

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: October 19, 2004
Department Name:
Department No.:
Agenda Date: October 26, 2004
Placement: Administrative
Estimate Time:
Continued Item: NO
If Yes, date from:

TO: Board of Supervisors

FROM: Law Library Board of Trustees
Supervisor Joseph Centeno

STAFF

CONTACT: Ray McGregor, Law Library Director (ext. 2296)

SUBJECT: 2005 Law Library Fees

Recommendation: That the Board of Supervisors adopt the attached resolution increasing the Santa Barbara County Law Library's portion of the filing fee for the Superior Court from \$32 to \$35 effective January 1, 2005

Alignment with Board Strategic Plan:

The recommendation is 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.

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 increase would be excluded from the total fee as 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 effective January of 2001. In the fiscal year 2001/2002 the number of paid filings averaged less than 850 per month. The fee was increased to \$32 effective January of 2003, yet the increase has netted an increase in fee income, in FY 2003/2004, of less than \$1,500 over the total for FY 2002/2003. This represents 789 paid filings per month, on average.

The Board of Law Library Trustees, at their meeting of 30 August 2004, voted to request that the fee be increased by \$3 to \$35 for all papers for which the fee is collected. At 789 filings per month, the five months of increased filing fee should generate additional revenue of \$11,835 in FY 2004/2005. (June's filing fee income will be forwarded to Fund 3760 in July of 2005.).

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 increase is expected to generate additional fee income of \$11,835 in FY 2004/2005, and \$28,404 annually thereafter, barring changes in the number of paid filings, etc.

Special Instructions:

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

cc Gary Blair, Superior Court Administrator

Concurrence: N/A

BOARD OF SUPERVISORS
OF THE COUNTY OF SANTA BARBARA

A RESOLUTION TO INCREASE THE
LAW LIBRARY FILING FEE

Resolution No. _____

WHEREAS, the Board of Supervisors is empowered by California Business and Professions Code § 6322.1 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, 2005, the law library fee increase adopted by this Board effective January 1, 2005, in accordance with subdivision (a) of Section 6322.1;

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THE BOARD OF SUPERVISORS DOES RESOLVE AS FOLLOWS:

1. The filing fee for the law library is increased to thirty-five dollars (\$35) in the Superior Court for each event described in Section 6321 and 6322 of the Business and Professions Code, effective January 1, 2005, and
2. The increase in the law library filing fee is excluded from the definition of "total filing fee" under Government Code §§ 26820.6 and 72055.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this ____ day of _____, 2004, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Chair, Board of Supervisors
County of Santa Barbara

ATTEST:
MICHAEL F. BROWN
CLERK OF THE BOARD

By _____
Deputy Clerk

Approved as to Form:

Deputy County Counsel

Approved as to Form:
Auditor -Controller

By _____