

To: Sonoma County Board of Supervisors
Department or Agency Name(s): Clerk-Recorder-Assessor
Staff Name and Phone Number: Kim Barrett (707) 565-3471
Vote Requirement: Majority
Supervisory District(s): County wide

Title:

Proposed adjustments to the County Clerk fees and Recorder fees

Recommended Actions:

Adopt an ordinance to adjust, delete and establish new fees for products and services to reflect the reasonable cost of services provided by the County Clerk and Recorder as authorized by state law, effective July 1, 2019.

Executive Summary:

The Clerk and Recorder divisions have conducted a time study to determine the actual costs of providing products and services to the public. Based on the study, the Clerk-Recorder-Assessor has determined that the cost to provide and certify copies of official public records, file fictitious business name statements and file notary oaths, exceeds the current fees and that the cost of providing duplicate marriage licenses is less than the current fee. In addition, the Recorder will begin offering the option to purchase and download copies of certain official public records (OPR) and wishes to establish a fee for this service. The Recorder is recommending the addition of an OPR Electronic Download fee to reflect the anticipated cost of providing that new service. The Department recommends the fee adjustments for the County Clerk fees and the Recorder fees to ensure fees are in line with the reasonable costs of providing products and services.

Discussion:

Government Code section 27366 authorizes the Recorder to recover direct and indirect costs of providing a product or service. In addition, Government Code section 26831 and Government Code section 54985 allow the County Clerk to charge fees in an amount reasonably necessary to recover costs of providing any product or service.

The Department has conducted a fee study to determine the reasonable costs of providing products and services to the public. The study took place over a three week period. Staff were given paper forms to track the number of minutes, and pages where applicable, it took to complete all tasks related to providing copies of official public records and performing various clerk functions. The productive hourly rate for providing services was calculated based on direct and indirect costs for staff, supervision, administration, supplies, and county-wide overhead costs. The average number of minutes it took to provide a service was then multiplied by the productive hourly rate to determine the average cost.

Results from the studies show that the average cost of providing and certifying copies of official public records, filing fictitious business name statements, filing notary oaths and preparing a duplicate marriage license, exceeds the current fees.

Current fees for fictitious business name statements (FBNs), notary oaths, and duplicate marriage licenses are based on a fee study conducted in 2017. Since then, salary and benefit costs have increased.

Marriage Ceremonies (applicants provide witnesses) and Marriage Ceremonies (Clerk provides witnesses) are based on a fee study conducted in 2009. Since then, salary and benefit costs have increased.

Current fees for Official Public Records (OPR) copies were based on a fee study conducted in 2017. Cost of licensing for the recording software has been increasing 5% year over year as well as cost of staff time due to anticipated labor cost increases. Technology has changed, increasing our ability to offer copies through different mediums – paper, fax, email, or download. A further time study of email OPR copies, conducted over a four week period, determined there was a measurable difference between providing OPR copies from the Digital Reel system, which contains records prior to 1964, and the Tyler Eagle system, which contains records from 1964 to present. Documents recorded prior to 1964 and stored in the Digital Reel system take longer for staff to access and compile.

Based on these fee study results, the Department recommends adding, deleting and adjusting fees as follows:

Recorder Fees

- Increase Official Public Record (OPR) Print Copy from \$3 per page to \$5 per page
- OPR Email Copy pre-1964 fee from \$3 per page to \$6 per page
- Increase Fax copy from \$2 to \$4
- Map Copy fee from \$3 per map to \$5 per map
- Increase Certification of OPR copies from \$3 per document to \$4 per document

Clerk Fees

- Increase Duplicate Marriage License fee from \$50 to \$56
- Marriage Ceremony (applicants provide witnesses) from \$56 to \$60
- Marriage Ceremony (Clerk provides witnesses) from \$78 to \$82
- Increase Notary Oath fee from \$40 to \$50
- Increase Fictitious Business Name Statement (mailed and walk in) fee from \$45 to \$55

Prior Board Actions:

6-15-2018, Ordinance 6232, establishing fees for products and services provided by the Recorder and County Clerk, effective July 11, 2018.

4-21-15, Ordinance 6100, establishing fees for products and services provided by the Recorder and County Clerk, effective July 1, 2015.

4-29-09, Ordinance 5833 establishing fees for services provided by the County Clerk’s office, effective July 1, 2009.

FISCAL SUMMARY

	FY 18-19 Adopted	FY19-20 Projected	FY 20-21 Projected
Expenditures			
Budgeted Expenses			
Additional Appropriation Requested			
Total Expenditures			
Funding Sources			
General Fund/WA GF			
State/Federal			
Fees/Other		\$90,890	\$90,890
Use of Fund Balance			
Contingencies			
Total Sources		\$90,890	\$90,890

Narrative Explanation of Fiscal Impacts:

Proposed fee increases will generate approximately \$90,890 in additional revenue.

Staffing Impacts:			
Position Title (Payroll Classification)	Monthly Salary Range (A – I Step)	Additions (number)	Deletions (number)

Narrative Explanation of Staffing Impacts (If Required):

N/A

Attachments:

Attachment 1 – Ordinance establishing fee changes effective July 1, 2019

Attachment 2 – Fee Cover Sheet

Attachment 3 - Cost Analysis of Clerk and Recorder Fees

Related Items “On File” with the Clerk of the Board:

N/A



County of Sonoma
State of California

Date: May 14, 2019

Item Number: _____

Resolution Number: _____

4/5 Vote Required

**Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California,
Introducing, Reading the Title, and Waiving Further Reading of a Proposed Ordinance to
Adopt, Increase, and Delete Fees for the County Clerk and Recorder.**

Whereas, a proposed ordinance of the Board of Supervisors of the county of Sonoma, State of California, adopting, increasing, and deleting fees for various products and services provided by the County Clerk and Recorder has been introduced and the title read.

Now, Therefore, Be It Resolved that further reading of the proposed ordinance is waived.

Supervisors:

Gorin:

Zane:

Gore:

Hopkins:

Rabbitt:

Ayes:

Noes:

Absent:

Abstain:

So Ordered.

ORDINANCE NO. ()

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SONOMA, STATE OF CALIFORNIA, ADOPTING, INCREASING, AND DELETING FEES EFFECTIVE JULY 11, 2018, FOR VARIOUS PRODUCTS AND SERVICES PROVIDED BY THE COUNTY CLERK AND RECORDER.

The Board of Supervisors of the County of Sonoma, State of California, ordains as follows:

Section I. The California Government Code (including Government Code §§ 26831, 27366 and 54985) , Family Code, Business and Professions Code and Sonoma Code authorize the establishment of fees to recover the estimated reasonable cost of processing and providing information and services indicated therein relative to the functions of the County Clerk and Recorder.

Section II. The new and adjusted fees are hereby adopted to recover the estimated reasonable cost required to provide such services as authorized by state law. The new and adjusted fee schedule is attached as Exhibit A and incorporated herein. Based on information presented to this Board, this Board finds that the proposed fees comply with all legal requirements, including Art. XIII C of the California Constitution.

Section III. In all other respects, previous ordinances and resolutions setting fees shall remain in full force and effect.

Section IV. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this Ordinance.

Section V. This Ordinance shall be and the same is hereby declared to be in full force and effect from and after thirty (30) days after the date of its passage or July 1, 2019, whichever is greater, and shall be published once before the expiration of fifteen (15) days after said passage, with the names of the Supervisors voting for or against the same, in *The Press Democrat*, a newspaper of general circulation published in the County of Sonoma, State of California.

In regular session of the Board of Supervisors of the County of Sonoma, introduced on the fourteenth day of May 2019, and finally passed and adopted this twenty first day of May 2019 on regular roll call of the members of said Board by the following vote:

SUPERVISORS:

Gorin: ___ Rabbitt: ___ Zane: ___ Hopkins: ___ Gore: ___

Ayes: ___ Noes: ___ Absent: ___ Abstain: ___

WHEREUPON, the Chair declared the above and foregoing Ordinance duly adopted and

SO ORDERED.

Chair, Board of Supervisors
County of Sonoma

ATTEST:

Sheryl Bratton,
Clerk of the Board of Supervisors

Exhibit A
Clerk and Recorder New and Adjusted Fees

Division	Statutory Authority	Fee Schedule
Recorder Fees		
Official Public Record (OPR) Paper Copy (per page)	GC 27366	\$5.00
OPR Email Copy pre-1964 (per page)	GC 27366	\$6.00
OPR Fax copy	GC 27366	\$4.00
OPR map copy	GC 27366	\$5.00
Certification	GC 27364	\$4.00
Clerk Fees		
Duplicate Marriage License	FC 360, FC 510	\$56.00
Marriage Ceremonies (applicants provide witnesses)	GC 26861	\$60.00
Marriage Ceremonies (Clerk provides witnesses)	GC 26861	\$82.00
Notary Oath	GC 54985	\$40.00
Fictitious Business Name Statement	BP 17929 GC 54985	\$45.00

Department: CRA

Fee Hearing: Spring, 2019

Reference number	Fee Description (short)	Legal basis for fee*	Requirement to adjust fee (resolution or ordinance)	FY 2017-18 Units	Anticipated units, FY 2019-20	Current fee amount	Proposed fee amount	Change in fee	Proposed effective date	Additional revenue expected**	Last date fee changed	Amount prior to last change	Actual cost of providing service
1	Print Copy	GC 27366	Ordinance	28,910	15,000	\$ 3.00	\$ 5.00	67%	7/1/2019	\$ 30,000.00	7/11/2018	\$ 2.00	\$ 5.82
2	OPR Email Copy pre 1964	GC 27366	Ordinance	2,074	1,500	\$ 3.00	\$ 6.00	100%	7/1/2019	\$ 4,500.00	7/11/2018	\$ 2.00	\$ 6.02
3	Fax Copy	GC 27366	Ordinance	16	50	\$ 2.00	\$ 4.00	100%	7/1/2019	\$ 100.00	7/1/2015	\$ 1.00	\$ 4.54
4	Map Copy	GC 27366	Ordinance	340	400	\$ 3.00	\$ 5.00	67%	7/1/2019	\$ 800.00	2002	\$ 2.00	\$ 13.31
5	Certification	GC 27364	Ordinance	896	1,000	\$ 3.00	\$ 4.00	33%	7/1/2019	\$ 1,000.00	7/11/2018	\$ 2.00	\$ 4.07
6	Duplicate Marriage License	FC 360, FC 510	Ordinance	78	75	\$ 50.00	\$ 56.00	12%	7/1/2019	\$ 450.00	7/11/2018	\$ 88.00	\$ 56.61
7	Marriage Ceremony (applicants provide witnesses)	GC 26861, GC 54985	Ordinance	917	1,000	\$ 56.00	\$ 60.00	7%	7/1/2019	\$ 4,000.00	2009	\$ 50.00	\$ 60.13
8	Marriage Ceremony (Clerk provides witnesses)	GC 26861, GC 54985	Ordinance	60	60	\$ 78.00	\$ 82.00	5%	7/1/2019	\$ 240.00	2009	\$ 70.00	\$ 82.23
9	Notary	GC 54985	Ordinance	526	480	\$ 40.00	\$ 50.00	25%	7/1/2019	\$ 4,800.00	7/11/2018	\$ 30.00	\$ 51.08
10	Fictitious Business Name Filing	BP 17929, GC 54985	Ordinance	4,077	4,500	\$ 45.00	\$ 55.00	22%	7/1/2019	\$ 45,000.00	7/11/2018	\$ 40.00	\$ 56.72
11	Fictitious Business Name Filing (Mailed)	BP 17929, GC 54985	Ordinance	included in above number	included in above number	\$ 45.00	\$ 55.00	22%	7/1/2019	included in above number	7/11/2018	\$ 34.00	\$ 61.85

Clerk-Recorder Staff

Annual Productive Hours per employee	1,759
Number of Full-Time Employees Legal Proc., Senior Legal Proc., Legal Staff Sup	5
Number of Full-Time Employees CRA Specialists, Senior CRA Spec, CRA Supervisor	11
Annual Productive Hours per employee	
Total Productive Hours (5 emp x 1769 hrs)	8,795
Total Productive Hours (11 emp x 1769 hrs)	19,349

% of Chief Deputy Clerk-Recorder's Time		
Recorder	11	68.75%
Clerk	5	31.25%
	16	

Staff and Overhead Costs	Annual Costs	Number of Productive Hours	Costs Per Productive Hour
Legal Processor, Senior Legal Processor (4.0 FTE)	461,947	7,036	65.65
Legal Staff Supervisor (1.0 FTE)	133,220	7,036	18.93
**Services & Supplies Costs	107,614	8,795	12.24
Administrative/Management			
Adminstative Services	167,662	8,795	19.06
Chief Deputy Clerk-Recorder (31.25% - 5 FTE)	58,471	8,795	6.65
Hourly Rate			122.54
Rate per Minute			2.04

**Service and Supplies are allocated over 5 positions (Staff and Supervisors)

Recorder Staff and Overhead Costs	Annual Costs	Number of Productive Hours	Costs Per Productive Hour
CRA Specialist I/II, Senior CRA Specialist (8.0 FTE)	786,641	14,072	55.90
CRA Supervisors (2.0 FTE)	235,525	14,072	16.74
**Services & Supplies Costs	324,060	19,349	16.75
Administrative/Management			
Adminstative Services	243,692	19,349	12.59
Receptionist (1.0 FTE)	110,593	19,349	5.72
Chief Deputy Clerk-Recorder (68.75% - FTE)	128,635	19,349	6.65
Hourly Rate			114.34
Rate per Minute			1.91

**Service and Supplies are allocated over 11 positions (Staff and Supervisors)

Service Provided	No. of Minutes	No. of Transactions	Average Min per trans
Recorder Copies			
Answer Questions	2006	412	4.9
Show customers how to search computers	1240	257	4.8
Cashier and receipt copy	1478	553	2.7
Print Copy	582	202	2.9
Scan Map	36	2	18.0
Email Copy	1376	426	3.2
Email Copy - Tyler	368	182	2.0
Email Copy - Digital Reel	424	125	3.4
Fax Copy	13	3	4.3
Certify	32	15	2.1
Duplicate Marriage Licenses			
Answer Questions	54	8	6.8
Cashier and receive payment	15	5	3.0
Issue duplicate	37	3	12.3
Register and scan duplicate	17	3	5.7
Marriage Ceremony			
Answer Questions	609	119	5.1
Schedule ceremony	327	75	4.4
Cashier and receive payment	198	30	6.6
Gather witness info and signatures	166	40	4.2
Perform Ceremony	296	32	9.3
Witness Ceremony	65	6	10.8
Answer Questions	41	8	5.1
Review form and make appointment	8	2	4.0
Email Confirmation	1	1	1.0
Prepare oaths for deputies	5	1	5.0
Administer oath and receipt	11	2	5.5
Teach Class	70	2	35.0
Notary			
Receive and review bond, oath, certificate and commission	120	23	5.2
Administer oath and signatures	44	18	2.4
Enter, cashier and scan into database	86	19	4.5
Receive and review books from Notary	14	3	4.7
Index and file books	15	3	5.0
Send Oaths to Secretary of State	12	11	1.1
Box and submit books for storage	90	43	2.1
FBN			
Answer Questions	642	144	4.5
Review FBN for accuracy, check ID/notate mail	526	137	3.8
File & Cashier in database	620	140	4.4
Index FBNs	24	10	2.4
Explain Publishing	119	54	2.2
Issue copy of FBN	45	21	2.1
Certify copy	32	16	2.0
Mail filed FBN to customer	97	62	1.6
Write and send rejection letter	85	16	5.3
Stamp, index & file proof of publishing	95	15	6.3

Average Cost to Provide Products & Services

	Average Min per trans	Avg pages per trans	Avg Min per page	Rate per Minute	Cost of Map Paper per page	Avg Cost per page
Recorder Copies						
Print Copy	15.2	5.0	3.0	1.91		5.82
Email Copy - pre 1964 (Digital Reel)	15.8	5.0	3.2	1.91		6.02
Fax Copy	11.9	5.0	2.4	1.91		4.54
Map Copy - any size	33.2	5.0	6.6	1.91	0.122	13.31

Certification	Avg Min	Cost per min	Total Cost
Certification	2.1	1.91	4.01

Duplicate Marriage Licenses	Avg Min	Cost per min	Total Cost
License	27.8	2.04	56.71

Marriage Ceremony	Avg Min	Cost per min	Total Cost
Ceremony (applicants provide witnesses)	29.5	2.04	60.18
Ceremony (Clerk provides witnesses)	40.3	2.04	82.21

Notary	Avg Min	Cost per min	Total Cost
Filing	25.0	2.04	51.00

FBN	Avg Min	Cost per min	Postage	Total Cost
In-office filing	27.8	2.04	N/A	56.71
Mailed filing	30.1	2.04	0.43	61.83