

ORDINANCE NO. \_\_\_\_\_(N.S.)

AN ORDINANCE TO AMEND SECTIONS 86.7, 86.8, 86.9, AND 86.10 OF THE SAN DIEGO COUNTY CODE OF ADMINISTRATIVE ORDINANCES RELATING TO FEES FOR SERVICES BY THE RECORDER AND COUNTY CLERK AND TO ADJUST RECORDER SHARE OF ADMINISTRATIVE COSTS FOR THE REAL ESTATE FRAUD FEE

The Board of Supervisors of the County of San Diego ordains as follows:

**Section 1.** The Board of Supervisors finds and determines that it is necessary to adjust certain existing Recorder fees in the Administrative Code provisions based on the current cost of providing those services. The Board of Supervisors also finds and determines that it is necessary to adjust the distribution of the Real Estate Fraud Fee collected by the San Diego County Recorder pursuant to Government Code section 27388 due to an increase in administrative costs.

**Section 2.** Section 86.7 of the San Diego County Code of Administrative Ordinances is hereby amended to read as follows:

SEC. 86.7. FEES FOR RECORDING SERVICES.

The following fees and charges shall be collected by the Assessor/Recorder/County Clerk for functions performed by the Recorder:

- (a) RECORDING – FIRST PAGE (BASE FEE): A fee of \$10 for recording the first page of each instrument, paper, or notice pursuant to Government Code section 27361.
- (b) MICROGRAPHICS: A fee of \$1 for recording the first page of each instrument, paper, or notice pursuant to Government Code section 27361.4(a).
- (c) DAYS OF OPERATION: A fee of \$1 for recording the first page of each instrument, paper, or notice pursuant to Government Code section 27361.4(b).
- (d) INDEXING: A fee of \$1 for recording the first page of each instrument, paper, or notice pursuant to Government Code section 27361.4(c).
- (e) ELECTRONIC RECORDING: A fee of \$1 for recording the first page of each instrument, paper, or notice pursuant to Government Code section 27397(c)(1).
- (f) REAL ESTATE FRAUD: A fee of \$3 for recording the first page of each real estate instrument pursuant to Government Code section 27388 as enacted in Statutes 2009, Chapter 35 (S.B.174), section 4.
- (g) BUILDING HOMES AND JOBS (SB-2 ATKINS): The fee for recording every real estate instrument, paper, or notice pursuant to Government Code section 27388.1.

- (h) **RECORDING – EACH ADDITIONAL PAGE:** The fee for recording each additional page beyond the first page of each instrument, paper, or notice pursuant to Government Code section 27361(a).
- (i) **GOVERNMENT RELEASE:** The fee for recording every release of lien, encumbrance, or notice executed by the state, or any municipality, county, city, district or other political subdivision pursuant to Government Code section 27361.3.
- (j) **NON-STANDARD PRINTING:** The fee per page for recording each page that contains non-standard printing pursuant to Government Code section 27361(a)(1).
- (k) **NON-STANDARD SIZE PAGE:** The fee per page for recording each page or sheet of a document that does not conform to standard dimensions pursuant to Government Code section 27361(a)(2).
- (l) **ADDITIONAL INDEXING – PRIOR RECORDING REFERENCE:** A fee of \$1 for each reference in a document to a previously recorded document, other than the first such reference, requiring additional indexing pursuant to Government Code section 27361.2.
- (m) **ADDITIONAL INDEXING – MORE THAN TEN NAMES:** A fee of ~~\$5~~ \$7 for indexing each group of 10 names or fractional portion thereof after the initial group of 10 names pursuant to Government Code sections 27361.8 and 54985.
- (n) **MONUMENT PRESERVATION:** A fee of \$10 for each non-exempt grant deed recorded pursuant to Government Code section 27585.
- (o) **NOTIFICATION OF INVOLUNTARY LIEN – FIRST NOTICE:** A fee of ~~\$10~~ \$13 for the first notification of involuntary lien provided for each recorded involuntary lien pursuant to Government Code sections 27387 and ~~54985~~.
- (p) **NOTIFICATION OF INVOLUNTARY LIEN – EACH ADDITIONAL NOTICE:** A fee of ~~\$4~~ \$6 for each additional notification of involuntary lien provided beyond the first for a recorded involuntary lien pursuant to Government Code sections 27387 and ~~54985~~.

**Section 3.** Section 86.8 of the San Diego County Code of Administrative Ordinances is hereby amended to read as follows:

#### **SEC. 86.8. FEES FOR MAPS.**

The following fees and charges shall be collected by the Assessor/Recorder/County Clerk for Recorder map services:

- (a) **MAP FILING – FIRST PAGE:** A fee of ~~\$39~~ \$50 for filing the first page of each map pursuant to Government Code sections 27372 and 54985.

- (b) MAP FILING – EACH ADDITIONAL PAGE: A fee of ~~\$8~~ \$10 for filing each additional page beyond the first page of each map filed pursuant to Government Code sections 27372 and 54985.
- (c) MAP COPY – FIRST PAGE (SIZES EXCEEDING 11” x 17”): A fee of ~~\$8~~ \$13 for each copy of the first page of a map exceeding the size of 11” x 17” pursuant to Government Code sections 27366.
- (d) MAP COPY – EACH ADDITIONAL PAGE (SIZES EXCEEDING 11” x 17”): A fee of ~~\$1~~ \$0.50 for each additional page beyond the first page of each copy of a map pursuant to Government Code sections 27366.

**Section 4.** Section 86.9 of the San Diego County Code of Administrative Ordinances is hereby amended to read as follows:

**SEC. 86.9. FEES FOR VITAL RECORDS.**

The following fees and charges shall be collected by the Assessor/Recorder/County Clerk for vital records:

- (a) BIRTH CERTIFICATE – GENERAL PUBLIC: A fee pursuant to Health and Safety Code sections 103625, 100425, 103525.5, and 103650, and Welfare and Institutions Code section 18966 for each certified copy of a birth record to the general public.
- (b) BIRTH CERTIFICATE – GOVERNMENT AGENCY: A fee pursuant to Health and Safety Code sections 103625, 100425, 103525.5, and 103650 for each certified copy of a birth record to a government agency.
- (c) DEATH CERTIFICATE: A fee pursuant to Health and Safety Code sections 103625, 100425, 103525.5, and 103650, and Penal Code section 14251 for each certified copy of a death record.
- (d) FETAL DEATH CERTIFICATE: A fee pursuant to Health and Safety Code sections 103625, 100425, and 103650 for each certified copy of a fetal death record.
- (e) MARRIAGE CERTIFICATE – GENERAL PUBLIC: A fee pursuant to Health and Safety Code sections 103625, 100425, 103525.5, and 103650, and Family Code sections 509 and 1852 for each certified copy of a marriage record to the general public.
- (f) MARRIAGE CERTIFICATE – GOVERNMENT AGENCY: A fee pursuant to Health and Safety Code sections 103625, 100425, 103525.5, and 103650 for each certified copy of a marriage record to a government agency.
- (g) COUNTY CHILDREN’S TRUST FUND: A fee of \$3 for a certified copy of a birth certificate pursuant to Health and Safety Code section 103625(b)(2) and Welfare and Institutions Code section 18966.

- (h) DECORATIVE CERTIFICATE KEEPSAKE: A fee of ~~\$5.20~~ \$5.40 plus the cost of each birth or marriage certificate keepsake purchased in a single transaction from the Recorder pursuant to California Constitution, Article 11, Section 7.

**Section 5.** Section 86.10 of the San Diego County Code of Administrative Ordinances is hereby amended to read as follows:

**SEC. 86.10. FEES FOR MISCELLANEOUS RECORDER SERVICES.**

The following fees and charges shall be collected by the Assessor/Recorder/County Clerk for miscellaneous Recorder services:

- (a) PRELIMINARY CHANGE OF OWNERSHIP REPORT: The fee if a document evidencing a change in ownership is presented to the Recorder for recordation without the concurrent filing of a completed preliminary change in ownership report pursuant to Revenue and Taxation Code section 480.3.
- (b) PRELIMINARY NOTICE: A fee of ~~\$20~~ \$23 for each preliminary notice filed pursuant to Government Code section 27361.9.
- ~~(c) DOCUMENTARY TRANSFER TAX REFUND CLAIM: A fee of \$33 for each documentary transfer tax refund claim submitted pursuant to California Constitution, Article 11, Section 7.~~
- ~~(d)~~ (c) IMAGE DISTRIBUTION SYSTEM SUBSCRIPTION FOR IMAGES OF ALL RECORDED DOCUMENTS - ACCOUNT SETUP: A fee of \$150 plus any third-party vendor costs for the setup of a subscription account for daily images of all recorded documents that are distributed electronically pursuant to California Constitution, Article 11, Section 7.
- ~~(e)~~ (d) IMAGE DISTRIBUTION SYSTEM SUBSCRIPTION FOR IMAGES OF ALL RECORDED DOCUMENTS - ELECTRONIC DISTRIBUTION: A fee of \$0.125 per image equally divided by the number of subscribers for each subscription for daily images of all recorded documents that are distributed electronically pursuant to California Constitution, Article 11, Section 7.
- ~~(f)~~ (e) CUSTOM IMAGE DISTRIBUTION: A fee of \$0.32 per image for custom downloads of recorded documents that are distributed electronically pursuant to California Constitution, Article 11, Section 7.
- ~~(g)~~ (f) OATH OR AFFIRMATION: The fee to administer and certify each oath or affirmation pursuant to Government Code section 27379.
- ~~(h)~~ (g) FILING: A fee of ~~\$8~~ \$12 for filing, indexing, and keeping each paper not required by law to be recorded pursuant to Government Code sections 27380 and 54985.

- ~~(h)~~ (h) ACKNOWLEDGMENT: A fee of \$13 to take an acknowledgment for each signature acknowledged pursuant to Government Code sections 27375 and 54985.
- ~~(i)~~ (i) RECORD SEARCH: A fee of \$8 for each search for a document on file with the Recorder pursuant to Commercial Code section 9525, Code of Civil Procedure section 2103, and Government Code section 54985.
- ~~(j)~~ (j) DOCUMENT COPY OR SYSTEM GENERATED REPORT UP TO AND INCLUDING 11" x 17" - FIRST PAGE: A fee of \$2 for the first page of each copy of any system generated report, record, proceeding, or paper on file with the Recorder up to 11" x 17" in size pursuant to Government Code sections 27366.
- ~~(k)~~ (k) DOCUMENT COPY OR SYSTEM GENERATED REPORT UP TO AND INCLUDING 11" x 17" - EACH ADDITIONAL PAGE: A fee of \$0.05 for each additional page beyond the first page of each copy of any system generated report, record, proceeding, or paper on file with the Recorder up to 11" x 17" in size pursuant to Government Code section 27366.
- ~~(l)~~ (l) CERTIFICATION: A fee of \$1 for each certification certifying to a copy of any paper, record, or proceeding on file in the office of the Recorder pursuant to Government Code section 27364.
- ~~(m)~~ (m) DOCUMENT COPY OR SYSTEM GENERATED REPORT PROVIDED BY ELECTRONIC MAIL: A fee of \$0.45 for each uncertified copy of an electronically available non-vital record document or system generated report delivered by electronic mail pursuant to Government Code section 27366.

**Section 6.** The amount deducted for the actual and necessary administrative costs incurred by the San Diego County Recorder from the Real Estate Fraud Fee collected pursuant to Government Code section 27388 shall be ten percent of the fees paid pursuant to that section.

**Section 7. EFFECTIVE DATE.** This ordinance shall take effect and be in force thirty days after its passage, and before the expiration of fifteen days after its passage, a summary hereof shall be published once with the names of the members of this Board voting for and against it in the same in a newspaper of general circulation published in the County of San Diego.

**Section 8. OPERATIVE DATE.** This ordinance and the amendments and additions to the San Diego County Code of Administrative Ordinances made by this ordinance shall be operative commencing July 1, 2023.

APPROVED AS TO FORM AND LEGALITY

Claudia G. Silva, County Counsel

By: Walter J. de Lorrell, III, Senior Deputy County Counsel