

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA AMENDING TITLE THREE OF THE SANTA BARBARA MUNICIPAL CODE TO REVISE SECTION 3.16.073 OF CHAPTER 3.16 PERTAINING TO THE EMPLOYMENT BY THE CITY OF DOMESTIC PARTNERSHIPS IN THE SAME CITY DEPARTMENT OR DIVISION.

THE COUNCIL OF THE CITY OF SANTA BARBARA DOES ORDAIN AS FOLLOWS:

**SECTION ONE:** Chapter 3.16 of Title Three of the Santa Barbara Municipal Code is hereby amended by revising Section 3.16.073 to read as follows:

**Section 3.16.073 Employee Selection.**

A. **EMPLOYMENT OF SPOUSE, REGISTERED DOMESTIC PARTNER, AND RELATIVES.** An employment decision shall not be based on whether an individual has a spouse, registered domestic partner, or relative presently employed by the City except in accordance with City Charter Section 710 and the following criteria:

1. For business reasons of supervision, safety, security, or morale, the City Administrator, after consulting with the Personnel Officer and the department head, may refuse to place a spouse, registered domestic partner, or relative under the direct supervision of the other spouse, registered domestic partner, or a relative.

2. For business reasons of supervision, safety, security or morale, the City Administrator, after consulting with the Personnel Officer and the department head, may refuse to place both spouses, both registered domestic partners, or the two relatives in the same department, division or facility if the work involves potential conflicts of interest or other hazards greater for married couples, registered domestic partners, or relatives than for other persons.

B. **ACCOMMODATIONS FOR CITY EMPLOYEES WHO MARRY OR WHO REGISTER AS DOMESTIC PARTNERS.** If two (2) City employees marry or register as domestic partners, the City Administrator shall make reasonable efforts to assign job duties so as to minimize problems of supervision, safety, security, or morale. If the City Administrator is unable to make an acceptable accommodation which sufficiently minimizes the problems of supervision, safety, security or morale, it may require the two City

employees who have married or who have registered as domestic partners to decide which one of the them will resign from City employment within 60 days of being notified of the City Administrator's inability to make a reasonable accommodation.

**C. Registered Domestic Partners - Defined.** For the purposes of this section, a "registered domestic partner" shall refer to domestic partners who have registered in any of the following ways:

1. with the Santa Barbara City Clerk's Office pursuant to Chapter 9.135 of the Santa Barbara Municipal Code;
2. with the state of California Secretary of State office as the term is defined in state Family Code section 297; or
3. with another municipal, county, or state domestic partner registry authorized and maintained by a governmental entity within the United States.

**D. Charter Section 710 and Nepotism.** For the purposes of City Charter Section 710, use of the term "marriage" shall include those persons who are registered domestic partners as defined and used in this section 3.16.073.