



County of Monterey

Item No.

Board Report

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

Legistar File Number: RES 25-062

May 20, 2025

Introduced: 4/25/2025

Current Status: Agenda Ready

Version: 1

Matter Type: BoS Resolution

Approve the Amendment of Article XIII of the Master Fee Resolution, effective July 1, 2025, to set and authorize the adjusted fees for the Assessor-County Clerk-Recorder's Office.

RECOMMENDATION:

Approve the Amendment of Article XIII of the Master Fee Resolution, effective July 1, 2025, to set and authorize the adjusted fees for the Assessor-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 approval from the Board of Supervisors.

Government Code Section 54985 (a) and Revenue and Taxation Code Sections 408-409 allow for the local collection of fees for Assessment Services providing that the amounts are reasonably necessary to recover and do not exceed the cost of providing these services. The Assessor's Office is requesting that the fees for their services be adjusted to recover a portion of the associated costs and to more closely reflect current market rates.

The Assessor's Office has conducted a Fee Study to determine a fully loaded Cost Per Minute Rate for the positions directly responsible for performing services. Transactions were broken into tasks and subtasks with time estimates provided and evaluated to generate a sum total for the time spent on an average transaction. Research was also conducted to compare the Fee Schedules of other California counties to ensure comparable parity with the fees proposed herein, while not exceeding the actual local cost of the services. This information was then used to establish the fees set forth in the recommended action.

The Williamson Act, also known as the California Land Conservation Act of 1965, a statewide program enacted in the County of Monterey in 1968. The program allows property owners and county or cities to enter into a contract for the purpose of restricting specific parcels of land to agricultural related space use to preserve agricultural land and related open space. In return for their enrollment, landowners receive reduced property tax assessments which are significantly lower than

normal assessment of other types of properties. The taxes are based upon farming and open space uses instead of the full market value. Participating counties and cities are required to establish local rules and regulations of implementation of the program within their jurisdiction.

The Assessor's Office seeks approval from the Board of Supervisors to add a Williamson Act Application Fee to Article XIII. Government Code Section 51231 states that the Board of Supervisors may authorize a reasonable application fee for the administration of agricultural preserves, including procedures for initiating, filing, and processing requests to establish agricultural preserves.

The Assessor's Office currently spends an average of 28 hours to process each Williamson Act application and seeks to implement this fee to help recover some of the costs associated with: reviewing applications, monitoring and enforcement, completing annual Williamson Act surveys required by the State, the valuation of each parcel on an annual basis, and reporting on the program to the California State Department of Conservation and the County of Monterey Board of Supervisors.

The proposed resolution also reflects changes to the County Clerk-Recorder's section of Article XIII (Parts II and III).

Pursuant to Government Code Section 6253.9 et seq., the Board of Supervisors may authorize fees for the direct cost of producing a copy of a record in electronic format. On November 30, 2004, the Board of Supervisors amended Article XIII (Resolution 04-384) for the provision of this data in compact disk format. County Clerk-Recorder customers currently request that on a daily, weekly, or monthly basis certain public records be available to purchase in an electronic format. Now, the Office of the County Clerk-Recorder and Information Technology Department have partnered to perform a Fee Study to recommend fees which would recover a portion of the hardware and software costs incurred as well as the County Clerk-Recorder's Office and the Information Technology staff labor time required for the assembly and transfer of this data via secure file transfer protocol (SFTP), thus transitioning away from compact disks in favor of data transfer via secure encrypted email.

Lastly, the County Clerk seeks approval from the Board of Supervisors to add a new service to produce a Fictitious Business Name Index Report and to adjust current fees and add new services to its popular Civil Marriage Ceremonies Program with the adoption of a non-refundable reservation fee, a fee for County employees to act as witnesses, a wedding photo service, and an option to purchase commemorative wedding rings.

The County Clerk's Office is requesting that the fees for their services be adjusted to reflect the market rate for these services and establish parity with comparable counties.

OTHER AGENCY INVOLVEMENT:

The Office of the County Counsel has reviewed and approved the resolution as to form and legality.

FINANCING:

The collection of fees authorized under this Resolution is anticipated to increase the revenue for the County Assessor and County Clerk-Recorder's Budgets, which are County General Fund budgets, but will still not reflect recovery of 100% of the costs associated with the related activities and reflect no more than the actual costs of the services provided. 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.

The related Board of Supervisors Strategic Initiatives:

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

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Approved by: Xochitl Marina Camacho, Assessor County Clerk/Recorder, ext 5803

Attachments:

- Attachment A - Proposed Article XIII (clean version)
- Attachment B - Proposed Article XIII (striketthrough version)
- Attachment C - Proposed Resolution
- Attachment D - Assessor Comparable Fees
- Attachment E - Assessor Fee Study (County of Monterey)
- Attachment F - Information Technology Fee Study (County of Monterey)
- Attachment G - County Clerk Comparable Fees
- Attachment H - County Clerk-Recorder Fee Study (County of Monterey)