



"The Best Waterfront City in Which to Live, Work And Play."

---

---

**CITY OF RIVIERA BEACH**

---

---

**TO:** HON. MAYOR, CHAIRPERSON, AND CITY COUNCIL

**THROUGH:** JONATHAN EVANS, CITY MANAGER, MPA, MBA, ICMA-CM

**FROM:** ELIZABETH T. MCBRIDE, ESQ., DEPUTY CITY MANAGER

**SUBJECT: DISCUSSION – PROPOSED COMMERCIAL NONDISCRIMINATION ORDINANCE**

**DATE:** FEBRUARY 17, 2021

**CC:** GENERAL PUBLIC

---

**Background:**

The attached ordinance is being provided for your review and input for the development of the commercial nondiscrimination ordinance. At the recommendation of an outside consultant during the December 16, 2020 City Council Meeting, city staff has reviewed other commercial nondiscrimination ordinances or policies and has had conversation regarding the ordinance with the consultant.

The basic purpose of a commercial nondiscrimination policy is to cause all businesses that seek to do business with the City of Riviera Beach to give serious consideration to the manner in which they conduct business, and where appropriate, to change their corporate behavior to eliminate the effects of discrimination from their business decisions. Generally, commercial nondiscrimination policies are intended to fulfill the following broad objectives:

- Establishment of a clear policy for the city to not enter into contracts with business or commercial firms that discriminate in their solicitation, selection or treatment of vendors, suppliers, subcontractors, or commercial customers.
- Establishment of a formal complaint process and investigation process for alleged violations of the policy.
- Provision of a fair process for hearing evidence, issuing findings and recommendations, imposing sanctions for violations.

## **Definition of Discrimination**

The proposed ordinance defines discrimination to mean “any disadvantage, difference, distinction, or preference in the solicitation, selection, hiring, or commercial treatment of a contractor, vendor, supplier, subcontractor, or commercial customer on the basis of race, color, religion, ancestry, national origin, sex, age, marital status, familial status, gender identity or expression, sexual orientation, disability, genetic information, or any other unlawful use of characteristics regarding the vendor's, supplier's, or commercial customer's employees or owners.”

Thus, the proposed ordinance extends prohibition against commercial discrimination to cover other classifications, such as gender, age, disability, and national origin, which are not covered under Title VI of the Civil Rights Act of 1964 (42 USC §2000(d)) and Section 1981 of the Civil Rights Act of 1866 (42 USC §1981). These Acts make it unlawful to discriminate on the basis of race, religion and ethnicity in the making and enforcement of contracts.

The proposed ordinance provides for three provisions to be included in all city contracts or solicitations. A mandatory nondiscrimination contract clause and a contract disclosure clause to be included in all city contracts. See subparagraphs (d) (1) and (3). Additionally, a bidder or proposer is required to submit a certification form of nondiscrimination and commitment to provide certain information as requested by the city. See subparagraph (d)(2).

Finally, the proposed ordinance provides for the City Attorney and Director of Purchasing to development administrative procedures subject to the City Manager’s approval for the receipt, investigation and adjudication of complaints of discrimination. Other governmental entities with commercial nondiscrimination ordinances or policies which were reviewed by staff include:

- Palm Beach County School Board
- City of Charlotte, NC
- City of Greensboro, NC
- City of Atlanta (Equal Business Opportunity)
- City of San Diego, CA
- Palm Beach County
- Metropolitan Government of Nashville and Davidson County

## **Attachments:**

1. Draft commercial nondiscrimination ordinance.