



# County of Santa Cruz

## BOARD OF SUPERVISORS

701 OCEAN STREET, SUITE 500, SANTA CRUZ, CA 95060-4069  
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**JOHN LEOPOLD**  
FIRST DISTRICT

**ELLEN PIRIE**  
SECOND DISTRICT

**NEAL COONERTY**  
THIRD DISTRICT

**GREG CAPUT**  
FOURTH DISTRICT

**MARK W. STONE**  
FIFTH DISTRICT

AGENDA: 8/9/11

August 3, 2011

BOARD OF SUPERVISORS  
 County of Santa Cruz  
 701 Ocean Street  
 Santa Cruz, CA 95060

RE: S. 598 – RESPECT FOR MARRIAGE ACT OF 2011

Dear Members of the Board:

Over the last 50 years there has been an evolving sense in our community and across our country about the importance of equal rights for all people. While our country has made great strides in the promotion of equal rights for many, the members of the lesbian, gay, bisexual and transgendered (LGBT) community have continued to see new laws to restrict their rights. Local public agencies have recognized the discrimination against the LGBT community and put new policies in place; equal access to benefits has been instituted throughout the public sector.

On the national level, the debate over equal rights has been distressing as new policies and legislation have been enacted to restrict or outright discriminate against the rights of the LGBT community. This has occurred under both Democrat and Republican administrations, and now we need to overturn these discriminatory policies and develop new legislation to assure that no community is denied basic rights.

In 1994 the Clinton administration introduced the "Don't Ask, Don't Tell" policy that prohibits acknowledged members of the LGBT community from serving in our armed forces. In 1996, Congress passed the "Defense of Marriage Act" (DOMA) that prohibits the recognition of same-sex marriages. DOMA was passed in 1996 as states began an effort to recognize marriage equality. DOMA denies these same-sex couples the rights and benefits to:

- File joint federal income taxes and claim certain deductions;
- Receive spousal benefits under Social Security;
- Take unpaid leave under the Family and Medical Leave Act; and
- Obtain the protections of the estate tax when a spouse passes and wants to leave his or her possessions to another.

## BOARD OF SUPERVISORS

August 3, 2011

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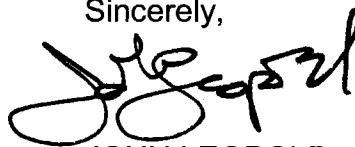
However, during the past two years there have been some positive steps forward. The Obama administration has finally taken the action necessary to end the highly discriminatory "Don't Ask Don't Tell" policy. Additionally, the administration has decided to stop defending DOMA.

Last month Senator Dianne Feinstein and 27 co-sponsors in the Senate introduced S. 598, the "Respect for Marriage Act," a bill to strike DOMA from federal law and provide legally married, same-sex couples the same federal benefits, rights and privileges as any married Americans. This bill would repeal all sections of DOMA-- which federally defined marriage as a union between a man and a woman--including the sections which instruct states not to recognize same-sex marriages performed in other states and which prohibit the federal government from recognizing legally performed same-sex marriages.

The State of California performed legal same-sex marriages for a short period of time in 2008. In November 2008, California voters passed Proposition 8 that bans same sex marriages. In Santa Cruz County, however, over 71% of voters voted no on Proposition 8. Currently, this proposition is being challenged in the courts, and there are many who remain hopeful that it will be deemed unconstitutional.

Santa Cruz County voters have voiced strong support for marriage equality. I therefore recommend that the Board adopt the attached resolution supporting the passage of S. 598 and direct the Chairperson to write to our congressional delegation to let them know of our support for this critical piece of legislation.

Sincerely,



JOHN LEOPOLD, Supervisor  
First District

JL:ted  
Attachments

cc: Diversity Center

1413A1

BEFORE THE BOARD OF SUPERVISORS  
OF THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA

RESOLUTION NO.

On the motion of Supervisor  
duly seconded by Supervisor  
the following resolution is adopted

RESOLUTION SUPPORTING THE PASSAGE OF S. 598 – THE  
RESPECT FOR MARRIAGE ACT

WHEREAS, over the last 50 years there has been an evolving sense in the Santa Cruz County community and across our country about the importance of equal rights for all people; and

WHEREAS, while our country has made great strides in the promotion of equal rights for many, the members of the lesbian, gay, bisexual and transgendered (LGBT) community have continued to see new laws to restrict their rights; and

WHEREAS, although local public agencies have recognized the discrimination against the LGBT community and put new policies in place, the debate over equal rights on the national level has been distressing as new policies and legislation have been enacted to restrict or outright discriminate against the rights of the LGBT community; and

WHEREAS, it is critically important that these discriminatory policies be overturned and that new policies are developed to assure that no community is denied basic rights; and

WHEREAS, during the past two years, some positive steps forward to remove discriminatory policies have been taken, and the Obama administration has finally taken the action necessary to end the highly discriminatory "Don't Ask Don't Tell" (DOMA) policy; and

WHEREAS, Senator Dianne Feinstein and 27 co-sponsors in the Senate recently introduced S. 598, the "Respect for Marriage Act," a bill to strike DOMA from federal law and provide legally married, same-sex couples the same federal benefits, rights and privileges as any married Americans; and

WHEREAS, S. 598 would repeal all sections of DOMA--which federally defined marriage as a union between a man and a woman--including the sections which instruct states not to recognize same-sex marriages performed in other states and which prohibit the federal government from recognizing legally performed same-sex marriages; and

RESOLUTION SUPPORTING THE PASSAGE OF S. 598 – THE RESPECT FOR MARRIAGE ACT

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WHEREAS, while voters in California passed Proposition 8 in November 2008 banning same sex marriages, voters in Santa Cruz County have consistently voiced strong support for marriage equality, with 71% of voters in Santa Cruz County overwhelmingly opposed to Proposition 8; and

WHEREAS, S. 598 is an important next step in ensuring equal rights for all people.

NOW, THEREFORE, BE IT RESOLVED that the Santa Cruz County Board of Supervisors hereby supports the passage of S. 589.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz, State of California, this \_\_\_\_ day of \_\_\_\_\_, 2011, by the following vote:

AYES: SUPERVISORS  
NOES: SUPERVISORS  
ABSENT: SUPERVISORS

\_\_\_\_\_  
MARK W. STONE, Chairperson  
Board of Supervisors

ATTEST: \_\_\_\_\_  
Clerk of said Board

Approved as to form:

  
\_\_\_\_\_  
County Counsel

DISTRIBUTION: Senator Dianne Feinstein  
Senator Barbara Boxer  
Congressman Sam Farr  
Congresswoman Anna Eshoo  
Diversity Center

1413A1

S 598 IS

112th CONGRESS

1st Session

**S. 598**

To repeal the Defense of Marriage Act and ensure respect for State regulation of marriage.

**IN THE SENATE OF THE UNITED STATES**

**March 16, 2011**

Mrs. FEINSTEIN (for herself, Mr. LEAHY, Mrs. GILLIBRAND, Mr. AKAKA, Mr. BLUMENTHAL, Mrs. BOXER, Mr. COONS, Mr. DURBIN, Mr. FRANKEN, Mr. INOUE, Mr. KERRY, Mr. LAUTENBERG, Mrs. MURRAY, Mr. MERKLEY, Mr. SCHUMER, Mrs. SHAHEEN, Mr. UDALL of Colorado, Mr. WHITEHOUSE, and Mr. WYDEN) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

**A BILL**

To repeal the Defense of Marriage Act and ensure respect for State regulation of marriage.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the `Respect for Marriage Act of 2011'.

**SEC. 2. REPEAL OF SECTION ADDED TO TITLE 28, UNITED STATES CODE, BY SECTION 2 OF THE DEFENSE OF MARRIAGE ACT.**

Section 1738C of title 28, United States Code, is repealed, and the table of sections at the beginning of chapter 115 of title 28, United States Code, is amended by striking the item relating to that section.

**SEC. 3. MARRIAGE RECOGNITION.**

Section 7 of title 1, United States Code, is amended to read as follows:

**Sec. 7. Marriage**

`(a) For the purposes of any Federal law in which marital status is a factor, an individual shall be considered married if that individual's marriage is valid in the State where the marriage was entered into or, in the case of a marriage entered into outside any State, if the marriage is valid in the place where entered into and the marriage could have been entered into in a State.

`(b) In this section, the term `State' means a State, the District of Columbia, the Commonwealth of Puerto Rico, or any other territory or possession of the United States.'.

END

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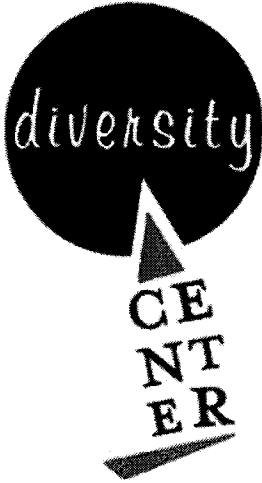
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**19.1**



August 4, 2011

Santa Cruz County Board of Supervisors  
701 Ocean Street, Room 500  
Santa Cruz, CA 95060

Dear Santa Cruz County Board of Supervisors:

On behalf of the board and staff of The Diversity Center, we are writing in support of John Leopold's resolution encouraging the passage of U.S. Senate Bill 598, the Respect for Marriage Act.

**Officers:**

Adam Spickler  
President

Jennifer Wildman  
Vice-president

Joe Eugene  
Secretary

Thadd  
Liszkowski  
Treasurer

**Directors:**

Ann Marie Lang

Bill Garza

Claudia Stefani

Grace Gallego

Kristin Long

Randy Brock

Tara Sawyer

While the debate over marriage equality continues across the country, Santa Cruz County's overwhelming opposition to Proposition 8 makes it very clear that here, at least, the debate is over, and a sense of fairness prevails. It seems fitting that our local elected officials make their collective voices heard in this debate.

As leaders in our community, I encourage each of you to make a clear stand for equality for all of your constituents. Please support the passage of Senate Bill 598 with your vote at the Board of Supervisors meeting this Tuesday.

Sincerely,

Jim Brown  
Executive Director

Adam Spickler  
Board President

for Lesbian, Gay, Bisexual, Transgender, Intersex and Questioning Individuals  
P.O. Box 8280, Santa Cruz, CA 95061  
(831) 425-5422 . Fax (831) 425-0743  
[www.diversitycenter.org](http://www.diversitycenter.org)

19.1

**Laura Guerrero**

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**From:** Terry Dorsey  
**Sent:** Tuesday, August 09, 2011 6:45 AM  
**To:** Laura Guerrero  
**Subject:** FW: Respect for Marriage Act  
**Attachments:** letter to Leopold 8-11 RFMA.doc

Please add to the packet this morning.

Terry Dorsey  
County Supervisors' Analyst  
Santa Cruz County Board of Supervisors  
831-454-2200

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**From:** John Leopold  
**Sent:** Monday, August 08, 2011 3:00 PM  
**To:** Terry Dorsey  
**Subject:** FW: Respect for Marriage Act

FYI

John Leopold  
Santa Cruz County Supervisor, 1st District 831-454-2200 [john.leopold@co.santa-cruz.ca.us](mailto:john.leopold@co.santa-cruz.ca.us)

-----Original Message-----

**From:** Merrie Schaller [<mailto:merrieschaller@comcast.net>]  
**Sent:** Monday, August 08, 2011 3:00 PM  
**To:** John Leopold  
**Subject:** Respect for Marriage Act

The GLBT Alliance of Santa Cruz County  
PO Box 2605  
Santa Cruz, CA 95063

Dear Supervisor Leopold,

Thank you for your resolution in support of the federal Respect for Marriage Act. The voters of Santa Cruz County overwhelmingly supported marriage equality in 2008, and that support continues to grow. The resolution reflects the sentiment of your constituents.

Marriage equality is just that: recognition that marriages of same-gender couples are equal to marriages of different-gender couples. The federal Defense of Marriage Act prevents that equality, keeping same-gender couples from access to 1,138 federal benefits and responsibilities available to different-gender married couples, including hospital visitation rights and medical decision-making; sick leave for spousal care; bereavement leave; access to health insurance and pensions; the right not to be separated in elder-care facilities; and many more.

19.1

Financial situations are made much more difficult for married same-gender couples than for married different-gender couples, from not being able to file joint federal income tax returns to not being able to gift one another without being taxed to not having a home considered owned jointly as tenancy in entirety. At this moment, the family of a deceased woman in Pennsylvania is suing for control of her estate and death benefits, claiming that her marriage was not valid because the federal government does not recognize it and her widow was never her wife. Situations like this have happened for a very long time, and it's time to put an end to them.

Marriage, of course, is much more than a set of benefits and legal responsibilities; several states have legally recognized that same-gender couples make the same emotional commitments of love and mutual care and support that different-gender couples make when they marry, but the federal government still treats our love and commitment as somehow not as good. It is time to put an end to this bigotry.

Thank you for understanding all of this, for wanting to thank our Congressional delegation for co-sponsoring the House version HR 1115, and for being such a strong ally to the LGBT community.

Thank you,

The steering committee of The GLBT Alliance of Santa Cruz County Merrie Schaller, Co-chair  
Thomas Leavitt, Co-chair Glen Schaller Natalie Steinberg Sara Sturtevant Labris Willendorf David  
Yule