



Office of the City Manager

PUBLIC HEARING  
December 14, 2021

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Lisa Warhuus, Director, Health, Housing & Community Services  
 Subject: Fees: Vital Records

RECOMMENDATION

Conduct a public hearing and upon conclusion, adopt a Resolution establishing a new fee schedule for Vital Records effective January 1, 2022 and rescinding Resolution No. 70,116-N.S.

This fee adjustment is to become effective January 1, 2022 pursuant to Assembly Bill (AB) 128 (Chapter 21, Statutes of 2021), and Health & Safety (H&S) Codes, § 103627, 100425, 100430, and 100435.

FISCAL IMPACTS OF RECOMMENDATION

Based on the last four years' average number of vital records issued, the recommended changes to fees are projected to generate an additional amount of \$39,546 per year. Fee revenue, including the anticipated increase, is not all retained by the City of Berkeley. Of this projected revenue of \$39,546, \$23,772 will be retained by the City of Berkeley and the remaining amount will be allocated to different county, state, and federal programs and activities according to state law. Funds will be deposited into revenue codes: 011-51-501-503-2076-000-451- and 119-51-506-560-2059-000-451- .

<b>Certificate</b>	<b>Current Fee</b>	<b>Proposed Fee</b>
Birth Certificate Public	\$27.00	<b>\$31.00</b>
Birth Certificate County	\$21.00	<b>\$24.00</b>
Death Certificate Public/County	\$23.00	<b>\$26.00</b>
Fetal Death Certificate	\$20.00	<b>\$23.00</b>
Still Birth Certificate	\$20.00	<b>\$23.00</b>
Disposition Permit	\$12.00	\$12.00
Declaration of Paternity	\$10.00	\$10.00
Transit Letter	\$4.00	\$4.00

CURRENT SITUATION AND ITS EFFECTS

Vital Statistics fees are being increased pursuant to AB 128 (Chapter 21, Statutes of 2021). Certificate fees are primarily comprised of California Health & Safety Code

mandated fees. The City of Berkeley retains a portion of the fees while the remainder goes to the State and Alameda County programs. See Exhibit A for a detailed breakdown. As a local health jurisdiction, Berkeley is required by the State to provide this service and to remit fees. The State of California unexpectedly amended their Vital Records Fee Schedule on November 23, 2021, increasing the fees that they had proposed earlier this year and confirmed on October 28, 2021. This latest change in the City of Berkeley's Vital Records fees is in response to this notice, so that the City can remain aligned with the State and avoid loss of City general fund.

The City of Berkeley Vital Statistics program is part of the Public Health Officer Unit in the Health, Housing and Community Services Department. Providing birth, death, and other vital records is a Strategic Plan Priority Project; advancing our goal to be a customer-focused organization that provides excellent, timely, easily-accessible service and information to the community.

#### BACKGROUND

City of Berkeley Vital Statistics Program maintains birth and death statistics for City of Berkeley residents and is responsible for filing, preserving, protecting and issuing birth, death, fetal death, and stillbirth certificates; as well as issuing permits and transport letters for the disposition of human remains for the deaths and births that occur in the city limits of Berkeley.

Under the supervision of the City of Berkeley Health Officer, the mandate of Vital Statistics mandate is to:

- Establish permanent records legally recognized as prima facie evidence of fact in courts;
- Reduce fraud by reporting information on births and deaths to other governmental agencies;
- Promote the health of our citizens by studying statistical data for health evaluation and planning.

Certificates are available from the City of Berkeley for up to two years after the date of an event. After two years, vital records can be ordered from Alameda County. Certificates can be ordered in person, online via VitalChek.com, or by mail.

Vital Statistics provides free certificates to individuals who can verify homeless status (H&S Code Section 103577) and to youth in foster care who can verify foster status (H&S Code Section 103578).

Since 2005, certain fees have also included a \$2 fee to support domestic violence programs. After this requirement was established by the State in Health and Safety Code § 103627.5, Berkeley City Council adopted Resolution No. 63,165-N.S. which approved the fee increase and established Fund 231 for this revenue.

Pursuant to H&S Code Section 103625 (a) and (b), the City of Berkeley Vital Statistics fees are used to offset the cost of record generation and maintenance including staff, facility, equipment, and general office costs. Fees of certificates and permits are mandated to be distributed to the following funds (Exhibit A):

- County Children's Trust Fund
- Umbilical Cord Blood Collection Program
- Domestic Violence Prevention
- Peace officers' training fund
- County treasury for indigent burials
- Department of Justice Missing Persons DNA Data Base Fund

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no identifiable environmental effects, climate impacts, or sustainability opportunities associated with the subject of this report.

#### RATIONALE FOR RECOMMENDATION

The services performed and the fees collected are mandated by the California Health and Safety Code. Approving the increase in the fee per certificate will enable the City to continue providing this important service locally and paying the fees due the State.

#### ALTERNATIVE ACTIONS CONSIDERED

No alternative actions were considered as staff have not identified another source of funds that could cover the fee increases mandated by AB128.

#### CONTACT PERSON

Alexandra Deitch, Sr. Health Services Program Specialist, HHCS (510) 981-5379

#### Attachments:

1: Resolution

Exhibit A: City of Berkeley Vital Records Fee Schedule and Allocation of Vital Records

2: Public Hearing Notice

RESOLUTION NO. ##,###-N.S.

ESTABLISHING AND INCREASING CURRENT VITAL RECORDS FEES EFFECTIVE  
JANUARY 1, 2022 AND RESCINDING RESOLUTION 70,116-N.S

WHEREAS, City of Berkeley Vital Statistics Program handles vital records for birth and death events that occur within the City limits;

WHEREAS, effective January 1, 2022 vital records fees will increase pursuant to Assembly Bill (AB) 128 (Chapter 21, Statutes of 2021); and

WHEREAS, vital records fees collected by City of Berkeley Vital Statistics Program are set by statute, and must be updated; and

WHEREAS, the proposed changes in fees will allow the City of Berkeley Vital Statistics Program to continue to meet all Federal, State, and County health, safety, and regulatory requirements, while providing continued community access to birth and death certificates and permits and transport letters for the disposition of human remains.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the proposed Published Charges, detailed in Exhibit A, are hereby established, effective January 1, 2022 for vital records offered by Vital Statistics Program of the City's Health, Housing and Community Services department.

Exhibit A: City of Berkeley Vital Records Fee Schedule and Allocation of Vital Records

**NOTICE OF PUBLIC HEARING  
BERKELEY CITY COUNCIL**

**VITAL RECORDS: ESTABLISH FEE SCHEDULE AND CURRENT FEE  
INCREASE**

Notice is hereby given by the City Council of the City of Berkeley that a public hearing will be conducted by said City Council of the City of Berkeley at which time and place all persons may attend and be heard upon the following:

The Department of Health, Housing and Community Services is proposing to increase the fees for the issuance of each birth, death, and fetal death certificates, effective January 1, 2022, pursuant to Assembly Bill (AB) 128 (Chapter 21, Statutes of 2021) and Health and Safety Codes 103627, 100425, 100430 and 100435.

<b>Certificate</b>	<b>Current Fee</b>	<b>Proposed Fee</b> (Effective January 1, 2022)
Birth Certificate Public	\$27.00	<b>\$31.00</b>
Birth Certificate County	\$21.00	<b>\$24.00</b>
Death Certificate Public/County	\$23.00	<b>\$26.00</b>
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Disposition Permit	\$12.00	\$12.00
Declaration of Paternity	\$10.00	\$10.00
Transit Letter	\$4.00	\$4.00

The hearing will be held on December 14<sup>th</sup> at 6:00 p.m. The hearing will be held via videoconference pursuant to Government Code Section 54953(e) and the state declared emergency.

For further information, please contact **Alexandra Deitch** at **510-981-5379**.

A copy of the agenda material for this hearing will be available on the City's website at [www.CityofBerkeley.info](http://www.CityofBerkeley.info) as of December 2, 2021. Once posted, the agenda for this meeting will include a link for public participation using Zoom video technology

Written comments should be mailed directly to the City Clerk, 2180 Milvia Street, Berkeley, CA 94704, or emailed to [council@cityofberkeley.info](mailto:council@cityofberkeley.info) in order to ensure delivery to all Councilmembers and inclusion in the agenda packet.

Communications to the Berkeley City Council are public record and will become part of the City's electronic records, which are accessible through the City's website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to the City Council, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service

or in person to the City Clerk. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the City Clerk at 981-6900 or [clerk@cityofberkeley.info](mailto:clerk@cityofberkeley.info) for further information.

If you challenge the above in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City of Berkeley at, or prior to, the public hearing. Background information concerning this proposal will be available at the City Clerk Department and posted on the City of Berkeley webpage at least 12 days prior to the public hearing.

**Published:** December 3, 2021 – The Berkeley Voice  
December 10, 2021 – The Berkeley Voice

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I hereby certify that the Notice for this Public Hearing of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City's website, on December 2, 2021.



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Mark Numainville, City Clerk

## Exhibit A

**CITY OF BERKELEY VITAL RECORDS FEE SCHEDULE AND ALLOCATION OF  
VITAL RECORDS  
Effective January 1, 2022**

**I. CERTIFIED COPIES, SEARCHES, AND CERTIFICATION OF NO PUBLIC RECORD**

(Search/No Record fees are the same as copy fees -- Health and Safety (H&S) Code, Section 103650)

| <b>Birth - General Public</b>                                                              | <b>Fee</b>      | <b>Allocation</b>                                     |
|--------------------------------------------------------------------------------------------|-----------------|-------------------------------------------------------|
| H&S Code, § 103625(b)(f), 100425, 103525.5, and Welfare & Institutions (W&I) Code, § 18966 | \$ 17.95        | Retained by City of Berkeley                          |
|                                                                                            | \$ 5.45         | To State Registrar, monthly                           |
| W&I Code, § 18966 and H&S Code, § 103625(b)                                                | \$ 3.60         | To County Children's Trust Fund                       |
|                                                                                            |                 | To Umbilical Cord Blood Collection Program            |
| H&S Code, § 103625(b)                                                                      | \$ 2.00         |                                                       |
| H&S Code, § 103627                                                                         | \$ 2.00         | To Domestic Violence Prevention                       |
| <b>Fee Total</b>                                                                           | <b>\$ 31.00</b> |                                                       |
| <b>Birth - Government Agency</b>                                                           | <b>Fee</b>      | <b>Allocation</b>                                     |
| H&S Code, § 103625(b)(f), 100425, and 103525.5                                             | \$ 16.70        | Retained by City of Berkeley                          |
|                                                                                            | \$ 5.30         | To State Registrar, monthly                           |
| H&S Code, § 103627                                                                         | \$ 2.00         | To Domestic Violence Prevention                       |
| <b>Fee Total</b>                                                                           | <b>\$ 24.00</b> |                                                       |
| <b>Death - Gov. Agency &amp; Gen. Public</b>                                               | <b>Fee</b>      | <b>Allocation</b>                                     |
| H&S Code, § 103625(a)(f), 100425, 103525.5, and Penal Code, § 14251                        | \$ 16.80        | Retained by City of Berkeley                          |
|                                                                                            | \$ 5.30         | To State Registrar, monthly                           |
|                                                                                            |                 | To Dept of Justice Missing Persons DNA Data Base Fund |
| Surcharge: Penal Code, § 14251                                                             | \$ 1.90         |                                                       |
| H&S Code, § 103627                                                                         | \$ 2.00         | To Domestic Violence Prevention                       |
| <b>Fee Total</b>                                                                           | <b>\$ 26.00</b> |                                                       |
| <b>Fetal Death - Gov. Agency &amp; Gen. Public</b>                                         | <b>Fee</b>      | <b>Allocation</b>                                     |
|                                                                                            | \$ 16.35        | Retained by City of Berkeley                          |
| H&S Code, § 103625(a)(f), and 100425                                                       | \$ 4.65         | To State Registrar, monthly                           |
| H&S Code, § 103627                                                                         | \$ 2.00         | To Domestic Violence Prevention                       |
| <b>Fee Total</b>                                                                           | <b>\$ 23.00</b> |                                                       |

## Exhibit A (Cont.)

**CITY OF BERKELEY VITAL RECORDS FEE ALLOCATION OF VITAL RECORDS  
Effective January 1, 2022**

| <b>Stillbirth</b>       | <b>Fee</b>      | <b>Allocation</b>               |
|-------------------------|-----------------|---------------------------------|
| H&S Code, § 103040.1(f) | \$ 21.00        | Retained by City of Berkeley    |
| H&S Code, § 103627      | \$ 2.00         | To Domestic Violence Prevention |
| <b>Fee Total</b>        | <b>\$ 23.00</b> |                                 |

**II. PERMIT FOR DISPOSITION OF HUMAN REMAINS**

| <b>Regular Permit</b>         | <b>Fee</b>      | <b>Allocation</b>                                                     |
|-------------------------------|-----------------|-----------------------------------------------------------------------|
| H&S Code, § 103675            | \$ 2.50         | Retained by City of Berkeley                                          |
| H&S Code, § 100430 and 103692 | \$ 6.50         | To State Registrar, quarterly                                         |
| Surcharge: H&S Code, § 103680 | \$ 1.00         | To Peace Officers Training Fund                                       |
| Surcharge: H&S Code, § 103680 | \$ 2.00         | Retained by COB for deposit into county treasury for indigent burials |
| <b>Fee Total</b>              | <b>\$ 12.00</b> |                                                                       |