

Communication from Public

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Council File No: 21-0878

Comments for Public Posting: ITEM (34) 21-0878 COMMUNICATION FROM THE CITY ATTORNEY and ORDINANCE FIRST CONSIDERATION relative to adding Article 10 to Chapter XX of the Los Angeles Municipal Code (LAMC) to require proof of full vaccination with a COVID-19 vaccine to enter certain indoor public locations, large events, and City buildings. This ordinance is violating our rights protected by the US Constitution. Additionally, this Ordinance is violating other laws that the Supreme Court has decided on after 1905. The decision to require Vaccines under "Police Powers" is incorrect and illegal. The 1905 Supreme Court decision is outdated and happened when Adolf Hitler was only 16 years old. The Forced Medical procedures, Coercion, Discrimination, Segregation, and Medical Surveillance are all fossils of the Eugenics Era. The following laws prohibit these Vaccine Mandates. US Constitution 14th amendment "Equal protection of the Law" US Constitution 1st amendment "Freedom of speech, religion, and to peacefully assemble" Patient Self-Determination Act of 1990 "Right to refuse medical treatment" Civil Rights Act of 1964 "Outlawing Discrimination from Federally funded organizations, Employers, and Public accommodations." California Law: Unruh Civil Rights Act "Outlawing Discrimination based off personal Characteristics". Under the Fourteenth Amendment of the US Constitution "Section 1 All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws. Example of the 14th amendment at work: Example 1 "In the aftermath of Brown v. Board of Education, the Court, in a lengthy series of per curiam opinions, established the invalidity of segregation in publicly provided or supported facilities and of required segregation in any facility or function.¹³ A municipality could not operate a racially segregated park pursuant to a will that left the property for that purpose and that specified that only white people could use the park,¹⁴ but it was permissible for the state courts to hold that the trust had failed and to imply a reverter to the decedent's heirs. ¹⁵ A municipality under court order to desegregate its publicly owned swimming pools was held to be entitled to close the pools instead, so long as it entirely ceased operation of them.¹⁶" Example 2: "Two years after Windsor, the Court, in Obergefell v. Hodges, invalidated several state laws limiting the licensing and recognition of marriage to two people of the opposite sex.¹⁵ While the decision primarily rested on substantive due process grounds,¹⁶ the Court noted that the right of same sex couples to marry is derived, too, from the Fourteenth Amendment's Equal Protection Clause. ¹⁷ In so holding, the Court recognized a general synergy between the Due Process Clause and the Equal Protection Clause, noting that just as evolving societal norms inform the liberty rights of same-sex couples, so too do new insights and societal understandings about homosexuality reveal unjustified inequality with respect to traditional concepts about the institution of marriage. ¹⁸ In this sense, the Court viewed marriage laws prohibiting the licensing and recognition of same-sex marriages as working a grave and continuing harm to same-sex couples, serving to disrespect and subordinate them.¹⁹ As a result, the Court ruled that the Equal Protection Clause prevents states from excluding same-sex couples from civil marriage on the same terms and

conditions as opposite sex couples.” First Amendment:

https://constitution.congress.gov/browse/essay/amdt1-1-4-2-3/ALDE_00000733/

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances." This Ordinance MUST be voted down and anyone who proposed this ordinance should be held accountable for Conspiring against protected rights.

Laws that are covered in this fact sheet:

US Constitution 14th amendment “Equal protection of the Law”

US Constitution 1st amendment “Freedom of speech, religion, and to peacefully assemble”

Patient Self-Determination Act of 1990 “Right to refuse medical treatment”

Civil Rights Act of 1964 “Outlawing Discrimination from Federally funded organizations, Employers, and Public accommodations.”

California Law: Unruh Civil Rights Act “Outlawing Discrimination based off personal Characteristics”.

California Unruh Act Definitions under subdivision (i) of Section 12926 of the Government Code. “Medical condition” has the same meaning as defined in this section.

This is not Legal advice this is just a free resource FYI.

This document is 21 pages long.

Feel free to press the buttons “control” and the letter “F”

to “keyword search” this document and find information that you are interested in.

Fourteenth Amendment of the US Constitution

“Section 1

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Example of the 14th amendment at work:

Example 1

“In the aftermath of *Brown v. Board of Education*, the Court, in a lengthy series of per curiam opinions, established the invalidity of segregation in publicly provided or supported facilities and of required segregation in any facility or function.¹³

A municipality could not operate a racially segregated park pursuant to a will that left the property for that purpose and that specified that only white people could use the park,¹⁴ but it was permissible for the state courts to hold that the trust had failed and to imply a reverter to the decedent’s heirs.

¹⁵ A municipality under court order to desegregate its publicly owned swimming pools was held to be entitled to close the pools instead, so long as it entirely ceased operation of them.¹⁶”

Example 2:

“Two years after *Windsor*, the Court, in *Obergefell v. Hodges*, invalidated several state laws limiting the licensing and recognition of marriage to two people of the opposite sex.¹⁵ While the decision primarily rested on substantive due process grounds,¹⁶ the Court noted that the right of same sex couples to marry is derived, too, from the Fourteenth Amendment’s Equal Protection Clause.

¹⁷ In so holding, the Court recognized a general synergy between the Due Process Clause and the Equal Protection Clause, noting that just as evolving societal norms inform the liberty rights of same-sex couples, so too do new insights and societal understandings about homosexuality reveal unjustified inequality with respect to traditional concepts about the institution of marriage.

¹⁸ In this sense, the Court viewed marriage laws prohibiting the licensing and recognition of same-sex marriages as working a grave and continuing harm to same-sex couples, serving to disrespect and subordinate them.¹⁹ As a result, the Court ruled that the Equal Protection Clause prevents states from excluding same-sex couples from civil marriage on the same terms and conditions as opposite sex couples.²⁰”

First Amendment:

https://constitution.congress.gov/browse/essay/amdt1-1-4-2-3/ALDE_00000733/

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Examples of the 1st Amendment at work.

Example 1 : COVID 19 Religious Expression Supreme Court

²⁷ In November 2020 and April 2021, the Supreme Court issued two per curiam opinions applying strict scrutiny to state regulations that limited gatherings, including religious gatherings, in response to the COVID-19 pandemic.²⁸ In the first case, *Roman Catholic Diocese of Brooklyn v. Cuomo*, the Court noted that while houses of worship were subject to strict occupancy limits, essential businesses faced no such restrictions.²⁹

This especially harsh treatment triggered strict scrutiny, which the government could not satisfy. ³⁰ In the second case, *Tandon v. Newsom*, the Court explained that whether two activities are comparable . . . must be judged against the asserted government interest that justifies the regulation at issue.³¹ In the context of restrictions to prevent the spread of COVID-19, the Court said comparability was concerned with the risks various activities pose.

³² Applying these principles to the challenged restrictions, the opinion held that the state did treat some comparable secular activities more favorably than at-home religious exercise, permitting hair salons, retail stores, personal care services, movie theaters, private suites at sporting events and concerts, and indoor restaurants to bring together more than three households at a time.³³ The Court further held that the challengers were likely to prevail under a strict scrutiny analysis because the state had not shown that 'public health would be imperiled' by employing less restrictive measures.³⁴

Objection to war on the grounds of religion:

“Historically, Congress has provided for alternative service for men who had religious scruples against participating in either combat activities or in all forms of military activities; the fact that Congress chose to draw the line of exemption on the basis of religious belief confronted the Court with a difficult constitutional question, which, however, the Court chose to avoid by a somewhat disingenuous interpretation of the statute.

¹ In *Gillette v. United States*,² a further constitutional problem arose in which the Court did squarely confront and validate the congressional choice. Congress had restricted conscientious objection status to those who objected to war in any form and the Court conceded that there were religious or conscientious objectors who were not opposed to all wars but only to particular wars based upon evaluation of a number of factors by which the justness of any particular war could be judged; properly construed, the Court said, the statute did draw a line relieving from military service some religious objectors while not relieving others.

³ Purporting to apply the secular purpose and effect test, the Court looked almost exclusively to purpose and hardly at all to effect. **Although it is not clear, the Court seemed to require that a classification must be religiously based on its face⁴ or lack any neutral, secular basis for the lines government has drawn⁵ in order that it be held to violate the Establishment Clause.** The classification here was not religiously based on its face, and served a number of valid purposes having nothing to do with a design to foster or favor any sect, religion, or cluster of religions

⁶ These purposes, related to the difficulty in separating sincere conscientious objectors to particular wars from others with fraudulent claims, included the maintenance of a fair and

efficient selective service system and protection of the integrity of democratic decision-making.⁷”

Example 2 Free Exercise Clause:

“The Free Exercise Clause . . . withdraws from legislative power, state and federal, the exertion of any restraint on the free exercise of religion. Its purpose is to secure religious liberty in the individual by prohibiting any invasions there by civil authority.

¹ It bars governmental regulation of religious *beliefs* as such,² prohibiting misuse of secular governmental programs to impede the observance of one or all religions or . . . to discriminate invidiously between religions . . . even though the burden may be characterized as being only indirect.³

Freedom of conscience is the basis of the Free Exercise Clause, and government may not penalize or discriminate against an individual or a group of individuals because of their religious views nor may it compel persons to affirm any particular beliefs

⁴ Interpretation is complicated, however, by the fact that exercise of religion usually entails ritual or other practices that constitute conduct rather than pure belief. When it comes to protecting conduct as free exercise, the Court has been inconsistent.

⁵ **It has long been held that the Free Exercise Clause does not necessarily prevent the government from requiring the doing of some act or forbidding the doing of some act merely because religious beliefs underlie the conduct in question.**

⁶ **What has changed over the years is the Court’s willingness to hold that some religiously motivated conduct is protected from generally applicable prohibitions.”**

Example 3 Free Exercise in Employment.

“The Supreme Court has recognized that the Free Exercise Clause protect[s] religious observers against unequal treatment.¹ Thus, even after *Employment Division v. Smith* held that laws burdening religion generally will not violate the Free Exercise Clause if they are neutral and generally applicable,² a law that imposes special burdens on religious activities may not be considered neutral and generally applicable and will trigger heightened scrutiny.³

For example, in *McDaniel v. Paty*, the Court struck down a Tennessee law barring [ministers] of the Gospel, or [priests] of any denomination whatever from serving as a delegate to a state constitutional convention.⁴ While the Court splintered with respect to its rationale, at least seven Justices agreed that the law violated the Free Exercise Clause by unconstitutionally conditioning the right of free exercise of one's religion on the surrender of the right to seek office as a

delegate.⁵ As such, the Court held that the law imposed a special disability on the basis of . . . religious status.⁶

Similarly, in *Trinity Lutheran Church v. Comer*, the Court held that a church that ran a preschool and daycare center could not be disqualified from participating in a Missouri program that offered funding to resurface playgrounds because of the church's religious affiliation.⁷ Specifically, Chief Justice Roberts, on behalf of the Court,⁸ noted that Missouri's policy of excluding an otherwise eligible recipient from a public benefit solely because of its religious character imposed an unlawful penalty on the free exercise of religion triggering the most exacting scrutiny.⁹ In so holding, the Court rejected the State of Missouri's argument that declining to extend funds to the church did not prohibit it from engaging in any religious conduct or otherwise exercising its religious rights.¹⁰

Relying on *McDaniel*, Chief Justice Roberts concluded that because **the Free Exercise Clause protects against indirect coercion or penalties on the free exercise of religion**, as well as outright prohibitions on religious exercise, Trinity Lutheran had a right to participate in a government benefit program without having to disavow its religious status.¹¹ Moreover, the Court held that Missouri's policy of requiring organizations like the plaintiff to renounce its religious character in order to participate in the public benefit program could not be justified by a policy preference to achieve greater separation of church and state than what is already required under the Establishment Clause.¹² **As a result, the Court held that Missouri's policy violated the Free Exercise Clause.**¹³

Example 4: Restriction of free exercise.

Even if a law does not *expressly* target religion, it will trigger strict scrutiny if its *object* is to **infringe upon or restrict practices because of their religious motivation.**¹⁴ Accordingly, in *Church of Lukumi Babalu Aye, Inc. v. City of Hialeah*, **the Court struck down a set of ordinances enacted by a Florida city that had the impermissible object of targeting conduct motivated by religious beliefs.**

15 The Florida ordinances prohibited animal sacrifice, making certain exemptions for animals killed for food consumption, and were passed in direct response to the establishment of a Santeria church within the city and city residents' concerns about the Santeria practice of animal sacrifice.¹⁶ **The Supreme Court concluded that the ordinances were not neutral within the meaning of Smith because they unconstitutionally sought to suppress Santeria religious worship.**¹⁷ Among other factors, the Court noted that the laws accomplished a religious gerrymander: although the text did not expressly refer to Santeria, the law nonetheless prohibited only Santeria sacrifice.¹⁸ The Court also held that the ordinances were not generally applicable under Smith because they selectively burdened only . . . conduct motivated by religious belief.¹⁹ The Court therefore applied the most rigorous of scrutiny and ruled the ordinances unconstitutional.²⁰

Example 5: Hostility The Court has suggested that it is equally unconstitutional for hostility to religion to motivate the government's decisions to *apply* its laws.²¹

In *Masterpiece Cakeshop, Ltd. v. Colorado Civil Rights Commission*, the Court set aside state administrative proceedings enforcing Colorado's anti-discrimination laws against a baker who had, in the view of the state, violated those laws by refusing to make a cake for a same-sex wedding.

²² The Court held that the state had violated the Free Exercise Clause because the Colorado Civil Rights Commission had not considered the baker's case with the religious neutrality that the Constitution requires.²³ As a general rule, the Court announced that the delicate question of when the free exercise of [the baker's] religion must yield to an otherwise valid exercise of state power needed to be determined in an adjudication in which religious hostility on the part of the State itself would not be a factor in the balance the State sought to reach.²⁴

The Court highlighted two aspects of the state proceedings that had, in its view, demonstrated impermissible religious hostility: first, certain statements by some of the Commissioners during the proceedings before the Commission²⁵; and second, the difference in treatment between [the petitioner's] case and the cases of other bakers who objected to a requested cake on the basis of conscience and prevailed before the Commission.²⁶

Seemingly building on the Court's second rationale in *Masterpiece Cakeshop*, the Supreme Court has said that government regulations are not neutral and trigger strict scrutiny whenever they treat *any* comparable secular activity more favorably than religious exercise

Example 6: Selective Religious Exemptions. Accordingly, a law that contains exemptions may be subject to strict scrutiny if those exemptions create or allow religious discrimination.³⁵ *Smith* itself said that the Court had reviewed laws creating a system of individual exemptions under a balancing test requiring the government to demonstrate a compelling interest.

³⁶ The Supreme Court explained that, for example, it had applied this heightened standard of review to an unemployment compensation system that required individualized governmental assessment of whether an individual had shown good cause for refusing work.³⁷

The Court expanded on this aspect of the *Smith* opinion in *Fulton v. City of Philadelphia*, decided in 2021, saying that the presence of individualized exemptions may render a law not generally applicable and therefore subject to strict scrutiny.³⁸ In *Fulton*, the Supreme Court held that a Catholic foster care agency was entitled to a constitutional exception from a city's nondiscrimination policy.³⁹ The city had refused to sign a contract with the agency unless it

agreed to a provision prohibiting discrimination on the basis of certain protected classes, including sexual orientation, in the provision of services.⁴⁰

The agency argued that this would impermissibly require it to certify same-sex foster parents in violation of its religious beliefs, and the Supreme Court agreed.⁴¹ The Court said that the contract's nondiscrimination provision was not generally applicable under *Smith* because it allowed a city official to grant exceptions, in the official's sole discretion.⁴²

Although the city had never actually granted an exception to either secular or religious activities and asserted that it had no intention of granting any such exception in the future, the Court nonetheless held that the nondiscrimination provision incorporate[d] a system of individual exemptions, and that the city could not refuse to extend that [exemption] system to cases of religious hardship without compelling reason.⁴³

Ultimately, the Supreme Court concluded that the city failed to meet this standard, because it had offered no compelling reason why it has a particular interest in denying an exception to [the religious agency] while making them available to others.⁴⁴

The Patient Self-Determination Act

<https://www.congress.gov/bill/101st-congress/house-bill/4449/text>

To amend titles XVIII and XIX of the Social Security Act to require providers of services and health maintenance organizations under the medicare and medicaid programs to assure that individuals receiving services will be given an opportunity to participate in and direct health care decisions affecting themselves.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,
SECTION 1. SHORT TITLE.

This Act may be cited as the 'Patient Self Determination Act of 1990'.
in the case of hospitals, skilled nursing facilities, home health agencies, and hospice programs, to maintain written policies and procedures with respect to all individuals receiving medical care by or through the provider--

`(i) to inform such individuals of an individual's rights under State law (whether statutory or as recognized by the courts of the State) to make decisions concerning such medical care, **including the right to accept or refuse medical or surgical treatment** and the right to formulate advanced

directives recognized under State law relating to the provision of care when such individuals are incapacitated...

Civil Rights Act of 1964

<https://www.eeoc.gov/statutes/title-vii-civil-rights-act-1964>

“SEC. 2000e-2. *[Section 703]*

(a) Employer practices

It shall be an unlawful employment practice for an employer -

(1) to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, or national origin; or

(2) to limit, segregate, or classify his employees or applicants for employment in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee, because of such individual's race, color, religion, sex, or national origin.

(b) Employment agency practices

It shall be an unlawful employment practice for an employment agency to fail or refuse to refer for employment, or otherwise to discriminate against, any individual because of his race, color, religion, sex, or national origin, or to classify or refer for employment any individual on the basis of his race, color, religion, sex, or national origin.

(c) Labor organization practices

It shall be an unlawful employment practice for a labor organization-

(1) to exclude or to expel from its membership, or otherwise to discriminate against, any individual because of his race, color, religion, sex, or national origin;

(2) to limit, segregate, or classify its membership or applicants for membership, or to classify or fail or refuse to refer for employment any individual, in any way which would deprive or tend to deprive any individual of employment opportunities, or would limit such employment opportunities or otherwise adversely affect his status as an employee or as an applicant for employment, because of such individual's race, color, religion, sex, or national origin; or

(3) to cause or attempt to cause an employer to discriminate against an individual in violation of this section.”

From the Department of Fair Employment and Housing:

“While the Unruh Civil Rights Act specifically lists “sex, race, color, religion, ancestry, national origin, disability, medical condition, genetic information, marital status, or sexual orientation” as protected classes, the California Supreme Court has held that protections under the Unruh Act are not necessarily restricted to these characteristics.

The Act is meant to cover all arbitrary and intentional discrimination by a business establishment on the basis of personal characteristics similar to those listed above.”

<https://www.dfeh.ca.gov/wp-content/uploads/sites/32/2017/06/DFEH-250.pdf>

<https://www.dfeh.ca.gov/>

https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=CIV§ionNum=51



THE UNRUH CIVIL RIGHTS ACT PROVIDES PROTECTION FROM DISCRIMINATION BY ALL BUSINESS ESTABLISHMENTS IN CALIFORNIA

BUSINESSES COVERED UNDER THE LAW

The Unruh Civil Rights Act requires “[f]ull and equal accommodations, advantages, facilities, privileges or services in all business establishments.” This includes, but is not limited to, the following places:

- Hotels and motels
- Nonprofit organizations that have a business purpose or are a public accommodation
- Restaurants
- Theaters
- Hospitals
- Barber shops and beauty salons
- Housing accommodations – including rental housing and shared-economy housing
- Public agencies
- Retail establishments

The Unruh Civil Rights Act provides protection from discrimination by all business establishments in California, including housing and public accommodations. The term "business establishments" may include governmental and public entities as well.

The language of the Unruh Civil Rights Act specifically outlaws discrimination in housing and public accommodations based on sex, race, color, religion, ancestry, national origin, disability, medical condition, genetic information, marital status, sexual orientation, citizenship, primary language, or immigration status. However, the California Supreme Court has held that protections under the Unruh Act are not necessarily restricted to these characteristics.

The Act is meant to cover all arbitrary and intentional discrimination by a business establishment on the basis of personal characteristics similar to those listed above.

The law also protects the rights of individuals with disabilities to use streets, highways, and other public places; public conveyances; places of public accommodation, amusement or resort, and housing accommodations; and guide, signal, or service animals or alternative accommodations for persons with disabilities. The law clearly distinguishes between the right of a business to refuse service based on conduct as opposed to personal characteristics. The misconduct or disruptive behavior of particular individuals may be grounds for refusing to do business with them or denying them services.

SENIOR HOUSING

The Unruh Civil Rights Act contains provisions regulating the establishment of specialized housing designed to meet the physical and/or social needs of senior citizens.

Housing that meets these requirements is exempt from the familial status and age provisions of the Fair Employment and Housing Act and may, therefore, legally exclude households with children. Similar provisions are provided for senior citizen mobile home parks under federal fair housing laws.

PUBLIC ACCESS DISCRIMINATION AND CIVIL RIGHTS

FACT SHEET

DFEH



EXAMPLES OF UNRUH ACT VIOLATIONS

The following examples represent potential violations of the Unruh Civil Rights Act. Other situations may also qualify as Unruh Act violations depending on the specific circumstances:

- A hotel charges a \$100 service fee only to guests of a certain racial group but not to other guests of the hotel
- A doctor refuses to treat a patient who has been diagnosed as HIV positive
- A same-sex couple is denied a table at a restaurant even though there are vacant tables available and other customers are seated immediately
- A visually impaired individual is told their service animal is not allowed in a store
- Charging men and women different prices for comparable services, such as clothing alterations, haircuts, dry cleaning, or drinks at a restaurant or bar

WHAT DFEH DOES

The Department of Fair Employment and Housing (DFEH) enforces this law by:

1. Investigating harassment and discrimination complaints;
2. Assisting involved parties to voluntarily resolve complaints;
3. Prosecuting violations of the law; and
4. Educating Californians about the Unruh Act by providing written materials and participating in seminars and conferences.

- Charging men and women different prices for comparable services, such as clothing alterations, haircuts, dry cleaning, or drinks at a restaurant or bar
- Promoting a business with "ladies night" discounts on admission and services

If you think you have been a victim of discrimination based on a protected class, file a complaint. A DFEH complaint must be filed within one year from the date of the last act of discrimination.

If you have a disability that requires a reasonable accommodation, the DFEH can assist you by scribing your intake by phone or, for individuals who are Deaf or Hard of Hearing or have speech disabilities, through the California Relay Service (711), or you can contact us below.

TO FILE A COMPLAINT

Department of Fair Employment and Housing
 dfefh.ca.gov
 Toll Free: 800.884.1684
 TTY: 800.700.2320

DFEH-U01P-ENG / December 2020

CIVIL CODE

51.

(a) This section shall be known, and may be cited, as the **Unruh Civil Rights Act.**

(b) **All persons within the jurisdiction of this state are free and equal, and no matter what their sex, race, color, religion, ancestry, national origin, disability, medical condition, genetic information, marital status, sexual orientation, citizenship, primary language, or immigration status are entitled to the full and equal accommodations, advantages, facilities, privileges, or services in all business establishments of every kind whatsoever.**

(c) This section shall not be construed to confer any right or privilege on a person that is conditioned or limited by law or that is applicable alike to persons of every sex, color, race, religion, ancestry, national origin, disability, medical condition, marital status, sexual orientation, citizenship, primary language, or immigration status, or to persons regardless of their genetic information.

(d) Nothing in this section shall be construed to require any construction, alteration, repair, structural or otherwise, or modification of any sort whatsoever, beyond that construction,

alteration, repair, or modification that is otherwise required by other provisions of law, to any new or existing establishment, facility, building, improvement, or any other structure, nor shall anything in this section be construed to augment, restrict, or alter in any way the authority of the State Architect to require construction, alteration, repair, or modifications that the State Architect otherwise possesses pursuant to other laws.

(e) For purposes of this section:

(1) “Disability” means any mental or physical disability as defined in Sections 12926 and 12926.1 of the Government Code.

(2) (A) “Genetic information” means, with respect to any individual, information about any of the following:

(i) The individual’s genetic tests.

(ii) The genetic tests of family members of the individual.

(iii) The manifestation of a disease or disorder in family members of the individual.

(B) “Genetic information” includes any request for, or receipt of, genetic services, or participation in clinical research that includes genetic services, by an individual or any family member of the individual.

(C) “Genetic information” does not include information about the sex or age of any individual.

(3) “Medical condition” has the same meaning as defined in subdivision **(i) of Section 12926** of the Government Code. (In the last few pages)

(4) **“Religion” includes all aspects of religious belief, observance, and practice.**

(5) “Sex” includes, but is not limited to, pregnancy, childbirth, or medical conditions related to pregnancy or childbirth. “Sex” also includes, but is not limited to, a person’s gender. “Gender” means sex, and includes a person’s gender identity and gender expression. “Gender expression” means a person’s gender-related appearance and behavior whether or not stereotypically associated with the person’s assigned sex at birth.

(6) **“Sex, race, color, religion, ancestry, national origin, disability, medical condition, genetic information, marital status, sexual orientation, citizenship, primary language, or immigration status” includes a perception that the person has any particular characteristic**

or characteristics within the listed categories or that the person is associated with a person who has, or is perceived to have, any particular characteristic or characteristics within the listed categories.

(7) “Sexual orientation” has the same meaning as defined in subdivision (s) of Section 12926 of the Government Code.

(f) A violation of the right of any individual under the federal Americans with Disabilities Act of 1990 (Public Law 101-336) shall also constitute a violation of this section.

(g) Verification of immigration status and any discrimination based upon verified immigration status, where required by federal law, shall not constitute a violation of this section.

(h) Nothing in this section shall be construed to require the provision of services or documents in a language other than English, beyond that which is otherwise required by other provisions of federal, state, or local law, including Section 1632.

(Amended by Stats. 2015, Ch. 282, Sec. 1. (SB 600) Effective January 1, 2016.)

https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV§ionNum=12926

Subdivision (i) of Section 12926 of the Government Code.

CHAPTER 4. Definitions [12925 - 12928] (*Chapter 4 added by Stats. 1980, Ch. 992.*)

12926.

As used in this part in connection with unlawful practices, unless a different meaning clearly appears from the context:

(a) “Affirmative relief” or “prospective relief” includes the authority to order reinstatement of an employee, awards of backpay, reimbursement of out-of-pocket expenses, hiring, transfers, reassignments, grants of tenure, promotions, cease and desist orders, posting of notices, training of personnel, testing, expunging of records, reporting of records, and any other similar relief that is intended to correct unlawful practices under this part.

(b) “Age” refers to the chronological age of any individual who has reached a 40th birthday.

(c) Except as provided by Section 12926.05, “employee” does not include any individual employed by that person’s parent, spouse, or child or any individual employed under a special license in a nonprofit sheltered workshop or rehabilitation facility.

(d) "Employer" includes any person regularly employing five or more persons, or any person acting as an agent of an employer, directly or indirectly, the state or any political or civil subdivision of the state, and cities, except as follows:

"Employer" does not include a religious association or corporation not organized for private profit.

(e) "Employment agency" includes any person undertaking for compensation to procure employees or opportunities to work.

(f) "Essential functions" means the fundamental job duties of the employment position the individual with a disability holds or desires. "Essential functions" does not include the marginal functions of the position.

(1) A job function may be considered essential for any of several reasons, including, but not limited to, any one or more of the following:

(A) The function may be essential because the reason the position exists is to perform that function.

(B) The function may be essential because of the limited number of employees available among whom the performance of that job function can be distributed.

(C) The function may be highly specialized, so that the incumbent in the position is hired based on expertise or the ability to perform a particular function.

(2) Evidence of whether a particular function is essential includes, but is not limited to, the following:

(A) The employer's judgment as to which functions are essential.

(B) Written job descriptions prepared before advertising or interviewing applicants for the job.

(C) The amount of time spent on the job performing the function.

(D) The consequences of not requiring the incumbent to perform the function.

(E) The terms of a collective bargaining agreement.

(F) The work experiences of past incumbents in the job.

(G) The current work experience of incumbents in similar jobs.

(g) (1) "Genetic information" means, with respect to any individual, information about any of the following:

(A) The individual's genetic tests.

(B) The genetic tests of family members of the individual.

(C) The manifestation of a disease or disorder in family members of the individual.

(2) "Genetic information" includes any request for, or receipt of, genetic services, or participation in clinical research that includes genetic services, by an individual or any family member of the individual.

(3) "Genetic information" does not include information about the sex or age of any individual.

(h) "Labor organization" includes any organization that exists and is constituted for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances, terms or conditions of employment, or of other mutual aid or protection.

(i) "Medical condition" means either of the following:

(1) Any health impairment related to or associated with a diagnosis of cancer or a record or history of cancer.

(2) Genetic characteristics. For purposes of this section, "genetic characteristics" means either of the following:

(A) Any scientifically or medically identifiable gene or chromosome, or combination or alteration thereof, that is known to be a cause of a disease or disorder in a person or that person's offspring, or that is determined to be associated with a statistically increased risk of development of a disease or disorder, and that is presently not associated with any symptoms of any disease or disorder.

(B) Inherited characteristics that may derive from the individual or family member, that are known to be a cause of a disease or disorder in a person or that person's offspring, or that are determined to be associated with a statistically increased risk of development of a disease or disorder, and that are presently not associated with any symptoms of any disease or disorder.

(j) "Mental disability" includes, but is not limited to, all of the following:

(1) Having any mental or psychological disorder or condition, such as intellectual disability, organic brain syndrome, emotional or mental illness, or specific learning disabilities, that limits a major life activity. For purposes of this section:

(A) "Limits" shall be determined without regard to mitigating measures, such as medications, assistive devices, or reasonable accommodations, unless the mitigating measure itself limits a major life activity.

(B) A mental or psychological disorder or condition limits a major life activity if it makes the achievement of the major life activity difficult.

(C) "Major life activities" shall be broadly construed and shall include physical, mental, and social activities and working.

(2) Any other mental or psychological disorder or condition not described in paragraph (1) that requires special education or related services.

(3) Having a record or history of a mental or psychological disorder or condition described in paragraph (1) or (2), which is known to the employer or other entity covered by this part.

(4) Being regarded or treated by the employer or other entity covered by this part as having, or having had, any mental condition that makes achievement of a major life activity difficult.

(5) Being regarded or treated by the employer or other entity covered by this part as having, or having had, a mental or psychological disorder or condition that has no present disabling effect, but that may become a mental disability as described in paragraph (1) or (2).

"Mental disability" does not include sexual behavior disorders, compulsive gambling, kleptomania, pyromania, or psychoactive substance use disorders resulting from the current unlawful use of controlled substances or other drugs.

(k) "Veteran or military status" means a member or veteran of the United States Armed Forces, United States Armed Forces Reserve, the United States National Guard, and the California National Guard.

(l) **"On the bases enumerated in this part" means or refers to discrimination on the basis of one or more of the following: race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, age, sexual orientation, or veteran or military status.**

(m) "Physical disability" includes, but is not limited to, all of the following:

(1) Having any physiological disease, disorder, condition, cosmetic disfigurement, or anatomical loss that does both of the following:

(A) **Affects one or more of the following body systems: neurological, immunological, musculoskeletal, special sense organs, respiratory, including speech organs, cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin, and endocrine.**

(B) Limits a major life activity. For purposes of this section:

(i) "Limits" shall be determined without regard to mitigating measures such as medications, assistive devices, prosthetics, or reasonable accommodations, unless the mitigating measure itself limits a major life activity.

(ii) A physiological disease, disorder, condition, cosmetic disfigurement, or anatomical loss limits a major life activity if it makes the achievement of the major life activity difficult.

(iii) "Major life activities" shall be broadly construed and includes physical, mental, and social activities and working.

(2) Any other health impairment not described in paragraph (1) that requires special education or related services.

(3) Having a record or history of a disease, disorder, condition, cosmetic disfigurement, anatomical loss, or health impairment described in paragraph (1) or (2), which is known to the employer or other entity covered by this part.

(4) Being regarded or treated by the employer or other entity covered by this part as having, or having had, any physical condition that makes achievement of a major life activity difficult.

(5) Being regarded or treated by the employer or other entity covered by this part as having, or having had, a disease, disorder, condition, cosmetic disfigurement, anatomical loss, or health impairment that has no present disabling effect but may become a physical disability as described in paragraph (1) or (2).

(6) "Physical disability" does not include sexual behavior disorders, compulsive gambling, kleptomania, pyromania, or psychoactive substance use disorders resulting from the current unlawful use of controlled substances or other drugs.

(n) Notwithstanding subdivisions (j) and (m), if the definition of "disability" used in the federal Americans with Disabilities Act of 1990 (Public Law 101-336) would result in broader protection of the civil rights of individuals with a mental disability or physical disability, as defined in subdivision (j) or (m), or would include any medical condition not included within those definitions, then that broader protection or coverage shall be deemed incorporated by reference into, and shall prevail over conflicting provisions of, the definitions in subdivisions (j) and (m).

(o) **"Race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, age, sexual orientation, or veteran or military status" includes a perception that the person has any of those characteristics or that the person is associated with a person who has, or is perceived to have, any of those characteristics.**

(p) **"Reasonable accommodation" may include either of the following:**

(1) **Making existing facilities used by employees readily accessible to, and usable by, individuals with disabilities.**

(2) **Job restructuring, part-time or modified work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, adjustment or modifications of examinations, training materials or policies, the provision of qualified readers or interpreters, and other similar accommodations for individuals with disabilities.**

(q) **“Religious creed,” “religion,” “religious observance,” “religious belief,” and “creed” include all aspects of religious belief, observance, and practice, including religious dress and grooming practices.**

“Religious dress practice” shall be construed broadly to include the wearing or carrying of religious clothing, head or face coverings, jewelry, artifacts, and any other item that is part of an individual observing a religious creed. “Religious grooming practice” shall be construed broadly to include all forms of head, facial, and body hair that are part of an individual observing a religious creed.

(r) (1) “Sex” includes, but is not limited to, the following:

(A) Pregnancy or medical conditions related to pregnancy.

(B) Childbirth or medical conditions related to childbirth.

(C) Breastfeeding or medical conditions related to breastfeeding.

(2) “Sex” also includes, but is not limited to, a person’s gender. “Gender” means sex, and includes a person’s gender identity and gender expression. “Gender expression” means a person’s gender-related appearance and behavior whether or not stereotypically associated with the person’s assigned sex at birth.

(s) “Sexual orientation” means heterosexuality, homosexuality, and bisexuality.

(t) “Supervisor” means any individual having the authority, in the interest of the employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or the responsibility to direct them, or to adjust their grievances, or effectively to recommend that action, if, in connection with the foregoing, the exercise of that authority is not of a merely routine or clerical nature, but requires the use of independent judgment.

(u) **“Undue hardship” means an action requiring significant difficulty or expense, when considered in light of the following factors:**

(1) The nature and cost of the accommodation needed.

(2) The overall financial resources of the facilities involved in the provision of the reasonable accommodations, the number of persons employed at the facility, and the effect on expenses and resources or the impact otherwise of these accommodations upon the operation of the facility.

(3) The overall financial resources of the covered entity, the overall size of the business of a covered entity with respect to the number of employees, and the number, type, and location of its facilities.

(4) The type of operations, including the composition, structure, and functions of the workforce of the entity.

(5) The geographic separateness or administrative or fiscal relationship of the facility or facilities.

(v) "National origin" discrimination includes, but is not limited to, discrimination on the basis of possessing a driver's license granted under Section 12801.9 of the Vehicle Code.

(w) "Race" is inclusive of traits historically associated with race, including, but not limited to, hair texture and protective hairstyles.

(x) "Protective hairstyles" includes, but is not limited to, such hairstyles as braids, locks, and twists.

(Amended by Stats. 2020, Ch. 36, Sec. 32. (AB 3364) Effective January 1, 2021.)
<https://constitution.congress.gov/browse/amendment-14/>



" Injustice anywhere is a threat to justice everywhere. We are caught in an inescapable network of mutuality, tied in a single garment of destiny. Whatever affects one directly, affects all indirectly. "

**Martin Luther
King, Jr.**

(Letter from a Birmingham Jail)

Communication from Public

Name: Justin Raines

Date Submitted: 09/25/2021 10:48 PM

Council File No: 21-0878

Comments for Public Posting: Greetings Council Members: I am extremely appalled by this ordinance. Do you think that people aren't aware of our rights? Yes, these same rights Nurey seems to be tired of hearing about (Girl, your own mouth will be your undoing). Do you really believe that the vaccinated will all support this? The class action lawsuits will be massive. Instituting this ordinance breaks so many laws from the 14th Amendment (equal protection of the law, anyone?) as well as the Civil Rights Act of 1964 which completely counters your forcing people to reveal their religious beliefs ON PAPER to get into a public space. How about the The Unruh Act? That one seems to be getting glossed over quite a bit these days. Lets talk about he California Patient Civil Rights Act which not only ALLOWS people to refuse life-saving treatment, which you claim this is, and makes retaliation and discrimination ILLEGAL when they do. It's obvious you care nothing for small business and only support the monopolies, so those business will be forced to reduce their clientele and possible not survive for what? So you can crash our economy for your puppeteers' Great Reset? People aren't dumb and we refuse to bow to your "trust the science" false idol worship. It's gross. This won't work the way you want it, though. This won't further divide those who are vaccinated and those who aren't. This will unit them. This will bring everyone together and unite the people. How much were you paid to go through with this? Anyone feel like disclosing? I look forward to ALL OF YOU facing tribunals for the upcoming Nuremberg 2.0 trials. I'm sure you are aware of how those ended, right?