

**COUNTY OF SAN DIEGO
BOARD OF SUPERVISORS
TUESDAY, MAY 23, 2023**

MINUTE ORDER NO. 14

**SUBJECT: ADMINISTRATIVE ITEM:
SECOND CONSIDERATION AND ADOPTION OF ORDINANCE:
NOTICED PUBLIC HEARING: 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
(05/02/2023 - FIRST READING; 05/23/2023 - SECOND READING, UNLESS
ORDINANCE IS MODIFIED ON SECOND READING) (DISTRICTS: ALL)**

OVERVIEW

On May 2, 2023 (26), the Board of Supervisors took action to further consider and adopt the Ordinance on May 23, 2023.

The Assessor/Recorder/County Clerk (ARCC) reviewed Recorder fees to determine whether the full cost of its services provided are recovered as required under Board of Supervisors Policy B-29 “Fees, Grants, Revenue Contracts - Department Responsibility for Cost Recovery” (Board Policy B-29) and as authorized under various State statutes. Submitted for your Board’s consideration is the adoption of a proposed ordinance amending sections of the San Diego County Code of Administrative Ordinances (Administrative Code) for fees for services provided by the Recorder. The proposed ordinance adjusts certain existing fees and repeals a fee that will no longer be charged by the Recorder. The proposed action also adjusts the distribution of the Real Estate Fraud Fee to the Recorder for administrative costs to comply with Board Policy B-29.

The Auditor and Controller has reviewed and approved the supporting documentation and methodology used to determine the proposed fees to be adjusted in this proposal.

The ordinance will be introduced on May 2, 2023, and, if approved, it will be scheduled for adoption on May 23, 2023. If the proposed ordinance is altered on May 23, 2023, then on that date a subsequent meeting date will be selected for the ordinance’s adoption. If the proposed ordinance is approved, the proposed changes will take effect on July 1, 2023.

RECOMMENDATION(S)

ASSESSOR/RECORDER/COUNTY CLERK

Consider and adopt the Ordinance (second reading) entitled:

**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.**

EQUITY IMPACT STATEMENT

The Recorder remains committed to ensuring all communities across the county have access to its services, including those that have been historically underserved. The Recorder has and continues to identify ways to reduce departmental costs to provide its services to the public. Because the Recorder is service-based and the funding source is fees paid by customers, full cost recovery ensures that Recorder services which benefit a single agency or individual do not reduce resources available to the entire region.

The proposed actions would amend fees and charges for services that are provided to the public to cover the cost of services and pass-through fees in alignment with current San Diego County Board of Supervisors' policy. ARCC performed an analysis of Recorder services, including the direct and indirect costs of performing those tasks in relation to the specific services. ARCC further reviewed the frequency of services provided to ensure that the fees for services are not cost prohibitive for customers.

SUSTAINABILITY IMPACT STATEMENT

The proposed amendment to the fees and charges for services that are provided to the public will cover the full cost of services for the Recorder's internal operations. The fee changes are a result of the cumulative increase of the cost drivers such as salaries and benefits, services and supplies, and associated indirect costs of the Recorder. The adjustments to the Recorder fees are based on available expenditure and revenue data, live staff time studies, and annual service counts. The proposed actions are appropriate as they support the County of San Diego's Strategic Initiative of Sustainability to align the County's available resources with services to maintain fiscal stability and ensure long-term solvency. The proposed actions align with the County of San Diego Sustainability Goal of promoting economic sustainability for all and the United Nations Sustainable Development Goals of decent work and economic growth.

FISCAL IMPACT

There is no current year fiscal impact associated with these recommendations. If approved, the proposal will result in an estimated net annual cost and revenue of \$73,500 for the ARCC, beginning in Fiscal Year 2023-24, which includes \$60,100 in revenue from the proposed adjustment to the distribution of the Real Estate Fraud Fee. Funds for this proposal will be included in the Fiscal Year 2023-25 CAO Recommended Operational Plan for ARCC. The funding source is fees paid by customers. These fees are estimated in an amount sufficient to recover full cost as required by Board Policy B-29: Fees, Grants, Revenue Contracts-Department Responsibility for Cost Recovery. Accordingly, there is no projected unrecovered cost, and a waiver of Board Policy B-29 is not needed. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

In terms of impact to the local economy, the fee changes will only impact customer requests for: recordings and filings; sending notifications of involuntary liens to debtors; refunds of documentary transfer tax paid on transfers of ownership; and, decorative certificate keepsakes of birth and marriage records. The proposed fee changes are considered reasonable and of minimal impact on the local business community.

ACTION:

ON MOTION of Supervisor Desmond, seconded by Supervisor Lawson-Remer, the Board of Supervisors closed the Hearing and took action as recommended, on Consent, adopting Ordinance No. 10845(N.S.), entitled: 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.

AYES: Vargas, Anderson, Lawson-Remer, Desmond

ABSENT: (District 4 Seat Vacant)

State of California)

County of San Diego) §

I hereby certify that the foregoing is a full, true and correct copy of the Original entered in the Minutes of the Board of Supervisors.

ANDREW POTTER

Clerk of the Board of Supervisors



Signed

by Andrew Potter