

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS  
ACTION AGENDA SUMMARY

DEPT: Chief Executive Office

BOARD AGENDA # \*B-15

Urgent  Routine

AGENDA DATE June 11, 2013

CEO Concurs with Recommendation YES  NO   
(Information Attached)

4/5 Vote Required YES  NO

SUBJECT:

Approval of the Introduction and Waiving of the First Reading of an Ordinance to Adjust the Distribution Allocation of Civil Filing Fees to the Stanislaus County Law Library

STAFF RECOMMENDATIONS:

Approve the Introduction and Waiving of the First Reading of an Ordinance to Adjust the Distribution Allocation of Civil Filing Fees to the Stanislaus County Law Library.

FISCAL IMPACT:

The Law Library's budget is independent from the County budget, with the exception of the contribution of funding toward the lease payment and the Cost Allocation Plan charges that are funded by the General Fund. In Fiscal Year 2012-2013 the contribution toward the lease payment was \$77,120. The Board of Trustees is requesting the Board of Supervisors authorize an increase in the Law Library's portion of civil filing fees from \$24 to \$27 effective January 1, 2014 and increase from \$27 to \$30, effective January 1, 2015, pursuant to California Business and Professions Code section 6322.1.

Continued on Page 2

BOARD ACTION AS FOLLOWS:

No. 2013-278

On motion of Supervisor Monteith, Seconded by Supervisor Withrow

and approved by the following vote,

Ayes: Supervisors: O'Brien, Withrow, Monteith, De Martini and Chairman Chiesa

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) X Approved as recommended

2) \_\_\_\_\_ Denied

3) \_\_\_\_\_ Approved as amended

4) \_\_\_\_\_ Other:

MOTION: INTRODUCED AND WAIVED THE FIRST READING OF ORDINANCE C.S. 1133



ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No. ORD-55-R-2

**FISCAL IMPACT: (Continued)**

It is estimated this recommended increase in fee distribution would incrementally offset the Library's current operating expenses by approximately \$18,000 for Budget Year 2013-2014 and by approximately \$54,000 for Budget Year 2014-2015. This action does not increase the amount of the filing fee to the public or the litigant, but rather increases the portion of the existing filing fee distributed to the Law Library. The Law Library and the State are the only recipients of the revenue from the Civil Filing Fees. By increasing the Law Library allocation, the State's Trial Court Trust Fund will be reduced. Pursuant to California Business & Professions Code section 6322.1 the Law Library's allocation is to be directed to the Stanislaus County Law Library Trust Fund on deposit with the County and would be effective January 1, 2014. There is no impact to the County General Fund by way of this action.

**DISCUSSION:**

At their meeting on June 5, 2013 the Stanislaus County Law Library Board of Trustees approved a request to the Stanislaus County Board of Supervisors to adjust the distribution allocation of civil filing fees to the Stanislaus County Law Library. The Law Library is a separate County entity governed by its own Board of Trustees consisting of four judicial trustees, two members of the local bar and County Counsel. The Law Library was established pursuant to California Business and Professions Code sections 6300 et seq. The Library has been in operation since 1893 and provides access to legal information for the judiciary and State Bar, public officials, and to all residents of the County. No longer are the indigent and those living in poverty the only persons representing themselves in court; increasingly general middle-class residents find themselves without resources to hire an attorney. More than one-half of all Law Library patrons are self-represented litigants and other non-attorneys. While the number of self-represented litigants has substantially increased, the number of resources to assist those who cannot afford attorneys has decreased, as programs have been eliminated due to budget cuts. The Law Library is often the only remaining resource for those who face serious legal challenges such as eviction, foreclosure, domestic violence, divorce, bankruptcy, disability and unemployment claims, and small business litigation.

In July 2005, the Uniform Civil Fees and Standard Fee Schedule Act of 2005 was signed into law and placed a moratorium on any increase in filing fees through January 1, 2008 (Government Code section 70601). That same legislation allowed adjustment of the distribution allocation to the Law Library fund of up to \$3, if enacted by January 1, 2006. In November 2005, the Board of Supervisor's approved an increase in the civil filing fee distribution; \$3 effective January 1, 2006 and \$3 effective January 1, 2007. Since the last increase in 2007, the Stanislaus County Law Library has been operating without an increase to filing fees.

In 2008, Senate Bill 1407 extended the moratorium on increases in civil filing fees until July 1, 2013 by enacting Government Code section 70602. This bill also amended

Approval of the Introduction and Waiving of the First Reading of an Ordinance to Adjust the Distribution Allocation of Civil Filing Fees to the Stanislaus County Law Library  
Page 3

Business and Professions Code section 6322.1 which continued the language authorizing the Board of Supervisors to approve the distribution to its county law library fund from the uniform filing fee whenever it determines that the increase is necessary to defray the expenses of the law library. This section further states that the amount of distribution shall not be effective until January 1<sup>st</sup> of the next year after the adoption by the Board of Supervisors.

The Law Library as well as many other county law libraries statewide has suffered without an increase in revenue. At the same time, books, periodicals and legal databases have increased up to 14% per year. Other developments concurrent with the moratorium have also had a significant impact on the Law Library. Increases in fee waivers requested of the Superior Court, a decline in Civil-Unlimited and Civil-Limited cases due to the growing use of alternative dispute resolution procedures and an increase in the small claims cap from \$5,000 to \$7,500 and now to \$10,000 (law libraries only receive \$2 for each small claim filed) have contributed to a four year 10.5% decline in Law Library revenue. In Fiscal Year 2009-2010 the Law Library received \$400,744 in revenues from filing fees, Fiscal Year 2010-2011 \$375,093 and in Fiscal Year 2011-2012, \$310,986. Fiscal Year 2012-2013 revenue received from filing fees is expected to be even lower.

California's law libraries do not directly receive state or local general fund but rely primarily on a portion of civil filing fees for their revenue. The Stanislaus County Law Library currently receives \$24 for each civil unlimited filing, considerably less than many similarly situated counties. A survey of filing fees of the seven benchmark counties is as follows:

<b>County</b>	<b>Law Library Fee</b>
Fresno	\$37
Kern	\$27
Kings	\$29
Madera	\$32
Merced	\$29
San Joaquin	\$29
Tulare	\$35
Average	\$31
Stanislaus	\$24
Fee Difference	\$7

It is anticipated that operating expenses will exceed revenues in Budget Year 2013-2014. Cost containment efforts have been implemented to offset the deficit, including renegotiation of services contracts, elimination of all non-essential legal titles, reductions in number of legal database subscriptions, reductions in staff hours, and conversion from print materials to online services.

Approval of the Introduction and Waiving of the First Reading of an Ordinance to Adjust the Distribution Allocation of Civil Filing Fees to the Stanislaus County Law Library  
Page 4

Until July 1, 2013, the California Business and Professions Code permits the Board of Supervisors of any county to increase the amount of the Superior Court filing fees distributed to its county law library fund by a maximum of \$3.00 per year whenever it determines that the increase is necessary to defray the expenses of the law library. This action would increase the portion of filing fees the Law Library receives by approximately \$18,000 for Budget Year 2013-2014, \$54,000 for Budget Year 2014-2015 and \$72,000 for each budget year thereafter.

Approval of this ordinance would amend County Code Section 4.35.020 to authorize the adjustment to the distribution allocation of Civil Filing Fees to the Stanislaus County Law Library.

**POLICY ISSUES:**

Business and Professions Code section 6322.1 authorizes the Board of Supervisors to approve the distribution to its county law library fund from the uniform filing fee whenever it determines that the increase is necessary to defray the expenses of the law library. Approval of the agenda item will support the Board's priority of Efficient Delivery of Public Services.

**STAFFING IMPACT:**

There is no staffing impact associated with this item.

**CONTACT:**

Stan Risen, Assistant Executive Officer

209-525-6333

ORDINANCE NO. C.S. \_\_\_\_\_

AN ORDINANCE AMENDING SECTION 4.35.020 OF THE STANISLAUS COUNTY CODE CONCERNING ADJUSTING THE DISTRIBUTION ALLOCATION OF CIVIL FILING FEES TO THE STANISLAUS COUNTY LAW LIBRARY

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS, STATE OF CALIFORNIA, DO ORDAIN AS FOLLOWS:

Section 1. Section 4.35.020 of the Stanislaus County Code is amended to read as follows:

“4.35.020 Adjustment to Distribution Allocation of Civil Filing Fees.

Pursuant to Section 6322.1 of the Business and Professions Code, the board of supervisors hereby adjusts the apportionment of uniform filing fees listed in Section 6321 of the Business and Professions Code to increase the amount distributed to the Stanislaus County Law Library trust fund, as set forth below, to defray expenses of the law library:

A. Effective January 1, 2014, the amount distributed to the law library trust fund shall be increased by the amount of three dollars over the present fees of twenty four dollars

B. Effective January 1, 2015, the amount distributed to the law library trust fund shall be increased an additional three dollars.

Section 2. This ordinance shall take effect thirty (30) days from and after the date of its passage and before the expiration of fifteen (15) days after its passage it shall be published once, with the names of the members voting for and against the same, in the Modesto Bee, a newspaper published in the County of Stanislaus, State of California.

Upon motion of Supervisor \_\_\_\_\_, seconded by Supervisor \_\_\_\_\_, the foregoing ordinance was passed and adopted at a regular meeting of the Board of Supervisors of the County of Stanislaus, State of California, this \_\_\_\_\_ day of \_\_\_\_\_, 2013, by the following called vote:

AYES: Supervisors:
NOES: Supervisors:
ABSENT: Supervisor:

Vito Chiesa, Chairman of the Board of Supervisors of the County of Stanislaus, State of California

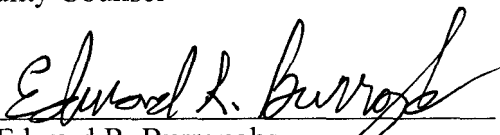
ATTEST:

Christine Ferraro Tallman
Clerk of the Board of Supervisors of the County of Stanislaus, State of California

By \_\_\_\_\_  
Deputy

APPROVED AS TO FORM:

John P. Doering  
County Counsel

By   
Edward R. Burroughs  
Assistant County Counsel