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TIMOTHY C. IDONI
COUNTY CLERK
COUNTY OF WESTCHESTER EXECUTIVE ORDER NO. 3 of 2006

25/06

WHEREAS, the County of Westchester has long provided health benefits to the qualifying domestic partners of its members; and

WHEREAS, in September of 2002, the County of Westchester, in seeking to support all caring, committed and responsible family units, enacted its Domestic Partnership Registry Law, which allowed unmarried couples in committed relationships and who share common households to be able to register those relationships formally and to obtain a Certificate of Domestic Partnership, which serves as independent verification of such partnership, and which may, in certain circumstances, be a condition precedent to receipt of benefits by such partners;

WHEREAS, in March of 2004, New York State Attorney General Eliot Spitzer opined that although the question of whether New York law permits or prohibits marriage by same-sex couples must ultimately be decided by the New York courts, the language of the New York State Domestic Relations Law - which includes gender-specific references, such as "bride and groom" and "husband and wife" - as well as the historical context of the enactment of the law, indicates that the New York State Legislature did not intend to authorize same-sex marriage; and

WHEREAS, the New York State Attorney General concluded that the exclusion of same-sex couples from eligibility for marriage presents serious constitutional concerns; and

WHEREAS, the New York State Attorney General noted in his March 2004 Opinion that the issue of recognizing valid same-sex unions from other jurisdictions presents a legal question distinct from the question of whether New York State law permits such marriages; and

WHEREAS, the New York State Attorney General further opined that since New York State case law requires the recognition of a valid marriage entered into outside the State, regardless of whether the union would be permitted under New York law, same sex marriages lawfully entered into in other jurisdictions outside the State should be recognized in New York State; and

WHEREAS, in October of 2004, New York State Comptroller Alan G. Hevesi announced that he would follow the opinion of the Attorney General and recognize the legal marriages of same-sex couples from outside of New York for the purposes of the New York State Retirement System; and

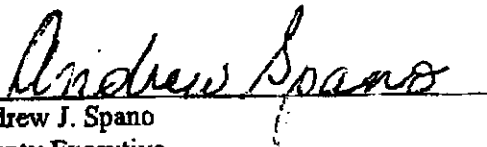
WHEREAS, several municipalities in New York State, including the cities of Albany, Buffalo, New York, and Rochester, the Town of Brighton and the Village of Nyack, have announced that they will recognize for all municipal purposes any validly created same-sex marriage; and

WHEREAS, Section 110.11 of the Laws of Westchester County places the responsibility to supervise, direct and control, subject to law, the administrative services and departments of the County, upon the County Executive; and

WHEREAS, the Department of Planning has advised that this Executive Order does not constitute an action as defined under the State Environmental Quality Review Act regulations, 6 N.Y.C.R.R. § 617.2(b), and therefore, pursuant to SEQRA, no environmental review is required; and

NOW, THEREFORE, I, ANDREW J. SPANO, County Executive of the County of Westchester, in light of the aforementioned and in accordance with my statutory duties, do hereby order and direct each and every department, board, agency, and commission of the County of Westchester under my jurisdiction to recognize same sex marriages lawfully entered into outside the State of New York in the same manner as they currently recognize opposite sex marriages for the purposes of extending and administering all rights and benefits belonging to these couples, to the maximum extent allowed by law.

This Executive Order shall take effect immediately and shall remain in effect until otherwise superseded or revoked.



Andrew J. Spano
County Executive

Dated: June 6, 2006
White Plains, New York