

ITEM #:	<u>25</u>
DATE:	<u>02-10-26</u>
DEPT:	<u>LEGAL</u>

COUNCIL ACTION FORM

SUBJECT: MODIFICATIONS TO MUNICIPAL CODE CHAPTER 14, HUMAN RELATIONS, REGARDING CIVIL RIGHTS PROTECTION FOR GENDER IDENTITY

BACKGROUND:

On December 9, 2025, the Council directed staff to draft an ordinance providing civil rights protection for gender identity. On January 27, 2026, the Council gave further direction on the details of the ordinance, including how the ordinance would be implemented and the level of penalties for a violation of the ordinance.

The attached proposed ordinance would establish gender identity as a protected class. It also details specific types of discriminatory behaviors that are prohibited by referencing definitions of such behaviors in the Iowa Civil Rights Act. The current Chapter 14 already contains a definition of gender identity.

The ordinance establishes that mediation will be offered, and if mediation fails or if one or both parties refuse to participate in mediation, a determination will be made regarding whether a municipal infraction will be issued. The ordinance establishes the penalty for a violation at \$750 for a first violation, and \$1,000 for repeat violations.

Questions were raised about some state legislation and how it might impact the City's ability to adopt this ordinance.

1) SF 418 (2025) removed the term "gender identity" from the Iowa Civil Rights Act. The City Attorney has issued an opinion that because the Iowa Civil Rights Act specifically states that the state is not "occupying the field" [Iowa Code section 216.19(1)(a)] and specifically grants cities the authority to enact local civil rights ordinances with "broader or different categories of unfair or discriminatory practices" than the state law [Iowa Code section 216.19(1)(c)] that the City has such authority and such an ordinance would not conflict with or be preempted by the state law.

SF 418 also defines "sex" as "the state of being either male or female as observed or clinically verified at birth." The law also provides a detailed definition of "female" and "male." The City Attorney is of the opinion that this part of the legislation has no bearing on the City's authority to enact this ordinance, and notes that the law also includes a definition of "gender" noting that gender refers to males and females and "shall not be considered a synonym for gender identity." This establishes that "males," "females," "gender," and "gender identity" are all separate and distinct things and therefore, there is no conflict between the proposed ordinance and this legislation.

2) HF 2416 (2022) which requires only persons born biologically female may participate in any public school or college sport designated as being for females, women or girls.

The City Attorney is of the opinion that the proposed ordinance, if adopted, would mean ordinary conflict-of-laws principles would apply, so the ordinance could not be implemented or applied in the situations covered by HF 2416, but that does not make the ordinance preempted by state law generally, only in those specific circumstances.

ALTERNATIVES:

1. Approve on first reading the attached ordinance regarding Ames *Municipal Code* Chapter 14, Human Relations, regarding civil rights protection for gender identity, to take effect immediately after final ordinance adoption.
2. Delay first reading of the attached ordinance pending any final action by the State Legislature regarding this issue.
3. Direct staff to modify the proposed ordinance and bring it back to a future City Council meeting for City Council consideration.

CITY MANAGER'S RECOMMENDED ACTION:

The attached proposed ordinance would establish gender identity as a protected class. Based on the prior direction by the City Council for the City Attorney to draft an ordinance providing civil rights protection for gender identity, it is the recommendation of the City Manager that the City Council approve Alternative No. 1, as described above.

ATTACHMENT(S):

[Ordinance Gender Identity.PDF](#)