

## AGENDA

### REGULAR MEETING OF THE BOARD OF COMMISSIONERS OF ST. LOUIS COUNTY, MINNESOTA



**Tuesday, October 2, 2012, 9:30 A.M.**

**County Board Room, Second Floor  
St. Louis County Courthouse  
100 N. 5<sup>th</sup> Avenue West  
Duluth, Minnesota**

**KEITH NELSON, Chair  
Sixth District**

**FRANK JEWELL  
First District**

**STEVE O'NEIL  
Second District**

**CHRIS DAHLBERG  
Third District**

**MIKE FORSMAN  
Fourth District**

**PEG SWEENEY, Vice-Chair  
Fifth District**

**STEVE RAUKAR  
Seventh District**

County Auditor  
Donald Dicklich

County Administrator  
Kevin Gray

County Attorney  
Mark Rubin

Clerk of the Board  
Brandon Larson

The St. Louis County Board of Commissioners welcomes you to this meeting. This agenda contains a brief description of each item to be considered. The Board encourages your participation. If you wish to speak on an item contained in the agenda, you will be allowed to address the Board when a motion is on the floor. If you wish to speak on a matter that does not appear on the agenda, you may do so during the public comment period at the beginning of the meeting. Except as otherwise provided by the Standing Rules of the County Board, no action shall be taken on any item not appearing in the agenda.

When addressing the Board, please sign in at the podium and state your name and address for the record. Please address the Board as a whole through the Chair. Comments to individual Commissioners or staff are not permitted. The St. Louis County Board promotes adherence to civility in conducting the business of the County. Civility will provide increased opportunities for civil discourse in order to find positive resolutions to the issue before the Board. Tools of civility include: pay attention, listen, be inclusive, do not gossip, show respect, be agreeable, apologize, give constructive criticism and take responsibility [County Board Resolution No. 560, adopted on September 9, 2003]. Speakers will be limited to five (5) minutes.

**\*\*In compliance with the Americans with Disabilities Act, those requiring accommodation for this meeting should notify Property Management 72 hours prior to the meeting at (218)725-5085.\*\***

All supporting documentation is available for public review in the County Auditor's Office, 100 North 5th Avenue West - Room No. 214, St. Louis County Courthouse, Duluth, MN, during regular business hours 8:00 A.M. - 4:30 P.M., Monday through Friday. Agenda is also available on our website at <http://www.stlouiscountymn.gov/GOVERNMENT/BoardofCommissioners.aspx>

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9:30 A.M. Pledge of Allegiance  
Roll Call

AT THIS TIME CITIZENS WILL BE ALLOWED TO ADDRESS THE BOARD ON ITEMS NOT ON THE AGENDA. [Speakers will be limited to 5 minutes each.]

FOR ITEMS LISTED ON THE BOARD AGENDA OR COMMITTEE OF THE WHOLE AGENDA, CITIZENS WILL BE ALLOWED TO ADDRESS THE BOARD AT THE TIME A MOTION IS ON THE FLOOR.

**CONSENT AGENDA**

Approval of business submitted on the consent agenda.

**REGULAR AGENDA**

**Central Management & Intergovernmental Committee – Commissioner Jewell, Chair**

1. Resolution in opposition to proposed “Recognition of Marriage” amendment to the Minnesota Constitution. **{12-369}**

**ADJOURNED:**

# **BOARD LETTER NO. 12-369**

## **CENTRAL MANAGEMENT & INTERGOVERNMENTAL COMMITTEE NO. 1**

### **OCTOBER 2, 2012 BOARD AGENDA NO. 1**

**DATE:** September 25, 2012                      **RE:** Resolution in Opposition to  
Proposed "Recognition of  
Marriage" Constitutional  
Amendment

**FROM:** Kevin Z. Gray  
County Administrator

#### **ACTION REQUESTED:**

The St. Louis County Board is requested to consider a resolution in opposition to the proposed "Recognition of Marriage" amendment to the Minnesota Constitution.

#### **BACKGROUND:**

Commissioners Jewell and Raukar have requested that the County Board be provided an opportunity to consider a resolution in opposition to a proposed amendment to the state constitution. The 2011 Minnesota State Legislature voted to include the following question on the election ballot in November 2012: "Shall the Minnesota Constitution be amended to provide that only a union of one man and one woman shall be valid or recognized as a marriage in Minnesota?"

The proposed amendment would add a new Section 13 to the Minnesota Constitution stating: "Only a union of one man and one woman shall be valid or recognized as a marriage in Minnesota." Currently, Minn. Stat. 517.03, Subd. 1(a) prohibits marriage between persons of the same sex and does not recognize a marriage of same sex persons that may be recognized in another state or foreign jurisdiction.

#### **RECOMMENDATION:**

Commissioners Raukar and Jewell have asked the County Board to go on record in opposition to the proposed amendment. Should the County Board wish to oppose amending the Minnesota Constitution to define marriage as the union of one man and one woman, a resolution to accomplish this is attached.

**Resolution in Opposition to Proposed "Recognition of Marriage"  
Constitutional Amendment**

BY COMMISSIONER \_\_\_\_\_

WHEREAS, in 2011 the Minnesota State Legislature voted to include the following question on the election ballot in November 2012: "Shall the Minnesota Constitution be amended to provide that only a union of one man and one woman shall be valid or recognized as a marriage in Minnesota?"; and

WHEREAS, the proposed amendment would add a new Section 13 to the Minnesota Constitution stating: "Only a union of one man and one woman shall be valid or recognized as a marriage in Minnesota"; and

WHEREAS, constitutions historically have been designed and interpreted to protect minorities from the arbitrary imposition of unjust barriers by the majority; and

WHEREAS, the proposed amendment would be contrary to the purpose of the Minnesota Constitution to protect the rights, privileges and freedom of conscience of all citizens by withholding from some individuals and families important legal rights and obligations; and

WHEREAS, the St. Louis County Board acknowledges and is committed to the importance of equality for all residents and citizens.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board of Commissioners in principle, hereby goes on record in opposition to the proposed constitutional amendment entitled "Recognition of Marriage Solely Between One Man and One Woman".

## Minnesota Session Laws

Search

Key: (1) ~~language to be deleted~~ (2) new language

### 2011, Regular Session

#### CHAPTER 88--S.F.No. 1308

An act

proposing an amendment to the Minnesota Constitution; adding a section to article XIII; recognizing marriage as only a union between one man and one woman.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

#### Section 1. CONSTITUTIONAL AMENDMENT PROPOSED.

An amendment to the Minnesota Constitution is proposed to the people. If the amendment is adopted, a section shall be added to article XIII, to read:

Sec. 13. Only a union of one man and one woman shall be valid or recognized as a marriage in Minnesota.

#### Sec. 2. SUBMISSION TO VOTERS.

(a) The proposed amendment must be submitted to the people at the 2012 general election. The question submitted must be:

"Shall the Minnesota Constitution be amended to provide that only a union of one man and one woman shall be valid or recognized as a marriage in Minnesota?"

Yes

.....

No..... "

(b) The title required under Minnesota Statutes, section 204D.15, subdivision 1, for the question submitted to the people under paragraph (a) shall be "Recognition of Marriage Solely Between One Man and One Woman."

Filed with the Secretary of State May 25, 2011

## Mark Rubin - MN Defense of Marriage

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**From:** Thomas Stanley  
**To:** Rubin, Mark  
**Date:** 9/19/2012 2:02 PM  
**Subject:** MN Defense of Marriage

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### **517.03 PROHIBITED MARRIAGES.**

#### **Subdivision 1. General.**

(a) The following marriages are prohibited:

(1) a marriage entered into before the dissolution of an earlier marriage of one of the parties becomes final, as provided in section 518.145 or by the law of the jurisdiction where the dissolution was granted;

(2) a marriage between an ancestor and a descendant, or between a brother and a sister, whether the relationship is by the half or the whole blood or by adoption;

(3) a marriage between an uncle and a niece, between an aunt and a nephew, or between first cousins, whether the relationship is by the half or the whole blood, except as to marriages permitted by the established customs of aboriginal cultures; and

**(4) a marriage between persons of the same sex.**

**(b) A marriage entered into by persons of the same sex, either under common law or statute, that is recognized by another state or foreign jurisdiction is void in this state and contractual rights granted by virtue of the marriage or its termination are unenforceable in this state.**