

Special Meeting  
December 14, 2004

Chairperson Kishimoto called the meeting to order at 7:05 p.m. in the Council Conference Room, 250 Hamilton Avenue, Palo Alto, California.

Present: Burch, Cordell (arrived at 7:06 p.m.), Kishimoto, Morton

1. Oral Communications

None.

2. Human Relations Commission Recommendation to the Policy and Services Committee that the City Council Adopt a Resolution Opposing the Proposed Federal Marriage Amendment

Director of Human Services Kathy Espinosa-Howard said the Council adopted an anti-discrimination policy in November 2003. In accordance with the policy, much work was going on to look at implementation policies to make sure the City was compliant with what was agreed to in terms of items such as training. During the spring of 2004, there was word that the President of the United States was looking at adopting an amendment to the Constitution defining marriage as a unit between a man and a woman. The Human Relations Commission (HRC) considered the matter and felt there was a clear line connecting the marriage issue and anti-discrimination. The HRC tried to bring

the connection out in the staff report (CMR:512:04). A draft sample of a resolution was given to the Policy and Services (P&S) Committee.

Assistant to the City Manager Chris Mogensen said the draft sample resolution was put at place prior to the meeting and would be included in a future packet.

Chairperson Kishimoto clarified the resolution would be sent back to staff to be reviewed by the City Attorney.

Mr. Mogensen said the City Attorney would review the resolution and ultimately present a resolution for their decision, if the P&S Committee chose to forward it to the full Council.

Chairperson Kishimoto said when the matter was referred to the P&S Committee, Council Member Ojakian made several requests. One request was to clarify the difference between a civil union and a marriage and to obtain the attorney's legal advice. A memo was received from the Attorney's office as part of the packet. Another request was to review state law that took effect in January 2005 regarding civil union and its requirements. The third request was how the law related to Palo Alto's anti-discrimination ordinance.

Norman Carroll, University and Emerson, said he agreed with President Bush's comments shortly before the election that "same sex marriage is a state's rights issue and there should not be a constitutional amendment and, until there is one, it remains a state's rights issue." Each state had the right to decide for themselves. Because of the City Council's stand on discrimination, the ordinance that established Chapter 9.73 indicated "in the broadest possible terms, the Council is against arbitrary discrimination." That was arbitrary.

Human Relations Commission Chairman Jeffrey Blum, 1494 Kings Lane, said legislation was pending in the State of California to amend the Constitution of the State of California to define a marriage as being strictly, solely between a man and a woman.

Council Member Burch said the HRC talked about the difference between restating the anti-discrimination ordinance of the City and throwing a loop around any kind of discrimination versus attacking the proposal for a constitutional amendment.

Mr. Blum said he did not believe there was a discussion in that regard. His feeling was that the resolution opposing a proposed federal constitutional amendment accomplished several goals including calling attention to specifically what was going on at the national and state level and created public awareness to the issue.

Council Member Burch suggested restating the anti-discrimination policy while objecting to the constitutional amendment showed support to members of the community.

Mr. Blum said the resolution referred to the ordinance.

Council Member Kishimoto asked about the resolution that was adopted at the State level.

Mr. Blum said he did not have any specific information about the State resolution.

Chairman Kishimoto said Council Member Ojakian asked a question about whether or not the City was in compliance with AB 205.

Ms. Espinosa-Howard said her understanding was the City was in compliance.

Human Relations Commissioner Eve Agiewich reminded the P&S Committee that there was precedent for taking positions on such matters.

**MOTION:** Council Member Cordell moved, seconded by Burch, that the Policy and Services Committee recommends to the City Council adoption of a resolution opposing a proposed federal constitutional amendment defining marriage.

Council Member Burch said he did not believe a constitutional amendment had a chance of passing the Congress and the State.

Chairperson Kishimoto understood the resolution needed to be ratified by three fourths of the House, Senate and State.

Chairperson Kishimoto supported the motion for reasons including the State's rights issues to preserve the State's prerogative to rule on the issue as well as the City's anti-discrimination policy.

**MOTION PASSED 4-0.**

### 3. Discussion for Future Meeting Schedules and Agendas

Assistant to the City Manager Chris Mogensen thanked the P&S Committee for the conclusion of a successful year. The next meeting will be in late January when the new Committee is formed.

Council Member Cordell thanked the staff for the work it did during the prior year.

Council Member Burch thanked Council Member Kishimoto for chairing the Committee.

ADJOURNMENT: Meeting adjourned at 7:20 p.m.

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