



County of Monterey

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Board Report

File #: RES 12-0108, **Version:** 1

Adopt Resolution to:

Approve the Amendment of Article XIII, Section 3 of the Master Fee Resolution related to the County Recorder to set and authorize the collection of an additional three dollars (\$3.00) in the base recording fee pursuant to Government Code Section 27361(a), resulting in a base recording fee of eight dollars (\$8), effective January 1, 2013

RECOMMENDATION:

It is recommended that the Board of Supervisors:

Approve the Amendment of Article XIII, Section 3 of the Master Fee Resolution related to the County Recorder to set and authorize the collection of an additional three dollars (\$3.00) in the base recording fee pursuant to Government Code Section 27361(a), resulting in a base recording fee of eight dollars (\$8), effective January 1, 2013

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 27361(a) allows the base fee for the recording of every instrument, paper, or notice required or permitted by law to be recorded to be set by the local Board of Supervisors in an amount not to exceed ten dollars (\$10). The County Recorder is requesting that its existing base recording fee of five dollars (\$5) be increased at this time to eight dollars (\$8).

The attached Article XIII sets forth the requested changes in "tracked" form. The requested section 27361(a) fee adjustment is shown on page XIII-4 in bold italics.

OTHER AGENCY INVOLVEMENT:

County Counsel approved the Resolution as to form. The Auditor's Office has reviewed and approved the fee adjustment.

FINANCING:

The collection of fees authorized under this Resolution will increase the revenue for the Recorder-County Clerk (Budget Unit 8004) General Fund accounts (001) and will reflect cost recovery increase only; the adjustment is estimated to result in \$120,000 in revenue, which will still only partially off-set current costs. When the revenue becomes less speculative the department will return to the Board of Supervisors with an adjustment to the 2012-2013 budget to reflect a more accurate income adjustment. The requested fees, in fact, will not exceed the costs of services and is supported by a fee study conducted by the Monterey County Auditor's Office, 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: Alicia R. Sotelo, Assistant County Clerk-Recorder, 759-6693

Approved by: Stephen L. Vagnini, Assessor-County Clerk-Recorder, 759-5803

Attachments:

Fee Resolution

Article XIII as proposed for amendment

Fee Study Survey