



Contra
Costa
County

To: Board of Supervisors
From: Joseph E. Canciamilla, Clerk-Recorder
Date: January 17, 2017

Subject: Agreement with the CERTNA Electronic Delivery System

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Clerk-Recorder to enter into an agreement with the California Electronic Recording Network Authority (CERTNA) for three years to continue participation in CERTNA's Electronic Recording Delivery System (ERDS), with a payment not to exceed \$240,000.

FISCAL IMPACT:

There is no fiscal impact to the County General Fund for this program. It is paid for with dedicated Recorder ERDS trust fund monies. The annual cost is determined by the number of real property documents recorded in the previous fiscal year for which an electronic recording delivery fee was collected, as specified in the CERTNA MOU.

BACKGROUND:

On November 1, 2005, the Board of Supervisors approved the County's participation in the Electronic Recording Delivery Act of 2004 (the "ERDA") and authorized the County Clerk-Recorder, or designee, to negotiate and execute those agreements necessary to implement the County's participation in the ERDA. Following this authorization, CERTNA, a California joint powers agency, was established in 2007. CERTNA standardized

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY

☐ RECOMMENDATION OF BOARD

ADMINISTRATOR

COMMITTEE

Action of Board On: **01/17/2017** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Diane Burgis, 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: January 17, 2017

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

By: Rolanda Hartfield, Deputy

Contact: Barbara Dunmore
925-335-7919

cc:

electronic recording of documents

BACKGROUND: (CONT'D)

across multiple member counties by creating an umbrella agency to develop, operate and maintain an ERDS. CERTNA's ERDS, which was approved by the State Attorney General, allows government agencies and submitters under the ERDA to electronically submit real property documents for recording.

May 22, 2012, the Board of Supervisors adopted Resolution No. 2012/228. The Resolution authorized the County Clerk-Recorder, or designee, to execute an MOU with CERTNA to participate in ERDS for three years. Participation in CERTNA ERDS has allowed the County Clerk-Recorder to accept electronic recording of real property documents from authorized submitters (such as title companies and institutional lenders) as provided for in the Electronic Recording Delivery Act (ERDA) of 2004. Currently, more than 51% of the County's real property documents are recorded electronically.

Approval of this agenda item will authorize the County Clerk-Recorder to execute the MOU to continue participation in the CERTNA ERDS for an additional term of three-year and payment of an annual amount not to exceed \$80,000 and \$240,000 over the term of the contract through May 21, 2018. CERTNA's ERDS is approved by the California State Attorney General and allows government agencies and submitters under the ERDA to electronically submit real property documents for recording.

CONSEQUENCE OF NEGATIVE ACTION:

Failure to approve and authorize the Clerk-Recorder to execute the MOU with CERTNA will end the County's participation in the CERTNA ERDS and the County will no longer provide title companies and lending institutions the ability to record electronically which will negative impact customer service and eliminate the flexibility and speed currently provided to our recording partners which ultimately benefits the public.