

# County Council of Cuyahoga County, Ohio

## Ordinance No. O2015-0014

|  |   |
|--|---|
| Sponsored by: <b>Councilmember Simon</b> | <b>An Ordinance</b> repealing Ordinance No. O2011-0042 dated 2/14/2012, which extended health care benefits to domestic partners of County employees; and declaring the necessity that this Ordinance become immediately effective. |
|--|---|

WHEREAS, Section 9.01 of the Charter of Cuyahoga County (the “Charter”) provides that the County’s Human Resources Policies and Systems for County employees shall be established by ordinance while ensuring that persons will be employed in the public service without discrimination on the basis of race, color, religion, sex, national origin, sexual orientation, disability, age or ancestry; and,

WHEREAS, Section 12.07 of the Charter provides that all County employees shall be appointed, employed, promoted and compensated without regard to their race, color, religion, sex, national origin, sexual orientation, disability, age or ancestry; and,

WHEREAS, Ordinance No. 2011-0042 was originally enacted in to provide coverage of same-sex domestic partners in the County’s health benefits policy; and,

WHEREAS, in *Obergefell v. Hodges*, 576 U.S. \_\_\_ (2015) the Supreme Court of the United States held that the 14<sup>th</sup> Amendment guarantees same-sex couples the fundamental right to marry; and,

WHEREAS, pursuant to the *Obergefell* decision, the County’s adoption of a policy providing health benefits to same-sex domestic partners is no longer necessary to create fairness amongst County employees; and,

WHEREAS, it is necessary that this Ordinance become immediately effective in order that critical services provided by Cuyahoga County can continue and to provide for the usual, daily operation of the County.

**NOW, THEREFORE, BE IT ENACTED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:**

**SECTION 1.** Ordinance No. O2011-0042 is hereby repealed in its entirety.

**SECTION 2.** It is necessary that this Ordinance become immediately effective for the usual daily operation of the County; the preservation of public peace, health, or safety in the County; and any additional reasons set forth in the preamble.

Provided that this Ordinance receives the affirmative vote of at least eight members of Council, it shall take effect and be in force immediately upon the earliest occurrence of any of the following: (1) its approval by the County Executive through signature, (2) the expiration of the time during which it may be disapproved by the County Executive under Section 3.10(6) of the Cuyahoga County Charter, or (3) its passage by at least eight members of Council after disapproval pursuant to Section 3.10(7) of the Cuyahoga County Charter. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

**SECTION 3.** It is found and determined that all formal actions of this Council relating to the adoption of this Ordinance were adopted in an open meeting of the Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

On a motion by Ms. Simon, seconded by Ms. Conwell, the foregoing Ordinance was duly enacted.

Yeas: Greenspan, Miller, Germana, Gallagher, Conwell, Jones, Brown, Hairston, Simon and Brady

Nays: None

\_\_\_\_\_  
County Council President

\_\_\_\_\_  
Date

\_\_\_\_\_  
County Executive

\_\_\_\_\_  
Date

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Date

First Reading/Referred to Committee: November 24, 2015

Committee(s) Assigned: Human Resources, Appointments & Equity

Journal CC020

December 8, 2015