

SALT LAKE COUNTY ORDINANCE

ORDINANCE NO. 1748 June 4, 2013

MUTUAL COMMITMENT REGISTRY

AN ORDINANCE ENACTING CHAPTER 2.10 -- PUBLIC REGISTRIES, CHAPTER 2.10 SALT LAKE COUNTY CODE OF ORDINANCES, 2001, RELATING TO A MUTUAL COMMITMENT REGISTRY. PROVIDING FOR: THE REQUIREMENTS FOR MUTUAL COMMITMENT REGISTRY; DECLARATION OF MUTUAL COMMITMENT; TERMINATION OF MUTUAL COMMITMENT; REGISTRATION AND FEES; USE OF MUTUAL COMMITMENT REGISTRY; AND MAKING RELATED CHANGES.

WHEREAS, Salt Lake County is comprised of diverse and varied groups, communities and individuals;

WHEREAS, Salt Lake County values this diversity;

WHEREAS, the Salt Lake County Council has express statutory authority under Utah Code Annotated § 17-50-325 to pass an ordinance to “create a registry for adult relationships of financial dependence or interdependence”; and

WHEREAS, a Mutual Commitment Registry will create a way to recognize relationships of mutual commitment, support, and caring, where the parties to the relationship participate to support the financial and physical welfare of each other and intend to continue in this manner.

NOW, THEREFORE, be it ordained by the County Council of Salt Lake County, Utah, as follows:

SECTION 1. That Chapter 2.10 is hereby enacted, *Salt Lake County Code of Ordinances, 2001*, pertaining to a Mutual Commitment Registry, is enacted to read as follows:

CHAPTER 2.10 – PUBLIC REGISTRIES

**CHAPTER 2.10
MUTUAL COMMITMENT REGISTRY**

- 2.10.010 Purpose**
- 2.10.020 Requirements for Mutual Commitment Registry**
- 2.10.030 Declaration of Mutual Commitment**
- 2.10.040 Termination of Mutual Commitment**
- 2.10.050 Registration and Fees**
- 2.10.060 Use of Mutual Commitment Registry**
- 2.10.070 Severability**

2.10.010 Purpose

The County is committed to promoting justice, equity, and inclusiveness in the provision of benefits to all of its citizens that might be offered by the County or by private employers licensed by the County. The County finds that it is made up of households and that in those households relationships exist in many different forms. Those forms include committed, unmarried couples in either same or opposite sex relationships; adult familial relationships; and committed friendships. The County wishes to promote the public health, safety, welfare, and prosperity of its citizens and generally improve overall quality of life by allowing for the efficient and streamlined disposition of benefits that the County, other governmental entities or businesses licensed within the County might offer to their employees – including an employee’s designee listed on the Mutual Commitment Registry. The County finds that a County-maintained list is the best way for the County, other governmental entities, and businesses licensed within the County to reliably ascertain whether an employee’s designee listed on the Mutual Commitment Registry and beneficiaries are eligible for such benefits. Therefore, it is the policy of the County to allow two (2) adults in a committed relationship who meet the Mutual Commitment Registry criteria, to register with the County and to obtain a certificate attesting to their status.

2.10.020 Requirements for Mutual Commitment Registry

To be eligible to register a relationship of Mutual Commitment with Salt Lake County, any two (2) individuals (the “declarants”) must meet the following criteria:

- A. Freely declare that they are solely and mutually committed to each other;
- B. Be persons eighteen years of age or older;
- C. Be competent to contract;

D. Be directly dependent upon, or interdependent with each other and sharing a common financial obligation. Documentation demonstrating a common financial obligation shall include any two (2) of the following four (4) documents:

1. A joint loan obligation, mortgage, lease, or joint ownership of real property or a vehicle;

2. A life insurance policy, retirement benefits account, or will or trust of one declarant designating the other declarant as beneficiary thereto, or will or trust of one declarant which designates the other declarant as executor or successor trustee;

3. A mutually granted power of attorney for purposes of healthcare or financial management;

4. Proof of showing that one declarant is authorized to sign for purposes of the other declarant's bank or credit account;

E. Currently share a primary residence in Salt Lake County. For these purposes "primary residence" means the place where the declarants reside. The legal right to occupy the residence need not be joint; and,

F. Execute a Declaration of Mutual Commitment, attesting to the foregoing requirements and attesting that the parties are in a relationship of mutual commitment, support, and caring; are responsible for each other's physical and financial welfare; and have the present intention to remain in that relationship.

210.030 Declaration of Mutual Commitment

A. Mutual Commitment declarants shall make an official record of their relationship by executing a "Declaration of Mutual Commitment" on the form prescribed by the County.

B. The Declaration must include a statement that the declarants are in a relationship of mutual commitment, support, and caring, and are responsible for each other's welfare. For these purposes, "mutual support" means that they contribute mutually to each other's maintenance and support.

C. The Declaration must include a statement that the declarants agree to file a notice of termination of the relationship if there is a change in the status of their relationship such that they cease to meet the criteria for the Mutual Commitment Registry.

D. The sworn Declaration shall include the date on which the Mutual Commitment was registered, the mailing address of the declarants, and the notarized signatures of the declarants. The Declaration shall further state that the declarants meet all the criteria for the Mutual Commitment Registry set forth in section 2.10.020.

E. The County shall have no duty to verify the information provided by the individuals filing the Declaration of Mutual Commitment.

2.10.040 Termination of Mutual Commitment

A. A Mutual Commitment ends when:

1. A declarant dies; or
2. A declarant executes a notice of termination, stating that one or more of the criteria listed in section 2.10.020 no longer applies. If only one of the declarants executes the notice of termination, then that declarant shall attest to the fact that he or she has sent a copy of the notice of termination to the other declarant at the other declarant's last known address. This notice requirement does not apply if the termination of the Mutual Commitment is due to the death of one of the declarants.

B. A person cannot register a Mutual Commitment until at least six months after any other Mutual Commitment of which he or she was a declarant ended and a notice that the Mutual Commitment ended was given. This does not apply if the earlier Mutual Commitment ended because one of the members died.

2.10.050 Registration and Fees

A. The County Clerk's Office will keep a record of all Declarations of Mutual Commitment and of all notices terminating a Mutual Commitment.

B. The fee for filing a Declaration of Mutual Commitment shall be Forty Dollars (\$40.00) (or such lesser, cost-based amount as may be determined by the County Clerk), which entitles the persons filing the Declaration of Mutual Commitment to two (2) certified copies of the official statement.

C. No fee will be charged for filing a notice terminating a Mutual Commitment.

D. An amendment to a Declaration may be filed by a declarant with the County Clerk's office at any time to show a change in his or her mailing address. The record will be maintained so that amendments and notices terminating a Mutual Commitment are filed with the Declaration of Mutual Commitment to which they apply.

2.10.060 Use of Mutual Commitment Registry

A. All facilities owned or operated by the County and services provided by the County shall allow those listed on the Mutual Commitment Registry, and his or her children, to be included in any rights and privileges accorded a spouse and children for purposes of use and access to County facilities and services.

B. The Mutual Commitment Registry may be made available to County offices and departments, other governmental entities, private business and non-profit entities, and other associations to verify the status of persons listed on the Registry.

2.10.070 Severability

If any section, subsection, clause or provision of this ordinance is held invalid, the remainder shall not be affected by such invalidity.

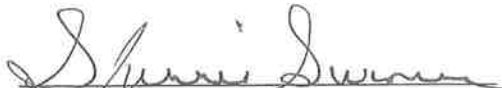
SECTION II. This ordinance shall become effective fifteen (15) days after its passage and upon at least one publication of the ordinance or a summary thereof in a newspaper published and having general circulation in Salt Lake County.

APPROVED AND ADOPTED this 4th day of June, 2013.

SALT LAKE COUNTY COUNCIL

By: 
STEVEN L. DeBRY, Chairman

ATTEST:


Sherrie Swensen
Salt Lake County Clerk

APPROVED AS TO FORM:


Salt Lake County District Attorney's Office

ORDINANCE HISTORY

Council Member Bradley voting	<u>"Aye"</u>
Council Member Bradshaw voting	<u>"Aye"</u>
Council Member Burdick voting	<u>"Aye"</u>
Council Member DeBry voting	<u>"Nay"</u>
Council Member Granato voting	<u>"Aye"</u>
Council Member Horiuchi voting	<u>"Aye"</u>
Council Member Jensen voting	<u>"Aye"</u>
Council Member Snelgrove voting	<u>"Aye"</u>
Council Member Wilde voting	<u>"Aye"</u>

Vetoed and dated this _____ day of _____, 2013.

By: _____
MAYOR BEN MCADAMS
OR DESIGNEE

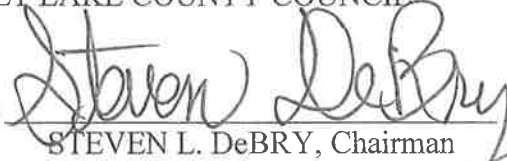
(Complete as Applicable)

Veto override: Yes ___ No ___ Date _____
Ordinance Published in Newspaper: Date _____
Effective Date of Ordinance: _____


SUMMARY OF
SALT LAKE COUNTY ORDINANCE NO. 1748

On the 4th day of June, 2013, the County Council of Salt Lake County adopted Ordinance No. 1748, establishing an ordinance enacting Chapter 2.10—Public Registries, Chapter 2.10 Salt Lake County Code of Ordinances, 2001, relating to a mutual commitment registry providing for: the requirements for mutual commitment registry; declaration of mutual commitment; termination of mutual commitment; registration and fees; use of mutual commitment registry; and making related changes.

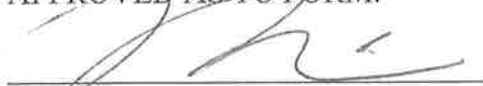
SALT LAKE COUNTY COUNCIL

By: 
STEVEN L. DeBRY, Chairman

ATTEST:


Sherrie Swensen
Salt Lake County Clerk

APPROVED AS TO FORM:


Salt Lake County District Attorney's Office

ORDINANCE HISTORY

Council Member Bradley voting	<u>"Aye"</u>
Council Member Bradshaw voting	<u>"Aye"</u>
Council Member Burdick voting	<u>"Aye"</u>
Council Member DeBry voting	<u>"NAY"</u>
Council Member Granato voting	<u>"Aye"</u>
Council Member Horiuchi voting	<u>"Aye"</u>
Council Member Jensen voting	<u>"Aye"</u>
Council Member Snelgrove voting	<u>"Aye"</u>
Council Member Wilde voting	<u>"Aye"</u>

A complete copy of Ordinance No. 1748 is available in the office of the Salt Lake County Clerk, 2001 South State Street, N2100A, Salt Lake City, Utah.