

THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY, CALIFORNIA

and for Special Districts, Agencies and Authorities Governed by the Board

Adopted this Resolution on 12/15/2020 by the following vote:

John Gioia
Candace Andersen
AYE: **Diane Burgis**
Karen Mitchoff
Federal D. Glover

NO:

ABSENT:

ABSTAIN:

RECUSE:



Resolution No. 2020/339

IN THE MATTER OF AUTHORIZING THE COUNTY CLERK-RECORDER OR DESIGNEE TO ENTER INTO CERTAIN MEMORANDA OF UNDERSTANDING AND TAKE OTHER ACTIONS TO ESTABLISH AN ELECTRONIC RECORDING DELIVERY SYSTEM UNDER THE ELECTRONIC RECORDING DELIVERY ACT OF 2004

WHEREAS, California Government Code section 27390 et seq. (the "Electronic Recording Delivery Act of 2004" or "ERDA") authorizes a county recorder to establish an Electronic Recording Delivery System ("ERDS") for the recording of specified digitized and digital electronic records; and

WHEREAS, on November 1, 2005, the Board of Supervisors of Contra Costa County approved the County's participation in ERDA and authorized the County Clerk-Recorder, or designee, to negotiate and execute Memoranda of Understanding agreements necessary to implement County participation in the ERDA; and

WHEREAS, under the ERDA, the State Attorney General has established regulations and has the authority for system certification, regulation and oversight of electronic recording delivery systems and the County Recorder shall comply with all such ERDA regulations if it is to participate in an electronic recording delivery system; and

WHEREAS, the County must sign a yearly Letter of Intent and an Addendum to a Memorandum of Understanding with the State Department of Justice in order to continue participation in the ERDS, which the Board of Supervisors authorized on June 21, 2011; and

WHEREAS, Government Code section 27397(c)(1) authorizes a County Recorder to impose a fee in the amount up to and including one dollar (\$1) for each real property instrument that is recorded and the Board of Supervisors of Contra Costa County has authorized this fee in Ordinance 2009-34; and

WHEREAS, the ERDA authorizes a County Recorder to enter into contracts (submitter agreements) with authorized submitters who wish to submit real property records electronically; and,

WHEREAS, the Statewide Electronic Courier Universal Recording Environment ("SECURE"), a multi-county system jointly owned by Los Angeles, Orange, Riverside and San Diego Counties, has standardized electronic recording of documents across multiple owner and partner counties by creating a system that is developed, operated and maintained by the owner counties; and

WHEREAS, SECURE has developed an electronic recording delivery system, approved by the State Attorney General (the "SECURE ERDS"), that allows certain "submitters" under the ERDA and government agencies to electronically submit real property documents for recording; and

WHEREAS, the County's participation in the SECURE ERDS will be efficient and expedite the implementation of electronic recording of real property documents in the County; and

WHEREAS, on November 10, 2020, the Board of Supervisors of Contra Costa County by board order approved and authorized the County Clerk-Recorder, or designee, to execute a Memorandum of Understanding to participate in the SECURE Electronic Recording Delivery System;

NOW, THEREFORE, BE IT RESOLVED that the County of Contra Costa Board of Supervisors:

1. Finds and declares that the foregoing recitals are true and correct.
2. Authorizes the County to participate in the Electronic Recording Delivery System, as set forth in Government Code section 27390 et seq.
3. Authorizes the Clerk-Recorder, or designee, to participate in electronic recording via the SECURE ERDS by executing a Memorandum of Understanding and complying with the ERDA.
4. Authorizes the Clerk-Recorder, or designee, to submit applications for system certification to the ERDS Program and, in doing so, comply with California Code of Regulations, Title 11, Division 1, Chapter 18, Articles 1 through 9; and,
5. Directs the Clerk-Recorder and staff to comply with the ERDA and regulations issued under the ERDA, including conducting fingerprinting and criminal background checks on persons with secure access to the SECURE ERDS, as required by Government Code section 27395(b), and to notify the State Attorney General ERDS Program if there is a change of County Recorder or if the County wishes to withdraw its system certification.
6. Authorizes the Clerk-Recorder, or designee, to issue payments to SECURE for the County's participation in the SECURE ERDS based on the volume of documents recorded with the Clerk-Recorder for which an electronic recording fee (\$1.00) is collected.

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: December 15, 2020

David J. Twa, County Administrator and Clerk of the Board of Supervisors

By:  Jane McHuen, Deputy

Contact: Val Handfield, 925-335-7898

cc: