



DEAN C. LOGAN
Registrar-Recorder/County Clerk

May 24, 2011

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisors:

**DECREASE FEE FOR PROCESS SERVER REGISTRATION, ESTABLISH FEES
FOR NOTARY JOURNAL SURRENDER AND NOTARY MANUAL
REPLACEMENT, AND AMEND LANGUAGE TO FICTITIOUS BUSINESS NAME
STATEMENT ORDINANCES
(ALL DISTRICTS) (3 VOTES)**

SUBJECT:

The Registrar-Recorder/County Clerk (RR/CC) is requesting Board approval to decrease the current fee for Process Server Registration (PSR), establish new fees for Notary Journal Surrender and Notary Manual Replacement services, and amend language to both the Fictitious Business Name Statement Filing and Indexing and Abandonment and Withdrawal ordinances.

IT IS RECOMMENDED THAT YOUR BOARD, AFTER THE PUBLIC HEARING:

Approve the attached ordinance to revise County Code 2.32.250 decreasing the Process Server Registration fee in accordance with Government Code (GC) section 54985 to become effective thirty (30) days from date of Board approval; approve the attached ordinances establishing fees for Notary Journal Surrender and Notary Manual Replacement services in accordance with GC section 25123 to become effective thirty (30) days from date of Board approval; and amend language to Fictitious Business Name Statement Filing and Indexing in County Code 2.32.330 and Fictitious Business Name Statement Abandonment and Withdrawal in County Code 2.32.340 to become effective upon Board adoption.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION:

The RR/CC provides a variety of services related to elections, recorder and county clerk operations. It is a common practice of the RR/CC to periodically re-examine fees and to propose establishment of new fees to ensure the Department receives full cost recovery for administering services, as permitted by applicable law. The fee studies in support of the above-referenced recommendations consisted of research, interviews, and work observations of technical and support staff performing their duties to provide these services to the public. The studies included applicable costs such as salaries, employee benefits, supplies, equipment and overhead. The fee studies have been reviewed and approved by the Department of Auditor-Controller.

1. Process Server Registration fee

County Code 2.32.250 authorizes the county clerk to charge and collect a fee for the registration of a process server and states:

“County Code 2.32.250 Process Server Registration (PSR)

The registrar-recorder/county clerk shall charge a fee of \$232.00 for each process server registration. (Ord. 98-0062 § 12, 1998.)”

Business and Professions Code 22352 authorizes the fee for process server registration.

The Department recently initiated a fee re-evaluation which consisted of interviews and work observation of staff performing their duties for this service. The study concluded that the current \$232.00 fee is no longer an accurate representation of the County’s current costs due to the elimination of the Department of Justice fingerprint process and other adjustments based on the fee evaluation conducted to ascertain cost recovery.

The RR/CC fee evaluation concluded that the new fee of \$155 would provide the Department with full cost recovery to provide Process Server Registration services; therefore, the RR/CC recommends that the appropriate fee should be established as \$155. The new Process Server registration fee of \$155 plus applicable recording and filing fees prescribed by law, results in an average fee of \$180, a reduction of \$52. Attached is the revised County Code 2.32.250 ordinance approved by County Counsel, with amended language reflected in *italics*.

“County Code 2.32.250 Process Server Registration (PSR)

The registrar-recorder/county clerk shall charge a fee of \$155.00 for each process server registration *plus applicable recording and filing fees as prescribed by law.* (Ord. 98-0062 § 12, 1998.)”

2. Notary Journal Surrender Fee

In accordance with Government Code section 8209, when a notary public does not seek re-appointment 30-days after the expiration date of the notary’s commission, all notarial records must be delivered to the county clerk. Once surrendered, the notarial records and papers are logged in by Departmental employees and proper documentation is completed in accordance with applicable law. Copies are made for staff records as well as the notary who surrendered the journal(s) before the material is packed and archived for a period of ten (10) years.

Government Code 26850 authorizes the county clerk to charge a fee for filing and indexing all papers for which a specific charge is not elsewhere provided.

The Departmental fee evaluation concluded that a Notary Journal Surrender Fee of \$10, which is entirely retained by the RR/CC, reflects full cost recovery for this service; therefore, the RR/CC recommends that the appropriate fee should be established as \$10.

The Department is requesting to establish the attached County Code 2.32.202 Notary Journal Surrender Fee, to read as follows:

“County Code 2.32.202 Notary Journal Surrender Fee

The registrar-recorder/county clerk shall charge a fee of \$10.00 for processing surrendered notary journals.”

3. Notary Manual Replacement Fee

RR/CC offers a course of instruction for notaries who wish to become authorized to issue confidential marriage licenses under the auspices of the RR/CC. This course includes a manual that contains pertinent information such as departmental and general county information, marriage license information, legislative references and sample forms - all necessary for every notary public registered within the County. In the event a notary public loses their manual after the initial course of instruction, the proposed fee will be charged each time a replacement is requested.

Government Code 26831 authorizes the county clerk to charge a reasonable fee to cover the cost of preparing copies of any record, proceeding, or paper on file in his or her office.

The Departmental fee evaluation concluded that the Notary Manual Replacement fee of \$40, which is entirely retained by the RR/CC, is an accurate representation of costs incurred to provide the service and reflects full cost recovery. The RR/CC recommends that the appropriate fee should be established as \$40.

The Department is requesting to establish the attached County Code 2.32.204 Notary Manual Replacement Fee, to read as follows:

“County Code 2.32.204 Notary Manual Replacement Fee

The registrar-recorder/county clerk shall charge a fee of \$40.00 for a replacement notary manual.”

4. Fictitious Business Name Statement Filing and Indexing

Currently, the RR/CC charges a fee of \$26.00 for filing and indexing a Fictitious Business Name Statement and/or Fictitious Business Name Statement Renewal for the first registrant, and a fee of \$5.00 for each additional registrant thereafter. The Department is requesting to amend the Fictitious Business Name Statement Filing and Indexing County Code 2.32.330 to further clarify applicable customer fees for these services. Attached is the revised County Code 2.32.330 ordinance approved by County Counsel, with recommended/amended language reflected in *italics*.

“County Code 2.32.330 Fictitious Business Name Statement Filing and Indexing Fee.

The registrar-recorder/county clerk shall charge a fee of \$26.00 for *the first business name and registrant for the filing and indexing, affidavit of publication, and a certified copy of each* fictitious business name statement or *refiling*, and a fee of \$5.00 for each additional *business name or* registrant thereafter.”

5. Abandonment or Withdrawal – Fictitious Business Name

Currently, the RR/CC charges a fee of \$26.00 for filing and indexing each statement of abandonment or statement of withdrawal from a partnership operating under a fictitious business name.

The Department is requesting to amend County Code 2.32.340 Statement of Abandonment or Withdrawal – Fictitious Business Name to include

information found in Business & Professions (B&P) Code sections, 17926 (b) and 17929 (b) to clarify applicable customer fees for these services. Attached is the revised County Code 2.32.340 ordinance approved by County Counsel with recommended/amended language reflected in *italics and strikethrough text*.

“County Code 2.32.340 Statement of Abandonment or Withdrawal - Fictitious Business Name

The registrar-recorder/county clerk shall charge a fee of \$26.00 for *the filing, indexing, affidavit of publication, and a certified copy of each statement of abandonment or statement of withdrawal. from a partnership operating under a fictitious business name at the time of filing. The charge for a certified copy at any time apart from filing will be \$2.00.* (Ord. 2010-0035 § 2, 2010: Ord. 2004-0022 § 2, 2004.)”

IMPLEMENTATION OF STRATEGIC PLAN GOALS:

Goal No. 1: Operational Effectiveness: Maximize the effectiveness of processes, structure and operations to support timely delivery of customer-oriented and efficient public services. Decreasing the fee for PSR will provide for full cost recovery to the Department and accurate/reasonable costs to the customer.

Goal No. 1/Strategy 1: Fiscal Sustainability: Promote sound, prudent and transparent short and long-range fiscal policies and practices that help ensure maintenance of critical, high-priority County public services regardless of cyclical economic conditions. The recommended actions supports Fiscal Sustainability by providing County with full cost recovery of the specific services provided.

Goal No. 1/Strategy 2a: Service Excellence and Organizational Effectiveness: Streamline and improve administrative operations and processes to increase effectiveness, enhance customer service and support responsive County operations. The recommended actions allows for full County cost recovery and provides the customer with accurate and reasonable costs for services received.

FISCAL IMPACT/FINANCING:

The Process Server Registration fee of \$155.00 provides for the Department’s current actual cost recovery. The addition of applicable recording and filing fees as prescribed by law results in an average fee of \$180. The decrease of \$52.00 is due to elimination of the charge for the Department of Justice fingerprint process which RR/CC is no longer facilitating. There is no impact to services or corresponding revenue loss due to this change.

Approval of the fees for the Notary Journal Surrender and Notary Manual Replacement will enable the RR/CC to fully recover costs for services provided.

Based on anticipated volume, the projected Departmental revenue for Fiscal Year 2011-12, is estimated as follows:

FEE	REVENUE INCREASE
Notary Journal Surrender	\$33,000
Notary Manual Replacement	\$2,400
Total	\$35,400

ENVIRONMENTAL DOCUMENTATION

These fees, which include a new notary journal surrender fee and notary manual replacement fee, a decrease in process server registration fee, and clarification of fictitious business name statement filing and indexing fee, fund operating expenses and/or cover the costs of providing the service, and are therefore exempt from the California Environmental Quality Act pursuant to Section 21080(b)(8) of the Public Resources Code and Section 15273(a) of the State of California Environmental Quality Act Guidelines.

PROPOSITION 26

These fees cover the costs of providing the service directly to the payor, and fall under the "service or product" exception and are therefore exempt from Proposition 26 - Cal. Const. Art. XIII C Section 1.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS:

The notary journal surrender fee is authorized by Government Code 26850 which allows the county clerk to charge a fee for filing and indexing all papers for which a specific charge is not elsewhere provided. The fee for notary manual replacement is authorized by Government Code 26831 which allows the county clerk to charge a reasonable fee to cover the cost of preparing copies of any record, proceedings, or paper on filed in his or her office. The fees for fictitious business name statement filing, abandonment and withdrawal are authorized by Business and Professions Code 17926 and 17929, respectively.

Government Code section 54985 authorizes the Board of Supervisors to increase or decrease the fee or charge that is otherwise authorized to be levied by another provision of law, in an amount reasonably necessary to cover the direct and indirect costs of providing any product or service or the cost of enforcing any regulation for which the fee or charge is levied. A local agency is required to hold a public hearing at which oral or written presentations can be made pursuant to GC section 66018. The Executive Office of the Board of Supervisors, in accordance with GC section 6062(a), published an official notice of the time and place of said meeting, including a general explanation of the fees to be established or revised.

In accordance with applicable laws, your Board is authorized to approve the attached ordinance establishing County Code 2.32.202 fees for Notary Journal Surrender and 2.32.204 fees Notary Manual Replacement to become effective 30 days from date of Board approval, in accordance with GC section 25123; amend 2.32.250 to decrease fees related to PSR to become effective 30 days from date of Board approval; and amend both 2.32.330 Fictitious Business Name Statement Filing and Indexing and 2.32.340 Abandonment and Withdrawal.

All fees have been reviewed and approved by the Department of the Auditor-Controller. Additionally, County Counsel prepared the attached ordinances that adds 2.32.202 and 2.32.204 and amend existing County Code sections 2.32.250, 2.32.330 and 2.32.340

IMPACT ON CURRENT SERVICES:

The Department does not anticipate any negative impact on current services provided based on the proposed fee adjustments.

CONCLUSION

Upon approval by your Board, the Executive Officer is requested to return one (1) adopted copy of this letter to:

Ngozi Ume, Division Manager
Department of Registrar-Recorder/County Clerk
Finance and Management Division
12400 Imperial Highway, Room 7201
Norwalk, CA 90650

Respectfully submitted,



DEAN C. LOGAN
Registrar-Recorder/County Clerk

NU:eb:rl:jw:co

Attachment

c: William T Fujioka, Chief Executive Officer
Executive Officer, Board of Supervisors
Auditor-Controller
County Counsel

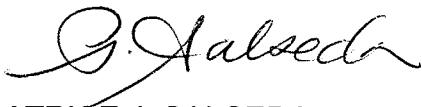
ANALYSIS

This ordinance amends Title 2 – Administration, of the Los Angeles County Code by adding sections 2.32.202 Notary journal surrender fee, 2.32.204 Notary manual replacement fee, and amends sections 2.32.250 Process server registration, 2.32.330 Fictitious business name statement filing and indexing fee and 2.32.340 Statement of abandonment or withdrawal --Fictitious business name.

The fee for Notary journal surrender fee is authorized by Government code section 26850. The fee for Notary manual replacement is authorized by Government Code section 26831. The fee for process server registration is authorized by Business and Professions Code section 22352. The fees for fictitious business name statement filing, abandonment and withdrawal are authorized by Business and Professions Code sections 17926 and 17929. Finally, Government Code section 54985 authorizes the Board of Supervisors to increase or decrease the fee or charge, that is otherwise authorized to be levied by another provision of law, in the amount reasonably necessary to recover the costs of providing any product or service or the cost of enforcing any regulation for which the fee or charge is levied.

ANDREA SHERIDAN ORDIN
County Counsel

By


PATRICE J. SALSEDA
Senior Deputy County Counsel
Government Services Division

PJS:sc

Requested 02/28/11
Revised 03/29/11

ORDINANCE NO. _____

An ordinance amending Title 2 - Administration of the Los Angeles County Code, relating to notary, process server, and fictitious business name fees charged to the public by the Registrar-Recorder/County Clerk.

The Board of Supervisors of the County of Los Angeles ordains as follows:

SECTION 1. Section 2.32.202 is hereby added to read as follows:

2.32.202 Notary journal surrender fee.

The Registrar-Recorder/County Clerk shall charge a fee of \$10.00 for processing surrendered notary journals.

SECTION 2. Section 2.32.204 is hereby added to read as follows:

2.32.204 Notary manual replacement fee.

The Registrar-Recorder/County Clerk shall charge a fee of \$40.00 for a replacement notary manual.

SECTION 3. Section 2.32.250 is hereby amended to read as follows:

2.32.250 Process server registration.

The ~~R~~egistrar-~~R~~ecorder/~~C~~ounty ~~C~~lerk shall charge a fee of ~~\$232.00~~155.00 for each process server registration plus applicable recording and filing fees as prescribed by law.

SECTION 4. Section 2.32.330 is hereby amended to read as follows:

2.32.330 Fictitious business name statement filing and indexing fee.

The Registrar-Recorder/County Clerk shall charge a fee of \$26.00 for the first business name and registrant for the filing and indexing, affidavit of publication, and a certified copy of each a fictitious business name statement or refiling, and/or fictitious

~~business name statement renewal for the first registrant, and a fee of \$5.00 for each additional business name or registrant thereafter.~~

SECTION 5. Section 2.32.340 is hereby amended to read as follows:

2.32.340 Statement of abandonment or withdrawal— Fictitious business name.

The Registrar-Recorder/County Clerk shall charge a fee of \$26.00 for the filing and indexing, affidavit of publication, and a certified copy of each statement of abandonment or statement of withdrawal, from a partnership operating under a fictitious business name. The charge for a certified copy at any time apart from filing will be \$2.00.

[232202PSCC]