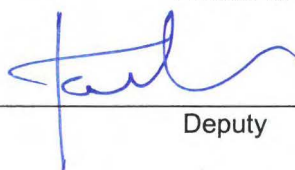# RESOLUTION No. 37270

Authorize the City Attorney to appear as *Amicus Curiae* supporting gender equality on behalf of City of Portland and Portland Police Chief. (Resolution).

WHEREAS,   It is the policy of the City of Portland to eliminate discrimination based on gender identity because such discrimination poses a threat to the health, safety and general welfare of the citizens of Portland and menaces the institutions and foundation of our community. (See PCC 23.01.010);

WHEREAS,   The City of Portland has enshrined in city code and policy its commitment to fostering a safe and welcoming environment to all users of public restrooms. (See PCC 23.01.040; HRAR 2.04, ADM 13.03);

WHEREAS,   In *Gloucester County School Board v. G.G.,* an important civil rights case currently pending before the U.S. Supreme Court, the Court will decide whether Title IX's equality mandate requires schools to "generally treat transgender students consistent with their gender identity;"

WHEREAS,   The *Gloucester* case involves a Virginia school's refusal to allow a transgender boy to use the boys' restroom;

WHEREAS,   City attorneys in San Francisco and New York are spearheading an amicus brief (City/County brief) speaking on behalf of cities and counties nationwide that provide anti-discrimination protections based on gender identity;

WHEREAS,   The City/County amicus brief will focus on the importance of those protections and will demonstrate their administrability;

WHEREAS,   The City/County brief is due March 2, 2017, and the attorneys have asked for authorized initial signatories no later than February 27, 2017;

WHEREAS,   Lambda Legal in conjunction with the Southern Poverty Law Center are spearheading a "law enforcement" amicus brief (LE brief) speaking on behalf of police chiefs and sheriffs nationwide;

WHEREAS,   The LE brief will explain that gender non-discrimination protections enhance public safety for everyone without undermining efforts to detect and prevent the predatory behavior of sex offenders;

WHEREAS,   Portland Police Chief Mike Marshman wishes to be a signatory to the LE brief; and

WHEREAS,   The City Attorney will have an opportunity to review the briefs before joining as an official signatory.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Portland, that the City Attorney or her designee, on behalf of the Mayor, the Council, the Police Chief and the City of Portland, may file or join amicus briefs in support of equal treatment for transgender people, in *Gloucester County School Board v. G.G.*, United States Supreme Court No. 16-273.

Adopted by the Council: FEB 2 2 2017

Commissioner: Mayor Wheeler
Prepared by: Ellen Osoinach
Date Prepared: February 21, 2015

Mary Hull Caballero
Auditor of the City of Portland
By

Susan Parsons

Deputy

186-1
Agenda No.
RESOLUTION NO. 37270
Title

Authorize the City Attorney to appear as *Amicus Curiae* supporting gender equality on behalf of City of Portland and Portland Police Chief. (Resolution)

INTRODUCED BY Commissioner/Auditor: **Mayor Ted Wheeler**	CLERK USE: DATE FILED ___FEB 21 2017___
COMMISSIONER APPROVAL	Mary Hull Caballero Auditor of the City of Portland
Mayor—Finance & Administration – Wheeler *KC*	
Position 1/Utilities - Fritz	By: _____
Position 2/Works - Fish	Deputy
Position 3/Affairs - Saltzman	
Position 4/Safety - Eudaly ~~COE~~	ACTION TAKEN:
BUREAU APPROVAL	
Bureau: Bureau Head:	
Prepared by: Ellen Osoinach Date Prepared: February 21, 2017	
Impact Statement Completed ☒ Amends Budget ☐	
Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes ☐ No ☒	
City Auditor Office Approval: required for Code Ordinances	
City Attorney Approval: required for contract, code. easement, franchise, charter, Comp Plan	
Council Meeting Date **February 22, 2017**	

AGENDA	FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:		
			YEAS	NAYS
TIME CERTAIN ☐ Start time: _____ Total amount of time needed: _____ (for presentation, testimony and discussion)	1. Fritz *Amanda Fritz*	1. Fritz	✓	
	2. Fish *MF*	2. Fish	✓	
CONSENT ☐	3. Saltzman *DS/sc*	3. Saltzman	✓	
REGULAR ☒ Total amount of time needed: **10 min** (for presentation, testimony and discussion)	4. Eudaly *CDE*	4. Eudaly	✓	
	Wheeler *KJD*	Wheeler	——	