

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

137



SUBMITTAL DATE:
October 18, 2005

FROM: County Law Library Trustees

SUBJECT: Resolution 2005-458, a Resolution of the Board of Supervisors of the County of Riverside, increasing the Law Library component of the filing fees in the Superior Courts

RECOMMENDED MOTION: That the Board of Supervisors adopt Resolution 05-458 increasing the present Law Library component of the filing fee in the Superior Courts to twenty-nine (\$29.00) dollars effective January 1, 2006, and to thirty-two (\$32.00) dollars effective January 1, 2007, and to allocate both increases to the Law Library's General Fund as set forth in the Resolution.

BACKGROUND: Section 6322.1 (a) of the CA Business & Professions Code grants the Board of Supervisors the authorization to increase the filing fee distributed to the Law Library fund from the Uniform Civil Filing Fee going into effect on January 1, 2006. The Board of Law Library Trustees has reviewed and determined the need for additional funds to cover the cost of relocating the Riverside and Indio facilities and establishing a branch law library in South County. Additionally, without a fee increase, there will be insufficient funds to keep up with the increasing cost of legal publications and software, as well as staff health and retirement benefits. It is anticipated that this filing fee increase will result in an additional \$150,000 per year in revenue for the Law Library.

FORM APPROVED
COUNTY COUNSEL

OCT 05 2005

BY *Robert E. Byrd* Gayle E. Webb
County Law Library Director

| | | | | |
|-----------------------|-------------------------------|------|-------------------------|---------------|
| FINANCIAL DATA | Current F.Y. Total Cost: | \$ 0 | In Current Year Budget: | \$0 |
| | Current F.Y. Net County Cost: | \$ 0 | Budget Adjustment: | \$0 |
| | Annual Net County Cost: | \$ 0 | For Fiscal Year: | 05/06 & 06/07 |

| | | |
|---|---|--------------------------|
| SOURCE OF FUNDS: Uniform Civil Filing Fees collected by the State Administrative Office of the Courts | Positions To Be Deleted Per A-30 | <input type="checkbox"/> |
| | Requires 4/5 Vote | <input type="checkbox"/> |

C.E.O. RECOMMENDATION:

APPROVE

County Executive Office Signature *Sally A. Seaman*

ALL PROCEDURES APPROVED
 ROBERT E. BYRD, Auditor-Controller
 10/11/05
 Deputy

Dept Recomm.: Consent Policy
 Per Exec. Ofc.: Consent Policy

Prev. Agn. Ref.: | District: | Agenda Number:

3.14

Form 11 and Resolution No. 2005-458 (cont.)

This Form 11 request is two-tiered:

- A. To increase the filing fee distributed to the Law Library from the uniform filing fee by \$3.00 effective January 1, 2006
- B. To increase the filing fee distributed to the Law Library from the uniform filing fee by \$3.00 effective January 1, 2007

New uniform civil filing fee legislation (AB 145, 2005 CA. Stats. Chapter 75) allows Boards of Supervisors to request \$3.00 increases per year in the distribution of the filing fee for their county law libraries until January 1, 2008 when a moratorium goes into effect. This will NOT increase the total uniform fee for our filers but will redistribute dollars from the State Administrative Office of the Courts. County law libraries will NOT have to compete for this additional money with their local courts as the court's total fee has been set by the UCF legislation.

County law library representatives were part of the statewide Court Fees Working Group that developed the UCF legislation and the Administrative Office of the Courts fully expects county boards of supervisors to request law library fee increases. Supervisors in 10 counties have already approved 2-year increases for their law libraries (*Alameda, Contra Costa, El Dorado, Merced, Nevada, Orange, San Diego, San Francisco, San Joaquin and Santa Barbara*) and 11 more are in the process of doing so (*Butte, Calaveras, Fresno, Kern, Los Angeles, Madera, Placer, Santa Cruz, Sonoma, Stanislaus and Tulare*).

The major source of the Riverside County Law Library's income (93%) is from the civil filing fee. With few other revenue sources and spiraling costs of legal materials, it is imperative we request the maximum amount allotted to us by the new uniform filing fee legislation. What we do not claim for our county will be distributed in another county or remain for use by the state. An increase in the law library fee only positively affects what money is retained locally. While we rank 7th in the state in terms of population to be served, we share 20th place as to the amount of the filing fee we currently receive (\$26.00 – see attached chart) Half of the patrons depending on our services in Riverside and Indio are citizens doing their own legal work.

Riverside needs to position itself to receive the highest fee possible at the end of 2007 to put it in the best possible position for whatever happens in the future, which is at best, uncertain. The *County Law Library Task Force Report* issued in May 2005 by the legislature admitted, "County law libraries can no longer afford to depend primarily on the current funding mechanism...it is inadequate..." The Task Force also expressed "frustration with its inability to identify additional specific funding options..." other than county general fund support, county facilities and services, grants and miscellaneous sources.

While we continue to put a small portion of the filing fee we receive into a Building Trust Fund, we will again have to transfer some to our General Fund to pay bills, despite cutting hours of service and more cancellation of publications. This will leave us with inadequate funds to relocate the Riverside and Indio facilities or attempt a branch location in Temecula. If we are to continue the high level of service to the community that we are known for, we must increase our filing fee distribution to the full extent of the law. Our citizens deserve no less.

This is our only window of opportunity to increase the law library's chances of remaining a viable and important community service.

RESOLUTION NO. 2005-458

A RESOLUTION OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF RIVERSIDE INCREASING
THE LAW LIBRARY COMPONENT OF THE FILING FEES IN
THE SUPERIOR COURTS

WHEREAS, the Board of Supervisors is empowered by section 6322.1, subdivision (a) of the Business and Professions Code to increase the amount distributed to its county law library fund from the uniform filing fees listed in Section 6321 whenever it determines that the increase is necessary to defray the expenses of the law library, and

WHEREAS, the Law Library Board has approved a fee increase and this Board of Supervisors finds and determines that a fee increase of the present component of the filing fee in the Superior Courts of this County for the Riverside County Law Library is now necessary to defray the expenses for the Riverside County Law Library, and

WHEREAS, this Board of Supervisors is empowered by section 6322.1, subdivision (a) of the Business and Professions Code to implement the law library fee increase effective January 1, 2006, the law library fee increase adopted by this Board effective January 1, 2006, in accordance with subdivision (a) of 6322.1, and

WHEREAS, this Board of Supervisors is empowered by section 6322.1, subdivision (a) of the Business and Professions Code to implement the law library fee increase effective January 1, 2007, the law library fee increase adopted by this Board effective January 1, 2007, in accordance with subdivision (a) of 6322.1, and

WHEREAS, it appears to this Board that the fee increases should be allocated to the General Fund of the Riverside County Law Library, leaving five dollars (\$5.00) of the

total fee being allocated to the Building Trust Fund of the Riverside County Law Library, now therefore,

BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of Riverside, in regular session assembled on October 18, 2005, that the filing fee in the Superior Courts of this County for the Riverside County Law Library be increased to twenty-nine dollars (\$29.00) for each event described in sections 6321 and 6322 of the Business and Professions Code, effective January 1, 2006, and that

BE IT FURTHER RESOLVED AND ORDERED by the Board of Supervisors of the County of Riverside, that the filing fee in the Superior Courts of this County for the Riverside County Law Library be increased to thirty-two dollars (\$32.00) for each event described in sections 6321 and 6322 of the Business and Professions Code, effective January 1, 2007.

ROLL CALL:
Ayes:
Noes:
Absent:

| County | Law Library Fee 1/1/2004 | Law Library Fee Eff. 1/1/2005 | Law Library Fee Eff. 1/1/2006 <i>(pending in bold type)</i> | Law Library Fee Eff. 1/1/2007 <i>(pending in bold type)</i> | Law Library Fee Eff. 1/1/2008 <i>(pending in bold type)</i> |
|--------------|----------------------------------|-------------------------------------|---|--|--|
| Alameda | 28 | 31 | 34 | | |
| Alpine | 4 | 4 | | | |
| Amador | 20 | 20 | | | |
| Butte | 29 | 29 | 32 | 35 | |
| Calaveras | 26 | 26 | 29 | 32 | |
| Colusa | 20/12/12 | 17 | | | |
| Contra Costa | 26 | 29 | | | |
| Del Norte | 20 | 20 | | | |
| El Dorado | 23 | 26 | 29 | | |
| Fresno | 29 | 31 | 34 | 37 | |
| Glenn | 20 | 20 | | | |
| Humboldt | 40 | 40 | | | |
| Imperial | 20 | 20 | | | |
| Inyo | 20 | 20 | | | |
| Kern | 18 | 21 | 24 | 27 | |
| Kings | 20 | 23 | 26 | | |
| Lake | 23 | 23 | | | |
| Lassen | 25 | 25 | 28 | | |
| Los Angeles | 16 | 18 | 21 | 24 | |
| Madera | 26 | 26 | 29 | 32 | |
| Marin | 29 | 32 | | | |
| Mariposa | 28/23.50/23.50 | 27 | | | |
| Mendocino | 26 | 26 | | | |
| Merced | 20 | 23 | 26 | | |
| Modoc | 20 | 20 | | | |
| Mono | 20 | 20 | | | |
| Monterey | 22.50 | 25 | 28 | 31 | |
| Napa | 20 | 20 | | | |
| Nevada | 20 | 2323 | 26 | | |
| Orange | 26 | 29 | 32 | | |
| Placer | 26 | 29 | 32 | 35 | |
| County | Law Library Fee Eff. 1/1/2004 | Law Library Fee Eff. 1/1/2005 | Law Library Fee Eff. 1/1/2006 | Law Library Fee Eff. 1/1/2007 | Law Library Fee Eff. 1/1/2008 |
| Plumas | 20 | 20 | | | |

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|-----------------|-------|-------|-----------|-----------|
| Riverside | 23 | 26 | 29 | 32 |
| Sacramento | 41 | 44 | 47 | 50 |
| San Benito | 20 | 20 | | |
| San Bernardino | 23 | 23 | 26 | |
| San Diego | 32 | 35 | 38 | 41 |
| San Francisco | 33 | 36 | 39 | |
| San Joaquin | 20 | 23 | 26 | |
| San Luis Obispo | 31 | 31 | | |
| San Mateo | 29.50 | 32.50 | | |
| Santa Barbara | 32 | 35 | 38 | 41 |
| Santa Clara | 26 | 26 | | |
| Santa Cruz | 26 | 29 | 32 | 35 |
| Shasta | 20 | 20 | | |
| Sierra | 20 | 20 | | |
| Siskiyou | 26 | 26 | | |
| Solano | 26 | 26 | | |
| Sonoma | 29 | 29 | 32 | 35 |
| Stanislaus | 15 | 18 | 21 | 24 |
| Sutter | 7 | 7 | | |
| Tehama | 20 | 20 | | |
| Trinity | 20 | 20 | | |
| Tulare | 26 | 29 | 32 | 35 |
| Tuolumne | 20 | 20 | | |
| Ventura | 26 | 26 | 29 | |
| Yolo | 26 | 29 | | |
| Yuba | 7 | 7 | | |