



Contra
Costa
County

To: Board of Supervisors
From: Deborah R. Cooper, Clerk-Recorder
Date: December 15, 2020

Subject: Establish Electronic Recording Delivery System (ERDS)

RECOMMENDATION(S):

ADOPT Resolution No. 2020/339 establishing an Electronic Recording Delivery System (ERDS) pursuant to the State Electronic Recording Delivery Act of 2004.

FISCAL IMPACT:

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

BACKGROUND:

The Electronic Recording Delivery Act of 2004 ("ERDA") was established by AB 578 to authorize a county recorder, upon approval by resolution of the board of supervisors and system certification by the Attorney General, to establish an electronic recording delivery system for the delivery for recording of specified digitized and digital electronic records. Use of ERDS for electronic recording of real property documents allows authorized submitters (such as title insurers and institutional lenders) to record with more flexibility and speed, which benefits the public.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **12/15/2020** ☒ 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: December 15, 2020

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

By: June McHuen, Deputy

Contact: Val Handfield,
925-335-7898

cc:

BACKGROUND: (CONT'D)

On November 1, 2005, the Board of Supervisors approved the County's participation in ERDA and authorized the County Clerk-Recorder, or designee, to negotiate and execute Memoranda of Understanding necessary to implement County participation in the ERDA. On May 22, 2012, the Board of Supervisors by resolution established and authorized the Clerk-Recorder to participate in an ERDS by executing the Memoranda of Understanding with CERTNA. Pursuant to ERDA, Resolution No. 2020/339 establishes an ERDS, which gives the County the flexibility to contract with any ERDS provider certified by the Attorney General. While the Clerk-Recorder is currently using the CERTNA ERDS, the Board of Supervisors approved and authorized the County Clerk-Recorder to enter into a Memorandum of Understanding with SECURE on November 10, 2020.

The Statewide Electronic Courier Universal Recording Environment ("SECURE") is a multi-county ERDS jointly owned by Los Angeles, Orange, Riverside and San Diego Counties. SECURE has developed an electronic recording delivery system, approved by the State Attorney General (the "SECURE ERDS"), that allows government agencies and submitters approved under the ERDA to electronically submit real property documents for recording.

SECURE is a standardized ERDS that is developed, operated and maintained by the owner counties and used by 15 partner and owner counties, which include the majority of large California counties.

CONSEQUENCE OF NEGATIVE ACTION:

Failure to adopt Resolution No. 2020/339 will prevent the County from establishing an ERDS that provides it the flexibility to contract with any ERDS provider certified by the Attorney General.

ATTACHMENTS

Resolution 2020/339