

RESOLUTION NO. 21-099

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS APPROVING THE COUNTY OF MENDOCINO TO ESTABLISH AN ELECTRONIC RECORDING DELIVERY SYSTEM

WHEREAS, California Assembly Bill 578, Chapter 621, September 21, 2004 added to the Government Code Chapter 6, sections 27390 through 27399, and established the Electronic Recording Delivery Act (ERDA) of 2004; and

WHEREAS, Government Code section 27391(a) authorizes a County Recorder upon approval by resolution of the Board of Supervisors to establish an electronic recording delivery system, for the delivery and, when applicable, return of specified digitized electronic records and digital electronic records upon system certification by the Electronic Recording Delivery Systems (ERDS) Program under the oversight of the California Department of Justice; and

WHEREAS, Government Code section 27397(c)(1) authorizes a County Recorder to impose a fee in an amount up to and including one dollar (\$1) for each real property instrument that is recorded by county and deposited into an account set up by the Department of Financial Services, the Clerk-Recorder E-Recording Trust Fund; and

WHEREAS, the ERDS Program has established regulations and has been delegated the authority for system certification, regulations and oversight of Electronic Recording Delivery Systems and the County Recorder shall comply with all ERDS regulations.

NOW, THEREFORE, BE IT RESOLVED that the Mendocino County Board of Supervisors hereby authorizes the Mendocino County Clerk-Recorder to:

- Participate as a "client" sub-county in CeRTNA, an approved Multi-County ERDS for Type 1 and Type 2 instruments, and when applicable, the return function for said instruments, where a "Type 1-instrument is defined to mean an instrument affecting a right, title, or interest in real property and which shall be delivered as digitized electronic records, and where a "Type 2" instrument is defined to mean an instrument of reconveyance, substitution of trustee, or assignment of deed of trust;
- Conduct all negotiations, execute and submit all documents necessary for the establishment and implementation, including any necessary amendments thereto and subject to concurrence by County Counsel and Risk Management, of an ERDS;
- Enter into a "client" sub-county agreement with CeRTNA, an approved Multi-County ERDS, for an ERDS implementation;
- Commence the imposition of an electronic recording fee not to exceed one dollar (\$1.00) for each instrument that is recorded by the County to be used for payment of County costs for implementation and participation in electronic recording under the ERDA;
- Enter into a Memorandum of Understanding with the ERDS Program under the California Department of Justice and before system certification, agreeing to the computer System Administration Fee and annually thereafter by an addendum to the Memorandum of Understanding, and issue payments to the ERDS Program for the County's proportionate share of the System Administrative Fee; and
- Submit an application for system certification to the ERDS Program; and, in doing so to comply with the California Code of Regulations, Title 11, Division 1, Chapter 18, Articles 1 through 9; and

BE IT FURTHER RESOLVED by the Board of Supervisors of the County of Mendocino, that upon submission of an application for system certification to the ERDS Program, the Mendocino County Recorder is required to:

- Designate those individuals with secure and authorized access to an ERDS comply with Government Code section 27395(b); and thereafter to:
- Notify the ERDS Program if an individual that has secure access no longer requires that access comply with the California Penal Code section 1 1105.2(d) ;
- Notify the Board of Supervisors, District Attorney, Computer Security Auditor on contractual agreement, and the ERDS Program if there are any known or suspected security violations that compromises the safety and/or security of the ERDS;
- Notify the ERDS Program if there is a change of County Recorder; and
- Notify the ERDS Program if the County wishes to withdraw their system certification.

The foregoing Resolution introduced by Supervisor Haschak, seconded by Supervisor Gjerde, and carried this 13th day of July, 2021, by the following vote:

AYES: Supervisors McGourty, Mulheren, Haschak, Gjerde, and Williams
NOES: None
ABSENT: None

WHEREUPON, the Chair declared said Resolution adopted and SO ORDERED.

ATTEST: CARMEL J. ANGELO
Clerk of the Board

Deputy

APPROVED AS TO FORM:
CHRISTIAN M. CURTIS, County Counsel

Deputy

DAN GJERDE, Chair
Mendocino County Board of Supervisors

I hereby certify that according to the provisions of Government Code section 25103, delivery of this document has been made.

BY: CARMEL J. ANGELO
Clerk of the Board

Deputy