

ITEM #:	28
DATE:	01-27-26
DEPT:	ADMIN

COUNCIL ACTION FORM

**SUBJECT: DISCUSSION REGARDING ELEMENTS FOR DRAFT MUNICIPAL CODE
CHAPTER 14, HUMAN RELATIONS REGARDING CIVIL RIGHTS
PROTECTION FOR GENDER IDENTITY**

BACKGROUND:

At the December 9, 2025, City Council meeting, the City Council directed staff to proceed with drafting an ordinance adding gender identity as a protected class in Municipal Code Chapter 14, Human Relations. Currently, the Ames Human Relations Commission (AHRC) does not investigate discrimination complaints and has not since 2019. Instead, the AHRC has a cooperative agreement with the Iowa Office of Civil Rights, which handles complaints and investigations.

Attachment A includes data on discrimination complaints between 2020-2023 in Ames. The 2024 data has not been made available yet, however, on December 16, 2025, the City Attorney, per the direction of City Council, submitted an open records request for the 2024 data from the Iowa Office of Civil Rights (IOCR). The City Attorney received a brief response from the IOCR, stating that they can compile and share the City's 2024 data for a fee of \$62.28. The payment has been remitted but at the time this report is being written, the data has not been received yet. Staff believes the data will be received in the next week.

In preparing a draft ordinance for adding gender identity as a protected class to *Municipal Code* Chapter 14, staff has conducted additional research on other Iowa cities that have similar local provisions in their human rights ordinances. While these local provisions vary, they often include language around the administration and enforcement of these provisions.

In order to bring forward a comprehensive draft ordinance, the City Manager's Office and the City Attorney's Office have been working closely together to define the components to include in the ordinance.

At this time, additional guidance from City Council is needed on the specific elements below. The direction City Council provides will be incorporated into the draft ordinance.

ELEMENT #1: INVESTIGATING DISCRIMINATION COMPLAINTS

As mentioned, the AHRC does not currently investigate discrimination complaints, but rather defers discrimination complaints to the Iowa Office of Civil Rights. Since gender identity is no longer a protected class under Iowa Code 216, any complaints of discrimination on the basis of gender identity is outside the jurisdiction of the Iowa Office of Civil Rights, and therefore, that office could not investigate the case. A process would need to be established locally for managing complaints of gender identity discrimination cases.

Below are some options for managing discrimination cases going forward:

Option 1: The City investigates all gender identity complaints/The State continues to investigate all other discrimination complaints.

This option involves continuing to refer discrimination complaints for [protected classes within State code](#) to the IOCR, and requires the City to establish its own administrative investigation process related to gender identity discrimination complaints.

Option 2: The City investigates all discrimination complaints including gender identity and does not refer discrimination complaints to the State.

This option will require the City to establish its own administrative investigation process for all discrimination complaints for [protected classes under the State](#) and for gender identity.

Staff Comments: According to the data provided by the State of Iowa, from 2020-2023, there were seven discrimination complaints on the basis of gender identity (see attachment A). Staff is recommending that the Council pursue Option 1 and direct that the intake and investigation of gender identity complaints be managed by an Assistant City Manager, or his/her designee, and that the City Attorney, or his/her designee, determine if there is sufficient evidence to warrant a municipal infraction citation.

Staff is not recommending Option 2 for several reasons. The resources required to effectively conduct this work is unknown, but likely greater than Option 1. Additionally, the Legal Department does not currently work on, or specialize in, discrimination law and, therefore, hiring outside legal counsel might be necessary.

ELEMENT #2: MUNICIPAL INFRACTION PENALTY LEVELS

Per the [memo from City Attorney Mark Lambert](#) on December 9, 2025, the Council should decide what level the civil penalty should be:

"Unless a higher penalty amount is specifically adopted, the default penalties for a municipal infraction in Ames are \$30 for a first offense, \$100 for first repeat offense, and \$200 for subsequent repeat offenses (Section 1.9, Ames Municipal Code). Iowa Code allows cities to establish civil penalties for municipal infractions at not more than \$750 for a first offense, and not more than \$1,000 for a repeat offense."

Option 1: \$750 for first offense, and \$1,000 for repeat offense(s).

Option 2: \$30 for first offense, \$100 for first repeat offense, \$200 for subsequent repeat offenses

Option 3: Any amounts between Option 1 and Option 2

Staff Comments: Staff believes that the default penalty of \$30 for the first offense, \$100 for the first repeat offense, and \$200 for subsequent repeat offenses is insufficient to prevent discrimination from occurring and, therefore, would recommend that Council adopt the greatest financial penalty allowed, Option 1.

ELEMENT #3: MEDIATION

The mediation process is an opportunity for both parties to attempt to resolve their disagreement through a third-party mediator (City staff), prior to or during the investigation.

This is a voluntary process that carries no-fault terms should a settlement be negotiated. Upon a mediation agreement, all the parties sign a written agreement, which records the terms of the settlement, and the case administratively closes.

Option 1: Incorporate a provision for mediation between parties involved in a discrimination complaint.

Option 2: Do not incorporate a provision for mediation between parties involved in a discrimination complaint.

Staff Recommendation: Staff believes that mediation can be a powerful tool to resolve disputes in a manner that is satisfactory for parties involved in the complaint. It also reduces the time needed for a full investigation. Therefore, it is the staff's recommendation to include a provision on mediation.

ALTERNATIVES:

1. Approve:
 - a. Option 1 as outlined above for Element 1: Investigating Discrimination Complaints
 - b. Option 1 as outlined above for Element 2: Municipal Infraction Penalty Levels
 - c. Option 1 as outlined above for Element 3: Mediation
2. Approve other options for the three elements above.
3. Refer back to staff for more information.

CITY MANAGER'S RECOMMENDED ACTION:

By providing additional guidance on the three elements above, staff can incorporate them into a draft ordinance adding gender identity as a protected class to *Municipal Code* Chapter 14. Based on the information provided above, it is the recommendation of the City Manager that the City Council approve Alternative #1.

ATTACHMENT(S):

[Attachment A - Discrimination Complaints Data in Ames.pdf](#)