PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

| Department: Submitted By: COUNTY ATTORNEY Submitted For: ADMINISTRATION | Meeting Date: | December 5, 2017 | [X] Consent [] Ordinance | [] | Regular Public Hearing |
|---|----------------|------------------|------------------------------|----|---------------------------|
| | Department: | | | | |
| Submitted For: ADMINISTRATION | Submitted By: | COUNTY ATTOR | NEY | | |
| Cubinitied For. ADMINISTRATION | Submitted For: | ADMINISTRATIO | N | | |

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to adopt: a Resolution of the Board of County Commissioners of Palm Beach County, Florida, repealing and replacing R2014-1421; stating the policy that Palm Beach County shall neither do business with nor appropriate funds to any entity that practices discrimination on the basis of race, color, national origin, religion, ancestry, sex, age, marital status, familial status, sexual orientation, gender identity or expression, disability, or genetic information.

Summary: The Board of County Commissioners adopted Resolution R92-13 establishing a non-discrimination policy, and subsequently amended that Resolution in R2012-0197, R2014-0113, and R2014-1421. This new replacement resolution retains the current non-discrimination policy and deletes the requirement for contracted entities to submit signed conformance statements and copies of corporate non-discrimination policies. The requirement being deleted was deemed to be unnecessary and ineffective in achieving compliance or determining non-compliance with the policy. By signing a contract containing the County's standard and current non-discrimination language, the entity is liable for a breach of contract if it discriminates on any of the stated bases. The proposed changes streamline the contracting process while maintaining the Board's firm policy on non-discrimination. Countywide. (HH)

Background and Policy Issues: The County's standard contract contains a non-discrimination clause that provides: "The CONSULTANT warrants and represents that all of its employees are treated equally during employment without regard to race, color, religion, disability, sex, age, national origin, ancestry, marital status, familial status, sexual orientation, gender identity [or] expression, or genetic information." By signing a contract containing the County's standard non-discrimination clause, an entity is liable for breach of contract should it discriminate on any of the stated bases. Eliminating the requirement that an entity doing business with the County either provide its conforming non-discrimination policy or sign a separate statement that it will conform to the County's policy will save vast amounts of staff time, without impairing the County's ability to require conformance to its non-discrimination policy.

| Attachments: 1 R-2014-1421 Strikethrough 2 R-20 New Resolution Clean | |
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| Recommended by: Denie Murian County Attorney | <u> </u> |
| Approved By: Deputy County Administrator | 11/28/17 Date |

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

| Fiscal Years | 2018 | 2019 | 2020 | 2021 | 2022 |
|------------------------|-------|------|------|------|------|
| | | | | | |
| Capital | | | | | |
| Expenditures | | | | | |
| Operating Costs | | | | | |
| External | | | | | |
| Revenues | | | | | |
| Program | | | | | |
| Income(County) | | | | | |
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| Is Item Included in | n Current Budget | ? | Yes | No | | |
| Does this item inc | lude the use of fe | deral funds? | | No | | |
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| Budget Account | No: | | | | | |
| Fund Agen | | zation | Object | | | |
| 3 | -) | | Object | | | |
| B. Recommende | d Sources of Fun | ds/Summar | v of Fiscal Im | naote | | |
| | | | | _ | | |
| [*] No additio | nal fiscal impact; | however the | ere is an evnect | ted cost saving | aggariated with | |
| streamlining the p | rocess. | no wordi, an | ore is an expect | icu cost savings | s associated with | |
| <i>5</i> P | | | | | | |
| C. Departmental | Fiscal Review: | | | | | |
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| | II) | . REVIEW | COMMENTS | • | | |
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| A. OFMB Fis | scal and/or Cont | ract Dev. an | d Control Con | nments: | | |
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| B. Legal Suff | iciency | | | | V | |
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| Assistant (| County Attorney | * | | | | |
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| C. Other Dep | artment Review | | | | | |

Department Director

(THIS SUMMARY IS NOT TO BE USED AS A BASIS FOR PAYMENT.)

RESOLUTION NO. R-2014-1421

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, REPEALING AND REPLACING R-2014-1421; ESTABLISHING STATING THE POLICY THAT PALM BEACH COUNTY SHALL NOT NEITHER DO BUSINESS WITH NOR APPROPRIATE FUNDS FOR TO ANY PUBLIC OR PRIVATE ORGANIZATION TO ENTITY THAT PRACTICES DISCRIMINATION ON THE BASIS OF RACE, COLOR, NATIONAL ORIGIN, RELIGION, ANCESTRY, SEX, AGE, MARITAL STATUS, FAMILIAL STATUS, SEXUAL ORIENTATION, GENDER IDENTITY AND OR EXPRESSION, DISABILITY, OR GENETIC INFORMATION, FREQUIRING ENTITIES DOING BUSINESS WITH PALM BEACH COUNTY TO SUBMIT THEIR NON-DISCRIMINATION POLICY TO PALM BEACH COUNTY PRIOR TO ENTERING INTO CONTRACTS WITH PALM BEACH COUNTY; REPEALING AND REPLACING RESOLUTION 9213, AS AMENDED BY RESOLUTIONS R-2012-0197 AND R-2014-0113.

WHEREAS, the Board of County Commissioners of Palm Beach County, Florida ("County") adopted Resolution 92-13 establishing a non-discrimination policy that was subsequently amended by Resolutions R-2012-0197 and R-2014-0113, and R-2014-1421; and

WHEREAS, the County Board of County Commissioners of Palm Beach County, Florida wishes to stated a clear policy in R-2014-1421 that Palm Beach the County will not neither do business with nor appropriate funds to any public or private organization entity that which practices discrimination on the basis of race, color, national origin, religion, ancestry, sex, age, marital status, familial status, sexual orientation, gender identity or and expression, disability or genetic information; and

WHEREAS, the Board of County Commissioners of Palm Beach County, Florida gave direction on July 22, 2014 to further amend the resolution to require entities doing business with Palm Beach County to submit their non-discrimination policy to Palm Beach County prior to entering into contracts with Palm Beach County, and the amendment can be most efficiently achieved by repealing and replacing the prior resolution with a new resolution fully stating the policy.

WHEREAS, it is in the best interest of the County to repeal Resolution R-2014-1421 to provide a more efficient manner of establishing that entities with which the County contracts are aware of, and will conform with, the County's non-discrimination policy.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY

COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

- H. Resolution R-92-13, as amended by Resolutions R-2012-0197, and R-2014-0113, are R-2014-1421, is hereby repealed in their its entirety and replaced with the following:
- 4. It is hereby the express policy of the Board of County Commissioners of Palm Beach County, Florida that Palm Beach the County, Florida shall not neither conduct business with nor appropriate any funds for to any organization entity that practices discrimination on the basis of race, color, national origin, religion, ancestry, sex, age, familial status, marital status, sexual orientation, gender identity and or expression, disability, or genetic information.
- 2. All entities doing business with Palm Beach County, Florida shall be required to submit to Palm Beach County, a copy of their non-discrimination policy which shall be consistent with the policy of Palm Beach County, Florida stated above, prior to entering into any contract with Palm Beach County with an effective date of January 1, 2015 or later. In the event an entity does not have a written non-discrimination policy, such entity shall be required to sign a statement affirming their non-discrimination policy is in conformance with this resolution.

| The foregoing Resolution was offered by Commissioner | | | | |
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| who moved its adoption. The motion was seconded by Commissioner | | | | |
| , and upon be | eing put to a vote, the vote was as follows: | | | |
| Commissioner | , Mayor - | | | |
| Commissioner | , Vice Mayor - | | | |
| Commissioner | - | | | |
| Commissioner | - | | | |
| Commissioner | - | | | |
| Commissioner | - | | | |
| Commissioner | - | | | |
| The Mayor thereupon declared the Resolution duly passed and adopted this | | | | |
| day of | _, 20 | | | |

BOARD OF COUNTY CÓMMISSIONERS
SHARON R. BOCK, CLERK & COMPTROLLER

PALM BEACH COUNTY, FLORIDA, BY ITS

| 3v: | |
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Deputy Clerk

| APPROVED AS TO FORM AND LEGAL SUFFICIENCY |
|---|
| Ву: |
| County Attorney |

RESOLUTION NO. R-2017-____

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, REPEALING AND REPLACING R-2014-1421; STATING THE POLICY THAT PALM BEACH COUNTY SHALL NEITHER DO BUSINESS WITH NOR APPROPRIATE FUNDS TO ANY ENTITY THAT PRACTICES DISCRIMINATION ON THE BASIS OF RACE, COLOR, NATIONAL ORIGIN, RELIGION, ANCESTRY, SEX, AGE, MARITAL STATUS, FAMILIAL STATUS, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, DISABILITY, OR GENETIC INFORMATION.

WHEREAS, the Board of County Commissioners of Palm Beach County, Florida ("County") adopted Resolution 92-13 establishing a non-discrimination policy that was subsequently amended by Resolutions R-2012-0197, R-2014-0113, and R-2014-1421; and

WHEREAS, the County stated a clear policy in R-2014-1421 that the County will neither do business with nor appropriate funds to any entity that practices discrimination on the basis of race, color, national origin, religion, ancestry, sex, age, marital status, familial status, sexual orientation, gender identity or expression, disability or genetic information; and

WHEREAS, it is in the best interest of the County to repeal Resolution R-2014-1421 to provide a more efficient manner of establishing that entities with which the County contracts are aware of, and will conform with, the County's non-discrimination policy.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY

COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

Resolution R-2014-1421, is hereby repealed in its entirety and replaced with the following:

It is hereby the express policy of the Board of County Commissioners of Palm Beach County, Florida that the County shall neither conduct business with nor appropriate funds to any entity that practices discrimination on the basis of race, color, national origin, religion, ancestry, sex, age, familial status, marital status, sexual orientation, gender identity or expression, disability, or genetic information.

| The foregoing Resolution was offered by Commissioner, | |
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| who moved its adoption. The motion was seconded by Commissioner | |
| , and upon being put to a vote, the vote was as follows: | |

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| d, Vice Mayor | - |
| er Hal R. Valeche | - |
| er Paulette Brudick | - |
| er Dave Kerner | - |
| er Steven L. Abrams | ; - |
| er Mary Lou Berger | - |
| lared the Resolution | duly passed and adopted this |
| , 20 | |
| | JNTY, FLORIDA, BY ITS TY COMMISSIONERS |
| SHARON R. BOCK | K, CLERK & COMPTROLLER |
| By:Deput | ty Clerk |
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| - • • · · | rd, Vice Mayor er Hal R. Valeche er Paulette Brudick er Dave Kerner er Steven L. Abrams er Mary Lou Berger lared the Resolution, 20 PALM BEACH COUN BOARD OF COUN SHARON R. BOCK |