

**RESOLUTION No. 37301**

Authorize the City Attorney to appear as amicus curiae supporting gender equality on behalf of City of Portland. (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, In *Dee Fulcher, et al., v. Secretary of Veterans Affairs.*, an important civil rights case currently pending before the United States Court of Appeals for the Federal Circuit, the Court will decide whether the refusal of the Department of Veterans Affairs to cover gender-confirmation surgery violates the United States Constitution's guarantees of Due Process and Equal Protection of the Laws;

WHEREAS, Lambda Legal has recruited City attorneys in Seattle and other major United States cities to join in an amicus brief speaking on behalf of cities nationwide that provide anti-discrimination protections based on gender identity;

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

WHEREAS, The brief is due June 28, 2017;

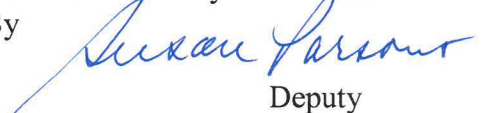
WHEREAS, The City Attorney will have an opportunity to review the briefs before joining as an official signatory.

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, and the City of Portland, may file or join amicus briefs in support of equal treatment for transgender veterans, in the United States Court of Appeals for the Federal Circuit, and on any further appeal or proceeding, in *Dee Fulcher, et al., v. Secretary of Veterans Affairs*, No. 2017-1460.

Adopted by the Council: JUN 28 2017

Commissioner: Mayor Wheeler  
Prepared by: Harry Auerbach  
Date Prepared: June 19, 2017

**Mary Hull Caballero**  
Auditor of the City of Portland

By   
Deputy

Agenda No. **RESOLUTION NO. 37301**

Title

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

<p><b>INTRODUCED BY</b> Commissioner/Auditor: <b>Mayor Ted Wheeler</b></p>	<p>CLERK USE: DATE FILED <u>JUN 20 2017</u></p>
<p><b>COMMISSIONER APPROVAL</b></p>	<p>Mary Hull Caballero Auditor of the City of Portland</p>
<p>Mayor—Finance &amp; Administration – Wheeler <i>KJD</i></p>	<p>By: <u><i>Susan Larson</i></u> Deputy</p>
<p>Position 1/Utilities - Fritz</p>	
<p>Position 2/Works - Fish</p>	
<p>Position 3/Affairs - Saltzman</p>	
<p>Position 4/Safety - Eudaly</p>	<p><b>ACTION TAKEN:</b></p>
<p><b>BUREAU APPROVAL</b></p>	<p>Bureau: City Attorney Bureau Head: Tracy Reeva <i>TRK/AA</i></p>
<p>Prepared by: Harry Auerbach Date Prepared: June 19, 2017</p>	
<p>Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/></p>	
<p>Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	
<p><b>City Auditor Office Approval:</b> required for Code Ordinances</p>	<p><b>City Attorney Approval:</b> required for contract, code, easement, franchise, charter, Comp Plan <i>AA</i></p>
<p>Council Meeting Date <b>June 28, 2017</b></p>	

**AGENDA**

**TIME CERTAIN**   
Start time: \_\_\_\_\_

**Total amount of time needed:** \_\_\_\_\_  
(for presentation, testimony and discussion)

**CONSENT**

**REGULAR**   
**Total amount of time needed: 10 min**  
(for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
	YEAS	NAYS
1. Fritz	✓	
2. Fish	✓	
3. Saltzman	_____	
4. Eudaly	✓	
Wheeler	_____	