1　[MOU Amendment - California Electronic Recording Transaction Network Authority - Recordation of Digitized Electronic Records - Term Extension]

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3　**Resolution authorizing the Office of the Assessor-Recorder to execute Amendment**

4　**No. 2 of the Memorandum of Understanding (MOU) with the California Electronic**

5　**Recording Transaction Network Authority for AB 578 Electronic Recordation**

6　**Implementation for recordation of digitized electronic records and certain digital**

7　**electronic records; updating the annual costs per title based on the tier pricing plan;**

8　**and extending the existing MOU term by 13 years from January 10, 2022, for a total**

9　**duration of 19 years from January 11, 2016, through January 10, 2035.**

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11　WHEREAS, Amendment No. 2 is on file with the Clerk of the Board of Supervisors in

12　File No. 250223, which is hereby declared to be a part of this Resolution as if set forth fully

13　herein; and

14　WHEREAS, Charter, Section 9.118(b), requires the Board of Supervisors to approve by

15　Resolution contracts or agreements entered into by a department, board or commission

16　having a term in excess of ten years; and

17　WHEREAS, California Electronic Recording Transaction Network Authority (CERTNA)

18　has developed and implemented an electronic delivery system pursuant to Assembly Bill 578

19　(Stats. 2004, Ch. 621, Sec. 2, California Government Code, Sections 27390 et seq. (AB 578)

20　as approved by the California State Attorney General (the CERTNA AB 578 System); the

21　CERTNA AB 578 System has been certified by the California Attorney General, and

22　participants in the CERTNA 578 System can accept for recordation digitized electronic

23　records and certain digital electronic records pursuant to AB 578 and regulations issued

24　pursuant thereto; and

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1   WHEREAS, The Office of the Assessor-Recorder (ASR) and the California Electronic

2   Recording Transaction Network Authority (CERTNA) entered into a Memorandum of

3   Understanding for AB 578 electronic recordation implementation, dated as of

4   January 10, 2013; and

5   WHEREAS, The Office of the Assessor-Recorder (ASR) and CERTNA entered into a

6   new Memorandum of Understanding for AB 578 electronic recordation implementation, dated

7   as of January 18, 2017 (the "MOU"); and

8   WHEREAS, Article II, Section C of the MOU provides that the MOU shall take effect as

9   of January 11, 2016 and shall continue in full force and effect for three years thereafter unless

10 otherwise terminated as provided in the MOU; ASR and CERTNA may extend the term of the

11 MOU pursuant to an executed amendment; and

12 WHEREAS, ASR and CERTNA extended the term of the MOU by three years to

13 January 10, 2022, through Amendment No. 1 to the MOU, dated as of August 24, 2018; and

14 WHEREAS, The rights and responsibilities established in the MOU are intended to

15 assure the continuing security and lawful operation of the CERTNA AB 578 System under

16 Government Code, Sections 27390 et seq. and applicable regulations; and

17 WHEREAS, Amendment No. 2 will update the annual costs per title based on the tier

18 pricing plan in Appendix B; and

19 WHEREAS, Amendment No. 2 will extend the term of the MOU by an additional 13

20 years, from a retroactive start date of January 10, 2022; now, therefore, be it

21 RESOLVED, That the Board of Supervisors authorizes the Office of the Assessor-

22 Recorder to execute Amendment No. 2 to the MOU with CERTNA for AB 578 electronic

23 recordation implementation; increasing the MOU duration by extending the existing MOU term

24 by 13 years from January 10, 2022, for a total duration of 19 years of January 11, 2016,

25 through January 10, 2035; and, be it

1   FURTHER RESOLVED, That within 30 days of the MOU being fully executed by all

2   parties, the Office of the Assessor-Recorder shall provide the final MOU to the Clerk of the

3   Board for inclusion into the official file.

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