



Legislation Details (With Text)

File #: 61487 **Version:** 1 **Name:** Mayors Against LGBTQ Discrimination amicus curiae brief

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Title: A Resolution authorizing the City Attorney to join, on behalf of the Mayor and City of Madison, an amicus curiae brief on behalf of local governments in support of the City of Philadelphia in *Fulton v. City of Philadelphia*.

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Date	Ver.	Action By	Action	Result
8/4/2020	1	COMMON COUNCIL	Adopt Under Suspension of Rules 2.04, 2.05, 2.24, and 2.25	Pass
7/24/2020	1	Attorney's Office	RECOMMEND TO COUNCIL TO ADOPT UNDER SUSPENSION OF RULES 2.04, 2.05, 2.24, & 2.25 - REPORT OF OFFICER	

Fiscal Note

The proposed resolution authorizes the City Attorney, on behalf of the Mayor, to join the City as amicus in support of the City of Philadelphia in *Fulton v. City of Philadelphia*. Staff time associated with this proposal is expected to be minimal and will be completed with existing resources.

Title

A Resolution authorizing the City Attorney to join, on behalf of the Mayor and City of Madison, an *amicus curiae* brief on behalf of local governments in support of the City of Philadelphia in *Fulton v. City of Philadelphia*.

Body

WHEREAS, the City has been approached by the Mayors Against LGBTQ Discrimination coalition to participate in a case, *Fulton v. City of Philadelphia*, that could ultimately affect the ability of local governments to enforce nondiscrimination policies when working with contractors on a wide range of city services, from foster care to services for the homeless and more; and

WHEREAS, the City's participation would be through an *amicus curiae* ("friend of the court") brief prepared by the City of New York, in collaboration with Mayors Against LGBTQ Discrimination, on behalf of local governments in support of the City of Philadelphia in the *Fulton* case. *Fulton* will be heard by the United States Supreme Court this fall. At stake is whether Philadelphia is required to continue to contract with a faith-based foster care agency that refuses to work with same-sex couples, despite Philadelphia's nondiscrimination policies, ordinance and contract provisions. There are several important legal questions that go beyond the issues of sexual orientation discrimination and religion, potentially impacting the ability of cities to partner with community organizations for the provision of valuable social services; and

WHEREAS, United States Supreme Court decisions are binding upon and therefore affect the operations of local government nationwide, including Madison; and

WHEREAS, the City of Madison has a long history of supporting the LGBTQ+ Community and ensuring equal opportunity and nondiscrimination in its provision of services and ensuring access to public accommodations for all; and

WHEREAS, the City of Madison values and relies upon its ability to contract with many different community organizations, including those from faith communities, to deliver important services to Madison residents; and

WHEREAS, Section 39.02(1) of the Madison General Ordinances declares the official policy of the City of Madison to provide “equal access to . . . public services for all persons from all segments of the Madison community without regard to their race, religion, color, age, marital status, disability, sex, national origin, sexual orientation or gender identity.”

NOW THEREFORE, BE IT RESOLVED that the City Attorney is authorized to sign the *amicus* brief of local governments being coordinated by New York City in *Fulton v. City of Philadelphia*, on behalf of the City of Madison and the Mayor, and is further authorized to gather and provide any non-confidential data and information from City staff that may be useful for the *amicus* brief; and

BE IT FURTHER RESOLVED the City Attorney, in consultation with the Mayor, is authorized to join the City as an *amicus* or assist in any similar cases where the City’s interests in enforcing its nondiscrimination policies or contracting with community organizations are at stake.