



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: January 13, 2009  
Placement: Departmental  
Estimated Tme: 10 minutes  
Continued Item: Select\_Continued  
If Yes, date from:  
Vote Required: Majority

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TO: Board of Supervisors

FROM: Department Clerk, Recorder, and Assessor  
Director(s) Joseph E. Holland  
County Clerk, Recorder and Assessor  
Contact Info: Rose Rodarte X2687  
CRA Fiscal Manager

SUBJECT: **Clerk-Recorder Services Fee Adjustments**

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**County Counsel Concurrence**

As to form: Yes

**Other Concurrence:** Select\_Other

As to form: Select\_Concurrence

**Recommended Actions:**

That the Board of Supervisors:

A. On the first hearing of January 13, 2009;

- a. Accept a cost recovery report (Attachment A) on costs related to fees charged by the Santa Barbara County Clerk-Recorder; the report shall be available for public inspection at least 10 days before the hearing date at the County Clerk-Recorder's Administrative Office at 105 East Anapamu Street, Rm 204, Santa Barbara, CA., weekdays between 8:00 AM and 5:00 PM.
- b. Consider and accept public testimony on an ordinance setting fees for the Office of the County Clerk-Recorder (Attachment B).

B. On the second hearing of January 27, 2009;

- a. Adopt an ordinance of the Santa Barbara County Code to establish fees for the Office of the County Clerk-Recorder effective March 1, 2009.

**Auditor-Controller Concurrence**

As to form: Yes

- b. 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 resolution.

**Summary Text:**

The Santa Barbara County Clerk-Recorder is requesting hearings to consider and adopt revision of fees charged for services performed by the Clerk-Recorder's Office. Clerk-Recorder fees were last updated five years ago in Fiscal Year 2003-04 based on a fee study conducted by an outside consultant, Government Finance Research. In the five years since the last fee adjustment, operating costs have increased due to customary increases in operating costs such as salary costs, cost of living adjustments and inflation in the cost of business service and supplies. The operating cost increases that have occurred over the past five years have, in some cases, created large 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 comprehensive cost recovery analysis. While full costs recovery was considered as the primary goal for setting fees, this fee study incorporates a combination of costing and pricing policies where fees set may not necessarily equal the full cost of the service. After due consideration, the assignment of costs omitted certain costs inherent in our business environment, such as cost of training, error handling, general customer support, and work exceptions in an effort to encourage, promote, and make reasonably affordable the cost of public service to customers. The informal past policy of the department was to update fees every six to seven years, however to comply with the County policy of reviewing fees annually to determine that fee levels are consistent with current cost basis, the department is changing its policy and will strive to realign fees with costs every year. 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. Attachment A is the 2008 Cost Recovery Report for the Clerk-Recorder which explains in detail the statutory authorities for fees, cost recovery method used in developing Clerk-Recorder fees, and the revenue impacts.

**Background:**

State laws authorize fees for a variety of services conducted within the official duties of County Clerk-Recorder. For some services, fees are prescribed and limited pursuant to state statutes as is the case for recordings of official records and charges for issuance of certified vital records. For many other services conducted by the Clerk-Recorder, fees prescribed in statute are not limited, and thus can be set or increased in an amount reasonably necessary to recover costs pursuant to Government Code §54985. In addition to regulatory services provided within the official duties of the Clerk-Recorder, the Clerk-Recorder also provides ancillary services as an extension of his official duties for which the Board of Supervisors have the authority to establish fees for cost recovery. Ancillary services are those services for which the Clerk-Recorder is not mandated to perform, however are offered and performed to promote increased customer service and/or efficiencies. An example of ancillary service is the passport photo service. As an official passport acceptance agent, the County Clerk-Recorder is required to accept and process passport applications. However, the Clerk-Recorder is not required to provide the passport photo that must accompany a passport application. By offering this ancillary service related to the passport application process, it creates greater customer service and efficiency which would otherwise require a customer who comes in without the required passport photo, to return a second time after having obtained the photos elsewhere

**Performance Measure:**

**Fiscal and Facilities Impacts:**

Budgeted: No

**Fiscal Analysis:**

For those services conducted by the Clerk-Recorder whose fees are not limited by law, fee adjustments are being proposed in an amount reasonably necessary to recover costs of providing these services. These proposed fees are expected to generate roughly \$169,000 in additional annual revenues to offset cost of providing these services. The proposed fees are to be effective March 1, 2009 of the current year, providing roughly \$42,000 to \$55,000 in additional unanticipated revenue this year decreasing the division's general fund contribution.

**Staffing Impacts:**

**Legal Positions:**

**FTEs:**

**Special Instructions:**

1. Request the Clerk of the Board to publish notice of this hearing in the Santa Barbara News Press 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 ordinance in the County Planning and Development Department 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 the adopted ordinance along with a copy of the minute order to the Clerk-Recorder-Assessor Department, Administration Building 2<sup>nd</sup>, floor, Attn: Rose Rodarte

**Attachments:**

1. Attachment A - Clerk-Recorder Cost Recovery Report
2. Attachment B - Ordinance Revising Fees for the Office of the Clerk-Recorder

**Authored by:**

Rose Rodarte, CRA Fiscal Manager

**cc:**