



**To:** MAYOR & COUNCIL

**Agenda Item #:** III.

**From:** Ari Klugman  
City Manager Intern

**Date:** May 7, 2013

**Subject:** HRRC Work Session

**Action**   
**Discussion**   
**Information**

**Action Requested:**

None.

**Information / Background:**

As part of the City's annual work plan process, each board and commission meets with the City Council for an annual work session. The HRRC will meet with the City Council at the May 7, 2013 work session. The HRRC will provide a brief presentation highlighting their work over the past year and outlining their initiatives for the remainder of 2013. They have one item of business to specifically receive direction on, the Domestic Partner Ordinance Revisions.

**Agenda:**

- A. Presentation
  - a. Review of Commission's Accomplishments since March 2012.
  - b. HRRC Role
  - c. Update on Approved Work Plan
  - d. New Ideas and Initiatives
- B. Domestic Partner Ordinance Revisions

**Attachments:**

HRRC Presentation

2013 Approved Work Plan

Proposed Additions to the Work Plan

Domestic Partner Ordinance Revisions

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# HUMAN RIGHTS & RELATIONS COMMISSION

May 7, 2013  
Joint Work Session

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## Agenda

- Review of Commission's Accomplishments
- HRRC Role
- Update on Approved Work Plan
- New Ideas and Initiatives

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# Review of HRRC Accomplishments March 2012-May 2013

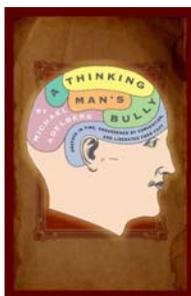
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## Anti-Bullying- Edina Reads

- Occurred on April 22, 2013 at the Edina Senior Center



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## Religious Observance Policy

- The purpose of this policy is to provide a framework for avoiding significant days of religious observance that may preclude participation.

- Good Friday (Christian)
- Christmas Eve (Christian)
- Evening before and day of Yom Kippur (Jewish)
- Evening before and two days of Rosh Hashanah (Jewish)
- Evening before and first two days of Passover (Jewish)
- Eid al Fitr (Muslim)
- Eid al Adha (Muslim)
- The third day of Diwali (Hindu)



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## Tom Oye Award



2012 Winner  
Joyce Repya

2013 Winner  
Alec Fischer

- Eligibility:** Anyone living or working in Edina.
- Criteria:** Efforts to foster respect and dignity for others; one who models courage and/or compassion in the advancement of human rights and has demonstrated leadership by example for improving human relations and/or advancing human rights.
- Deadline:** Applications must be received by January 15, 2013 at Edina City Hall, Human Rights and Relations Commission, 4801 West 50<sup>th</sup> St. Edina, MN 55424.
- Applications:** Can be filled out online at [Edinamn.gov/index.php?section=humanrights\\_tomoyeward](http://Edinamn.gov/index.php?section=humanrights_tomoyeward) or by contacting Ari Klugman at (952)826-0429.



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### Days of Remembrance

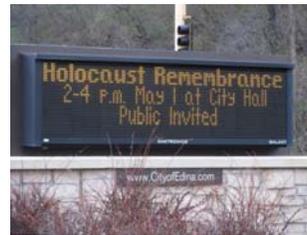
- May 2012, initial idea came from an Edina resident in remembrance of the 17 million people who were killed during the Holocaust.
- Proclamation signed by Mayor Hovland and the Edina City Council.
- Annually coincides with the United States Holocaust Memorial Museum's national recognition event.
- Channel 16 featured four videos throughout the month of May. One video included a presentation from a Holocaust survivor.



Fred Baron: Invited guest speaker at Edina's Days of Remembrance.



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### Nazi Persecution of Homosexuals

- One of seven organizations who assisted the Jewish Community Relations Council by Co-Sponsoring Discrimination by Design.
- Traveling Exhibit
- April 2<sup>nd</sup> to May 11 on University of Minnesota's West Bank Campus



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## Conflict – Free Initiative (Procurement Policy)

- Resolution 2012-79
- Support for the purchase of products containing only conflict-free materials
- Edina High School Student group, Stand




**HUMAN RIGHTS & RELATIONS COMMISSION**

RESOLUTION NO. 2012-79  
EXPRESSING SUPPORT FOR THE PURCHASE OF PRODUCTS  
CONTAINING ONLY CONFLICT-FREE MINERALS

WHEREAS, Edina High School students representing the organization "STAND" have requested the Edina City Council express the use of metals and other materials mined and produced in certain African countries, including the Democratic Republic of the Congo in products manufactured throughout the world,

WHEREAS, the Democratic Republic of the Congo employs armed groups to force labor to extract such minerals and materials,

WHEREAS, thousands of deaths have been reported and verified to occur from violence inflicted in order to maintain control of the mines and resources to enhance forced labor,

WHEREAS, a national initiative is seeking support and efforts to call attention to these practices and seek multiple means of discouraging so-called "conflict minerals" from being used in the production of technology equipment and other products,

WHEREAS, the City of Edina makes significant investment in technology primarily through joint purchasing contracts through the State of Minnesota

WHEREAS, Edina's commitment to human rights for all people of the world has been previously demonstrated,

NOW THEREFORE, BE IT RESOLVED, that the Edina City Council joins a broad coalition of individuals and organizations worldwide to:

1. Use reasonable business efforts to seek alternative sources of supply for Edina purchases of products using "Conflict Minerals."
2. Encourage all business companies with which the State and City do business to address their own supply sources in combating this situation.
3. Consider future policies that the City may utilize in raising the public generally, and Edina citizens specifically, aware of these worldwide problems, to hope of combating the inhumane treatment of human beings located anywhere.

Dated: May 15, 2012  
 Attest:  Debra A. Mangin, City Clerk  
 James B. Hinkford, Mayor

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## Bias/Hate Crime Response Plan

- The Edina Human Rights and Relations Commission (EHRRCC) provides or coordinates support to victims of bias/hate crimes and leadership in the community in the prevention of bias/hate crimes through education and collaborative community action against prejudice and bigotry.
- Partnership between Edina Police Department, City Manager, Mayor & Council, Edina School District, Community Resource Network and Local Media.



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## CITY OF EDINA

# Domestic Partner Registry

City of Edina      General Code Provisions and Administration 195.03

Section 195 - Domestic Partnerships

**195.01 Purpose.**  
The City of Edina authorizes and establishes a voluntary program of registration of domestic partners. The domestic partnership registry is a status by which unmarried, committed couples who reside or work in Edina and who have a life and/or love together may document their relationship.

Edina's Domestic Partnership ordinance is a City ordinance and does not create rights, privileges, or responsibilities that are available to married couples under state or federal law. The City of Edina cannot provide legal advice concerning domestic partnerships. Applicants and registrars may wish to consult with an attorney for such advice including but not limited to: wills, medical matters, finances and powers of attorney, children and guardianship, medical, health care and employment benefits.

**195.02 Definitions.** The following words and phrases used in this Code have the meanings given in this Section.

**Domestic Partner.** Any two adults who meet all the following:

1. Are not related by blood closer than permitted under marriage laws of the state.
2. Are not married.
3. Are registered to vote into a common.
4. Are jointly responsible to each other for the satisfaction of life.
5. Are committed to one another for the same reason as married persons are to each other, except for the traditional marital status and solemnization.
6. Do not have any other domestic partner(s).
7. Are both at least 18 years of age.
8. At least one of them resides in Edina or is employed in Edina.

**Domestic Partnership.** The term "domestic partnership" shall include, upon production of valid government-issued identification, in addition to domestic partnerships registered with the City of Edina, and regardless of whether partners in either circumstance have sought further recognition with the City of Edina.

A. Any person who have a currently-registered domestic partnership with a governmental body pursuant to state, local or other law authorizing such registration. The term domestic partnership shall be construed liberally to include marriage, registration of life, as well as individuals who committed to one another in marital partners are traditionally committed, except for the traditional marital status and solemnization.

B. Marriages that would be legally recognized as a contract of lawful marriage in another local, state or foreign jurisdiction, but for the operation of Minnesota law.

**195.03 Registration of Domestic Partnerships.**

A. The City Clerk shall accept an application in a form provided by the City to register domestic partners who state in such application that they meet the definition of domestic partner.

195.1      Supplemented 2011-03



- Approved in 2010 by the City Council
- 18 Domestic Partners Currently Registered
- On-going monitoring.



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## CITY OF EDINA

# Resolution in Opposition to Marriage Amendment

RESOLUTION NO. 2012-47  
A RESOLUTION EXPRESSING OPPOSITION TO THE PROPOSED MARRIAGE AMENDMENT

City of Edina

**WHEREAS**, in 2011 the Minnesota State Legislature voted to include the following question on the election ballot in November 2012: "Shall the Minnesota Constitution be amended to provide that only a union of one man and one woman shall be valid or recognized as a marriage in Minnesota?" and

**WHEREAS**, the proposed amendment would add a new Section 13 to the Minnesota Constitution stating "Only a union of one man and one woman shall be valid or recognized as a marriage in Minnesota;" and

**WHEREAS**, constitutions historically have been designed and interpreted to protect minorities from the arbitrary imposition of majorities by the majority; and

**WHEREAS**, the proposed amendment would be contrary to the purpose of our State Constitution to protect the rights, privileges and freedom of conscience of all citizens by withholding from some individuals and families important legal rights and obligations; and

**WHEREAS**, Edina's commitment to equality for all residents and citizens is shown, in part, by its adoption and implementation of the City of Edina Domestic Partnership Ordinance in June 2010; and

**WHEREAS**, a broad coalition of organizations, community and business leaders, faith, labor, progressive and reproductive organizations, representatives of color, and current and former elected officials have all joined to defile this amendment.

**NOW THEREFORE, BE IT REMEMBERED** that the Edina City Council joins the broad coalition of individuals and organizations stated above in opposing the proposed constitutional amendment entitled, "Recognition of Marriage Society Between One



VOTE NO  
DON'T LIMIT THE  
FREEDOM TO MARRY

- Resolution No. 2012-47
- Opposition to the proposed Minnesota State Constitutional Amendment defining Marriage.

March 20, 2012



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## Resolution in opposition of Voter ID



RESOLUTION NO. 2012-113  
A RESOLUTION IN OPPOSITION TO THE PROPOSED  
"PHOTO IDENTIFICATION REQUIRED FOR VOTING"  
AMENDMENT TO THE MINNESOTA STATE CONSTITUTION

WHEREAS, voting is both a constitutionally guaranteed right and a civic responsibility of all citizens, and the ability of eligible voters to cast their votes in free and fair elections is the cornerstone of American democracy; and

WHEREAS, Minnesota enjoys one of the best election systems in the United States, and there has been no evidence of voter impersonation, which is the only type of fraud that could be caused by the requirement of a government issued photographic identification program; and

WHEREAS, the 2012 Minnesota State Legislature voted to include the following question on the election ballot in November 2012: "Shall the Minnesota Constitution be amended to require all voters to present valid photo identification to vote and to require the state to provide free identification to eligible voters, effective July 1, 2013?" and

WHEREAS, the actual constitutional amendment states "All voters voting in person must present valid government-issued photographic identification before receiving a ballot. The state must issue photographic identification at no charge to an eligible voter who does not have a form of identification meeting the requirements of this section. A voter unable to present government-issued photographic identification must be permitted to submit a provisional ballot. A provisional ballot must only be counted if the voter certifies the provisional ballot in the manner provided by law. All voters, including those not voting in person, must be subject to substantially equivalent identity and eligibility verification prior to a ballot being cast or counted." and

WHEREAS, the meaning of "government-issued photographic identification," "certifies the provisional ballot in the manner provided by law" and "substantially equivalent identity and eligibility verification" are not known and will not be known until after enacting legislation to pass and administrative rules developed; and

WHEREAS, the State of Minnesota does not have a system for administering and certifying provisional ballots and such systems would need to be created; and

WHEREAS, the costs of creating and administering a provisional ballot system will be borne by the



- Resolution No. 2012-113,
- In Opposition to the proposed Minnesota State Constitutional Amendment requiring photo identification to vote.

September 19<sup>th</sup>



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## Monitor Domestic Partner Legislation and the City Ordinance.

- Resolution 2012-178: Health coverage at the discretion of local jurisdictions
- Update on Legislature



RESOLUTION NO. 2012-178  
REQUESTING AN AMENDMENT TO MINNESOTA STATUTES  
ALLOWING HEALTH COVERAGE TO BE EXTENDED TO DOMESTIC PARTNERS  
AT THE DISCRETION OF LOCAL JURISDICTIONS

WHEREAS, it is the public policy of the City of Edina to assist for all residents of the City to obtain their domestic partners of race, color, creed, religion, age, sex, sexual orientation, marital status, disability, status with regard to public assistance, familial status, or national origin in connection with employment, housing and real property, public accommodations, public services, credit and education; and

WHEREAS, Minnesota Statute 471.01 restricts the ability of the City to offer equal group benefits to City of Edina employees in domestic partnerships as it refers to married City of Edina employees;

NOW, THEREFORE, BE IT RESOLVED that the Edina City Council urges the Minnesota Legislature and Governor to amend REE, 471.01, Subdivision 1a to Editors:

Section 1. Minnesota Statute 471.01, section 1a, subdivision 1a is amended to read:

Subd. 1a. *Employees*. Notwithstanding the provisions of Minnesota Statute 471.01, section 1a(1), as amended by Laws 1971, chapter 411, section 1, the word "spouse" in this section shall mean spouse, and domestic partnership children under the age of 18 years and dependent members under the age of 24 years annually dependent upon the employee, shall collect and disburse all governmental assets of their dependent.

Dated December 18, 2012

Attest:  Dana S. Bergquist, City Clerk

STATE OF MINNESOTA  
COUNTY OF HENNEPIN  
CITY OF EDINA

CERTIFICATE ON CITY 03-086

I, the undersigned, duly appointed and sworn City Clerk for the City of Edina do hereby certify that the foregoing Resolution was duly adopted by the Edina City Council at its Regular Meeting of December 18, 2012, and is recorded in the Minutes of said Regular Meeting.

WITNESSE my hand and seal of said City this 18th day of December, 2012.



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### **Super PACs**

- Resolution 2012-114 Expressing Support for a United States Constitutional Amendment to Regulate Corporate Political Spending and Campaign Financing.
- Recommended to Council at September 19, 2012 City Council meeting.
- Tabled by Council, the HRRC has removed the item from all future work plans.

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### **Gender Expression**

- Ordinance Change Recommendation- Ord. No. 2013-02, adding Gender Expression.
- Approved by Council on March 5, 2013.

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## HRRC ROLE

- Policy Recommendation
- Events and Education
- Disparity Identification and Recommendation

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## Update on Approved Work Plan

- **Anti-bullying event and/or education-**
  - Edina Reads Event held April 22, 2013
  - Additional event/education to be planned for 2013
- **Community Outreach/Census Demographic Changes-**
  - First working group, Partners: Edina Police, School District- Equity and Inclusion Specialist, Resource Center
  - Community Listening Sessions
- **Domestic Violence**
  - Removed from Work Plan, others are better suited and funded by the Human Services Taskforce
- **Days of Remembrance Event**
  - Event de-prioritized for 2013 due to budget and time limitations. Another larger event will be planned for 2014

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## New Ideas/Initiatives

- Quasquicentennial
- Youth Leadership Retreats
- Engaging/Utilizing Working Groups

# APPROVED BY COUNCIL

## Human Rights and Relations Commission 2013 Annual Work Plan

2013 New Initiative	Target Completion Date	Budget Required	Staff Support Required	Council Approval
Anti-bullying event and/or education- Edina Reads	April 22, 2013	\$1,450	Video, publicity and communications.	Yes
<b>Progress Report:</b> Completed. The HRRC worked with the Edina Reads Committee and the League of Women Voters to host an event on April 22 <sup>nd</sup> at the Senior Center. HRRC would like to plan an addition event for 2013.				

2013 New Initiative	Target Completion Date	Budget Required	Staff Support Required	Council Approval
Developing cross organizational partnerships to gain an understanding of community needs related to census demographic changes.  Potential Partners- Edina Resource Center, Edina Police, Somali and Asian Community leaders.		\$1,500		Yes
<b>Progress Report:</b> Commission has created its first workgroup and has contacted Carrie Cabe from the Edina Resource Center, John Ford –Equity and Inclusion Specialist for Edina Public Schools and Tom McKenzie from the Edina Police Department to serve as potential partners on the work group.  The Commission is also considering hosting training by MN Advocates for Human Rights for Community Listening Sessions. The training would potentially be in partnership with Richfield and Eden Prairie Human Rights Commissions and be open to the community and/or other board and commission members.				

2013 New Initiative	Target Completion Date	Budget Required	Staff Support Required	Council Approval
Explore support opportunities for Victims of Domestic Violence.  Potential for partnership with Cornerstone or Tubman.	Early 2013			Yes

# APPROVED BY COUNCIL

**Progress Report:** Removed from the Commission's Work Plan at April meeting. Commission felt there are other groups currently funded by the Human Services Taskforce that are better suited to work in this area.

2013 New Initiative	Target Completion Date	Budget Required	Staff Support Required	Council Approval
Plan an activity for Days of Remembrance- Janet Horvath to perform her piece related to the Holocaust and Bullying. Potential tie into anti-bullying with the High School.	April / May 2013 to coincide with the national celebration of Yom Hashoah	\$3,000	Video, publicity and communications.	Yes

**Progress Report:** The HRRC chose not to plan a performance due to budget and time limitations the Commission decided to only play the videos on channel 16 and set up a display, the event is completed for this year.

In 2014, the Commission is considering hosting a larger event similar to the one previously thought for this year.

## Ongoing Responsibilities

Update Bias/Hate Crimes Response Plan – March of each year
Days of Remembrance - April or May, to coincide with the national celebration of Yom Hashoah
Tom Oye Award – Jan 1 About town deadline is October 19 <sup>th</sup> . Select in March of each year.

## Other Work Plan Ideas Considered for Current Year or Future Years


**Proposed Month for Joint Work Session:** May

**Staff Comments:**

**Council Comments:**

# PROPOSED WORK PLAN ADDITIONS

## Human Rights and Relations Commission

### 2013 Annual Work Plan

2013 New Initiative	Target Completion Date	Budget Required	Staff Support Required	Council Approval
Additional anti-bullying event and/or education		TBD	Video, publicity and communications.	
<b>Progress Report:</b> The HRRC completed their first Anti-bullying event for 2013, Edina Reads in April. They are interested in an additional event for 2013.				

2013 New Initiative	Target Completion Date	Budget Required	Staff Support Required	Council Approval
Quasquicentennial Event	Dec. 2013	TBD	Video, publicity and communications.	
<b>Progress Report:</b> The HRRC is interested in planning an event for the City's Quasquicentennial. They have proposed the creation of a temporary working group to help with the initiative. If approved by Council, the Commission will begin the working group recruitment process.				

Other Work Plan Ideas Considered for Current Year or Future Years				
Youth Leadership Retreats			Partnerships: Edina Community Foundation, Edina Public Schools, League of Women Voters, Edina Resource Center, Edina Senior Center/Parks and Recreation, Edina Police.	
Human Trafficking			Potential Collaborations: Parks and Recreation (Senior Center), Police, Community Health Committee (Bloomington Health, Hennepin County), Hennepin County Sheriff's Community Outreach Initiative?	
Disparities –Health Care, Transportation, Housing, Education, Criminal Justice and Employment.				

# City of Edina

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## Proposed Domestic Partnership Ordinances

Human Rights and Relations Commission

01/25/2010

**The purpose of the proposed Domestic Partnership Ordinances is to allow Domestic Partners registration rights, the same rights in public venues as a married couple and provide city employees and contractors domestic partner benefits.**

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DRAFT

The Human Rights and Relations Commission works diligently to secure freedom for City of Edina residents and employees from discrimination due to race, color, creed, religion, age, sex, sexual orientation or national origin. As we look at issues currently facing our community one of our largest struggles is eliminating discrimination against domestic partners. Currently domestic partners are not able to enjoy the same benefits as married couples within the City of Edina. In order to ensure equality within the City of Edina, the Human Rights and Relations Commission is proposing the adoption of a Registered Domestic Partnership ordinance.

The proposed Registered Domestic Partnership Ordinances allows all Edina residents and employees who have registered as Domestic Partners equal access to all privileges currently enjoyed by married partners which are not prohibited under State and Federal laws (including but not limited to sick leave, bereavement leave and relocation assistance). The proposed is a civil ordinance preventing discrimination to same or opposite gender persons who have registered their Domestic Partnership in Edina.

Further, the Registered Domestic Partnership ordinance strengthens the community as a whole in public venues. It will treat Registered Domestic Partners as equals to married couples in public venues operated by the City of Edina, some which also innocently discriminate against Domestic Partners.

Finally, the Registered Domestic Partnership ordinance will facilitate educating the community to further acceptance and tolerance by all Edina residents.

## Resolutions

The Edina Human and Rights and Relations Commissions urges the Edina City Council to:

- 1) **Adopt a Domestic Partnership Ordinance in the form substantially similar to Exhibit A which is based on those currently in place with the cities of Minneapolis, St. Paul and Duluth.**
- 2) **Assure all public venues operated by the City of Edina include Domestic Partners and their families within existing family or household memberships, registrations and fees.**
- 3) **Update the City of Edina Personnel Policy (City Code Section 150) to allow city employees paid and/or unpaid time off benefits to care for Domestic Partners.**
- 4) **Adopt an Equal Benefits ordinance in a form substantially similar to Exhibit B, however when two or more providers of goods and services submit the exact pricing and terms of payment, that preference be given to the provider supporting requiring entities that contracts with the city be required to provide equal benefits to spouses and domestic partners of their employees.**
- 5) **Recognize Domestic Partner registrations for initial homestead rights and will not require annual re-registration for homestead classification by Domestic Partners homeowners except in the instance of termination of the Domestic Partner registration.**

## **Additional Information on Resolutions**

- 1) The Domestic Partner Ordinance sets forth a procedure whereby couples may register, for a nominal fee, as Domestic Partners, or terminate their registration, using simple forms the City of Edina can model on those of Minneapolis, Duluth, and St. Paul.
- 2) All City of Edina public venues would offer “Household” or “Dual” memberships rather than only “Family” memberships.
- 3) The City of Edina Personnel Policy, 150.10 Sick Leave Subd.3 Purpose, should be changed to define who is eligible for sick, funeral, illness of others leave to read as follows:

“Sick leave with pay may be granted to employees entitled thereto when the employee is unable to perform scheduled work duties due to illness/disability, the necessity for medical, dental or chiropractor care, childbirth or pregnancy disability, exposure to contagious disease where such exposure may endanger the health of others with whom the employee would come in contact in the course of performing work duties. Sick leave with pay may also be granted for a variety of other family and medical circumstances. The amount and condition under which sick leave with pay may be used for such circumstances is provided in the family and medical leave policy adopted pursuant to Subsection 150.13 of this Code. Sick leave with pay may be granted for a maximum of five scheduled work days in the event of the death of an employee’s spouse, father, mother, spouses’ father or mother or child, and Domestic Partners and a maximum of three days in the event of the death of an employee’s grandparent, grandchild, brother or sister.”

The City of Edina Personnel Policy, 150.13, Family and Medical Leave, should be changed to read as follows:

Leave, Section 2(B): “In order to care for an immediate family member (spouse, child, or parent) or a Domestic Partner of the employee if such immediate family member or Domestic Partner has a serious health condition.”

Leave, Intermittent or Reduced Leave, Section A: “An employee may take intermittently (a few days or a few hours at a time) or on a reduced leave schedule to care of an immediate family member or Domestic Partner with a serious health condition or when “medically necessary”.”

## EXHIBIT A

### DOMESTIC PARTNERSHIPS

#### Section 1: Purpose

The city of Edina recognizes that a nationwide debate has advanced an expanded concept of familial relationships between two non-married, adult partners who are committed to one another to the same extent as married persons are to each other, except for the traditional marital status and solemnities. This Chapter creates a process to provide persons the opportunity to declare themselves domestic partners thereby providing a government-based foundation to such committed relationships which positively contributes to the health, safety and welfare of the community as a whole.

#### Section 2: Definitions.

For purposes of this Chapter, the following terms shall be defined as follows:

1. Domestic partner. Any two adults who:
  1. Are not related by blood closer than permitted under marriage laws of the state.
  2. Are not married.
  3. Are competent to enter into a contract.
  4. Are jointly responsible to each other for the necessities of life.
  5. Are committed to one another to the same extent as married persons are to each other, except for the traditional marital status and solemnities.
  6. Do not have any other domestic partner(s).
  7. Both persons are at least 18 years of age.
2. Domestic partnership. The term “domestic partnership” shall include, upon production of valid, government-issued documentation, in addition to domestic partnerships registered with the city of Edina, and regardless of whether partners in either circumstances have sought further registration with the city of Edina:
  1. Any persons who have a currently-registered domestic partnership with a governmental body pursuant to state, local or other law authorizing such registration. The term domestic partnership shall be construed liberally to include same-sex unions, regardless of title, in which two same-sex individuals are committed to one another as married persons are traditionally committed, except for the traditional marital status and solemnities;
  2. Marriages that would be legally recognized as a contract of lawful marriage in another local, state or foreign jurisdiction, but for the operation of Minnesota law.

### Section 3: Registration of domestic partnerships.

- (a) The city clerk shall accept an application in a form substantially similar to Article 1 to register as domestic partners who state in such application that they meet the definition of domestic partners set out in Section 2B. Subsequent changes in address shall be reported to the city clerk within 30 days of such change;
- (b) The city clerk shall charge an application fee for the registration of a domestic partnership and shall charge a reasonable fee per document for providing certified copies of registrations, amendments or notices of termination. There shall be no charge for filing amendments or notices of termination;
- (c) The city clerk shall provide each domestic partner with a registration certificate. The registration certificate shall not be issued prior to the third working day after the date of the application;
- (d) This application and certificate may be used as evidence of the existence of a domestic partner relationship;
- (e) The city clerk shall keep a record of all registrations of domestic partnership, amendments to registrations and notices of termination received by the city clerk. The records shall be maintained so that amendments and notices of termination are filed with the registration of domestic partnership to which they pertain;
- (f) The application and amendments thereto, the registration certificate, and termination notices shall constitute government data and will be subject to disclosure pursuant to the terms of the Minnesota Government Data Practices Act.

### Section 4. Amendments.

The city clerk may accept amendments for filing from persons who have domestic partnership registrations on file, except amendments which would replace one of the registered partners with another individual.

### Section 5. Termination of domestic partnership.

- (a) Either person in a domestic partnership registered with the city of Edina may initiate the termination of the domestic partnership, by written notification, in the form of Article 2, to the city clerk. The city clerk shall promptly notify the other partner at the address of record by certified mail;
3. A domestic partnership registration terminates when the 3 earlier of the following occurs:
- 1. One of the partners dies; or

2. Forty-five days after one partner sends the other written notice that he or she has terminated the partnership by filing a notice of termination with the city clerk; or
3. Forty-five days after the city clerk notifies the non-filing partner of the filing of any notice of termination.

Section 6. That this ordinance shall take effect 30 days after its passage and publication.

DRAFT

**ARTICLE 1  
CITY OF EDINA  
DECLARATION OF DOMESTIC PARTNERSHIP REGISTRATION FORM**

We the undersigned, do declare that we meet the requirements of xxxx Code section xxx, which are as follows:

Unless otherwise provided by state, local or other applicable law authorizing the registration of domestic partnerships, a person who is in a domestic partnership, which consists of two (2) adults who:

1. Are not related by blood closer than permitted under marriage laws of the state.
  2. Are not married.
  3. Are competent to enter into a contract.
  4. Are jointly responsible to each other for the necessities of life.
  5. Are committed to one another to the same extent as married persons are to each other, except for the traditional marital status and solemnities.
  6. Do not have any other domestic partner(s).
- Both persons are at least 18 years of age.

The representations are true and correct, and contain no material omissions of fact to the best of our knowledge and belief. Filing an intentionally and materially false Declaration of Domestic Partnership shall be punishable as a misdemeanor.

Partner 1

Partner 2

\_\_\_\_\_  
Name

\_\_\_\_\_  
Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date of Birth

\_\_\_\_\_  
Date of Birth

\_\_\_\_\_  
Mailing Address

\_\_\_\_\_  
City

\_\_\_\_\_  
State

\_\_\_\_\_  
Zip Code

## INSTRUCTIONS FOR COMPLETING THE DECLARATION OF DOMESTIC PARTNERSHIP (FORM xxxxxxxx)

For easier completion, this form is available on the City of Edina's website at [www.xxxxxxx/](http://www.xxxxxxx/). It can be viewed, filled in and printed from your computer. If you do not complete this form online, please type or legibly print in black or blue ink. Do not alter this form.

Complete the Declaration of Domestic Partnership (Form xxxxxx) as follows:

- Both persons must meet all of the requirements of Section xxx, as stated on the front of the Declaration of Domestic Partnership form.
- Both persons must sign and affix their signatures to the same Declaration of Domestic Partnership form.
- Both persons must print their names legibly. The names must be printed in the order requested: Last name, First name, Middle name. If there is a suffix, i.e. Jr., Sr., etc., include this as part of the last name.
- A complete mailing address is required (address, city, state, zip code.) Print legibly. Do not abbreviate city names.
- The signature of both persons must be notarized with a certificate of acknowledgment. The Declaration of Domestic Partnership must be signed using the name of the individual prior to the name change, if any.

The completed form can be mailed to xxxxxx or delivered in person to the xxxx office, xxxxx OR can be hand delivered for over-the-counter processing

FEES: The fee for filing Form xxxxxx is \$20.00.

Payments for documents submitted: by mail to xxxx can be made by cash, check or money order. Checks or money orders should be made payable to the City of Edina.

**ARTICLE 2**

**TERMINATION OF REGISTRATION AS A DOMESTIC PARTNERSHIP**

CITY OF EDINA  
CITY CLERK'S OFFICE

OFFICE USE ONLY

Date Received \_\_\_\_\_  
Effective Date \_\_\_\_\_

I HEREBY TERMINATE MY REGISTRATION AS A DOMESTIC PARTNERSHIP.

PRINT NAME:

\_\_\_\_\_  
SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_

\_\_\_\_\_  
CITY/STATE: \_\_\_\_\_ ZIP: \_\_\_\_\_

PLEASE NOTIFY THE FOLLOWING INDIVIDUAL OF THIS TERMINATION BY CERTIFIED MAIL:

PRINT NAME:

\_\_\_\_\_  
SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_

\_\_\_\_\_  
CITY/STATE: \_\_\_\_\_ ZIP: \_\_\_\_\_

**PRIVACY NOTICE**

The Minnesota Department of Administration has issued an advisory opinion in which it concludes that all information on file with the City pertaining to domestic partnership registration should be classified as public data pursuant to the Minnesota Government Data Practices Act ("Act"). However, the Act allows the City to classify such information as private data if disclosure of the information would be likely to substantially jeopardize the security of individuals and their property. If you believe that release of the information would substantially jeopardize your security and want your information to remain private, please read the statement below, check the box and fill in the information requested. Your information will remain public if you do not sign this form.

I request this data to be considered private due to security concerns.

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

Mail or deliver to: City Clerk's Office

## EXHIBIT B

### CITY OF EDINA EQUAL BENEFITS ORDINANCE (effective xx/xx/xxxx)

#### Equal benefits provisions in contracts.

(a) The City of Edina recognizes that a nationwide debate has advanced an expanded concept of familial relationships beyond traditional, marital relationships. This expanded concept includes relationships between two (2) non-married, adult partners who are committed to one another to the same extent as married persons are to each other, except for the traditional marital status and solemnities. The City of Edina also recognizes that it annually enters into numerous contracts for the purchase of goods and services.

Requiring contractors to provide to employees with domestic partners benefits equal to those provided to employees who are married will require contractors to maintain a competitive advantage in recruiting and retaining the highest quality work force, thereby improving the quality of goods and services that the city receives. The City of Edina has a fiscal responsibility to ensure that it purchases the best quality goods and services possible within its budgetary constraints. To ensure that the City of Edina receives improved quality of goods and services, the functions of the purchasing agent are expanded as provided in this section.

(b) In addition to the functions described in this chapter, the purchasing agent for the city must do the following:

- (1) Require that notice of the requirements of this section be provided in every request for proposal and bid specification, whether involving goods or services.
- (2) Require that, unless an exception is granted by the city council, every contract include a provision that the contractor will comply with this section.

(c) For purposes of this section, the following definitions apply:

Cash equivalent. If a married person receives a benefit as part of its “pay for purposes of calculating overtime, Social Security, pension and other benefits”, that same principle will apply for offering cash equivalency for domestic partners receiving payments for those same benefits. As such, the cash equivalent of the following benefits apply:

- (1) For bereavement leave, cash payment for the number of days that would be allowed as paid time off for the death of a spouse. Cash payment would be in the form of the wages of the domestic partner employee for the number of days allowed.
- (2) For disability insurance, life insurance, health benefits, and dental benefits, the cost to the contractor of the contractor's share of the single monthly premiums that are being paid for the domestic partner employee, to be paid on a regular basis

while the domestic partner employee maintains such insurance in force for himself or herself.

- (3) For a membership, the cost to the contractor of the membership fee normally paid for a spouse, as long as the domestic partner employee would have been provided such membership payments if the domestic partner employee would have had a spouse.
- (4) For moving expenses and travel expenses, expenses that would have been paid to the domestic partner employee if the domestic partner of the employee were a spouse.
- (5) For family leave, cash payment for the number of days that would be allowed as time off for an employee to care for a spouse who has a serious health condition. Cash payment would be in the form of wages, as it is for a married person, of the domestic partner employee for the number of days allowed.

Contract. An agreement where one of the parties is the City of Edina for personal services; for the sale or purchase of supplies, materials, equipment or the rental thereof; or for the construction, alteration, repair or maintenance of personal property.

Contractor / Subcontractor. Any individual, corporation, partnership, association, nonprofit organization, groups of persons, organization, company, firm, limited liability company, joint venture, enterprise, or any other legal or commercial entity, or combination thereof, which enters into a contract with the city. Workweeks include consecutive and nonconsecutive workweeks.

Domestic partner.

- a. Any person who has a currently registered domestic partnership with a governmental body pursuant to state, local, or other law authorizing such registration. The term domestic partnership should be construed broadly to include same-sex civil unions or other such same-sex unions in which two (2) same-sex individuals are committed to one another to the same extent as married persons are to each other, except for the traditional marital status and solemnities; or
- b. Unless otherwise provided by state, local or other applicable law authorizing the registration of domestic partnerships, a person who is in a domestic partnership, which consists of two (2) adults who:
  - (1) Are not related by blood closer than permitted under marriage laws of the state.
  - (2) Are not married.
  - (3) Are competent to enter into a contract.
  - (4) Are jointly responsible to each other for the necessities of life.
  - (5) Are committed to one another to the same extent as married persons are to each other, except for the traditional marital status and solemnities.

- (6) Do not have any other domestic partner(s).
- (7) Both persons are at least 18 years of age.

Domestic partner employee. An employee who has a domestic partner.

Employee. An individual who performs services for compensation for a contractor and who is entitled to one or more employee benefits. Employee does not include independent contractors.

Employee benefits. Unless otherwise prohibited by state, federal or other law, bereavement leave, disability insurance, life insurance, health benefits, dental benefits, family leave, memberships, moving expenses, and travel benefits provided to employees of the contractor.

Registry. A system or mechanism for the recognition of, at a minimum, domestic partners during the term of the contract.

Religious or denominational educational institution. An educational institution which is operated, supervised, controlled or sustained primarily by a religious or denominational organization, or is one which is stated by the parent church body to be and is, in fact, officially related to that church through church representation on the board of the institution and through substantial church financial assistance to the institution; and further includes any agent or employee of such an institution.

Religious or denominational organization. Corporations, and any community chest, fund, or foundation, organized and operated exclusively for religious purposes, no part of the net earnings of which inures to the benefit of any private shareholder or individual, no substantial part of the activities of which is carrying on propaganda, or otherwise attempting, to influence legislation (except as otherwise provided in subsection 26 U.S.C. § 501(h)), and which does not participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of (or in opposition to) any candidate for public office.

Serious health condition: Serious health condition as defined by the federal Family and Medical Leave Act.

(d) No contractor shall discriminate by policy or practice in the provision of employee benefits between an employee with a domestic partner and an employee with a spouse. Any employee benefit provided in any manner contingent upon the existence of a marital relationship must also be provided to an employee who has a domestic partner. The contractor shall not be deemed to discriminate in the provision of employee benefits if, despite taking reasonable measures to do so, the contractor is unable to extend a particular employee benefit to a domestic partner, so long as the contractor provides the employee with a cash equivalent of such a benefit.

(e) The provisions of subsection (d) do not apply when the City of Edina is purchasing through a cooperative or joint purchasing agreement.

(f) A contractor is deemed in compliance with subsection (d) if the contractor meets one of the following criteria:

(1) The contractor allows every employee to designate a legally domiciled member of the employee's household as being eligible for spousal equivalent benefits.

(2) The contractor maintains a registry from the execution of the contract to the completion of the contract. The maintenance of this registry shall include notice to employees of:

- a. The existence of such a registry.
- b. The requirements to be placed on the registry.
- c. The requirements to be removed from such a registry.
- d. The possibility of the extension of benefits to domestic partners of employees during the duration of any contract. However, upon request of an employee, the employee will be placed on the registry and will be provided equal benefits pursuant to subsection (d).

(3) The contractor states that, during the duration of the contract, it will provide notice to employees that the contractor will create a registry upon request of an employee of the contractor or upon request of the manager of the Office of the City Manager, or the director's designee. Such notice to employees shall also advise employees of the requirements to be placed on the registry, the requirements to be removed from the registry, and the possibility of the extension of benefits to domestic partners of employees during the duration of any contract.

(4) The contractor provides benefits neither to employees' spouses nor to employees' domestic partners.

(5) The contractor cannot comply with the requirements of subsection (d) because those requirements are inconsistent with a grant or agreement with a public agency.

(6) The contractor is a religious or denominational educational institution.

(7) The contractor is a religious or denominational organization.

(8) The contractor is a governmental entity.

(g) The city council may grant exceptions to the requirements of subsection (d) where:

(1) Award of a contract or amendment to a contract is necessary to respond to an emergency, where the existence of an emergency is determined by the city

council. In determining whether there is an emergency, the city council must consider the following nonexclusive factors: the nature of the contract; the length of the contract; the cost of the contract; whether grants are involved in the contract and the requirements of those grants; whether there is a need to have materials and goods furnished immediately and the consequences of a delay in having those materials and goods furnished; the monetary consequences if action is not taken immediately; any safety issues that may be involved; the consequences on labor, increased labor costs, and scheduling of labor; the need to complete work before a strike deadline; and the impact of delaying one phase or portion of a project on the other phase(s) or portion(s) of the project.

(2) The city council considers the following nonexclusive factors and determines that an exception is in the best interests of the City of Edina, as long as the contract is not renewed after a twelve month period unless the contractor becomes compliant with this Ordinance:

a. Bids are received, the bids demonstrate that none of the bidders can comply with this section, and one (1) or more of the bids would have been responsive if compliance with this section would not have been listed as a requirement in the bid specification. Under this circumstance, the city could then rebid and delete the bid specification of complying with this section in the rebid.

b. A request for proposal is requesting unique services that can only be reasonably provided by one (1) contractor.

c. There is only one (1) bidder.

d. Only one (1) proposal is submitted to a request for proposal.

e. After a comparison between personal services proposals in which contractors would comply with this section with personal services proposals in which contractors would not comply with this section, the city council determines that the City of Edina would gain a substantial cost savings by awarding a personal services contract to a contractor that will not comply with this section.

(h) Decisions by the city council to grant exceptions to the requirements of (d) are final.

(i) This section shall only apply to those portions of a contractor's operations that occur:

(1) Within the City of Edina.

(2) On real property outside of the City of Edina if the property is owned by the

City of Edina or if the City of Edina has a right to occupy the property, and if the contractor's presence at that location is connected to a contract.

(3) Elsewhere in the United States where work related to a contract is being performed.

(j) The requirements of this section shall only apply during the duration of the contract.

(k) Except for subsection (l), all requirements of this section that apply to contractors shall also apply to subcontractors.

(l) The contractor will include the provisions of this ordinance in every subcontract, specifically or by reference, so that such provisions will be binding upon each subcontractor.

(m) Because of its experience with the enforcement of other contractual requirements, and to avoid administrative costs of implementing a new enforcement unit, the Edina City Manager's Department shall enforce the provisions of this section pursuant to all of its enforcement powers under Title 7 of this Code.

DRAFT