Introduced by: Mr. Sheldon
Date of introduction: May 22, 2018

ORDINANCE NO. 18-060

TO AMEND SECTION 2.03.006 OF THE *NEW CASTLE COUNTY CODE* TO ESTABLISH PARITY AMONG ROW OFFICES FOR ASSESSMENT OF TECHNOLOGY FEES AND MAINTENANCE OF TECHNOLOGY ESCROW ACCOUNTS

WHEREAS, New Castle County Council enacted Ordinance No. 05-032 (codified at *New Castle County Code* § 2.03.004(C)) to establish a technology fee to be applied to each document recorded with the Recorder of Deeds ("the Recorder of Deeds technology fee"); and

WHEREAS, County Council enacted Ordinance No. 15-088 (codified at *New Castle County Code* § 2.03.007) that authorized the Clerk of the Peace to establish and maintain a separate technology escrow account to fund technology-related programs and acquisitions and to deposit within such account fees established for such purpose ("the Clerk of the Peace technology fee"); and

WHEREAS, County Council seeks to establish parity among row office technology fees and accounts by enacting a technology fee and designated account for the Register of Wills ("the Register of Wills technology fee") that is commensurate with Ordinance Nos. 05-032 and 15-088; and

WHEREAS, the County Auditor undertook a comprehensive performance audit of the operations of the Office of the Register of Wills, with this report setting forth "Opportunities for Improvement," including the need for the Office of the Register of Wills to upgrade its technology (*see* Audit Report – Register of Wills Office, Oct. 19, 2016); and

WHEREAS, County Council last raised the amount of closing costs on the net personal estate in 2007 by enacting Ordinance No. 07-026, and therefore deems it necessary to incorporate the Register of Wills technology fee into the closing cost for ease of accounting and collection of this fee.

NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:

Section 1. Section 2.03.006 of the *New Castle County Code* ("Fees for the Register of Wills") is hereby amended by adding the material that is underscored and deleting the material that is stricken below.

Sec. 2.03.006. – Fees for the Register of Wills.

(A). The fees for the Register of Wills shall be as follows:…

16. For adjusting, settling and certifying accounts, one and seventy-five hundredths percent (1.75%) ~~percent~~ of the amount of the net personal estate regardless of date of death

(disregarding all disbursements made or to be made for legacies, bequests or distributive shares due to legatees, heirs at law, or persons otherwise entitled). In addition thereto, a fee of one-quarter percent (0.25%) of the aforementioned net personal estate shall be assessed, collected by the Register of Wills, separately deposited in an escrow account to fund technology-related programs and acquisitions, and shall be maintained in keeping with "best practices" accounting standards, and shall be subject to County audits.

In the case of an ancillary administration…

Section 2. This Ordinance shall take effect following its enactment into law, and shall only apply to net personal estates of decedents whose dates of death occur on or after July 1, 2018.

Section 3. First available funds in the escrow account for technology-related programs and acquisitions shall be applied to the technology needs of the Register of Wills.

Adopted by County Council of
New Castle County on:

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President of County Council
of New Castle County

Approved on:

____
County Executive
New Castle County

SYNOPSIS: This Ordinance creates parity among New Castle County row offices by establishing a technology fee to be collected and maintained by the Register of Wills that corresponds with existing technology fees collected and maintained in escrow accounts by the Recorder of Deeds and the Clerk of the Peace pursuant to Ordinance Nos. 05-032 (*New Castle County Code* Section 2.03.004(C)) and 15-088 (*New Castle County Code* Section 2.03.007), respectively.

FISCAL NOTE: This Ordinance is projected to increase revenue by $142,900.00 in Fiscal Year 2019, and $428,600.00 in Fiscal Years 2020 and thereafter, based on: (1.) existing annual revenue of approximately $3,000,000.00 attributable to existing closing costs of 1.75 percent of the net personal estates in the aggregate of $171,428,571.43 for the current fiscal year, and (2.) a 14.29 percent increase of total closing costs from 1.75 percent to 2.00 percent.