

[Trial Courts Courthouse Construction Fund - Rescission of Superior Court Surcharges for Court Construction]

Ordinance rescinding the \$50 surcharge on civil, family, or probate filings in San Francisco Superior Court under Board Resolution No. 714-92 that the City previously collected to support the acquisition, rehabilitation, construction, and financing of courtrooms or courtroom buildings.

NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
Additions to Codes are in single-underline italics Times New Roman font.
Deletions to Codes are in ~~strikethrough italics Times New Roman font~~.
Board amendment additions are in double-underlined Arial font.
Board amendment deletions are in ~~strikethrough Arial font~~.
Asterisks (* * * *) indicate the omission of unchanged Code subsections or parts of tables.

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

Section 1. Background.

California Government Code Sections 76100 and 70625 authorize the Board of Supervisors (the "Board") to establish a Courthouse Construction Fund for the purpose of assisting the City and County of San Francisco (the "City") in the acquisition, rehabilitation, construction, and financing of courtrooms or courtroom buildings containing facilities necessary for or incidental to the operation of the justice system, and require the City to place certain surcharges on court filing fees and court-imposed fines, penalties, and forfeitures into the Fund.

In compliance with an earlier iteration of the California Government Code, the Board established the Courthouse Temporary Construction Fund and authorized the collection of specified payments to be placed into that fund. In 1992, following a change in State law, the

1 Board adopted Resolution No. 714-92, which renamed the fund as the Courthouse
2 Construction Fund. Resolution No. 714-92 also authorized the imposition and collection of a
3 \$50 surcharge on filing fees in civil, family, or probate actions in Superior Court, and directed
4 that the revenues from that surcharge be deposited in the Courthouse Construction Fund. In
5 a separate resolution, Resolution No. 713-92, the Board authorized additional court-imposed
6 penalties, fines, and forfeitures to be deposited in the Fund. In Ordinance No. 316-00, the
7 Board again renamed the Fund as the Trial Courts Courthouse Construction Fund.

8 Under California Government Code Section 70402, any amount in the Fund must be
9 transferred to the State Court Facilities Construction Fund at the later of either (1) the date of
10 the last transfer of responsibility for court facilities from the City to the Judicial Council or
11 December 31, 2009, whichever is earlier; or (2) the date of the final payment of the bonded
12 indebtedness for any court facility that is paid from that fund is retired. The City's bond
13 indebtedness on the Civic Center Courthouse concluded on April 1, 2021, triggering the
14 requirement for the City to transfer any remaining monies in the Fund.

15 In Ordinance No. 68-22, the Board terminated the Trial Courts Courthouse
16 Construction Fund, and rescinded the additional penalties, fines, and forfeitures authorized by
17 Resolution No. 713-92 that had previously been collected and deposited in the Fund. The
18 ordinance did not terminate the \$50 surcharge authorized by Resolution No. 714-92, however.

19
20 Section 2. Rescission of Surcharge.

21 The \$50 surcharge established in Resolution No. 714-92 and authorized by California
22 Government Code Section 70625 is hereby rescinded.

23
24 Section 3. Effective Date. This ordinance shall become effective 30 days after
25 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the

1 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
2 of Supervisors overrides the Mayor's veto of the ordinance.

3
4 Section 4. The Clerk of the Board of Supervisors is directed to (a) file a copy of this
5 ordinance in the Board file for Resolution No. 714-92, and (b) provide a copy of this ordinance
6 to the Controller to transmit to the Superior Court.

7
8 APPROVED AS TO FORM:
9 DAVID CHIU, City Attorney

10 By: /s/ _____
11 JON GIVNER
12 Deputy City Attorney

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City and County of San Francisco
Tails
Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 220685

Date Passed: July 26, 2022

Ordinance rescinding the \$50 surcharge on civil, family, or probate filings in San Francisco Superior Court under Board Resolution No. 714-92 that the City previously collected to support the acquisition, rehabilitation, construction, and financing of courtrooms or courtroom buildings.

June 15, 2022 Budget and Appropriations Committee - RECOMMENDED

July 12, 2022 Board of Supervisors - CONTINUED

Ayes: 11 - Chan, Dorsey, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

July 19, 2022 Board of Supervisors - PASSED ON FIRST READING

Ayes: 10 - Chan, Dorsey, Mandelman, Mar, Melgar, Peskin, Ronen, Safai, Stefani and Walton
Noes: 1 - Preston

July 26, 2022 Board of Supervisors - FINALLY PASSED

Ayes: 10 - Chan, Dorsey, Mandelman, Mar, Melgar, Peskin, Ronen, Safai, Stefani and Walton
Noes: 1 - Preston

File No. 220685

**I hereby certify that the foregoing
Ordinance was FINALLY PASSED on
7/26/2022 by the Board of Supervisors of
the City and County of San Francisco.**


Angela Calvillo
Clerk of the Board


London N. Breed
Mayor

7/28/22
Date Approved