

RESOLUTION NUMBER 7801

A resolution of the Missoula City Council expressing support for the Human Rights Campaign's important work and authorizing the creation of a Domestic Partnership Registry.

WHEREAS, the Human Rights Campaign (HRC), founded in 1980, has become the largest civil rights organization working to achieve equality for lesbian, gay, bisexual and transgender (LGBT) Americans; and

WHEREAS, HRC advocates for the rights of LGBT people in the areas of hate crimes, federal and state legislation, coming out, marriage equality, and workplace issues; and

WHEREAS, Missoula in 2010 passed the first ever municipal non-discrimination in the state of Montana and values and respects all of its citizens; and

WHEREAS, in 2012 HRC announced the Municipal Equality Index (MEI) which is the first nationwide evaluation of municipal laws affecting the LGBT community and examines the laws, policies, and services of municipalities from every state in the country and rates them on the basis of their inclusivity of LGBT people who live and work in those cities; and

WHEREAS, Missoula will be ranked for the first time this fall in the Municipal Equality Index, along with Billings, Great Falls, and Helena; and

WHEREAS, Missoula has a progressive history of inclusivity towards the LGBT population and LGBT employees and wishes to be a leader within the State of Montana and set a positive example for other communities to follow; and

WHEREAS, the City of Missoula on June 24, 2013 adopted a Resolution expressing the City's commitment to and active participation in achieving the highest score possible on the Municipal Equality Index; and

WHEREAS, the establishment of a voluntary domestic registry partnership is a criteria to be considered in the Municipal Equality Index; and

WHEREAS, the City of Missoula wishes to recognize the mutual support, caring and commitment unmarried couples have in their relationships and further wishes to support the right and dignity of unmarried couples to have their relationships recognized;

NOW, THEREFORE, BE IT RESOLVED:

Section 1. That the Mayor and City Council hereby express their support for the Human Rights Campaign's important work and express their commitment to the active participation and progress towards a perfect score on the Municipal Equality Index; and

Section 2. That the City wishes to recognize the mutual support, caring and commitment unmarried couples have in their relationships and further wishes to support the right and dignity of unmarried couples to have their relationships recognized by the creation of a Domestic Partnership Registry; and

Section 3. The City of Missoula shall create a voluntary Domestic Partnership Registry, which shall be maintained by the Missoula City Clerk's Office; and

Section 4. A couple shall be added to the Domestic Partnership Registry upon completion of an application and notarized affidavit that establishes the following criteria:

- a. A marriage, domestic partnership or civil union license from another state; or
- b. At least two of the joint living expenses or decisions in the following list must apply to the couple:

- i. Common ownership of real property or a common leasehold interest in such property; or
- ii. Power of attorney for health care decisions; or
- iii. Joint bank account or a joint credit account; or
- iv. Common ownership of a motor vehicle; or
- v. Designation as a beneficiary for life insurance or retirement benefits or under the partner's will; or
- vi. Shared parenting or shared legal guardianship of a child; or
- vii. Such other proof to establish financial interdependency under the circumstances of their particular case as considered to be sufficient

c. Domestic partners also must affirm they meet the following criteria:

- i. Are not related by blood to a degree of closeness that would prohibit legal marriage; and
- ii. Are both at least 18 years of age; and
- iii. Reside together and intend to do so permanently; and
- iv. Are not legally married under Montana state law; and
- v. Are responsible for each other's common welfare; and
- vi. Are each other's sole domestic partner; and
- vii. Were mentally competent to consent to contract when the domestic partnership began.

Section 5. In addition to the criteria set forth in Section 4 of this Resolution, in order to support the right and dignity of all Montanans to have their families recognized and to be a leader within the State of Montana and set a positive example for other communities to follow, a domestic partnership shall be added to the registry if at least one of the partners in the domestic partnership has a physical address in, and resides within, the State of Montana.

Section 6. Upon meeting the criteria set forth herein, the applicants will be added to the City of Missoula's Domestic Partnership Registry. The City of Missoula strongly encourages health care entities, businesses and employers, schools and other entities to recognize and honor the Domestic Partnership Registry in their policy considerations.

Section 7. The City of Missoula is a public entity and is governed by the Right to Know, Article II, Section 9 of the Montana Constitution. This Right to Know is only limited by the Right to Privacy, of Article II, Section 10 of the Montana Constitution. The City of Missoula's purpose in creating a Domestic Partnership Registry is to recognize the mutual support, caring and commitment unmarried couples have in their relationships and further wishes to support the right and dignity of unmarried couples to have their relationships recognized. At the same time, unmarried couples on the Domestic Partnership Registry should be free from public scrutiny and should be able to maintain their Right to Privacy. Therefore, the Domestic Partnership Registry shall be subject to public disclosure only upon a showing of a compelling state interest that the right to know clearly exceeds the demands of individual privacy.

PASSED AND ADOPTED this 15th day of July, 2013.

ATTEST:

APPROVED:

/s/ Martha L. Rehbein
 Martha L. Rehbein, CMC
 City Clerk

/s/ John Engen
 John Engen
 Mayor

(SEAL)