

Submitted by: ASSEMBLY MEMBER COFFEY
Prepared by: Assembly Counsel Office
For reading: August 11, 2009

**ANCHORAGE, ALASKA
AR NO. 2009-186**

**A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY AUTHORIZING A
CITIZEN TASK FORCE TO REVIEW THE NATURE AND EXTENT OF
DISCRIMINATION BASED ON SEXUAL ORIENTATION AND THE POTENTIAL FOR
CONFLICT WITH CONSTITUTIONAL RIGHTS.**

WHEREAS, the Assembly has taken several hours of public testimony concerning AO 2009-64 and two "S" versions, stretching out over several assembly meetings and involving over 500 persons offering their testimony; and

WHEREAS, an ordinance proposing amendment to the Anchorage Charter has recently been introduced which will offer additional opportunity for public testimony beyond that which the Assembly has already heard; and

WHEREAS, during public testimony, the Assembly heard testimony from numerous individuals about their personal experience with discrimination against them, which they testified was based on their sexual orientation; and

WHEREAS, during the public testimony, the Assembly heard testimony from numerous individuals about their personal religious beliefs and the potential for conflicts between the proposed ordinance to prohibit discrimination based on sexual orientation and the constitutional rights of freedom of expression, freedom of association and the free exercise of religion; and

WHEREAS, the testimony received in support of the proposed ordinance reflects individual experiences which, while strongly felt, have not been documented by data compiled and analyzed by an independent source which is not advocating for one result or another; and

WHEREAS, the testimony received in opposition to the proposed ordinance reflects strongly held opinion that the negative effects of the proposed amendment on the established constitutional rights of freedom of expression, freedom of association and the free exercise of religion will be significant, such opinions have not been documented by data or analysis from an independent source which is not advocating for one result or another; and

WHEREAS, the Assembly finds that it is in the best interests of the community for the Assembly and the community as a whole to have the benefit of a well documented factual basis and unbiased analysis prior to making any decision to change existing law relating to discrimination on the basis of sexual orientation, with a more complete understanding of the consequences of any amendment to existing law on

1 such fundamental rights as the freedom of expression, freedom of association and the
2 free exercise of religion;

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4 NOW THEREFORE, the Assembly RESOLVES as follows:
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- 6 1) Unfair discrimination against any citizen of Anchorage in the areas of housing,
7 employment, financing or public accommodation for reasons which are unrelated
8 to the ability of the person to perform a job or pay financial obligations is
9 condemned by the Assembly.
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- 11 2) Causing conflict with the constitutional rights of freedom of expression, freedom
12 of association and the free exercise of religion by creating a new classification
13 under the Municipal Charter or by amending the existing anti-discrimination laws
14 of the Municipality, in the absence of clear and convincing evidence that
15 pervasive discrimination exists and understanding the nature and extent of the
16 possible conflicts, is not an appropriate legislative action.
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- 18 3) In order to inform the Assembly to the greatest degree possible as to the nature
19 and extent of discrimination based on sexual orientation and the potential
20 conflicts with constitutional rights, the Assembly Chair shall appoint a Task Force
21 of nine (9) citizens charged as follows:
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 - 23 a. To consider, in an unbiased fashion and with a critical eye, all available
24 information concerning the degree to which discrimination based on
25 sexual orientation exists in housing, finance, employment and public
26 accommodation;
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 - 28 b. To analyze such information in a concerted effort to determine the nature
29 and the extent of such discrimination;
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 - 31 c. To distinguish discrimination decisions made by employers, landlords,
32 financial institutions and businesses for reasons other than a person's
33 sexual orientation.
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 - 35 d. To report on the consequence of any sexual orientation amendment to
36 existing law on the constitutional rights freedom of expression, freedom of
37 association and the free exercise of religion. A legal analysis of the
38 consequences shall be part of the Task Force Report to the Assembly.
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- 40 4) The Task Force members shall be appointed by the Assembly Chair in the
41 following manner:
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 - 43 a. Three members, including the Chair of the Task Force, shall be selected
44 by the Chair.
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- b. Six members of the Task Force shall be selected by the Chair from among the pool of nominees provided by other Assembly members, each of whom shall recommend two (2) individuals to the Chair.
- c. Selections by the Chair shall be made within thirty (30) days of the passage of this Resolution.

- 5) Within sixty (60) days of appointment, the Task Force shall submit to the Assembly for its approval, a detailed Plan of Action as to how the Task Force will gather and analyze the information it is charged with obtaining, so as to enable the Assembly to rely on such information and analysis in any decision which it may make with regard to changes to existing law.
- 6) The Task Force shall submit a detailed Written Report to the Assembly and to the Administration concerning the information gathered and reviewed by the Task Force, and the analysis it has made relative to discrimination based on sexual orientation and the consequences of any change in the existing anti-discrimination law relative on the free exercise of religion, freedom of association and freedom of expression. The Report shall be submitted to the Assembly no sooner than twelve (12) months and no later than eighteen (18) months from the date of approval of the Task Force's Plan of Action by the Assembly.
- 7) AO-2009-64 and all related versions, as well as AO 2009-86 and AO 2009-87, proposing related amendments to the Anchorage Charter, are hereby postponed indefinitely.

PASSED AND APPROVED by the Anchorage Assembly this _____ day of _____, 2009.

Chair

ATTEST:

Municipal Clerk