

Meeting Date: Thursday, July 13, 2021

Time: 1:34 PM to 2:03 PM

**MINUTES**

2020/2021 County Clerk Legislative Committee Members

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| --- | --- | --- | --- |
| Candace Grubbs/Cindi Wilde, Butte | T/X | Joani Finwall/Lorelay Faussier, San Bernardino | T/T |
| Elizabeth Gutierrez, Contra Costa | T | Val Handfield, San Diego | T |
| Brandon Hill, Fresno | X | Teresa Williamson, San Joaquin | X |
| Chuck Storey/Victoria Wong, Imperial | X/X | Danielle Rifilato/Melinda Greene, Santa Barbara | X/T |
| Portia Sanders/Monique Blakely/Jaime Pailma, Los Angeles | T/T/T | Gina Alcomendras/Louis Chiaramonte/Belinda Gamutan, Santa Clara | X/X/X |
| Lisa Anderson/Melissa Garcia, Riverside | T/X | Deva Proto/Carrie Anderson/Amanda King, Sonoma | X/X/T |
| Donna Allred/Andrew Graham, Sacramento | T/T | David Valenzuela/Sheila Jetton, Ventura | T/T |
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(**T** – Teleconference; **X** – Not on call)

1. **Call to Order**

Meeting started at 1:34 PM

1. **Roll call**

**Also attending:**

|  |  |
| --- | --- |
| ***Attendee*** | ***County*** |
| Jacqueline Luna | Madera |
| Frederick Garcia | Placer |
| Tammie Buie | Riverside |
| Nicole Barber, Lora Date, DeAnna Hernandez | San Diego |
| Diane Rea | San Francisco |
| Marnie Ardis, Harjeet Kumar | Stanislaus |

1. **Approval of Minutes (June 24, 2021)**

Motion to approve: Elizabeth Gutierrez, Contra Costa; second: Monique Blakely, Los Angeles. Minutes were approved.

1. **Legislative Advocate Update – Matt Siverling**

The Legislature is currently in its final week before the Summer recess. Any bill that does not make it out by this week will automatically be held for the year and not eligible to move again until they return to session in 2022. June 4th was the last day for any bill to clear the House of Origin Floor. Since this is the first year of a Session, the measures that fail to overcome deadlines have a brief opportunity next year to be heard and move either “as is” or with amendments to secure votes for passage. The Legislature is continuing to adhere to a limited bill load and is anticipating potentially intermittent activity on the Floor due to the potential of a surge in COVID-19 infections.

The Second House policy committee hearing process has now also begun. They will have until July 16th to hear all opposite House measures that have reached this point in the process. The second policy committee hearing in the first year of a two-year Session is often a location for measures to be held for further amendments or negotiations, since it is typically the final venue for thoughtful amendments to bills prior to fiscal and Floor votes.

Once the policy committee process wraps up in mid-July, the Legislature will adjourn for a Summer Recess that will last through August 16th. Upon return from the Summer Recess, they will have a final push until September 12th to address any measure that is still under consideration for the year.

**AB 583 Remote Marriage License Issuance and Solemnization**

This bill would authorize, between January 1, 2022, and January 1, 2024, a county clerk to issue a marriage license or solemnize or witness a marriage ceremony using remote technology, as defined, except for the marriage of a minor. The bill would prescribe the procedures and requirements for marriage license applications, marriage license issuance, and the witnessing or solemnizing of the marriage ceremony using remote technology, including the requirements that the couple be in the same physical location in the State of California while using remote technology to solemnize their marriage. The measure would authorize a county clerk to require a couple to complete an affidavit affirming that they and each individual participating in a marriage solemnization using remote technology are physically present within the State of California, as required. The bill would authorize a county clerk to provide guidance relating to marriage license applications, marriage license issuance, and the witnessing or solemnizing of the marriage ceremony within their jurisdiction using remote technology.

Since the Executive Order currently authorizing the remote and electronic processes for marriage ceremonies and licenses may expire once the “stay at home order” is lifted, we approached the Author and requested that he amend the bill to contain an “urgency clause,” which would make the bill effective immediately. He agreed, and the measure has now been amended. The Governor has extended the Executive Order until September 30.

We have also shifted the principal author status to one of the co-authors, Assemblywoman Laurie Davies. She is a wedding planner by trade and spoke highly of the bill and concept in committee when she voted for it and asked to be added as a co-author.

After some debate, the measure was unanimously approved and moved on. The measure is non-fiscal, so the bill is currently on the Floor. The Governor’s Office and the California Department of Public Health proposed a list of amendments for the Committee to consider. Matt stated that the language does not conflict with the issues of concern for the subject matter experts and will be drafted into the bill. Due to these amendments, the bill will not likely be ready for the Governor’s signature until they return from Summer recess in August. Once the bill is signed, it will become law immediately.

**AB 819 California Environmental Quality Act: notices and documents: electronic filing and**

**posting.**

CEQA requires, if an environmental impact report is required, the lead agency to mail a notice of determination to each responsible agency, the Office of Planning and Research, and public agencies with jurisdiction over natural resources affected by the project. CEQA requires the lead agency to provide notice to the public and to organizations and individuals who have requested notices that the lead agency is preparing an environmental impact report, negative declaration, or specified determination. CEQA requires notices for an environmental impact report to be posted in the office of the county clerk of each county in which the project is located. This bill would instead require the lead agency to mail or email those notices, and to post them on the lead agency’s internet website. The bill would also require notices of an environmental impact report to be posted on the internet website of the county clerk of each county in which the project is located.

The concern that was communicated to the Author and staff was that the counties would not be ensured to be in compliance with GC 6254.21, which states that no state or local agency shall post the home address or telephone number of any elected or appointed official on the Internet without first obtaining the written permission of that individual. There is a threshold of “knowingly” attached to the posting; but there is still concern that wholesale posting of notices could result in conflicts with this Section.

We discussed proposing that, rather than posting individual notices; a link to the county index be posted on the website. We also proposed directing those in search of an electronic version of CEQA documents to the copy posted by the “lead agency”; who would also be mandated by AB 819 to post documents online.

We conducted a conference call with the Author’s staff, the Association, and Marin and Sonoma Counties to ensure that the concerns are clear, and the Author is aware of the pitfalls. We are awaiting a response to our request to assist counties with a workaround to make certain the privacy concerns and the posting of public officials’ home address information. Otherwise, they may choose to move the bill “as is” and send it to the Governor.

Joani Finwall, San Bernardino asked if this bill would mandate all California County Clerks as currently the San Bernardino Clerk of the Board is the entity that posts the notices. Matt stated that he interprets that whichever entity is currently posting the notices will continue with the practice; the language will not change who is responsible for the postings.

1. **Bill Tracking**

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| --- | --- | --- |
| Contra Costa | AB 621 | 2-year bill. Will continue to monitor |
| AB 819 | The bill is on the Governor’s desk awaiting signature without the requested amendments from the Committee. |
| AB 1260 | Will continue to monitor |
| SB 44 | Will continue to monitor |
| Riverside | AB 346 | 2-year bill. Will continue to monitor |
| AB 583 | Order has been extended to September 30. Will watch to see if Governor Newsom signs. |
| Sacramento | AB 218 | Will continue to monitor |
| AB 439 | Chaptered last week. Should be effective January 1, 2022 |
| AB 1093 | 2-year bill. Will continue to monitor |
| San Bernardino | SB 554 | 2-year bill. Will continue to monitor |
| Santa Barbara | AB 1286 | Neutral |
| Sonoma | AB 886 | Will continue to monitor |
| Ventura | AB 751 | 2-year bill. Will continue to monitor |
| AB 1168 | 2-year bill. Will continue to monitor |

1. **Legislative Proposals**

**Confidential Marriage License Elimination Subcommittee**

Val Handfield, San Diego; Portia Sanders, Los Angeles; Melinda Greene, Santa Barbara; David Valenzuela, Ventura; Nicole Barber, San Diego; and Melissa Garcia, Riverside have volunteered for the subcommittee. If anyone else is interested in discussing a bill that would eliminate confidential marriages in California, please email Val Handfield at val.handfield@sdcounty.ca.gov.

1. **CRAC Report**

Nothing to report.

1. **For the Good of the Order**

Val will be sending out requests for proposals for 2021-2022.

Matt stated that there was a reporter who complained about the difficulty in having her name changed after getting married and may reach out to her to shine a light on the process.

1. **Adjourned**

Meeting ended at 2:03 PM