

Judge Tansil



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GEMD UPY

August 25, 2003

(157) 9/8/03

TO: Allan Hardcastle, Presiding Judge, Superior Court
Mark Tansil, Former Presiding Judge, Superior Court

FROM: Eeve T. Lewis, County Clerk-Recorder-Assessor

RE: Response to 2002-2003 Grand Jury Report, regarding "Weddings",
Pages 44-45

First, in regard to the Findings of the Report (F1 – F5), as a point of clarification on F3, Deputy Marriage Commissioners do not perform marriages after work hours during the work week for remuneration. They do rotate on the weekend-holiday list if they choose. The list is not available for dissemination and is solely used internally.

The following addresses Recommendation R1 on Page 45.

R1 - All interested and qualified citizens should be allowed to receive the training, acquire the Deputy Commissioner of Civil Marriages title, and be added to the list of available Deputy Marriage Commissioners to perform marriages in this county.

RESPONSE: This recommendation has been partially implemented.

Effective July 17, 2003, the authority to become a deputy commissioner for a day was extended to eligible citizens who applied for deputization, paid the applicable fee, and received the appropriate training. That program is fully implemented and is an ongoing part of the County Clerk's Office procedures.

General deputizations, which extend significant governmental authority, will continue to be limited to staff over whom the County Clerk has some oversight ability. That currently is not the 30-40 Deputy Commissioners referenced in the Grand Jury Report, but rather approximately 8 deputies who routinely perform ceremonies as part of their ongoing responsibilities. When those deputies perform a ceremony during office hours,

the fees are deposited into the County general fund. When they perform them on weekends or holidays, they do so on their own time and expense and may collect a remuneration or gratuity.

As a public service, if someone requests a commissioner for a weekend or holiday, the name of a commissioner will be given to them. Contrary to the Report, a list of deputy commissioners is not provided at the time of issuance of the license. In fact, a list is never provided – it is simply an internal resource in case a phone call or inquiry is made about availability of someone to perform the service .

Individuals eligible to perform ceremonies are not restricted to commissioners or their deputies. Civil Commissioners and their deputies are only a small segment of those California's Family Code authorizes to perform ceremonies. That authority extends to judges, ministers, priests, commissioners or retired commissioners (including court commissioners) as well as to an individual who applies for certification from the Universal Life Church. There is ample opportunity for someone to become eligible to perform ceremonies without expanding deputizations by the Civil Commissioner of Marriages.

As a final note, statute vests deputization authority with the Commissioner, not with the Board of Supervisors.

cc: Board of Supervisors
Denise Gordon, Court Executive Officer
Mike Chrystal, County Administrator
Eeve T. Lewis, County Clerk