

**COUNTY OF SONOMA  
AGENDA ITEM  
SUMMARY REPORT**

**Clerk of the Board Use Only**  
**Meeting Date**                      **Held Until**  
 /     /                                      /     /  
**Agenda Item No:**                      **Agenda Item No:**  
 \_\_\_\_\_                                      \_\_\_\_\_

**Department:** County Clerk/Recorder/Assessor

(   ) **4/5 Vote Required**

**Contact:**  
Janice Atkinson

**Phone:**  
(707) 565-1877

**Board Date:**  
4/21/2009

**Deadline for Board Action:**  
April 21, 2009

**AGENDA SHORT TITLE:** County Clerk Service Fee Schedule

**REQUESTED BOARD ACTION:**

Approve an ordinance amending the County Clerk Fee Schedule, effective July 1, 2009, to cover costs for providing, and maintaining services.

**CURRENT FISCAL YEAR FINANCIAL IMPACT**

**EXPENDITURES**

**Estimated Cost**                      \$

**Amount Budgeted**                      \$

**Other Avail Approp.**                      \$  
(Explain below)

**Additional Requested:**                      \$

**Explanation (if required):**

**ADD'L FUNDS REQUIRING BOARD**

**Contingencies**                      \$  
(Fund Name:)

**Unanticipated Revenue**                      \$  
(Source:)

**Other Transfer(s)**                      \$  
(Source:)

**Add'l Funds Requested:**                      \$

**Prior Board Action(s):** Ordinance No. 5680, approved August 15, 2006 establishing various County Clerk fee increases

**Alternatives - Results of Non-Approval:**

Fees will remain the same resulting in reduced resources to support levels of service.

**Background:**

Government Code Section 54985 authorizes the Board of Supervisors to increase fees in an amount reasonably necessary to recover the cost of providing services. The fee may reflect the average cost of the service, including indirect costs. The attached Fee and Revenue Summary Chart lists all fees for services provided by the County Clerk where the amount is established by County ordinance. Fees fixed by statute are not included. The proposed FY 09-10 rates will generate increased revenue of approximately \$72,745. These fee adjustments are included in the department's 2009-10 proposed budget.

An updated analysis of the costs associated with providing services in FY 09-10 using existing methodology has been prepared and is on file with the Clerk. The proposed fees reflect the change in the cost of doing business from the last fee increase in 2006.

Fee increases are proposed for fictitious business names, additional names and/or partners operating under the same fictitious business name statement, fictitious business name withdrawal and abandonment, notary oath, public marriage licenses, confidential marriage licenses, duplicate marriage licenses, civil ceremony, civil ceremony without witness, after hour's marriage licenses, deputy for a day, and authenticate signature/certificate of authority. Several County Clerk fees will remain the same, including environmental impact reports, power of attorney for surety insurers, financial statement for surety insurer, and cancellation of certificate of surety. The increases are estimated to produce \$72,745 in new, ongoing revenues.

Proposed fees are calculated using the average time required for County Clerk staff to provide services. The time required to issue a duplicate marriage license was significantly understated in the previous fee study. Due to the amount of research and retrieval of records involved, this fee is proposed to increase from \$37 to \$88. The highest comparable fee for issuance of a duplicate marriage license is \$69 in Ventura County. The Fee Cost Comparison Chart on file with the Clerk shows that the proposed Sonoma County fees to be within the range of fees established for the same services by other California counties. The only exceptions are the duplicate marriage license discussed above, and signature authentication fees. The highest comparable fee for signature authentication is \$13 in Marin County. Sonoma County proposes a \$15 fee based upon the time required to provide the service.

**Attachments:** 1) Ordinance amending the County Clerk Fee Schedule; 2) Fee and Revenue Summary Chart

**On File With Clerk:** County Clerk Rate Calculations and Fee Cost Comparison Chart

**CLERK OF THE BOARD USE ONLY**

**Board Action** (If other than "Requested")

**Vote:**

**Background:** (Continued)

The proposed fee adjustments will provide resources to maintain current levels of service and more accurately reflect and recover the cost of providing services. The hearing regarding the County Clerk Fee Schedule will be noticed, to be held on April 21, 2009, pursuant to California Government Code Sections 54985 and 54986.

**Recommendation:**

Approve the attached ordinance amending the County Clerk Fee Schedule, to become effective July 1, 2009.

**ORDINANCE NO. \_\_\_\_\_**

**ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SONOMA, STATE OF CALIFORNIA, ESTABLISHING FEES FOR VARIOUS SERVICES PROVIDED BY THE COUNTY CLERK'S OFFICE.**

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

SECTION I: This Board is authorized by Government Code section 54985 to increase statutory fees and charges to reflect the average cost of providing a product or service. Based on information presented by the Sonoma County Clerk, this Board finds that the requested fees reflect the average cost incurred by the Clerk's office in providing the listed services.

SECTION II: The revised fee schedule is hereby adopted to recover the estimated reasonable cost required to provide such services. The revised fee schedule is attached as Exhibit A and incorporated herein. The fees hereby established are subject to revision from time to time upon a finding by this Board that such revision is necessary due to an increase or decrease in the actual cost of services.

SECTION III: All former ordinances of the Board of Supervisors or parts thereof, conflicting or inconsistent with provisions of this ordinance are hereby repealed. The repeal of said ordinances shall not affect any obligation to pay any fees incurred under said ordinances, and said obligation shall continue in effect after said ordinance is repealed, and the County of Sonoma may take any appropriate action in regard to any delinquent fees imposed pursuant to said ordinance.

SECTION IV: The Board hereby finds that the California Environmental Quality Act does not apply to the changes pursuant to this ordinance as such fees are for the purpose of meeting operating expenses (Public Resources Code Section 21080; Title 14 Cal Code Regulations Section 15273).

SECTION V: If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be unconstitutional and invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and every section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases may be declared unconstitutional or invalid.

SECTION VI: This ordinance shall be effective 30 days following adoption, or July 1, 2009, whichever is later and shall be published once within 15 days of its adoption with the names of the Supervisors voting for or against the same, in a newspaper of general circulation in Sonoma County.

In regular session of the Board of Supervisors of the County of Sonoma introduced on the 21st day of April 2009, and finally passed and adopted this \_\_\_\_\_ day of \_\_\_\_\_ 2009 on regular roll call of the members of said Board by the following vote:

SUPERVISORS

BROWN: \_\_\_\_\_ KERNS: \_\_\_\_\_ ZANE: \_\_\_\_\_ CARRILLO: \_\_\_\_\_ KELLEY: \_\_\_\_\_

AYES: \_\_\_\_\_ NOES: \_\_\_\_\_ ABSTAIN: \_\_\_\_\_ ABSENT: \_\_\_\_\_

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

SO ORDERED

Chair, Board of Supervisors of  
The County of Sonoma

ATTEST

ROBERT DEIS  
Clerk of the Board of Supervisors

EXHIBIT A

SONOMA COUNTY CLERK'S OFFICE  
FEE SCHEDULE

<u>TYPE OF SERVICE</u>	<u>STATUTORY AUTHORITY</u> (in addition to GC 54985)	<u>CLERK'S FEE</u>
Fictitious Business Name	BP 17929(a)	\$40.00
Fictitious Business Name Additional Business Name/Partner	BP 17929(a)	\$9.00
Fictitious Business Name Withdrawal/Abandonment	BP 17929(b)(c)	\$31.00
Notary Oath	GC 26849.1	\$30.00
Public Marriage License/ Non-Clergy Marriage License (*Total fee of \$81.00; remainder distributed pursuant to statute)	GC 26840	\$50.00*
Declaration of Marriage (*Total fee of \$81.00; remainder distributed pursuant to statute)	GC 26840 / FC 425	\$50.00*
Confidential Marriage License (*Total fee of \$98.00; remainder distributed pursuant to statute)	GC 26840.1	\$66.00*
Duplicate Marriage License	FC 360	\$88.00
Civil Ceremony	GC 26861	\$56.00
Civil Ceremony Without Witness	GC 26861	\$78.00
After Hours Marriage License	GC 26840.2	\$81.00
Deputy for A Day	FC 401	\$133.00
Environmental Impact Report	FG 711.4(4)(e)	50.00
Power of Attorney for Surety Insurer	GC 26855.1	\$12.00
Financial Statement for Surety Insurer	GC 26855.2	\$10.00
Cancellation of Certificate of Surety	GC 26855.3	\$10.00
Authenticate Signature	GC 26853-26855	\$15.00
Certificate of Authority	GC 26851	\$15.00

FEE AND REVENUE SUMMARY CHART

**COUNTY CLERK/RECORDER/ASSESSOR**  
**COUNTY CLERK'S DIVISION**

<u>FEE DESCRIPTION</u>	<u>ESTIMATED FY 09-10 BUDGET UNITS OF SERVICE</u>	<u>FY 08-09 RATE</u>	<u>FY 09-10 PROPOSED RATE</u>	<u>RATE PERCENT CHANGE</u>	<u>FY 09-10 REVENUE INCREASE DUE TO RATE CHANGE</u>
<i>Fictitious Business Names</i>	5,100	34.00	40.00	17.6%	\$30,600.00
<i>Additional Business Name and/or Partner</i>	3,585	7.00	9.00	28.6%	\$7,170.00
<i>Fictitious Business Name Withdrawal/Abandonment</i>	500	28.00	31.00	10.7%	\$1,500.00
<i>Notary Oath</i>	600	27.00	30.00	11.1%	\$1,800.00
<i>Public Marriage License/Declaration of Marriage/Non-Clergy Marriage</i>	2,795	75.00	81.00	8.0%	\$16,770.00
<i>Confidential Marriage License</i>	191	90.00	98.00	8.9%	\$1,528.00
<i>Duplicate Marriage License</i>	86	37.00	88.00	137.8%	\$4,386.00
<i>Civil Ceremony</i>	868	50.00	56.00	12.0%	\$5,208.00
<i>Civil Ceremony Without Witness</i>	78	70.00	78.00	11.4%	\$624.00
<i>After Hours Marriage License</i>	1	80.00	81.00	1.3%	\$1.00
<i>Deputy for A Day</i>	166	120.00	133.00	10.8%	\$2,158.00
<i>Environmental Impact Report</i>	275	50.00	50.00	0.0%	\$0.00
<i>Power of Attorney for Surety Insurer</i>	2	12.00	12.00	0.0%	\$0.00
<i>Financial Statement for Surety Insurer</i>	-	10.00	10.00	0.0%	\$0.00
<i>Cancellation of Certificate of Surety</i>	-	10.00	10.00	0.0%	\$0.00
<i>Authenticate Notary/Public Official Signature/Certificate of Authority</i>	200	10.00	15.00	50.0%	\$1,000.00

JUSTIFICATION: The above fee increases and new fees are requested to recover costs associated with providing information and services to the public.

**Total** \$72,745.00