



BOARD OF SUPERVISORS  
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors  
105 E. Anapamu Street, Suite 407  
Santa Barbara, CA 93101  
(805) 568-2240

Department Name: Clerk-Recorder-  
Assessor  
Department No.: 062  
For Agenda Of: April 6, 2010  
Placement: Admin  
Estimated Tme:  
Continued Item: No  
If Yes, date from:  
Vote Required: Majority

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**TO:** Board of Supervisors  
**FROM:** Department Joseph E. Holland, Clerk-Recorder-Assessor  
Director 805-568-2558  
Staff: Melinda Greene, Project Manager  
Contact Info: 805-568-2252  
**SUBJECT:** Hearing to adopt the attached Resolution amending the authority delegated by  
Resolution 09-141 for the Electronic Recording Delivery System (ERDS) Program.

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**County Counsel Concurrence**

As to form:  Yes  No  N/A

**Other Concurrence:** N/A

As to form:  Yes  No  N/A

**Auditor-Controller Concurrence**

As to form:  Yes  No  N/A

**Recommended Actions:**

That the Board of Supervisors:

- a) Adopt the enclosed resolution amending the authority delegated by Resolution 09-141 which established the Electronic Recording Delivery System (ERDS) Program for Santa Barbara County.

**Summary Text:**

The Recorder is responsible for examination and recording of all documents presented to this office that deal with establishing ownership of land in the county or as required by law. In an effort to modernize processing, the Clerk-Recorder received authorization from the Board in May 2009 to implement the provisions of California Government Code sections 27390 through 27399 which established an Electronic Recording Delivery System (ERDS) for Santa Barbara County and authorized an additional \$1.00 fee for each real property document recording to finance the implementation and on-going cost of the system. The Orange County Clerk-Recorder is hosting a multi-county electronic recording delivery system (SECURE) and making it available to counties as sub-county participants. The Clerk-Recorder has entered into a memorandum of understanding (MOU) to participate in the SECURE Multi-County Electronic Recording Delivery System as a sub-county. The SECURE system was certified by the

Attorney General on 9/29/09. The Santa Barbara County Clerk Recorder is now in the process of obtaining certification for the use of the SECURE system in our County.

As part of the SECURE system, the County will electronically record Digitized (Type One) and Digital (Type Two) Instruments. "Digitized Electronic Record" means a scanned image of the original paper document. "Digital Electronic Record" means a record containing information that is created, generated, sent, communicated, received, or stored by electronic means, but not created in original paper form. In addition, the County will send recorded information to the originator when applicable. The California Code of Regulations, Title 11, Division 1, Chapter 18 requires that in order to apply for initial certification as a sub-county, the Board of Supervisors resolution shall grant authority to participate in a multi-county ERDS, and identify the type of instruments to be exchanged. To meet these requirements, the County Recorder is adding to the authority granted by Resolution 09-141, that the County is establishing a multi-county ERDS and the type of documents to be exchanged. In addition, the County is expanding on the authority delegated under Government Code section 27397, granting the County Recorder the authority to impose a fee upon any vendor seeking approval of software and other services as part of an ERDS, and upon any person seeking to contract as an authorized submitter, or any other fee authorized under this section, in an amount not to exceed the reasonable total costs of the ERDS.

**Background:**

Assembly Bill 578 (Government Code sections 27390 through 27399), authorizes county recorders in California to accept digitized electronic documents and certain digital electronic documents for recordation pursuant to the provisions and regulations developed by the Department of Justice. Electronic recording will provide authorized submitters (title insurers, underwritten title companies, institutional lenders, and government entities) with the ability to submit digitized and certain digital documents electronically through a single port to participating counties. The program enables the counties to improve and modernize their systems of recording and handling real property documents by permitting the delivery, recording, and return of real property documents electronically. The ability to electronically record documents will reduce processing time, staff workload, and material costs associated with managing paper copies and manually maintaining databases. Santa Barbara County is in the process of integrating the SECURE system with the Recorder Imaging Information Management System and projects implementation of the system by the summer of 2010. The Orange County Clerk-Recorder is hosting the multi-county SECURE electronic recording delivery system and will make it available to counties as sub-county participants sharing in the annual maintenance cost of the system.

**Performance Measures:**

1. Increase users of E-recording by 2% annually.
2. Reduce hours spent processing manual recordings by 100 hours annually.

Additional performance measures about savings will be developed once the system is implemented.

**Fiscal and Facilities Impacts:**

None

**Fiscal Analysis:**

The cost of implementing and maintaining the Electronic Recording Delivery System (ERDS) is to be funded by the \$1 recording fee adopted in Resolution 09-141 and, if necessary, by a fee imposed upon

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any vendor seeking approval of software and other services as part of the ERDS, and upon any person seeking to contract as an authorized submitter .

**Staffing Impacts:**

**Legal Positions:**

0

**FTEs:**

0

**Special Instructions:**

1. Return a fully executed copy of the resolution along with a copy of the minute order to the Rose Rodarte in the Clerk-Recorder-Assessor Department, County Administration Building, 2<sup>nd</sup> floor.

**Attachments:**

1. Resolution Amending ERDS

**Authored by:**

Melinda Greene Project Manager