SANTA CRUZ COUNTY
BOARD OF SUPERVISORS INDEX SHEET

Creation Date: 2/6/07
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Item: 13. ADOPTED RESOLUTION NO. 41-2007 supporting Assembly Bill 43 by Assemblymember Mark Leno that enacts the "Religious Freedom and Civil Marriage Protection Act" that would make the laws regarding consent to and solemnization of marriage gender neutral, thereby allowing same-sex couples to obtain marriage licenses, as recommended by the County Clerk

County of Santa Cruz

COUNTY CLERK / ELECTIONS

701 OCEAN STREET, ROOM 210, SANTA CRUZ, CA 95060-4076
454-2060 TOLL-FREE: 866-282-5900 FAX: 831 454-2445 TDD: 831-454-2123
E-MAIL: gail.pellerin@co.santa-cruz.ca.us
Web Sites: www.sccoclerk.com & www.votescount.com

GAIL L. PELLERIN, COUNTY CLERK

APPROVED AND FILED
BOARD OF SUPERVISORS
DATE: 2/13/07
COUNTY OF SANTA CRUZ
SUSAN A. MAURIELLO
EX-OFFICIO CLERK OF THE BOARD
BY _____ DEPUTY

February 6,2007

AGENDA: February 13,2007

BOARD OF SUPERVISORS
County of Santa Cruz
701 Ocean Street, 5th Floor
Santa Cruz, CA 95060

RE: Resolution Supporting AB 43 (Leno)

Dear Members of the Board:

Assemblymember Mark Leno has introduced AB 43 that enacts the "Religious Freedom and Civil Marriage Protection Act." Specifically, the bill would make the laws regarding consent to and solemnization of, marriage gender neutral; thereby allowing same-sex couples to obtain marriage licenses.

Leno is joined by 35 of his fellow Assemblymembers and Senators as co-authors of the bill, including Assemblymember John Laird as joint author.

Leno's 2007 bill remains nearly identical to AB 849, which was passed in 2005 by the Senate 21-15 and by the Assembly 41-35. It amends Section 300 of the Family Code to define marriage as a civil contract between two persons instead of a civil contract between a man and a woman, and again reaffirms that no religious institution would be required to solemnize marriages contrary to its fundamental beliefs.

AB 43 currently awaits assignment to a committee and scheduling of a hearing date. It is recommended that your Board ADOPT the attached resolution supporting AB 43 by Assemblymember Mark Leno.

Sincerely,

Gail L. Pellerin
County Clerk

RECOMMENDED

SUSAN A. MAURIELLO
County Administrative Officer

Cc: Assemblymember Mark Leno
Assemblymember John Laird
Assemblymember Sally Lieber

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BEFORE THE BOARD OF SUPERVISORS
OF THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA

RESOLUTION NO. 41-2007

On motion of Supervisor Pirie

duly seconded by Supervisor Stone

the following resolution was adopted.

RESOLUTION SUPPORTING AB 43 (LENO)

WHEREAS, existing law provides that marriage is a personal relation arising out of a civil contact between a man and a woman; and

WHEREAS, existing law provides for the issuance of marriage licenses to an unmarried man and an unmarried woman; and

WHEREAS, Assemblymember Mark Leno introduced AB 43 on December 4, 2006, to enact the "Religious Freedom and Civil Marriage Protection Act," which would instead provide that marriage is a personal relation arising out of a civil contract between two persons; and

WHEREAS, AB 43 is co-introduced by Assemblymember John Laird and Assemblymember Sally Lieber, co-authored by 33 other Assemblymembers and Senators and sponsored by Equality California (EQCA), the statewide LGBT civil rights advocacy organization; and

WHEREAS, AB 43 is supported by a broad coalition of civil rights organizations and leaders, including the NAACP California State Conference, United Farm Workers, Mexican American Legal Defense and Educational Fund, Chinese for Affirmative Action, Anti-Defamation League, CA National Organization for Women, and the CA Council of Churches, among many others; and

WHEREAS, AB 43 makes the law gender-neutral with regard to consent to, and solemnization of, marriage; and

WHEREAS, AB 43 reaffirms in statute that religious institutions are free to exercise their religion without interference from the state and will not be forced to perform ceremonies not in keeping with their beliefs; and

WHEREAS, AB 43 finds that the California Supreme Court stated in 1948 when it ended the ban on interracial marriage, "marriage is a fundamental right of free men...legislation infringing such rights must be based upon more than prejudice and must be free from oppressive discrimination to comply with the constitutional requirements of due process and equal protection of the laws," and

WHEREAS, AB 43 finds that in 1977, the Legislature amended the state's marriage law to replace the gender-neutral description of marriage with language specifically limiting marriage to a "civil contract between a man and a woman; and

WHEREAS, on this 30th anniversary of that law, it is time for California to end marriage discrimination against same-sex couples and grant County Clerks the authority to issue marriage licenses and conduct marriage ceremonies for same-sex couples; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Santa Cruz County supports AB 43 introduced by Assemblymember Mark Leno.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz, State of California, this 13th day of February, 2007, by the following vote:

AYES: SUPERVISORS Pirie, Coonerty, Campos, Stone and Beautz
NOES: SUPERVISORS None
ABSENT: SUPERVISORS None

JANET K. BEAUTZ

Jan Beautz, Chairperson
Board of Supervisors

ATTEST: GAIL T. BORKOWSKI
Clerk of the Board

Approved as to form:

County Counsel

STATE OF CALIFORNIA)
COUNTY OF SANTA CRUZ) ss

I, SUSAN A. MAURIELLO, County Administrative Officer and ex-officio Clerk of the Board of Supervisors of the County of Santa Cruz, State of California do hereby certify that the foregoing is a true and correct copy of the resolution passed and adopted by and entered in the minutes of the said board. In witness whereof I have hereunto set my hand and affixed the seal of the said Board on 2/14/07

SUSAN A. MAURIELLO, County Administrative Officer
By Alicia Murillo Deputy

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