



COUNTY OF SAN DIEGO

AGENDA ITEM

BOARD OF SUPERVISORS

NORA VARGAS
First District

JOEL ANDERSON
Second District

TERRA LAWSON-REMER
Third District

MONICA MONTGOMERY STEPPE
Fourth District

JIM DESMOND
Fifth District

DATE: April 30, 2024 and May 21, 2024

23

TO: Board of Supervisors

SUBJECT

NOTICED PUBLIC HEARING: FINANCE AND GENERAL GOVERNMENT GROUP FEES AND RATES RELATING TO ASSESSOR/RECORDER/COUNTY CLERK, TREASURER-TAX COLLECTOR, CLERK OF THE BOARD OF SUPERVISORS, AND OFFICE OF COUNTY COUNSEL (DISTRICTS: ALL)

OVERVIEW

Today's actions request that the Board of Supervisors (Board) review and approve the introduction of four ordinances for amendments to San Diego County Administrative Code Article IV-A, San Diego County Administrative Code Article XX, San Diego County Administrative Code Article X-A, and the San Diego County Assessment Appeals Boards and Assessment Hearing Officers Rules of Procedure related to fees for Written Assessment Appeals Board Findings and Conclusions. In addition, the Board is requested to adopt a resolution relating to the hourly billing rates for the Office of County Counsel.

The recommended ordinances and resolution represent a comprehensive package that supports the Finance and General Government Group's services in alignment with Board Policy B-29, *Fees, Grants, Revenue Contracts - Department Responsibility for Cost Recovery*, which generally requires that departments recover the full cost of all services provided for which fees may be charged. The proposed changes are the result of an analysis of services provided to the public, processing times, and associated costs to provide those services. The Finance and General Government Group reviewed a total of 25 existing fees and rates, resulting in 19 increases and 6 decreases, and is proposing 1 new fee in the Office of the Assessor/Recorder/County Clerk, and 1 new fee in the Office of Treasurer-Tax Collector.

The Auditor & Controller has reviewed and approved the supporting documentation and methodology for establishing the fees and rates in this proposal for Fiscal Year 2024-25, as appropriate.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

On April 30, 2024:

1. Pursuant to Article IX, Section 143, of the San Diego County Administrative Code, adopt a resolution entitled:

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A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO RELATING TO COUNTY COUNSEL HOURLY BILLING RATES FOR ATTORNEY AND PARALEGAL SERVICES

2. Approve the introduction of the following ordinances (First Reading):

AN ORDINANCE TO AMEND ARTICLE IV-A, SECTION 86.10 OF THE SAN DIEGO COUNTY CODE OF ADMINISTRATIVE ORDINANCES RELATING TO FEES CHARGED BY THE ASSESSOR/RECORDER/COUNTY CLERK FOR IMAGED COPIES OF RECORDED DOCUMENTS

AN ORDINANCE AMENDING ARTICLE XX, SECTION 364.4 OF THE SAN DIEGO COUNTY ADMINISTRATIVE CODE RELATING TO FEES CHARGED BY THE TREASURER-TAX COLLECTOR

AN ORDINANCE AMENDING ARTICLE X-A OF THE SAN DIEGO COUNTY ADMINISTRATIVE CODE RELATING TO FEES CHARGED BY THE CLERK OF THE BOARD OF SUPERVISORS

AN ORDINANCE AMENDING RULE 8(a) OF THE SAN DIEGO COUNTY ASSESSMENT APPEALS BOARDS AND ASSESSMENT HEARING OFFICERS RULES OF PROCEDURE RELATING TO FEES CHARGED BY THE CLERK OF THE BOARD OF SUPERVISORS FOR WRITTEN ASSESSMENT APPEALS BOARD FINDINGS AND CONCLUSIONS

If on April 30, 2024, the Board of Supervisors takes action as recommended on Item 2 above, then on May 21, 2024:

1. Submit ordinances for further Board consideration and adoption (Second Reading):

AN ORDINANCE TO AMEND ARTICLE IV-A, SECTION 86.10 OF THE SAN DIEGO COUNTY CODE OF ADMINISTRATIVE ORDINANCES RELATING TO FEES CHARGED BY THE ASSESSOR/RECORDER/COUNTY CLERK FOR IMAGED COPIES OF RECORDED DOCUMENTS

AN ORDINANCE AMENDING ARTICLE XX, SECTION 364.4 OF THE SAN DIEGO COUNTY ADMINISTRATIVE CODE RELATING TO FEES CHARGED BY THE TREASURER-TAX COLLECTOR

AN ORDINANCE AMENDING ARTICLE X-A OF THE SAN DIEGO COUNTY ADMINISTRATIVE CODE RELATING TO FEES CHARGED BY THE CLERK OF THE BOARD OF SUPERVISORS

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AN ORDINANCE AMENDING RULE 8(a) OF THE SAN DIEGO COUNTY ASSESSMENT APPEALS BOARDS AND ASSESSMENT HEARING OFFICERS RULES OF PROCEDURE RELATING TO FEES CHARGED BY THE CLERK OF THE BOARD OF SUPERVISORS FOR WRITTEN ASSESSMENT APPEALS BOARD FINDINGS AND CONCLUSIONS

EQUITY IMPACT STATEMENT

The proposed actions would amend fees and charges for services that are provided to agencies or individuals outside of the County of San Diego organization. The fees and rates that are included in this fee package are intended to cover the full cost of services that will be provided to such agencies or individuals. By collecting the full cost of services, the County ensures that services that benefit a single agency or individual does not reduce the available resources that could be available to the entire region for other vital services that are provided by County departments.

SUSTAINABILITY IMPACT STATEMENT

The proposed fee package supports the recovery of the full cost of providing services to individuals and agencies outside of the County of San Diego organization. This helps the County achieve economic sustainability and long-term fiscal stability by aligning resources with services, while continuing to provide critical services to the public.

FISCAL IMPACT

Funds for this proposal are not included in the Fiscal Year 2023-24 Operational Plan and will be included in the Fiscal Year 2024-25 CAO Recommended Operational Plan for the Office of County Counsel, Treasurer-Tax Collector, and Clerk of the Board. If approved, the proposed rates and fees will ensure full cost recovery for the services provided beginning in Fiscal Year 2024-25. The proposed hourly rates for the Office of County Counsel are projected to result in approximately \$3,176,342 of annual costs and revenue generated from the hourly billable services provided to clients. The proposed fee package for the Treasurer-Tax Collector is projected to result in approximately \$551,565 of annual costs and revenue. The proposed fee package for the Clerk of the Board of Supervisors is projected to result in approximately \$11,511 of annual costs and revenue. Due to the extent and variables of a customer request, standard hourly labor rates, cost of materials and media, and third-party vendor costs, the cost and revenue generated by the new Custom Image Distribution of Imaged Copies of Recorded Documents fee is unknown at this time. These rates and fees are estimated in amounts 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. The funding source is fees paid by customers of the identified services. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

The proposed fee changes are considered reasonable and are not anticipated to have a measurable impact on the local business community.

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ADVISORY BOARD STATEMENT

N/A

BACKGROUND

Office of County Counsel

The Office of County Counsel provides legal services to billable clients, including County departments, special districts, and enterprise funds. County Counsel's current legal services billing rates are \$270.00 per attorney hour and \$148.00 per paralegal hour. County Counsel conducted a review of its attorney and paralegal hourly billing rates by performing a full cost recovery study. The study was based on projected Fiscal Year 2024-25 costs for Salaries & Benefits and Services & Supplies, as well as an average of three years' productive hours for billable attorneys and paralegals. The full cost recovery study concluded that the County Counsel billing rates for attorney and paralegal services should be established as follows:

Attorney Hourly Billing Rate	Paralegal Hourly Billing Rate
\$286	\$151

The Auditor & Controller has reviewed and approved the rates above, affirming that the methodology used is consistent with Board Policy B-29, and is in conformance with existing cost policies and procedures. The rate changes will go into effect on July 1, 2024.

Assessor/Recorder/County Clerk

The Assessor/ Recorder/ County Clerk (ARCC) conducted a review of its fees for imaged copies of recorded documents and determined that it is necessary to make non-substantive changes and clarifications to three related fees for its Image Distribution Service Subscription and to add a new fee to recover costs for custom requests of uncertified imaged copies of non-vital recorded documents not obtained through the self-service e-commerce system.

1. Non-Substantive Clarifications to Image Distribution Service Subscription Fees

The Image Distribution Service allows subscribers to receive daily copies of recorded documents and maps electronically. There are three fees related to the Image Distribution Service: Imaged Copies of All Recorded Documents – Account Setup, Imaged Copies of All Recorded Documents – Electronic Distribution, and Imaged Copies of Recorded Maps. Upon review, it was determined that the Administrative Code provisions for these fees should include reference to Government Code Section 27366, which states, “The fee for any copy of any other record or paper on file in the office of the recorder, when the copy is made by the recorder, shall be set by the Board of Supervisors in an amount necessary to recover the direct and indirect costs of providing the product or service or the cost of enforcing any regulation for which the fee or charge is levied.” The proposed non-substantive changes also include clarification that the Imaged Copies of Recorded Maps, formerly titled “Custom Image Distribution,” is a subscription for daily imaged copies. There are no changes to the fee amounts.

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2. *New Proposed Fee – Custom Image Distribution of Imaged Copies of Recorded Documents*
ARCC proposes a new fee, Custom Image Distribution of Imaged Copies of Recorded Documents, to accommodate historical and custom requests for uncertified imaged copies of non-vital recorded documents that cannot be obtained through ARCC's self-service e-commerce system. This new fee will use the rates from ARCC's existing Schedule of Standard Hourly Labor Time and Material Rates, cost of materials and media, and any third-party vendor costs as actual direct and indirect costs incurred. Hourly labor time and material rates range from \$83 to \$288 per hour and actual amounts charged to the requestor will vary depending on the nature and extent of the custom request. The proposed new fee specifies a service that is not covered by the Image Distribution Service Subscription and is not intended to replace or reduce any existing services. Because this fee is based on existing approved hourly rates in ARCC, the Auditor & Controller did not review this fee.

Treasurer-Tax Collector

The Office of Treasurer-Tax Collector (TTC) conducted a full review of its fees. The intent of these fees is to recover the costs of discretionary and preventable services that ultimately increase the operational costs required to fund the tax collection program. The amended ordinance will impact only those individuals who fail to pay their tax obligations prior to statutory deadlines and those individuals who request discretionary services. The proposed changes are the result of an analysis of the services, processing times, and corresponding costs to provide those services.

The general service areas for which fees have been adjusted include secured and unsecured tax collection services, and services related to the annual tax sale. After reviewing the current fee schedule, the TTC recommends the adjustment of 21 existing fees and the addition of 1 new fee in order to achieve compliance with Board Policy B-29.

SCHEDULE A – SECURED TAX COLLECTION FEES

Regarding Secured Tax Collection fees, the TTC recommends an adjustment to the following six existing fees.

The TTC currently collects an “Installment Plan Setup Fee” for all requests to pay taxes in installments, as well as an “Installment Plan Maintenance Fee.” However, because the tasks vary by the type of installment plan, the TTC recommends assessing the fees by the installment plan type, as follows, for the first four existing fees:

1. *Delinquent Tax Installment Plan Setup (5-year plan).* This fee is imposed to recover the cost of processing and setup for a request to pay delinquent taxes in installments. TTC recommends a decrease from \$76.00 to \$71.00, primarily due to a decrease in time required to complete tasks.
2. *Delinquent Tax Installment Plan Maintenance Fee (5-year plan).* This fee is for the maintenance of installment plans (5-year plan), assessed each subsequent installment after

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the plan has been set up. TTC recommends an increase from \$81.00 to \$85.00, primarily due to increased staff costs.

3. *Escaped Tax Installment Plan Setup Fee (4-year plan).* This fee is imposed to recover the cost of processing and setup for a request to pay the taxes due on an escape assessment in installments over four years. TTC recommends an increase from \$71.00 to \$76.00, primarily due to increased staff costs.
4. *Escaped Tax Installment Plan Maintenance Fee (4-year plan).* This fee is for the maintenance of installment plans for escape assessments (4-year plan), assessed to each subsequent installment after the plan has been set up. TTC recommends an increase from \$76.00 to \$81.00, primarily due to increased staff costs.
5. *Separate Assessment Fee.* This fee recovers the costs incurred in processing an application for separate assessment of any parcel on the current year tax roll for the purpose of paying taxes and for separate valuation of prior year assessments for the purpose of redemption, respectively, and the ongoing cost of separate assessment, billings, and mailings. TTC proposes increasing the fee from \$298.00 to \$352.00. The increase is due to increased staff costs and to account for additional time required to provide the service due to the complexity of Separate Assessments.
6. *Subdivision Map Tax Clearance Certificate Fee.* This fee recovers the costs of issuing tax clearance certificates requested by customers to verify that there are no unpaid taxes for any part of the property identified in a parcel or subdivision map. TTC proposes increasing the fee from \$108.00 to \$279.00, primarily due to increased staff costs and increase in time required in map reviews and providing the service.
7. SCHEDULE B – UNSECURED TAX COLLECTION FEES

Regarding Unsecured Tax Collections Fees, TTC recommends an adjustment to ten existing fees and proposes the addition of one new fee as follows.

Proposed adjustments to existing fees:

1. *Bulk Transfer Fee.* This fee is imposed pursuant to receipt of a Bulk Sale notice to recover the costs of preparing an “Escrow Demand” letter for open unsecured tax bills and requests for immediate bills from the Assessor. TTC proposes an increase from \$53.00 to \$147.00. The increase is due to increased staff costs and additional time required to provide the service.
2. *Certificate of Lien Preparation.* TTC proposes a decrease from \$22.00 to \$3.00, primarily due to a decrease in time required to complete the service.

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3. *DMV Hold Fee.* TTC proposes an increase from \$31.00 to \$75.00 to recover costs incurred in placing a hold on a title renewal or title transfer for tax delinquent vessels, as well as the cost of providing notice of the hold to the taxpayer. This adjustment is primarily due to increased staff costs and increase in time required to provide the service.
4. *DMV Release Fee.* TTC proposes an increase from \$31.00 to \$66.00 to recover costs incurred in releasing a hold on a title renewal or title transfer for tax delinquent vessels. This adjustment is primarily due to increased staff costs and increase in time required to provide the service.
5. *Duplicate Release of Lien Fee.* TTC proposes an increase from \$34.00 to \$70.00 to reimburse TTC for the costs incurred to research and verify that tax bills that are subject to a Certificate of Tax Lien have been paid and for the costs to generate a new Release of Lien. The adjustment is primarily due to increased staff costs and increase in time to provide the service. The actual cost of recording the Release of Lien will also be collected if the Release of Lien is recorded by TTC.
6. *Manufactured Home Tax Clearance Certificate Fee.* This fee is assessed if a previously issued tax clearance certificate or conditional tax clearance certificate expires prior to the date upon which title transfers. The fee reimburses TTC for the costs of preparing and processing the certificate. TTC recommends the fee be increased from \$45.00 to \$72.00, primarily due to increased staff costs and increase in time required to provide the service.
7. *Release of Lien Fee.* TTC proposes a decrease from \$20.00 to \$6.00 to reimburse TTC for costs incurred in preparing the Release of Lien. This adjustment is primarily due to a decrease in time required to provide the service. The actual costs of recording will also need to be collected if the Release of Lien is recorded by TTC.
8. *Unsecured Delinquent Assignment Fee.* TTC proposes an increase from \$79.00 to \$106.00 to reimburse TTC for costs to contact Assesseees and demand payment for tax delinquencies, and to perfect and protect the County's lien interest against the Assessee. The adjustment is primarily due increased staff costs and increase in time required to provide the service. The actual costs of postage and mileage incurred by TTC will be added to this fee.
9. *Unsecured Final Notice Fee.* TTC proposes a decrease from \$35.00 to \$22.00, to be assessed to delinquent unsecured accounts that are not assigned to a Tax Payment Enforcement Officer. This fee is needed to reimburse TTC for costs incurred to prepare and provide Notice of Intent and Final Notice. The adjustment is primarily due to a decrease in time required to complete the service.

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10. *Unsecured Seizure Fee.* This fee reimburses TTC for costs incurred in serving notice of the seizure of unsecured accounts and for the actual costs incurred for the performance of personal property seizures. TTC proposes an increase from \$82.00 to \$127.00, primarily due to increased staff costs and increase in time required to provide the service.

Proposed new fee:

1. *Enforcement Officer Unsecured Final Notice Fee.* TTC proposes a fee of \$39.00 to be assessed to delinquent unsecured accounts that are assigned to an Enforcement Officer. This fee is needed to reimburse TTC for costs incurred when an Enforcement Officer is required to prepare and provide additional final noticing for payment.

SCHEDULE C – TAX SALE FEES

Regarding Tax Sale Fees, TTC recommends the adjustment to the following five existing fees:

1. *Tax Sale Party of Interest Search and Notice.* This fee is assessed to each parcel after the Notice of Power of Sale is recorded. This fee will recover the costs of obtaining the names and last known mailing addresses of parties of interest and providing Notice of Power of Sale. TTC recommends increasing the fee from \$236.00 to \$356.00, primarily due to an increase in the cost to obtain full title search reports required for statutory noticing.
2. *Tax Sale Personal Contact Fee.* The fee recovers the cost of personally notifying owners of owner-occupied properties of the County's intent to sell tax defaulted parcels during public auction and apprising the property owner of their rights regarding this action. TTC recommends increasing the fee from \$257.00 to \$444.00 plus the actual cost of mileage. This adjustment is primarily due to increased staff costs and increase in time required to provide the service.
3. *Tax Sale County Auction Fee.* This fee is collected for all properties sold at public auction in order to fully recover the costs of conducting the public tax auction. TTC recommends decreasing the fee from \$378.00 to \$336.00, primarily due to a decrease in online auction costs.
4. *Excess Proceeds Notice Fee.* This fee recovers the costs incurred in obtaining the name and last known mailing address of parties of interest and mailing or publishing notice of the right to claim excess proceeds. TTC recommends decreasing the fee from \$120.00 to \$117.00, primarily due to a decrease in the cost to obtain date down title search reports required for statutory noticing.
5. *Excess Proceeds Claim Fee.* This fee will be assessed to claimants and deducted from available excess proceeds when the claimant submits an application to claim excess proceeds. This fee will recover the cost of administering and processing claims. TTC

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recommends increasing the fee from \$343.00 to \$421.00, primarily due to increased staff costs and increase in time required to provide the service.

Clerk of the Board of Supervisors

The Clerk of the Board of Supervisors conducted a full review of its fees. The department has identified two fees that require action by the Board of Supervisors.

1. *Copies of Audio Recordings.* This fee is charged when a member of the public requests a copy of the audio recording from a Board of Supervisor's meeting, Property Tax Assessment Appeal Hearing, County Hearing Officer Hearing, or other public meeting. The department conducted a study and determined the fee for an audio recording on compact disc (CD) should be increased from \$6.50 to \$7.60, primarily due to increases in staff costs and an adjustment in methodology to more accurately capture the true cost of providing the service by accounting for productive hours and indirect costs. The Clerk of the Board receives an average of two requests for copies of audio recordings per year since most requests for recordings are able to be fulfilled by e-mail or other file sharing service.
2. *Written Assessment Appeals Board Findings and Conclusions.* Property Owners may request a written summary of the facts and evidence used by the Property Tax Assessment Appeals Board in reaching its decision on a Property Tax Assessment Appeal. These "findings of fact" are necessary if the Assessment Appeals Board's decision is not in the applicant's favor and they intend to appeal in Superior Court. Findings may be requested at any time prior to the beginning of a hearing. However, if an applicant withdraws the request for findings of fact by the end of the hearing, any fees paid are refunded by the Clerk of the Board. Written findings are most typically requested by commercial property owners.

Revenue and Taxation Code, Section 1611.5 allows for a reasonable fee to be imposed by the County to cover the expense of preparing findings and conclusions. Rule 308 of the California Board of Equalization Property Tax Rules also states, "The county may impose a reasonable fee, as determined by the Board of Supervisors, to cover the expense of preparing the findings and conclusions and may require a deposit to be paid prior to the end of the hearing."

The department conducted a cost study and determined the fee for the issuance of written Assessment Appeals Board findings and conclusions should be increased from \$169.00 to \$490.00. The proposed increase is due to increases in staff costs and material costs such as copying, envelopes, and postage. The increase also reflects an adjustment in methodology to more accurately capture the true cost of providing the service by accounting for the costs of the Appeals Board Members' stipends, productive hours, and indirect costs.

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The fee is consistent with the Written Findings and Conclusions fee charged by other counties in the state. A comparison of fees charged by other California counties is provided below.

County	Fee
Los Angeles County	Minimum of \$492 per parcel
Orange County	\$411.24 plus \$211.12/hour for each hour over two hours. For any property assessed at over \$500,000, a deposit of \$1,055.60 is required.
Riverside County	\$1,008.40 per parcel not to exceed \$3,025.20
San Bernardino County	\$500 deposit plus actual costs for transcription and attorney preparation
Santa Clara County	\$400 for first two hours, additional charge applies for more than two hours

LINKAGE TO THE COUNTY OF SAN DIEGO STRATEGIC PLAN

Today's proposed action to approve amendments to the fees and rates charged by Treasurer-Tax Collector, Clerk of the Board of Supervisors, and the Office of County Counsel supports the Sustainability and Empower Strategic Initiatives in the County of San Diego's 2024-2029 Strategic Plan by aligning the County's available resources with services to maintain fiscal stability and fiscal integrity.

Respectfully submitted,



SARAH E. AGHASSI
Interim Chief Administrative Officer

ATTACHMENT(S)

Attachment A: Summary of Finance and General Government Group Fee Updates

Attachment B: Resolution for County Counsel Rates

Attachment C: An Ordinance to Amend Article IV-A, Section 86.10 of the San Diego County Code of Administrative Ordinances Relating to Fees Charged by the Assessor/Recorder/ County Clerk for Imaged Copies of Recorded Documents (Clean)

Attachment D: An Ordinance to Amend Article IV-A, Section 86.10 of the San Diego County Code of Administrative Ordinances Relating to Fees Charged by the Assessor/Recorder/ County Clerk for Imaged Copies of Recorded Documents (Informational)

Attachment E: Ordinance Amending Admin Code Related to Fees and Charges for Treasurer-Tax Collector (Clean)

Attachment F: Ordinance Amending Admin Code Related to Fees and Charges for Treasurer-Tax Collector (Informational)

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Attachment G: Ordinance Amending Admin Code Related to Fees and Charges for Clerk of the Board (Clean)

Attachment H: Ordinance Amending Admin Code Related to Fees and Charges for Clerk of the Board (Informational)

Attachment I: Ordinance Amending Rule 8(a) of Assessment Appeals Board Rules of Procedure Related to Fees Charged by the Clerk of the Board (Clean)

Attachment J: Ordinance Amending Rule 8(a) of Assessment Appeals Board Rules of Procedure Related to Fees Charged by the Clerk of the Board (Informational)