



Contra
Costa
County

To: Board of Supervisors
From: Joseph E. Canciamilla, Clerk-Recorder
Date: December 6, 2016

Subject: Delegating Certain MOU Execution Authority to CERTNA Executive Director

RECOMMENDATION(S):

ADOPT Resolution No. 2016/653 delegating authority to the Executive Director of the California Electronic Recording Transaction Network Authority to execute, on behalf of the County, certain Memoranda of Understanding (MOUs) with electronic recording submitters, and APPROVE and AUTHORIZE the County Clerk-Recorder to execute a certificate of such delegation, attached, to the CERTNA Executive Director.

FISCAL IMPACT:

No fiscal impact.

BACKGROUND:

In 2012, the Board of Supervisors authorized the County Clerk-Recorder to execute a Memorandum of Understanding (MOU) with the California Electronic Recording Network Authority (CERTNA) to participate in the CERTNA Electronic Recording Delivery System (ERDS). The ERDS modernized the County's recording function by allowing it to accept specific digitized records for recording from authorized submitters, such as title companies and lenders.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **12/06/2016** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Mary N. Piepho, District III Supervisor
Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

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 6, 2016

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

By: June McHuen, Deputy

Contact: Barbara Dunmore
925-335-7919

cc:

Historically, the County Clerk-Recorder has approved MOUs with individual submitters to utilize ERDS. The County Clerk-Recorder has executed and managed hundreds of MOUs with submitters since implementation of the system. CERTNA and its member counties recognize the need to achieve efficiencies by streamlining operations to attract more submitters; thus, increasing utilization of electronic recording.

BACKGROUND: (CONT'D)

To streamline the process, member counties, in conjunction with CERTNA, are proposing that CERTNA enter into MOUs with submitters on behalf of counties by delegating such authority to the CERTNA Executive Director. The "unified" MOU will reduce the time each county spends approving and managing individual MOUs and alleviate a paper-intensive process, while each county retains the final authority to accept, reject, or discontinue any submitter. As of November 1, 2016, 40 percent of CERTNA counties had adopted the unified MOU.

In addition to operational efficiencies, the updated MOU between submitters and counties provides additional protections related to the County's performance under the MOU and it requires the submitter to defend and indemnify the County and CERTNA against copyright and patent infringement, and other intellectual property-related claims.

CONSEQUENCE OF NEGATIVE ACTION:

The County Clerk-Recorder will continue executing MOUs with individual submitters and will not realize the efficiencies afforded by the unified MOU.

ATTACHMENTS

Resolution No. 2016/653

CERTNA Res. 2016-001

Certificate of Delegation

Unified MOU