



Office of the City Manager

ACTION CALENDAR
December 13, 2005

To: Honorable Mayor and
Members of the City Council
From: *PK* Phil Kamlarz, City Manager
Submitted by: Fred Medrano, Director, Health and Human Services
Subject: Fees: Vital Records

RECOMMENDATION

Conduct a public hearing and upon conclusion, adopt a Resolution approving a \$2.00 increase in the fee for the issuance of each birth, death, and fetal death certificate, effective January 1, 2006; and establish Fund 231 as the Domestic Violence Prevention – Vital Statistics Fund for purposes of accounting for the revenues and expenditures from these additional fees.

FISCAL IMPACTS OF RECOMMENDATION

AB 1712 (Hancock) authorizes the City of Berkeley to increase the fees within its local health jurisdiction for certified copies of birth, death and fetal death certificates up to a maximum increase of \$2.00 above the State Office of Vital Records baseline fee schedule, effective January 1, 2006, and that the fees be deposited into a special fund. AB 1712 also authorizes the City to retain up to 4% of the fund for administrative costs, and requires that proceeds from the fund be used for governmental oversight and coordination of domestic violence and family violence prevention, intervention, and prosecution efforts. The provisions of AB 1712 shall remain in effect only until January 1, 2010, and as of that date is repealed, unless a later enacted statute deletes or extends that date.

Effective January 1, 2006, the State Office of Vital Records baseline fee schedule for certified copies of birth, death, and fetal death records will be as follows:

Certificate Category	Baseline Fee	AB 1712 Increase	New Fee
Birth Certificates - General Public	\$14.00	\$2.00	\$16.00
Birth Certificates - Government Agency	\$10.00	\$2.00	\$12.00
Death Certificates - General Public & Government Agency	\$12.00	\$2.00	\$14.00
Fetal Death Certificates - General Public & Government Agency	\$9.00	\$2.00	\$11.00

For calendar year 2006 (birth, death and fetal death certificates only), it is estimated that without the \$2.00 increase, the amount of revenue generated will approximately be at \$258,108 and with the increase approximately at \$296,994. These estimated totals are not all retained by the City of Berkeley. Revenue is allocated to different state and federal programs and activities.

Based on the last three years' average of vital records issued, it is estimated that \$38,886 will be collected from the fee increases authorized by AB 1712. The estimated revenues from fee increases have not been included in the adopted budget for the Department of Health and Human Services. As a result, an amendment to the current budget is required. Funds will be deposited into revenue codes 231-4553-345-1004. An appropriation for expenditures for administrative oversight will be included in the Second Amendment to the Appropriations Ordinance.

CURRENT SITUATION AND ITS EFFECTS

In the City of Berkeley, over 2,000 cases of domestic and family violence are reported every year by the Berkeley Police Department. It is estimated that only 1 in 18 incidents of domestic violence are ever reported to local law enforcement nationwide. Consistent with national statistics, 85% of all reported victims are women. The proposed fee increases will allow the City of Berkeley to fund coordination efforts to prevent the ubiquitous and harmful effects of domestic and family violence in our community

BACKGROUND

On February 22, 2005, Assemblymember Loni Hancock introduced AB 1712 to amend certain sections of the Health and Safety Code, and Welfare and Institutions Code relating to domestic violence. In October 2005, Governor Arnold Schwarzenegger signed AB 1712 (Hancock) authorizing the City Council of the City of Berkeley to increase fees on birth, death and fetal death certificates by up to \$2.00 each, effective January 1, 2006, for the purpose of providing funding for the City's oversight and coordination of family violence prevention pilot program for domestic violence prevention and intervention efforts. In addition, the bill provides that, effective July 1 of each year, the City of Berkeley may authorize an increase in these fees by an amount equal to the increase in the Consumer Price Index for the San Francisco metropolitan area for the preceding calendar year.

RATIONALE FOR RECOMMENDATION

The recommended action should be approved for the following reasons:

1. Family violence is ubiquitous. It cuts across economic and education levels, age groups, ethnic groups, and other social and community characteristics.
2. Family violence is insidious. It is characterized by a predictable, escalating cycle that can result in injury or death of victims, including children.
3. Family violence puts children at risk. Children in homes where domestic violence occurs are physically abused or seriously neglected at a rate significantly higher than the national average in the general population, according to the National Woman Abuse Prevention Project in Washington, D.C.

4. Family violence is learned and generational. Studies show that boys who witness family violence are more likely to batter their partners as adults than boys raised in nonviolent homes. Girls who witness their mothers' abuse have higher rates of being battered as adults.
5. Family violence is costly, both in human and organizational terms. The results of domestic violence have many "hidden" costs, such as job turnover, loss of productivity, school absenteeism, and low school performance, in addition to the high cost of law enforcement, civil and criminal justice, health services, substance abuse treatment, human services, and community-based services.

CONTACT PERSON

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Attachments:

1. Resolution

Exhibit A: AB 1712 (Introduced by Assembly Member Hancock)

RESOLUTION NO. -N.S.

INCREASING FEES FOR CERTIFIED COPIES OF BIRTH, DEATH, AND
FETAL DEATH RECORDS

WHEREAS, in the City of Berkeley, over 2,000 cases of domestic and family violence are reported every year by the Berkeley Police Department, and it is estimated that only one in 18 incidents of domestic violence are reported to local law enforcement nationwide; and

WHEREAS, on February 22, 2005, Assemblymember Loni Hancock introduced AB 1712 to amend sections of the Health and Safety Code, and Welfare and Institutions Code relating to domestic violence; and

WHEREAS, in October 2005 Governor Arnold Schwarzenegger signed AB 1712 (Hancock) authorizing the City Council of the City of Berkeley to increase fees for birth, death and fetal death certificates by up to \$2.00 each, effective January 1, 2006, for the purpose of providing funding for the City's oversight and coordination of family violence prevention pilot program for domestic violence prevention and intervention efforts; and

WHEREAS, AB 1712 provides that, effective July 1 of each year, the City of Berkeley may authorize an increase in these fees by an amount equal to the increase in the Consumer Price Index for the San Francisco metropolitan area for the preceding calendar year; and

WHEREAS, AB 1712 requires the City of Berkeley to direct the local registrar to deposit the above fees into a special fund, separate from the City's fund, and authorizes the City to retain up to 4 percent of the fund for administrative costs.

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Berkeley makes the following declarations under AB 1712 (act to amend Section 103627 of, and to add and repeal Section 103627.5 of, the Health and Safety Code, and to amend Section 18309 of the Welfare and Institutions Code, relating to domestic violence):

1. Family violence is ubiquitous. It cuts across economic and education levels, age groups, ethnic groups, and other social and community characteristics.
2. Family violence is insidious. It is characterized by a predictable, escalating cycle that can result in injury or death of victims, including children.
3. Family violence puts children at risk. Children in homes where domestic violence occurs are physically abused or seriously neglected at a rate significantly higher than the national average in the general population, according to the National Woman Abuse Prevention Project in Washington, D.C.
4. Family violence is learned and generational. Studies show that boys who witness family violence are more likely to batter their partners as adults than boys raised in nonviolent

homes. Girls who witness their mothers' abuse have higher rates of being battered as adults.

5. Family violence is costly, both in human and organizational terms. The results of domestic violence have many “hidden” costs, such as job turnover, loss of productivity, school absenteeism, and low school performance, in addition to the high cost of law enforcement, civil and criminal justice, health services, substance abuse treatment, human services, and community-based services.
6. The increased fees shall not exceed the cost of governmental oversight and coordination of the domestic violence system.
7. The City of Berkeley has no other existing source of revenue at this time for its governmental oversight and coordination of the family violence system, and thus it needs to increase the subject fees.

BE IT FURTHER RESOLVED, that the Council of the City of Berkeley hereby approves an increase of \$2.00 in the fee for the issuance of each birth, death and fetal death certificate, effective January 1, 2006.

BE IT FURTHER RESOLVED, that the Council of the City of Berkeley hereby authorizes Fund 231 as the Domestic Violence Prevention – Vital Statistics Fund for purposes of accounting for the revenues and expenditures from these additional fees.

EXHIBIT A
Assembly Bill No. 1712 (Introduced by Assemblymember Hancock)

AMENDED IN ASSEMBLY APRIL 11, 2005
ASSEMBLY BILL No. 1712
Introduced by Assembly Member Hancock

An act to amend Section 103627 of, **and to add and repeal Section 103627.5 of**, Health and Safety Code, **and to amend** Section 18309 of the Welfare and Institutions Code, relating to domestic violence.

AB 1712, as amended, Hancock. Domestic violence.

Existing law authorizes the Alameda County Board of Supervisors, upon making findings and declarations supporting the need for governmental oversight and coordination of the multiple agencies dealing with domestic violence, to authorize an increase in the fees for certified copies of marriage certificates, birth certificates, fetal death records, and death records, up to a maximum increase of \$2. Existing law authorizes the Alameda County Board of Supervisors to authorize an increase in those fees each year. In addition to those fees, existing law requires any applicant for a certified copy of a birth certificate, a fetal death record, or death record in Alameda County to pay an additional fee to the local registrar, county recorder, or county clerk as established by the Alameda County Board of Supervisors. Existing law requires the Alameda County Board of Supervisors to direct the local registrar, county recorder, and county clerk to deposit the above fees into a special fund. Existing law authorizes the county to retain up to 4% of the fund for administrative costs and requires proceeds from the fund to be used for governmental oversight and coordination of domestic violence and family violence prevention, intervention, and prosecution efforts.

The above provisions of existing law remain in effect only until January 1, 2010.

This bill would additionally authorize the City Council of the City of Berkeley to authorize an increase in the fees within its local health jurisdiction for certified copies of marriage certificates, birth certificates, fetal death records, and death records, up to a maximum increase of \$2. The bill would also authorize the city to authorize an increase in those fees each year and to establish an additional fee that any applicant for a certified copy of a birth certificate, a fetal death record, or death record in the city must pay to the local registrar. The bill would require the city to direct the local registrar to deposit the above fees into a special fund, separate from the county's special fund, and would authorize the city to retain up to 4% of the fund for administrative costs.

Vote: majority. Appropriation: no. Fiscal committee: no.

State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 103627 of the Health and Safety Code is amended to read:

103627. (a) (1) The Alameda County Board of Supervisors, upon making findings and declarations supporting the need for governmental oversight and coordination of the multiple agencies dealing with domestic violence, may authorize an increase in the fees for certified copies of marriage certificates, birth certificates, fetal death records, and

death records, up to a maximum increase of two dollars (\$2), in its local health jurisdiction.

(2) The City Council of the City of Berkeley, upon making findings and declarations supporting the need for governmental oversight and coordination of the multiple agencies dealing with domestic violence, may authorize an increase in the fees for certified copies of birth certificates, fetal death records, and death records, up to a maximum increase of two dollars (\$2), in its local health jurisdiction.

(b) Effective July 1 of each year, the Alameda County Board of Supervisors and the City Council of the City of Berkeley may authorize an increase in these fees by an amount equal to the increase in the Consumer Price Index for the San Francisco metropolitan area for the preceding calendar year, rounded to the nearest half-dollar (\$0.50). The fees shall be disposed of pursuant to the provisions of Section 18309 of the Welfare and Institutions Code.

(c) In addition to the fees prescribed by subdivisions (a) and (b), any applicant for a certified copy of a birth certificate, a fetal death record, or death record in Alameda County or in the City of Berkeley shall pay an additional fee to the local registrar, county recorder, or county clerk, as applicable, as established by the Alameda County Board of Supervisors or the City Council of the City of Berkeley.

(d) This section shall remain in effect only until January 1, 2010, and as of that date is repealed, unless a later enacted statute deletes or extends that date.

SEC. 2. Section 103627.5 is added to the Health and Safety Code, to read:

103627.5. If it elects to increase fees pursuant to Section 103627, the City Council of the City of Berkeley shall submit a report to the Assembly Committee on Judiciary and the Senate Committee on Judiciary, by no later than July 1, 2009, that contains the following information:

- (a) The annual amount of funds received and expended from fee increases for the purpose of governmental oversight and coordination of domestic violence prevention, intervention, and prosecution efforts in the city.
- (b) Outcomes achieved as a result of the activities associated with the implementation of Section 103627.
- (c) This section shall remain in effect only until January 1, 2010, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2010, deletes or extends that date.

SEC. 3. Section 18309 of the Welfare and Institutions Code is amended to read:

18309. (a) The Alameda County Board of Supervisors shall direct the local registrar, county recorder, and county clerk to deposit fees collected pursuant to Section 26840.10 of the Government Code and Section 103627 of the Health and Safety Code into a special fund. The City Council of the City of Berkeley shall direct the local registrar to deposit fees collected pursuant to Section 103627 of the Health and Safety

Code into a special fund that is separate from the county's special fund. The county and city may retain up to 4 percent of the fund their respective funds for administrative costs associated with the collection and segregation of the additional fees and the deposit of these fees into the special fund funds. Proceeds from the fund funds shall be used for governmental oversight and coordination of domestic violence and family violence prevention, intervention, and prosecution efforts among the court system, the district attorney's office, the public defender's office, law enforcement, the probation department, mental health, substance abuse, child welfare services, adult protective services, and community-based organizations and other agencies working in Alameda County in order to increase the effectiveness of prevention, early intervention, and prosecution of domestic and family violence.

(b) This section shall remain in effect only until January 1, 2010, and as of that date is repealed, unless a later enacted statute deletes or extends that date.