

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

601



FROM: Assessor-County Clerk-Recorder

SUBMITTAL DATE:
09/23/2008

SUBJECT: Addendum to Memorandum of Understanding with the California Department of Justice (DOJ) for the Electronic Recording Delivery System.

RECOMMENDED MOTION: That the Board of Supervisors:

Approve the attached Fiscal Year 2008/09 Addendum to Memorandum of Understanding with the California Department of Justice for the Electronic Recording Delivery System, effective for the period July 1, 2008 through June 30, 2009.

BACKGROUND: On May 16, 2006, the Riverside County Board of Supervisors authorized the Riverside County Recorder to collaborate with the California Department of Justice (DOJ) to set standards for electronic recordation and participate in the Electronic Recording Delivery System (ERDS). This addendum will allow the County's collaboration with the DOJ to continue in an effort to implement recording standards established by the Electronic Recording Delivery Act of 2004 (ERDA). The FY 2008/09 addendum binds the County to its final proportionate share of costs determined by the total number of county participants. These costs include the costs for regulation and oversight and are not expect to exceed \$28,767.

FORM APPROVED COUNTY COUNSEL
BY: DOROTHY L. HONN 9-24-08 DATE

Larry W. Ward, Assessor-County Clerk-Recorder

FINANCIAL DATA	Current F.Y. Total Cost:	\$ 28,767	In Current Year Budget:	Yes
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	No
	Annual Net County Cost:	\$ 0	For Fiscal Year:	2008-09

SOURCE OF FUNDS: Reserve for Electronic Recording	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

ep't Recomm.: Consent Policy
at Exec. Ofc.: Consent Policy

EDMUND G. BROWN JR.
Attorney General

State of California
DEPARTMENT OF JUSTICE



CJIS Operation Support
Electronic Recording Delivery System Program
P.O. BOX 160526
SACRAMENTO, CA 95816-0526
Facsimile: (916) 227-0595
(916) 227-8907

August 29, 2008

Larry Ward
County Recorder
Riverside County
P O Box 751
Riverside, CA 92502-0751

RE: Final Intent to Participate and Memorandum of Understanding (MOU) or MOU
Addendum

Dear County Recorder:

Thank you for responding to our May 1, 2008 letter indicating your final intent to participate in the Electronic Recording Delivery System (ERDS) program.

This letter is intended to notify you of your final proportionate cost of \$28,766.72 for participation in the Fiscal Year of 2008/09. Twenty (20) counties have indicated their intent to take part. Please see attachment A. Also, an expenditure report (Attachment B) is attached showing the projected expenditures and collections for Fiscal Year 2004/05 through Fiscal Year 2008/09.

In addition, enclosed is the MOU or the MOU Addendum between the Department of Justice (DOJ) and Riverside County. This document is an agreement of your county's participation in the funding of the ERDS program. Please review and complete the information requested. Please complete the MOU representative information, sign and date the document and return it by **September 30, 2008** to:

Department of Justice
Electronic Recording Delivery System
P.O. Box 160526
Sacramento, CA 95816-0526
Attn: Michelle N. Mitchell, Field Representative

Larry Ward
August 29, 2008
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Upon receipt of the signed MOU or Addendum from each county, the ERDS Program Manager will sign and return a copy to the county representative for their records. A copy of the signed document will be forwarded to the Department of Justice's Accounting office, who will generate an invoice for payment due. Upon receipt of the invoice, the county will send the said lump sum payment along with the bottom portion of the invoice to the address as referenced in the MOU and on the invoice.

*******DO NOT SEND PAYMENT AT THIS TIME*******

If you have any questions please feel free to contact The ERDS Program at (916) 227-8907.

Sincerely,



DENISE BLANTON, Manager
Department of Justice
Electronic Recording Delivery System
Program

For EDMUND G. BROWN JR.
Attorney General

Attachments

**Fiscal Year 2008/09 Addendum to Memorandum of Understanding
Department of Justice
Electronic Recording Delivery System
Costs for Regulation and Oversight**

Parties

This Addendum to the Memorandum of Understanding (Addendum) is between the California Department of Justice, hereinafter referred to as "DOJ" and the County of Riverside, hereinafter referred to as "County."

Incorporation by Reference of MOU

Both County and DOJ agree that the terms of the MOU, previously executed, continue to operate and are incorporated herein by reference.

Purpose

The purpose of this Addendum is to continue the agreement found in the MOU previously executed by the parties to comply with the Electronic Recording Delivery Act of 2004 (ERDA) (Gov. Code, §§ 27390-27399; "Act") This Addendum shall operate to bind the parties to the final proportionate costs to the County for fiscal year 2008/09. These costs include the costs for regulation and oversight.

Agreement

DOJ and County hereby consent and agree that County will pay DOJ for the direct cost of regulation and oversight in support of the Act, as set forth in Article 6 (commencing with Section 27390) to Chapter 6 of Division 2 of Title 3. The final proportionate cost for fiscal year 2008/09 is attached and incorporated by reference. Upon receipt of payment, the County is authorized to participate in the Electronic Recording Delivery System (ERDS).

Term of Addendum

The term of this Addendum operates for fiscal year 2008/09.

MOU Representatives

The Addendum representatives during the term of this Addendum are:

County of: Riverside	Department of Justice
Name:	Name: Denise Blanton
Phone:	Phone: (916) 227-3736
Fax:	Fax: (916) 227-0595
E-mail:	E-Mail: denise.blanton@doj.ca.gov

Agreed and Accepted

Certification of Addendum Representatives

I certify that I have read and understand the aforementioned statements and agree to comply with the requirements contained herein:

County of: Riverside	Department of Justice
Name:	Name: Denise Blanton
Signed: _____	Signed: _____
Dated: _____	Dated: _____

Attachments: Final Proportionate Costs: Expenditure Report:	Attachment A Attachment B
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2008-2009 Final Proportionate Cost

<i>County Code</i>	<i>County Name</i>	<i>Recordings*</i>	<i>% of Recordings</i>	<i>Final County Cost **</i>
1	Alameda	436,313	4.82%	\$16,230.66
7	Contra Costa	387,831	4.29%	\$14,427.15
9	El Dorado	79,723	0.88%	\$2,965.66
10	Fresno	229,480	2.54%	\$8,536.56
15	Kern	255,373	2.82%	\$9,499.77
19	Los Angeles	2,512,333	27.77%	\$93,457.70
21	Marin	80,635	0.89%	\$2,999.59
28	Napa	48,721	0.54%	\$1,812.40
30	Orange	759,625	8.40%	\$28,257.72
31	Placer	122,748	1.36%	\$4,566.17
33	Riverside	773,308	8.55%	\$28,766.72
34	Sacramento	488,639	5.40%	\$18,177.16
36	San Bernardino	721,551	7.97%	\$26,841.39
37	San Diego	895,646	9.90%	\$33,317.64
41	San Mateo	183,030	2.02%	\$6,808.64
43	Santa Clara	533,737	5.90%	\$19,854.79
44	Santa Cruz	44,016	0.49%	\$1,637.38
48	Solano	144,512	1.60%	\$5,375.78
54	Tulare	111,604	1.23%	\$4,151.62
56	Ventura	239,264	2.64%	\$8,900.52
Total		9,048,089		\$336,585.00

* Recordings are based on what the counties submitted to the Insurance Commissioner in 2007 per the LOI

** The total documents recorded and filed by the participating counties, as reported to the Office of the Insurance Commissioner pursuant to Section 27296 of the Government Code, for the previous calendar year. A percentage figure will be calculated, by dividing the total documents recorded per participating county, by the total documents recorded for all participating counties; The percentage figure is applied to the estimated annual costs of the ERDS Program to arrive at each participating county's System Administrative Fee.

PROJECTIONS
ERDS Expenditure/Collections Report

COLLECTIONS

YTD Collections (November 2004 through June 2008)	2,191,847.00
Interest on Collections	28,805.00
Total Collections	2,219,996.00

EXPENDITURES

Summary of ERDS Program Expenditures (November 2004 through June 2008)	1,992,557.00
2008-09 ERDS Projected Expenditures	368,000.00
1/ Expenditure Credit Applied to (2008-09) for Subsequent Years (2007-08)	(31,415.00)
2008-09 Projected MOUs	336,585.00

1/Expenditure credits will be applied one year in arrears to allow for fiscal year liquidation.