



# Monterey County

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## Board Report

Legistar File Number: RES 15-061

June 23, 2015

**Introduced:** 6/8/2015

**Version:** 1

**Current Status:** Consent Agenda

**Matter Type:** BoS Resolution

Adopt Resolution to:

Approve the Amendment of Article XIII of the Master Fee Resolution, effective August 1, 2015, to set and authorize:

- a. An increase in the County Clerk Marriage License by \$9.00 pursuant to Government Code 54985 (a) resulting in a Marriage License Fee of \$85.00; and
- b. An increase in the County Clerk Confidential Marriage License Fee by \$10.00 pursuant to Government Code 54985 (a) resulting in a Confidential Marriage License Fee of \$90.00; and
- c. The addition of a service fee of \$85.00 for Deputy Commissioner of Civil Marriage for a Day pursuant to Family Code 401 a & b ; and
- d. Acceptance of the reorganization of Article XIII to include the previously Board approved fees and statutorily authorized fees not otherwise set forth in the Article.

**RECOMMENDATION:**

It is recommended that the Board of Supervisors:

Adopt Resolution to:

Approve the Amendment of Article XIII of the Master Fee Resolution, effective August 1, 2015, to set and authorize:

- a. An increase in the County Clerk Marriage License by \$9.00 pursuant to Government Code 54985 (a) resulting in a Marriage License Fee of \$85.00; and
- b. An increase in the County Clerk Confidential Marriage License Fee by \$10.00 pursuant to Government Code 54985 (a) resulting in a Confidential Marriage License Fee of \$90.00; and
- c. The addition of a service fee of \$85.00 for Deputy Commissioner of Civil Marriage for a Day pursuant to Family Code 401 a & b ; and
- d. Acceptance of the reorganization of Article XIII to include the previously Board approved fees and statutorily authorized fees not otherwise set forth in the Article.

**SUMMARY/DISCUSSION:**

Section 1.40.010 of Chapter 1.40 of the Monterey County Code provides that all fees, penalties, refunds, reimbursements and charges of any kind by the County may be specified in the Monterey County Fee Resolution.

Government Code Section 54985 (a) allows for the local collection of a Public Marriage License Fee and a Confidential Marriage License Fee. The County Clerk is requesting that the fees for these services be adjusted to be comparable to counties that surround Monterey County,

counties that are tourist destinations and counties that are similar in population, to reflect the market rate for these services and establish parity with comparable counties.

In addition, the County Clerk's Office desires to formalize the process by which an individual can be authorized to act as a Deputy Commissioner of Civil Marriage for a Day pursuant to Family Code 401 a & b, and is requesting to add a service fee for that privilege to solemnize marriages.

The average fee for a Public Marriage License is \$87.80; the County Clerk is requesting to set the fee in Monterey County at \$85.00. The average fee for a Confidential Marriage Fee is \$94.00; the County Clerk is requesting to set the fee to \$90.00. The average fee for Deputy Commissioner of Civil Marriages for a Day is \$87.30; the County Clerk is requesting to set the fee at \$85.00. As part of this request, the County Clerk's Office is also requesting that the Board accept the reorganization of its Article XIII for clarity and to include previously Board approved Board and statutorily authorized fees that were not set forth in earlier versions of the Article.

OTHER AGENCY INVOLVEMENT:

County Counsel has reviewed and approves the requested action and resolution as to form.

FINANCING:

The collection of fees authorized under this Resolution will increase revenue by an estimated \$29,122 for the County Clerk-Recorder (Budget Unit 1180-ACR002-8004). The increase to the fee for Public Marriage Licenses, Confidential Marriage Licenses, and the addition of a new daily fee for Deputy Commissioner is supported by a fee study conducted by the Monterey County Clerk's Office of surrounding counties, counties that are tourist destinations, and counties comparable in population, survey attached. By definition, these charges are not a 'tax' and are exempt from voter approval pursuant to Article XIII C section 1(e)(1)-(2) of the California Constitution (Prop. 26: charge imposed for specific benefit conferred/privilege/service or product provided or granted to the payor).

Prepared by: Corina Morgan, Finance Manager, x5821

Approved by: Stephen L. Vagnini, Assessor-County Clerk/Recorder, x5803

Attachments:

Exhibit A - Comp Fee Study  
Article XIII (strike out version)  
Article XIII (clean version)  
Draft Resolution