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RESOLUTION NO. 026-2010
OF THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO
APPROVING THE COUNTY RECORDER/CLERK ESTABLISH AN ELECTRONIC RECORDING
DELIVERY SYSTEM (ERDS),

WHEREAS, 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. 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 ERDS Program.

WHEREAS, Government Code section 27397(c) (1) authorizes a County Recorder to impose a fee in the amount up to and including one dollar (\$1) for each real property instrument that is recorded and, the Board of Supervisors of El Dorado County have authorized this fee in Resolution 308-2007 and,

WHEREAS, Government Code section 27397(c) (2) authorizes a County Recorder to impose a fee upon any Vendor seeking approval of software and other services as part of an electronic recording delivery system and upon any person seeking to contract as an Authorized Submitter; 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; and,

WHEREAS, THE California Electronic Recording Transaction Network Authority (CERTNA), a California public entity established in July 2007, has standardized electronic recording of documents across multiple member counties by creating an umbrella agency to develop, operate, and maintain an ERDS; and,

WHEREAS, that the El Dorado County Board of Supervisors adopts a resolution approving the County of El Dorado's participation in CERTNA; and approves the County Recorder, or designee, to:

- Represent El Dorado County on the California Electronic Recording Transaction Network Authority (CERTNA) Board of Directors.
- Participate in a Multi-County ERDS for Type 1 and Type 2 instruments, and, when applicable, the return functions as established and operated by CERTNA.
- Issue payments to CERTNA for the County's per document membership fee as established annually by the CERTNA Board of Directors.
- Conduct all negotiations, execute and submit all documents necessary for the establishment and maintenance of an Electronic Recording

Delivery System and participate in the management of CERTNA. Including power to execute the attached copy of Addendum Number 5 to the CERTNA Joint Powers Agreement.

- Impose a fee upon any person seeking to contract as an Authorized Submitter; and,

NOW, THEREFORE, BE IT RESOLVED, that the County Recorder shall, in conjunction with CERTNA:

- Submit an application for system certification to the ERDS Program and, in doing so will comply with California Code of Regulations, Title 11, Division 1, Chapter 18, Articles 1 through 9; and,

- Designate those individuals with secure and authorized access to an ERDS comply with Government Code section 27395(b); and

- Notify the ERDS Program if an individual that has secure access no longer requires that access comply with California Penal Code section 11105.2(d); and

- Notify the Board of Supervisors, District Attorney, Computer Security Auditor on contractual agreement, and ERDS Program if there are any known or suspected security violations that compromise the safety and/or security of the ERDS; and

- 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.

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held the 9th day of March, 2010, by the following vote of said Board:

Ayes: Briggs, Knight, Nutting, Sweeney

Noes: None

Absent: Santiago

Attest:

Suzanne Allen de Sanchez

Clerk of the Board of Supervisors

By: Maicie MacFarland

Deputy Clerk

Raymond J. Nutting
Chairman, Board of Supervisors

Raymond J. Nutting

I CERTIFY THAT:

THE FOREGOING INSTRUMENT IS A CORRECT COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.

Attest: Suzanne Allen de Sanchez, Clerk of the Board of Supervisors of the County of El Dorado, State of California.

By: _____

Deputy Clerk

Date: _____