

CITY OF BURIEN, WASHINGTON

ORDINANCE NO. 537

AN ORDINANCE OF THE CITY OF BURIEN, WASHINGTON, RELATING TO DOMESTIC PARTNER BENEFITS, CONFORMING BMC CH. 2.27 TO REFERENDUM 71, PROVIDING FOR SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, on December 17, 2001, the City Council of the City of Burien enacted Ordinance No. 348 (codified at BMC Ch. 2.27) which, in part, established the qualifying criteria for domestic partner status as identified in Section 1.06 of the City Personnel Policies, and

WHEREAS, in the November 3, 2009, election via Referendum 71, the Washington State voters approved Engrossed Second Substitute Senate Bill (ESSSB) 5688, the 2009 Registered Domestic Partnership Expansion Bill, and

WHEREAS ESSSB 5688 amended RCW Ch. 26.60 establishing state registered domestic partnerships and requiring the benefits available to married couples also be made available to state registered domestic partners, and

WHEREAS, the City is permitted to adopt its own qualifying criteria for domestic partner status as long as the requirements do not conflict with the qualifying criteria for state registered domestic partnerships under RCW CH. 26.60, and

WHEREAS, the City finds that it is in the best interest of the public health, safety and welfare to amend BMC Ch. 2.27 to conform to state law while retaining the City's current qualifying criteria for domestic partner status;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BURIEN,
WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Chapter 2.27 of the Burien Municipal Code is hereby amended by amending BMC 2.27.020 to read as follows:

2.27.02 Eligibility.

Eligibility for domestic partnership status will be established by the presentation of either a certificate of state registered domestic partnership issued by the Washington Secretary of State pursuant to Chapter 26.60 RCW or an affidavit of domestic partnership meeting the definition of domestic partner as defined in the city of Burien personnel policies. The affidavit is attached to the ordinance codified in this chapter as Exhibit "A" and is on file in the office of the city clerk.

Section 2. Severability. Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 3. Effective Date. This ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 24TH DAY OF MAY, 2010, AND SIGNED IN AUTHENTICATION OF ITS PASSAGE THIS 24TH DAY OF MAY, 2010.

CITY OF BURIEN

/s/ Joan McGilton, Mayor

ATTEST/AUTHENTICATED:

/s/ Monica Lusk, City Clerk

Approved as to form:

/s/ Craig Knutson, City Attorney

Filed with the City Clerk: May 24, 2010

Passed by the City Council: May 24, 2010

Ordinance No. 537

Date of Publication: May 27, 2010

AFFIDAVIT OF MARRIAGE/DOMESTIC PARTNERSHIP

SECTION I

I, _____ certify that (*Complete either "A" or "B"*):
Name of Employee (Print)

A. I, and _____ were legally married on _____.
Name of Spouse (Print) Date of Marriage (Print)

-OR-

B. I, and _____ are domestic partners, having been so for at least six months, and we :
Name of Domestic Partner (Print)

1. Share the same regular and permanent residence; and
2. Have a close, personal relationship; and
3. Are jointly responsible for "basic living expenses", as defined below; and
4. Are not married to anyone; and
5. Are each eighteen (18) years of age or older; and
6. Are not related by blood closer than would bar marriage in the State of Washington; and
7. Were mentally competent to consent to contract when our domestic partnership began; and
8. Are each other's sole domestic partner and are responsible for each other's common welfare.

"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.

SECTION II

A. I understand that this affidavit shall be terminated upon the death of my spouse/domestic partner or by a change of my circumstance attested to in this affidavit.

I agree to notify my payroll/personnel representative if there is any change of circumstances attested to in this affidavit with thirty (30) days of change by filing a Statement of Termination of Marriage/Domestic Partnership.

B. After such termination, I understand that another Affidavit of Marriage/Domestic Partnership cannot be filed until ninety (90) days after a Statement of Termination of Marriage/Domestic Partnership has been filed with my payroll/personnel representative, unless such termination is due to the death of my spouse/domestic partner or dissolution of my marriage.

SECTION III

We understand that this information will be held confidential and will be subject to disclosure only upon our express written authorization or if otherwise required by law.

We understand that this declaration of responsibility for our common welfare may have legal implications under state law.

We understand that a civil action may be brought against us for any losses, including reasonable attorney's fees, because of a false statement contained in this affidavit of Marriage/Domestic Partnership.

We also certify under penalty of perjury, under laws of the State of Washington, that the foregoing is true and correct.

I, the undersigned employee, understand that willful falsification of information on this affidavit may lead to disciplinary action, up to and including discharge from employment.

Signature of Employee

Signature of Spouse/Domestic Partner

Address

Address
