

**Before the Board of Supervisors in and for the
County of Monterey, State of California**

Resolution No.

Approve a resolution amending Article XIII, Section III)
of the Monterey County Master Fee Resolution,)
effective January 1, 2026, authorizing a \$1 increase in)
the Real Estate Fraud Prosecution Trust Fund Recording)
Fee from \$9 to \$10 per recorded document, on all)
documents identified in Government Code section)
27388, as that section may be amended, for which the)
Real Estate Fraud Prosecution Trust Fund fee may)
apply, to support the investigation and prosecution of)
real estate fraud by the District Attorney's Office.)

THE MONTEREY COUNTY BOARD OF SUPERVISORS FINDS:

WHEREAS, section 1.40.010 of Chapter 1.40 of 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;

WHEREAS, this action to modify charges to meet operational expenses is statutorily exempt from environmental review [Pub Res. Code sec. 21080 subd. (b)(8)];

WHEREAS, any and all adjustments to charges for these investigations and services reflect no more than the actual cost of the service or benefit received by the payor;

WHEREAS, real estate fraud continues to represent a significant problem in Monterey County, causing irreparable harm such as the loss of life savings or retirement funds to Monterey County residents and resulting in the aggregate loss of millions of dollars;

WHEREAS, the state legislature's amendment of Government Code 27388 allows local governments to continue providing services to safeguard citizens vulnerable to and victimized by real estate fraud schemes;

WHEREAS, Government Code 27388 as amended authorizes up to a maximum \$10 to be imposed on the recording of specified real estate instruments, papers, and notices, provided the Board of Supervisors adopts a resolution authorizing the increased fee;

WHEREAS, the amount of the fee increase will be no more than necessary to cover the reasonable costs of the investigation and prosecution of real estate fraud;

WHEREAS, the increased fee authorized is for the specific benefit of payors to protect the honesty and integrity of the recordation process and does not exceed the reasonable costs to the state of providing the service or product to the payor;

WHEREAS, investigation of real estate fraud is done exclusively by the District Attorney in Monterey County and, in accordance with Government Code 27388, 90% of the funds in the Real Estate Fraud Prosecution Trust Fund shall be distributed to the Monterey County District Attorney's Office, subject to review as provided in subdivisions (d) and (e) of the Government

Code section 27388, after the deduction of 10% administrative fees by the County Recorder as provided for in subdivision (a) of Government Code section 27388;

WHEREAS, the registered support for the amended legislation was from the California District Attorneys Association, the California Association of Realtors, County Recorders' Association of California and the office of the California Attorney General and registered opposition was from The Howard Jarvis Taxpayers Association;

WHEREAS the fee was increased to \$9 over a decade ago, and inflation has impacted the administrative and law enforcement programs funded by this fee;

WHEREAS, by definition, this fee increase is not a 'tax' and is exempt from voter approval pursuant to Article XIII C section 1 (e)(3) of the California Constitution, and is for the reasonable regulatory costs to a local government for performing investigations, inspections and audits thereof; now therefore

THE MONTEREY COUNTY BOARD OF SUPERVISORS RESOLVES:

I. IT IS ORDERED that effective January 1, 2026, the recording fee collected by the County Recorder's Office on behalf of the Real Estate Fraud Prosecution Trust Fund shall be increased from \$9 to \$10 on all documents identified in Government Code section 27388, as that section may be amended, for which the Real Estate Fraud Prosecution Trust Fund fee may apply.

II. IT IS FURTHER ORDERED that the Monterey County Fee Resolution shall be amended in Article XIII, Section III to reflect the aforementioned fee, with all other remaining terms and fees remaining unchanged.

III. IT IS FURTHER ORDERED that, in the event this action is determined to be void or unenforceable, the prior fee shall be reinstated as if this action had not been taken.

IV. IT IS FURTHER RESOLVED AND ORDERED that a copy of this resolution shall be transmitted to the District Attorney, the County Recorder, and the Auditor-Controller.

PASSED AND ADOPTED on this _____, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

I, Valerie Ralph, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book _____ for the meeting on _____.

Dated:
File ID:

Valerie Ralph, Clerk of the Board of Supervisors
County of Monterey, State of California

By _____
Deputy