

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT

Meeting Date: January 24, 2012

Action Agenda
Item No. 4-e

SUBJECT: Resolution Regarding Proposed Amendment to the NC Constitution That Defines Marriage

DEPARTMENT: Housing, Human Rights, and
Community Development

PUBLIC HEARING: (Y/N)

No

ATTACHMENT(S):
Resolution

INFORMATION CONTACT:
Tara Fikes, 245-2490

PURPOSE: To adopt a resolution voicing opposition to the proposed amendment to the NC Constitution that defines marriage and thereby promotes discrimination.

BACKGROUND: On February 22, 2011, a bill was introduced in the North Carolina General Assembly to amend the North Carolina Constitution. The proposed Amendment stated, "Marriage between a man and a woman is the only domestic legal union that shall be valid or recognized in this state."

On September 14, 2011, the North Carolina General Assembly, after three readings, ratified a proposed Amendment to Article 14 of the North Carolina Constitution by adding a new section to read as follows:

"Sec 6. Marriage

Marriage between one man and one woman is the only domestic legal union that shall be valid or recognized in this State. This section does not prohibit a private party from entering into contracts with another private party; nor does this section prohibit courts from adjudicating the rights of private parties pursuant to such contracts."

Registered voters shall determine whether the proposed amendment will be approved. However, the language that will appear on the May 8, 2012 North Carolina State Primary Ballot regarding the Proposed Amendment will be in the following format to the voters of the State:

"[] FOR [] AGAINST

Constitutional amendment to provide that marriage between one man and one woman is the only domestic legal union that shall be valid or recognized in this State."

The exact text of the proposed amendment will not be included on the ballot.

The Orange County Human Relations Commission (HRC) believes that in order to achieve justice and equal opportunity for all Orange County residents, everyone must strive to create an atmosphere where people are valued and accepted, and therefore continue to promote the ideal of social justice for all. The Commission works to implement these goals through implementation of the Civil Rights Ordinance and the Social Justice Goal adopted by the Board of County Commissioners.

The HRC believes that the Proposed Amendment, if approved, writes discrimination into the State's Constitution. Codifying discrimination constitutionally is inconsistent with Orange County's commitment to social justice and continued efforts to make freedom, justice, and equal opportunity available to all.

At its proposed October 13, 2011 meeting, the HRC unanimously approved a Resolution, for adoption by the Board of County Commissioners, voicing opposition to a Constitutional Amendment that would discriminate against members of the LGBTQ community by denying them the rights and privileges of marriage and/or civil unions.

FINANCIAL IMPACT: There is no financial impact associated with consideration of the resolution.

RECOMMENDATION(S): The Manager recommends the Board adopt the Resolution and authorize the Chair to sign the resolution.

ORANGE COUNTY BOARD OF COMMISSIONERS**A RESOLUTION IN OPPOSITION TO AMENDMENT #1 THAT WILL
APPEAR ON THE MAY 8, 2012 NORTH CAROLINA STATE PRIMARY
BALLOT**

WHEREAS, Amendment #1 will appear on the May 8, 2012 primary ballot asking voters to decide for or against a North Carolina constitutional amendment that provides that “marriage between one man and one woman is the only domestic legal union that shall be valid or recognized in this State”; and

WHEREAS, Orange County adopted social justice goals of which one goal is to foster a community culture that rejects oppression and inequity, thus the fair treatment and meaningful involvement of all people regardless of race or color, religion or philosophical beliefs; sex, gender or sexual orientation; national origin or ethnic background; age, military services; disability; and familial, residential, or economic status; and

WHEREAS, Orange County along with its local municipalities has adopted the Orange County Civil Rights Ordinance with the purpose and policy to promote the equal treatment of all individuals; prohibits discrimination in Orange County based on race, color, religion, sex, national origin, age, disability, familial status, and veteran status; to protect residents’ lawful interests and their personal dignity so as to make available to the County their full productive and creative capacities, and to prevent public and domestic strife, crime, and unrest within Orange County; and

WHEREAS, Amendment #1, if approved by the voters, would prohibit marriage between people of the same gender, and further prohibit the recognition of any other form of domestic legal union; and

WHEREAS, Amendment #1, if approved by the voters, would be inconsistent with Orange County’s commitment to equal rights and opportunities for its residents and employees and would impact the County’s and its local municipalities’ domestic partner registry and benefits;

NOW, THEREFORE IT RESOLVED, that the Orange County Board of County Commissioners re-affirms its commitment to social justice, equal rights and equal opportunity for all residents of Orange County.

BE IT FURTHER RESOLVED that the Orange County Board of County Commissioners opposes the proposed Amendment #1 that will appear on the May 8, 2012 North Carolina primary ballot.

This the 24th day of January, 2012.

Bernadette Pelissier, Chair
Orange County Board of Commissioners