



The Corporation of the Township of Huron-Kinloss

Staff Report

Report Title: Civil Marriage Solemnization Services and Marriage Commissioners

Date: Nov. 18, 2024

Report Number: CLK-2024-11-46

Department: Legislative Services

File Number: C11 CLK 24

Prepared By: Jennifer White, Manager of Legislative Services/Clerk

Attachments: None

Recommendation:

THAT the Township of Huron-Kinloss Council hereby receives Report CLK2024-11-46 prepared by Jennifer White, Manager of Legislative Services/Clerk;

AND FURTHER authorizes the appropriate by-law come forward as a matters arising.

Background:

The Clerk of a municipality is legally authorized to perform marriage ceremonies under the Marriage Act and Ontario Regulation 285/04.

In 2006, the Township of Huron-Kinloss passed By-law No. 2006-103, which introduced civil marriage solemnization services. Following the resignation of Marilynne Gilchrest as a Marriage Commissioner, staff reviewed this service and updated internal processes to ensure it operates effectively.

Discussion/Analysis/Overview:

Civil Marriage Solemnization Legislation

The Clerk and Deputy Clerk are authorized to issue marriage licences. Once a couple has a marriage licence, they must find an officiant to perform the ceremony.

Officiants can be religious leaders, First Nation, Metis or Inuit community representatives, or civil officiants registered with the province

Role of the Clerk

The Clerk is authorized to perform civil marriages by O Reg. 285/04 made under the Marriage Act, R.S.O. 1990, Chapter M.3 Section 1.1:

For the purposes of subsection 24 (1) of the Act, the clerk of a local municipality is authorized to solemnize marriages under the authority of a licence.

The Clerk is accountable for the proper delivery of civil marriage services.

The Municipal Act 2001, S.O. 2001, c. 25, Section 228 (4) allows a Clerk to delegate the authority to solemnize marriages to someone else.

Delegation

(4) The clerk may delegate in writing to any person, other than a member of council, any of the clerk's powers and duties under this and any other Act. 2001, c. 25, s. 228 (4).

Role of Council

In 2006, Council passed a by-law to authorize civil marriage services and allow fees to be charged. Larger municipalities may limit these services to specific locations, like Council Chambers, and only allow members of staff to perform the service but Huron-Kinloss uses a different approach.

The practice within Huron-Kinloss has been to seek qualified and interested members of the public to serve as Township "Marriage Commissioners." These commissioners are able to perform the service anywhere within Ontario.

Marriage Commissioners in Huron-Kinloss

Marriage Commissioners are community members selected to perform civil ceremonies on behalf of the Township. They are not employees but are paid per ceremony, with fees set in the Township's Rates and Fees By-law.

Commissioners are delegated authority by the Clerk, not appointed by Council.

With the retirement of a Marriage Commissioner, Staff have had the opportunity to do a comprehensive review of the by-laws, practices and procedures relating to this service. A new Marriage Commissioner, Janice Wilhelm has been recruited.

Staff recommend that Marriage Commissioners enter into agreements outlining their roles, remuneration, and confidentiality expectations, and that the Clerk be authorized to manage these agreements

Recommendations

1. Update the By-law: Repeal the current by-law and replace it with a new one to reflect updated processes and ensure clear authority for the Clerk to manage agreements with Marriage Commissioners.
2. Amend the Committee Appointment By-law: Remove Marriage Commissioners from the by-law, as their role stems from a delegation of the Clerk's authority, not a Council appointment. To be completed with the next required update.
3. Annual Reporting: Staff will provide an annual report on civil marriage services and the activities of Marriage Commissioners.

Financial Impacts:

The Township facilitates approximately 50 services annually for a revenue of \$5000.

Performance Measurement:

of civil marriage solemnizations completed, satisfaction of Marriage Commissioners, revenue generated

Strategic Area:

- Embrace a thriving rural lifestyle
- Enhance Municipal Service Delivery
- Prepare for Inclusive Growth
- Ensure Financial Stability

Strategic Goal: Encourage citizen first delivery

Respectfully Submitted By:

Jennifer White, Manager of Legislative Services/Clerk

Report Approved By:

Jodi MacArthur, Chief Administrative Officer