

**SANTA BARBARA COUNTY
BOARD AGENDA LETTER**



Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Agenda Number:
Prepared on: 5/17/05
Department Name: Second District Supervisor
Department No.: 012
Agenda Date: 5/24/05
Placement: Administrative
Estimate Time: 5 MIN. on 6/7/05
Continued Item: NO
If Yes, date from:

TO: Board of Supervisors
FROM: Susan Rose, Second District Supervisor
STAFF CONTACT: Ray McGregor, Law Library Director
X-2296
SUBJECT: 2006 and 2007 Law Library Fees

Recommendation(s):

That the Board of Supervisors:

Set a hearing for June 7, 2005 to consider the following:

Adopt a resolution increasing the Santa Barbara County Law Library's portion of the filing fee for the Superior Court from \$35 to \$38 effective January 1, 2006 and from \$38 to \$41 effective January 1, 2007.

Alignment with Board Strategic Plan:

The recommendation(s) are primarily aligned with actions required by law or by routine business necessity.

Executive Summary and Discussion:

The Law Library Board of Trustees is presenting this item to your Board. The main source of income for county law libraries is a portion of the filing fee for certain civil cases filed with the courts. A small amount of other income is received for library services and interest income from library funds.

The California Business and Professions Code Section 6322.1 states that "After January 1, 1995 the board of supervisors of the county may increase those costs to an amount over twenty dollars (\$20) but in no case may this increase in any year be greater than three dollars (\$3) if the board of supervisors excludes the library fee from the definition of the "total filing fee," nor more than five dollars (\$5) in any year if the library fee is included in the definition of the "total filing fee," under sections 26820.6 and 72055 of the Government Code." The proposed \$3 increases would be excluded from the total fee as currently defined by those statutes.

In 1987, the \$12 filing fee was being collected nearly 1,200 times per month. The filing fee was increased to \$20 in 1990, but an increasing number of "in forma pauperis" fee waivers, and an accelerated use of alternative dispute resolution, had decreased the number of paid filings to 1,000 per month. Although these litigants do not pay the filing fee, many of the parties involved still make extensive use of the Law Library. County law libraries are statutorily obligated to serve residents of their county.

The filing fee was increased from \$23 to \$26 in 1997, but the number of filing fees collected had dropped to 907 per month. The fee was increased to \$29 in January of 2001, and to \$32 effective January of 2003, with no net increase in yearly fee income, because paid filings had dropped to an average of 789 per month. The fee was increased to \$35 in January 2005, but the increased fee is being collected only 661 times per month in 2005.

The Board of Law Library Trustees, at their meeting of 2 May 2005, voted to request that the fee be increased. The Trustees request an increase of \$3, to \$38 for all papers for which the fee is collected, effective 1 January 2006, and an increase of \$3, to \$41, effective 1 January 2007. At 661 filings per month, the five months of increased filing fee would generate additional revenue of approximately \$9,915 in FY 2006/2007. In 2007/2008, at 661 filings per month, the \$3 increase to \$41 would generate \$9,915 over what the \$38 fee would generate. (June's filing fee income will be forwarded to Fund 3760 in July).

Mandates and Service Levels:

This level of filing income would begin to restore the buying power lost to inflation since 1990/91, when the California Legislature last addressed the problems facing California's public law libraries.

SB 1609, Chapter 56, Statutes of 1990, included Section 7, which read:

"In enacting these provisions, it is the intent of the Legislature that California continue its century-old tradition of making legal materials available to all its citizens via adequately funded, staffed, and maintained county law libraries. By the terms of this act, the county boards of supervisors are charged with monitoring the needs of the county law library within their respective jurisdictions and adjusting filing fees as permitted to enable the county law library to fulfill its defined mission."

The proposed increase would allow the law library to maintain its current level of service in both Santa Barbara and Santa Maria.

Fiscal and Facilities Impacts:

\$3 increases are expected to generate additional fee income of \$9,915 in the year they are enacted, and \$23,796 annually thereafter, barring further erosion in the number of paid filings per month.

Special Instructions:

Please distribute one copy of the signed resolution to Gary Blair, Superior Court.

Cc: Gary Blair, Superior Court Administrator

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA

IN THE MATTER OF INCREASING)
THE LAW LIBRARY FILING FEE)

RESOLUTION NO.

WHEREAS, this Board of Supervisors is empowered by Section 6322.1 of the Business and Professions Code of the State of California to increase the law library filing fee to an amount more than twenty dollars (\$20) for each event provided in sections 6321 and 6322 of the Business and Professions Code, whenever it shall determine that the increase is necessary to defray the expense of the law library, and exclude the increase from the defined "total filing fee;" and

WHEREAS, The Law Library Board has approved the fee increase and this Board of Supervisors finds and determines that the fee increase is necessary to defray the expenses of the law library; and

WHEREAS, this Board of Supervisors is empowered by Section 6322.1 subdivision (c) of the Business and Professions Code to implement the law library fee increase effective January 1, 2006, the law library fee increase adopted by this Board effective January 1, 2006, in accordance with subdivision (a) of Section 6322.1; and

WHEREAS, this Board of Supervisors is empowered by Section 6322.1 subdivision (c) of the Business and Professions Code to implement the law library fee increase effective January 1, 2007, the law library fee increase adopted by this Board effective January 1, 2007, in accordance with subdivision (a) of Section 6322.1; and

NOW, THEREFORE, IT IS HEREBY RESOLVED AND ORDERED that the filing fee for the law library: be increased to thirty-eight dollars (\$38) in the Superior Court for each event described in Section 6321 and 6322 of the Business and Professions Code, effective January 1, 2006 by the Board of Supervisors of Santa Barbara County, and that,

NOW, THEREFORE, IT IS HEREBY FURTHER RESOLVED AND ORDERED that the filing fee for the law library: be increased to forty-one dollars (\$41) in the Superior Court for each event described in Section 6321 and 6322 of the Business and Professions Code, effective January 1, 2007 by the Board of Supervisors of Santa Barbara County, and that,

IT IS FURTHER ORDERED that the increase in the law library filing fee is excluded from the definition of "total filing fee" under Sections 26820.6 and 72055 of the Government Code.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this _____ day of _____ 2005, by the following vote:

AYES:

NOS:

ABSTAIN:

ABSENT:

Chair, Board of Supervisors
County of Santa Barbara

ATTEST: _____

CLERK OF THE BOARD OF SUPERVISORS
By Deputy Clerk

APPROVED AS TO FORM:
ROBERT W. GEIS, C.P.A., AUDITOR-CONTROLLER

By _____

APPROVED AS TO FORM: STEPHEN SHANE STARK, COUNTY COUNSEL

By _____