

**Before the Board of Supervisors in and for the
County of Monterey, State of California**

Resolution No: 10 – 120

RESOLUTION OF THE COUNTY OF MONTEREY BOARD)
OF SUPERVISORS APPROVING THE COUNTY OF)
MONTEREY PARTICIPATION IN THE CALIFORNIA)
ELECTRONIC RECORDING NETWORK AUTHORITY)
(CERTNA))

WHEREAS, the Electronic Recording Delivery Act (ERDA) of 2004. 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 State of California, Department of Justice ERDS Program;

WHEREAS, the State of California, Department of Justice ERDS Program has established regulations and has been delegated the authority for system certification, regulations and oversight of Electronic Recording Delivery Systems and the County Recorder shall comply with all of the State of California, Department of Justice ERDS Program regulations;

WHEREAS, Government Code section 27397(c)(2) authorizes a County Recorder to impose a fee upon any Vendor seeking approval of software and other services as part of an electronic recording delivery system and upon any person seeking to contract as an Authorized Submitter;

WHEREAS, Government Code section 27397(c)(1) 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 County; and

WHEREAS, The California Electronic Recording Transaction Network Authority (CERTNA), a California public entity established in July 2007, has standardized electronic recording of documents across multiple member counties by creating an umbrella agency to develop, operate, and maintain an ERDS;

NOW, THEREFORE, BE IT RESOLVED that the County of Monterey Board of Supervisors adopts a resolution approving the County of Monterey's participation in CERTNA; and approves the County Recorder, or designee, to:

- Represent Monterey County on the California Electronic Recording Transaction Network Authority (CERTNA) Board of Directors.
- Participate in a Multi-County ERDS for Type 1 and Type 2 instruments, and, when applicable, the return functions as established and operated by CERTNA.

- Issue payments to CERTNA for the County's per document membership fee as established annually by the CERTNA Board of Directors.
- In conjunction with the CERTNA Board of Directors, conduct all negotiations, execute and submit all documents necessary for the establishment and maintenance of an Electronic Recording Delivery System.
- Impose a fee up to and including one dollar (\$1) for each real property instrument that is recorded by the County, effective July 1, 2010.
- Impose a fee upon any person seeking to contract as an Authorized Submitter.
- Enter into a Memorandum of Understanding with the State of California, Department of Justice ERDS Program, before system certification, agreeing to the computer System Administration Fee and annually thereafter by an addendum to the Memorandum of Understanding.
- Issue payments to the ERDS Program for the County's proportionate share of the System Administrative Fee in an amount not to exceed the fees collected locally pursuant to Government Code 27397(c)(1); and

NOW THEREFORE, BE IT FURTHER RESOLVED, that the County Recorder shall be authorized, in conjunction with CERTNA, to:

- 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 comply with Government Code section 27395(b); and
- Notify the ERDS Program if an individual that has secure access no longer requires that access comply with the California Penal Code section 11105.2(d); and
- Notify the Board of Supervisors, District Attorney, Computer Security Auditor on contractual agreement, and ERDS Program if there are any known or suspected security violations that compromises 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.

PASSED AND ADOPTED on this 11th day of May, 2010, upon motion of Supervisor Potter, seconded by Supervisor Armenta, by the following vote, to-wit:

AYES: Supervisors Armenta, Calcagno, Salinas, Potter

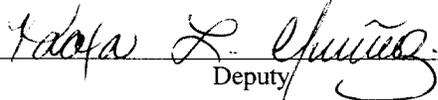
NOES: None

ABSENT: Supervisor Parker

I, Gail T. Borkowski, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 75 for the meeting on May 11, 2010.

Dated: May 13, 2010
Revised: May 21, 2010

Gail T. Borkowski, Clerk of the Board of Supervisors
County of Monterey, State of California

By 
Deputy