

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

627



FROM: Assessor-County Clerk-Recorder

SUBMITTAL DATE:

January 4, 2010

SUBJECT: Adoption of Resolution 2010-037, a Resolution of the Board of Supervisors of the County of Riverside Approving the County of Riverside Compliance with the Electronic Recording Delivery System Program Regulations

RECOMMENDED MOTION: That the Board of Supervisors:

- 1) Approve Resolution 2010-037, a Resolution by the Board of Supervisors of the County of Riverside Approving the County of Riverside Compliance with the Electronic Delivery System Program Regulations

BACKGROUND: On September 27, 2005, the Board of Supervisors approved Agenda item number 3.10, Memorandum of Understanding with the California Attorney General Department of Justice (DOJ) for developing and implementing regulations for a statewide electronic recording delivery system. On February 26, 2008, a Public Hearing was held for Agenda item number 9.3, whereby Resolution 2008-073, a Resolution of the Riverside County Board of Supervisors approving the participation of the Riverside County Recorder in the Electronic Delivery Act of 2004 was adopted, and County Ordinance 876, an Ordinance of the County of Riverside Establishing a Recording Fee Under The Electronic Recording Delivery Act of 2004, was approved. On July 29, 2008, the Board of Supervisors approved Agenda item number 3.17, Approval of the Multi-County Agreement between the Counties of Los Angeles, Orange, Riverside, and San Diego for the shared ownership and ongoing maintenance of an Electronic Recording Delivery System.

[Signature]

Larry W. Ward, Assessor-County Clerk-Recorder

FORM APPROVED COUNTY COUNSEL
DATE: 1/4/10
BY: ANNA W. WANG

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:	2009-10

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: *[Signature]*
Rob Rockwell

County Executive Office Signature

Consent
 Policy
 Consent
 Policy

Dept's Recomm.:
 Per Exec. Ofc.:

The Honorable Board of Supervisors

RE: Approval of Resolution 2010-037 a Resolution of the Board of Supervisors of the County of Riverside Approving the County of Riverside Compliance with the Electronic Recording Delivery System Program Regulations

January 4, 2010

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The Multi-County Agreement between county Recorders in Los Angeles, Orange, Riverside, and San Diego is a collaborative effort and allows authorized statewide and national submitters to record documents electronically via a portal. The benefits of this portal include reduced costs to individual counties, closer communication between southern California title companies and service providers, and quicker, streamlined, confirmation times for title companies.

Resolution 2010-037 is required to allow for the certification of Riverside County's electronic recording delivery system by the State Office of the Attorney General.

2 RESOLUTION NO. 2010-037

3 A RESOLUTION OF THE BOARD OF SUPERVISORS

4 OF THE COUNTY OF RIVERSIDE

5 APPROVING THE COUNTY OF RIVERSIDE COMPLIANCE WITH THE
6 ELECTRONIC RECORDING DELIVERY SYSTEM PROGRAM REGULATIONS

7
8 WHEREAS, California Assembly Bill 578, Chapter 621,
9 September 21, 2004 added to Government Code, Chapter 6 sections
10 27390 through 27399, and established the Electronic Recording
11 Delivery Act (ERDA) of 2004. Government Code section 27391(a)
12 authorizes a County Recorder upon approval by resolution of the
13 Board of Supervisors to establish an electronic recording
14 delivery system, for the delivery, and applicable, return of
15 specified digitized electronic records and digital electronic
16 records upon system certification by the Electronic Recording
17 Delivery System (ERDS) Program.

18 WHEREAS, Government Code section 27397(c)(1) authorizes a
19 County Recorder to impose a fee in an amount up to and including
20 one dollar (\$1) for each real property instrument that is
21 recorded by county; and

22 WHEREAS, Government Code section 27397(c)(2) authorizes a
23 County Recorder to impose a fee upon any vendor seeking approval
24 of software and other services as part of an electronic recording
25 delivery system and upon any person seeking to contract as an
26 Authorized Submitter; and

27 WHEREAS, the ERDS Program has established regulations and
28 has been delegated the authority for system certification,
29 regulations and oversight of Electronic Recording Delivery
30 Systems and a County Recorder shall comply with all ERDS
31 regulations; and

32 NOW, THEREFORE BE IT RESOLVED that the Board of Supervisors
33 of the County of Riverside approves the Assessor-County Clerk-
34 Recorder to:

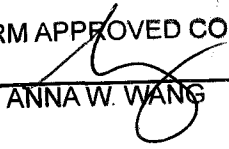
- 1 (1) Establish a Multi-County ERDS for Type 1 and Type 2
2 instruments, and when applicable, the return functions.
- 3 (2) Conduct all negotiations, execute and submit all
4 documents necessary for the establishment of an
5 Electronic Recording Delivery System.
- 6 (3) Impose a fee upon any person seeking to contract as an
7 Authorized Submitter.
- 8 (4) Use internal county resources to coordinate with our
9 current recording system vendor, Tyler Technologies,
10 Inc., for the ERDS implementation.
- 11 (5) Enter into a Memorandum of Understanding with the ERDS
12 Program, before system certification, agreeing to the
13 computer System Administration Fee and annually
14 thereafter by an addendum to the Memorandum of
15 Understanding.
- 16 (6) Issue payments to the ERDS Program for the County's
17 proportionate share of the System Administrative Fee; and

18 **BE IT FURTHER RESOLVED** that the Assessor County-Clerk-Recorder
19 shall:

- 20 (1) Submit an application for system certification to the
21 ERDS Program; and, in doing so will comply with the
22 California Code of Regulations, Title 11, Division 1,
23 Chapter 18, Articles 1 through 9; and
- 24 (2) Designate those individuals with secure and authorized
25 access to the ERDS compliant with Government Code section
26 27395(b); and
- 27 (3) Notify the ERDS Program if an individual who has secure
28 access no longer requires that access compliant with the
29 California Penal Code section 11105.2(d); and
- 30 (4) Notify the Board of Supervisors, District Attorney,
31 Computer Security Auditor on contractual agreement, and
32 ERDS Program if there are any known or suspected security
33 violations that compromises the safety and/or security of
34 the ERDS; and

- 1 (5) Notify the ERDS Program if there is a change of the
2 Assessor-County Clerk-Recorder; and
3 (6) Notify the ERDS Program if the County wishes to withdraw
4 their system certification.

5 THE FOREGOING RESOLUTION WAS DULY ADOPTED by the Board of
6 Supervisors of the County of Riverside, State of California,
7 on the _____ day of _____, 2010.
8

FORM APPROVED COUNTY COUNSEL
BY:  11/4/10
ANNA W. WANG DATE