AGENDA STAFF REPORT

Control: 26001912

MEETING DATE:	11/17/2026
LEGAL ENTITY TAKING ACTION:	Board of Supervisors
BOARD OF SUPERVISORS DISTRICT(S):	All Districts
SUBMITTING AGENCY/DEPARTMENT:	Clerk-Recorder
DEPARTMENT CONTACT PERSON(S):	Hugh Nguyen, 714-834-2222 Robert Dorrough, 714-834-5119

SUBJECT: Approve Clerk-Recorder Cost Recovery Fees

CEO CONCUR	COUNTY COUNSEL REVIEW	CLERK OF THE BOARD
Concur	Approve ordinance and resolution to form	PUBLIC HEARINGS 3 Votes Board Majority

Budgeted: N/A	**Current Year Cost:** N/A	**Annual Cost:** N/A
Staffing Impact: No		**Sole Source:** No
Current Fiscal Year Revenue: See Financial Impact Section	**Funding Source:** Fees: 100%	**County Audit in Last 3 years:** No
Levine Act Review Completed? N/A		

Prior Board Action: 6/25/2024 #71, 10/04/2011 #4, 4/11/2000 #39, 3/14/1995 #31

RECOMMENDED ACTION(S):

1. Read the title of the Ordinance.
2. Order further reading of the Ordinance be waived.
3. Conduct a Public Hearing.
4. Consider the matter.
5. Direct the Ordinance to be placed on the agenda of the next regularly scheduled Board of Supervisors meeting for adoption.
6. At the next regularly scheduled meeting, consider the matter and adopt the uncodified ordinance which does the following:
   a. Repeals Ordinance No. 00-3.
   b. Finds that the adoption of the Ordinance approving the proposed fees is Statutorily Exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15273(a)(1) and (a)(2) as the establishment or modification of rates, fees

and charges which are for the purpose of meeting operating expenses, including employee wage rates and fringe benefits, and purchasing or leasing supplies, equipment, or materials.

c. Finds that these fees meet the requirements set forth in subdivision (e)(2) of Section 1 of Article XIII C of the California Constitution and are therefore exempt from the definition of a tax.

d. Finds that the revenue resulting from the fees established pursuant to this resolution will not exceed the estimated reasonable costs of providing these services and that costs are reasonably allocated among the fees.

e. Authorizes future fee adjustments via resolution.

f. Adopts a Marriage License Fee of seventy-five dollars ($75).

g. Adopts a Confidential Marriage License Fee of eighty dollars ($80).

h. Adopts a Marriage Ceremony Fee, including vow renewal, of thirty-two dollars ($32).

i. Adopts a Certification Fee Clerk Copies of two dollars ($2).

j. Adopts a Fictitious Business Name Filings, Abandonment and Withdrawals Fee of thirty dollars ($30).

k. Adopts a Fictitious Business Name Second or Additional Names, Owners, Parties for seven dollars ($7).

l. Adopts the Involuntary Lien Notice Fee of ten dollars ($10).

m. Adopts the Twenty-Day Preliminary Notice Fee of seventy-two dollars ($72).

n. Adopts the Environmental Impact Report Filing Fee of fifty dollars ($50).

o. Adopts a registered Legal Document Assistants and Unlawful Detainer Assistants Additional ID Cards Fee of ten dollars ($10).

p. Adopts a Notary Signature Authentication Fee of twenty dollars ($20).

q. Adopts a UCC Financing Statement Searches for fifteen dollars ($15).

r. Adopts a Fictitious Business Name Notice of Dissolution of Partnership for thirty dollars ($30).

s. Declares the fees effective January 1, 2027.

7. Adopt a Resolution that:

a. Finds that the adoption of the resolution approving the proposed fees is statutorily exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15273(a)(1) and (a)(2) as the establishment or modification of rates, fees and charges which are for the purpose of meeting operating expenses, including employee wage rates and fringe benefits, and purchasing or leasing supplies, equipment, or materials.

b. Finds that these fees meet the requirements set forth in subdivision (e)(2) of Section 1 of Article XIII C of the California Constitution and are therefore exempt from the definition of a tax.

c. Finds that the revenue resulting from the fees established pursuant to this resolution will not exceed the estimated reasonable costs of providing these services and that costs are reasonably allocated among the fees.

8. Rescinds Resolution No. 95-143 in its entirety, and Resolution No. 24-084, in part, and establishes the following fees:

   a. Adopts a Duplicate Marriage License Fee of sixty dollars ($60).

   b. Adopts a Fictitious Business Name Index Daily Fee of one dollar ($1).

   c. Adopts a Fictitious Business Name Index Monthly Fee of seven dollars ($7).

   d. Adopts a Notary Bond Filing Fee of thirty-five dollars ($35).

   e. Adopts a Copy Fee Official Records of two dollars ($2) per page.

   f. Adopts a Certification Fee Official Record Copies of two dollars ($2).

   g. Adopts a Copy Fee Clerk Copy of one dollar ($1) per page.

   h. Adopts a Registered Process Servers and Professional Photocopiers Additional ID Cards Fee of ten dollars ($10).

   i. Adopts the Conformed Copy Fee for one dollar ($1) per page.

   j. Declares the fees effective January 1, 2027.

SUMMARY:

Adoption of these proposed fees will align charges with the current cost of providing services, improve cost recovery and reduce reliance on Clerk-Recorder Operating Reserves.

BACKGROUND INFORMATION:

The Orange County Clerk-Recorder (Department) completed a comprehensive cost study to determine appropriate fees for services provided by the Clerk Division. The study included research, interviews, work observations and analysis of salaries, employee benefits, overhead, maintenance, and supplies. The Auditor-Controller reviewed and proposed fee revisions.

For comparison, the State of California Department of Industrial Relations consumer price index (CPI) calculator shows a 108.2% increase from April 2000 to April 2026 [Attachment G]. The estimated fee amounts would be much higher than the fee amounts being requested today.

Marriage Ceremony, License, and Confidential License

The Department, under the direction of the State Registrar, issues public, declared, nonclergy and confidential marriage licenses pursuant to Family Code Sections 350 and 501, to establish a permanent

public record that is legally recognized as evidence of the facts of a marriage, to provide information from the records to government, education, and research organizations, and to provide the information from those records to serve personal needs of individuals for their legal requirements. Confidential marriage licenses are held confidentially, as required by law, and may not be viewed by the public.

Government Codes 26840 and 26840.8 require the County of Orange (County) to collect a fee for the issuance of a marriage license and provide for distribution of that fee. Sections 24840.3 and 26840.7 provide for additional fees to be collected to support conciliation court and domestic violence programs, respectively.

On April 11, 2000, the Board of Supervisors (Board) adopted Ordinance No. 00-3 [Attachment D] to adjust the Marriage License Fees to $61.50, and the Confidential License Fees to $66.25. On October 4, 2011, the Board approved Minute Order No. 4 [Attachment E] reducing by fifty cents ($0.50) and twenty-five cents ($0.25), respectively, to avoid handling coins.

Current Fee Distribution

Public Marriage Licenses

The current Marriage License fee includes $36 in state-mandated funding for the following government services:

a. $3 to the State Vital Statistic Fund
b. $23 to Domestic Violence Special Fund
c. $5 to Family Conciliation Court
d. $5 to Orange County Victim Witness

The remaining $25 supports Department cost of recovery. Based on the 2026 cost study, the Department proposes increasing the fee to $75.

Confidential Marriage Licenses

The current Confidential Marriage License fee includes $37 for state-mandated funding of the following government services:

a. $4 to the State Vital Statistic Fund
b. $23 to Domestic Violence Special Fund
c. $5 to Family Conciliation Court
d. $5 to Orange County Victim Witness

The remaining $29 supports Department cost recovery. Based on the 2026 cost study, the Department proposes increasing the fee to $80.

Marriage Ceremony and Renewal of Vows

Government Code Section 26861 authorizes a fee for performing marriage ceremonies. The current $28 fee of was set in Ordinance No. 00-3. Based on the 2026 cost study, the Department proposes increasing the fee to $32. Government Code 26820 authorizes fees for services not otherwise provided by law, including the Renewal of Marriage Vows. Based on the 2026 cost study, the Department proposes a fee of $32.

Duplicate Marriage Licenses

Family Code 360 and 510 provide that the person who solemnized a marriage shall obtain a duplicate license if the certificate is lost, damaged, or destroyed after the marriage but prior to registration, or deemed unacceptable for registration by the Local Registrar (County Recorder or County Clerk). On March 14, 1995, the current fee of $25 was set in Resolution No. 95-143 [Attachment C]. Based on the 2026 cost study, the Department proposes increasing the fee to $60.

Fictitious Business Name Filings

Business and Professions Code 17929 requires that the County maintain a public index of individuals and business entities conducting a business in Orange County in order to identify who is doing business under fictitious business names. The current fee of $23 was set in Ordinance No. 00-3. Based on the 2026 cost study, the Department proposes increasing the fee to $30.

Business and Professions Code 17928 authorizes a fee for furnishing daily or monthly compilations of Fictitious Business Name filings. The 2026 cost study supports reducing the fee from $20 to $1, and reducing the monthly index fee reduced from $208 to $7.

Notary Fees

Government Codes Sections 8212, 8213 and 26849.1 require notaries to file an oath and official bond for the purpose of registering as a notary public with the County as a condition of their commission. The current fee of $28 was authorized by Resolution No. 95-143, which was subsequently reduced 50 cents by Minute Order on October 4, 2011. After completing the 2026 cost study, the Department proposes increasing the Notary Bond Filing fee to $35.

Government Code Section 26852 authorizes a fee to issue certificates to certify and verify notary signatures. The current fee of $13 was set in Resolution No. 95-143. Based on the 2026 cost study, the Department proposes increasing the fee to $20.

Copies and Certifications

Recorder Copies

The County Recorder Copy fee applies to copies of official records maintained by the County Recorder. Examples include recorded grant deeds, quitclaim deeds, deeds of trust, liens, notices of default, easements, powers of attorney, and other documents recorded in the Official Records. These copies are commonly requested by property owners, title companies, lenders, attorneys, surveyors, and members of the public for real estate transactions, title research, and legal purposes.

Government Code Section 27366 authorizes a fee for duplication of official records. On June 25, 2024, the current fee of $1 was set in Resolution No. 24-084 [Attachment F]. Based on a cost study from March 2024, the Department proposes increasing the fee to $2.

Government Code Section 27364 authorizes a fee for each certificate under seal. The current fee of $1 was set in Resolution No. 24-084. Based on a cost study from March 2024, the Department proposes increasing the fee to $2.

Clerk Copies

The County Clerk Copy fee applies to copies of records maintained by the County Clerk, including, but not limited to, Fictitious Business Name Statements, Fictitious Business Name Abandonments, Fictitious Business Name Withdrawals, Notary Public Oaths and Bonds, Environmental Filings, and other records maintained by the County Clerk.

Government Code 26831 authorizes the County Clerk to charge a fee to cover the cost of preparing copies of any record, proceeding, or paper on file in their office. The current fee of 15 cents was set in Resolution No. 95-143. Based on the 2026 cost study, the Department proposes increasing the fee to $1.

Government Code 26833 authorizes the County Clerk to charge a $1.75 fee for certifying to a copy of any paper, record, or proceeding on file in the office of the county clerk. Based on the 2026 cost study, the Department proposes increasing the fee to $2.

Restatement of Prior Fees from the Old Resolution and Ordinance

In order to keep track of documents, the prior approved Resolution No. 95-143 and Ordinance No. 00-3 would only have four original fees remaining on each. Those remaining fees will be added to this new Resolution, thus allowing these to be rescinded entirely.

From Resolution No. 95-143:

a. Fictitious Business Name Second or Additional Names/Owners/Parties authorized by Business and Profession Code 17929 and Government Code 54985 for $7.
b. Fictious Business Name Notice of Dissolution of Partnership authorized by Government Code 26850 and 54985 for $30.
c. Conformed Copy Fee authorized by Government Code 27366 for $1.
d. UCC Financing Statement Searches authorized by Government Code 12194 and Commercial Code 9525 for $15.

From Ordinance No. 00-3:

a. Involuntary Lien Notices authorized by Government Code 27387 for ten dollars ($10).
b. Twenty-Day Preliminary Notices authorized by Government Code 27361.9 for seventy-two dollars ($72).
c. Environmental Impact Report Filing authorized by Fish and Game Code 711.4 for fifty dollars ($50).
d. Fictitious Business Name Searches authorized by Government Code 26854 and 54984 for seven dollars ($7).

Additional ID Cards

Business and Professions Code Sections 6404, 22352, and 22453 authorize fees for issuing identification cards for registered process servers and professional photocopiers. Based on the 2026 cost study, the Department proposes a fee of $10.

The Department requests an effective date of January 1, 2027, to provide adequate notice to the public.

FINANCIAL IMPACT:

The Department's annual revenue deficit is currently subsidized by other Department fees and draws from the Clerk-Recorder Operating Reserves from Fund 12E. Adoption of the proposed fee changes will reduce the reliance on Fund 12E Operating Reserves.

Appropriations and revenue related to the proposed fees will be absorbed in the FY 2026-27 Budget for Budget Control 059 and Budget Control 12D, which are funded entirely by Clerk-Recorder Fees. Appropriations and revenue will be included in the budgeting process for future years.

STAFFING IMPACT:
N/A

REVIEWING AGENCIES/DEPARTMENTS:
Auditor-Controller

ATTACHMENTS:
Attachment A - Draft Ordinance
Attachment B - Draft Resolution
Attachment C - Resolution No. 95-143
Attachment D - Ordinance No. 00-3
Attachment E - Minute Order Item No. 4 dated October 4, 2011
Attachment F - Resolution No. 24-084
Attachment G - California Consumer Price Index Average 2000-2026
Attachment H - County Clerk Fee Comparison 2026
Attachment I - Clerk Proposed Fees
Attachment J - Fee Checklist - Clerk Fees Increases 2026
Attachment K - Fee Checklist - Clerk Fees Decreases 2026
Attachment L - Government Codes