

**CITY OF BURIEN  
AGENDA BILL**

<b>Agenda Subject:</b> Discussion of and Possible Motion to Adopt Proposed Ordinance No. 537 Regarding the Reconciliation of Ordinance No. 348 and RCW 26.60's Qualifying Criterion for Domestic Partnerships.		<b>Meeting Date:</b> April 12, 2010
<b>Department:</b> City Manager	<b>Attachments:</b> 1. Comparison of Qualifying Criterion for Domestic Partnerships 2. Summary of 2010 Health Insurance Premium Costs 3. Proposed Ordinance No. 537.	<b>Fund Source:</b> N/A <b>Activity Cost:</b> N/A <b>Amount Budgeted:</b> N/A <b>Unencumbered Budget Authority:</b> N/A
<b>Contact:</b> Angie Chaufy, Human Resources Manager		
<b>Telephone:</b> (206) 248-5504		
<b>Adopted Work Plan:</b> Yes      No      X	<b>Work Plan Item Description:</b>	
<p><b>PURPOSE/REQUIRED ACTION:</b> The purpose of this agenda item is to discuss the reconciliation of the differences between RCW 26.60 and the City's qualifying criteria for domestic partnerships and to take possible action on proposed Ordinance 537.</p> <p><b>BACKGROUND (Include prior Council action &amp; discussion):</b> On 12/17/01, Council passed Ordinance No. 348 which, in part, established the qualifying criteria for domestic partnerships for City employees. In the November 3, 2009 election via Referendum 71, the Washington State voters approved ESSSB 5688, the 2009 Registered Domestic Partnership Expansion Bill or the "Everything but Marriage Act". This bill broadened the benefits available to state registered domestic partners, as defined by RCW 26.60. The City is permitted to adopt its own qualifying criteria for domestic partnerships as long as the requirements are not more restrictive than the criterion established by RCW 26.60.</p> <p>Therefore, in order to comply with state law the following BMC domestic partner criterion must be eliminated because they are more restrictive:</p> <ul style="list-style-type: none"> <li>• Must be domestic partners for at least six months;</li> <li>• Share the same regular and permanent residence;</li> <li>• Have a close, personal relationship;</li> <li>• Are jointly responsible for "basic living expenses;"</li> <li>• Are each other's sole domestic partner; and</li> <li>• Are responsible for each other's common welfare.</li> </ul> <p>Staff has prepared proposed Ordinance No. 537 adopting RCW 26.60's qualifying criteria for a registered domestic partnership as the starting point for the discussion. If Ordinance No. 537 is adopted as proposed, the only criteria that would become more restrictive than the current criterion is the age requirement for opposite sex couples.</p> <p>Attachment 1 provides a detailed comparison of RCW 26.60 and the City's current qualifying criteria. Attachment 2, a summary of the 2010 medical, dental, and vision premium costs, will provide Council with information regarding the potential fiscal impacts.</p> <p><b>OPTIONS (Including fiscal impacts):</b></p> <ol style="list-style-type: none"> <li>1. Adopt Proposed Ordinance No. 537 as presented.</li> <li>2. Modify Proposed Ordinance No. 537 and place on a future agenda for approval.</li> </ol>		
<b>Administrative Recommendation:</b> Hold discussion and approve a motion to to adopt Proposed Ordinance No. 537 as presented.		
<b>Committee Recommendation:</b> None.		
<b>Advisory Board Recommendation:</b> None.		
<b>Suggested Motion:</b> I move to adopt Ordinance No. 537 relating to domestic partner benefits, conforming BMC 2.27 to Referendum 71, providing for severability, and establishing an effective date.		
Submitted by: <b>Administration</b> _____		<b>City Manager</b> _____
<b>Today's Date:</b> April 8, 2010	<b>File Code:</b> R:\CC\Agenda Bill 2010\041210cm-2 Domestic Partnership Defn.docx	

**Comparison of Qualifying Criteria for Domestic Partnerships**

<b>Registered Domestic Partnerships – RCW 26.60</b>	<b>Ordinance No. 348</b>	<b>Ord. 348 compared to Registered Domestic Partnerships</b>
Submit declaration to Washington Secretary of State and pay \$50.		Less restrictive
Same sex couple OR Opposite sex couple when at least one is over the age of 62.		Less restrictive
	Domestic Partners for at least six months.	<b>More restrictive</b>
Share common residence.	Share the same <b>regular and permanent</b> residence.	<b>More restrictive</b>
	Have a close, personal relationship.	<b>More restrictive</b>
	Are jointly responsible for “basic living expenses”.  Basic living expenses” means the cost of basic food, shelter, and any other expenses of a Domestic Partner which are paid at least in part by a program or benefit for which the partner qualified because of the Domestic Partnership. The individuals need not contribute equally or jointly to the cost of these expenses as long as they agree that both are responsible for the cost.	<b>More restrictive</b>
Neither is married or in a registered domestic partnership with anyone else.	Are not married to anyone.	Less restrictive
Both at least 18 years old.	Are each eighteen (18) years of age or older.	Same
No closer than second cousins.	Are not related by blood closer than would bar marriage in the State of Washington.	Same
Both capable of consent.	Were mentally competent to consent to contract when domestic partnership began.	Same
	Are each other’s sole domestic partner.	<b>More restrictive</b>
	Are responsible for each other’s common welfare.	<b>More restrictive</b>

2010 Medical, Dental, Vision Premium Costs

Employee + Partner/Spouse

	<u>Monthly</u>	<u>Annual</u>
City	\$1,091.75	\$13,101.00
Employee	<u>\$ 51.64</u>	<u>\$ 619.68</u>
Total	\$1,143.39	\$13,720.68

Employee + Partner/Spouse + 2 Dep

	<u>Monthly</u>	<u>Annual</u>
City	\$1,565.15	\$18,781.80
Employee	<u>\$ 97.58</u>	<u>\$ 1,170.96</u>
Total	\$1,662.73	\$19,952.76