



**COMMON COUNCIL MEETING
COUNCIL OPERATIONS AND ETHICS COMMITTEE
Richard Conti, Chair**

DATE: Tuesday, November 12, 2019

PLACE: City Court Room 209 – 2nd Fl. City Hall

TIME: 5:30 p.m.

TOPIC(S) OF DISCUSSION/CONSIDERATION:

ORDINANCE NUMBER 32.101.19

AN ORDINANCE AMENDING SUBSECTION 9 (MARRIAGE LICENSE FEE) AND SUBSECTION 10 (CERTIFICATE OF MARRIAGE; FEE) OF ARTICLE IV (CERTIFICATES OF MARRIAGE) OF CHAPTER 245 (LICENSES) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO WAIVING THE FEE FOR MARRIAGE LICENSES FOR ACTIVE DUTY MEMBERS OF THE UNITED STATES ARMED FORCES AND ADJUSTING THE COST OF THE CERTIFICATE OF MARRIAGE

ORDINANCE NUMBER 34.101.19 (MC)

AN ORDINANCE CREATING A NEW ARTICLE VI (BIRTH AND DEATH RECORDS) OF ARTICLE IV (CERTIFICATES OF MARRIAGE) OF CHAPTER 245 (LICENSES) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO SETTING THE FEE FOR THE COST OF BIRTH AND DEATH RECORDS

PUBLIC COMMENT PERIOD: YES

Council Member O'Brien and Anane introduced the following:

ORDINANCE NUMBER 32.101.19

AN ORDINANCE AMENDING SUBSECTION 9 (MARRIAGE LICENSE FEE) AND SUBSECTION 10 (CERTIFICATE OF MARRIAGE; FEE) OF ARTICLE IV (CERTIFICATES OF MARRIAGE) OF CHAPTER 245 (LICENSES) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO WAIVING THE FEE FOR MARRIAGE LICENSES FOR ACTIVE DUTY MEMBERS OF THE UNITED STATES ARMED FORCES AND ADJUSTING THE COST OF THE CERTIFICATE OF MARRIAGE

The City of Albany, in Common Council convened, does hereby ordain and enact:

Section 1. Subsection A of section 245-9 (Marriage license; fee) of the Code of the City of Albany is amended and Subsection B is added to read as follows:

§245-9 Marriage license; fee.

- A. The fee for processing and issuance of a marriage license shall be \$3540.
- B. In such cases where either of the parties making an application for such a certificate is an active duty member of the armed forces of the United States of America and who can provide valid military identification at the time of application, the fee shall be ten dollars. Proof that the applicant is a member of the armed forces of the United States shall be furnished to the satisfaction of the official issuing the marriage license, pursuant to New York State Executive Law §354(d).

Section 2. Section 245-10 (Certificate of marriage; fee) of the Code of the City of Albany is amended to read as follows:

The fee for the issuance of any certificate of marriage upon request, to an applicant whose name appears thereon, for all marriages heretofore and/or hereafter indexed and recorded in the office of the City Clerk shall be \$4510.

Section 3. This ordinance shall take effect immediately.

Albany Common Council
Memorandum in Support of Legislation

Ordinance Number: 32.101.19

Sponsor(s): Council Member O'Brien and Anane

Title: AN ORDINANCE AMENDING SUBSECTION 9 (MARRIAGE LICENSE FEE) AND SUBSECTION 10 (CERTIFICATE OF MARRIAGE; FEE) OF ARTICLE IV (CERTIFICATES OF MARRIAGE) OF CHAPTER 245 (LICENSES) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO WAIVING THE FEE FOR MARRIAGE LICENSES FOR ACTIVE DUTY MEMBERS OF THE UNITED STATES ARMED FORCES AND ADJUSTING THE COST OF THE CERTIFICATE OF MARRIAGE

Purpose: To waive the fee for obtaining a marriage license for those members of the public who are serving active duty in the United States Armed Forces and to reduce the fee for a certificate of marriage from \$15 to \$10.

Summary:

Section 1 amends subsection 9 (Marriage License Fee) of Article IV (Certificates of Marriage) of Chapter 245 (Licenses) of the Code of the City of Albany to waive the \$35 dollar fee collected for a marriage license for all active duty military personnel.

Section 2 amends subsection 10 (certificate of marriage; fee) of Chapter 245 (licenses) to reduce the fee of a certificate of marriage from \$15 dollars to \$10 dollars so it is in line with NYS Domestic Relations Law Section 14-a.

Section 3 provides for an immediate effective date.

Justification: Governor Andrew Cuomo signed into law on August 20, 2019 an act amending the domestic relations law, in relation to waiving the state fee for marriage licenses for active duty members of the armed forces and providing the option for Cities to also waive their collected portion of the fee. This adjustment to the code would waive the state fee but still require the \$10 dollar fee for the certificate of marriage. The code needs to also reflect what is statutorily permitted under NYS Domestic Relations Law Section 14-a, stating the charge for a certificate of marriage can be at most ten dollars. Therefore, the City must reduce the cost from \$15 to \$10 dollars.

Existing Law: Currently the City of Albany collects \$40 dollars for processing and issuing a marriage license. The City code also permits for \$15 dollars to be charged for a marriage certificate.

Fiscal Impact: Minimal

Effective Date: Immediate

Council Member introduced the following:

ORDINANCE NUMBER 34.101.19 (MC)

AN ORDINANCE CREATING A NEW ARTICLE VI (BIRTH AND DEATH RECORDS) OF ARTICLE IV (CERTIFICATES OF MARRIAGE) OF CHAPTER 245 (LICENSES) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO SETTING THE FEE FOR THE COST OF BIRTH AND DEATH RECORDS

The City of Albany, in Common Council convened, does hereby ordain and enact:

Section 1. Section 245-16 (Birth and Death Records) is added to the Code of the City of Albany to read as follows:

VI. Birth and Death Records

§245-16 Birth and Death Records; Fees

Each applicant for a certification of birth or death, certificate of birth data or for a certified copy or certified transcript of a birth or death certificate or certificate of birth data shall remit to the Office of Vital Statistics with such application a fee of fifteen dollars (\$15) in payment for the search of the files and records and the furnishing of a certification, certified copy or certified transcript if such record is found or for a certification that a search discloses no record of a birth or of a death.

Section 2. This ordinance shall take effect immediately.

Albany Common Council
Memorandum in Support of Legislation

Ordinance Number: 34.101.19 (MC)

Sponsor(s): Council Member

Title: AN ORDINANCE CREATING A NEW ARTICLE VI (BIRTH AND DEATH RECORDS) OF ARTICLE IV (CERTIFICATES OF MARRIAGE) OF CHAPTER 245 (LICENSES) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO SETTING THE FEE FOR THE COST OF BIRTH AND DEATH RECORDS

Purpose: To raise the fee for birth and death records to \$15.

Summary:

Justification: On September 13, 2019, Governor Andrew Cuomo signed into law S.987/ A.6463, providing for the legislative body of the City of Albany to set the fee for birth and death records. The relevant part of the bill reads as follows:

IN THE FOLLOWING LOCAL JURISDICTIONS THE FEE SHALL BE SET BY THE LOCAL LEGISLATIVE BODY: CITY OF OSWEGO, CITY OF ALBANY. IN SUCH JURISDICTIONS, THE FEE MAY BE SET UP TO THE AMOUNT CHARGED BY THE COMMISSIONER AS PRESCRIBED IN SUBDIVISION TWO OF SECTION FORTY-ONE HUNDRED SEVENTY-FOUR OF THIS TITLE.

Existing Law: Currently the City of Albany collects \$10 dollars for processing and issuing a birth or death record.

Fiscal Impact: Increased revenue.

Effective Date: Immediate