



Los Angeles County Registrar-Recorder/County Clerk

DEAN C. LOGAN
Registrar-Recorder/County Clerk

ADOPTED

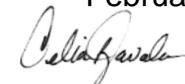
BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

February 27, 2018

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

#2

February 27, 2018


CELIA ZAVALA
ACTING EXECUTIVE OFFICER

Dear Supervisors:

REQUEST TO RE-AUTHORIZE THE COLLECTION OF THE ONE DOLLAR (\$1.00) RECORDING FEE FOR THE CONTINUATION OF THE SOCIAL SECURITY NUMBER TRUNCATION PROGRAM AND TO ADD A COMPONENT FOR DOCUMENTS RECORDED PRIOR TO 1980 PURSUANT TO SENATE BILL 184 (ALL SUPERVISORIAL DISTRICTS) (3 VOTES)

SUBJECT

Request the Board to re-authorize the collection of the \$1.00 Social Security Number Truncation (SSNT) Program fee previously authorized by your Board on March 25, 2008 under Assembly Bill (AB) 1168 and to allow the Registrar-Recorder/County Clerk (RR/CC), pursuant to Senate Bill (SB) 184, to add a component to the SSNT Program to redact Social Security numbers from documents recorded prior to 1980.

IT IS RECOMMENDED THAT THE BOARD AFTER THE PUBLIC HEARING,

Approve the attached Resolution authorizing the RR/CC to continue collection of the \$1.00 SSNT Program fee on each recorded document (Liens, Releases, Affidavits, Deeds, Maps, Notices, etc.) for the ongoing redaction on documents recorded from January 1, 1980 through December 31, 2008, and documents recorded prior to January 1, 1980 pursuant to SB 184. SB 184 amended Government Code section 27301 to permit the addition of a component to an established SSNT Program to create a copy of an official record in an electronic format and truncate any social security number contained in records filed prior to January 1, 1980. The collection of the fee under the amended code will become effective thirty (30) days from the date of Board approval in accordance with Government Code section 25123. If approved, the collection of the fee will commence on April 2, 2018.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

In 2008, AB 1168 authorized, by Board of Supervisor approval, the SSNT Program allowing the RR/CC to collect a \$1.00 fee to redact each official record recorded between January 1, 1980 and December 31, 2008. AB 1168 incorporated a sunset clause ending collection of this fee December 31, 2017, unless re-authorized.

The purpose of this recommendation is to re-authorize the RR/CC, to collect the \$1.00 fee to defray costs associated with continuing the redaction of each official record, including the additional component of redaction for those recorded prior to January 1, 1980.

As the official custodian of records, the RR/CC is responsible for maintaining real property, birth, death, and marriage records. The continuation of the SSNT Program to include records recorded prior to January 1, 1980 will enable compliance with the State legislation restricting access to personal information contained in recorded documents by preventing the fraudulent misuse of personal information contained in recorded documents.

Implementation of Strategic Plan Goals

This request supports the County Strategic Plan as follows:

Goal No. III, Realize Tomorrow's Government Today: Our increasingly dynamic, and complex environment, challenges our collective abilities to respond to public needs and expectations. We want to be an innovative, flexible, effective, and transparent partner focused on advancing the common good.

FISCAL IMPACT/FINANCING

The RR/CC anticipates collecting approximately \$1.4 million per fiscal year to defray costs of the SSNT Program. The revenue collected will be accounted for in a designated SSNT Special Revenue Fund with all related program expenses charged to that fund. As such, there is no impact to net County cost. Effective December 31, 2017, the RR/CC ceased collection of the \$1.00 fee in compliance with the sunset clause in AB 1168. Effective April 2, 2018, the RR/CC will begin collecting the fee pending re-authorization from your Board.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

AB 1168 was chaptered on October 13, 2007 and applies to any document recorded post January 1, 1980. The bill imposed a state-mandated local program and permitted the RR/CC, upon authorization by your Board on March 25, 2008, to implement a SSNT Program to collect an additional fee of \$1.00 for recording the first page of each document until December 31, 2017. The bill also permitted the RR/CC to request an extension of the authorization to charge this fee beyond December 31, 2017. SB184 is the chaptered legislation that amended the Government Code permitting Recorders to incorporate a component into the SSNT Program to include redaction of recording prior to January 1, 1980.

Except for documents that are recorded or required to be open to the public pursuant to the California Public Records Act, existing law prohibits any person or entity from publicly posting or

displaying in any manner an individual's social security number, printing an individual's Social Security number on any card required to access products or services, requiring an individual to use his or her Social Security number to access an internet website, requiring an individual to transmit his or her Social Security number over the Internet, or printing an individual's Social Security number on materials that are mailed to the individual, with specified exceptions. The California Public Records Act requires state and local agencies to make their records available for public inspection unless a record is exempt from disclosure. The act exempts from disclosure, among others, any record that is a personnel, medical, or similar file the disclosure of which would constitute an unwarranted invasion of personal privacy.

Pursuant to the provisions of AB1168, effective January 1, 2008, unless otherwise required by state or federal law, no person, entity, or government agency shall present for recording or filing with a county recorder a document that is open to the public, if that document displays more than the last four digits of the Social Security number.

Most official records maintained by the RR/CC fall under the California Public Records Act. Such records are accessible to the public and are provided upon request to any interested parties. AB 1168 requires the creation of a "public record" version of each "official record" so that the "public record" is in an electronic format and is an exact copy of the "official record" except that any Social Security number contained in the "official record" shall be truncated by redacting the first five digits of that number.

The RR/CC estimates approximately fourteen (14) million records out of the approximately seventy (70) million official records maintained by the RR/CC since 1980 may contain Social Security numbers. In order to create a public record copy, the RR/CC shall first redact the Social Security number in all records that already exist in an electronic format and then create an electronic version of all other records and truncate the Social Security number contained in those records.

Currently, the RR/CC maintains documents in electronic format from 1985 forward which expedites the process of truncating the Social Security numbers from these recorded documents. The documents for the years 1980 through 1991 required conversion from microfilm to an electronic format to enable the truncation of the Social Security number. The RR/CC has completed the microfilm conversion of all documents back to 1980, which prepares them for redaction. The RR/CC continues to redact daily incoming documents and currently working on redacting year 1996 and working backwards to 1980. Documents recorded prior to 1980 will require additional work as they are currently in paper format, which will necessitate scanning and restoration prior to conversion.

SB 184 permits the County Recorder to concurrently implement SSNT Program requirements set forth under AB 1168, the originating bill, and SB 184, which includes a program component for each official record recorded prior to January 1, 1980.

Prior to adopting an ordinance, resolution, or other legislative enactment of a new fee, Government Code section 66018 requires that a local agency hold a public hearing at which oral or written presentations can be made. The Board of Supervisors' Executive Office, in compliance with section 6062(a) of the Government Code, has published an official notice and set the hearing for February 27, 2018.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

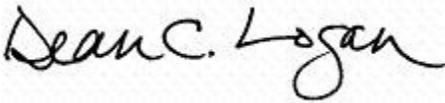
Approval of the Resolution will ensure the County's continued compliance with the State law

mandating the truncation of Social Security numbers on recorded documents. The collection of the fee will enable the RR/CC to implement the program components authorized under SB 184 without additional cost to the County.

CONCLUSION

The Chief Executive Office has reviewed and approved this Board letter. County Counsel has reviewed and approved this Board letter and attached Resolution.

Respectfully submitted,

A handwritten signature in black ink that reads "Dean C. Logan". The signature is written in a cursive, flowing style.

DEAN C. LOGAN

Registrar-Recorder/County Clerk

DCL:RF:APL

FP:VW:jw

Enclosures

c: Chief Executive Officer
County Counsel

RESOLUTION NO. _____

RESOLUTION RE-AUTHORIZING ONE DOLLAR (\$1.00) FEE FOR RECORDING THE FIRST PAGE OF EVERY INSTRUMENT, PAPER OR NOTICE REQUIRED OR PERMITTED BY LAW TO BE RECORDED FOR ONGOING OPERATION OF A SOCIAL SECURITY TRUNCATION PROGRAM

WHEREAS, the Board of Supervisors supports the continued implementation of the Social Security Number Truncation Program with an additional component pursuant to the provisions of Senate Bill 184, Chapter 621 of the Statutes of 2017; and

WHEREAS, the Registrar-Recorder/County Clerk is required to establish and maintain a Social Security Truncation Program pursuant to section 27301 of the Government Code; and

WHEREAS, the Board of Supervisors authorized the Social Security Number Truncation Program and collection of the one dollar (\$1.00) for recording the first page of every instrument, paper or notice required or permitted by law to be recorded on March 28, 2008; and

WHEREAS, the Board of Supervisors required the Auditor to conduct two audits to verify that the funds generated by this fee are used only for the purpose of the program pursuant to paragraph (4) of subdivision (d) of section 27361 of the Government Code; and

WHEREAS, the Auditor completed the first audit on March 26, 2014, and the second audit on November 9, 2017; and

WHEREAS, the Board of Supervisors prior authorization to collect a fee of one dollar (\$1.00) for recording the first page of every instrument, paper or notice required or permitted by law to be recorded to be used solely for the implementation and ongoing operation of a Social Security Number Truncation Program lapsed on December 31, 2017; and

WHEREAS, the Board of Supervisors has been provided the authority to re-authorize collection of the recording fees pursuant to paragraph (1) of subdivision (d), of section 27361 of the Government Code; and

WHEREAS, effective January 1, 2018, the provisions of Senate Bill 184, permit the Registrar-Recorder/County Clerk to add a component to the existing Social Security Number Truncation Program to redact the social security number from documents filed prior to January 1, pursuant to section 27301 of the Government Code; and

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the Los Angeles County Board of Supervisors approves effective April 1, 2018, an additional recording fee of one dollar (\$1.00) for recording the first page of every instrument, paper or notice required or permitted by law to be recorded to be used solely for the implementation and ongoing operation of a Social Security Number Truncation Program;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the Los Angeles County Board of Supervisors approves effective April 1, 2018, an additional recording fee of one dollar (\$1.00) for recording the first page of every instrument, paper, or notice required or permitted by law to be recorded to be used solely for the implementation and ongoing operation of a Social Security Number Truncation Program;

BE IT FURTHER RESOLVED AND ORDERED that in determining the additional period of authorization, the Board shall take into consideration the two reviews performed by the Auditor-Controller;

On a motion by Supervisor Solis, seconded by Supervisor Hahn, the foregoing resolution was passed and adopted by the Board of Supervisors of the County of Los Angeles, State of California, this 27th day of February, 2018, by the following vote, to wit:



CELIA ZAVALA
Acting Executive Officer-Clerk of the Board
of Supervisors of the County of Los Angeles

By: _____

APPROVED AS TO FORM:
MARY C. WICKHAM
County Counsel

By: Mina Coakley
Deputy County Counsel