



Napa County

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Legislation Text

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TO: Board of Supervisors

FROM: John Tuteur - Assessor-Recorder-County Clerk

REPORT BY: John Tuteur - Assessor-Recorder-County Clerk

SUBJECT: Assessor-Recorder-County Clerk requests approval of Addendum 16 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. 16 to Agreement No. 170547B with the California Department of Justice increasing the amount by \$527 for a new maximum of \$25,837 and extending the term through June 30, 2022, for cost-sharing in a statewide Electronic Recording Delivery System (ERDS).

EXECUTIVE SUMMARY

Assessor-Recorder-County Clerk requests approval of Addendum 16 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 is deposited in the Recorder Electronic Recording Special Revenue Fund. Costs of this program are charged to that fund.

FISCAL & STRATEGIC PLAN IMPACT

Is there a Fiscal Impact?	Yes
Is it currently budgeted?	Yes
Where is it budgeted?	RECORDER-COUNTY CLERK 14200
Is it Mandatory or Discretionary?	Discretionary
Discretionary Justification:	Napa County uses electronic recording capability to process over 60% of our document flow
Is the general fund affected?	No
Future fiscal impact:	Annual renewals are covered by special revenue funds

Consequences if not approved: Napa County will lose electronic recording capability
County Strategic Plan pillar addressed: Effective and Open Government

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, established 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 52 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. The fees 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 2021-2022 is \$116,276 of which Napa County's proportionate share is \$527. Napa County's total share since inception including the 2021-2022 amount will be \$25,837. Napa County began electronic recording in June 2016. Approximately 60% of our daily documents are now recorded electronically.

ATTACHMENTS

Addendum

Attachment A