



County of Monterey

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

Legislation Details (With Board Report)

File #:	RES 19-005	Name:	Article XIII amendment effective 07012019
Type:	BoS Resolution	Status:	Passed - Clerk Recorder's Office
File created:	2/4/2019	In control:	Board of Supervisors
On agenda:	2/26/2019	Final action:	2/26/2019

Title: Approve the Amendment of Article XIII of the Master Fee Resolution, effective July 1, 2019, to set and authorize the adjusted fees contained in the attachment hereto for the County Clerk/Recorder's Office.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Board Report, 2. Proposed Article XIII (strike out version), 3. Proposed Article XIII (clean version), 4. Proposed Resolution, 5. Clerk Comparable Fees, 6. Recorder Fee Study, 7. 47. Completed Board Order, 8. Item No. 47 Completed Board Order & Resolution

Date	Ver.	Action By	Action	Result
2/26/2019	1	Board of Supervisors	approved - clerk recorder	Pass

Approve the Amendment of Article XIII of the Master Fee Resolution, effective July 1, 2019, to set and authorize the adjusted fees contained in the attachment hereto for the County Clerk/Recorder's Office.

RECOMMENDATION:

It is recommended that the Board of Supervisors approve the Amendment of Article XIII of the Master Fee Resolution, effective July 1, 2019, to set and authorize the adjusted fees contained in the attachment hereto for the County Clerk/Recorder's Office.

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 54985 specifies that amendments to this article require Board of Supervisor approval.

The County Clerk is requesting that the fees for County Clerk 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. A survey of surrounding counties was performed (see attached study by fee type) and the County Clerk is requesting that comparable Monterey County fees be set at amounts at or below the average for each fee type. The proposed adjustments to these fees will assist in recovering current costs, while still not exceeding the actual cost of the services, all while remaining in parity with the market rates for these services.

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 eight dollars (\$8) be increased at this time to ten dollars (\$10). The proposed amendment to the base fee will assist in recovering current costs, while still not exceeding the actual cost as shown in the fee study.

The attached Article XIII sets forth the requested changes in “tracked” form. The requested section adjustments are shown on pages XIII-3 and XIII-4.

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 is anticipated to increase the revenue for the County Clerk/Recorder Budget, which is a County General Fund budget, but will still not reflect recovery of 100% of the costs associated with the related activities. The recommended changes will result in less of a dependence on a General Fund subsidy and are being collected across the board from those who are actually receiving the services. 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).

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

The collection of fees authorized under this Resolution promotes an organization that practices efficiency and effectiveness and will assist in achieving a balanced budget.

☐ Economic Development
☒ Administration
☐ Health & Human Services
☐ Infrastructure
☐ Public Safety

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

Attachments:

Attachment A - Proposed Article XIII (strike out version)

Attachment B - Proposed Article XIII (clean version)

Attachment C - Proposed Resolution

Attachment D - Clerk Comparable Fees

Attachment E - Recorder Fee Study