

RESOLUTION NO. _____

BOARD OF SUPERVISORS, COUNTY OF SAN MATEO, STATE OF CALIFORNIA

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**RESOLUTION OF THE COUNTY OF SAN MATEO BOARD OF SUPERVISORS
APPROVING THE COUNTY OF SAN MATEO PARTICIPATION IN THE
ELECTRONIC RECORDING DELIVERY ACT OF 2004**

RESOLVED, by the Board of Supervisors of the County of San Mateo, State of California, that

WHEREAS, California Assembly Bill No. 578 of 2004 has been enacted to authorize a county recorder to establish an Electronic Recording Delivery System for the recording of specified digitized and digital electronic records; and

WHEREAS, said legislation requires a resolution from the County of San Mateo Board of Supervisors to authorize County participation in the Electronic Recording Delivery System; and

WHEREAS, said legislation requires execute, and when necessary termination of a Memorandum of Understanding (MOU) with the California Department of Justice (DOJ) for County participation in the Electronic Recording Delivery; and

WHEREAS, said legislation states that the County shall execute an agreement with the various authorized submitters who wish to submit documents electronically; and

WHEREAS, AB 578, GC 27397 authorizes a county recorder to impose a fee in an amount up to and including one dollar (\$1) for each instrument that is recorded by county; and

WHEREAS, AB 578, GC 27397 (c) (2 & 3) 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 a Submitter Agreement; and

WHEREAS, the California Attorney General has been delegated the authority and responsibility for establishing regulations and the regulation and oversight of the Electronic Recording Delivery System; and

NOW, THEREFORE, IT IS HEREBY RESOLVED that the San Mateo County Board of Supervisors wholeheartedly endorses and supports the participation of the County of San Mateo (County) in the State of California Electronic Recording Delivery Act of 2004 as enacted by AB 578; and authorizes the Assessor, County Clerk-Recorder, or his designee to execute a Memorandum of Understanding (MOU) with the California Department of Justice (DOJ) for County participation in the Electronic Recording Delivery System; and to terminate said MOU as needed provided that County Counsel approval is obtained prior to executing an amendment or termination; and negotiate and execute Submitter Agreements, in accordance with the rules and regulations established by the California Attorney General for use with Title companies and lending institutions who wish to submit records electronically, providing County Counsel reviews said Submitter Agreement and approval as to form is obtained; and with approval of the Board of Supervisors impose a fee upon any vendor seeking approval of software and other services as part of an electronic recording delivery

system and impose a fee upon any person seeking a Submitter Agreement; and assess a statutory surcharge on all recorded instruments and to increase or decrease the fee as needed, up to a maximum charge not to exceed one dollar (\$1.00) per document to offset the cost of the Electronic Recording Delivery System.

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