

1 [Authorizing the Assessor-Recorder to Participate in the Electronic Recording Delivery Act of  
2004]

3 **Resolution authorizing the Assessor-Recorder to participate in the Electronic**  
4 **Recording Delivery Act of 2004.**

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

9 WHEREAS, Said legislation requires a resolution from the City and County of  
10 San Francisco Board of Supervisors to authorize County participation in the Electronic  
11 Recording Delivery System; and,

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

14 WHEREAS, AB 578, which enacts California Government Code section 27397,  
15 authorizes a county recorder to impose a fee in an amount up to and including \$1 for each  
16 instrument that is recorded by county; and,

17 WHEREAS, AB 578, which enacts California Government Code sections 27397(2) and  
18 (3), authorizes a county recorder to impose a fee upon any vendor seeking approval of  
19 software and other services as part of an Electronic Recording Delivery System and upon any  
20 person seeking a Submitter Agreement; and,

21 WHEREAS, The California Attorney General has been delegated the authority and  
22 responsibility for establishing regulations and the regulation and oversight of the Electronic  
23 Recording Delivery System; now, therefore, be it

1           RESOLVED, That the City and County of San Francisco Board of Supervisors  
2 approves the participation of the City and County of San Francisco in the Electronic Recording  
3 Delivery Act of 2004 as enacted by AB 578; and, be it

4           FURTHER RESOLVED, That the City and County of San Francisco Board of  
5 Supervisors authorizes the Assessor-Recorder, or his designee, as agent to conduct all  
6 negotiations and execute and submit all documents which may be necessary for the  
7 participation of the City and County of San Francisco in the Electronic Recording Delivery  
8 System; and, be it

9           FURTHER RESOLVED, That the City and County of San Francisco Board of  
10 Supervisors authorizes the Assessor-Recorder, or his designee, as agent to impose a fee in  
11 an amount of up to and including \$1 for each instrument that is recorded by the City and  
12 County of San Francisco; and, be it

13           FURTHER RESOLVED, That the City and County of San Francisco Board of  
14 Supervisors authorizes the Assessor-Recorder, or his designee, as agent to impose a fee to  
15 be adopted by the Board of Supervisors upon any vendor seeking approval of software and  
16 other services as part of an Electronic Recording Delivery System and upon any person  
17 seeking a Submitter Agreement; and, be it

18           FURTHER RESOLVED, That the City and County of San Francisco Board of  
19 Supervisors authorizes the Assessor-Recorder, or his designee, as agent to issue payments  
20 to the California Attorney General through the Department of Justice for the City and County  
21 of San Francisco's allocated share of the direct cost of program oversight.