

## **ORDINANCE No. 176258**

\*Extend benefits currently provided to surviving spouses of members of the Fire and Police Disability and Retirement Fund on equal terms to gay and lesbian members' same-sex domestic partners. (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. That the Fire and Police Disability and Retirement Fund ("the Fund") currently provides certain benefits to a member's surviving spouse, defined as the person to whom the member was legally married.
2. That Article 1, section 20 of the Oregon Constitution, as interpreted in Tanner v. OHSU, 157 Or App 502, 971 P2d 435 (1998), requires that benefits provided to public employees' spouses be extended on equal terms to the same-sex domestic partners of gay and lesbian public employees.
3. That pursuant to Portland City Charter Section 5-403(a), the Council may provide by ordinance for additional benefits to be paid from the Fund if the City of Portland is required by law to extend to members such additional benefits.
4. That pursuant to Portland City Charter Section 5-403(d), the Council shall not take action to extend additional benefits without seeking the advice of the Fund's Board of Trustees;
5. That the Fund's Board of Trustees has considered the matter and by motion requested that the Council prepare an ordinance extending to gay and lesbian members' same-sex domestic partners the benefits currently provided to members' surviving spouses, on equal terms.

NOW, THEREFORE, the Council directs:

- a. That the Fund extend to gay and lesbian members' same-sex domestic partners the benefits currently provided to members' surviving spouses, on equal terms.
- b. That in doing so, the Fund utilize the criteria for domestic partnership currently set forth in Paragraph 2 of the City of Portland's Employee Affidavit of Dependent Domestic Partner Status, attached hereto as Exhibit A and by this reference made a part hereof.
- c. This ordinance is considered Binding City Policy.

Section 2. The Council declares that an emergency exists in order that the changes described in Section 1 hereof may be implemented without undue delay in order to bring the Fund into compliance with Article 1 section 20 of the Oregon Constitution; therefore this ordinance shall be in full force and effect from and after its passage by Council.

Mayor Vera Katz

Tracy Pool Reeve:nt

January 22, 2002

Passed by the Council: FEB 13 2002

**Gary Blackmer**

Auditor of the City of Portland

By: /S/ Susan Parsons

Deputy

BACKING SHEET INFORMATION

AGENDA NO. 140-2002

ORDINANCE/RESOLUTION/COUNCIL DOCUMENT NO. 176258

COMMISSIONERS VOTED AS FOLLOWS:		
	YEAS	NAYS
FRANCESCONI	X	
HALES	X	
SALTZMAN	X	
STEN	X	
KATZ	X	