



**Contra
Costa
County**

To: Board of Supervisors
From: Joseph E. Canciamilla, Clerk-Recorder
Date: May 8, 2018

Subject: Memorandum of Understanding with CeRTNA for Participation in the Electronic Recording Delivery System

RECOMMENDATION(S):

APPROVE and AUTHORIZE the County Clerk-Recorder to execute a Memorandum of Understanding (MOU) with the California Electronic Recording Transaction Network Authority (CeRTNA) for the period May 21, 2018 through May 21, 2021, to continue participation in CeRTNA's Electronic Recording Delivery System (ERDS), with a payment limit not to exceed \$240,000.

FISCAL IMPACT:

There is no fiscal impact to the County General Fund for this program. It is funded 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). CeRTNA, a California joint

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **05/08/2018** ☒ 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: May 8, 2018

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

By: June McHuen, Deputy

Contact: Laura Wilson,
925-335-7921

cc:

powers agency, was established in 2007. CeRTNA standardized electronic recording of documents across multiple member counties

BACKGROUND: (CONT'D)

by creating an umbrella agency to develop, operate and maintain an Electronic Recording Delivery System (ERDS). 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.

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.

On January 17, 2017, the Board of Supervisors authorized the County Clerk-Recorder to execute the MOU with CeRTNA continuing participation in the CeRTNA ERDS through May 21, 2018.

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 years and payment of an annual amount not to exceed \$80,000 and \$240,000 over the term of the contract through May 21, 2021. 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 documents electronically, which will negatively impact customer service and eliminate the flexibility and speed currently provided to our recording partners, which ultimately benefits the public.