

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

818



FROM: Assessor-County Clerk-Recorder

SUBMITTAL DATE:

January 28, 2008

SUBJECT: Ordinance 876, An Ordinance of the County of Riverside establishing a recording fee under the Electronic Recording Delivery Act of 2004

RECOMMENDED MOTION: That the Board of Supervisors:

- 1) Introduce Ordinance 876, and set for public hearing on Feb. 26, 2008 at 9:30 a.m.;
- 2) Adopt Resolution 2008-073, Resolution of the Riverside County Board of Supervisors approving the participation of the Riverside County Recorder in the Electronic Recording Delivery Act of 2004;
- 3) Direct the Clerk of the Board to set the public hearing to Government Code 6062a; and
- 4) At the conclusion of the public hearing, adopt County Ordinance 876.

BACKGROUND: On September 27, 2005, Agenda Item Number 3.10, Memorandum of Understanding with the California Attorney General Department of Justice (DOJ) for developing and implementing regulations for a state-wide electronic recording delivery system, was approved by the Riverside County Board of Supervisors. The Electronic Recording Delivery System (ERDS) allows for counties to accept the electronic delivery of documents for recording. Since September 2005, the Assessor-County Clerk-Recorder has participated in establishing standards for ERDS. In September 2007, the DOJ completed the rules and regulations for developing and implementing the ERDS. The adoption of Resolution 2008-073 and County Ordinance 876 would allow for the county Assessor-County Clerk-Recorder to begin collecting \$1.00 for each instrument that is recorded by the County. This additional recording fee is needed to implement the ERDS.

Larry W. Ware, Assessor-County Clerk-Recorder

FORM APPROVED COUNTY COUNSEL
BY: DOROTHY L. HONN
DATE: 1-28-08

FINANCIAL DATA	Current F.Y. Total Cost:	\$ 0	In Current Year Budget:	Yes
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	No
	Annual Net County Cost:	\$ 0	For Fiscal Year:	2007-08

SOURCE OF FUNDS: N/A	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION:

APPROVE

BY: Rob Rockwell

County Executive Office Signature

Dept't Recomm.:
 Per Exec. Ofc.:
 Policy
 Policy
 Consent
 Consent

Prev. Agn. Ref.: 8/28/2007, No. 3.16

District:

Agenda Number:

3.6

2
3 RESOLUTION NO. 2008-073

4 RESOLUTION OF THE RIVERSIDE COUNTY BOARD OF SUPERVISORS
5 APPROVING THE PARTICIPATION OF THE RIVERSIDE COUNTY
6 RECORDER IN THE ELECTRONIC RECORDING DELIVERY ACT OF 2004

7 WHEREAS, the Electronic Recording Delivery Act of 2004 (the "Act"), as set out in Title 3,
8 Division 2, Part 3, Chapter 6, Article 6 of the California Government Code, has been enacted to authorize
9 Counties to establish an Electronic Recording Delivery System for the recording of specified digitized
10 and digital electronic records; and

11 WHEREAS, the Board, since 2005, has approved the County Recorder's participation with the
12 California Department of Justice to establish standards for an electronic recording system including a
13 Memorandum of Understanding for developing and implementing regulations for the state-wide
14 electronic recording delivery system.

15 WHEREAS, the Act requires a resolution from the Riverside County Board of Supervisors to
16 authorize County participation in the Electronic Recording Delivery System; and

17 WHEREAS, the Assessor-County Clerk-Recorder has determined that adoption of the Electronic
18 Recording Delivery System Act of 2004 would be beneficial to the County and to persons wishing to
19 record documents electronically in that, in lieu of accepting written paper the Recorder may also accept
20 for recording a digital or digitized image of a recordable instrument; and

21 WHEREAS, the California Attorney General has been delegated the authority and responsibility
22 for establishing regulation and oversight of the Electronic Recording Delivery System including system
23 certification; and

24 WHEREAS, the County must pay for the direct cost of regulation and oversight by the California
25 Attorney General; and
26
27
28

1 WHEREAS, Government Code Section 27397 authorizes the county recorder to impose a fee in an
2 amount up to and including one dollar (\$1.00) for each instrument that is recorded by the County
3 Recorder; and

4 WHEREAS, Government Code Section 27397 (c) (2) and (c) (3) authorize a county recorder to
5 impose a fee upon any vendor seeking approval of software and other services as part of an electronic
6 recording delivery system and also upon any person seeking a Submitter Agreement; and

7 BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of Riverside,
8 State of California, in regular session assembled on February 5, 2008, that pursuant to Government Code
9 Section 27390 et. seq. the Board approves the County's participation in the Electronic Recording Delivery
10 Act of 2004; and

11 1. Appoints the Assessor-County Clerk-Recorder, or his designee, as the agent to conduct all
12 negotiations and execute and submit all documents which may be necessary for the completion of the
13 aforementioned project.

14 2. Appoints the Assessor-County Clerk-Recorder, or his designee, as the agent to approve payments
15 to the California Attorney General through the Department of Justice for County's allocated share of the
16 direct cost of program oversight.

17 3. Approves the imposition of a fee to be adopted by the Board of Supervisors after a public hearing,
18 in an amount up to and including one dollar (\$1.00) for each instrument recorded by the County, and to
19 deposit the fees collected for this program into an account to be used solely by the County Recorder for
20 the purpose of developing and implementing the Electronic Recording Delivery System.

21 4. Approve the imposition of a fee to be adopted by the Board of Supervisors, at a later date,
22 imposing a fee upon any vendor seeking approval of software and other services as part of an electronic
23 recording delivery system and also upon any person seeking a Submitter Agreement.