

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.

  
Larry W. Ward, Assessor-County Clerk-Recorder

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

☐

Requires 4/5 Vote

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C.E.O. RECOMMENDATION:

APPROVE

BY:

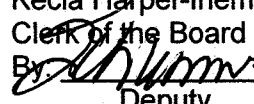
  
Rob Rockwell

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Tavaglione, seconded by Supervisor Stone and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Buster, Tavaglione, Stone, Benoit and Ashley  
Nays: None  
Absent: None  
Date: January 12, 2010  
xc: ACR

Kecia Harper-Ihem  
Clerk of the Board  
By:   
Deputy

Prev. Agn. Ref.: 7/29/2008, No. 3.17

District:

Agenda Number:

3.5

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

Policy  
☐

Consent  
☒

Dep't Recomm:  
☐

Policy  
☐

Consent  
☒

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 12th day of Jan., 2010.  
8

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

ROLL CALL:

Ayes: Buster, Tavaglione, Stone, Benoit, and Ashley  
Nays: None  
Absent: None

The foregoing is certified to be a true copy of a resolution duly adopted by said Board of Supervisors on the date therein set forth.

KECIA HARPER-IHEM, Clerk of said Board

By: \_\_\_\_\_  
Deputy