



Legislation Details (With Text)

File #: 2022-0090
Type: Consent Calendar Item **Status:** Passed
File created: 1/21/2022 **In control:** Clerk-Recorder-Assessor
On agenda: 4/5/2022 **Final action:** 4/5/2022
Title: Consolidated Fee Hearing for the Clerk-Recorder-Assessor-Registrar of Voters (second reading - final adoption of ordinance)
Sponsors: Clerk-Recorder-Assessor
Indexes:
Attachments: 1. 2022 Summary Report, 2. Attachment 1 - 2022-Ordinance-remediated.pdf, 3. Attachment 2 - FY 22-23 Fees Summary-remediated.pdf, 4. Attachment 3 - Sonoma Co Assessor Fee Study final report by MGT Consulting-remediated.pdf

Date	Ver.	Action By	Action	Result
4/5/2022	1	Board of Supervisors	Approved as recommended	Pass

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): Countywide

Title:

Consolidated Fee Hearing for the Clerk-Recorder-Assessor-Registrar of Voters (second reading - final adoption of ordinance)

Recommended Action:

Adopt an ordinance to adjust fees for products and services to reflect the reasonable cost of services provided by the Recorder, Assessor and Registrar of Voters Offices as authorized by state law, effective July 1, 2022.

Executive Summary:

This board item includes adjustment of fees for the Recorder, Assessor and Registrar of Voters Offices. The Recorder's office recommends a new \$2 recording fee as authorized by state law to cover the reasonable costs of providing a state mandated service: inspection and audit services to remove unlawful and discriminatory restrictive covenants from old property records.

The restrictive covenant must be based on age, race, color, religion, sex, gender identity, gender expression, sexual orientation, familial status, marital status, disability, veteran or military status, genetic information, national origin, or source of income. The total estimated revenue is \$180,000. Additionally, this mandate aligns with the Board's strategic pillar of Racial Equity & Social Justice Goal 3, "Ensure racial equity throughout all County policy decisions and service delivery."

In addition, the Assessor's office has contracted with MGT Consulting to conduct a fee study to determine the actual costs of providing products and services to the public. Based on the study, the Assessor has determined that the cost to provide the products and services is more than the current fees. The department

recommends the fee adjustments for the Assessor's office to ensure fees recover the reasonable costs of providing products and services. Of the total projected revenue increase of \$35,494 61% of the fee increases would be paid by businesses such as title companies, land surveyors, construction companies, realtors or cities and 39% would be paid by individuals.

The Registrar of Voters office is requesting to establish a standard copy fee in accordance with state law and to clean up language of current fees. Minor adjustments with the Registrar of Voters are estimated to yield about \$1,050 in augmented revenue.

Discussion:

The Clerk-Recorder-Assessor presents for the Board's consideration and approval Fees and Charges adjustments within the Assessor, Recorder, and Registrar of Voters services as follows:

Assessor Fees

Government Code section 408.3 authorizes the Assessor's office to charge a fee reasonably related to the actual cost of developing and providing information, to be paid by the party receiving the information. The Assessor fee schedule was last reviewed and updated in March 2020. The revenue generated by service fees in the Assessor division is approximately \$35,494 per year.

The Assessor makes many types of information available to the public including Comprehensive (Master) Lists both secured and unsecured assessment roll data, Transfer Journal parcel list, parcel map, index maps for both city and county, mailing lists for secured and unsecured assessment roll data, individual parcel report, photocopy, assessor certification, assessor inquiry screen, research and fax/email fee.

Fees updated in 2020 did not have an in-depth study due to time constraints. Other fees were last updated in 2009. To conduct this fee study, the Assessor contracted with MGT Consulting who has experience doing fee studies for other county Assessors offices. MGT compared four counties for their study: Alameda, Napa, San Luis Obispo and Santa Clara. In addition, staff discussed fee structure and studies with Monterey and Stanislaus County. This study indicated that reports produces and sold through Sonoma County offered many more data points than other counties for less cost. The Unsecured and Secured Master Lists includes ownership, mailing address, roll data, physical characteristics, use codes and tax rate areas. Costs to maintain and produce the data were not being captured by current fees.

The Assessor's office is proposing some fee adjustments as well as some new fees. Building Records were being produced at the copy fee of \$5/page. Instead they will be sold at a cost up to 3 pages for \$10, with a minor charge of \$.50 per additional page. The structure of the Secured and Unsecured lists is being changed to reflect the data points and time involved. This new structure is more in line with other county fees. Also new is the California Land Conservation Act estimate. Property owners routinely ask for estimates of hypothetical scenarios if their property were to go into California Land Conservation Act contract or if they were to file for non-renewal from their contract. This can be a time intensive ask of our appraisal staff.

Results from the study show that the average cost of providing services exceeds the current fees. The revenue collected from current fees recover 58% of the full cost to provide the service. Based on these fee study results, the Department recommends adjusting the fees to allow for full cost recovery of the overall cost to provide services.

Increases and/or decreases to existing fees

- All Maps (single issue) from \$60 to \$110, an increase of 83.3%
- All Maps (annual subscription with monthly updates) from \$720 to \$1,305, an increase of 81.3%
- Roll Data (per parcel) from \$5 to \$10, an increase of 100%
- Property Profile (per parcel) from \$7 to \$15, an increase of 114.3%
- Building records documents (covers first 3 pages) from \$5 to \$10, an increase of 100%
- Mailing List w/situs Secured from \$88 to \$130, an increase of 47.7%
- Mailing List w/situs Unsecured from \$46 to \$80, an increase of 73.9%
- Property Transfer List (Transfer Journal) (per issue) from \$40 to \$70, an increase of 75%
- Property Transfer List (Transfer journal parcel yearly) from \$448 to \$865, an increase of 93.1%
- Assessor's Master List - Secured - Parcel Number, Current Owner, Use Code & Mailing List (includes up to 2,000 parcels) from \$98 to \$180, an increase of 83.7%
- Assessor's Master List - Unsecured - Mailing List only (includes up to 2,000 parcels) from \$98 to \$140, an increase of 42.9%
- Segregation (Separating the individual components of the assessed value based on the request of the taxpayer) from \$80 to \$130, an increase of 62.5%
- Voluntary Combination (combine assessment parcels) from \$250 to \$335, increase of 34%
- Individual Parcel Report (Property Profile) from \$7 to \$25, increase of 257%
- Research (half-hour rate) from \$62 to \$60, a decrease of -3.2%

New Proposed fees:

- Building records documents (per page after first 3 pages) \$0.50
- Assessor's Master List - Secured -Parcel Number, Current Owner, Mailing List, Use Code & Roll Values (includes up to 2,000 parcels) \$210
- Assessor's Master List - Secured -Parcel Number, Current Owner, Mailing List , Use Code, Roll Values, & Characteristics (includes up to 2,000 parcels) \$240
- Assessor's Master List - Secured - plus per hour for custom report (minimum 1/2 hr.) \$60
- Assessor's Master List - Unsecured - Mailing List with values (includes up to 2,000 parcels) \$180
- Assessor's Master List - Unsecured - plus per hour for custom report (minimum 1/2 hr) \$60
- California Land Conservation Act estimate \$190

Should the Board approve the proposed fee changes, the annual increase revenue collected is estimated to be \$35,794 of which 61% of the fee increases would be paid by businesses such as title companies, land surveyors, construction companies, realtors or cities and 39% would be paid by individuals.

Recorder's Fees

Assembly Bill 1466 - Restrictive Covenant Modification Discriminatory Restrictions

Restrictive Covenants are unlawfully restrictive wording within a document that violate Government Code §12955(l), which are any restrictions on the sale, ownership, possession or usage of property that were placed upon properties based on age, race, color, religion, sex, gender, gender identity, gender expression, sexual orientation, familial status, marital status, disability, veteran or military status, genetic information, national origin, source of income as defined in subdivision (p) of Section 12955, or ancestry. Property owners, or organizations such as homeowner's associations, placed these restrictions on properties in multiple ways, including, but not limited to, deeds as properties were transferred, in Declarations of Restrictions or

Declarations of Conditions, Covenants and Restrictions (CC&Rs), deeds of trust and leases. The ability to modify restrictive covenants based on discriminatory language has been limited to the owner/acquiring owner of property interest. By law, only someone with a property interest could record a document that modified property restrictions, even if it was only to remove illegal discriminatory language. Modifying a previously recorded document with discriminatory language required a re-recording of a copy of the old document with restrictive language stricken (strike-out), a notary acknowledgment of the owner/acquiring owner, and a review by Counsel to approve the redaction on the form.

In 2021, the California Legislature passed AB 1466 which requires Recorders throughout the State of California to establish a regulatory inspection and audit program in coordination with County Counsel to identify and redact unlawfully restrictive covenants, and make regular audit reports to the Legislature. Effective 7/1/2022, the ability to submit Restrictive Covenant Modification document opens up to all persons, including the County Recorder. It requires the County Recorder to establish a Restrictive Covenant Modification Program to assist in the redaction of unlawfully restrictive covenants. The Recorder must outline how they will carry out identifying and redacting records, make the implementation plan publicly available, create a timeline for the plan's elements to be completed, and provide regular updates about the plan's status/progress to the County Recorder's Association of California (CRAC). CRAC is required to compile reports on program progress by all California counties and submit to the Legislature for review. Counsel must review, return, and inform the Recorder of their determination related to the determination of a Restrictive Covenant Modification within a reasonable time, not to exceed 3 months.

This new law also authorized Recorders to charge a fee of \$2.00 for recording the first page of every real estate instrument, paper or notice required or permitted by law to be recorded per each transaction of real property, unless otherwise exempted by state law. This fee was authorized by AB 1466 to recover the reasonable costs of providing the state mandated inspection and audit services to remove unlawful and discriminatory records. To ensure the amount of the AB 1466 fee is no more than necessary to recover the reasonable cost of this state mandated program, Government Code Section 27388.2 prohibits Recorders from charging this fee after December 31, 2027 unless further findings are made in compliance with the California Constitution. Accordingly, this board item sets the \$2 fee to cover the cost of the state mandated Restrictive Covenant Program in order to perform inspections and audits to redact unlawfully restrictive and discriminatory covenants in compliance with state law.

The revenue generated by this fee in the Recorder's division is estimated to be \$180,000 annually, based on the number of recordings that are estimated to be 90,000 documents. The Recorder anticipates that the costs recovered from this fee will not exceed the costs required to perform the State mandated regulatory program. The Recorder's Office will monitor the fee revenue and return to the Board to modify the fee if it exceeds the cost to perform this State mandated service.

Register of Voters Fee

The Registrar of Voters recommends establishing a copy fee of \$0.10 per copy, a retrieval fee of \$5 per request for items more than five years old, and update previous fee language for the precinct maps to remove computer tapes and tape from the fee description. The total annual increase in revenue collected is estimated to total \$1,050.

Strategic Plan:

N/A

Prior Board Actions:

3-22-2022 Adopt resolution introducing and waiving title to the proposed ordinance to adopt new fees and adjust fees (first reading)

3-24-2020 Ordinance 6302 Adopting fee changes for the Assessor's Office,

4-21-2015 Ordinance 6100 reducing or eliminating some fees for products and services,

9-15-09 Ordinance 5852, establishing fees for services provided by the Assessor's office, effective October 1, 2009, 8/20/2003 Resolution no 03-0884, establishing revised rates for assessment rolls, maps, aerial photographs, miscellaneous documentation, photocopies and property characteristic reports, research, informal segregations, voluntary mergers, and transfer reassessment exclusion fees.

8-18-1987 Resolution 87-1571 Adopting fee for copies of precinct maps.

FISCAL SUMMARY

Expenditures	FY 21-22 Adopted	FY22-23 Projected	FY 23-24 Projected
Budgeted Expenses		\$216,844	
Additional Appropriation Requested			
Total Expenditures		\$216,844	
Funding Sources			
General Fund/WA GF			
State/Federal			
Fees/Other		\$216,844	
Use of Fund Balance			
Contingencies			
Total Sources		\$216,844	

Narrative Explanation of Fiscal Impacts:

Proposed fee increases will generate approximately \$216,844 in additional revenue; which represents a 3.5% increase over FY 2021-22 total department fee and charges 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 - 2022 Ordinance establishing fee changes effective July 1, 2022 for Recorder, Assessor and Registrar of Voters

Attachment 2 - FY 22-23 Fees Summary

Attachment 3 - Sonoma Co Assessor Fee Study final report by MGT Consulting

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

N/A