

BOARD of SUPERVISORS



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MEMORANDUM

TO: Carmen Chu, City Administrator, Office of the City Administrator
Diane Rea, County Clerk, Office of the County Clerk
Greg Wagner, City Controller, Office of the Controller

FROM: Brent Jalipa, Assistant Clerk, Budget and Appropriations Committee

DATE: June 3, 2024

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Budget and Appropriations Committee has received the following proposed legislation, introduced by Mayor London Breed:

File No. 240597

Ordinance amending the Administrative Code to adjust the fees imposed by the County Clerk, and authorizing the Controller to make future adjustments to the County Clerk's fees to ensure that costs of the County Clerk's services are recovered without producing revenue that is significantly more than such costs.

If you have any comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c: Sophie Hayward, Office of the City Administrator
Vivian Po, Office of the City Administrator
Angela Yip, Office of the City Administrator
Todd Rydstrom, Office of the Controller

[Administrative Code - County Clerk's Fees]

Ordinance amending the Administrative Code to adjust the fees imposed by the County Clerk, and authorizing the Controller to make future adjustments to the County Clerk's fees to ensure that costs of the County Clerk's services are recovered without producing revenue that is significantly more than such costs.

NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
Additions to Codes are in *single-underline italics Times New Roman font*.
Deletions to Codes are in ~~*strikethrough italics Times New Roman font*~~.
Board amendment additions are in double-underlined Arial font.
Board amendment deletions are in ~~strikethrough Arial font~~.
Asterisks (* * * *) indicate the omission of unchanged Code subsections or parts of tables.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Chapter 8 of the Administrative Code is hereby amended by revising Section 8.33.1 to read as follows:

SEC. 8.33.1. COUNTY CLERK'S FEES.

(a) The County Clerk is hereby authorized to charge fees to defray the actual cost of issuance of the following documents and the provision of the following services, notwithstanding the fees otherwise set or limited by State law. Any persons requesting the following documents or services shall pay the following fees:

Public marriage license (County Clerk's portion of license fee only; additional statutory surcharges apply)	\$7788
Confidential marriage license (County Clerk's portion of license fee only; additional statutory surcharges apply)	\$7788

1	Filing of Declaration of Domestic Partnership	\$62 <u>71</u>
2	Filing of Amendment to Declaration of Domestic Partnership	\$62 <u>71</u>
3	Duplicate copy of marriage license	\$25 <u>29</u>
4	Amendment to marriage license	\$34 <u>36</u>
5	Souvenir marriage certificate with seal	\$8 <u>9</u>
6	Performance of <u>civil ceremony for</u> marriage/Domestic Partnership ceremony during	\$93 <u>108</u>
7	regular business hours in City Hall	
8	Performance of <u>civil ceremony for</u> marriage/Domestic Partnership ceremony on	\$154 <u>177</u>
9	weekends or holidays off-site	
10	Issuance of authority to perform ceremony and oath	\$154 <u>177</u>
11	Filing fictitious business name statement	\$57 <u>66</u>
12	Additional name or registrant on fictitious business name statement	\$14 <u>16</u>
13	Filing affidavit of publication of fictitious business name statement	\$9 <u>10</u>
14	Withdrawing partner from or abandoning fictitious business name statement	\$46 <u>53</u>
15	Administration of oath and filing notary public bond (does not include additional	\$46 <u>53</u>
16	state fees for recording)	
17	Surrender of notary journal	\$19 <u>22</u>
18	Filing, revoking, canceling or withdrawing power of attorney (surety insurer)	\$42 <u>48</u>
19	Filing additional name for power of attorney (surety insurer)	\$11 <u>13</u>
20	Process server identification card	\$15 <u>17</u>
21	Verification of public official/notary public authentication	\$15 <u>17</u>
22	Search of indexed official records on file with the County Clerk, per record type	\$12 <u>14</u>
23	Copies of indexed official records on file with the County Clerk, per file number:	
24	(per page, pages 1 through 3)	\$7 <u>8</u>
25		

1	(each additional page)	\$0.20
2	Certifying/endorsing documents or copies of documents per file number	\$2
3	Fictitious business name or marriage license index records:	
4	Records for one day	\$15 <u>17</u>
5	Records for one week	\$15 <u>17</u>
6	Records for one month	\$34 <u>36</u>
7	Diskette	\$2
8	Subscription fee	\$23 <u>26</u>
9	Delivery handling fee	\$15 <u>17</u>
10	Environmental impact report, administration fee	\$74 <u>82</u>

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12 (b) When a digital signature is required in connection with any document issued or

13 service provided by the County Clerk, an additional fee shall be charged to a person

14 requesting that document or service. This additional fee shall consist of the actual expense

15 incurred by the County Clerk in processing the digital signature. The County Clerk shall

16 publish on its website the amount of any additional digital signature fee, and in case of any

17 change in the amount, shall update the published fee listing quarterly.

18 (c) Fees collected by the County Clerk pursuant to this Section 8.33.1 shall be

19 deposited with the City and County Treasurer. Portions of the fees for marriage licenses shall

20 be disbursed in accordance with California Government Code Sections 26840, 26840.1,

21 26840.3, 26840.7, and 26840.8, and San Francisco Administrative Code Section 10.100-336.

22 (d) Fees set *in subsection (a) are applicable to fiscal year 2024-2025.* *Those fees* shall

23 be adjusted each year, without further action by the Board of Supervisors, to reflect changes

24 in the relevant Consumer Price Index, as determined by the Controller, *and to produce revenues*

25 *sufficient to support the costs of providing the services for which the fees are assessed, but which will*

1 not produce revenue which is significantly more than the cost of providing the services for which the
2 fees are assessed, also as determined by the Controller.

3 (1) No later than April 15 of each year, the County Clerk shall submit its current
4 fee schedule to the Controller, and shall report to the Controller the revenues generated by the fees
5 for the prior fiscal year and the prior fiscal year's costs for the services for which the fees are assessed,
6 as well as any other information that the Controller determines appropriate to the performance of the
7 Controller's duties set forth in this Section 8.33.1. The Controller, ~~who~~ shall apply the price index
8 adjustment and if necessary, adjust the fees upward or downward for the upcoming fiscal year as
9 appropriate to ensure that costs of providing the services are recovered without producing revenue
10 which is significantly more than such costs to produce a new fee schedule for the following year.

11 (2) No later than May 15 of each year, the Controller shall file a report with the
12 Board of Supervisors reporting the new fee schedule and certifying that: (A) the fees produce
13 sufficient revenue to support the costs of providing the services for which each fee is
14 assessed, and (B) the fees do not produce revenue which is significantly more than the costs
15 of providing the services for which each fee is assessed.

16
17 Section 2. Chapter 62 of the Administrative Code is hereby amended by revising
18 Section 62.9, to read as follows:

19 **SEC. 62.9. CIVIL CEREMONY.**

20 (a) The County Clerk and any other person authorized by state law to perform
21 marriage ceremonies are authorized to perform a civil ceremony solemnizing the formation of
22 a Domestic Partnership established in accordance with this Chapter. Persons who either (1)
23 present a signed Declaration of Domestic Partnership for filing to the County Clerk in
24 accordance with Section 62.3(a)(1), or who (2) present a certificate issued by the County
25 Clerk in accordance with Section 62.3(a)(1) showing that a signed Declaration of Domestic

Partnership for these persons has been previously filed with the County Clerk, may request that the County Clerk or any other person authorized by state law to perform marriage ceremonies perform a ceremony solemnizing the formation of their Domestic Partnership. Each request for a Domestic Partnership ceremony by the County Clerk shall be made in writing on a form provided by the County Clerk, and shall be accompanied by payment of a fee of ~~\$60~~108, for a ceremony to be performed during regular business hours, and ~~\$100~~177, for a ceremony to be performed on a weekend or holiday. These fees may be adjusted pursuant to Section 8.33.1(*bd*) of this Code ~~to reflect changes in the relevant Consumer Price Index as determined by the Controller.~~

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Section 3. The fees amended by this Ordinance are exempt from the definition of tax under California Constitution Article XIII C, Section 1(e)(2).

Section 4. Effective Date. This ordinance shall become effective 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the Mayor's veto of the ordinance.

Section 5. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal Code that are explicitly shown in this ordinance as additions, deletions, Board amendment

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1 additions, and Board amendment deletions in accordance with the “Note” that appears under
2 the official title of the ordinance.

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4 APPROVED AS TO FORM:
5 DAVID CHIU, City Attorney

6 By: /s/ Jen Huber
7 JEN HUBER
8 Deputy City Attorney

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LEGISLATIVE DIGEST

[Administrative Code - County Clerk's Fees]

Ordinance amending the Administrative Code to adjust the fees imposed by the County Clerk, and authorizing the Controller to make future adjustments to the County Clerk's fees to ensure that costs of the County Clerk's services are recovered without producing revenue that is significantly more than such costs.

Existing Law

Administrative Code Sections 8.33.1 and 8.33.2 set forth fees the County Clerk charges for services offered to the public, and provide for automatic adjustments to those fees based on changes to the Consumer Price Index. Administrative Code Section 62.9 sets forth fees charged by the County Clerk for the performance of a civil ceremony for domestic partnership. The fees currently reflected in Sections 8.33.1 and 62.9 of the Administrative Code have been adjusted annually to reflect changes in the Consumer Price Index pursuant to Section 8.33.2 of the Administrative Code.

Amendments to Current Law

The proposed ordinance amends the table of fees in Section 8.33.1, and adjusts the fees for the performance of a civil ceremony for domestic partnership in Section 62.9, to update such fees to reflect changes to the Consumer Price Index and to produce revenues sufficient to support the costs of the County Clerk's services without producing revenue which is significantly more than such costs. The amendment also adds a provision to Section 8.33.2 to allow for future adjustments to the County Clerk's fees, as determined by the Controller, to produce revenues sufficient to support the costs of providing the services without producing revenue which is significantly more than such costs, in addition to adjustments based on changes to the Consumer Price Index.

Background Information

The legislation is designed to ensure that the County Clerk's fees are adjusted to reflect the actual fees for fiscal year 2024-2025 that will generate sufficient revenue. It would also allow the Controller to make future adjustments based upon the costs of services, in addition to adjustments based on changes to the Consumer Price Index.

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