



OFFICE OF RICHARD N. BENSON
ASSESSOR - RECORDER - COUNTY CLERK

Richard N. Benson
ASSESSOR - RECORDER -
COUNTY CLERK

July 8, 2014

Mailing Address:
PO Box C
San Rafael, CA 94913

Marin County Board of Supervisors
3501 Civic Center Drive
San Rafael, CA 94903

Administrative Office
3501 Civic Center Drive
Suite 208
San Rafael, CA 94903
415 473 7215 T
415 473 6542 F
assessor@marincounty.org

SUBJECT: Adopt ordinance repealing Marin County Code Chapter 3.36 regarding Recorder's Fee – Electronic Delivery System Program and enact resolution to establish an Electronic Recording Delivery System pursuant to section 27390 through 27399 of the Government Code and collect a one dollar (\$1.00) fee on all recorded instruments to offset the cost of the Electronic Recording Delivery System.

Dear Supervisors:

Assessor
Suite 208
415 473 7215 T
415 473 6542 F
assessor@marincounty.org

RECOMMENDATION: It is recommended that your Board

- 1) Conduct a public hearing on this day, July 8, 2014 at 10:30 am and adopt the proposed ordinance repealing in its entirety Marin County Code Chapter 3.36 which established an additional fee of one dollar for each instrument recorded pursuant to Government Code Section 27397, and
- 2) Replace the ordinance with the proposed resolution.

Recorder
Suite 232
415 473 6092 T
415 473 7893 F
recorder@marincounty.org

SUMMARY: On June 10, 2014 a first reading was held on the proposal to adopt the proposed ordinance repealing in its entirety Marin County Code Chapter 3.36 which established an additional one dollar (\$1.00) fee for recording every instrument, paper, or notice required or permitted by law to be recorded to be used solely for the implementation of an Electronic Recording Delivery System program pursuant to Government Code Section 27397.

County Clerk
Suite 234
415 473 6152 T
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countyclerk@marincounty.org

In order to comply with certain additional provisions of Government Code Section 27397, it is recommended that Marin County Code Chapter 3.36 be repealed in its entirety and replaced by a resolution to establish an Electronic Recording Delivery System pursuant to section 27390 through 27399 of the Government Code and collect a one dollar (\$1.00) fee on all recorded instruments to offset the cost of the Electronic Recording Delivery System.

Business/Personal Property
Suite 208
415 473 7208 T
415 473 2730 F
assrpersprop@marincounty.org

Assembly Bill 578, Chapter 621 of the Statutes of 2004, authorizes county recorders in California to establish an Electronic Recording Delivery System (ERDS) to accept digitized electronic documents and certain digital electronic documents for recordation pursuant to the provisions and regulations developed by the California Department of Justice. Electronic recording will provide authorized submitters with the ability to submit documents electronically through a single portal to participating counties. Participation in the program will enable the County to improve and modernize its system of recording and handling real property documents by

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permitting the delivery, recording, and return of real property documents by secure electronic means. The ability to electronically record documents will reduce processing time and material costs associated with managing paper copies and returning recorded documents through the mail.

An ERDS compliant system (SECURE), jointly owned by a consortium of the State's largest counties (Los Angeles, Orange, Riverside and San Diego) has been developed and approved by the California Department of Justice as a multi-county ERDS. The Orange County Clerk-Recorder is hosting the multi-county SECURE ERDS and has made it available to other California counties as participants subject to a fee. The purpose of the recommended action is to repeal the existing ordinance and replace it with a resolution that would 1) authorize participation in the Electronic Delivery Act of 2004; 2) authorize execution of MOU for County participation in ERDS and to amend or terminate MOU as needed; 3) authorize joining as a participating county in the use of an Attorney General compliant system hosted by Orange County; 4) authorize taking all necessary and appropriate actions to implement the system in a manner consistent with all applicable provisions of Government Code and regulations promulgated by the California Department of Justice; 5) authorize to charge, in addition to all other authorized fees, an additional recording fee of one dollar (\$1.00) for each instrument, paper, or notice required or permitted by law to be recorded to be used solely for the implementation of an ERDS pursuant to Government Code 27397; and 6) place collected fees into a designated fund "ERDS Program" to be used solely to support the implementation and ongoing operating costs of the ERDS.

FISCAL/STAFFING IMPACT: By repealing the ordinance and replacing the fee with the proposed resolution, there will be no net increase to county costs. All initial costs, annual fees and other service related costs will be offset by the statutory fee authorized, collected and deposited in Fund 21003 to be used solely to support the implementation and ongoing operating costs of the Electronic Recording Delivery System.

REVIEWED

<input checked="" type="checkbox"/> County Administrator	<input type="checkbox"/> N/A
<input type="checkbox"/> Department of Finance	<input checked="" type="checkbox"/> N/A
<input checked="" type="checkbox"/> County Counsel	<input type="checkbox"/> N/A
<input type="checkbox"/> Human Resources	<input checked="" type="checkbox"/> N/A

Respectfully submitted,

Richard N. Benson
Assessor-Recorder-County Clerk