

RESOLUTION NO. 070555

BOARD OF SUPERVISORS, COUNTY OF SAN MATEO, STATE OF CALIFORNIA

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RESOLUTION TO AMEND RESOLUTION #068019 DATED JUNE 6, 2006  
APPROVING THE COUNTY OF SAN MATEO'S PARTICIPATION IN THE  
ELECTRONIC RECORDING DELIVERY SYSTEM (ERDS)

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**RESOLVED**, by the Board of Supervisors of the County of San Mateo, State of California, that

**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.

**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 System (ERDS) Program

**WHEREAS**, Government Code section 27397(c)(I) 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 the county; and

**WHEREAS**, the ERDS Program has established regulations and has been delegated the authority for system certification, regulations and oversight of an ERDS Program and the County Recorder shall comply with all ERDS regulations; and

070555

**WHEREAS**, the Board approved Resolution No. 068019 on June 6, 2006 authorizing the County's participation in the Attorney General's program; and

**WHEREAS**, the Attorney General requires that the Board amend Resolution No. 068019 to include the type of system, document types and associated implementation tasks.

**NOW, THEREFORE, BE IT RESOLVED** that the County of Board of Supervisors amends Resolution No. 068019 to add the following language

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that the County Board of Supervisors approves the County Recorder to:

- Establish a Multi-County ERDS for both Type 1 and Type 2 instruments, and, when applicable, the return function; and
- Conduct all negotiations, execute and submit all documents necessary for the establishment of an Electronic Recording Delivery System; and
- Impose a fee up to and including one dollar (\$1) for each real property instrument that is recorded by the County; and
- Impose a fee upon any person seeking to contract as an Authorized Submitter; and
- Contract with another public entity and enter into an agreement for an ERDS implementation; and
- Enter into a Memorandum of Understanding with the ERDS Program, 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.

**BE IT FURTHER RESOLVED**, that the County Recorder shall:

- Submit an application for system certification to the ERDS Program; and, in doing so, will comply with the 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 to comply with Government Code section 27395(b); and
- Notify the ERDS Program if an individual that has secure access no longer requires that access to comply with the California Penal Code section III05.2(d); and
- 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 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.

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070555

Regularly passed and adopted this 15<sup>th</sup> day of December, 2009.

AYES and in favor of said resolution:

Supervisors:

MARK CHURCH

CAROLE GROOM

RICHARD S. GORDON

ROSE JACOBS GIBSON

ADRIENNE J. TISSIER

NOES and against said resolution:

Supervisors:

NONE

Absent Supervisors:

NONE



President, Board of Supervisors  
County of San Mateo  
State of California

Certificate of Delivery

I certify that a copy of the original resolution filed in the Office of the Clerk of the Board of Supervisors of San Mateo County has been delivered to the President of the Board of Supervisors.



Marie L. Peterson, Deputy  
Clerk of the Board of Supervisors

070555