
SALT LAKE CITY COUNCIL STAFF REPORT

DATE: April 1, 2008

SUBJECT: Proposed ordinance creating Title 10 of the Salt Lake City Code, to be titled "Human Rights," and amending Chapter 2.92 of the Salt Lake City Code, creating a Domestic Partnership Registry, to be renamed a "Mutual Commitment Registry"

STAFF REPORT BY: Jennifer Bruno, Budget & Policy Analyst

AFFECTED COUNCIL DISTRICTS: City-wide

**ADMINISTRATIVE DEPT:
AND CONTACT PERSON:** **DAVID EVERITT, MAYOR'S CHIEF OF STAFF
MARGARET PLANE, ASSISTANT CITY ATTORNEY**

KEY ELEMENTS:

- A. The Administration has prepared two ordinance for Council consideration:
1. Creating Title 10 and amending and renumbering chapter 2.78 relating to the Human Rights Commission.
 2. Amending and renumbering chapter 2.92, relating to a Mutual Commitment Registry (currently known as the Domestic Partnership Registry).
- B. Creation of Title 10 - Human Rights, and amending of chapter 2.78 relating to the Human Rights Commission:
1. The Administration's transmittal notes that the creation of this title in the code is to underscore the importance that Salt Lake City places on human rights, and to serve as a centralized location for all ordinances or future legislation related to human rights.
 - i. The Administration is proposing amending the Human Rights Commission ordinance (adopted in 2005) to locate it in the newly created Title 10 (chapter 10.02).
 - ii. The Administration is also proposing to amend the definitions section of the Human Rights Commission ordinance, to clarify the definition of "sexual orientation" by separately defining "sexual orientation" and "gender identity." The Administration has indicated that this is for clarification purposes, and it does not materially change the ideas covered in the current definition.
 1. "Sexual Orientation" is currently defined as "the direction of one's sexual preference, including gender identity and expression"
 2. New Definitions would be as follows:
 - "Gender Identity" is defined as "a person's actual or perceived gender-related identity, appearance, mannerisms, or other characteristics of an individual with or without regard to the person's sex at birth".
 - "Sexual Orientation" is defined as "a person's actual or perceived orientation as heterosexual, homosexual, or bisexual."
 - ii. The Human Rights Commission is currently in Chapter 2.78. Title 2 of the Salt Lake City Code relates to "Administration and Personnel".
 - iii. Title 10 of the Salt Lake City Code is currently blank. Council Staff has inquired with the City Attorney's office as to the legislative history. They have indicated that it is not uncommon for municipal codes to have blank or reserved sections/titles for

future use as necessary. Titles of the Salt Lake City Code are as follows (titles 7, 13, and 19 are also currently blank):

- Title 1 – General Provisions
- Title 2 – Administration and Personnel
- Title 3 – Revenue and Finance
- Title 4 – Olympic Games
- Title 5 – Business Taxes, Licenses and Regulations
- Title 6 – Alcoholic Beverages
- Title 7 - <blank>
- Title 8 – Animals
- Title 9 – Health and Safety
- Title 10 - Human Rights (*proposed – currently blank*)
- Title 11 – Public Peace, Morals and Welfare
- Title 12 – Vehicles and Traffic
- Title 13 – <blank>
- Title 14 – Streets, Sidewalks, and Public Places
- Title 16 – Airports
- Title 17 – Public Services
- Title 18 – Buildings and Construction
- Title 19 – <blank>
- Title 20 – Subdivisions
- Title 21A – Zoning

- iv. The City of Denver has a separate chapter in their municipal code (Chapter 28) titled “Human Rights”. There they have located legislation creating the “Agency for Human Rights” (similar to the Human Rights Commission), as well legislation for creation and termination of “committed partnerships,” as well legislation prohibiting discrimination in employment, housing, education, and city contracts.
- v. The City of Portland has a separate title in their municipal code (Title 23) titled “Civil Rights,” where they have located legislation prohibiting discrimination in employment and housing.

C. Mutual Commitment Registry:

1. On February 5th, 2008, the Council adopted an ordinance creating section 2.92 of the Salt Lake City Code, a Domestic Partnership Registry.
2. In the 2008 state legislative session, the Senate and House passed Senate Bill 299 (Senator Bell, sponsor). The legislation permits a municipality to pass an ordinance creating a registry of adult relationships of financial interdependence. It prohibits such registries from being named a registry of domestic partnership, civil union, or other domestic *cohabitation* relationship other than marriage.
3. The bill enacted the following provisions authorizing cities and counties to enact an ordinance:
 - i. “making benefits generally available to employees, their dependents, and an unmarried employee's financially dependent or interdependent adult designee;
 - ii. authorizes counties and municipalities to create a registry for adult relationships of financial dependence or interdependence;
 - iii. prohibits a county or municipal registry from giving legal status or effect to a domestic partnership, civil union, or other domestic cohabitation relationship other than marriage;

- iv. provides other restrictions on an ordinance to make benefits generally available and on a registry created by a county or municipality;
 - v. and declares void any ordinance or other action that is inconsistent with this bill.”
(source: *le.utah.gov*)
4. The proposed ordinance changes all reference to “Domestic Partnership” to read “Mutual Commitment,” and makes other adjustments that are related to the term, and renumbers the registry to be located in the newly created Title 10 (Chapter 10.03).
 5. The City Attorney’s Office indicates that in their analysis, the term “Mutual Commitment Registry” is consistent with the intent of SB 299.
 6. The Administration is not proposing any substantive changes to the process or requirements of the registry.

MATTERS AT ISSUE:

- A. The Council may wish inquire with the Administration how the Human Rights Commission will interface with the Office of Diversity and Human Rights.

The following information was provided previously for the Council Work Session on February 5, 2008. It is provided again for your reference.

FOLLOW-UP INFORMATION:

A. Ordinance Changes

7. The following are alterations to the proposed ordinance, where there was a general consensus, that the Council discussed at the January 22nd work session. These alterations are included in the ordinance for Council consideration. No extra motion is necessary to include these alterations.
 - i. Purpose Statement - “Diversity of Households”. The attorney’s office has amended the purpose statement of the proposed ordinance to include a variety of household configurations and the term “Diversity of Households” (see attached).
 - ii. “Or Trust” - The attorney’s office has added the proposed language into the requirements section D.2. (p. 4), consistent with the Council’s discussion on January 22.
8. The following are potential alterations to the proposed ordinance, where there was not a general consensus on January 22. The Council may wish to straw poll these items in the work session. Alternately, the Council could use motion #3 to include these items if so desired
 - i. Termination definition – Council Member Jergensen has proposed that the words “or enters a marriage recognized by the State of Utah” be removed from item A, section 2.92.040. This criteria is already covered in item B of that section “...stating that one or more of the criteria listed in Section 2.92.020 no longer applies...”. The City Attorney’s office has concurred that this would be an acceptable change.
 - ii. Cohabitation length of time requirement – The proposed ordinance currently does not contain a cohabitation length of time requirement. The City’s Adult Designee ordinance requires the two parties cohabit for one year. In Council Staff’s review of other city ordinances, the majority did not have a cohabitation length of time requirement. Kansas City, Missouri is one example of a registry with a 1 year cohabitation length of time requirement – *see item B.1.ii. below.*
 - iii. 6 months or 12 months waiting period after termination – The proposed ordinance requires a 6 month waiting period after termination of a domestic partnership. In Council Staff’s review of other city ordinances, the majority did have a mandatory waiting period –

some were shorter, and some were longer (as long as 1 year), but most required 6 months - see item B.2.ii. below.

B. Council Staff reviewed other adopted Domestic Partner Registry statutes to catalogue areas of similarity and areas of differences, as compared to the current proposed ordinance:

9. Major areas of similarity:

- i. The core statements of the proposed Domestic Partnership Registry that are similar across all communities reviewed are as follows:
 - The two individuals must be unmarried, 18 years or older, and competent to contract.
 - That they and are sharing a common household and life necessities, and intend to remain so indefinitely.
- ii. *Cohabitation Requirement* - None of the ordinances reviewed by staff contained a specific length of cohabitation requirement, except for Kansas City, Missouri. That particular Domestic Partnership Registry ordinance requires that the parties have resided together for at least one year and intend to do so indefinitely.
- iii. *Waiting period after termination* - Philadelphia's Domestic Partnership Registry requires a 6 month waiting period (unless the prior domestic partnership ended as a result of death or marriage of one of the partners).
- iv. *Application fee* - The ordinances reviewed had a variety of fees associated with the application. Denver and Toledo's Ordinances both require a fee \$25. However, Tucson's fee is \$50.
 - According to a 2004 survey of 78 Local and State Domestic Partnership Registries (published by the San Francisco Human Rights Commission) fees ranged from \$0 to \$100 for creation, and from \$0 to \$50 for termination of a partnership.
 - The average fee charged according to this survey is \$29, and the median fee charged is \$25.

10. Major areas of difference:

- i. *Requirement to not be related by blood closer than would bar marriage in the applicable state* - All of the ordinances reviewed had this requirement. In Salt Lake City's case, adding this requirement would be counter to the Council's intent of the ordinance, to recognize household relationships of a broad variety, as it would prohibit familial household relationships from registering.
- ii. *Waiting period after termination* - Tucson, Toledo, and Denver's Domestic Partnership Registries do not have a mandatory waiting period from when a domestic partnership is terminated to when an applicant may enter into another partnership. However, Philadelphia's Domestic Partnership Registry does require a 6 month waiting period (unless the prior domestic partnership ended as a result of death or marriage of one of the partners).
 - According to the 2004 survey referenced in item #1.iv., 55 of the 78 local and state registries surveyed had a waiting period requirement.
 - The waiting period requirement ranged from 30 days to 1 year. However, of the registries who had waiting period requirements, 6 months is the most common length requirement (41 of the 55 registries surveyed).

The following information was provided previously for the Council Work Session on January 22, 2008. It is provided again for your reference.

KEY ELEMENTS:

C. The Administration has prepared an ordinance for Council consideration that would create a Domestic Partnership Registry.

- D. The purpose statement is as follows:
“ The City is committed to promoting justice, equity, and inclusiveness in the provision of health care and many other benefits to all of its citizens that might be offered by the City or by private employers licensed by the City. The City finds that relationships exist in many different forms, including committed, unmarried couples in either same or opposite sex relationships. The City wishes to promote the public health, safety and welfare, and prosperity of its citizens and generally improve overall quality of life by allowing for the efficient and streamlined disposition of health care benefits or other benefits that the City or businesses licensed within the City might offer to their employees – including an employee’s domestic partner. The City finds that a City- maintained list is the best way for the City and for businesses licensed within the City to reliably ascertain whether an employee’s domestic partner and beneficiaries are eligible for such benefits. Therefore, it is the policy of the City to allow any two adults in a committed relationship who meet the domestic partnership criteria to register with the City and to obtain a certificate attesting to their status.”
- E. The two individuals must meet the following criteria:
11. Declare that they are each other’s sole domestic partner;
 12. Be 18 years or older and unmarried according to the laws of the State of Utah;
 13. Be competent to contract;
 14. Show a common financial obligation, with any 3 of the following 5 documents (*these are consistent with the Council’s previously adopted “Adult Designee” ordinance*):
 - i. Joint obligation, mortgage, lease, or vehicle ownership;
 - ii. Life insurance policy, retirement benefits account, or will designating the domestic partner as a beneficiary or executor;
 - iii. A mutually granted power of attorney;
 - iv. Proof showing the partner is authorized to sign for the purposes of the other’s bank or credit account;
 - v. Proof of joint bank or credit account
 15. Currently share a primary residence in Salt Lake City;
- F. If the two individuals meet this criteria, they will execute a “Certificate of Domestic Partnership,” which will attest to the above requirements and will attest that the parties are in a relationship of mutual support, caring and commitment; and are responsible for each other’s physical and financial welfare; and have the present intention to remain in that relationship.
- G. The proposed ordinance is consistent with the City’s recently-enacted “Adult Designee” ordinance, in that it does not imply a romantic relationship between domestic partners. The proposal would allow an array of household types to register – whether they are made up of person living with and supporting/depending on another non-related adult, an extended family member, their sibling, or their parent.
- H. The financial obligation criteria outlined above are consistent with the criteria required for the City’s “Adult Designee” ordinance, with the exception of the required length of time to share a primary residence. The Adult Designee ordinance (which is a method to provide benefits to an employee’s “Adult Designee”) requires that the two parties prove co-habitation for at least 1 year. The proposed ordinance does not specify a required minimum length of time for cohabitation, but does require co-habitation (see item C5 above).
- I. The proposed fee for filing a domestic partner declaration will be \$25. There will be no fee for filling a certificate to terminate a domestic partnership.
- J. The City Recorder’s Office is proposed to administer the program.
- K. Termination of a registered domestic partnership:
16. Automatic when either of the domestic partners dies or enters into a marriage recognized by the State of Utah.
 17. When either or both partners execute a certificate of termination. If one of the partners executes a certificate of termination, then that partner shall provide notice to the other party.

Note: A person cannot become a member of a domestic partnership until at least 6 months after any other domestic partnership of which he or she was a member has ended (The Administration has indicated that this is a common requirement in domestic partner statutes nationally.)

L. Rights allowed:

18. The proposed ordinance would allow any use or access to city facilities benefits that are provided to a spouse or children, to be provided to a domestic partner or their children.
19. The proposed ordinance would allow health care visitation in situations where immediate family/spouses are allowed visitation. This would apply to any health care facility in Salt Lake City regardless of if they have specified “domestic partner” as an allowed visitor in those situations. It is important to note that the proposed ordinance does not affect the designation of health care decisions, which is governed by state law.
20. Other – The City may use this registry as a verification of status for other benefits (either for use by City departments or by businesses licensed with the City) which meet the goals of this ordinance, to promote the public health, safety and welfare.

Note: This ordinance would not require every employer that offers benefits to spouses of employees to offer benefits to the registered domestic partner. However, it provides a administrative method by which employers who do choose to offer benefits to domestic partners to certify that their employees have provided all necessary documentation.

M. Staff has attached a fact sheet provided by the Administration, to answer basic concerns and questions regarding the proposed ordinance.

MATTERS AT ISSUE:

- A. A private citizen and attorney has contacted both the Council Office and the Administration regarding a possible addition to the language in the proposed ordinance, section 10.03.020 (2), in order to make this ordinance more inclusive and easy to apply with current estate planning practice. The Attorney’s Office has reviewed the proposed addition and has no objections, should the Council wish to include the proposed language. If the Council does wish to include this language, the Attorney’s Office recommends that the “Adult Designee” ordinance also be amended to include it at a later date. The Council may wish to direct staff to request this change in either or both ordinances. The addition is as follows (in bold):

“...a life insurance policy, retirement benefits account, or will **OR TRUST** designating the domestic partner as a beneficiary thereto, or will **OR TRUST** which designates the partner as executor **OR SUCCESSOR TRUSTEE;**”

- B. The Council may wish to ask the Administration if this ordinance has been presented to any city boards or commissions (Human Rights Commission, Business Advisory Board, Vest Pocket), or community councils for input. The Administration did note to Council Staff that they have reviewed the proposal with the local chapter of the American Civil Liberties Union, the Utah Pride Center, Equality Utah, and the Inclusion Center.

BUDGET RELATED FACTS:

- A. The Administration is not proposing allocating additional budget to cover the administrative costs of this program. Rather the Administration has indicated that the City Recorder’s Office will absorb the cost of the program through efficient management of existing resources.
- B. Staff has conducted the following analysis to estimate the *potential* revenue budget impact of this proposal:
- In order to get closer to an estimate of typical actual participation rates, staff has reviewed participation in Domestic Partnership programs in a select number of cities throughout the US. Staff then calculated a participation rate as a percent of “non-family households” as reported by the US

Census Bureau. In staff's estimation, this household category is likely where the majority of those registering as Domestic Partners would have been recorded in the Census.

City	# of non-family households ¹	# of households registered as Domestic Partners ²	%
Denver, CO	25,891	1,110	4.3%
Hartford, CT	2,847	270	9.5%
Kansas City, MO	13,928	182	1.3%
Madison, WI	15,120	561	3.7%
Philadelphia, PA	38,225	360	0.9%
Toledo, OH ³	9,223	25	0.3%
Tucson, AZ	18,089	605	3.3%
Washington, DC	25,428	587	2.3%
Average			3.2%

¹ US Census Bureau, 2000

² Source: Applicable City Staff - Recorder/Clerk's Offices

³ program was enacted in late 2007

- Staff then applied the average of these rates to the total number of non-family households in Salt Lake City (as reported by the US Census Bureau).

Salt Lake City Data		%
Population	181,743	
Population living in households	177,170	
Number of households	71,461	
Married-couple family	29,360	41%
1 person household	23,724	33%
Male or female householder - no husband or wife present	10,470	15%
Non-family households	7,907	11%

US Census Bureau, 2000

- If 3.2% of non-family households in Salt Lake City registered with the proposed Domestic Partnership Registry, and paid the \$25 fee, the revenue generated would be **\$6,326**.

cc: David Everitt, Esther Hunter, Lyn Creswell, Sam Guevara, Chris Meeker, Scott Crandall, Ed Rutan, Margaret Plane, Karen Hale, Helen Langan, Russell Weeks, Karen Halladay, Cindy Gust-Jenson, Jan Aramaki, Quin Card, Sylvia Richards, Cindy Trishman



MAR 10 2008

RALPH BECKER
MAYOR

SALT LAKE CITY CORPORATION
OFFICE OF THE MAYOR



COUNCIL TRANSMITTAL

TO: City Council **DATE:** March 10, 2008

FROM: David Everitt
Chief of Staff, Office of the Mayor

SUBJECT: New Title 10 – Human Rights, Salt Lake City Code Amendments to Chapter 2.78
– Human Rights Commission

STAFF CONTACT: David Everitt, x7732 (policy matters)
Margaret Plane, x7610 (legal matters)

DOCUMENT TYPE: Ordinance

BUDGET IMPACT: None

BACKGROUND/DISCUSSION:

Mayor Becker believes that Salt Lake City should continue to lead the way in acknowledging and building on the strength of our diverse residents and visitors. He fully supports the conclusions of the City Council when it created the City’s Human Rights Commission in 2005. The Council found that discrimination against the “diverse and varied groups, communities, and individuals” that make up our City and “the related exploitation of prejudice adversely affect[s]” the general welfare of the City and the vitality of its neighborhoods. It further found that “discriminatory practices are detrimental because they impede the social and commercial life of the community.” See generally SLCC Chapter 2.78.

A focus on human rights in no way negates or dilutes any of the critical work that is to be done to combat racism in our community. These ordinances recognize that there are multiple forms of oppression, and multiple subjects of that oppression; to emphasize one at the expense of another is ultimately ineffective, because the mindset that permits the invidious discrimination underlying all forms of oppression is what we work to overcome. And in that fight, we seek to foster equity among all residents of and visitors to Salt Lake City.

Mayor Becker believes that the current structure of the Salt Lake City Code does not give the prominence to the protection of human rights that it deserves. Mayor Becker is therefore proposing that the City Council adopt a new Title 10 – Human Rights to 1) underscore the



importance that the City places on the protection of human rights, and 2) to serve as a central location for ordinances related to human rights.

New Title 10 would begin with a “purpose statement” on the importance of protecting human rights and direction that the provisions of Title 10 be liberally construed to achieve that purpose.

Current Chapter 2.78 relating to the Human Rights Commission would be moved to new Title 10 as Chapter 10.02 to emphasize the critical role the Commission will play in advising the City Council and the Mayor. In addition, amendments to current Chapter 2.78 are proposed to clarify the definition of “sexual orientation” by separately defining “sexual orientation” and “gender identity.”

Section 2.78.020L currently defines “sexual orientation” as “the direction of one’s sexual preference, including gender identity and expression.”

New Section 10.02.020G would define “gender identity” as “a person’s actual or perceived gender-related identity, appearance, mannerisms, or other characteristics of an individual with or without regard to the person’s sex at birth.”

New Section 10.02.020M would define “sexual orientation” as “a person’s actual or perceived orientation as heterosexual, homosexual, or bisexual.”

New Title 10 would also provide a prominent location for new human rights initiatives that the City Council may adopt. The City’s new Registry appropriately would be placed in new Title 10.

RECOMMENDATION:

The administration recommends that the Council adopt new Title 10-Human Rights.

SALT LAKE CITY ORDINANCE
No. _____ of 2008
(Enacting new Title 10, Human Rights and Renumbering and Amending
Salt Lake City Code Chapter 2.78, Human Rights Commission)

AN ORDINANCE ENACTING NEW TITLE 10 HUMAN RIGHTS AND
RENUMBERING AND AMENDING *SALT LAKE CITY CODE* CHAPTER 2.78 RELATING
TO THE HUMAN RIGHTS COMMISSION.

WHEREAS, the City of Salt Lake (the "City") is comprised of diverse and varied groups communities, and individuals;

WHEREAS, the diversity of these groups, communities and individuals is a source of great strength and vitality for the City and its neighborhoods; and

WHEREAS, protection of human rights is necessary to ensure the full participation of all citizens in the cultural, spiritual, social and commercial life of the City, which is essential to the growth and vitality of the City's neighborhoods and businesses;

NOW, THEREFORE, be it ordained by the City Council of Salt Lake City, Utah, as follows:

SECTION 1. That Title 10, *Salt Lake City Code*, pertaining to Human Rights, be and the same hereby is, enacted to read as follows:

**Chapter 10.01
PURPOSE**

Sections:

10.01.10 Purpose

10.01.010 Purpose

It is the intent and purpose of this Title is to protect the human rights of the citizens of the City of Salt Lake (the "City"). The City is comprised of diverse and varied groups, communities, and individuals. Protection of human rights is critical therefore to the general welfare of the City. The provisions of this Title are to be liberally construed to achieve that purpose.

SECTION 2. That Chapter 2.78, Salt Lake City Code, pertaining to the Human Rights Commission, be and the same hereby is, renumbered and amended to read as follows:

Chapter 10.02

HUMAN RIGHTS COMMISSION

Sections:

<u>10.02.010</u>	Purpose
<u>10.02.020</u>	Definitions
<u>10.02.030</u>	Human Rights Commission – Creation And Organization
<u>10.02.050</u>	Removal From Office
<u>10.02.060</u>	Members' Ethics
<u>10.02.070</u>	Meetings – Quorum
<u>10.02.080</u>	Elections Of Officers
<u>10.02.090</u>	Advisory Authority
<u>10.02.100</u>	Committees
<u>10.02.110</u>	Powers And Duties

10.02.010 Purpose:

A. The city of Salt Lake (the "city") is comprised of diverse and varied groups, communities, and individuals. The practice of discrimination against these groups, communities,

or individuals on the grounds of age, ancestry, color, disability, gender, national origin, marital status, medical condition, physical limitation, race, religion, sexual orientation or gender identity, and the related exploitation of prejudice, adversely affects the general welfare of the city and the vitality of its neighborhoods.

B. Discriminatory practices are detrimental because they impede the social and economic progress of the city by preventing all people from contributing to or fully participating in the cultural, spiritual, social and commercial life of the community, essential to the growth and vitality of its neighborhoods and businesses.

C. In developing this chapter, the Salt Lake City council (the "council") has investigated other urban centers throughout the nation and studied the effectiveness of commissions empowered to study issues of diversity, to work with city government and the community, to eliminate potential discrimination in existing and future ordinances and policies, and to encourage and educate its citizenry to facilitate full and equal participation in the life of the city.

D. The Salt Lake City human rights commission (the "commission"), is created for the general purpose of advising the council and mayor on nondiscrimination policy and providing resources for educating the citizenry on issues of discrimination and equal treatment in all segments of society. The commission shall also provide advice and recommendations to address specific complaints of discrimination involving Salt Lake City Corporation (the "city") departments and services.

10.02.020 Definitions:

Unless otherwise specified, as used in this chapter:

A. "City" means Salt Lake City, a municipal corporation of the state of Utah.

B. "Commission" means Salt Lake City human rights commission created in section 10.02.030 of this chapter.

C. "Council" means Salt Lake City council.

D. "Disability" means a physical or mental impairment that substantially limits one or more of a person's major life activities, including a person having a record of such impairment or being regarded as having such an impairment or defined and covered by the Americans with disabilities act of 1990, 42 USC section 12102.

E. "Discrimination" means a practice in employment, immigration, housing, public safety, public transportation or in other city departments or services that unfairly segregates or separates on the grounds of age, ancestry, color, disability, gender, national origin, marital status, medical condition, physical limitation, race, religion, sexual orientation, or gender identity or is unlawful under the United States constitution, the Utah constitution, title VII of the civil rights act of 1964, the age discrimination in employment act, the Americans with disabilities act, the Utah antidiscrimination act of 1965, or the Utah fair housing act.

F. "Gender" means sex and includes pregnancy, childbirth, and disabilities relating to pregnancy or childbirth.

G. "Gender Identity" means a person's actual or perceived gender-related identity, appearance, mannerisms, or other characteristics of an individual with or without regard to the person's sex at birth.

H. "Mayor" means the duly elected or appointed and qualified mayor of Salt Lake City.

I. "Marital status" means a person is either single, married, divorced, or separated.

I. "Member" means a person appointed by the mayor with the advice and consent of the council who is duly qualified as an acting and voting member of the commission.

K. "National origin" means the place of birth of an individual or any lineal ancestors.

L. "Person" means an individual.

M. "Sexual orientation" means a person's actual or perceived orientation as heterosexual, homosexual, or bisexual.

10.02.030 Human Rights Commission - Creation And Organization:

A. There is created the human rights commission.

B. The commission shall be composed of nine (9) members.

C. The mayor shall appoint, with the advice and consent of the council:

1. Seven (7) representatives with one representative from each of the seven (7) council districts; and

2. Two (2) representatives from the community who represent the diversity of the city.

D. Each member of the commission shall:

1. Be at least eighteen (18) years of age;

2. Be a resident of Salt Lake City.

E. Each member of the commission initially appointed shall serve from the time of date of the appointment until his or her term expires. Members shall be appointed as provided in subsection C of this section except that those appointed shall draw by lot for terms of office of two (2), three (3), or four (4) years each so that terms of office expire on a staggered basis. Each member's term shall expire on the applicable last Monday in December. All appointed members of the commission shall serve no longer than two (2) consecutive terms.

F. Each member shall perform duties on a voluntary basis without compensation and shall be immune from liability with respect to any decision or action taken during the course of his or her services as provided in Utah Code Annotated, section 63-30d-101 et seq. A member may receive reasonable compensation for authorized administrative, professional, or other bona fide services to the commission pursuant to a written contract in a capacity other than as a commission member.

G. If a vacancy occurs for any reason before the member's term expires, the mayor shall appoint the replacement, with the advice and consent of the council, to fill the vacancy for the unexpired term. In exercising his or her discretion in making appointments, the mayor shall, when advisable, take into consideration the geographic diversity of the city and the bipartisan nature of the commission.

10.02.050 Removal From Office:

- A. Any member may be removed from office by the mayor for cause prior to the normal expiration of the term for which such member was appointed.
- B. If any member engages in conduct that, in the opinion of the commission, is prejudicial to its best interests, the commission may recommend removal of such member to the mayor.
- C. Any member who shall be absent for one-half (1/2) of the meetings in any consecutive twelve (12) month period may be removed by the mayor.

10.02.060 Members' Ethics:

Members shall comply with the provisions of the city's conflict of interest ordinance, chapter 2.44 of Title 2. Any violation of the provisions shall be grounds for removal from the commission.

10.02.070 Meetings-Quorum:

A. The commission shall meet no less than quarterly. The annual meeting schedule will be set at the first regular meeting after the third Monday in January of each year. The meetings shall comply with title 52, chapter 4, open and public meetings, Utah Code Annotated (1953, as amended) if applicable.

B. Special meetings may be called by a majority of the commission, the chair, or the mayor. The member calling the special meeting must sign the call, and, unless waived in writing, each member not joining in the call must be given not less than twenty four (24) hours' notice. The notice shall be served personally or left at the member's residence or business office. A quorum shall constitute a majority of the commission positions filled for the transaction. The commission may act officially by an affirmative vote of the quorum.

C. The commission shall keep a written record of its proceedings which shall be available for public inspection in the office of the city recorder. The commission shall record the yea and nay votes.

D. The commission shall adopt a system of rules of procedure for conducting meetings. The commission may suspend the rules of procedure by unanimous vote of the members present. The commission shall not suspend the rules of procedure beyond the duration of the meeting when the suspension of rules occurs.

10.02.080 Elections Of Officers:

At its first regular meeting after the third Monday in January, the commission shall select one of its members as chair and another as vice chair. The vice chair shall perform the duties of the chair during the chair's absence or disability. A member may not serve more than two (2) consecutive terms as chair.

10.02.090 Advisory Authority:

A. Any action taken by the commission shall be advisory in nature and shall constitute recommendations to the council and the mayor. The council and mayor shall consider the recommendations and review, ratify, modify, or disregard any recommendation submitted.

B. The commission may not implement any action until the council or mayor notifies in writing that the recommendation is ratified or modified and adopted. If modified, the commission shall implement the action only as modified.

10.02.100 Committees:

A. The commission may designate such committee or committees as it desires to study, investigate, consider, or make recommendations on matters which are presented to the commission or undertaken by the commission.

B. In the event the commission desires nonmembers to serve on such a committee, the commission may request the administrator of the police civilian review board, department of management services, to make the appointment.

C. Committee members shall serve without compensation and shall be immune from liability as provided in subsection 10.02.030F of this chapter.

10.02.110 Powers And Duties:

A. The commission shall make recommendations to the mayor and the council regarding the commission's:

1. Ongoing review of ordinances or policies;
2. Use of educational resources on issues of discrimination and equal treatment;
3. Review of complaints of discrimination involving city departments or city services for the purpose of identifying the possible systemic or institutional sources of such instances of discrimination;

4. Review of legislation, policies, or other action by the city designed to further the elimination of prejudice and discrimination;

5. Review of any pending legislation, policy changes, or other city action that may impact human rights and relations;

6. Research conducted or factual data obtained, within budgetary constraints, on the status and treatment of diverse populations and the best ways to improve human relations, to eliminate discrimination and to secure full and equal participation;

7. Investigation of opportunities to collaborate with other groups to foster nondiscrimination education;

8. Work in partnership to foster positive intergroup relations by instituting and conducting educational programs; and

9. Actions as a resource at the request of community councils.

B. The commission shall report to the council and the mayor no less than once each year on its activities, recommendations, and findings concerning matters on human rights and nondiscrimination policies. The report shall be in writing and made public.

SECTION 3. This ordinance shall take effect immediately upon the date of its first publication.

Passed by the City Council of Salt Lake City, Utah this _____ day of _____, 2008.

CHAIRPERSON

ATTEST:

CHIEF DEPUTY CITY RECORDER

Transmitted to Mayor on _____.

Mayor's Action: _____ Approved. _____ Vetoed.

MAYOR

ATTEST:

CHIEF DEPUTY CITY RECORDER

APPROVED AS TO FORM
Salt Lake City Attorney's Office
Date 3/25/08
By [Signature]

(SEAL)

Bill No. _____ of 2008.

Published: _____.

HB_ATTU-#2866-v3-Draft_Enacting_new_Title_10_Human_rights_and_renumbering_Chapter_2_78_Human_Rights_Commission.DOC

SALT LAKE CITY ORDINANCE
No. _____ of 2008
(Enacting new Title 10, Human Rights and Renumbering and Amending
Salt Lake City Code Chapter 2.78, Human Rights Commission)

AN ORDINANCE ENACTING NEW TITLE 10 HUMAN RIGHTS AND
RENUMBERING AND AMENDING *SALT LAKE CITY CODE* CHAPTER 2.78 RELATING
TO THE HUMAN RIGHTS COMMISSION.

WHEREAS, the City of Salt Lake (the "City") is comprised of diverse and varied groups
communities, and individuals;

WHEREAS, the diversity of these groups, communities and individuals is a source of
great strength and vitality for the City and its neighborhoods; and

WHEREAS, protection of human rights is necessary to ensure the full participation of all
citizens in the cultural, spiritual, social and commercial life of the City, which is essential to the
growth and vitality of the City's neighborhoods and businesses;

NOW, THEREFORE, be it ordained by the City Council of Salt Lake City, Utah, as
follows:

SECTION 1. That Title 10, *Salt Lake City Code*, pertaining to Human Rights, be and the
same hereby is, enacted to read as follows:

Chapter 10.01
PURPOSE

Sections:

10.01.10 Purpose

10.01.010 Purpose

It is the intent and purpose of this Title is to protect the human rights of the citizens of the City of Salt Lake (the "City"). The City is comprised of diverse and varied groups, communities, and individuals. Protection of human rights is critical therefore to the general welfare of the City. The provisions of this Title are to be liberally construed to achieve that purpose.

SECTION 2. That Chapter 2.78, Salt Lake City Code, pertaining to the Human Rights Commission, be and the same hereby is, renumbered and amended to read as follows:

Chapter 2.7810.02

HUMAN RIGHTS COMMISSION

Sections:

<u>10.02.01</u> 2.78.010	Purpose
<u>10.02.02</u> 2.78.020	Definitions
<u>10.02.03</u> 2.78.030	Human Rights Commission – Creation And Organization
<u>10.02.05</u> 2.78.050	Removal From Office
<u>10.02.06</u> 2.78.060	Members' Ethics
<u>10.02.07</u> 2.78.070	Meetings – Quorum
<u>10.02.08</u> 2.78.080	Elections Of Officers
<u>10.02.09</u> 2.78.090	Advisory Authority
<u>10.02.10</u> 2.78.100	Committees
<u>10.02.11</u> 2.78.110	Powers And Duties

10.02.010 ~~2.78.010~~ Purpose:

A. The city of Salt Lake (the "city") is comprised of diverse and varied groups, communities, and individuals. The practice of discrimination against these groups, communities,

or individuals on the grounds of age, ancestry, color, disability, gender, national origin, marital status, medical condition, physical limitation, race, religion, ~~or~~ sexual orientation or gender identity, and the related exploitation of prejudice, adversely affects the general welfare of the city and the vitality of its neighborhoods.

B. Discriminatory practices are detrimental because they impede the social and economic progress of the city by preventing all people from contributing to or fully participating in the cultural, spiritual, social and commercial life of the community, essential to the growth and vitality of its neighborhoods and businesses.

C. In developing this chapter, the Salt Lake City council (the "council") has investigated other urban centers throughout the nation and studied the effectiveness of commissions empowered to study issues of diversity, to work with city government and the community, to eliminate potential discrimination in existing and future ordinances and policies, and to encourage and educate its citizenry to facilitate full and equal participation in the life of the city.

D. ~~Ordinance 25-05 repeals and reenacts this section et seq., for the purpose of creating~~ The Salt Lake City human rights commission (the "commission"), ~~adapted and enhanced from the herein repealed multiethnic community resource board,~~ is created for the general purpose of advising the council and mayor on nondiscrimination policy and providing resources for educating the citizenry on issues of discrimination and equal treatment in all segments of society. The commission shall also provide advice and recommendations to address specific complaints of discrimination involving Salt Lake City Corporation (the "city") departments and services.

10.02.020 2.78.020 Definitions:

Unless otherwise specified, as used in this chapter:

A. "City" means Salt Lake City, a municipal corporation of the state of Utah.

B. "Commission" means Salt Lake City human rights commission created in section 10.02.030 of this chapter.

C. "Council" means Salt Lake City council.

D. "Disability" means a physical or mental impairment that substantially limits one or more of a person's major life activities, including a person having a record of such impairment or being regarded as having such an impairment or defined and covered by the Americans with disabilities act of 1990, 42 USC section 12102.

E. "Discrimination" means a practice in employment, immigration, housing, public safety, public transportation or in other city departments or services that unfairly segregates or separates on the grounds of age, ancestry, color, disability, gender, national origin, marital status, medical condition, physical limitation, race, religion, ~~or~~ sexual orientation, or gender identity or is unlawful under the United States constitution, the Utah constitution, title VII of the civil rights act of 1964, the age discrimination in employment act, the Americans with disabilities act, the Utah antidiscrimination act of 1965, or the Utah fair housing act.

F. "Gender" means sex and includes pregnancy, childbirth, and disabilities relating to pregnancy or childbirth.

G. "Gender Identity" means a person's actual or perceived gender-related identity, appearance, mannerisms, or other characteristics of an individual with or without regard to the person's sex at birth.

GH. "Mayor" means the duly elected or appointed and qualified mayor of Salt Lake City.

HI. "Marital status" means a person is either single, married, divorced, or separated.

II. "Member" means a person appointed by the mayor with the advice and consent of the council who is duly qualified as an acting and voting member of the commission.

JK. "National origin" means the place of birth of an individual or any lineal ancestors.

KL. "Person" means an individual.

LM. "Sexual orientation" means ~~the direction of one's sexual preference, including gender identity and expression.~~ a person's actual or perceived orientation as heterosexual, homosexual, or bisexual.

10.02.030 ~~2.78.030~~ Human Rights Commission - Creation And Organization:

A. There is created the human rights commission.

B. The commission shall be composed of nine (9) members.

C. The mayor shall appoint, with the advice and consent of the council:

1. Seven (7) representatives with one representative from each of the seven (7) council districts; and

2. Two (2) representatives from the community who represent the diversity of the city.

D. Each member of the commission shall:

1. Be at least eighteen (18) years of age;

2. Be a resident of Salt Lake City.

E. Each member of the commission initially appointed shall serve from the time of date of the appointment until his or her term expires. Members shall be appointed as provided in subsection C of this section except that those appointed shall draw by lot for terms of office of two (2), three (3), or four (4) years each so that terms of office expire on a staggered basis. Each

member's term shall expire on the applicable last Monday in December. All appointed members of the commission shall serve no longer than two (2) consecutive terms.

F. Each member shall perform duties on a voluntary basis without compensation and shall be immune from liability with respect to any decision or action taken during the course of his or her services as provided in Utah Code Annotated, section 63-30d-101 et seq. A member may receive reasonable compensation for authorized administrative, professional, or other bona fide services to the commission pursuant to a written contract in a capacity other than as a commission member.

G. If a vacancy occurs for any reason before the member's term expires, the mayor shall appoint the replacement, with the advice and consent of the council, to fill the vacancy for the unexpired term. In exercising his or her discretion in making appointments, the mayor shall, when advisable, take into consideration the geographic diversity of the city and the bipartisan nature of the commission.

10.02.050 ~~2.78.050~~ Removal From Office:

A. Any member may be removed from office by the mayor for cause prior to the normal expiration of the term for which such member was appointed.

B. If any member engages in conduct that, in the opinion of the commission, is prejudicial to its best interests, the commission may recommend removal of such member to the mayor.

C. Any member who shall be absent for one-half (1/2) of the meetings in any consecutive twelve (12) month period may be removed by the mayor.

10.02.060 ~~2.78.060~~ Members' Ethics:

Members shall comply with the provisions of the city's conflict of interest ordinance, chapter 2.44 of Title 2. Any violation of the provisions shall be grounds for removal from the commission.

10.02.070 ~~2.78.070~~ Meetings-Quorum:

A. The commission shall meet no less than quarterly. The annual meeting schedule will be set at the first regular meeting after the third Monday in January of each year. The meetings shall comply with title 52, chapter 4, open and public meetings, Utah Code Annotated (1953, as amended) if applicable.

B. Special meetings may be called by a majority of the commission, the chair, or the mayor. The member calling the special meeting must sign the call, and, unless waived in writing, each member not joining in the call must be given not less than twenty four (24) hours' notice. The notice shall be served personally or left at the member's residence or business office. A quorum shall constitute a majority of the commission positions filled for the transaction. The commission may act officially by an affirmative vote of the quorum.

C. The commission shall keep a written record of its proceedings which shall be available for public inspection in the office of the city recorder. The commission shall record the yea and nay votes.

D. The commission shall adopt a system of rules of procedure for conducting meetings. The commission may suspend the rules of procedure by unanimous vote of the members present. The commission shall not suspend the rules of procedure beyond the duration of the meeting when the suspension of rules occurs.

10.02.080 ~~2.78.080~~ Elections Of Officers:

At its first regular meeting after the third Monday in January, the commission shall select one of its members as chair and another as vice chair. The vice chair shall perform the duties of the chair during the chair's absence or disability. A member may not serve more than two (2) consecutive terms as chair.

10.02.090 ~~2.78.090~~ Advisory Authority:

A. Any action taken by the commission shall be advisory in nature and shall constitute recommendations to the council and the mayor. The council and mayor shall consider the recommendations and review, ratify, modify, or disregard any recommendation submitted.

B. The commission may not implement any action until the council or mayor notifies in writing that the recommendation is ratified or modified and adopted. If modified, the commission shall implement the action only as modified.

10.02.100 ~~2.78.100~~ Committees:

A. The commission may designate such committee or committees as it desires to study, investigate, consider, or make recommendations on matters which are presented to the commission or undertaken by the commission.

B. In the event the commission desires nonmembers to serve on such a committee, the commission may request the administrator of the police civilian review board, department of management services, to make the appointment.

C. Committee members shall serve without compensation and shall be immune from liability as provided in subsection 10.02.030F ~~2.78.030F~~ of this chapter.

10.02.110 ~~2.78.110~~ Powers And Duties:

A. The commission shall make recommendations to the mayor and the council regarding the commission's:

1. Ongoing review of ordinances or policies;
2. Use of educational resources on issues of discrimination and equal treatment;
3. Review of complaints of discrimination involving city departments or city services for the purpose of identifying the possible systemic or institutional sources of such instances of discrimination;
4. Review of legislation, policies, or other action by the city designed to further the elimination of prejudice and discrimination;
5. Review of any pending legislation, policy changes, or other city action that may impact human rights and relations;
6. Research conducted or factual data obtained, within budgetary constraints, on the status and treatment of diverse populations and the best ways to improve human relations, to eliminate discrimination and to secure full and equal participation;
7. Investigation of opportunities to collaborate with other groups to foster nondiscrimination education;
8. Work in partnership to foster positive intergroup relations by instituting and conducting educational programs; and
9. Actions as a resource at the request of community councils.

B. The commission shall report to the council and the mayor no less than once each year on its activities, recommendations, and findings concerning matters on human rights and nondiscrimination policies. The report shall be in writing and made public.

SECTION 3. This ordinance shall take effect immediately upon the date of its first publication.

Passed by the City Council of Salt Lake City, Utah this _____ day of _____, 2008.

CHAIRPERSON

ATTEST:

CHIEF DEPUTY CITY RECORDER

Transmitted to Mayor on _____.

Mayor's Action: _____ Approved. _____ Vetoed.

MAYOR

ATTEST:

CHIEF DEPUTY CITY RECORDER

(SEAL)


Bill No. _____ of 2008.


Published: _____.


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COUNCIL TRANSMITTAL

TO: David Everitt, Chief of Staff  **DATE:** March 25, 2008

FROM: Ed Rutan, City Attorney
Margaret Plane, Assistant City Attorney
Ralph Chamness, Senior City Attorney 

STAFF CONTACT: David Everitt (policy) (x 7620)
Margaret Plane (legal) (x 7610) 

SUBJECT: Mutual Commitment Registry

DOCUMENT TYPE: Ordinance

BUDGET IMPACT: None. Based on discussions with the City Recorder's Office, it appears that any budgetary impact associated with the Mutual Commitment Registry will be absorbed by the efficient use of existing resources. Any printing fees for certificates will be recouped from the registration fee approved by the Council.

BACKGROUND/DISCUSSION: Mayor Becker requested that the City Attorney's Office draft an ordinance establishing a Registry in Salt Lake City. The City Council passed Ordinance 4 of 2008, creating a Domestic Partnership Registry.

Subsequently, during the 2008 General Session, the Utah Legislature passed First Substitute Senate Bill 299, enacting provisions related to municipal authority under Utah Code Section 10-8-1.5. That law clearly permits a municipality to pass an ordinance that creates a registry of adult relationships of financial interdependence. The law prohibits such registries from being named a registry of domestic partnership, civil union, or other domestic cohabitation relationship other than marriage.

To ensure the City's Registry complies with the new law, the attached ordinance amends Ordinance 4 of 2008. The changes in the proposed ordinance reflect the name change and other changes necessary pursuant to that name change. The proposed Mutual Commitment Registry ordinance would allow Salt Lake City to recognize relationships of mutual commitment, support, and caring between unmarried couples.

RECOMMENDATION: The Administration recommends approving this ordinance.

SALT LAKE CITY ORDINANCE
NO. _____ of 2008
(Relating to Mutual Commitment Registry (Formerly Known as Domestic Partnership
Registry))

AN ORDINANCE AMENDING AND RENUMBERING CHAPTER 2.92, *SALT
LAKE CITY CODE*, RELATING TO A MUTUAL COMMITMENT REGISTRY
(FORMERLY KNOWN AS DOMESTIC PARTNERSHIP REGISTRY).

WHEREAS, Salt Lake City is comprised of diverse and varied groups, communities and individuals;

WHEREAS Salt Lake City values this diversity;

WHEREAS, a number of valuable public policy goals, such as the provision of health care benefits to those who may not currently have access to such benefits, fall within the powers granted to Salt Lake City by Utah Code Annotated Section 10-8-84(1) stating that Salt Lake City may pass ordinances intended to “preserve the health, and promote the prosperity, improve the morals, peace and good order, comfort, and convenience of the city and its inhabitants.”

WHEREAS, the Salt Lake City Council passed Ordinance No. 4 of 2006, amending Section 2.52.100 titled “Benefits for Dependents of Employees” including that “an unmarried employee may designate one ‘adult designee’ and the ‘child’ or ‘children’ of the adult designee” to receive such benefits (the “Ordinance”); and,

WHEREAS, a Mutual Commitment Registry will create a way to recognize relationships of mutual commitment, support, and caring , where the parties to the relationship participate to support the financial and physical welfare of each other and intend to continue in this manner; and,

WHEREAS, to better facilitate the provision of such health care benefits and where employees, either of the City or a business licensed within the City, may desire to make a Declaration of Mutual Commitment to designate one another as the recipients of such health care benefits, a registry officially identifying such a Mutual Commitment would be effective; and,

WHEREAS, the establishment of a Mutual Commitment Registry may facilitate both the City’s interest in providing fair and reasonable health care and other benefits; and,

WHEREAS, the establishment of a Mutual Commitment Registry may facilitate the extension of fair and reasonable health care and other benefits by private employer's to their employees' named beneficiaries; and,

WHEREAS, the establishment of a Mutual Commitment Registry may facilitate visitation of a patient in health care facilities by those registered in appropriate circumstances;

NOW, THEREFORE, be it ordained by the City Council of Salt Lake City, Utah, as follows:

SECTION 1. That Chapter 2.92, *Salt Lake City Code*, pertaining to a Domestic Partnership Registry, be and the same hereby is, amended and renumbered as follows:

**CHAPTER 10.03
MUTUAL COMMITMENT REGISTRY**

Sections:

- 10.03.010 Purpose
- 10.03.020 Requirements for Mutual Commitment Registry
- 10.03.030 Declaration of Mutual Commitment
- 10.03.040 Termination of Mutual Commitment
- 10.03.050 Registration and Fees
- 10.03.060 Rights
- 10.03.070 Severability

10.03.010 Purpose

The City is committed to promoting justice, equity, and inclusiveness in the provision of health care and many other benefits to all of its citizens that might be offered by the City or by private employers licensed by the City. The City finds that it is made

up of a diversity of households and that in those households relationships exist in many different forms. Those forms include committed, unmarried couples in either same or opposite sex relationships; parent and child relationships; other familial relationships; and committed friendships. The City wishes to promote the public health, safety, welfare, and prosperity of its citizens and generally improve overall quality of life by allowing for the efficient and streamlined disposition of health care benefits or other benefits that the City or businesses licensed within the City might offer to their employees – including an employee’s designee listed on the Mutual Commitment Registry. The City finds that a City-maintained list is the best way for the City and for businesses licensed within the City to reliably ascertain whether an employee’s designee listed on the Mutual Commitment Registry and beneficiaries are eligible for such benefits. Therefore, it is the policy of the City to allow any two adults in a committed relationship who meet the Mutual Commitment Registry criteria to register with the City and to obtain a certificate attesting to their status.

10.03.020 Requirements for Mutual Commitment Registry

To be eligible to register a relationship of Mutual Commitment with Salt Lake City, the two individuals (the “declarants”) must meet the following criteria:

- A. Freely declare that they are solely and mutually committed to each other ;
- B. Be persons eighteen years of age or older and be unmarried according to the laws of the State of Utah;
- C. Be competent to contract;

D. Be directly dependent upon, or interdependent with, each other, sharing a common financial obligation. Acceptable documentation shall include any three (3) of the following five (5) documents:

1. A joint loan obligation, mortgage, lease, or joint ownership of a vehicle;
2. A life insurance policy, retirement benefits account, or will or trust of one declarant designating the other declarant as beneficiary thereto, or will or trust of one declarant which designates the other declarant as executor or successor trustee;
3. A mutually granted power of attorney for purposes of healthcare or financial management;
4. Proof showing that one declarant is authorized to sign for purposes of the other declarant's bank or credit account;
5. Proof of a joint bank or credit account;

E. Currently share a primary residence in Salt Lake City. For these purposes primary residence means the place where both declarants reside. The legal right to occupy the residence need not be joint; and,

F. Execute a Declaration of Mutual Commitment, attesting to the foregoing requirements and attesting that the parties are in a relationship of mutual commitment, support, and caring; are responsible for each other's physical and financial welfare; and have the present intention to remain in that relationship.

10.03.030 Declaration of Mutual Commitment

A. Mutual Commitment declarants shall make an official record of their relationship by executing a “Declaration of Mutual Commitment” on the form prescribed by the City.

B. The Declaration must include a statement that the persons are in a relationship of mutual commitment, support, and caring, and are responsible for each other’s welfare. For these purposes, “mutual support” means that they contribute mutually to each other’s maintenance and support.

C. The Declaration must include a statement that both persons agree to file a termination of the relationship if there is a change in the status of their relationship such that they cease to meet the criteria for the Mutual Commitment Registry.

D. The sworn Declaration shall include the date on which the Mutual Commitment was registered, the mailing address(es) of both declarants, and the notarized signatures of both declarants. The Declaration shall further state that the declarants meet all the criteria for the Mutual Commitment Registry set forth in section 10.03.020.

E. The City shall have no duty to verify the information provided by the individuals filing the Declaration of Mutual Commitment.

10.03.040 Termination of Mutual Commitment

A Mutual Commitment ends when:

A. Either of the declarants dies; or

B. One or both declarants execute a notice of termination, stating that one or more of the criteria listed in section 10.03.020 no longer applies. If only one of the

declarants executes the notice of termination, then that declarant shall attest to the fact that he or she has sent a copy of the notice of termination to the other declarant at the other declarant's last known address. This notice requirement does not apply if the termination of the Mutual Commitment is due to the death of one of the declarants.

C. A person cannot register a Mutual Commitment until at least six months after any other Mutual Commitment of which he or she was a declarant ended and a notice that the Mutual Commitment ended was given. This does not apply if the earlier Mutual Commitment ended because one of the members died.

10.03.050 Registration and Fees

A. The City Recorder's Office will keep a record of all Declarations of Mutual Commitment and of all notices terminating a Mutual Commitment.

B. The fee for filing a Declaration of Mutual Commitment shall be \$25.00 (or such lesser, cost-based amount as may be determined by the City Recorder), which entitles the persons filing the Declaration of Mutual Commitment to two (2) certified copies of the official statement.

C. No fee will be charged for filing a notice terminating a Mutual Commitment.

D. An amendment to a Declaration may be filed by a declarant with the City Recorder's Office at any time to show a change in his or her mailing address. The record will be maintained so that amendments and notices terminating a Mutual Commitment are filed with the Declaration of Mutual Commitment to which they apply.

10.03.060 Rights

A. Use of and Access to City Facilities. All facilities owned and operated by the City, including but not limited to recreational facilities shall allow those listed on the Mutual Commitment Registry, and his or her children, to be included in any rights and privileges accorded a spouse and children for purposes of use and access to city facilities.

B. Health Care Visitation. When a declarant is a patient in any health care facility operating within the City, such health care facility shall allow the other declarant listed on the Mutual Commitment Registry to visit such patient unless no visitors are allowed or the patient expresses a desire that visitation by the declarant be restricted. As used in this section, "health care facility" means every place, institution, building or agency, whether organized for profit or not, which provides facilities with medical services, nursing services, health screening services, other health-related services, and supervisory care services.

C. Other Benefits. The City may, from time to time, be asked by the City Council or Administration or by private employers licensed to do business within the City to have the Registry act as verification of the Mutual Commitment status for other benefits which meet the goals of this ordinance to promote the public health, safety and welfare and prosperity of its citizens.

10.03.070 Severability

If any section, subsection, clause or provision of this ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 2. This ordinance shall take effect immediately upon the date of its first publication.

Passed by the City Council of Salt Lake City, Utah this _____ day of _____, 2008.

CHAIRPERSON

ATTEST:

CHIEF DEPUTY CITY RECORDER

Transmitted to Mayor on _____.

Mayor's Action: _____ Approved. _____ Vetoed.

MAYOR

ATTEST:

CHIEF DEPUTY CITY RECORDER

(SEAL)

Bill No. _____ of 2008.
Published: _____.

APPROVED AS TO FORM
Salt Lake City Attorney's Office
Date March 25, 2008
By [Signature]

SALT LAKE CITY ORDINANCE
NO. _____ of 2008
(Relating to Mutual Commitment Registry (Formerly Known as Domestic Partnership
Registry))

AN ORDINANCE AMENDING AND RENUMBERING CHAPTER 2.92, *SALT
LAKE CITY CODE*, RELATING TO A MUTUAL COMMITMENT REGISTRY
(FORMERLY KNOWN AS DOMESTIC PARTNERSHIP REGISTRY).

WHEREAS, Salt Lake City is comprised of diverse and varied groups,
communities and individuals;

WHEREAS Salt Lake City values this diversity;

WHEREAS, a number of valuable public policy goals, such as the provision of
health care benefits to those who may not currently have access to such benefits, fall
within the powers granted to Salt Lake City by Utah Code Annotated Section 10-8-84(1)
stating that Salt Lake City may pass ordinances intended to “preserve the health, and
promote the prosperity, improve the morals, peace and good order, comfort, and
convenience of the city and its inhabitants.”

WHEREAS, the Salt Lake City Council passed Ordinance No. 4 of 2006,
amending Section 2.52.100 titled “Benefits for Dependents of Employees” including that
“an unmarried employee may designate one ‘adult designee’ and the ‘child’ or ‘children’
of the adult designee” to receive such benefits (the “Ordinance”); and,

WHEREAS, a Mutual Commitment ~~domestic-partnership~~ Registry will create a
way to recognize relationships of mutual commitment, support, and caring and
~~commitment~~, where the parties to the relationship participate to support the financial and
physical welfare of each other and intend to continue in this manner; and,

WHEREAS, to better facilitate the provision of such health care benefits and
where ~~an~~ employees, either of the City or a business licensed within the City, may desire
to make a Declaration of Mutual Commitment to designate one another a domestic
~~partner~~ as the recipients of such health care benefits, a registry officially identifying
such a Mutual Commitment ~~domestic-partner~~ would be effective; and,

WHEREAS, the establishment of a Mutual Commitment Registry ~~for~~
~~identification of domestic partners~~ may facilitate both the City’s interest in providing
fair and reasonable health care and other benefits; and,

WHEREAS, the establishment of a Mutual Commitment Registry for identification of ~~domestic partners~~ may facilitate the extension of fair and reasonable health care and other benefits by private employer's to their employees' named beneficiaries; and,

WHEREAS, the establishment of a Mutual Commitment Registry for identification of ~~domestic partners~~ may facilitate visitation of a patient in health care facilities by those registered the domestic partner in appropriate circumstances;

NOW, THEREFORE, be it ordained by the City Council of Salt Lake City, Utah, as follows:

SECTION 1. That Chapter 2.92, *Salt Lake City Code*, pertaining to a Domestic Partnership Registry, be and the same hereby is, amended and renumbered as follows:

CHAPTER 2.9210.03
MUTUAL COMMITMENT DOMESTIC PARTNERSHIP _REGISTRY

Sections:

2.9210.03.010 Purpose

2.9210.03.020 Requirements for Mutual Commitment Domestic Partner _Registry

2.9210.03.030 Declaration of Mutual Commitment Domestic Partnership

2.9210.03.040 Termination of Mutual Commitment Domestic Partnership

2.9210.03.050 Registration and Fees

2.9210.03.060 Rights of Registered Domestic Partners

2.9210.03.070 Severability

2.9210.03.010 Purpose

The City is committed to promoting justice, equity, and inclusiveness in the provision of health care and many other benefits to all of its citizens that might be offered

by the City or by private employers licensed by the City. The City finds that it is made up of a diversity of households and that in those households relationships exist in many different forms. Those forms include committed, unmarried couples in either same or opposite sex relationships; parent and child relationships; other familial relationships; and committed friendships. The City wishes to promote the public health, safety, and welfare, and prosperity of its citizens and generally improve overall quality of life by allowing for the efficient and streamlined disposition of health care benefits or other benefits that the City or businesses licensed within the City might offer to their employees – including an employee’s designee listed on the Mutual Commitment Registry-domestic partner. The City finds that a City-maintained list is the best way for the City and for businesses licensed within the City to reliably ascertain whether an employee’s designee listed on the Mutual Commitment Registry-domestic partner and beneficiaries are eligible for such benefits. Therefore, it is the policy of the City to allow any two adults in a committed relationship who meet the Mutual Commitment Registry-domestic partnership criteria to register with the City and to obtain a certificate attesting to their status.

2.9210.03.020 Requirements for Mutual CommitmentDomestic Partnership

Registry

To be eligible considered “Domestic Partners” for the purposes of to registering a relationship of Mutual Commitment the partnership with Salt Lake City, the two individuals (the “declarants”) must meet the following criteria:

A. Freely declare that they are solely and mutually committed to each other's
sole domestic partner;

B. Be persons eighteen years of age or older and be unmarried according to the
laws of the State of Utah;

C. Be competent to contract;

D. Be directly dependent upon, or interdependent with, each other, sharing a
common financial obligation. Acceptable documentation shall include any three (3) of
the following five (5) documents:

1. A joint loan obligation, mortgage, lease, or joint ownership of a
vehicle;

2. A life insurance policy, retirement benefits account, or will or trust of
one declarant designating the other declarant ~~domestic partner~~ as
beneficiary thereto, or will or trust of one declarant which designates the
other declarant ~~partner~~ as executor or successor trustee;

3. A mutually granted power of attorney for purposes of healthcare or
financial management;

4. Proof showing that ~~the~~ one declarant ~~partner~~ is authorized to sign for
purposes of the other declarant's bank or credit account;

5. Proof of a joint bank or credit account;

E. Currently share a primary residence in Salt Lake City. For these purposes
primary residence means the place where both declarants ~~domestic partners~~ reside. The
legal right to occupy the residence need not be joint; and,

F. Execute a ~~certificate~~-Declaration of Mutual Commitment, ~~domestic partnership~~ attesting to the foregoing requirements and attesting that the parties are in a relationship of mutual commitment, support, and caring, ~~and commitment~~; are responsible for each other's physical and financial welfare; and have the present intention to remain in that relationship.

2.9210.03.030 Declaration of Mutual Commitment ~~Domestic Partnership~~

A. ~~Domestic partners~~ Mutual Commitment declarants shall make an official record of their relationship ~~partnership~~ by executing a "Declaration of Mutual Commitment~~Domestic Partnership~~" on the form prescribed by the City.

B. The Declaration must include a statement that the persons are in a relationship of mutual commitment, caring, and support, ~~and caring, and support~~, and are responsible for each other's welfare. For these purposes, "mutual support" means that they contribute mutually to each other's maintenance and support.

C. The Declaration must include a statement that both persons agree to file a termination of the relationship ~~partnership~~ if there is a change in the status of their relationship such that they cease to meet the criteria for the Mutual Commitment Registry ~~domestic partnership~~.

D. The sworn Declaration shall include the date on which the Mutual Commitment ~~domestic partnership~~ was registered, the mailing address(es) of both declarants ~~partners~~, and the notarized signatures of both declarants ~~partners~~. The Declaration shall further state that the declarants ~~domestic partners~~ meet all the criteria

for the Mutual Commitment Registry domestic partners set forth in section ~~2.92~~10.03.020.

E. The City shall have no duty to verify the information provided by the individuals filing the Declaration of Mutual Commitment Domestic Partnership.

~~2.92~~10.03.040 Termination of Mutual Commitment Domestic Partnership

A Mutual Commitment domestic partnership ends when:

- A. Either of the declarants domestic partners dies; or
- B. One or both declarants partners execute a certificate notice of termination, stating that one or more of the criteria listed in section ~~2.92~~10.03.020 no longer applies. If only one of the declarants partners executes the certificate notice of termination, then that declarant partner shall attest to the fact that he or she has sent a copy of the certificate notice of termination to the other declarant partner at the other declarant's partner's last known address. This notice requirement does not apply if the termination of the Mutual Commitment domestic partnership is due to the death of one of the partners declarants.

C. A person cannot register a Mutual Commitment ~~become a member of a~~ domestic partnership until at least six months after any other Mutual Commitment domestic partnership of which he or she was a declarant member ended and a notice that the Mutual Commitment partnership ended was given. This does not apply if the earlier Mutual Commitment domestic partnership ended because one of the members died.

~~2.92~~10.03.050 Registration and Fees

A. The City Recorder's Office will keep a record of all Declarations of Mutual Commitment Domestic Partnership and of all ~~certificates~~ notices terminating a Mutual Commitment domestic partnership.

B. The fee for filing a ~~domestic~~ Declaration of Mutual Commitment Domestic Partnership shall be \$25.00 (or such lesser, cost-based amount as may be determined by the City Recorder), which entitles the persons filing the ~~statement on behalf of~~ Declaration of Mutual Commitment a domestic partnership to two (2) certified copies of the official statement.

C. No fee will be charged for filing a notice ~~certificates~~ terminating a Mutual Commitment domestic partnership.

D. An amendment to a Declaration may be filed by a declarant ~~member of a domestic partnership~~ with the City Recorder's Office at any time to show a change in his or her mailing address. The record will be maintained so that amendments and notices ~~certificates~~ terminating a Mutual Commitment domestic partnership are filed with the Declaration of Mutual Commitment Domestic Partnership to which they apply.

2.9210.03.060 Rights of Registered Domestic Partners

A. Use of and Access to City Facilities. All facilities owned and operated by the City, including but not limited to recreational facilities shall allow those listed on the Mutual Commitment Registry, ~~the registered domestic partner of a user~~, and his or her children, to be included in any rights and privileges accorded a spouse and children for purposes of use and access to city facilities.

B. Health Care Visitation. When a declarant is a patient in any All-health care facility facilities-operating within the City, such health care facility shall allow the other declarant registered domestic partner-listed on the Mutual Commitment Registry of a patient_ to visit such patient unless no visitors are allowed or the patient expresses a desire that visitation by the declarant domestic partner be restricted. As used in this section, "health care facility" means every place, institution, building or agency, whether organized for profit or not, which provides facilities with medical services, nursing services, health screening services, other health-related services, and supervisory care services.

C. Other Benefits. The City may, from time to time, be asked by the City Council or Administration or by private employers licensed to do business within the City to have the Registry act as verification of the Mutual Commitment domestic partner status for other benefits which meet the goals of this ordinance to promote the public health, safety and welfare and prosperity of its citizens.

2.9210.03.070 Severability

If any section, subsection, clause or provision of this ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 2. This ordinance shall take effect immediately upon the date of its first publication.

Passed by the City Council of Salt Lake City, Utah this _____ day of _____, 2008.

CHAIRPERSON

ATTEST:

CHIEF DEPUTY CITY RECORDER

Transmitted to Mayor on _____.

Mayor's Action: _____ Approved. _____ Vetoed.

MAYOR

ATTEST:

CHIEF DEPUTY CITY RECORDER

(SEAL)

Bill No. _____ of 2008.
Published: _____.

APPROVED AS TO FORM
Salt Lake City Attorney's Office
Date March 25, 2008
By [Signature]