

## San Mateo County Law Library

Date: December 18, 2001

**TO:** Honorable Board of Supervisors  
**FROM:** Board of Law Library Trustees, San Mateo County  
**SUBJECT:** Filing Fee Increase

*Karen M. Lutke  
Secretary-Librarian*

### Recommendation

Adopt a Resolution to increase the Law Library portion of the Superior Court civil filing fee from \$25 to \$28 effective January 1, 2002.

### Background and Discussion

The San Mateo County Law Library ("Library") provides free access to legal materials and resources to the public by maintaining a reference collection commensurate with the needs of the community. Among those that utilize the Library's services are legal practitioners, self-represented litigants and criminal defendants, those with small claims and federal jurisdiction cases, and high school and community college students. The main source of income for the Library is a component of the Superior Court civil filing fee, which accounts for over 90% of the Library's operating revenue. Currently, the Law Library Fee is \$25 and the Library is seeking a \$3 increase to \$28. Without the increase, the Library's Board of Trustees and staff believe that inadequate funding would result in significant cutbacks in services to the public through reductions in the reference collection and the amount of hours that the Library is open to the public.

Though the fee was increased January 1, 2000 from \$23 to \$25, revenues have not been able to keep pace with rising costs due to stagnant civil filings. In FY 2000-01, the Library had total revenues of \$549,269. Of that amount, \$453,618 represented fee income. The remaining revenue of \$95,651 included a one-time correction in fees from the Court of \$63,320, contributions from the local Bar Association of \$26,725 and miscellaneous revenues of \$5,606 from coin-operated copy machines and conference room rentals. The Library staff contends that the \$549,269 is an inflated figure because the one-time correction in fees covered a 26-month period and that the contributions from the Bar Association were one-time in nature and can't be relied upon on an ongoing basis. The Library believes that the amount of sustainable operating revenues based on current levels is closer to \$490,000 if the one-time correction is annualized and the contributions from the local Bar Association are not included. On the other hand, expenditures for FY 2000-01 equaled \$508,196, which included subscription cancellations and spending freezes of \$52,840. The Board of Law Library Trustees is of the consensus opinion that further cancellations would compromise the Library's ability to function as a viable research facility. Without a fee increase, other service reductions would have to be considered, including the number of hours that the Library is open to the public.

This request has been reviewed and approved as to form by County counsel.

### Fiscal Impact

There is no cost to the County.

**RESOLUTION NO. \_\_\_\_\_**

**BOARD OF SUPERVISORS, COUNTY OF SAN MATEO, STATE OF CALIFORNIA**

**RESOLUTION TO RAISE THE LAW LIBRARY FEE PORTION OF THE CIVIL COURT FILING FEES  
COMMENCING JANUARY 1, 2002**

**RESOLVED**, by the Board of Supervisors of the County of San Mateo, State of California, that

**WHEREAS**, B&P §6322.1, permits the Board of Supervisors to increase the costs collected as a portion of the civil court filing fees from superior courts and limited jurisdiction to help defray the costs of operating the San Mateo County Law Library, and

**WHEREAS**, B&P §6322.1, authorizes the Board of Supervisors to increase the fees collected as costs for the County Law Library by the Superior Courts to an amount over twenty dollars (\$20), after January 1, 1995, by an amount not to exceed three dollars (\$3) per year, whenever it shall determine that the increase is necessary to defray the expenses of the Law Library, and

**WHEREAS**, B&P §6322.1, authorizes the Board of Supervisors to exclude all or a portion of the law library fee from the definition of the "total filing fee" as defined by Govt. §26820.6 and §72055, and

**WHEREAS**, the current fee for filing the first paper in actions in superior court is one-hundred-ninety-five dollars (\$195), and ninety-three dollars (\$93) and one-hundred dollars (\$100), in certain "limited jurisdiction" cases, and

**WHEREAS**, the Board of Supervisors increased the fees collected into the Law Library Trust Fund by three dollars (\$3), over the statutory amount, effective January 1, 1998, and

**WHEREAS**, the current fee collected and deposited into the Law Library Trust Fund from the Superior Court of California, County of San Mateo is twenty-five dollars (\$25), and

**WHEREAS**, upkeep and subscription costs to maintain the San Mateo County Law Library collection and operations have escalated, hindering the Law Library's ability to continue its mission to provide free access to legal materials to all persons and to maintain a collection commensurate with the needs of the community, and

**WHEREAS**, on August 23, 2001, the Board of Law Library Trustees voted to request that the Board of Supervisors raise the fee collected by the Superior Courts as costs for the County Law Library from twenty-five dollars (\$25) to twenty-eight dollars (\$28), and

**WHEREAS**, the Board of Supervisors finds that the fee increase requested by the Board of Law Library Trustees is necessary to defray the expenses of the San Mateo County Law Library, and

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of Supervisors that effective January 1, 2002, the amounts collected as civil filing fees by the Superior Courts and deposited into the Law Library Trust Fund is hereby increased from twenty-five dollars (\$25) to twenty-eight dollars (\$28), and

**NOW, THEREFORE, BE IT FURTHER RESOLVED**, by the Board of Supervisors that five dollars (\$8) of the law library fee is excluded from the definition of the "total filing fee" as defined in Govt. §26820.6 and §72055, and

**NOW, THEREFORE, BE IT FURTHER RESOLVED**, by the Board of Supervisors that the fee for filing the first paper in civil actions in superior courts shall be one-hundred-ninety-eight dollars (\$198), and the first paper in limited jurisdiction shall be ninety-six dollars (\$96), and one-hundred-three dollars (\$103).