



COUNTY ADMINISTRATOR

220 NORTH MAIN STREET, P.O. BOX 8645

ANN ARBOR, MICHIGAN 48107-8645

(734) 222-6850

FAX (734) 222-6715

TO: Wesley Prater, Chair
Ways & Means Committee

THROUGH: Robert E. Guenzel
County Administrator

FROM: Peggy M. Haines
County Clerk/Register of Deeds

DATE: March 4, 2004

SUBJECT: Service Charge for Certifying a Notarial Act of a Notary Public

BOARD ACTION REQUESTED:

It is requested that the Board of Commissioners authorize the County Clerk/Register to increase the service charge fee for certifying a notarial act of a notary public to \$10.00 pursuant to Public Act 238 of 2003.

BACKGROUND:

The State of Michigan legislature passed Public Act 238 changing the application process for notary public, application fees, and the service charge the county clerk may charge for certifying notarial acts of a notary public. This marks the first comprehensive revision of Michigan's notary statute and fee amounts since 1846. This legislation is effective Thursday, April 1, 2004.

By statute, the Clerk's Office accepts a file of oath and bond by any individual interested in becoming a notary public. Prior to Public Act 238, the fee imposed to these individuals by the county for the initial notary application was \$1. In addition to the application process for notary publics, there are instances in which the County Clerk must authenticate the signature of a notary public. This activity is referred to as "certifying a notarial act of a Notary Public". Under the old statute, the service charge for certifying a notarial act was \$2.

DISCUSSION:

Public Act 238 changes the application fee collected by the county from \$1 to \$10. Of the \$10 paid to the county, \$8 is retained by the county with the remaining \$2 being deposited into the State notary education and training fund. Based on 792 applicants during 2003, this is expected to generate an additional \$5,500 per year for the County. This is a mandated fee that must be imposed by the statute.

The Public Act also allows for the County to increase the fee for situations where a signature of notary must be authenticated or certified. As defined by Public Act 238, Section 25 (10), "the County Clerk may collect a service charge fee of up to \$10.00 for certifying a notarial act of a notary public". It is desired by the Washtenaw County Clerk/Register to increase the fee to the maximum \$10 allowable as a means to recoup the cost of providing such services and provide parity with other jurisdictions. The Clerk/Register's Office certified 587 notarial acts(also known as Jurats), in 2001, 1,344 in 2002 and 356 in 2003. Based on the number of certifications (Jurats) during 2003, this is expected to generate an additional \$2,800 per year for the County.

IMPACT ON HUMAN RESOURCES:

None.

IMPACT ON BUDGET:

The impact of the Public Act and approval of a fee increase for certifications of notarial acts would result in an increase in General Fund revenues by approximately \$8,300.

IMPACT ON INDIRECT COSTS:

None.

IMPACT ON OTHER COUNTY DEPARTMENTS OR OUTSIDE AGENCIES:

None.

CONFORMITY TO COUNTY POLICIES:

This request conforms to County policy.

A RESOLUTION COMPLYING WITH PUBLIC ACT 238 WHICH ALLOWS THE INCREASE OF A SERVICE CHARGE TO \$10.00 FOR CERTIFICATION OF A NOTARIAL ACT OF A NOTARY PUBLIC

WASHTENAW COUNTY BOARD OF COMMISSIONERS

March 17, 2004

WHEREAS, Public Act 238 of 2003, takes effect Thursday, April 1, 2004, revising the Michigan notary public act; and,

WHEREAS, this marks the first comprehensive revision of Michigan's notary statute and fee amounts since 1846; and

WHEREAS, this act increases the application fee paid to the County Clerk from \$1 to \$10, with \$8 being retained by the county and the remaining \$2 being deposited into the State notary education and training fund; and

WHEREAS, this fee increase is projected to bring in an additional \$5,500 in general fund revenues annually; and

WHEREAS, the revised public act also allows the county clerk to collect a service charge fee of up to \$10 for certifying a Notarial act of a notary public; and

WHEREAS, these are instances in which the County Clerk is required to authenticate the signature of a Notary Public; and

WHEREAS, it is desired by the Washtenaw County Clerk to increase the fee to the maximum \$10 allowable as a means to recoup the cost of providing such services and provide parity with other jurisdictions; and

WHEREAS, based on the number of certifications during 2003, this fee increase would generate an additional \$2,800 annually; and

WHEREAS, this matter has been reviewed by the Finance Department, Human Resources, Corporation Counsel, the County Administrator's Office and the Ways & Means Committee;

NOW THEREFORE BE IT RESOLVED that the Washtenaw County Board of Commissioners hereby increases the service charge to \$10.00 for the certification of a notarial act of a notary public in compliance with Public Act 238.