

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

565



FROM: County Executive Office

SUBMITTAL DATE:
December 8, 2008

SUBJECT: Adoption of Resolution No. 2008-515 Affirming County Surcharges to Civil and Family Law Filing Fees in the Superior Court of the County of Riverside

FORM APPROVED COUNTY COUNSEL
BY: BEAUFORD J. MILLER, JR. DATE: 12/8/08

RECOMMENDED MOTION: That the Board of Supervisors adopt Resolution No. 2008-515 affirming continuation of the County's surcharges on civil and family law filing fees for the purpose of seismic stabilization, construction and rehabilitation of the historic Riverside County Courthouse, Indio branch courthouse and family law courthouse, repealing the County surcharge previously imposed to support court child care waiting rooms, and abolishing the Riverside County Court Child Care Waiting Room Fund.

BACKGROUND: In 1993, the Board of Supervisors adopted Resolution No. 93-026 establishing surcharges of up to \$35 on certain statutory court filing fees effective January 1, 1993, for the purpose of funding the seismic stabilization, construction and rehabilitation of certain county court facilities. In 1994, the Board increased those surcharges effective January 1, 1995, to the \$50 maximum allowed under the law. On June 21, 2005, the Board approved an additional surcharge of \$5 to fund court child care waiting rooms and established the Court Child Care Waiting Room Fund. In 2005, the Legislature adopted the Uniform Civil Fees and Standard Fee Schedule Act of 2005, which streamlined the statutes pertaining to court filing fees and transferred responsibility for child care waiting rooms to the state. Adoption of Resolution No. 2008-515 is necessary to affirm the continuation of the County's surcharges under the amended and renumbered statutes and to formally discontinue the surcharge for child care waiting rooms.

Denise C. Harden
Denise C. Harden, Principal Management Analyst

FINANCIAL DATA	Current F.Y. Total Cost:	\$ 0	In Current Year Budget:	Yes
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	No
	Annual Net County Cost:	\$ 0	For Fiscal Year:	

SOURCE OF FUNDS:	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION:

APPROVE
BY: *Christopher M. Hans*
County Executive Office Signature

Consent
 Policy
 Consent
 Policy

Dept's Recomm.:
 Per Exec. Ofc.:

2 **RESOLUTION NO. 2008-515**

3 **SURCHARGE TO CIVIL AND FAMILY LAW FILING FEES**
4 **IN THE SUPERIOR COURT OF THE COUNTY OF RIVERSIDE**
5

6 WHEREAS, by the adoption of Resolution No. 93-026 after notice and public hearing, as
7 authorized by Government Code Section 26826.1, in addition to certain statutory court filing fees,
8 surcharges in the amount of thirty-five dollars (\$35) were determined by the Board of Supervisors to be
9 necessary to cover the costs of seismic stabilization, construction, and rehabilitation of the Riverside
10 County Courthouse, the effective date of said surcharges being January 1, 1993; and,

11 WHEREAS, also by the adoption of Resolution No. 93-026 after notice and public hearing, as
12 authorized by Government Code Section 26826.2, in addition to certain statutory court filing fees,
13 surcharges in the amount of thirty-five dollars (\$35) were determined by the Board of Supervisors to be
14 necessary to cover the costs of constructing, maintaining or operating the conciliation court, including
15 maintaining a secure waiting area for minor children ordered brought before the court as well as
16 enhancing or expanding the services of, or facilities for, the conciliation court, the effective date of said
17 surcharges being January 1, 1993; and,

18 WHEREAS, by Resolution No. 94-365, the Board of Supervisors increased the amount of the
19 surcharges established pursuant to Government Code Sections 26826.1 and 26826.2 from thirty-five
20 dollars (\$35) to the maximum allowed amount of fifty dollars (\$50), the effective date of said increased
21 surcharges being January 1, 1995; and,

22 WHEREAS, on June 21, 2005, as authorized by Government Code Section 26826.3, in addition to
23 certain statutory court filing fees, a surcharge in the amount of five dollars (\$5) was determined by the
24 Board of Supervisors to be necessary to sustain court child care waiting rooms and, simultaneously, the
25 Board of Supervisors established a Court Child Care Waiting Room Fund; and,

26 WHEREAS, the Uniform Civil Fees and Standard Fee Schedule Act of 2005 (the "Act") added
27 Government Codes Sections 70600-70670 (Statutes of 2005, Chapter 75 (AB145)), wherein, effective
28 January 1, 2006, a uniform civil filing fee structure for the superior courts throughout the state was

1 established and, thereby, repealing, renumbering and/or amending prior civil filing fee and surcharge
2 statues; and,

3 WHEREAS, pursuant to the Act, Government Code Section 26826.1 was amended and
4 renumbered as Section 70622; and,

5 WHEREAS, Government Code Section 70622, as amended, provides that in addition to the
6 uniform filing fee authorized pursuant to Government Code Sections 70611, 70612, 70613, 70614, 70650,
7 70651, 70652, 70653, 70655, and 70670, after giving notice and holding a public hearing on the proposal,
8 the Board of Supervisors of Riverside County may impose a surcharge not to exceed fifty dollars (\$50)
9 on: (1) a complaint, petition, or other first paper in a civil or probate action or special proceeding, (2) a
10 first paper on behalf of any defendant, respondent, intervenor or adverse party, (3) a petition for
11 dissolution of marriage, dissolution of domestic partnership, legal separation, or nullity of marriage, (4) a
12 response to such a petition, or (5) a first paper on behalf of any party in a proceeding under Section 98.2
13 of the Labor Code, as determined necessary by the Board of Supervisors to cover the costs of the seismic
14 stabilization, construction, and rehabilitation of the Riverside County Courthouse, the Indio Branch
15 Courthouse, and the family law courthouse; and,

16 WHEREAS, Government Code Section 70603 further authorizes the imposition of the surcharge
17 under Government Code Section 70622 as an exception to the uniform civil filing fee structure created
18 pursuant to the Act; and,

19 WHEREAS, pursuant to the Act, Government Code Section 26826.2 was repealed, however, the
20 permitted court filing fee surcharges authorized by this statute have continued to be authorized by Section
21 70622; and,

22 WHEREAS, pursuant to the Act, Government Code Section 26826.3 was amended and
23 renumbered as Section 70640; and,

24 WHEREAS, Government Code Section 70640, as amended, transferred responsibility for, and
25 collection and distribution of, revenue related to the court's children's waiting rooms from the counties to
26 the State; and,

27 WHEREAS, repayment of the amortized costs of the seismic stabilization, construction, and
28 rehabilitation of the Riverside County Courthouse, the Indio Branch Courthouse, and the family law

FORM APPROVED COUNTY COUNSEL
BY: [Signature] 12/16/08
3 BEAUFORD MILLER, SR DATE

1 courthouse remain; and,

2 WHEREAS, the factors on which it was determined by the Board of Supervisors to impose
3 surcharges pursuant to former Government Code Sections 26826.1 and 26826.2 at the maximum permitted
4 level of fifty dollars (\$50) remain;

5 NOW THEREFORE BE IT RESOLVED AND ORDERED by the Board of Supervisors of the
6 County of Riverside, State of California, in regular session assembled on December 16, 2008, the surcharge
7 of fifty dollars (\$50) imposed pursuant to former Government Code Sections 26826.1 and 26826.2 remain
8 and continue in effect pursuant to Government Code Section 70622, and, therefore, in addition to the filing
9 fee authorized pursuant to Government Code Sections 70611, 70612, 70613, 70614, 70650, 70651, 70652,
10 70653, 70655, and 70670, there remain imposed surcharges as set forth in Attachment "A", Schedule of
11 Riverside County Superior Court Filing Surcharges, attached hereto and incorporated by reference herein, for
12 the filing in the Superior Court of the County of Riverside on: (1) a complaint, petition, or other first paper in
13 a civil or probate action or special proceeding, (2) a first paper on behalf of any defendant, respondent,
14 intervenor or adverse party, (3) a petition for dissolution of marriage, dissolution of domestic partnership,
15 legal separation, or nullity of marriage, (4) a response to such a petition, or (5) a first paper on behalf of any
party in a proceeding under Section 98.2 of the Labor Code; and,

BE IT FURTHER RESOLVED AND ORDERED that the surcharges set forth in Attachment "A" are
in an amount determined necessary by the Board of Supervisors for coverage of the cost of seismic
stabilization, construction and rehabilitation of the Riverside County Courthouse, the Indio Branch
Courthouse, and the family law courthouse; and,

BE IT FURTHER RESOLVED AND ORDERED that the collection of such surcharges shall
terminate upon repayment of the amortized costs incurred; and,

BE IT FURTHER RESOLVED AND ORDERED that the Board of Supervisors shall periodically
24 review the necessity of such surcharges under Government Code Section 70622 and shall adjust the amount
25 of such surcharges to cover only those requirements determined necessary; and,

26 BE IT FURTHER RESOLVED AND ORDERED that pursuant to Government Code Section 70640,
27 the surcharge previously imposed pursuant to former Government Code Section 26826.3 is hereby repealed
28 and the Riverside County Court Child Care Waiting Room Fund shall hereby be abolished.

ATTACHMENT A
SCHEDULE OF RIVERSIDE COUNTY
SUPERIOR COURT FILING SURCHARGES

<u>GOVERNMENT CODE SECTION</u>	<u>SURCHARGE AMOUNT</u>
GC §70611	\$50
GC §70612	\$50
GC §70613	\$50
GC §70614	\$50
GC §70650	\$50
GC §70651	\$50
GC §70652	\$50
GC §70653	\$50
GC §70655	\$50
GC §70670	\$50

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