



A Tradition of Stewardship
A Commitment to Service

Agenda Date: 9/25/2018

Agenda Placement: 6I

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors

FROM: John Tuteur - Recorder-County Clerk
Recorder - County Clerk

REPORT BY: John Tuteur, Assessor-Recorder-County Clerk - 253-4459

SUBJECT: Assessor-Recorder-County Clerk requests approval of Addendum 13 to Electronic Recording MOU with CA Department of Justice

RECOMMENDATION

Assessor-Recorder-County Clerk requests approval of and authorization for the Chair to sign Amendment No. 13 to Agreement No. 170547B with the California Department of Justice increasing the amount by \$1,074.25 for a new maximum of \$22,950 and extending the term through June 30, 2019, for cost-sharing in a statewide Electronic Recording Delivery System (ERDS).

EXECUTIVE SUMMARY

Assessor-Recorder-County Clerk requests approval of Addendum 13 to the Memorandum of Understanding (MOU) with the California Department of Justice for continued participation and cost-sharing in a statewide Electronic Recording Delivery System (ERDS). Effective March 1, 2010, the Board of Supervisors approved a \$1.00 per document electronic recording fee which are deposited to the Recorder Electronic Recording Special Revenue Fund. Costs of this program are charged to that fund.

FISCAL IMPACT

Is there a Fiscal Impact?	Yes
Is it currently budgeted?	Yes
Where is it budgeted?	Budgeted in the Recorder's Budget Unit under the Computer Software/Licensing Fees account line (52515) and will be offset from Special Revenue Fund (11400-59), Electronic Document Recording.

Is it Mandatory or Discretionary? Discretionary

Discretionary Justification: California has authorized the creation of a statewide Electronic Recording Delivery System (ERDS) for recording of digitized and digital documents. Napa County began electronic recording in June 2016. Participation in the ERDS from the outset in 2004 (21 counties which has now grown to 45) has been beneficial for Napa County in assuring our concerns and suggestions are addressed. Approximately 20 to 30% of daily document flow is now recorded electronically.

Is the general fund affected? No

Future fiscal impact: The Board has approved a \$1.00 fee for each document effective March 1, 2010. MOU costs will be covered from these fees.

Consequences if not approved: Napa County will not be able to participate in the ongoing development and implementation of the ERDS.

Additional Information:

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

BACKGROUND AND DISCUSSION

The Electronic Recording Delivery Act of 2004 (Act), Government Code section 27393 - 27399, establishes an electronic recording delivery (e-recording) system and authorizes the California Attorney General to oversee the process and for counties to participate via Resolution. The Act also requires any county establishing an e-recording system to pay the Attorney General for the direct costs related to the development and adoption of corresponding regulations and oversight. Napa County was one of the original 21 counties to participate in the process. There are now 45 counties in the program.

The Act permits county recorders to establish a fee of up to one dollar (\$1.00) per recorded document to cover startup costs of the Attorney General, development of the e-recording system, the review and approval of vendors and authorized submitters and security testing. Napa County began collecting this fee in March 2010, which revenues are deposited in the Recorder Electronic Recording Special Revenue Fund. Annual costs for Department of Justice oversight are paid from this fund.

The estimated cost of the program for 2018-2019 is \$247,359 of which Napa County's proportionate share is \$1,143.96. Napa County's total share since inception including the 2018-2019 amount will be \$24,093.28

Napa County began electronic recording in June 2016. Approximately 20 to 30% of our daily documents are now recorded electronically.

SUPPORTING DOCUMENTS

None

CEO Recommendation: Approve

Reviewed By: Helene Franchi