

Meeting Date: Thursday, August 26, 2021

Time: 9:32 AM to 10:28 AM

**MINUTES**

2020/2021 County Clerk Legislative Committee Members

|  |  |  |  |
| --- | --- | --- | --- |
| Candace Grubbs/Cindi Wilde, Butte | X/T | Joani Finwall/Lorelay Faussier, San Bernardino | T/T |
| Elizabeth Gutierrez, Contra Costa | T | Val Handfield, San Diego | T |
| Brandon Hill, Fresno | T | Teresa Williamson, San Joaquin | X |
| Chuck Storey/Victoria Wong, Imperial | X/X | Danielle Rifilato/Melinda Greene, Santa Barbara | T/T |
| Portia Sanders/Monique Blakely/Jaime Pailma, Los Angeles | T/T/T | Gina Alcomendras/Louis Chiaramonte/Belinda Gamutan, Santa Clara | X/X/T |
| Lisa Anderson/Melissa Garcia, Riverside | T/X | Deva Proto/Carrie Anderson/Amanda King, Sonoma | T/T/T |
| Donna Allred/Andrew Graham, Sacramento | X/T | David Valenzuela/Sheila Jetton, Ventura | T/T |
|  |  |  |  |

(**T** – Teleconference; **X** – Not on call)

1. **Call to Order**

Meeting started at 9:32 AM

1. **Roll call**

**Also attending:**

|  |  |
| --- | --- |
| ***Attendee*** | ***County*** |
| Debbie LaGrande | Glenn |
| Susan Morris | Kings |
| Abrial Scheff | Lassen |
| Maria Garcia, Gabriel Montez | Los Angeles |
| Jacquelyn Luna | Madera |
| Jodi Olson | Marin |
| Nicole Bettencourt, Matt May, Philip Robinson | Merced |
| Angie Munoz | Monterey |
| Frederick Garcia, Sheri Kasza, Susan McCormick | Placer |
| Tammie Buie, Andrew Ellingwood, Erik Karhu | Riverside |
| Alexis Allston | Sacramento |
| Daniel Sanchez | San Bernardino |
| Nicole Barber, David Gonzalez, Diana Moore | San Diego |
| Guillermo Sandoval | San Francisco |
| Chan Siphavong | Santa Clara |
| Margarita Williams | Santa Cruz |
| Julieanne Bryant | Shasta |
| Harjeet Kumar | Stanislaus |
| Katherine Campos, Adrian Wheeler | Yolo |

1. **Approval of Minutes (July 13, 2021)**

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

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

The 2021 Legislative Session is in the final homestretch before the final deadline to act on any active bill. As reported throughout the year, the Senate President Pro Tem and the Speaker of the Assembly opted to enforce a strict 12 bill limit per Legislator to ensure that they did not run into a workload issue at the end of Session in September, as they did in 2020. This has, of course, resulted in a significant drop in the number of active bills moving through the process. That being said, hundreds of bills are now in the bottleneck of the Senate and Assembly Appropriations Suspense File process, which will culminate on August 26th.

During the Suspense File hearing next week, measures that have been deemed to impact the State General Fund in any significant way are placed into a holding pattern and dispensed with as a whole in a single hearing. Since the Legislative process is at the point where the Houses are in possession of the opposite House bills, there is much posturing and gamesmanship to ensure that the priority issues are being respected by the counterpart on the other side of the building. The Houses will also start and stop the concurrent hearings to keep a watchful eye on the process going on across the hall; and will also pivot to land around a similar to identical “batting average” of bills released vs. held.

Once the bills that are going to be allowed to move are announced on 8/26, the remainder of the Process will be focused on Floor votes and Concurrence votes on amendments from 8/30-9/10. Once the clock strikes midnight on September 10th, the first year of the 2021-22 Session will be complete.

Since 2021 is first year of a two-year Session, bills will have an opportunity to move next year if the votes are not secured for a particular measure. The further in the process the bill makes it in the first year dictates how much time the measure is allotted to move in the second year. For bills that are currently in the Second House, the deadline to move next year will extend into the Summer.

**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.

As 2021 began, we determined that, although the Executive Order is still in effect for the foreseeable future, it would be advisable to move forward with permanent changes to law to allow for the continuation of the service. Many counties have received positive feedback from constituents about the convenience and ease of the new process and recommended that it become an option going forward; even after the COVID-19 pandemic is in the rear-view mirror.

The measure is currently on Third Reading on the Senate Floor and can be taken up for approval as soon as today. Since it was not amended in the Senate, it would move immediately to the Governor for signature upon approval.

We received late notice from the Author’s office that they were contacted by CDPH with some requested amendments.

Andrew Graham, Sacramento; Amanda King, Sonoma; and Lisa Anderson, Riverside will join Matt on a call to the author to discuss concerns regarding wording about the couple, person solemnizing, and any witnesses being in the same physical location.

**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.

Since our last meeting, unfortunately, our concerns fell on deaf ears and the Author pushed the bill off the Floor, and the Governor signed the bill into law. It will become effective January 1, 2022, since it is a majority vote bill. We need to determine if clean up legislation is required next year, either in the posting requirement Section or in the Section that prohibits the posting of public official’s personal information to a “knowingly” standard.

Val Handfield, San Diego with help from Frederick Garcia of Placer County, drafted a proposal to modify the language that will go into effect in January 2022 that would make posting the images optional. Also, if the county implemented electronic filing technology, filing electronically would be optional for the filers instead of mandatory. Val’s changes include:

* §21092.3: “may be posted on the internet website of the County Clerk.”
* §21152: replaces the word “or” with “and” in “and may be posted on the internet website of the County Clerk.”
* Sect. b: replaces the word “shall” with “may”

Matt conveyed there might be an issue with the lack of uniformity across counties but thinks that an author will not be difficult to find.

1. **Legislative Proposals**

**CEQA Notices**

Val Handfield, San Diego with help from Frederick Garcia of Placer County, drafted a proposal to modify the language that will go into effect in January 2022 that would make posting the images optional. Also, if the county implemented electronic filing technology, filing electronically would be optional for the filers instead of mandatory. The proposal will be tabled until next meeting.

**Confidential Marriage License Elimination Subcommittee**

The survey was sent out received 36 responses. Portia Sanders, Los Angeles is compiling the information to share to Val Handfield in order to determine how to proceed with the subcommittee meeting.

The subcommittee consists of:

Donna Allred, Sacramento

Nicole Barber, San Diego

Luis Chiaramonte, Santa Clara

David Valenzuela, Ventura

Lorelay Faussier, San Bernardino

Joani Finwall, San Bernardino

Melissa Garcia, Riverside

Gina Alcomendras, Santa Clara

Melinda Greene, Santa Barbara

Sheila Jetton. Ventura

Portia Sanders, Los Angeles,

Rosette Keopadubsy, San Joaquin

Amendments for B&P §17917 and §17924.

1. **CRAC Report**

Will be discussing AB 1466.

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

Meeting ended at 10:28 AM