

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

358



FROM: Assessor-County Clerk-Recorder

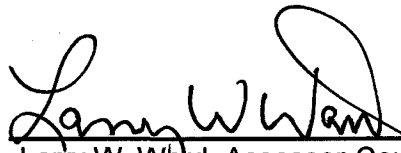
SUBMITTAL DATE:
09/16/2009

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

RECOMMENDED MOTION: That the Board of Supervisors:

- 1) Approve the attached Fiscal Year 2009/10 Addendum to Memorandum of Understanding with the California Department of Justice for the Electronic Recording Delivery System, effective for the period July 1, 2009, through June 30, 2010.
- 2) Authorize the Purchasing Agent to execute administrative amendments and exercise the options to renew for an additional five one year periods.

BACKGROUND: On May 16, 2006, the Riverside County Board of Supervisors authorized the Riverside County Recorder to collaborate with the 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 amount includes the costs for regulation and oversight and is not expected to exceed \$34,617.


Larry W. Ward, Assessor-County Clerk-Recorder

FINANCIAL DATA	Current F.Y. Total Cost:	\$ 34,617	In Current Year Budget:	Yes
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	No
	Annual Net County Cost:	\$ 0	For Fiscal Year:	2009-10

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

FORM APPROVED COUNTY COUNSEL
 BY: ANNA W. WANG
 DATE: 9/17/09
 Purchasing: Mark Selter, Assistant Director

Consent
 Policy
 Consent
 Policy
 Dept. Recomm.:
 Per Exec. Ofc.:

Date: September 17, 2009
From: John O'Neil for Larry W. Ward
Department/Agency: Assessor-County Clerk-Recorder
To: Board of Supervisors
Via: Purchasing Agent
Subject: Sole Source Procurement; California Department of Justice MOU

The below information is provided in support of my Department requesting approval for a sole source. Outside of a duly declared emergency, the time to develop a statement of work or specifications is not in itself justification for sole source.

Supply/Service being requested: Participation in the California (CA) Department of Justice's (DOJ) development of regulations and oversight to ensure the County of Riverside's future electronic recording.

Supplier being requested: CA DOJ

Alternative suppliers that can or might be able to provide supply/service: None.

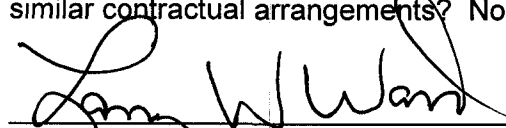
Extent of market search conducted: None, due to no other known authority.

Unique features of the supply/service being requested from this supplier, which no alternative supplier can provide: The authority to establish regulations and oversight related to electronic recording.

Reasons why my department requires these unique features and what benefit will accrue to the county: The Recorder requires this participation to ensure compliance for its forthcoming practice of electronic recording. The County accrues the benefit of efficiency and paperless recordings.

Price Reasonableness: The cost for this service is shared by the 23 participating counties based on their percentage of recordings.

Does moving forward on this product or service further obligate the county to future similar contractual arrangements? No.

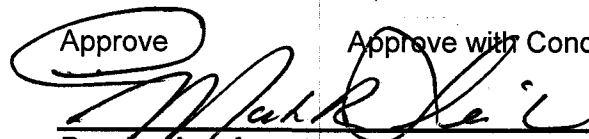


Department Head Signature

September 16, 2009

Date

Purchasing Department Comments:

Approve Approve with Condition/s Disapprove


Purchasing Agent 9-16-09
Date

EDMUND G. BROWN JR.
Attorney General

State of California
DEPARTMENT OF JUSTICE



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

August 31, 2009

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

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

Dear County Recorder:

Thank you for responding to our April 30, 2009 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 costs of \$34,616.79 for participation in the 2009/2010 Fiscal Year. Twenty three (23) 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 2009/10.

In addition, enclosed is the MOU or the MOU Addendum between the Department of Justice (DOJ) and Riverside County. The MOU or the Addendum is an agreement of your county's participation in the funding of the ERDS program. Please review and complete the information requested within the MOU. Specifically, please complete the MOU representative information, sign and date the MOU or Addendum and return it by September 30, 2009 to:

Department of Justice
Electronic Recording Delivery System
P.O. Box 160526
Sacramento, CA 95816-0526
Attn: Denise Blanton, Manager

**Fiscal Year 2009/2010 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 2009/10. 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 2009/10 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 2009/10.

2009-2010 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	363,977	4.92%	\$17,364.57
7	Contra Costa	297,267	4.02%	\$14,181.98
9	El Dorado	61,726	0.83%	\$2,944.82
10	Fresno	178,003	2.40%	\$8,492.15
15	Kern	214,543	2.90%	\$10,235.39
19	Los Angeles	1,898,408	25.65%	\$90,569.03
21	Marin	61,836	0.84%	\$2,950.06
24	Merced	67,118	0.91%	\$3,202.06
28	Napa	36,586	0.49%	\$1,745.44
29	Nevada	36,730	0.50%	\$1,752.31
30	Orange	597,314	8.07%	\$28,496.59
31	Placer	57,092	0.77%	\$2,723.74
33	Riverside	725,599	9.80%	\$34,616.79
34	Sacramento	417,191	5.64%	\$19,903.30
36	San Bernardino	573,468	7.75%	\$27,358.95
37	San Diego	713,542	9.64%	\$34,041.58
39	San Joaquin	200,005	2.70%	\$9,541.82
41	San Mateo	139,687	1.89%	\$6,664.17
42	Santa Barbara	37,444	0.51%	\$1,786.37
43	Santa Clara	427,407	5.77%	\$20,390.68
44	Santa Cruz	30,235	0.41%	\$1,442.45
54	Tulare	87,892	1.19%	\$4,193.14
56	Ventura	179,459	2.42%	\$8,561.61
Total		7,402,529		\$353,159.00

* Recordings are based on what the counties submitted to the Insurance Commissioner in 2008 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.

August 31, 2009

PROJECTIONS
ERDS Expenditure/Collections Report

COLLECTIONS

YTD Collections (November 2004 through June 2009)	2,531,254.00
Interest on Collections	37,249.00
Total Collections	2,568,503.00

EXPENDITURES

Summary of ERDS Program Expenditures (November 2004 through June 2009)	2,251,760.00
2009-10 ERDS Projected Expenditures	388,159.00
1/ Expenditure Credit Applied to (2009-10) for Subsequent Years (2008-09)	-35,000.00
2009-10 Projected MOUs	353,159.00

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