

# **ORIGINAL**

## **Memorandum of Understanding #201-M1011 EL DORADO COUNTY (COUNTY) and the CALIFORNIA ELECTRONIC RECORDING TRANSACTION NETWORK AUTHORITY (CERTNA)**

### **I. Purpose:**

To formally establish a cooperative and mutually beneficial relationship between COUNTY and CERTNA and set forth the initial commitments of the parties to this end.

### **II. Duration of Agreement:**

The Agreement becomes effective on the date signed and shall remain in full force and effect until the terms of the Agreement are accomplished by the parties in accordance with the terms set forth herein or terminated under the provisions as set forth per V.A. of the Agreement.

### **III. General Provisions:**

This Memorandum of Understanding does not create additional jurisdiction or limit or modify existing jurisdiction vested in the parties. It is understood by both parties that each should fulfill its responsibilities under this Agreement in accordance with the provisions of law and regulations that govern their activities. Nothing in this Agreement is intended to negate or otherwise render ineffective any such provisions or operating procedures. If at any time either party is unable to perform its functions under this Agreement consistent with such party's statutory and regulatory mandates, the affected party shall immediately provide written notice to the other to establish a date for mutual resolution of the problem.

### **IV. Responsibilities:**

In consideration of the mutual aims and desires of the parties of this Agreement and in recognition of the public benefit derived from effective implementation of the program involved, the parties agree that their commitments under this Agreement shall be as follows:

#### **A. COUNTY shall, as soon as possible:**

- a. Enter into a Memorandum of Understanding with the California Department of Justice (DOJ) ERDS Program agreeing to the computed System Administration Fee and annually thereafter by an addendum to the Memorandum of Understanding;
- b. Have approved by COUNTY'S Board of Supervisors a resolution to participate in a Multi-County ERDS system as a sub-county;
- c. Have approved by COUNTY'S Board of Supervisors the Joint Powers Agreement establishing COUNTY'S membership in CERTNA;

- d. Have approved by the COUNTY'S Board of Supervisors the authority for the COUNTY'S Recorder to remit to CERTNA an amount not to exceed \$1.00 per chargeable document title for ERDS services;
- e. Any and all other duties/requirements as defined by the DOJ to become certified to perform electronic recording.

B. CERTNA shall:

- a. Provide any information/assistance necessary to establish a certified ERDS system in COUNTY.

**V. Administration and Execution of this MOU:**

A. This MOU shall remain in full force until accomplished or until one year from the date signed. If County becomes unable to accomplish the terms herein, the MOU may be abrogated with ten (10) days written notice to the other party.

B. It is the intent of this MOU that any and all available channels of communication will be used to resolve questions or issues that may arise in the performance of this Agreement.

C. COUNTY and CERTNA personnel shall meet, as necessary and appropriate, to resolve any issues and expedite the process.

WILLIAM SCHULTZ

El Dorado County  
Recorder-Clerk  
Contract Administrator

  
El Dorado County  
Signature Authorized Official

10/12/2009  
Date

LARRY WALKER

CERTNA  
Chairman, Board of Directors

CERTNA  
Signature Authorized Official

\_\_\_\_\_  
Date

Chairman  
Board of Supervisors  
El Dorado County

El Dorado County  
Signature Authorized Official

\_\_\_\_\_  
Date

ATTEST: Suzanne de Allen  
Sanchez, Clerk of the Board of  
Supervisors

\_\_\_\_\_  
Deputy Clerk

\_\_\_\_\_  
Date