



Agenda Date: 12/12/2006  
Agenda Placement: 8A  
Set Time: 9:05 AM PUBLIC HEARING  
Estimated Report Time: 5 Minutes

## NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

---

**TO:** Board of Supervisors  
**FROM:** Lorenzo Zialcita for Nancy Watt - County Executive Officer  
County Executive Office  
**REPORT BY:** Molly Rattigan, Staff Services Analyst, 253-4340/299-1576  
**SUBJECT:** Law Library Fee Resolution

---

### **RECOMMENDATION**

Court Executive Officer requests the Board conduct a public hearing and consider adoption of a resolution increasing the amount distributed to the Napa County Law Library from the Uniform Civil Filing Fees of the Superior Court to defray costs commencing January 1, 2007.

### **EXECUTIVE SUMMARY**

The funding for the Napa County Law Library comes from a portion of the filing fees for civil cases filed in Superior Court. The Napa County Law Library currently receives \$20 of the total fee. Business and Professions Code section 6322.1(a) allows the Board of Supervisors by resolution to increase the fee by \$3 per calendar year. The portion of the filing fee that is not authorized by resolution to be deposited into the Law Library Trust Fund goes to the State Administrative Office of the Courts (AOC).

The Napa County Board of Law Library Trustees has analyzed the costs for operating the Law Library and has determined that the Law Library Trust Fund will not support the future operation costs without increased revenues. Adoption of today's resolution will increase the distribution to Napa County from each filing fee by \$3 to a new total of \$23 commencing on January 1, 2007. This increase will not result in an increased cost to the County or to litigants, but will instead redirect a portion of the filing fees currently being allocated to the State AOC to the Napa County Law Library Trust Fund.

### **FISCAL IMPACT**

Is there a Fiscal Impact?                      No

**ENVIRONMENTAL IMPACT**

ENVIRONMENTAL DETERMINATION: CEQA does not apply to the establishment, modification, structuring, restructuring, or approval of rates, tolls, fares, or other charges by public agencies which the public agency finds are for the purpose of meeting operating expenses, including employee wage rates and fringe benefits, and purchasing or leasing supplies, equipment, or materials.[California Environmental Quality Act at 14 CCR §15273 (a)]

**BACKGROUND AND DISCUSSION**

The funding for the Napa County Law Library comes from a portion of the filing fees for civil cases filed in Superior Court. As authorized by Business and Professions Code section 6321, the Napa County Board of Supervisors by resolution requires the State Administrative Office of the Courts to distribute \$20 of each filing fee to the Napa County Law Library Trust fund to help defray the costs of operating the Law Library. Business and Professions Code section 6322.1(a) allows the Board of Supervisors by resolution to increase the amount of this distribution by an additional amount of up to \$3 per filing fee per calendar year, commencing with the first day of the calendar year following approval of such resolution. The portion of each filing fee which is not distributed to the Law Library Trust Fund is retained by the State Administrative Office of the Courts for other uses as determined by the State.

The Napa County Board of Law Library Trustees has analyzed the costs for operating the Law Library and has determined that the Law Library Trust Fund will not support the future operational costs without increased revenues. Over the past four years, the revenue generated for the Trust Fund has decreased, largely because of a significant increase in requests for waivers of filing fees based on indigence. Applying the relevant standards for making that determination, the Court has been required to increase the number of waiver requests granted.

Because of the decreased revenues, the Board of Law Library Trustees has requested via the Court Executive Officer that the Board of Supervisors adopt a resolution increasing the amount distributed to the Law Library Trust Fund from the civil filing fees by the maximum amount allowed by law. That amount is \$3 per filing fee for a new total of \$23, commencing January 1, 2007.

Government Code section 70601(b) (3) requires the Task Force on Civil Fees to provide the Judicial Council and the Legislature with a report on or before February 1, 2007 with recommendations regarding the future process for adjusting fees to accommodate inflation and other factors affecting operating costs for the trial courts, county law libraries and other county programs that rely on court fees. If and when these recommendations are implemented by the Legislature, a further increase in the amount of the filing fees distributed to the Law Library Trust Fund may be sought, utilizing the procedures authorized under the recommendations.

Adoption of today's resolution will be effective immediately with increased distributions commencing on January 1, 2007. Notice of today's public hearing was published twice pursuant to the Government Code 6062a, as required by subdivision (a) of Government Code section 66018.

**SUPPORTING DOCUMENTS**

A . Resolution

CEO Recommendation: Approve

Reviewed By: Maiko Klieman