

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA

RESOLUTION NO. _____

IN THE MATTER OF APPROVING PARTICIPATION IN THE ELECTRONIC RECORDING DELIVERY ACT OF 2004, ESTABLISHING AN ELECTRONIC RECORDING DELIVERY SYSTEM AND AUTHORIZING A ONE DOLLAR (\$1.00) FEE FOR EACH REAL PROPERTY DOCUMENT RECORDED BY THE COUNTY TO DEFRAY THE COST OF THE SYSTEM.

WHEREAS, the Electronic Delivery Act of 2004 (the "Act"), set forth in Government Code sections 27390 through 27399, has been enacted to authorize County Recorders in California to establish an Electronic Recording Delivery System for the recording of specified digitized and digital electronic documents; and

WHEREAS, pursuant to Government Code section 27391 the Act requires resolution from the County Board of Supervisors to authorize County participation in the Electronic Recording Delivery Act of 2004; and

WHEREAS, adoption of an electronic recording delivery system will enable the County to improve and modernize its system of document recording and handling and will benefit the County and persons wishing to record documents electronically; and

WHEREAS, pursuant to Government Code section 27392 and 27393 no electronic recording delivery system may become operational without system certification by the California Attorney General who has been delegated the authority and responsibility of establishing regulations and oversight of the electronic recording delivery system including system certification; and

WHEREAS, the County of Santa Barbara has notified the Department of Justice of the County's intent to participate in the Electronic Recording Delivery System and it's responsibility to pay the County's share of direct costs of the regulation and oversight by the Attorney General; and

WHEREAS, the Orange County Clerk-Recorder will be hosting an Attorney General compliant multi-county secure electronic recording delivery system jointly owned and maintained by the State's largest counties which Santa Barbara County would join as a partner county, and share in the annual maintenance cost of the system; and

WHEREAS, the County Electronic Recording Delivery System will become operational only with system certification by the Attorney General; and

WHEREAS, Government Code Section 27397 authorizes counties to collect an additional fee of one dollar (\$1.00) for each real property document recorded by the County; and the fee collected will be used to fund the implementation and operating costs of the system.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the County of Santa Barbara Board of Supervisors as follows:

- Section 1. The County Clerk-Recorder is authorized to participate in the Electronic Recording Delivery Act of 2004.
- Section 2. The County Clerk-Recorder, or his designee, is authorized to execute a Memorandum of Understanding (MOU) with the California Department of Justice for County participation in the Electronic Recording Delivery System; and to amend or terminate said MOU as needed.
- Section 3. The County Clerk-Recorder is authorized to join in the collaboration as a partner county, in the use of an Attorney General compliant system hosted by Orange County.
- Section 4. The County Clerk-Recorder is authorized to take all necessary or appropriate actions to implement the system, in a manner consistent with all applicable provisions of the Government Code and regulations promulgated by the California Department of Justice.
- Section 5. The County Clerk-Recorder is authorized to collect a one dollar fee (\$1.00) upon recordation of a real property document, effective **May 11, 2009**.
- Section 6. The fees collected shall be placed into a Recorder Electronic Recording Designation Account in the General Fund to be used solely to support the implementation and on-going operating costs of the Electronic Recording Delivery System.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this ____ day of _____ 2009 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

COUNTY OF SANTA BARBARA

By _____
CHAIR, JOSEPH CENTENO
BOARD OF SUPERVISORS

ATTEST:
MICHAEL F. BROWN
CLERK OF THE BOARD

By _____
Deputy

APPROVED AS TO FORM:
DENNIS MARSHALL,
COUNTY COUNSEL

By _____
Deputy County Counsel

APPROVED AS TO FORM:
ROBERT GEIS,
AUDITOR-CONTROLLER

By _____
Deputy

NOTICE OF EXEMPTION

TO: Santa Barbara County Clerk of the Board of Supervisors

FROM: Santa Barbara County Clerk-Recorder's Office

Based on a preliminary review of the project, the following activity is determined to be exempt from further environmental review requirements of the California Environmental Quality Act (CEQA) of 1970, as defined in the State and County Guidelines for the implementation of CEQA.

APN(s) N / A

Case No: N / A

Location: COUNTY OF SANTA BARBARA

Project Title: ONE DOLLAR (\$1.00) RECORDING FEE TO FINANCE THE ELECTRONIC RECORDING DELIVERY SYSTEM.

Project Description: RESOLUTION ESTABLISHING A FEE FOR THE OFFICE OF THE COUNTY CLERK RECORDER PURSUANT TO GOVERNMENT CODE SECTIONS 27390 ET SEQ., TO PROVIDE FUNDING FOR THE ELECTRONIC RECODING DELIVERY SYSTEM.

Exempt Status: (Check One)

Ministerial Statutory Categorical Exemption Emergency Project

No Possibility of Significant Effect [Sec 15061(b,3)].

Cite specific CEQA Guideline Section:

14 CCR 15273 * PUBLIC RESOURCES CODE SECTION 21080(b)(8)(A) and (B)

Reasons to support exemption findings (attach additional material, if necessary):

THIS RESOLUTION IS TO ENABLE THE OPERATION OF REGULATORY PROGRAMS AND AS SUCH IS CATEGORICALLY AND STATUTORILY EXEMPT FROM CEQA. FEES WILL BE USED TO MEET OPERATING EXPENSES.

Joseph E. Holland
Santa Barbara County Clerk, Recorder, and Assessor

Date

NOTE: A copy must be posted in the County of Santa Barbara Planning & Development Department at least six days prior to consideration of the activity by the decision makers to comply with County CEQA guidelines and a copy must be filed with the County Clerk of the Board after project approval to begin a 35 day statute of limitation on legal challenges.

Distribution: Planning & Development Department

Date Filed with the County Clerk