THE CITY OF ASHEVILLE

Staff Report

Council Meeting Date: July 26, 2022

Subject: Joining Amicus Brief of Local Governments in Supreme Court Case '303 Creative v. Elenis'

Staff Resource(s): Brad Branham, City Attorney

Action Requested: Adoption of a motion giving direction to the City Attorney to join the City of Asheville in the amicus brief on behalf of local Governments and Mayors in support of the State of Colorado in this First Amendment case before the U.S. Supreme Court

Background:

- This case out of Colorado involves a business creating wedding websites, but specifically excluding same-sex weddings.
- The case arose as a challenge by the business owner to the Colorado Anti-Discrimination Act.
- This law prohibits discrimination in public accomodations without regard to sexual orientation.
- Both the Federal District Court and the Tenth Circuit Court of Appeals have ruled in favor of the State of Colorado, and the case is now pending before the U.S. Supreme Court.
- The City of San Francisco has requested local governments and Mayors to join it in an amicus brief to be filed in support of the state of Colorado.
- A ruling against this state law could affect Asheville's local Non-Discrimination Ordinance as well.

Council Goal(s):

- An Equitable and Diverse Community

Committee(s):

- None

Pro(s):

- Provides additional support to the effort by local governments to support non-discrimination laws, as well as protecting our own local ordinance.

Con(s):

- None.

Fiscal Impact:

- None.

Suggested Motion:

- Motion to direct the City Attorney to take all necessary and appropriate steps to join the City of Asheville in the amicus brief being prepared by the City of San Francisco in support of the State of Colorado in the case of 303 Creative v. Elenis.

Attachment(s)

- None