

SULTAN CITY COUNCIL AGENDA ITEM COVER SHEET

ITEM NO: D-2
DATE: November 12, 2009
SUBJECT: Parks Non-discrimination policies
CONTACT PERSON: Deborah Knight, City Administrator

ISSUE:

The issue before the city council is to review the requirements of Engrossed Substitute Senate Bill 5967 to help better ensure non-discrimination with regard to community athletics programs.

This was a discussion item on the agenda for the October 22, 2009 council meeting. Due to time constraints the city council was unable to discuss this issue and moved to reschedule the discussion for November 12, 2009.

STAFF RECOMMENDATION:

1. Review the requirements of ESSB 5967
2. Review the draft policy prepared by the City of Lacey.
3. Direct staff to return with policies for discussion and adoption

SUMMARY:

In 2009, the State Legislature enacted Engrossed Substitute Senate Bill 5967 (ESSB 5967) to help better ensure non-discrimination with regard to community athletics programs. In brief, the law provides:

Cities, towns, counties, and park districts are prohibited from discriminating against any person on the basis of sex in a community athletics program. Each entity operating or issuing permission to operate such a program must adopt and publish a nondiscrimination policy by January 1, 2010.

School districts operating community athletics programs must adhere to these requirements, but may use and modify existing school policies to the extent possible. School districts are not required to monitor compliance, investigate complaints, or enforce school district policies as to third parties using school facilities.

The Washington Parks and Recreation Association (WRPA) worked with state legislators to ensure ESSB 5967 was enacted in a manner that enabled local parks officials to implement it in a realistic, practical way.

As adopted, key provisions of ESSB 5967 require that by January 1, 2010, local parks officials adopt non-discrimination policies to ensure gender equity; to publish such policies; to disseminate such policies to third parties that sign agreements and/or contracts to use community athletic fields; and to publish the name and address and phone number of the person or persons responsible for implementing the non-discrimination policy.

The WRPA began implementation work on the gender equity bill immediately after the close of the 2009 Session. The WRPA members put together a tool kit to help city's establish and tailor policy adoption efforts. Attachment B is a copy of the City of Everett's draft policy.

City staff recommend directing staff to prepare a draft policy for Council consideration on November 12, 2009 that meets the minimum requirements of the legislation. Staff would use the Everett draft policy as the template.

The Council could adopt the policy on December 10 to meet the January 1, 2010 deadline. If the city council has concerns, a short delay probably would not result in any significant penalties.

DISCUSSION:

Adopt Non-Discrimination Policies

The WRPA tool kit recommends adopting a "purpose statement" and "policy intent" that are a simple replication of ESSB 5967's legislative intent and a statement that the elements of the policy will guide actions of staff if needed. The City of Everett adopted the following purpose statement and policy intent:

1.0 Purpose Statement

The purpose of the Community Athletics Programs Non-Discrimination Policy is to help insure that the department's and third party sponsored athletics/sports programs and the department's facilities that support athletic/sports programs, provide equal opportunity and access for both boys and girls, and women and men.

The principles, goals, strategies, programming and facility accessibility, policy distribution, and policy administration will guide the department's actions with respect to gender.

1.1 Policy Intent

The intent of this policy is to achieve the following:

- a) expand and support equal participation in athletics/sports programs; and
- b) provide all athletics/sports programs equal access to facilities.

Disseminate Policies to Third Parties

Since the City of Sultan does not provide recreation programs either directly or through contracts, it appears the biggest impact is to ensure that organizations, such as the Sultan School District and local little league clubs who use or rent city facilities have a copy of the city's policy.

For example, the city's fee schedule and rental agreements would be amended to include the following:

The City of Sultan complies with the State of Washington's "Fair Play in Community Sports Act" (Chapter 467, 2009 Laws, effective date July 26, 2009) that prohibits discrimination against any person in a community athletics program on the basis of sex. Any questions or comments please contact Connie Dunn, Public Works Director at 360-793-2231.

The City of Everett has the following draft policy:

A variety of media will be used to publish and disseminate the City of Everett's Community Athletics Programs Non-Discrimination Policy and contact information. In some media, the policy will be referenced with respect to its applicability and availability; in other media, the policy will be included in athletics/sports programs information "packets." The media to be employed will be the following:

- 7.1 Publications related to the department's and third party sponsored community athletic/sports programs (policy reference)
- 7.2 Applications for scheduled facility use (policy included)
- 7.3 City of Everett Web Site (policy included)
- 7.4 Information flyers, notices, advertisements (policy reference)

Publish the Contact Person Responsible for Implementing the Policy

The city must adopt administrative procedures to implement the policy. The WRPA recommends addressing implementation, monitoring, grievance procedures, and the responsible official. Sample implementation policies are not yet available from the City of Everett or other agencies. Staff will continue to monitor other cities efforts to develop implementation policies.

FISCAL IMPACT:

The fiscal impact is administrative at this point. The city will need to amend its written policies and monitor to ensure implementation. There may be additional costs in the future if the city ever develops a recreation program.

ALTERNATIVES:

1. Review the requirements of ESSB 5967 and direct staff to prepare a draft policy for the city council's consideration. This alternative implies the council supports using the Everett policy as a template with changes to fit the Sultan community.
2. Review the requirements of ESSB 5967. Direct staff to wait until after January 1, 2010 to begin working on a policy. This action implies the city council would like to wait until other cities adopt policies to get a broader sense of the collective approach to implement the law.

RECOMMENDATION:

1. Review the requirements of ESSB 5967
2. Review the draft policy prepared by the City of Everett.
3. Direct staff to return with policies for discussion and adoption

ATTACHMENT

A – City of Lacey Community Athletics Programs Non-Discrimination Policy

CITY OF LACEY

DRAFT NON-DISCRIMINATION IN COMMUNITY ATHLETIC PROGRAMS

Purpose

To establish policy and procedure to provide equal access to public community athletic programs and sports facilities by prohibiting discrimination on the basis of sex.

Policy

The City of Lacey does not discriminate against any person on the basis of sex in the operation, conduct, or administration of community athletic programs or sports facilities.

Definitions

Community Athletic Programs – Any athletic program that is organized for the purposes of training for and engaging in athletic activity and competition that is in any way operated, conducted, administered or supported by the City of Lacey.

Sports Facilities – Any property owned, operated or administered by the City for the purposes of training for and engaging in athletic activity and competition.

Procedures

1. Community Athletic Programs administered by the City's Parks and Recreation Department will be operated in a manner that promotes equal opportunities for females and males.
2. The City Parks and Recreation Department will allocate and schedule Sports Facilities in a manner that provides equal access to all Community Athletic Programs.
3. The City will not issue a lease or permit for use of any Sports Facility to a third party that discriminates against any person on the basis of sex in the operation, conduct or administration of a Community Athletic Program.
4. This policy will be posted on the City website, along with the name, office address and office telephone number of any employee responsible for carrying out compliance with this policy.
5. This policy, and the name, office address and office telephone number of any employee responsible for carrying out compliance with this policy will be included in all City publications that contain information about athletic programs or facilities operated or administered by the City.

Reporting

Any citizen who feels she or he has been the victim of discriminatory treatment in violation of this policy should report this concern to the Parks and Recreation Director, the Regional Athletic

CITY OF LACEY
DRAFT NON-DISCRIMINATION IN COMMUNITY ATHLETIC PROGRAMS

Complex Facility Manager, or the Recreation Supervisor of Physical Activities for appropriate investigation. (Attachment A)

Related Department Policies

Parks & Recreation Department Field Use Regulations Policy C-10, #9:

“Equal access and opportunity must be provided for all ages, sexes, races, creeds and ability levels.”

ATTACHMENT A

Employees Responsible for Carrying Out Compliance

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