



Contra  
Costa  
County

To: Board of Supervisors  
From: Deborah R. Cooper, Clerk-Recorder  
Date: November 10, 2020

Subject: Memorandum of Understanding with SECURE Electronic Recording Delivery System

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**RECOMMENDATION(S):**

APPROVE and AUTHORIZE the County Clerk-Recorder, or designee, to execute a Memorandum of Understanding (the "SECURE MOU") with the Counties of Orange, Los Angeles, Riverside, and San Diego to participate in the SECURE Electronic Recording Delivery System, in an amount of \$50,000 for an initial fee and an annual fee not to exceed \$110,000, for a term beginning upon the execution of the agreement and continuing until August 23, 2023.

**FISCAL IMPACT:**

There is no impact to the County General Fund for this program. It will be paid for with dedicated Recorder Electronic Delivery System ("ERDS") Trust fund monies. The initial "buy-in" fee and the annual cost are determined by the number of real property documents recorded in the previous year, as specified in the SECURE 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"). (Item #57.) The Board authorized the County Clerk-Recorder, or designee, to negotiate and execute those

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY

☐ RECOMMENDATION OF BOARD

ADMINISTRATOR

COMMITTEE

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Action of Board On: **11/10/2020** ☒ 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: November 10, 2020

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

By: June McHuen, Deputy

Contact: 9253357898

cc:

agreements necessary to implement the County's participation in the ERDA.

### BACKGROUND: (CONT'D)

There are two approved Electronic Recording Delivery Systems (“ERDS”) in the State of California – CERTNA and SECURE. These systems allow government agencies and submitters under the ERDA to electronically submit real property documents for recording. On May 22, 2012, the Board of Supervisors adopted Resolution No. 2012/228, which authorized the County Clerk-Recorder, or designee, to execute an MOU with CERTNA to participate in ERDS. The County Clerk-Recorder currently participates in ERDS through CERTNA.

Approval of this agenda item will authorize the County Clerk-Recorder to execute the SECURE MOU and allow participation in the SECURE ERDS for a term which expires on August 18, 2023. Under the MOU, the County will pay an initial “buy-in” amount of \$50,000 and an annual amount not to exceed \$110,000, for an estimated total of \$340,000 over the term of the MOU. The SECURE MOU contains a mutual indemnification clause. SECURE’s ERDS is approved by the California State Attorney General.

### CONSEQUENCE OF NEGATIVE ACTION:

Failure to approve and authorize the Clerk-Recorder to execute the MOU with SECURE will limit the County's participation to one ERDS. This may result in the County lacking flexibility and speed in interacting with our recording partners, which ultimately could be to the detriment of the public.

### ATTACHMENTS

SECURE MOU