



BOARD OF SUPERVISORS  
AGENDA LETTER

Agenda Number:

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

Department Name: Clerk-Recorder-  
Assessor  
Department No.: 062  
For Agenda Of: August 9, 2011  
Placement: Set Hearing  
Estimated Tme:  
Continued Item: No  
If Yes, date from:  
Vote Required: Majority

**TO:** Board of Supervisors

**FROM:** Department Joseph E. Holland  
Director(s)  
Contact Info: Rose Rodarte  
568-2687

**SUBJECT:** Fee Increases for Clerk-Recorder, Assessor, and Election Divisions of the Clerk-Recorder-Assessor Department

**County Counsel Concurrence**

As to form: Yes

**Other Concurrence:** Select\_Other

As to form: Select\_Concurrence

**Recommended Actions:**

That the Board of Supervisors:

Set hearings to consider recommendations regarding Ordinances amending the Clerk-Recorder, Assessor and Election Division fees:

- 1) Set hearing on September 6, 2011 (first reading) to consider the introduction of ordinances amending the fees, effective November 1, 2011, of the:
  - a) Clerk-Recorder Division
  - b) Assessor Division
  - c) Elections Division
- 2) Set hearing on September 20, 2011 (second reading) to consider adoption of ordinances amending the fees, effective November 1, 2011, of the:
  - a) Clerk-Recorder Division
  - b) Assessor Division
  - c) Elections Division

- 3) Pursuant to California Environmental Quality Act (CEQA) guidelines, approve the Notices of Exemption from the California Environmental Quality Act of 1970 (CEQA) for the fee ordinances of the Clerk-Recorder, Assessor, and Election Divisions of the Clerk-Recorder-Assessor Department.

**Summary Text:**

The Santa Barbara County Clerk-Recorder-Assessor Department is requesting two hearings to consider the introduction and adoption of fees and charges for services performed by the Clerk-Recorder, Assessor and Election Divisions. The Clerk-Recorder Division fees were last updated and adopted by your Board in 2009, Assessor Division fees have not been revised since 1997, and Election Division fees and charges have not been revised since 2002. Since the last fee adjustments, operating costs have increased due to customary increases in operating costs such as salary and benefit costs and inflation in the cost of business services and supplies. The operating cost increases that have occurred over the years since the last fee updates, have created variances between the cost of providing a service and the fee charged for that service. In an effort to realign costs and fees, the department conducted an internal cost recovery analysis. The department reviewed all service areas in each of its divisions and identified services where costs could be recovered upon Board adoption. The department utilized the same cost methodology (Attachment A - CRA Cost Recovery Method) in developing service fees and charges in all divisions. The proposed fees are the necessary fees to recover reasonable cost of providing services which includes cost recovery of salaries, benefits, and overhead costs.

In complying with the County policy of reviewing fees annually to determine that fee levels are consistent with current cost basis, the department will strive to realign fees with costs every year, or as soon as feasible thereafter. Fees will be reviewed and updated on an ongoing basis to ensure that fees keep pace with changes in operating costs as well as changes in methods of service delivery.

**Background:**

**Clerk-Recorder Division (Exhibit B – Clerk-Recorder Division Fees for Services Report):**

As described in the division report (Exhibit B), pursuant to various sections of state law, the Clerk-Recorder Division's function is to record, index, and archive official records, provide copies of official records, archive and provide applicants with certified copies of vital records, issue and record marriage licenses, accept for filing fictitious business name statements, notary bonds registrations, and other miscellaneous filings. The County Clerk-Recorder also performs marriage services such as marriage ceremonies, appointing marriage commissioners, and maintaining a domestic partnership registry.

State law sets and limits the fee that can be charged for recording official records and issuing copies of certified vital records. Revenues from these fees make up between 70-75 percent of the total Clerk-Recorder revenues. Other services of the Clerk-Recorder may have a fee prescribed by state law, however the fee may be adjusted for full cost recovery upon Board adoption. Where fees are not limited or set by law, the Clerk-Recorder establishes fees in the amount necessary for full cost recovery as adopted by the Board.

The proposed Clerk-Recorder Fee Ordinance lists the services and necessary fee to recover cost of providing Clerk-Recorder services for which State law does not limit or set the fee, and therefore are subject to fees as adopted by the Board.

The proposed fees adjustments are expected to generate roughly \$123,000 in additional annual revenue to offset the costs of providing Clerk-Recorder services.

**Assessor Division (Exhibit C – Assessor Division Fees for Services Report)**

As described in the division report (Exhibit C), the official duties of the County Assessor are prescribed in the Revenue & Taxation Code. The main function of the Assessor is to value and assess all properties in the County for property tax purposes. In addition to the main function of assessing property, the Assessor provides certain “over the counter” services. These services are generally related to providing property information, copies, and mapping services.

For the Division’s main function of property tax administration, the County is allowed to recover from certain property tax receiving entities, their proportionate share of costs attributable to assessing, collecting, and allocating supplemental and property tax revenues on their behalf. The proportional share of these revenues allocated to the Assessor make up over 99 percent of the total Assessor revenue.

The proposed Assessor Fee Ordinance lists the services and necessary fee to recover cost of providing “over the counter” services generally related to providing property information, copies, and mapping services. The fees generated from these types of services are less than 1% percent of the total Assessor revenue received. The proposed fees will generate roughly \$16,000 in additional annual revenue to offset the cost of providing these assessor services.

**Election Division (Exhibit D – Election Division Fees and Charges Report)**

As described in the division report (Exhibit D), pursuant to various sections of the Election and Government Code, the Election Division conducts three primary functions; Voter Registration, Administration of Elections, and Customer Counter Services. The voter registration function is a function performed within the official duties of the Registrar of Voters for which fees cannot be assessed. Administration of Elections is also a function performed within the official duties of the Registrar of Voters, however reimbursement for costs of administering elections can be partially recovered from local agencies (cities and districts) that consolidate with the state or federal elections. The cost recovery formula for reimbursement of administering elections is made in accordance the billing methodology approved by the Board in 2006, therefore the fee ordinance being considered does not focus on those charges.

The proposed Election Fee Ordinance lists the services and necessary fee to recover cost of providing election services, generally related to providing election reports, file copies, and precinct maps. The fees generated from these types of services is less than 5 percent of the total reimbursements received for administering elections and customer counter services. The proposed increase in election customer counter service fees is estimated to generate roughly \$3,000 in additional revenue annually.

**Performance Measure:**

**Fiscal and Facilities Impacts:**

Budgeted: No

**Fiscal Analysis:**

For those services performed by the Clerk-Recorder-Assessor Department whose fees are not limited by law which the Board has authority to establish or increase, fees are being proposed in an amount reasonably necessary to recover costs of providing these services. The proposed fees are expected to generate roughly \$142,000 (\$123,000 Clerk-Recorder, \$16,000 Assessor, \$3,000 Elections) in additional annual revenue to offset cost of providing services.

The proposed fees are expected to be effective November 1, 2011 of the current year, providing roughly \$95,000 in additional unanticipated revenue this year. The increase in Assessor and Elections fees for services (\$13,000) are expected to mitigate anticipated reduction in budgeted revenues in Elections and Assessor. The increase in Clerk-Recorder fees for services (\$82,000) is restricted for cost recovery of Clerk-Recorder operations and therefore will be restricted to funding current and future Clerk-Recorder operating costs. Any Clerk-Recorder fees in excess of expenditures will be designated for future use. The Clerk-Recorder will return to your Board with a Budget Revisions Request increasing the revenue budgeted and appropriations and/or the portion designated for future use.

**Staffing Impacts:**

**Legal Positions:**  
**None**

**FTEs:**  
**None**

**Special Instructions:**

1. Request the Clerk of the Board to publish notice of this hearing, per attached Public Notice, in a newspaper of general circulation in Santa Barbara County, five and ten days prior to the hearing, in accordance with Government Code §6062a.
2. Request the Planning and Development Department to post the Notices of Exemption for the fee ordinances at least six days prior to consideration of the activity by the Board of Supervisor to comply with the County CEQA guidelines.
3. Return a fully executed copy of each adopted ordinance along with a copy of the minute orders to the Clerk-Recorder-Assessor Department, Administration Building 2<sup>nd</sup>, floor, Attn: Rose Rodarte

**Attachments:**

- 1) Exhibit A, CRA Department Cost Recovery Method
- 2) Exhibit B: Clerk-Recorder Division Fees for Services Report
- 3) Exhibit C, Assessor Division Fees for Services Report
- 4) Exhibit D, Election Division Fee and Charges Report
- 5) Clerk-Recorder Fee Ordinance
- 6) Assessor Fee Ordinance
- 7) Election Fee Ordinance
- 8) CEQA Notice of Exemption
- 9) Notice of Public Hearing

**Authored by:**

Rose Rodarte, CRA Fiscal Manager

**cc:**