



MIAMI BEACH

OFFICE OF THE MAYOR AND COMMISSION

MEMORANDUM

TO: Jorge Gonzalez, City Manager

FROM: Matti Herrera Bower, Mayor
Victor M. Diaz, Commissioner
Jerry Libbin, Commissioner

DATE: February 13, 2009

SUBJECT: AGENDA ITEM

Please place on the February 25th Commission Meeting Agenda, a referral to the Neighborhoods/ Community Affairs Committee to discuss Proposed Amendments To City's Human Relations, Domestic Partnership, and Equal Benefits Legislation.

Thank you.

Attachment



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MEMORANDUM

TO: Jorge M. Gonzalez, City Manager

FROM: Victor M. Diaz, Jr., Commissioner
(Co-sponsored by Mayor Matti H. Bower and Commissioner Jerry Libbin)

DATE: February 13, 2009

RE: REFERRAL TO NEIGHBORHOODS AND COMMUNITY AFFAIRS COMMITTEE OF PROPOSED AMENDMENTS TO CITY'S HUMAN RELATIONS, DOMESTIC PARTNERSHIP, AND EQUAL BENEFITS LEGISLATION

At its regular meeting on February 3, 2009, the Mayor's Gay Business Development Committee (also referred to as the GLBT Committee) heard a presentation from the City Attorney's Office regarding the City's existing Human Relations (i.e. anti-discrimination), Domestic Partnership, and Equal Benefits legislation. The presentation included a summary of the rights afforded under each law, as well as the complaint procedures and other mechanisms for ongoing enforcement.

Following the City Attorney's presentation, the GLBT Committee also heard separate presentations from Commissioner Libbin and Commissioner Diaz, who had been invited by the Committee to present their respective proposed initiatives for expanding and strengthening sections of the aforesaid legislation; particularly in light of the City Commission's discussion, at its December 10, 2009 Meeting, regarding a proposed Resolution (sponsored by Commissioner Libbin) recognizing and re-affirming the City's support for its existing domestic partnership legislation. At that time, following discussion of the proposed Resolution, the City Commission unanimously moved to table the item, and directed Commissioners Diaz and Libbin to individually work with the City Attorney's Office on strengthening the aforesaid legislation, and to report back to the City Commission at its February Meeting.

Subsequent to Commissioner Libbin and Commissioner Diaz's individual presentations, the GLBT Committee unanimously endorsed the following recommendation, which is also the subject for the proposed referral to the Neighborhoods and Community Affairs Committee Meeting (and which request for referral is hereby jointly sponsored and endorsed by Mayor Bower, Commissioner Diaz, and Commissioner Libbin):

The GLBT Committee unanimously recommended that the City Commission referral for expedited discussion by the City's Neighborhood and Community Affairs Committee, the City Administration and the City Attorney's Office take such actions as necessary to implement the following (including, without limitation, preparing any necessary amendments to the aforesaid legislation):

Commissioner Libbin's recommendations:

Following adoption of the Pension Protection Act, which became federal law on August 17, 2006, non-spouse beneficiaries can rollover retirement benefits to their partners. Non-spouse couples are also allowed to draw from a retirement fund in case of an emergency of the beneficiary.

Accordingly, Commissioner Libbin has requested that, provided the City currently offers same to City employees as a benefit under the City pension system (or a 401(k) package, etc.) the City Administration, offer the following to City employees with domestic partners:

1. Non-Spousal Rollover benefits - for surviving domestic partners identified as beneficiaries under the employees benefits plan; and
2. Hardship Distribution – for employees who list their domestic partners as beneficiaries under a 401(k) plan (so that employees who list their domestic partners as beneficiaries under a 401(k) plan would be able to withdraw monies from their retirement fund, in case of the partner's medical or financial emergencies).

(Note: Provided the City can offer the aforesated benefits, they can be offered to unclassified employees, and for employees subject to a union contract, would require further approval by the union)

Commissioner Diaz's recommendations:

Commissioner Diaz joins in the two suggestions proposed by Commissioner Libbin. In addition, Commissioner Diaz requests consideration of the following items:

1. City should consider more aggressive efforts to publicize the existing of the Human Relations, Domestic Partnership, and Equal Benefits Legislation.
2. The City Code section containing the provisions of the Human Relations (i.e. anti-discrimination) ordinance should be officially named to reference said section as the City's "Human Rights Ordinance."
3. Section 62-32 of the City Code, which sets forth the purpose and "Declaration of Policy" for the Human Relations ordinance, should be reviewed, updated, and expanded upon (to make the legislation stronger).
4. Section 62-32 of the Code, which also sets forth the category of individuals/protected categories in the Human Relations ordinance, should be reviewed to determine whether the current protected classes/categories should be expanded to include other individuals, groups, etc. that may also be perceived to be victims of discrimination.
5. The current mechanisms for enforcement of the Human Relations ordinance (including the current administrative complaint and hearing procedures, and the system of fines for violation of the ordinance) should be reviewed and strengthened. This recommendation should include discussion on whether to create a City "Human Rights Commission," along the lines utilized by the City of San Francisco.

Mayor Bower was also present at the GLBT Meeting at the time the aforesaid motion and recommendations were put forth and, as she was originally responsible for the creation of the Committee, she also agreed to co-sponsor the referral (and subject recommendations), along with Commissioners Diaz and Libbin.

Finally, the Committee requested that the subject items contained herein should be heard by the Neighborhoods Committee no later than its March meeting, so that a follow-up item/Resolution could be considered by the full City Commission at either its March or April Meeting, and any action taken prior to the Miami Beach PRIDE event, which is currently scheduled for April 18, 2009.

VMD/sm