



RESOLUTION NO. 200-2020

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO

RESOLUTION DELEGATING AUTHORITY TO THE COUNTY RECORDER-CLERK TO TAKE SPECIFIC ACTIONS RELATED TO THE COUNTY'S PARTICIPATION IN THE ELECTRONIC RECORDING DELIVERY ACT OF 2004

WHEREAS, the Electronic Recording Delivery Act of 2004 (ERDA), codified in Government Code Sections 27390 et seq., authorizes a county recorder to establish an Electronic Recording Delivery System (ERDS) for recording specified digitized and digital electronic records pursuant to the provisions thereof and regulations developed by the California Department of Justice; and

WHEREAS, presently there are only two California Department of Justice certified portals for electronic recording available for county recorders in the State, the California Electronic Recording Transaction Authority Joint Powers Agency (CERTNA JPA) and the Statewide Electronic Courier Universal Recording Environment (SECURE); and

WHEREAS, the Board of Supervisors may delegate contracting authority to County officials and has done so from time to time as deemed necessary and in the interest of the County; and

WHEREAS, on March 9, 2010, the Board of Supervisors adopted Resolution No. 026-2010 approving the County's participation in the CERTNA JPA and delegating authority to the County Recorder-Clerk or designee to represent the County on the CERTNA Board of Directors, conduct all negotiations, execute and submit all documents necessary to implement the establishment and maintenance of the ERDS, and participate in the management of CERTNA; and

WHEREAS, as an alternative to CERTNA, SECURE is also a multi-county ERDS allowing county recorders to make use of a single streamlined system, and counties wishing to utilize SECURE can join as partner counties by entering into a Memorandum of Understanding (MOU); and

WHEREAS, delegating authority to the County Recorder-Clerk to take any and all necessary actions to withdraw from the CERTNA JPA and, as an alternative, participate in SECURE will allow for an efficient and streamlined process and ensure continuity of electronic recording services in the County; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors, in and for the County of El Dorado, hereby:

1. Authorizes the Recorder-Clerk to declare the County of El Dorado's intention to withdraw from the CERTNA JPA effective July 1, 2021 and to take any and all necessary actions, including submitting and executing documents, to finalize the withdrawal and ensure continued participation in an electronic recording system under the ERDA;
2. Authorizes the Recorder-Clerk to rescind the withdrawal notice and continue participation in the CERTNA JPA provided the Recorder-Clerk determines that it is cost effective and in the best interest of the County; and

3. Authorizes the Recorder-Clerk to take any and all necessary actions to implement participation in SECURE as an alternative to CERTNA and execute any and all necessary documents including a Memorandum of Understanding containing no less favorable terms as currently exist under the CERTNA JPA, following approval by County Counsel.

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held the 15 day of December, 2020, by the following vote of said Board:

Attest:
Kim Dawson
Clerk of the Board of Supervisors

Ayes: Frentzen, Hidahl, Parlin, Novasel
Noes: None
Absent: None

By: Kyra Schaufley
Deputy Clerk

John Hidahl
Vice-Chair, Board of Supervisors
John Hidahl