

1 [Administrative Code - County Clerk’s Fees]

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3 **Ordinance amending the Administrative Code to adjust the fees for County Clerk**
4 **services for FY2014-2015; to remove fees for obsolete services; and to authorize**
5 **annual automatic adjustment of Municipal ID Card fees to reflect changes in the**
6 **Consumer Price Index.**

7 NOTE: Additions are *single-underline italics Times New Roman*;
8 deletions are *strike-through italics Times New Roman*.
9 Board amendment additions are double-underlined;
10 Board amendment deletions are ~~strike-through normal~~.

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

12 Section 1. The San Francisco Administrative Code is hereby amended by amending
13 Section 8.33.1, to read as follows:

14 **SEC. 8.33.1. COUNTY CLERK’S FEES.**

15 (a) ~~Pursuant to Government Code Sections 54985 through 54987 and 26831 and Business and~~
16 ~~Professions Code Section 22352,~~ The County Clerk is hereby authorized to charge fees to defray
17 the actual cost of issuance of the following documents and the provision of the following
18 services, notwithstanding the fees otherwise set or limited by State law. Any persons
19 requesting the following documents or services shall pay the following fees:

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Public marriage license (County Clerk's portion of license fee only; additional statutory surcharges apply)	\$50.00 <u>\$63.00</u>
Confidential marriage license (County Clerk's portion of license fee only; additional statutory surcharges apply)	\$50.00 <u>\$63.00</u>

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1	Filing of Declaration of Domestic Partnership	\$40.00 <u>\$51.00</u>
2	Filing of Amendment to Declaration of Domestic	\$40.00 <u>\$51.00</u>
3	Partnership	
4	Duplicate copy of marriage license	\$16.00 <u>\$20.00</u>
5	Amendment to marriage license	\$20.00 <u>\$25.00</u>
6	Souvenir marriage certificate with seal	\$5.00 <u>\$6.00</u>
7	Performance of marriage/Domestic Partnership	\$60.00 <u>\$76.00</u>
8	ceremony <i>during regular business hours in City Hall</i>	
9	<i>During regular business hours</i>	\$60.00
10	<i>Performance of marriage/Domestic Partnership ceremony</i>	\$100.00 <u>\$127.00</u>
11	<i>On weekends or holidays off-site</i>	
12	Issuance of authority to perform ceremony and oath	\$100.00 <u>\$127.00</u>
13	Filing fictitious business name statement	\$37.00 <u>\$47.00</u>
14	Additional name or registrant on <i>same fictitious business</i>	\$9.00 <u>\$11.00</u>
15	<i>name</i> statement	
16	Filing affidavit of publication <i>of fictitious business name</i>	\$6.00 <u>\$8.00</u>
17	<i>statement</i>	
18	Withdrawing partner or abandoning fictitious business	\$30.00 <u>\$38.00</u>
19	<i>name</i> statement	
20	Administration of oath and filing notary public bond (does	\$30.00 <u>\$38.00</u>
21	not include additional state fees for recording)	
22	Surrender of notary journal	\$12.00 <u>\$15.00</u>
23	Filing, revoking, canceling or withdrawing power of	\$27.00 <u>\$34.00</u>
24	attorney (surety insurer)	
25		

1	<i>Filing A</i> <u>additional name for power of attorney (surety</u>	\$7.00 <u>\$9.00</u>
2	<i>insurer)</i>	
3	Process server identification card	\$10.00 <u>\$13.00</u>
4	<i>Processing of fingerprint cards (not including State</i>	<u>\$10.00</u>
5	<i>Department of Justice fee)</i>	
6	Verification of public official/notary public authentication	\$10.00 <u>\$13.00</u>
7	Search of <i>indexed official records on file with the</i> County	\$7.50 <u>\$10.00</u>
8	Clerk, <i>per record type files</i>	
9	Copies of <i>indexed official</i> records on file <i>with the County</i>	
10	<i>Clerk, per file number:</i>	
11	(per page, pages 1 through 3)	\$4.50 <u>\$6.00</u>
12	(each additional page)	\$0.10
13	Certifying/endorsing documents or copies of documents	\$1.50 <u>\$2.00</u>
14	<i>per file number</i>	
15	Fictitious business name or marriage license index of	
16	records:	
17	Records for one day	\$9.50 <u>\$12.00</u>
18	Records for one week	\$9.50 <u>\$12.00</u>
19	<i>Records for two weeks</i>	<u>\$20.00</u>
20	Records for one month	\$20.00 <u>\$25.00</u>
21	Diskette	\$1.00
22	<i>New client fee</i> <u>Subscription fee</u>	\$15.00 <u>\$19.00</u>
23	Delivery handling fee	\$10.00 <u>\$13.00</u>
24	Environmental impact report, administration fee	\$30.00 <u>\$58.00</u>
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1	<i>Notary Services</i>	
2	<i>Acknowledgement</i>	<i>\$10.00</i>
3	<i>Jurat</i>	<i>\$10.00</i>

4 **(b)** ~~Such fees received collected~~ by the County Clerk pursuant to this Section 8.33.1 shall
5 be deposited with the City and County Treasurer. Portions of the fees for marriage licenses
6 shall be disbursed in accordance with Government Code Sections 26840, 26840.1, 26840.3,
7 26840.7, and 26840.8 and San Francisco Administrative Code Section ~~10.117-21~~ 10.100-336.

8 **(b)(c)** ~~Beginning with fiscal year 2003-2004, fees set in this Section 8.33.1 shall be~~
9 adjusted each year, without further action by the Board of Supervisors, to reflect changes in
10 the relevant Consumer Price Index, as determined by the Controller. ~~Except, fees charged for~~
11 ~~notary services provided by the County Clerk shall be adjusted, without further action of the Board of~~
12 ~~Supervisors, or any subsequent amendment of that section.~~

13 No later than April 15th of each year, the County Clerk shall submit its current fee
14 schedule to the Controller, who shall apply the price index adjustment to produce a new fee
15 schedule for the following year.

16 No later than May 15th of each year, the Controller shall file a report with the Board of
17 Supervisors reporting the new fee schedule and certifying that: ~~(a)~~ (1) the fees produce
18 sufficient revenue to support the costs of providing the services for which each fee is
19 assessed, and ~~(b)~~ (2) the fees do not produce revenue which is significantly more than the
20 costs of providing the services for which each fee is assessed.

21 **(d)** The fees set in this Section 8.33.1 shall become operative on July 1, 2014, or on the effective
22 date of the ordinance establishing said fees, whichever occurs later.

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24 Section 3. The San Francisco Administrative Code is hereby amended by amending
25 Section 95.2, to read as follows:

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SEC. 95.2. MUNICIPAL IDENTIFICATION CARDS.

(a) Definitions. For purposes of this Section 95.2, the following definitions apply.

~~(1)~~ “Agency” shall mean the Office of the County Clerk.

~~(2)~~ “City” shall mean the City and County of San Francisco, ~~or any department, board, commission or agency thereof.~~

~~(3)~~ “Director” shall mean the County Clerk or his or her designee.

~~(4)~~ “Entity That Receives City Funds” shall mean any recipient of a contract, grant agreement, or loan agreement from the City and County of San Francisco.

~~(5)~~ “Municipal Identification Card” shall mean an identification card issued by the City and County of San Francisco that shall display, including but not limited to, the cardholder's name, photograph, date of birth, and an expiration date. The card shall not identify the cardholder's gender.

~~(6)~~ “Resident” shall mean a person who can demonstrate that he or she has been present in the City ~~and County of San Francisco~~ for at least fifteen continuous days and who presents “proof of residency” as specified in Subsection (c)(1)(B).

(b) Issuance of Municipal Identification Cards. Upon request, the Agency shall issue a Municipal Identification Card to any Resident who meets the application requirements set forth below in subsection (c). The Card shall bear the seal of the City and the Director shall cause the Card to be produced in a form intended to thwart replication or counterfeit.

(c) Applications.

(1) To obtain a Municipal Identification Card, a Resident shall complete an application requiring proof of identity and proof of residence within the City. Upon receipt of the proof of identity and residency that this Section specifies, the Agency shall issue a Card to the applicant.

1 (A) Proof of Identity. In order to establish identity, each applicant must present
2 either:

3 (i) One of the following documents containing both the applicant's photograph
4 and date of birth; a U.S. or foreign passport; a U.S. driver's license; a U.S. state identification
5 card; a U.S. Permanent Resident Card (commonly known as a "Green Card"); a consular
6 identification ("CID") card; or a photo identification card issued by another country to its
7 citizens or nationals that meets the requirements of San Francisco Administrative Code
8 Section 95.1(a). Notwithstanding the above, where the applicant is aged thirteen or under, he
9 or she may in the alternative present a certified copy of a U.S. or foreign birth certificate to
10 establish identity under this subsection; or

11 (ii) Two of the following documents, provided that at least one form of
12 identification shall display the applicant's photograph and date of birth: a national identification
13 card with photo, name, address, date of birth, and expiration date; a foreign driver's license; a
14 U.S. or foreign military identification card; a current visa issued by a government agency; a
15 U.S. Individual Taxpayer Identification Number (ITIN) authorization letter, an identification
16 card issued by a California educational institution, including elementary, middle, secondary,
17 and post-secondary schools; a certified copy of a U.S. or foreign birth certificate; a Social
18 Security card. Notwithstanding the above, where the applicant is aged thirteen or under, he or
19 she may in the alternative present an official medical record and/or official school record to
20 establish identity under this subsection, provided that at least one of the two forms of
21 identification presented shall display the applicant's date of birth.

22 (B) Proof of Residency. In order to establish residency, each applicant must
23 present one of the following items, provided that the item includes both the applicant's name
24 and a residential address located within the City: a utility bill dated within the last thirty days; a
25 written verification issued by a homeless shelter that receives City funding confirming at least

1 fifteen days residency within the last thirty days; written verification issued by a hospital health
2 clinic, or social services agency that receives City funding confirming at least fifteen days
3 residency within the last thirty days; a local property tax statement or mortgage payment
4 receipt dated within the last thirty days; a bank account statement dated within the last thirty
5 days; proof of a minor currently enrolled in a City school; a current San Francisco Golf
6 Resident Card; an employment pay stub dated within the last thirty days', a written ruling,
7 order or notice from the Residential Rent Stabilization and Arbitration Board dated within the
8 "last thirty days", a jury summons or court order issued by a state or federal court dated within
9 the last thirty days', a federal or state income tax or refund statement dated within the last
10 thirty days; an insurance bill (homeowner's, renter's, health, life or automobile insurance)
11 dated within the last thirty days. If a certified copy of a marriage certificate is presented at the
12 time of application, an applicant may prove residency using documents bearing the name of
13 his or her spouse.

14 The Director may by regulation provide that where an applicant aged thirteen or
15 younger cannot produce any of the items set forth in this Subsection (c)(1)(B) in order to
16 prove residency, a parent or legal guardian may verify the applicant's residency, provided that
17 the parent or guardian himself or herself would be eligible for a Municipal Identification Card.

18 (C) The Director may by regulation provide for acceptance of additional forms of
19 proof of identity and/or proof of residency, provided that the Director determines that such
20 forms of proof are:

- 21 (i) issued by a governmental entity, or
- 22 (ii) issued by an entity that takes reasonable steps to verify the identity and/or
23 residency of the individual to whom the item is issued, or
- 24 (iii) of a type that is normally accepted as proof of identity and/or proof of
25 residency in the ordinary course of business.

1 (2) An application submitted on behalf of a minor must be completed by such
2 minor's parent or legal guardian.

3 (3) The Agency shall keep confidential to the maximum extent permitted by
4 applicable laws, the name and other identifying information of persons applying for and
5 receiving Municipal Identification Cards. The Director shall cause the applications to be
6 produced in a form that allows applicants to state their privacy preferences. The Agency shall
7 not retain records of applicants' residential addresses.

8 (d) Implementation. The Director is authorized to adopt rules and regulations not
9 inconsistent with this Section in order to implement and administer the issuance of Municipal
10 Identification Cards. The Director shall consult with the Immigrant Rights Administrator, under
11 the supervision of the City Administrator, and with other relevant departments in developing
12 such rules and regulations. The Director shall require applicants to declare the information
13 provided in their applications under penalty of perjury. The Immigrant Rights Administrator
14 shall be responsible for coordinating with the Agency and other City Departments the
15 promotion of the Cards and the development of multiple uses for the Cards.

16 (e) Fees. The Director shall charge an application fee of \$15.00 per Card for adults
17 and \$5.00 per Card for minors and seniors who present proof of age in a form to be
18 determined by the Director. Such fees shall not exceed the administrative costs reasonably
19 associated with the production of the Cards. The Director shall by regulation provide for
20 reduced application fees, up to and including complete waiver of the fee, for low-income
21 applicants who present proof of income status in a form to be determined by the Director.

22 Beginning with fiscal year 2014-15, the fees set in this section shall be adjusted each year, without
23 further action by the Board of Supervisors, to reflect changes in the relevant Consumer Price Index, as
24 determined by the Controller.

1 (f) Acceptance by City Departments and Entities That Receive City Funds. When
2 requiring members of the public to provide identification or proof of residency in the City, each
3 City department and any Entity That Receives City Funds shall accept a Municipal
4 Identification Card as valid identification and as valid proof of residency in the City, unless
5 such City department or Entity has reasonable grounds for determining that the card is
6 counterfeit, altered, or improperly issued to the card holder, or that the individual presenting
7 the card is not the individual to whom it was issued.

8 Other than requiring the City and Entities That Receive City Funds to accept the Card
9 as proof of identification and City residency, this Section is not intended to replace any other
10 existing requirements for issuance of other forms of identification in connection with the
11 administration of City benefits and services. The requirements of this Section do not apply
12 under circumstances where (1) a Federal or State statute, administrative regulation or
13 directive, or court decision requires the City or Entity That Receives City Funds to obtain
14 different identification or proof of residence, (2) a Federal or State statute or administrative
15 regulation or directive preempts local regulation of identification or residency requirements, or
16 (3) the City or Entity That Receives City Funds would be unable to comply with a condition
17 imposed by a funding source, which would cause the City or such Entity to lose funds from
18 that source.

19 (g) City Undertaking Limited to Promotion of General Welfare. In undertaking the
20 enforcement of this ordinance, the City is assuming an undertaking only to promote the
21 general welfare. It is not assuming, nor is it imposing on its officers and employees, an
22 obligation for breach of which it is liable in money damages to any person who claims that
23 such breach proximately caused injury.

24 (h) Provisions of Ordinance Not Severable. The Board of Supervisors intends that all
25 the provisions of this ordinance function as an interdependent whole. If a court rules that the

1 City may not implement or enforce any provision of this ordinance, then all City officers and
2 employees shall henceforth cease implementing and enforcing all provisions of this ordinance.

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4 Section 4. Effective and Operative Dates.

5 (a) This ordinance shall become effective 30 days after enactment. Enactment occurs
6 when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not
7 sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the
8 Mayor’s veto of the ordinance.

9 (b) As stated in Administrative Code Section 8.33.1, the fees set therein shall become
10 operative on July 1, 2014, or on the effective date of this ordinance, whichever occurs later.

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12 Section 5. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
13 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
14 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
15 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
16 additions, and Board amendment deletions in accordance with the “Note” that appears under
17 the official title of the ordinance.

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19 Section 6. Severability. If any section, subsection, sentence, clause, phrase, or word
20 of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any
21 court of competent jurisdiction, such decision shall not affect the validity of the remaining
22 portions of the ordinance. The Board of Supervisors hereby declares that it would have
23 passed this ordinance and each and every section, subsection, sentence, clause, phrase, and
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1 word not declared invalid or unconstitutional without regard to whether any other portion of
2 this ordinance would be subsequently declared invalid or unconstitutional.

3 APPROVED AS TO FORM:
4 DENNIS J. HERRERA, City Attorney

5 By: _____
6 FRANCESCA GESSNER
7 Deputy City Attorney

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