti-discrimination and directing the preparation of an accompanying

ordinance, is an administrative governmental activity that does not result in physical changes to the environment, and therefore is not a "project" as defined by CEQA. Since the action is not a project subject to CEQA, no environmental document is required.

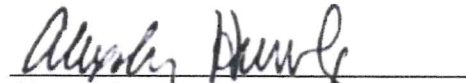
FISCAL IMPACT:

No budget requests are included in this report. If an anti-discrimination policy and ordinance are adopted there are expected to be costs associated with enforcement such as: investigation, legal services, outreach, and administration.

Respectfully submitted:


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Approved by:


for MIGUEL MÁRQUEZ
City Manager

Attachment:

Attachment A – Table and Summary of Characteristics Protected by State Law