

ORIGINAL

RESOLUTION 2009 - 100

**A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF SUNNYSIDE, WASHINGTON, ESTABLISHING
COMMUNITY ATHLETICS PROGRAM NON-DISCRIMINATION POLICY**

WHEREAS, Washington State Engrossed Substitute Senate Bill (ESSB) 5967, signed into law on May 12, 2009 and codified in part at RCW 49.50.505, requires (1) that with respect to community athletic programs, the City and its partners provide both genders equal opportunities to participate and equal use of City facilities and (2) that the City adopt a non-discrimination policy by January 1, 2010;

WHEREAS, the City of Sunnyside may in the future offer community athletics programs through a Parks and Recreation Department or lease or permit third parties to offer community athletics programs;


WHEREAS, the City Council finds and determines that it is beneficial for the City of Sunnyside to have written and adopted Community Athletics Program Non-Discrimination Policy;

**NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF
THE CITY OF SUNNYSIDE, WASHINGTON**, as follows:

Section 1. That the "Community Athletics Program Non-Discrimination Policy," a copy of which is attached hereto as Exhibit "A" and incorporated herein by this reference, is hereby approved and adopted.

Section 2. This Resolution shall be effective upon passage, approval and signatures hereon as required by law.

PASSED this 28th day of December, 2009.



PABLO GARCIA, MAYOR

ATTEST:


DEBORAH ESTRADA, CITY CLERK

APPROVED AS TO FORM:

MENKE JACKSON BEYER EHLIS & HARPER, LLP
ATTORNEYS AT LAW



CITY OF SUNNYSIDE

COMMUNITY ATHLETICS PROGRAM NON-DISCRIMINATION POLICY

Purpose Statement

The purpose of the Community Athletics Programs Non-Discrimination Policy is to ensure that City of Sunnyside community athletics programs and related facilities and third-party sponsored community athletics programs do not discriminate against any person on the basis of sex in the operation, conduct, or administration of community athletics programs for youth or adults. The intent of this policy is expand and support equal participation in community athletics programs and to provide all community athletics programs with equal access to City facilities.

Background

Title IX of the Education Amendments of 1972 to the 1964 Civil Rights Act is a federal statute created to prohibit sex discrimination in education programs that receive federal financial assistance. In 1975, Washington adopted its own Title IX legislation in RCW 28A.640.010, which prohibits inequality in the educational opportunities afforded to women and girls at all levels of public schools in Washington State. Neither Title IX nor RCW 28A.640.010 extend protection to opportunities in community athletics programs.

The legislature has found that the dramatic increases in participation rates at both the high school and college levels since Title IX was passed show that when doors are opened to women and girls, they will participate. Athletic opportunities provide innumerable benefits to participants, including greater academic success, better physical and psychological health, responsible social behaviors, and enhanced interpersonal skills. Chapter 49.60 of the Revised Code of Washington requires cities to adopt a policy that prohibits discrimination against any person on the basis of sex in the operation, conduct, and administration of community athletics programs. The City fully agrees with and supports the legislature's findings and recognizes the importance of full and equitable participation in community athletics.

Definitions

"Community Athletics Program" means any athletic program that is organized for the purposes of training for and engaging in athletic activity and competition that is in any way operated, conducted, administered, or supported by the City of Sunnyside.

"Third Party Sponsor" means a third party receiving a lease or permit from the City of Sunnyside for a community athletics program.

EXHIBIT "A"

Policy

It is the policy of the City that all community athletics programs and related facilities will be operated, maintained, and administered to meet the recreational needs of all citizens, regardless of sex.

Participation. The City will make available the same number of program participation slots to men and women, whereby in total, participation opportunity slots in department-sponsored community athletics programs is identical.

Facility access. Facility access, the opportunity to use a facility that supports the provision of community athletics programs, will be afforded on an equal basis and in a non-discriminatory manner. The City shall schedule facility use and practice time such that it affords men and women the same privileges, such as weekday/weekend preferences, time of day, quality of the practice facility, and facility capacity.

Funding and Advertising. Funds dedicated to providing community athletics programs will be expended to equally benefit men and women. Any advertising will inform the public of the availability of men's and women's participation slots.

Review of Third Party Sponsors. On an annual basis, the City will discuss with third party sponsors the status of any community athletics programs related to the administration of this Policy.

Policy Distribution

RCW 49.60.505 requires that this Policy be published and disseminated. At a minimum, this Policy will be included in any publication that includes information about the City of Sunnyside's own athletics programs or information about obtaining a permit for operating athletics programs or scheduling athletics events at City facilities. This policy must also be posted on the City's website.

Contract Provisions

All contracts with third party sponsors and permit applications to organize community athletics programs will contain language that prohibits the third party sponsor from discriminating against any person on the basis of sex in the operation, conduct, or administration of community athletics programs for youth or adults.

EXHIBIT "A"

Contact Information

This policy shall be administered by Jim Bridges, Director of the City of Sunnyside Public Works Department. All complaints of discrimination should be submitted in writing to Mr. Bridges. Please allow the City ten business days to respond. Mr. Bridges may be contacted at 509-837-5206. The Public Works Department is located at 818 E. Edison Ave., Sunnyside, WA 98944.