ESS

Electronic Services System – Coordinating Committee Meeting

Agenda

8711 Windsor Parkway, Suite 2, Johnston, IA 50131
August 10, 2021
9:00 A.M. to 2:00 P.M.

- **Welcome and Introductions**

- **June 22, 2021 – ESS Coordinating Committee Meeting Summary – Approval**

- **Financial Reports**
    - **2nd Quarter, YTD 2021 Financial Reports – Approval**
    - **CY 2020 Audit – Approval**

- **ILR Budget Review and Action**
    - **BOA CY 2021 Budget Amendment – Approval**

- **BOA Reserve Fund Allocations – Approval**

- **Application Changes**
    - **Exemption Change Workflow-Recorder Actions – Approval**
    - **Grantor/Grantee Data – Approval**

- **Contracts and Agreements**
    - **Lean Techniques Work Authorization – Approval**
    - **We Write Code Work Authorization – Approval**
    - **Iowa Department of Revenue Recording Extension – Approval**

- **Governance – Discussion**
    - **28E Legislation and 28E Amendment – Approval**
    - **House File 837 Reports**
    - **Groundwater Hazard Initiative – Approval**
    - **Smart Document Recording – Approval**
    - **Portal Registration Policy – Discussion**

- **Policies and Procedures – Approvals**
    - **Chapter 1 – Comprehensive**
        - **Budget Flexibility**
        - **28E**
        - **Other**
    - **Chapter 7 – Terms of Use**
    - **Section 6.7 – SF 342 – Information Shielding**
    - **Section 5.4 Electronically Signed Documents and Notarial Acts and Smart Documents (Block Chain)**

- **Restrictive Covenants – Discussion**

- **Communications Update – Discussion**
    - **Communications Subcommittee Update**
    - **Deputies Conference**

- **PRIA Policy Updates**

- **Adjourn - Next Regular Meeting November 9, 2021**

Electronic Services System

Coordinating Committee

Meeting Summary

June 22, 2021

Participants

Deb Kupka, Tama County Recorder
Denise Baker, Wright County Recorder
Eric Sloan, ICIT
Lindsay Laufersweiler, Webster County Recorder
Melissa Bahnsen, Cedar County Recorder
Nancy Booten, Lee County Recorder
Johnathan Lewis, Title Services Des Moines

Other Participants

Bob Rafferty, The Rafferty Group
Kati Ross, Iowa Land Records
Leah Champion, Iowa Land Records
Phil Dunshee, Iowa Land Records
Lisa Long, Iowa Land Records

Welcome

A special meeting of the ESS Coordinating Committee was held via teleconference. The meeting was called to order by the Coordinating Committee Chair Deb Kupka. Introductions were made.

Meeting Summary

The May 24, 2021, meeting summary was reviewed. Denise Baker made a motion to approve the Meeting Summary. Melissa Bahnsen seconded, and the motion was approved.

Contracts and Agreements

RFQ Number: ESS -2021
Lean Techniques & We Write Code

The Committee reviewed information about the procurement process. Vendors were asked to respond to an RFQ for software development and other technical services. Respondents were asked to provide evidence that they would be capable of the desired work. An evaluation committee made up of the Project Manager, ESS technical staff, and two ESS committee members was formed to evaluate the responses. The Project Manager reported that the evaluation committee recommended that a notice of intent to award be issued for two of the companies which responded to the RFQ: Lean Techniques and We Write Code. It was explained that there was no obligation for a minimum contract with either company, and that a scope of work would need to be further defined. Lindsay Laufersweiler made a motion to approve the notice of intent to award for both companies. Nancy Booten seconded, and the motion was approved.

Phase 1 Work Authorizations

The Project Manager reported that work on software development could begin in July, prior to the next meeting of the Coordinating Committee. For this reason, the Committee was asked to authorize the

Project Manager to execute work authorizations so that work would not be delayed. Julie Haggerty made a motion to approve the authorization to expend funds in an amount not to exceed $300,000.00 for software development with Lean Techniques and We Write Code. Denise Baker seconded, and the motion was approved.

CSI Redaction Services Contract Extension
The Project Manager presented an amendment to the CSI contract for redaction services which would extend the term of the agreement for the period of August 1, 2021, through July 31, 2023. The agreement could be further extended for the period of August 1, 2023, through July 31, 2024. Nancy Booten made a motion to approve the contract extension with CSI. Melissa Bahnsen seconded, and the motion was approved.

28E Legislation and Amendment
The Project Manager explained that there had been a conference call with representatives of ISAC regarding the 28E legislation. The draft 28E amendment has been developed with the assistance of ESS legal counsel at Brick Gentry. When approved by the ESS Coordinating Committee, the 28E will be taken to all 99 Boards of Supervisors this fall for consideration. A final draft of the 28E amendments will be reviewed by the Standards Subcommittee in July and the ESS Coordinating Committee in August.

PRIA Policy Update
The Project Manger made the Committee aware that the most recent PRIA paper was up for 30-day review. He encouraged members of the Committee to review the document and provide any feedback to PRIA.

The meeting was adjourned at 2:52 PM.

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IOWA COUNTY RECORDERS ASSOCIATION INC
8711 WINDSOR PKWY STE 2
JOHNSTON, IA 50131-2296

Your Full Analysis Business Checking Preferred Rewards for Bus Platinum Honors

for June 1, 2021 to June 30, 2021

Account number: [redacted]

IOWA COUNTY RECORDERS ASSOCIATION INC

Account summary

Beginning balance on June 1, 2021	$1,509,680.23
Deposits and other credits	4,055,590.04
Withdrawals and other debits	-4,014,792.52
Checks	-31,155.32
Service fees	-932.81
Ending balance on June 30, 2021	**$1,518,389.62**

# of deposits/credits: 117

# of withdrawals/debits: 175

# of days in cycle: 30

Average ledger balance: $1,425,626.60

Iowa County Recorders Association
Profit & Loss
April through June 2021

	Apr - Jun 21			
Income				
BudgetedIncome				
42000 · POSSERVICEFEE			26,777.16	
43000 · SERVICEFEE				
43100 · ACH		292,137.00		
43200 · CC		24,755.04		
43300 · DRAWDOWN		20,469.00		
Total 43000 · SERVICEFEE			337,361.04	
47000 · Fund 255 Reimbursement			110,437.88	
48200 · Local Serv. Prov. Maint. Acct.				
48100 · Cost Sharing Credit		-145,248.02		
48200 · Local Serv. Prov. Maint. Acct. - Other		285,431.08		
Total 48200 · Local Serv. Prov. Maint. Acct.			140,183.06	
Total BudgetedIncome				614,759.14
49000 · RevolvingIncome				
49300 · ERECORDING				
49100 · AUDITORFEE		111,400.00		
49200 · TRANSFERTAX		5,491,854.10		
49300 · ERECORDING - Other		2,995,418.00		
Total 49300 · ERECORDING			8,598,672.10	
49600 · POSPAYMENT			889,985.27	
Total 49000 · RevolvingIncome				9,488,657.37
Total Income				10,103,416.51
Gross Profit				10,103,416.51
Expense				
Budgeted Expenses				
Office Tech Support			0.00	
60000 · Administration				
60100 · Annual Audit		3,975.00		
60200 · Accounting Software-Services		437.64		
60300 · Bookkeeping-CPA-990		13,950.00		
60400 · Project Manager		34,500.00		
60500 · Professional Fees				
60510 · Legal	4,500.00			
60520 · Government Relations	6,000.00			
60530 · Human Resources-Oasis	1,170.00			
Total 60500 · Professional Fees		11,670.00		
60600 · Insurance Expense		34,231.39		
60800 · Office Operations				
60810 · Office Space Lease	8,250.00			
60830 · Offical Publication Expense	65.95			
60850 · Teleconference	716.28			
60860 · Telephone/Internet	1,650.00			
60870 · Office Tech Support	2,400.00			
60880 · Printing and Copying (Color-BW)	750.00			
Total 60800 · Office Operations		13,832.23		
Total 60000 · Administration			112,596.26	
61000 · Marketing-Communications				
61100 · Marketing Director		3,200.00		
61200 · Administrative/Market Support		14,478.75		

9:03 AM
08/03/21
Accrual Basis

Iowa County Recorders Association
Profit & Loss
April through June 2021

	Apr - Jun 21			
61300 · Education and Outreach				
61320 · Tradeshows/Exhibits/Sponsorship	215.00			
61350 · Conferences & Meetings	1,299.83			
61360 · Campaigns	13.00			
61370 · Software & Hosted Services	1,551.48			
Total 61300 · Education and Outreach		3,079.31		
Total 61000 · Marketing-Communications			20,758.06	
62000 · Customer Support				
62100 · Account Manager		18,829.20		
Total 62000 · Customer Support			18,829.20	
64000 · ILR System Operations				
64100 · Development Team				
64110 · Technical Lead	33,413.24			
64120 · Senior Developer	5,705.24			
64130 · Technical Support & Development	22,513.20			
Total 64100 · Development Team		61,631.68		
64200 · External Development & Services				
64210 · FF Redaction Services	24,263.66			
64211 · BF Redaction Services	4,486.51			
64220 · Software Development Services	9,821.15			
64240 · Data Center & Hosting Services	9,158.70			
Total 64200 · External Development & Services		47,730.02		
64300 · Software License-Maintenance		26,222.51		
64500 · Computing & Equip (CAP)				
64520 · System Equipment	319.30			
Total 64500 · Computing & Equip (CAP)		319.30		
Total 64000 · ILR System Operations			135,903.51	
64400 · POS Credit Card Setup-Support				
64410 · Local Credit Card Equipment		598.00		
Total 64400 · POS Credit Card Setup-Support			598.00	
65000 · Local Maint. Expense			1,274.42	
66000 · Payment Expenses				
66100 · Bank Account Analysis Fee		2,807.36		
66300 · Gateway Transaction Fees				
66315 - ProfSolOnlineTransFees	14,311.29			
66310 · Vericheck OnlineTransactionFees	7,863.62			
66320 · POSTransactionsFees	17,379.16			
Total 66300 · Gateway Transaction Fees		39,554.07		
Total 66000 · Payment Expenses			42,361.43	
Total Budgeted Expenses				332,320.88
61500 · Depreciation Expense				46,202.82
61600 · Bad Debt Expense				71.25

Iowa County Recorders Association
Profit & Loss
April through June 2021

	Apr - Jun 21
70000 · RevolvingExpenses	
ESSPayments	
70100 · COUNTYDISTRIBUTION	8,598,672.40
70200 · POSDISTRIBUTION	889,403.08
Total ESSPayments	9,488,075.48
Total 70000 · RevolvingExpenses	9,488,075.48
Total Expense	9,866,670.43
Net Income	**236,746.08**

10:31 AM
08/03/21
Accrual Basis

Iowa County Recorders Association
Profit & Loss
January through June 2021

	Jan - Jun 21			
Income				
BudgetedIncome				
42000 · POSSERVICEFEE			45,635.16	
43000 · SERVICEFEE				
43100 · ACH		552,246.00		
43200 · CC		47,885.14		
43300 · DRAWDOWN		40,974.00		
Total 43000 · SERVICEFEE			641,105.14	
47000 · Fund 255 Reimbursement			290,533.27	
48200 · Local Serv. Prov. Maint. Acct.				
48100 · Cost Sharing Credit		-145,248.02		
48200 · Local Serv. Prov. Maint. Acct. - Other		285,431.08		
Total 48200 · Local Serv. Prov. Maint. Acct.			140,183.06	
Total BudgetedIncome				1,117,456.63
49000 · RevolvingIncome				
49300 · ERECORDING				
49100 · AUDITORFEE		197,395.00		
49200 · TRANSFERTAX		9,161,533.30		
49300 · ERECORDING - Other		5,660,386.00		
Total 49300 · ERECORDING			15,019,314.30	
49600 · POSPAYMENT			1,518,474.95	
Total 49000 · RevolvingIncome				16,537,789.25
Total Income				17,655,245.88
Gross Profit				17,655,245.88
Expense				
Budgeted Expenses				
Office Tech Support			0.00	
60000 · Administration				
60100 · Annual Audit		3,975.00		
60200 · Accounting Software-Services		4,717.65		
60300 · Bookkeeping-CPA-990		27,900.00		
60400 · Project Manager		68,925.00		
60500 · Professional Fees				
60510 · Legal	9,000.00			
60520 · Government Relations	10,500.00			
60530 · Human Resources-Oasis	2,405.00			
Total 60500 · Professional Fees		21,905.00		
60600 · Insurance Expense		34,231.39		
60800 · Office Operations				
60810 · Office Space Lease	16,500.00			
60830 · Offical Publication Expense	163.18			
60850 · Teleconference	1,453.46			
60860 · Telephone/Internet	3,300.00			
60870 · Office Tech Support	4,800.00			
60880 · Printing and Copying (Color-BW)	1,500.00			
60890 · Miscellaneous	69.91			
Total 60800 · Office Operations		27,786.55		
Total 60000 · Administration			189,440.59	
61000 · Marketing-Communications				
61100 · Marketing Director		24,520.00		
61200 · Administrative/Market Support		30,318.75		

Iowa County Recorders Association
Profit & Loss
January through June 2021

	Jan - Jun 21			
61300 · Education and Outreach				
61320 · Tradeshows/Exhibits/Sponsorship	965.00			
61340 · Memberships	775.00			
61350 · Conferences & Meetings	1,726.83			
61360 · Campaigns	13.00			
61370 · Software & Hosted Services	3,450.96			
Total 61300 · Education and Outreach		6,930.79		
Total 61000 · Marketing-Communications			61,769.54	
62000 · Customer Support				
62100 · Account Manager		37,700.41		
Total 62000 · Customer Support			37,700.41	
64000 · ILR System Operations				
64100 · Development Team				
64110 · Technical Lead	66,868.49			
64120 · Senior Developer	7,616.34			
64130 · Technical Support & Development	45,068.40			
Total 64100 · Development Team		119,553.23		
64200 · External Development & Services				
64210 · FF Redaction Services	47,175.72			
64211 · BF Redaction Services	6,084.42			
64220 · Software Development Services	9,821.15			
64240 · Data Center & Hosting Services	18,317.40			
64250 · Domain Registration	29.76			
Total 64200 · External Development & Services		81,428.45		
64300 · Software License-Maintenance		39,340.16		
64500 · Computing & Equip (CAP)				
64520 · System Equipment	319.30			
Total 64500 · Computing & Equip (CAP)		319.30		
Total 64000 · ILR System Operations			240,641.14	
64400 · POS Credit Card Setup-Support				
64410 · Local Credit Card Equipment		598.00		
Total 64400 · POS Credit Card Setup-Support			598.00	
65000 · Local Maint. Expense			1,529.30	
66000 · Payment Expenses				
66100 · Bank Account Analysis Fee		5,404.25		
66300 · Gateway Transaction Fees				
66315 - ProfSolOnlineTransFees	28,737.26			
66310 · Vericheck OnlineTransactionFees	15,098.44			
66320 · POSTransactionsFees	32,446.06			
Total 66300 · Gateway Transaction Fees		76,281.76		
Total 66000 · Payment Expenses			81,686.01	
Total Budgeted Expenses				613,364.99
61500 · Depreciation Expense				89,931.54
61600 · Bad Debt Expense				71.25

Iowa County Recorders Association
Profit & Loss
January through June 2021

			Jan - Jun 21
70000 · RevolvingExpenses			
ESSPayments			
70100 · COUNTYDISTRIBUTION	15,020,012.00		
70200 · POSDISTRIBUTION	1,517,647.69		
Total ESSPayments		16,537,659.69	
Total 70000 · RevolvingExpenses			16,537,659.69
Total Expense			17,241,027.47
Net Income			**414,218.41**

10:39 AM
07/27/21
Accrual Basis

Iowa County Recorders Association
Profit & Loss- Budgeted Only
April through June 2021

	Apr - Jun 21			
Income				
BudgetedIncome				
42000 · POSSERVICEFEE			26,777.16	
43000 · SERVICEFEE				
43100 · ACH		292,137.00		
43200 · CC		24,755.04		
43300 · DRAWDOWN		20,469.00		
Total 43000 · SERVICEFEE			337,361.04	
47000 · Fund 255 Reimbursement			110,437.88	
48200 · Local Serv. Prov. Maint. Acct.				
48100 · Cost Sharing Credit		-145,248.02		
48200 · Local Serv. Prov. Maint. Acct. - Other		285,431.08		
Total 48200 · Local Serv. Prov. Maint. Acct.			140,183.06	
Total BudgetedIncome				614,759.14
Total Income				614,759.14
Gross Profit				614,759.14
Expense				
Budgeted Expenses				
Office Tech Support			0.00	
60000 · Administration				
60100 · Annual Audit		3,975.00		
60200 · Accounting Software-Services		437.64		
60300 · Bookkeeping-CPA-990		13,950.00		
60400 · Project Manager		34,500.00		
60500 · Professional Fees				
60510 · Legal	4,500.00			
60520 · Government Relations	6,000.00			
60530 · Human Resources-Oasis	1,170.00			
Total 60500 · Professional Fees		11,670.00		
60600 · Insurance Expense		34,231.39		
60800 · Office Operations				
60810 · Office Space Lease	8,250.00			
60830 · Offical Publication Expense	65.95			
60850 · Teleconference	716.28			
60860 · Telephone/Internet	1,650.00			
60870 · Office Tech Support	2,400.00			
60880 · Printing and Copying (Color-BW)	750.00			
Total 60800 · Office Operations		13,832.23		
Total 60000 · Administration			112,596.26	
61000 · Marketing-Communications				
61100 · Marketing Director		3,200.00		
61200 · Administrative/Market Support		14,478.75		
61300 · Education and Outreach				
61320 · Tradeshows/Exhibits/Sponsorship	215.00			
61350 · Conferences & Meetings	1,299.83			
61360 · Campaigns	13.00			
61370 · Software & Hosted Services	1,551.48			
Total 61300 · Education and Outreach		3,079.31		
Total 61000 · Marketing-Communications			20,758.06	
62000 · Customer Support				
62100 · Account Manager		18,829.20		
Total 62000 · Customer Support			18,829.20	

Iowa County Recorders Association
Profit & Loss- Budgeted Only
April through June 2021

	Apr - Jun 21
64000 · ILR System Operations	
64100 · Development Team	
64110 · Technical Lead	33,413.24
64120 · Senior Developer	5,705.24
64130 · Technical Support & Development	22,513.20
Total 64100 · Development Team	61,631.68
64200 · External Development & Services	
64210 · FF Redaction Services	24,263.66
64211 · BF Redaction Services	4,486.51
64220 · Software Development Services	9,821.15
64240 · Data Center & Hosting Services	9,158.70
Total 64200 · External Development & Services	47,730.02
64300 · Software License-Maintenance	26,222.51
64500 · Computing & Equip (CAP)	
64520 · System Equipment	319.30
Total 64500 · Computing & Equip (CAP)	319.30
Total 64000 · ILR System Operations	135,903.51
64400 · POS Credit Card Setup-Support	
64410 · Local Credit Card Equipment	598.00
Total 64400 · POS Credit Card Setup-Support	598.00
65000 · Local Maint. Expense	1,274.42
66000 · Payment Expenses	
66100 · Bank Account Analysis Fee	2,807.36
66300 · Gateway Transaction Fees	
66310 · Vericheck OnlineTransactionFees	7,863.62
66320 · POSTransactionsFees	17,379.16
Total 66300 · Gateway Transaction Fees	25,242.78
Total 66000 · Payment Expenses	28,050.14
Total Budgeted Expenses	318,009.59
Total Expense	318,009.59
Net Income	**296,749.55**

Iowa County Recorders Association
Profit & Loss- Budgeted Only
January through June 2021

	Jan - Jun 21			
Income				
BudgetedIncome				
42000 · POSSERVICEFEE			45,635.16	
43000 · SERVICEFEE				
43100 · ACH		552,246.00		
43200 · CC		47,885.14		
43300 · DRAWDOWN		40,974.00		
Total 43000 · SERVICEFEE			641,105.14	
47000 · Fund 255 Reimbursement			290,533.27	
48200 · Local Serv. Prov. Maint. Acct.				
48100 · Cost Sharing Credit		-145,248.02		
48200 · Local Serv. Prov. Maint. Acct. - Other		285,431.08		
Total 48200 · Local Serv. Prov. Maint. Acct.			140,183.06	
Total BudgetedIncome				1,117,456.63
Total Income				1,117,456.63
Gross Profit				1,117,456.63
Expense				
Budgeted Expenses				
Office Tech Support			0.00	
60000 · Administration				
60100 · Annual Audit		3,975.00		
60200 · Accounting Software-Services		4,717.65		
60300 · Bookkeeping-CPA-990		27,900.00		
60400 · Project Manager		68,925.00		
60500 · Professional Fees				
60510 · Legal	9,000.00			
60520 · Government Relations	10,500.00			
60530 · Human Resources-Oasis	2,405.00			
Total 60500 · Professional Fees		21,905.00		
60600 · Insurance Expense		34,231.39		
60800 · Office Operations				
60810 · Office Space Lease	16,500.00			
60830 · Offical Publication Expense	163.18			
60850 · Teleconference	1,453.46			
60860 · Telephone/Internet	3,300.00			
60870 · Office Tech Support	4,800.00			
60880 · Printing and Copying (Color-BW)	1,500.00			
60890 · Miscellaneous	69.91			
Total 60800 · Office Operations		27,786.55		
Total 60000 · Administration			189,440.59	
61000 · Marketing-Communications				
61100 · Marketing Director		24,520.00		
61200 · Administrative/Market Support		30,318.75		
61300 · Education and Outreach				
61320 · Tradeshows/Exhibits/Sponsorship	965.00			
61340 · Memberships	775.00			
61350 · Conferences & Meetings	1,726.83			
61360 · Campaigns	13.00			
61370 · Software & Hosted Services	3,450.96			
Total 61300 · Education and Outreach		6,930.79		
Total 61000 · Marketing-Communications			61,769.54	
62000 · Customer Support				
62100 · Account Manager		37,700.41		
Total 62000 · Customer Support			37,700.41	

Iowa County Recorders Association
Profit & Loss- Budgeted Only
January through June 2021

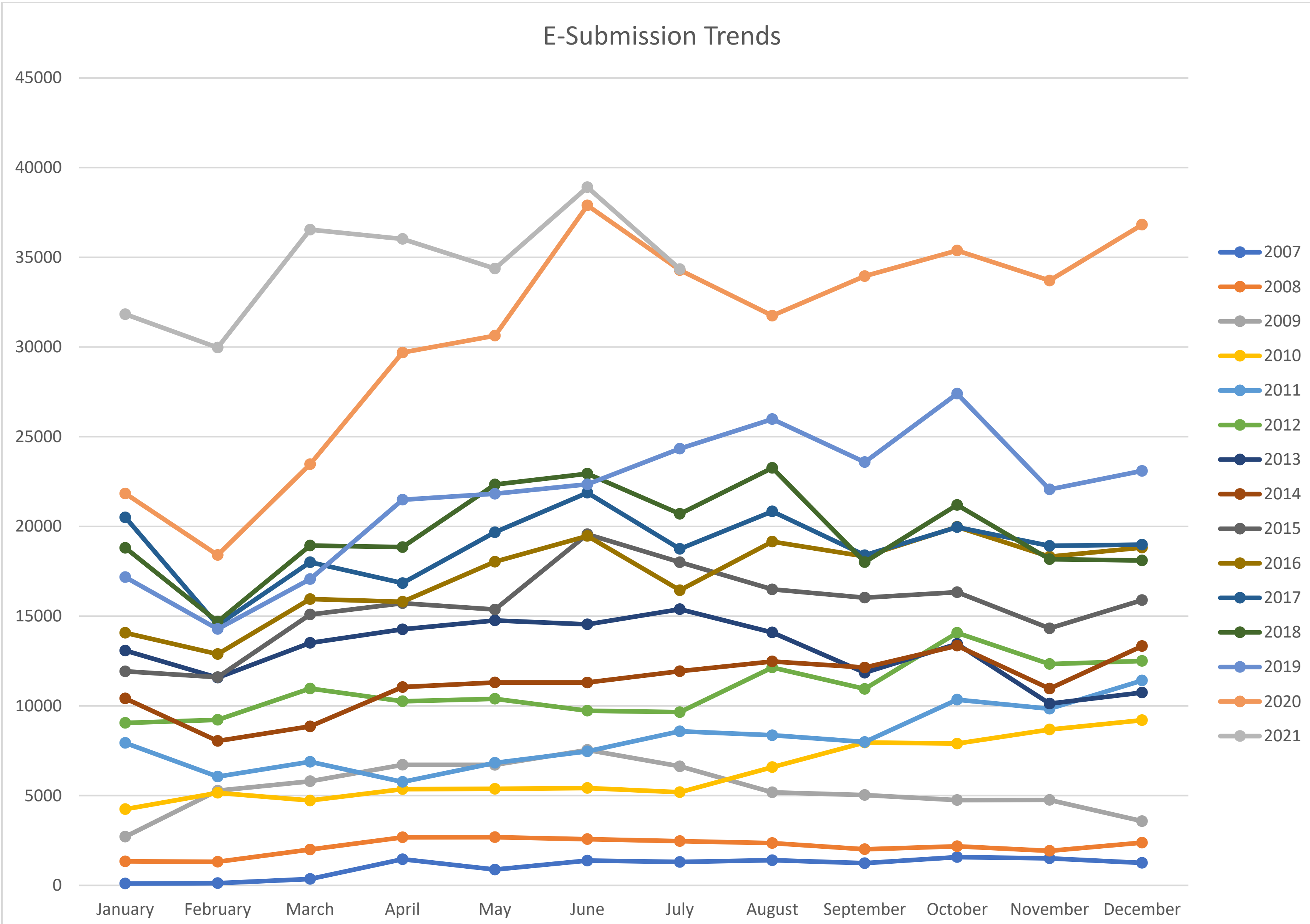
	Jan - Jun 21			
64000 · ILR System Operations				
64100 · Development Team				
64110 · Technical Lead	66,868.49			
64120 · Senior Developer	7,616.34			
64130 · Technical Support & Development	45,068.40			
Total 64100 · Development Team		119,553.23		
64200 · External Development & Services				
64210 · FF Redaction Services	47,175.72			
64211 · BF Redaction Services	6,084.42			
64220 · Software Development Services	9,821.15			
64240 · Data Center & Hosting Services	18,317.40			
Total 64200 · External Development & Services		81,398.69		
64300 · Software License-Maintenance		39,340.16		
64500 · Computing & Equip (CAP)				
64520 · System Equipment	319.30			
Total 64500 · Computing & Equip (CAP)		319.30		
Total 64000 · ILR System Operations			240,611.38	
64400 · POS Credit Card Setup-Support				
64410 · Local Credit Card Equipment		598.00		
Total 64400 · POS Credit Card Setup-Support			598.00	
65000 · Local Maint. Expense			1,529.30	
66000 · Payment Expenses				
66100 · Bank Account Analysis Fee		5,404.25		
66300 · Gateway Transaction Fees				
66310 · Vericheck OnlineTransactionFees	15,098.44			
66320 · POSTransactionsFees	32,446.06			
Total 66300 · Gateway Transaction Fees		47,544.50		
Total 66000 · Payment Expenses			52,948.75	
Total Budgeted Expenses				584,597.97
Total Expense				584,597.97
Net Income				**532,858.66**

Iowa County Recorders Association
Balance Sheet
As of June 30, 2021

		Jun 30, 21
ASSETS		
Current Assets		
Checking/Savings		
10800 · BOA-Settlement		
108100 · Unrestricted Reserve Account	38,399.40	
108200 · Software Dev & Equip Maint Rsrv	550,319.68	
108400 · Restricted Operating Reserve	100,000.00	
10800 · BOA-Settlement - Other	1,287,094.29	
Total 10800 · BOA-Settlement		1,975,813.37
Total Checking/Savings		1,975,813.37
Accounts Receivable		
12000 · Accounts Receivable		19,684.81
Total Accounts Receivable		19,684.81
Other Current Assets		
Ask Phil		93.44
13000 · Due from State		73,273.83
14000 · Prepaid Expenses		150,654.11
Total Other Current Assets		224,021.38
Total Current Assets		2,219,519.56
Fixed Assets		
17000 · Computer Equipment		1,099,025.95
17900 · Asset in Process		96,092.01
18000 · Accumulated Depreciation		-762,365.10
Total Fixed Assets		432,752.86
TOTAL ASSETS		**2,652,272.42**
LIABILITIES & EQUITY		
Liabilities		
Current Liabilities		
Accounts Payable		
20000 · Accounts Payable		40,747.54
Total Accounts Payable		40,747.54
Credit Cards		
21000 · Corp-BOA Visa 2026		3,988.34
Total Credit Cards		3,988.34
Other Current Liabilities		
22000 · Accrued Compensation		41,014.67
22500 · Deferred Revenues		138,500.42
24000 · DRAWDOWN		79,271.60
Total Other Current Liabilities		258,786.69
Total Current Liabilities		303,522.57
Total Liabilities		303,522.57
Equity		
30000 · Retained Earnings		1,934,531.44
Net Income		414,218.41
Total Equity		2,348,749.85
TOTAL LIABILITIES & EQUITY		**2,652,272.42**

Iowa Land Records - Fund 255
Balance Sheet
As of June 30, 2021

		Jun 30, 21
ASSETS		
Current Assets		
Checking/Savings		
State Treasurer		
Unrestricted Operating Reserve	68,347.95	
Equipment Replacement Fund	223,814.40	
Restricted Operating Reserve	100,000.00	
Redaction Reserve Account	20,259.02	
State Treasurer - Other	115,295.78	
Total State Treasurer		527,717.15
Total Checking/Savings		527,717.15
Total Current Assets		527,717.15
TOTAL ASSETS		**527,717.15**
LIABILITIES & EQUITY		
Equity		
Opening Bal Equity		433,569.23
Retained Earnings		930,181.75
Reserved Retained Earnings		-788,013.25
Net Income		-48,020.58
Total Equity		527,717.15
TOTAL LIABILITIES & EQUITY		**527,717.15**


E-Submission Trends
45000
40000
35000
30000
25000
20000
15000
10000
5000
0
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Electronic Services System
Johnston, Iowa

FINANCIAL REPORT

December 31, 2020 and 2019

T A B L E O F C O N T E N T S

INDEPENDENT AUDITOR'S REPORT

Electronic Services System Coordinating Committee
Electronic Services System
Johnston, Iowa

Report on the Financial Statements

We have audited the accompanying financial statements of Electronic Services System, as of and for the years ended December 31, 2020 and 2019, and the related notes to the financial statements, which collectively comprise Electronic Services System's basic financial statements as listed in the table of contents.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with the financial reporting requirements of the County Electronic Services System 28E Agreement, this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

Our responsibility is to express an opinion on these financial statements based on our audits. We conducted our audits in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audits to obtain reasonable assurance about whether financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Opinion

In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of Electronic Services System as of December 31, 2020 and 2019, and changes in its financial position, and its cash flows for the years then ended, in accordance with the financial reporting requirements of the County Electronic Services System 28E Agreement.

Other Matters

Required Supplementary Information

Accounting principles generally accepted in the United States of America require that the management's discussion and analysis on pages 5-7 be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

Basis of Accounting

We draw attention to Note 1 to the financial statements, which describes the basis of accounting. The financial statements are prepared to present the operations of the Electronic Services System pursuant to the 28E agreement described in Note 1, and is not intended to be a complete presentation of the financial statements of Electronic Services System. Our opinion is not modified with respect to that matter.

Restriction on Use

This report, a public record by law, is intended solely for the information and use of the Electronic Services System Coordinating Committee, management of Electronic Services System, members of the Iowa County Recorders Association and other parties to whom they report. This report is not intended to be used and should not be used by anyone other than these specified parties.

Other Reporting Required by *Government Auditing Standards*

In accordance with *Government Auditing Standards*, we have also issued our report dated July 13, 2021 on our consideration of Electronic Services System's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is solely to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the internal control over financial reporting or on compliance. That report is solely an integral part of an audit performed in accordance with *Government Auditing Standards* in considering Electronic Services System's internal control over financial reporting and compliance.

DENMAN & COMPANY, LLP

West Des Moines, Iowa
July 13, 2021

Electronic Services System
MANAGEMENT'S DISCUSSION AND ANALYSIS
December 31, 2020

Management of Electronic Services System (the Organization) provides this Management's Discussion and Analysis of the Organization's annual financial statements. This narrative overview and analysis of the financial activities is for the year ended December 31, 2020. We encourage readers to consider this information in conjunction with the Organization's financial statements, which follow.

FINANCIAL HIGHLIGHTS

Electronic Services System's cash balance at December 31, 2020 was $1,503,147, representing an increase of $608,594 from December 31, 2019. The increase in cash balance is due primarily to continued growth in submittal fees.

Recording fee income increased 50.6% or approximately $8,900,000 to $26,560,333 for the year ended December 31, 2020.

Recording distributions increased 50.6% or approximately $8,900,000 to $26,560,578 for the year ended December 31, 2020.

Variance in the amounts for recording fees and distributions are related to timing of cash flow.

USING THIS REPORT

The report consists of a series of financial statements and other information, as follows:

Management's Discussion and Analysis introduces the basic financial statements and provides an analytical overview of the Organization's financial activities.

The Special-Purpose Statements of Net Position present information on the Organization's assets and liabilities, along with the composition of its net position.

The Special-Purpose Statements of Revenues, Expenses, and Changes in Net Position present information on the Organization's operating revenues and expenses.

The Special-Purpose Statements of Cash Flows present the change in the Organization's cash during the year. This information can help describe how the Organization generated and used cash through its operating and capital and related financing activities.

The Notes to Financial Statements provide additional information essential to a full understanding of the data provided in the basic financial statements.

FINANCIAL ANALYSIS

Special-Purpose Statements of Net Position

Net position serves as an indicator of the Organization's overall financial position. The Organization's net position increased $756,520 or 64.2% during the year ended December 31, 2020. The increase is due predominately to an increase in reimbursements from the Electronic Transaction Fund. A management objective in calendar year 2020 was to transition to a consolidated budget through the treasury management account. In prior years a separate budget was prepared for the Electronic Transaction Fund. This new accounting policy will provide ESS with improved financial oversight of the entire Electronic Services System. Management has also stated that an objective for 2020 has been to allocate income to reserve accounts for the purposes of implementing one-time projects to improve the system rather than committing increased revenues to substantial ongoing expenses. A summary of the statements of net position is presented below.

	December 31		
	2020	**2019**	**2018**
ASSETS			
Cash	$1,503,147	$ 894,553	$ 705,469
Other current assets	224,006	194,365	161,838
Capital assets, less accumulated depreciation	522,684	458,205	343,196
Total assets	2,249,837	1,547,123	1,210,503
LIABILITIES			
Current liabilities	315,305	369,111	207,375
NET POSITION			
Net investment in capital assets	522,684	458,205	343,196
Unrestricted	1,411,848	719,807	659,932
Total net position	$1,934,532	$1,178,012	$1,003,128

Special-Purpose Statements of Revenues, Expenses, and Changes in Net Position

Operating revenues are received from the electronic submission of real estate documents for official recording and processing fees from credit card transactions performed at local county recorders' offices.

Electronic Services System is reimbursed by the local counties for service maintenance associated with the integration of county land records management system with the Electronic Services System. The Organization's operational costs are in part reimbursed by the State of Iowa through the Electronic Transaction Fund administered by the Office of the Treasurer of State in addition to the operating revenues received from the treasury management account.

Electronic Services System distributes electronic recording fees and taxes to the local counties on a daily basis.

A summary of the statements of revenues, expenses, and changes in net position is presented below:

	Year ended December 31		
	2020	**2019**	**2018**
REVENUES			
Recording fees	$26,560,333	$17,631,664	$16,531,175
Point of sale (POS) payment system	2,390,006	3,048,642	1,605,639
Other fees and income	1,302,370	969,213	892,788
Reimbursements from Electronic Transaction Fund	985,420	316,944	295,430
Total revenues	31,238,129	21,966,463	19,325,032
EXPENSES			
Recording distributions	26,560,578	17,638,213	16,520,536
POS payment system distributions	2,316,704	2,969,942	1,550,134
Depreciation	174,057	53,227	53,567
Salaries and payroll	384,729	293,140	220,462
Transaction fee and bank charges	132,113	139,000	144,528
Other operating expenses	913,428	658,482	592,268
Planned reserve expenses	–	39,575	2,872
Total expense	30,481,609	21,791,579	19,084,367
INCREASE IN NET POSITION	756,520	174,884	240,695
NET POSITION, beginning	1,178,012	1,003,128	1,003,128
NET POSITION, ending	$ 1,934,532	$ 1,178,012	$ 1,243,823

Total revenues increased by 42.2% or $9,271,666 in 2020, primarily due to increases in recording fee income. Expenses increased by 39.9% or $8,690,030 in 2020, primarily due to increases in recording distributions. Total documents processed increased by 43% or 110,485 documents to 367,818 in 2020. The percent of documents filed electronically statewide increasing from approximately 45% in 2019 to 52% in 2020. This substantial increase in electronic filing is attributed to the COVID-19 pandemic requiring county recorders to minimize in-person services and to a strong state-wide real estate market.

ECONOMIC FACTORS

Changes in the real estate market and State economy as a whole may result in changes in recording activity and revenue. The COVID-19 pandemic may encourage new users of the Organization’s electronic submission system. However, the pandemic may also alter the real estate market. Organizational efforts to promote electronic submissions may also result in revenue growth. Potential future changes in service fees for e-submission may both positively and negatively affect future revenue. The Organization continually monitors economic and other factors to protect the financial condition of Electronic Services System.

CONTACTING ELECTRONIC SERVICES SYSTEM FINANCIAL MANAGEMENT

This financial report is designed to provide a general overview of the Organization’s financial and operating activities to all those with an interest in its finances. If you have any questions or require additional information, please contact the Project Manager at Electronic Services System, 8711 Windsor Parkway, Suite 2, Johnston, IA 50131.

Electronic Services System
SPECIAL-PURPOSE STATEMENTS OF NET POSITION

	December 31	
ASSETS	**2020**	**2019**
CURRENT ASSETS		
Cash	$1,503,147	$ 894,553
Accounts receivable	78	14,893
Due from Electronic Transaction Fund	73,274	35,102
Prepaid expenses	150,654	144,370
Total current assets	1,727,153	1,088,918
CAPITAL ASSETS		
Computer equipment	718,247	566,393
Software	476,871	390,189
	1,195,118	956,582
Accumulated depreciation	(672,434)	(498,377)
Total capital assets	522,684	458,205
Total assets	2,249,837	1,547,123
LIABILITIES		
CURRENT LIABILITIES		
Accounts payable	54,594	104,873
Accrued compensation	41,015	35,102
Customer deposits	81,196	32,124
Unearned revenues	138,500	134,512
Other current liabilities	–	62,500
Total current liabilities	315,305	369,111
NET POSITION		
Net investment in capital assets	522,684	458,205
Unrestricted	1,411,848	719,807
Net position	$1,934,532	$1,178,012

See Notes to Financial Statements.

Electronic Services System
SPECIAL-PURPOSE STATEMENTS OF REVENUES, EXPENSES, AND CHANGES IN NET POSITION

	Year ended December 31	
	2020	2019
REVENUES		
Recording fees	$26,560,333	$17,631,664
Point-of-Sale (POS) payment system	2,390,006	3,048,642
Submitting fees	1,139,949	797,646
Draws from Electronic Transaction Fund	985,420	316,944
Local service maintenance fees, (net of discounts $117,558, 2020; $116,841, 2019)	161,891	161,492
Miscellaneous income	530	10,075
Total revenues	31,238,129	21,966,463
EXPENSES		
Recording distributions	26,560,578	17,638,213
POS payment system distributions	2,316,704	2,969,942
Local service maintenance	278,377	274,246
Transaction fees and bank charges	132,113	139,000
Project management	135,900	88,890
Salaries and payroll	384,729	293,140
Marketing	150,071	79,062
Depreciation	174,057	53,227
Office	77,983	41,826
Technology	180,269	90,158
Professional fees	90,828	84,300
Planned reserve	–	39,575
Total expenses	30,481,609	21,791,579
INCREASE IN NET POSITION	756,520	174,884
NET POSITION, beginning	1,178,012	1,003,128
NET POSITION, ending	$ 1,934,532	$ 1,178,012

See Notes to Financial Statements.

Electronic Services System
SPECIAL-PURPOSE STATEMENTS OF CASH FLOWS

	Year ended December 31	
	2020	2019
CASH FLOWS FROM OPERATING ACTIVITIES		
Cash received from recording fees, submitting fees and POS payment services	$30,139,360	$21,472,460
Cash received from counties for maintenance fees	180,694	146,531
Reimbursements received from Electronic Transaction Fund	947,248	290,993
Cash received from other revenue	530	72,575
Cash paid to employees for services	(378,816)	(281,529)
Cash paid to suppliers for goods and services	(1,164,803)	(824,323)
Recording and POS distributions to counties	(28,877,083)	(20,519,387)
Net cash provided by operating activities	847,130	357,320
CASH FLOWS FROM CAPITAL AND RELATED FINANCING ACTIVITES		
Purchase of capital assets	(238,536)	(168,236)
NET INCREASE IN CASH	608,594	189,084
CASH		
Beginning	894,553	705,469
Ending	$ 1,503,147	$ 894,553
RECONCILIATION OF CHANGE IN NET POSITION TO NET CASH PROVIDED BY OPERATING ACTIVITIES		
Change in net position	$ 756,520	$ 174,884
Adjustments to reconcile change in net position to net cash provided by operating activities		
Depreciation	174,057	53,227
Change in assets and liabilities		
Accounts receivable	14,815	(11,802)
Due from Electronic Transaction Fund	(38,172)	(25,951)
Prepaid expenses	(6,284)	5,226
Accounts payable	(50,279)	96,276
Accrued compensation	5,913	11,611
Customer deposits	49,072	(5,492)
Unearned revenues	3,988	(3,159)
Other current liabilities	(62,500)	62,500
Net cash provided by operating activities	$ 847,130	$ 357,320

See Notes to Financial Statements.

Electronic Services System
NOTES TO FINANCIAL STATEMENTS

NOTE 1 SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

Electronic Services System (ESS) was formed as a result of legislation adopted by the Iowa General Assembly. ESS is managed under an agreement (County Electronic Services System 28E Agreement), as executed within the meaning of Iowa Code Chapter 28E, between Iowa's ninety-nine counties and Iowa County Records Association (ICRA). ESS was formed to facilitate the submitting of real estate and other legal documents electronically to Iowa County Recorders for official recording, to provide public access to records through the Internet, and to provide other electronic services. The executed 28E agreement appoints ICRA with the authority to administer the operations of ESS.

Measurement Focus and Basis of Accounting

The financial statements include the financial activities administered by the ICRA and the Electronic Services System Coordinating Committee. They include all transactions of the Electronic Services System treasury management account and capital asset account. The treasury management account is used primarily as the central clearinghouse for receipt of payments to the ESS system and the distribution of funds to Iowa counties for recording and other services. The treasury management account is also used for certain operating expenses. The capital asset account includes the equipment and software used to host the Electronic Services System web site.

In accordance with State statute, a portion of all transaction fees recorded by Iowa county recorders is to be deposited to the State of Iowa's Electronic Transaction Fund, also known as Fund 255, administered by the Office of the Treasurer of State to be used for the payment of claims approved by the Electronic Services System Coordinating Committee. The receipts and disbursements of this fund are not included in the financial statements of Electronic Services System, in accordance with the reporting requirements of the County Electronic Services System 28E Agreement. Receipts from the Electronic Transaction Fund to Electronic Services System's treasury management account are recorded as reimbursements from the State of Iowa and are included in revenue.

ESS has elected to apply all applicable GASB pronouncements. The financial statements are reported using the economic resources measurement focus and the accrual basis of accounting. Revenues are recorded when earned and expenses are recorded when a liability is incurred; regardless of the timing of related cash flows.

Use of Estimates

The preparation of special-purpose financial statements requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities at the date of the financial statements, and reported amounts of revenues and expenses during the reporting period. Actual results could differ from those estimates.

Income Taxes

ESS is a governmental subdivision of the State of Iowa and is exempt from federal and state income taxes.

Capital Assets

Computer equipment is stated at cost. Depreciation is computed on a straight-line basis over the estimated useful lives of the assets which are three to five years. Software reported on the special-purpose statements of net position has been internally developed by ESS and recorded at cost. Software is amortized over a three year useful life.

Electronic Services System
NOTES TO FINANCIAL STATEMENTS

NOTE 1 SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (continued)

Net Position

The Special-Purpose Statements of Net Position present ESS's assets and liabilities, with the difference reported as net position. Net position is reported in three categories:

Net investment in capital assets, consists of capital assets, net of accumulated depreciation and reduced by outstanding balances for bonds, notes and other debt attributable to the acquisition, construction or improvement of those assets.

Restricted net position results when constraints placed on net position use are either externally imposed or imposed by law through constitutional provisions or enabling legislation. Electronic Services System had no restricted net position at December 31, 2020 and 2019.

Unrestricted net position consists of net position not meeting the definition of the two preceding categories. Unrestricted net position often has constraints on resources imposed by management which can be removed or modified.

Customer Deposits

Electronic Services System allows customers to hold funds on account with ESS for future electronic submittals. These funds are recorded as a liability on the Special-Purpose Statements of Net Position until an electronic submission is initiated by the customer, at which time it is recorded to revenue.

Unearned Revenues

Electronic Services System is reimbursed for costs associated with local service maintenance contracts by local county recorders offices. These local service maintenance contracts are paid for in advance by ESS, resulting in prepaid expenditures for services not yet performed at the end of the reporting period. In order to match the period of recognition for both revenues and expenses associated with these service contracts, ESS has recorded as a liability the payments made by county recorders associated with services which have not yet been performed as of the end of the reporting period.

Change in Accounting Policy

Effective January 1, 2020, ESS has changed its accounting policy regarding the recording of expenses from the State of Iowa's Electronic Transaction Fund. Under the new accounting policy, all expenses of ESS will now be recorded to the ESS treasury management account and reimbursement requests will be made to the Electronic Transaction Fund, based on the fiscal needs of the System. Under the previous accounting policy, certain expenses were directly recorded to the Electronic Transaction Fund. As a result of this change in accounting policy, expenses which were previously not shown on the special-purpose financial statements will now be presented in their entirety. This new accounting policy will provide ESS with improved fiscal oversight of the entire Electronic Services System.

NOTE 2 CONCENTRATIONS OF CREDIT RISK

Electronic Services System maintains a checking account at a commercial bank. Cash in this account at times exceeded the FDIC insurance limit of $250,000.

Electronic Services System
NOTES TO FINANCIAL STATEMENTS

NOTE 3 RETIREMENT PLAN

ESS has a retirement plan covering employees who have met certain eligibility requirements. Contributions to the plan for the years ended December 31, 2020 and 2019 were $8,656 and $8,149, respectively.

NOTE 4 SUBSEQUENT EVENTS

ESS has evaluated subsequent events through July 13, 2021, the date which the financial statements were available to be issued. There were no subsequent events which required accrual or disclosure.

INDEPENDENT AUDITOR'S REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING AND ON COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF FINANCIAL STATEMENTS PERFORMED IN ACCORDANCE WITH *GOVERNMENT AUDITING STANDARDS*

Electronic Services System Coordinating Committee
Electronic Services System
Johnston, Iowa

We have audited, in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States, the financial statements of Electronic Services System, which comprise the special-purpose statement of net position as of December 31, 2020, and the related special-purpose statements of revenues, expenses, and changes in net position and cash flows for the year then ended, and the related notes to the financial statements, and have issued our report thereon dated July 13, 2021.

Internal Control Over Financial Reporting

In planning and performing our audit of the financial statements, we considered Electronic Services System's internal control over financial reporting (internal control) to determine the audit procedures that are appropriate in the circumstances for the purpose of expressing our opinion on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of Electronic Services System's internal control. Accordingly, we do not express an opinion on the effectiveness of Electronic Services System's internal control.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected, on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

Compliance and Other Matters

As part of obtaining reasonable assurance about whether Electronic Services System's financial statements are free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit and, accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing and not to provide an opinion on the effectiveness of the Electronic Services System's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the Electronic Services System's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

DENMAN & COMPANY, LLP

West Des Moines, Iowa
July 13, 2021

ESS/Iowa Land Records
8711 Windsor Parkway, Suite 2
Johnston, Iowa 50131

August 10, 2021

To: ESS Coordinating Committee
ESS Finance Subcommittee

From: Phil Dunshee, ILR Project Manager

Re: Insurance Budget Adjustment

In recent years it has been an ESS practice to adopt and amend budgets in November and May. This allows for mid-year and end of year corrections. As we completed the financials for 2020, we observed that total revenue in 2020 was $31,238,129 compared to $21,966,463 in 2019. This is noted in the 2020 audit report, and it was also noted by the underwriters when we submitted our insurance application this spring.

For calendar year 2021, we budgeted $29,000.00 for insurance premiums. The actual premium amounts totaled $34,231.39 due largely to the increase in revenue noted above. While this increase was larger than anticipated, it is manageable. As we make preparations for the 2022 budget, we wish to go ahead and amend the 2021 budget to reflect the increase in the insurance premiums.

Action Requested: Authorize staff to adjust the 2021 calendar year budget for insurance from $29,000.00 to $34,231.39.

ESS/Iowa Land Records
8711 Windsor Parkway, Suite 2
Johnston, Iowa 50131

August 10, 2021

To: ESS Coordinating Committee
ESS Finance Subcommittee

From: Phil Dunshee, ILR Project Manager

Re: Reserve Fund Allocation

The Electronic Services System has a checking (cash) account for the purpose of operations, cash flow management, and reserve funds for special purpose activities. The operating and reserve accounts are as follows.

- BOA – Settlement Account – operations including both revolving and budgeted transactions
- Software Development and Equipment Maintenance Reserve
- Redaction Reserve (currently unfunded)
- Restricted Operating Reserve
- Unrestricted Reserve

Anything not allocated to one of the reserve accounts is included in the BOA Settlement account (operating account). As of June 30, 2021, the Unrestricted Reserve had a balance of $38,399.40, and the operating account had a reconciled balance of $1,287,094.29. The Software Development and Equipment Maintenance Reserve had a balance of $550,319.68, and the Restricted Operating Reserve had a balance of $100,000.00. No funds have yet been allocated to the redaction reserve as some funds remain in the Fund 255 Redaction Reserve account.

Project budgeted income has continued to be positive. This is the result of sustained usage of the E-Submission service along with the utilization of resources in Fund 255 which is managed through the Office of the State Treasurer. Budgeted income from the E-Submission service fee and Fund 255 Reimbursement has exceeded projections in the most recent quarter by $84,798.92.

It is recommended that these funds be allocated as follows.

- $84,798.92 to the Software Development and Equipment Maintenance Reserve

The allocation of funds to the Software Development and Equipment Reserve will not hinder operating cashflow, nor will it cause any shortfall in the ordinary course of operations - in the event that E-Submission activity declines as the pandemic eases.

Action Requested: Authorize staff to allocate the recommended funds to the specified reserve accounts, effective June 30, 2021.

IOWA LAND RECORDS

ELECTRONIC SERVICES SYSTEM
8711 Windsor Parkway, Suite 2
Johnston, Iowa 50131

July 15, 2021

To: ESS Standards Subcommittee

From: Phil Dunshee, ILR Project Manager

Re: Exemption Changes

One of the agenda topics at the previous Standards Subcommittee meeting concerned the work flow and rules for Exemption Changes. A recorder action to change an exemption is somewhat rare, I understand. The business rules associated with an exemption change can also be complex. Additionally, Exemption is one of the stated Reasons for declining a document.

When we discussed this at the last meeting, it was clear that you did NOT think it would be appropriate to enable county recorders to delete unnecessary helper documents. There seemed to be some measure of interest in changing the workflow.

The proposition is to simplify the E-Submission review process by removing from the Recorder's interface the option to change the exemption. The option to decline an incorrect exemption selection would remain.

Here are some scenarios to help explain the effects of this change.

Scenario 1. Submitter selects an exemption incorrectly, and as a result a group may not have a required element (DOV, GWH, or the payment of real estate transfer taxes).

> Current workflow. The recorder removes the exemption but approves the documents in the group; the group is returned to the submitter with an exemption change and possibly with a fee change.
>
> Future workflow. The recorder declines the document/group with the Reason "Exemption"; the group is returned to the submitter for correction and with instructions to add a helper document or enter the real estate value to calculate the taxes due.

Scenario 2. Submitter fails to choose an exemption and either attaches an unnecessary helper document (DOV or GWH) or attempts to pay an unnecessary real estate transfer tax.

> Current workflow. The recorder is unable to remove a helper document. However, the recorder can choose an exemption which could reduce the recording fee (by applying an exemption); the group is returned to the submitter with a fee change.
>
> Future workflow. The recorder declines the document/group with the Reason "Exemption"; the group is returned to the submitter for correction and with instructions to apply the appropriate exemptions and possibly remove the unnecessary helper documents.

Scenario 3. Submitter chooses the wrong exemption from the list, but a change in the selected exemption does not change the recording fee or affect the necessity for the helper documents.

> Current and future workflow. The recorder should process the document without changing an exemption in the E-Submission interface. If the document and the fee is correct, there is no reason to make a change. A correct document with correct fees should not be declined due to an inconsequential exemption error.

Explanation: The rationale for this change is that it should be a best practice to NOT have the recorder make any substantive changes to a group such as the deletion of any unnecessary helper documents (DOV or GWH), or to either apply an exemption to a real estate value or to enter or modify a real estate value. These substantive issues should be corrected by the submitter. This change will also simplify the process for both the submitter and the recorder.

Requested Action: <u>The authorization of the ESS Coordinating Committee for the ILR development team to modify the exemption workflow as described.</u>

From: Chris Kistner <ckistner@cottsystems.com>
Sent: Wednesday, April 21, 2021 10:33 AM
To: phil@clris.com
Subject: RE: 2021 Renewals and Proposed Quarterly Conference Call - May 4, 2021 - SUPPLEMENT - Migration Plans and Grantors/Grantees

Hi Phil,

Removing the Party designator would definitely require us to make a change to our system. We would have to default the Party designator to 1. Which would then mean that the users that choose to enter all names during the approval process, would no longer make sense for them to do so. I say this because they would then have to correct any Side2 names that would have been downloaded as Side1 names.

If this were to happen, would you also stop the users from attempting to record anything other than the first side1 name so we wouldn't have the above scenario?

Thanks,
Chris

Chris Kistner | **Data Consulting Services Manager**
Cott Systems, Inc. | 2800 Corporate Exchange Dr., Ste.300 | Columbus, OH 43231
o) 800-234-2688 x271 **f)** (614) 847-3737
e) **ckistner@cottsystems.com** | **web)** **www.cottsystems.com**

From: phil@clris.com <phil@clris.com>
Sent: Tuesday, April 20, 2021 1:37 PM
To: Chris Kistner <ckistner@cottsystems.com>
Subject: RE: 2021 Renewals and Proposed Quarterly Conference Call - May 4, 2021 - SUPPLEMENT - Migration Plans and Grantors/Grantees

****

Grantors/Grantees
As you may know we are in the midst of developing an new customer user interface for E-Submission. In this regard we are looking to simplify things as much as we can, including the elimination of some data elements from the interface. One element being considered is the grantor/grantee designation. Submitters would continue to be required to enter one party name (person or organization), but in this scenario that would not be required to specify grantor/grantee. This is still part of the ILR XML structure, but no data would be passed from ILR E-Submission to the county system. As we consider this possibility, we ask you whether there is any dependency built into your local systems which would result in an error if the grantor/grantee element was empty or Null.

We would greatly appreciate it if you would examine your software and let us know if the lack of grantor/grantee data would create any issues for you.

2021/2022 Development Road Map

- Complete E-Submission Recorders Interface
    - Re-Stamping
    - Reports
    - Image management
        - Separate Image Service
        - Image Source/Type Identification
        - Image Conversion Processing
        - Recording Stamp Size/Margin Rules
    - Lock Functions
    - Rejection Reasons
    - ESS/SysAdmin Functions
        - Artifact Removal (Recordable Options, Groundwater Hazard Options)
        - Notification Messages
        - Stamp Information
        - Welcome Message Edits
        - Reports
        - *CRM Integration
- Submitter Interface
    - Submission Interface
    - Image Management
        - Compliance/Conversion Check
        - Enhancement Tools
    - Search (Parallel)
    - Admin
        - Maintain Users
        - Maintain Payment Info
    - Reports
    - Welcome Message Edits
- Payment Application – Related To E-Submission
    - Update Application Infrastructure
    - Reports Transaction Reports/QB Reports
    - Remove Unused Artifacts
    - Maintain Users
    - Maintain Service Fees/Tiers/Returns
    - BOA API NACHA Integration
- Portal Legacy Modification
    - Search Constraints – One County At A Time (Discontinue Multi-County Searches)
    - Search Constraints – Enforce 120 Document Views/Downloads Per Day Limit Per User
    - Disable Self Registration – Research/Set Up User Identification System
    - Remove Unused Application Artifacts
    - Research Alternative Search Algorithms
- Search Engine Application (RFQ – Subject To Legislative Action)
    - Update Application Infrastructure

IOWA LAND RECORDS

ELECTRONIC SERVICES SYSTEM
8711 Windsor Parkway, Suite 2
Johnston, Iowa 50131

WORK AUTHORIZATION

Authorization #: LT-1.0 **Cost Estimate:** $40,000.00

Effective Date: July 22, 2021
Valid Through: 09/03/21

Agency: Electronic Services System (ESS) **Vendor (Service Provider):** Lean TECHniques , Inc.

Project Phase: Phase 1 – ESS Payment Application – EFT API

RFQ/Contract Number: RFQ Number: ESS-2021-1

Work Requested By: Phil Dunshee **Lean TECHniques Contact:** Danielle Brommer

Statement of Work Lean TECHniques will provide software development services for the ESS payment application. Deliverables for the first phase on the project will include the following:

1. Developer onboarding
   a. Configure project (Maven, Spring Boot, Bitbucket)
2. Create Payment Application module including the following tasks
   a. Port Struts/JBoss EFT specific application logic to Spring Boot/Tomcat microservice (REST API) Note: No new datapoints at database level
   b. ORM mapping updates from hbm.xml to annotated entity classes
   c. DAO level unit tests
   d. Migrate EFT business logic from Struts to Spring
   e. Add service layer testing
   f. Develop JSON REST API to integrate with E-Submission applications
   g. Add logging functionality to enhance traceability of individual transactions
3. **Deliverables** include the following working software functions:
   i. Make Payment
   ii. Make Batch Transaction Payment
4. Provide the following personnel at the specified rates.

Activity	Rate
Delivery Lead (Amber Vaughn)	$150.00/hr.
Senior Software Developer (Robert Greathouse)	$150.00/hr.
Software Developer (tbd)	$125.00/hr.
Total Cost - Not To Exceed	$40,000.00

With respect to this work authorization, Lean TECHniques will provide ESS with a detailed invoice bi-weekly.

Work Included:
Weekly Status Reports For ESS Project Manager/Product Owner
Daily Stand Up With ESS Technical Lead

ESS will provide Lean TECHniques with access to necessary software and accounts, and ensure timely communications regarding Deliverables, Acceptance or Non-Acceptance, Deficiency, Error, Enhancement, Services, and Specifications as referenced in the master Agreement.

DocuSigned by:
Danielle Brommer
984698CCE0EB46D

7/21/21

Approved: Lean TECHNIQUES **Approved: Electronic Services System**

7/22/2021 | 7:18:35 AM PDT

Contract Terms and Conditions

Amendment and Extension Number 3

This third amendment to the Contract for e-Recording Documents with County Officials (Contract) made and effective as of September 1, 2016 by and between the Electronic Services System, DBA Iowa Land Records ("ESS"), and the Iowa Department of Revenue ("Iowa Department of Revenue" and "External Submitter"). The parties agree to the following:

Section 1. Extension. Section 2.3 of the Contract allows for up to three one-year terms following the completion of the initial term. The parties hereby agree to extend the Contract for the final one-year term, expiring August 31, 2022.

Section 2. Amendment. Appendix A is hereby struck and replaced as follows:

Iowa Department of Revenue
Confidential Information Requirements for Contractors

I. Access to Confidential Information

The contractor's officers, employees, agents and subcontractors may have access to confidential state tax information, including returns or return information (herein referred to collectively as "tax information") maintained by the Iowa Department of Revenue (hereafter referred to as "the Department") to the extent necessary to carry out its responsibilities under the Contract or Agreement, as appropriate (herein referred to as "the Contract"). The contractor shall presume that all information received pursuant to the Contract is confidential unless otherwise designated by the Department.

II. Performance

In performance of the Contract, the contractor agrees to comply with and assume responsibility for compliance by its officers, employees, agents, or subcontractors with the following requirements:

1. All work shall be performed under the supervision of the contractor or the contractor's responsible employees.
   i. The contractor shall designate one individual who shall remain the responsible authority in charge of all tax information collected, used, or disseminated by the contractor in connection with the performance of its duties under the Contract.
   ii. The contractor shall provide adequate supervision and training to its officers, employees, agents, or subcontractors to ensure compliance with the terms of the Contract.
   iii. The contractor shall provide acceptance by its officers, employees, agents, or subcontractors, by signature, of the terms of state confidentiality disclosure (see Exhibit 1 Acknowledgment of Statements of Confidentiality).
   iv. Any disclosure of tax information as governed by the Iowa Code sections 422.20, 422.72, and 452A.63, shall be subject to a fine of not less than $100 or more than $1,000 and/or be confined in jail for not less than thirty (30) days nor more than six (6) months.
   v. The contractor shall provide to the Department a written description of its policies and procedures to safeguard tax information. Policies of confidentiality shall address, as appropriate, tax information conveyed in verbal, written, and electronic formats.
   vi. The contractor will maintain a list of officers, employees, agents, or subcontractors with authorized access to tax information. Such list will be provided to the Department upon request.

vi. No work furnished under this Contract may be subcontracted without prior written approval from the Department. If written approval is received, all subcontractors and subcontractor's employees shall be held to the same standards as the contractor and the contractor's employees, including, but not limited to, annual training and acceptance of confidentiality disclosure.

vii. No tax information may be accessed by contractor or contractor's officers, employees, agents, or sub-contractor located offshore or via any information systems located offshore.

viii. The contractor shall complete a security risk assessment questionnaire annually, as part of a certification process with the Department.

2. Any tax information made available in any format shall be used only for the purpose of carrying out the provisions of this Contract. Information contained in such material will be treated as confidential and will not be divulged or made known in any manner to any person except as may be necessary in the performance of its duties under this contract. Inspection by or disclosure to anyone other than an officer, employee, agent or subcontractor of the contractor is prohibited.
3. All tax information shall be accounted for upon receipt and properly safeguarded in accordance with security requirements set forth in this Addendum before, during, and after processing. In addition, all related output shall be given the same level of protection as required for the source material.
4. Upon completion of duties under this Contract or upon the specific direction of the Department, the contractor will certify that the tax information processed and any output generated during the performance of duties under this Contract has been completely purged from all information storage components, including, but not limited to data center facility, laptops, computers, and other storage devices. If immediate purging of all information storage components is not possible, the contractor shall certify that any tax information remaining in any storage component shall be safeguarded to prevent unauthorized disclosures until it has been purged. Once all tax information processed and output generated has been completely purged, the contractor shall submit a signed certification to the Department to that effect.
5. Any spoilage or intermediate hard copy output that may result during the processing of tax information shall be given to the Department. When this is not possible, the contractor shall be responsible for the destruction of the spoilage or intermediate hard copy output, and shall provide the Department with a statement containing the date of destruction, description of material destroyed, and the method used. Destruction method must meet specifications as defined in IRS Publication 1075 Section 8.3
6. The contractor shall implement security controls for its computer systems processing, storing, or transmitting tax information that conform to mutually approved security framework (NIST 800-53, SOC2, ISO27001:2005, etc.). The security features of the computer systems must meet all functional and assurance requirements for the managerial, operational, and technical security controls. All security features must be available and activated to protect against unauthorized use of and access to tax information. The contractor shall provide the Department with its most recent risk assessment or Type II audit report, including identified gaps or plan of action to mitigate identified issues prior to receiving tax information from the Department, and annually thereafter.
7. The use of personally owned computers for accessing tax information is strictly prohibited.
8. Any tax information supplied by the Department to the contractor or contractor's officers, employees, agents, or subcontractors or created by the contractor or contractor's officers, employees, agents, or subcontractors in the course of the performance of its duties under this Contract shall be considered the property of the Department. No tax information collected, maintained, or used in the course of performance of the Contract shall be disseminated by the contractor or contractor's officers, employees, agents, or subcontractors except as authorized by law and only with the prior written consent of the Department, either during the period of the Contract or thereafter. The contractor may be liable for an unauthorized disclosure if it fails to comply with federal and state confidential safeguard requirements.
9. In the event that a subpoena or other legal process is served upon the contractor for records containing tax information, the contractor shall promptly notify the Department and cooperate with the Department in any lawful effort to protect the tax information.

10. The contractor shall immediately report to the Department any unauthorized disclosure or security breach of tax information. This includes, but is not limited to: (i) Unauthorized access or disclosure of tax information; (ii) Illegal technology transfer; (iii) Sabotage, destruction, theft or loss of tax information or the information systems; and (iv) Compromise or denial of tax information or information systems.
11. The Department, with 24-hour notice, shall have the right to send its inspectors into the offices and plants of the contractor for inspection of the facilities and operations performing any work under this Contract. In lieu of an on-site visit, the contractor can respond to an inspection questionnaire. An inspection questionnaire may be used in lieu of an on-site visit. Based on such inspection, specific remedial actions may be required of the contractor in cases where the contractor is found to be noncompliant with Addendum safeguards.
12. If the Department is required to notify taxpayers of a security or confidentiality breach caused by the contractor, the Department is entitled to reimbursement of such costs related to this notification from the contractor (see Iowa Code § 715C.2).
13. If the contractor fails to provide the safeguards described herein, the Department shall have the right to void the Contract immediately.
14. The contractor's confidentiality obligations under this section shall survive the termination of this Contract.
15. Any disclosure of tax information as governed by the Iowa Code sections 422.20, 422.72, and 452A.63, shall be subject to penalties prescribed therein.

Exhibit 1

Acknowledgment of Statement of Confidentiality

Authorization to access tax information is limited to the extent necessary to perform duties under the Contract with the Iowa Department of Revenue (the Department). Do not access, research, review, or change your own records. Do not access, research, review, or change the records of a relative, friend, neighbor, co-worker, celebrity, well-known taxpayer, or any other taxpayer, unless authorized to do so as part of your official duties. Disclosing or accessing tax information, even your own, without authorization may result in immediate termination of the Contract with the Department, as well as other criminal and civil penalties.

Confidential Information: It is the policy of the Department that all information should be treated as confidential, unless specifically authorized by statute, rule, or regulation. Tax information consists of state data, as well as personal data and personal information that is created, collected, handled, stored, processed, disseminated, and disposed of by the Department (hereinafter, collectively "confidential information").

Policy Statement: The contractor's officers, employees, agents, and subcontractors are strictly prohibited from accessing or disclosing any confidential information without a legitimate business purpose. The contractor's officers, employees, agents, and subcontractors are expressly prohibited from accessing their own confidential information. Records of family members, relatives, friends, neighbors, ex-spouses, acquaintances, or anyone else where a reasonable person would believe there may be a conflict of interest or where a personal relationship or an outside business relationship could raise questions about impartiality in handling of a related tax matter should not be accessed unless there is a business purpose. This includes any confidential information accessed or disclosed while performing official duties and training, demonstration, or troubleshooting needs.

If the contractor's officers, employees, agents, or subcontractors has a business purpose to access records that could cause potential conflict of interest, the officer, employee, agent, or subcontractor should notify their supervisor prior to accessing the record.

Scope: This policy applies, but is not limited to, the proper use and disclosure of confidential information. The appropriate use of Departmental records is the responsibility of all Departmental resource users, including full-time, part-time, and temporary employees, contractors, vendors, and other non-employees, who have access to Departmental resources or are in a position to impact the security or integrity of information assets of the Department.

Penalties & Enforcement: The contractor's officers, employees, agents, and subcontractors may be monitored for compliance with this policy. Non-compliance may result in disciplinary action up to and including termination of the Contract. Criminal and/or civil action against the officer, employee, agent, or subcontractor may be appropriate where laws are violated.

Release of Confidential Departmental Information: Pursuant to the Iowa Code, I, the undersigned, understand that the willful release of confidential information in a manner inconsistent with Iowa law is punishable as set forth below. I also understand that the willful inspection (browsing) of tax records is a violation of Iowa law.

State Penalties for willful browsing and unauthorized disclosure of confidential information includes:

- Iowa Code sections 422.20, 72 – Misdemeanor, up to $1,876 fine, imprisonment up to one year, loss of job, potential of personal liability in a lawsuit brought by the affected taxpayer.

I acknowledge that I am expected to:

- Be knowledgeable on the above policies and penalties;
- Speak with my supervisor if I have questions or need clarification; and
- Notify my supervisor immediately if I become aware of a possible compromise of confidential information.

Print Name	**Signature**	**Date**	**IDR Division / Company Name**

Section 3. Ratification and Authorization. Except as expressly amended or supplemented herein, the Amended Contract shall remain in full force and effect, and the parties hereby ratify and confirm the terms and conditions thereof. Each party to this Amendment and Extension represents and warrants to the other that it has the right, power, and authority to enter into and perform its obligations under this Amendment, and it has taken all requisite actions to approve execution, delivery, and performance of this Agreement, and that this Amendment constitutes a legal valid, and binding obligation.

Section 4. Execution. IN WITNESS WHEREOF, in consideration of the mutual covenants set forth above and for other good and valuable consideration, the receipt, adequacy and legal sufficiency of which are hereby acknowledged, the parties have entered into the above Amendment to the Contract and have caused their duly authorized representatives to execute this Amendment to the Contract.

The Electronic Services System (ESS)		**Iowa Department of Revenue (IDR)**	
Signature	**Date**	**Signature**	**Date**
Name: Phil Dunshee		**Name: Kraig Paulsen**	
Title: Project Manager		**Title: Director**	

KIM REYNOLDS
GOVERNOR

OFFICE OF THE GOVERNOR

ADAM GREGG
LT GOVERNOR

May 20, 2021

The Honorable Paul Pate
Secretary of State of Iowa
State Capitol
Des Moines, Iowa 50319

Dear Mr. Secretary,

I hereby transmit:

> House File 527, an Act relating to the authority of county boards of supervisors to amend an agreement between the counties to implement the county land record information system.

The above House File is hereby approved on this date.

Sincerely,

Kim Reynolds
Governor of Iowa

cc: Secretary of the Senate
Clerk of the House

House File 527

AN ACT

RELATING TO THE AUTHORITY OF COUNTY BOARDS OF SUPERVISORS TO AMEND AN AGREEMENT BETWEEN THE COUNTIES TO IMPLEMENT THE COUNTY LAND RECORD INFORMATION SYSTEM.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 331.604, subsection 3, Code 2021, is amended by adding the following new paragraph:

NEW PARAGRAPH. *f.* The county land record information system agreement may be amended by a vote of the boards of supervisors on behalf of the respective county recorders, pursuant to the terms of the agreement, to provide for the ongoing implementation of the county land record information system. As used in this paragraph, *"county land record information system agreement"* means the agreement entered under chapter 28E between the counties as required by 2005 Iowa Acts, ch. 179, §101, as amended by this Act.

Sec. 2. 2005 Iowa Acts, chapter 179, section 101, subsection 1, is amended to read as follows:

1. The board of supervisors of each county, on behalf of each county recorder, shall execute a chapter 28E agreement with the ~~Iowa county recorders association~~ other counties for the implementation of the county land record information system. ~~Such agreement shall require the Iowa county recorders association to execute contracts necessary for implementation of the county land record information system. The Iowa county recorders association shall submit to the general assembly on~~

~~or before November 1, 2005, a long-range business plan for implementing and maintaining the county land record information system, including a plan for integrating the system with electronic government and internet applications of other governmental entities.~~

PAT GRASSLEY
Speaker of the House

JAKE CHAPMAN
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 527, Eighty-ninth General Assembly.

MEGHAN NELSON
Chief Clerk of the House

Approved May 20th, 2021

KIM REYNOLDS
Governor

AMENDED AND SUBSTITUTED COUNTY ELECTRONIC SERVICES SYSTEM 28E AGREEMENT

WHEREAS, the Iowa County Recorders Association (hereinafter referred to as "Association") and the following Counties to wit: Adair, Adams, Allamakee, Appanoose, Audubon, Benton, Black Hawk, Boone, Bremer, Buchanan, Buena Vista, Butler, Calhoun, Carroll, Cass, Cedar, Cerro Gordo, Cherokee, Chickasaw, Clarke, Clay, Clayton, Clinton, Crawford, Dallas, Davis, Decatur, Delaware, Des Moines, Dickinson, Dubuque, Emmet, Fayette, Floyd, Franklin, Fremont, Greene, Grundy, Guthrie, Hancock, Hardin, Harrison, Henry, Howard, Humboldt, Ida, Iowa, Jackson, Jasper, Jefferson, Johnson, Jones, Keokuk, Kossuth, Lee, Linn, Louisa, Lucas, Lyon, Madison, Mahaska, Marion, Marshall, Mills, Mitchell, Monona, Monroe, Montgomery, Muscatine, O'Brien, Osceola, Page, Palo Alto, Plymouth, Pocahontas, Polk, Pottawattamie, Poweshiek, Ringgold, Sac, Scott, Shelby, Sioux, Story, Tama, Taylor, Union, Van Buren, Wapello, Warren, Washington, Wayne, Webster, Winnebago, Winneshiek, Woodbury, Worth, Wright [See Also Attachment A] entered into the above described County Electronic Services System 28E Agreement; and

WHEREAS, the Electronic Services System was created in 2005 and has implemented electronic recording and electronic transactions in each county and has developed a model statewide land record information system and website to provide electronic access to records and information in the State; and

WHEREAS, the Association and each participating county have been instrumental in creating and expanding the public's access to public records while at the same time assuring the creation and development of a system that redacts and protects personally identifiable information efficiently and accurately; and

WHEREAS, the Electronic Services System has efficiently and successfully performed the duties specified in Section 331.604 of the Code of Iowa; and

WHEREAS, the Electronic Services System has successfully fulfilled its fiduciary responsibilities to Iowa citizens and counties by transmitting fees paid by customers to Iowa counties for the public services rendered by the System and by conducting an annual financial audit assuring the integrity and efficiency of the Electronic Services System created and developed by the participating Counties and the Association; and

WHEREAS, 2005 Iowa Acts, chapter 179, section 101 has been amended by the Iowa General Assembly (House Fill 527, 2021 Iowa Acts) to allow the Electronic Services System to amend the agreement to provide for the ongoing implementation of the county land record information; and

WHEREAS, in accordance with the recent amendments by the Iowa legislature, the parties seek to amend and Substitute the County Electronic Services System 28E Agreement and in the process allow the system to contract directly for services thereby eliminating the financial liability of the Iowa County Recorders Association for the direct contractual actions of the Electronic Services System while at the same time allowing for a representative governance system assuring continued leadership by elected County Recorders across the State; and

NOW THEREFORE, the undersigned counties and the Association hereby Amend and Substitute the aforementioned County Electronic Services System 28E Agreement entirely with this **AMENDED AND SUBSTITUTED COUNTY ELECTRONIC SERVICES SYSTEM 28E AGREEMENT** as follows:

1. **PURPOSE.** This Agreement is an Amended and Substituted Intergovernmental Agreement creating and continuing the Electronic Services System administering the county land records information system, a/k/a Iowa Land Records, and other services. The purpose of the Electronic Services System was to establish a system and the necessary associated infrastructure to enable the recordation of various land records by interested parties in all areas of the State, and to provide reasonable public access to the public to land record information, while assuring that personally identifiable information was redacted in accordance with Iowa Law prior to public access to such records through the system.

2. **STATUS AS LEGAL ENTITY.** The Electronic Services System shall hereafter be constituted as a separate and distinct legal entity formed and established pursuant to chapter 28E of the Iowa Code (2021) governed by the governing board as set forth herein. As so constituted, it shall have the following powers:

    a. To receive and disburse electronically into bank accounts designated by the Electronic Services System and each County Recorder authorized fees for electronic recording and other services.
    b. To provide Iowa counties with an electronic services system for other services provided through the Office of the County Recorder;
    c. To provide an electronic services system for other public agencies or private organizations.
    d. To contract with any public or private entity to provide all necessary services.
    e. To rent, lease or purchase any tangible personal property, real estate or services reasonably necessary to fulfill the purposes of this Agreement;
    f. To establish a system of accounting and budgeting, and a system for receiving payments;
    g. To retain legal counsel, accountants and other professional individuals needed in order to fulfill the purposes of this Agreement; and
    h. To exercise any other power or do any other legal act necessary to discharge its obligations and fulfill the purposes of this Agreement.
    i. Take other routine or ministerial action as needed to provide for the successful operation of the Electronic Services System and/or the county land record information system.
    j. Establish Policies and Procedures to provide for the governance and operation of the Electronic Services System and a governing board or committee.
    k. Establish committees and subcommittees as needed to carry out the duties and responsibilities established by the ESS Coordinating Committee.
    l. To sue, or be sued, acquire and own real or personal property necessary for its corporate purpose.
    m. Adopt a corporate seal and alter the seal at its pleasure.

n. To issue debt as it deems necessary to fulfill its purposes.
o. Execute all powers conferred in chapter 28E of the Iowa Code (2021) and as subsequently amended from time to time.

3. DURATION. This Agreement shall become effective at such time as the undersigned counties have executed this Agreement in the manner hereinafter provided, and this Agreement is filed and recorded as required by Iowa Code section 28E.8 (2021). Copies of the filed and recorded Agreement shall be provided to the member counties. The operations of ESS shall be perpetual unless terminated in accordance with this Agreement.

4. GOVERNING BOARD. The Electronic Services System shall be governed by the Committee known as the ESS Coordinating Committee.

a. **Composition of Committee.** Initially the Committee shall consist of 10 members, and the number of members may be adjusted in the manner provided pursuant to paragraph 4(d). The members of the Committee shall be appointed by the Iowa County Recorders Association Executive Board.

b. Members of the ESS Coordinating Committee shall consist of eight County Recorders who shall be representative of the Electronic Services System membership as follows:
   i. One County Recorder shall be appointed from each of the six geographic districts established by the Iowa County Recorders Association.
   ii. One County Recorder shall be appointed from one of five counties with the highest population based on the most recent official U.S. census.
   iii. One County Recorder who is a member of the Iowa County Recorders Association Executive Board. To the extent practicable, the County Recorders should be representative of the various indexing and imaging systems utilized throughout Iowa. Deputy Recorders shall be eligible to serve on the ESS Coordinating Committee.

c. Members of the Coordinating Committee may also include representatives of stakeholders and professionals who develop, originate or process official real estate documents. Stakeholder representatives shall comprise no more than six positions on the Coordinating Committee. These members shall be qualified from one of the following groups:
   i. A person who is a representative of Iowa financial institutions including banks, credit unions or mortgage companies.
   ii. A person who is a representative of professionals active in the practice of real estate law.
   iii. A person who is a representative of professionals in abstracting and land title management.
   iv. A person who is a representative of information technology professionals who serve Iowa counties.
   v. A person who is representative of professional realtors or brokers.
   vi. A person who is representative of professional and licensed land surveyors.
   vii. Any person who is representative of another profession engaged in the Iowa real estate industry.

   A stakeholder representative must actively support and contribute to the success of the Electronic Services System.

d. Adjustments may be made to the composition of the Committee by resolution approved by at least 75% of the Committee and effective upon ratification by the Iowa County Recorders Association Executive Board. In the event the Iowa County Recorders Association Executive Board does not ratify the change in composition of the Committee within 90 days of adoption of the resolution by the Committee, any such change shall be considered defeated.

e. **Vacancy.** In the event that a vacancy occurs on the ESS Coordinating Committee as a result of a resignation or for any other reason, the Iowa County Recorders Association Executive Board shall appoint a replacement from the applicable group described in paragraphs 4(b) and 4(c).

5. VOTING

a. In the conduct of the Committee's business, each member of the Committee will have one vote, and the majority vote of those members present and voting shall decide such matters.
b. Committee members may participate and vote via electronic means including teleconference, web conference, or other electronic mediums, subject to the requirements of Chapter 21 of the Iowa Code.
c. The Chair, or in the Chair's absence, the Vice Chair of the Committee, may vote and participate in discussion, but shall not make or second a motion.

6. OFFICERS

a. The officers of the Committee shall be the Chair, the Vice Chair and the Secretary/Treasurer, each of whom shall be elected by vote of the Committee at the annual meeting of the Committee.

b. The Chair shall preside at all meetings of the Committee. The Chair or the Vice Chair in the absence of the Chair shall sign any instruments which the Committee has authorized to be executed, except in cases where the signing of instruments shall be required by law or protocol to be otherwise signed or executed, or where the resolution of the Committee authorizes the signing of such instrument by another person.

c. In the absence of the Chair, or in the event of the death, inability to act or refusal to act by the Chair, the Vice Chair shall perform the duties of the Chair, and when so acting, shall have all the powers of and be subject to all the restrictions upon that office.

d. The Secretary shall have responsibility for (i) the taking and preservation of minutes of the proceedings of the Committee, (ii) the giving of all notices in accordance with this Agreement or any Policies and Procedures, or as otherwise directed by the Committee or required by law, (iii) acting as custodian of the records of the ESS and (iv) keeping a current registry of the names and addresses of the members of the governing body of each Participating Community, and of each Participating Community's principal officers and of the Committee representatives and alternates.

e. The officers of the Committee shall be elected annually by and from the members of the Committee present at the annual meeting of the Committee. Nominations shall also be accepted from the representatives present at the annual meeting. All nominees, including those offered by the Nominating Committee, must receive a second in order to be considered a candidate and voted on for office.

f. Each officer shall hold office until his or her successor has been duly elected. Alternates shall not be eligible to serve as officers. Each of the officers shall be from different participating counties. A vacancy in the office of Chair, Vice-Chair or Secretary shall be filled by the Committee for the unexpired portion of the term.

7. MEETINGS.

a. Regular meetings shall be held at least quarterly at the place, day and hour set forth in a schedule of regular meetings for the following year that is approved by the Committee by no later than the last meeting in last quarter of each calendar year. A copy of the agenda and all materials to be considered at the meeting shall be mailed or delivered to the members of the Committee, at least two (2) business days prior to the meeting, or as may otherwise be set forth in the Policies and Procedures.

b. Special meetings of the Committee, for any purpose or purposes not inconsistent with this Agreement, may be called by the Chair, or shall be called by the Chair at the request of any six participating counties. The notice requirements of subsection (a) shall apply to all special meetings.

c. All meetings of the Committee shall be conducted in compliance with Chapter 21 of the Code or any successor laws, as the same may be amended or supplemented in the future, and in general accordance with Robert's Rules of Order.

d. The members present at any properly announced meeting shall constitute a quorum. A quorum is required to be present to convene a meeting of the Committee and for the conduct of its business. The Chair shall determine whether a quorum exists, shall cause the names of all members present to be entered into the meeting minutes, and shall call the meeting to order if a quorum exists.

8. POLICIES AND PROCEDURES. The Committee may adopt Policies and Procedures relating to the notice and conduct of its meetings and those of any committees or subcommittees it shall establish. Such Policies and Procedures may be adopted, and may be amended or repealed, by a majority vote of the members of the Committee present and voting taken at any regularly scheduled or specially called meeting as described in Section 7, hereof, provided that notice of the impending vote thereon is contained in the meeting notice and agenda of the meeting at which such vote is to be taken.

9. **DUTIES**. The Electronic Services System shall have the following duties.

   a. To execute contracts necessary for implementation of the county land record information system as required by law.
   b. To adopt Policies and Procedures for the county land record information system and other public services.
   c. To maintain the county land records information system and website(s)
   d. To integrate land record information managed by county recorders with land record information from other sources ~~other information systems~~, as practicable
   e. To implement and maintain processes for redacting personally identifiable information contained in electronic documents ~~which~~ that are displayed for public access or transferred to another person
   f. To establish standards for recording, processing and archiving electronic documents and records

10. **BUDGET AND ANNUAL REPORT**. The ESS Coordinating Committee shall, prior to January 1 of each year, prepare and adopt a budget for the operation of ESS for the next calendar year. The ESS Coordinating Committee shall make a copy of the ESS budget available to each member county. The ESS Coordinating Committee may amend the ESS budget during the fiscal year.

    The accounts of ESS shall be audited and verified by a certified public accountant within two hundred seventy (270) days of each calendar year and a copy thereof provided to the Board of Supervisors and County Recorder of each member of the Agreement, the Auditor of the State of Iowa and, upon request, to any other elected official in a county that is a party to this Agreement.

    Not later than July 1 of each year, an annual report concerning the operations of ESS and related county activities shall be provided to the Board of Supervisors of each member of the Agreement.

11. **FUNDING**. ESS shall provide the services referred to in this Agreement to each member county. Funding for the operation of ESS shall be provided through any electronic recording service fee established for these purposes as specified or authorized in the Iowa Code, any payment surcharge or service fee, any service or user fees for other services, and other sources deemed appropriate by the Electronic Services System and its members to be charged for other services or data.

12. **ADDITIONAL MEMBERSHIP**. After June 30, 2021, any Iowa county may become party to this Agreement and gain membership in ESS by adoption of this Agreement, as it may have been amended, by motion of its board of supervisors. Membership shall be effective upon filing and recording of the Agreement as required by Iowa Code section 28E.8 (2021), with a copy of the filed and recorded Agreement to be provided to Electronic Services System Coordinating Committee and the new member county.

13. **WITHDRAWAL**. Any county, by motion of its board of supervisors, if specifically authorized by a session law, signed by the governor, may withdraw from ESS by giving written notice to the

Electronic Services System Coordinating Committee no later than June 15 preceding the calendar year of withdrawal. Any such withdrawal will become effective no earlier than January 1 following the date notice is given, or the date specified in the notice, whichever is later. Services of ESS shall continue to be provided to the withdrawing county until the date of withdrawal.

14. **STANDARDS**. Members shall comply with all standards, policies and requirements for the delivery of electronic services adopted by the Electronic Services System Coordinating Committee.

15. **AMENDMENTS**. This Agreement may be amended by motion of the Electronic Services System Coordinating Committee which must be approved by at least 75% of the Committee. The passed amendment shall then be submitted to the individual member counties. A separate explanation of the reasons for the amendment shall be included in the transmission of the proposed amendment to the individual member counties. Each county desiring to vote upon the amendment shall do so by motion and return to Electronic Services System Coordinating Committee a certified copy of the motion indicating the county's vote on any such amendment within sixty (60) days of the date that the county receives a copy of the proposed amendment. Any county not voting upon the amendment within this time shall be considered to have approved the amendment. If the amendment receives a majority of the votes of all County members, it shall become effective ten (10) days following the date the vote is tabulated. Amendments shall be filed and recorded as required by Iowa Code section 28E.8 (2021).

16. **NON-LIABILITY**. ESS is a public agency. The Electronic Services System Coordinating Committee and individual counties shall not be liable for any acts, deeds, resolutions or other actions of ESS. Each individual county, and its assets and taxing authority may not be reached, attached or executed upon by any creditor or claimant of ESS. The Electronic Services System Coordinating Committee and its assets may not be reached, attached or executed upon by any creditor or claimant of ESS.

17. **THIRD PARTY BENEFIT**. Neither the provisions of this Agreement nor the provisions of any agreement that ESS may have with any public or private agency shall inure to the benefit of any other third party or any individual resident or taxpayer of any county and neither this Agreement nor any agreement that ESS may have with any public or private agency may be the basis of a claim or cause of action on behalf of any other third party or any individual resident or taxpayer of any county.

18. **TERMINATION**. If specifically authorized by a session law, signed by the governor, this Agreement may be terminated by motion of the Electronic Services System Coordinating Committee which must be approved by at least 75% of the Committee which shall then by submitted for consideration by the individual member counties. A separate explanation of the reasons for the termination shall be included in the transmission of the proposal to the individual member counties. Each county desiring to vote upon the termination shall do so by motion and return to Electronic Services System Coordinating Committee a certified copy of the motion indicating the county's vote on any such amendment within sixty (60) days of the date that the county receives a copy of the proposed termination. Any county not voting upon the termination within this time shall be considered to have approved the termination. If the termination receives a majority of the votes of all County members, it shall become effective one hundred and eighty

(180) days following the date the vote is tabulated. The termination shall be filed and recorded as required by Iowa Code Chapter 28E (2021).

19. **DISPOSITION OF ASSETS**. The assets of ESS have been supported by annual payments made by each county for the maintenance of integrations with individual county land records management systems. In the event this Agreement is terminated and ESS is abolished, all property of ESS shall be liquidated and distributed equally among the participating counties, or as otherwise directed by applicable Iowa Law, after payment of all just debts, obligations and liabilities of ESS.

20. **SEVERABILITY**. If any portion of this Agreement or the application of this Agreement to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this Agreement which can be given affect without the invalid provisions or applications, and to this end, the provisions of this Agreement are declared to be severable.

Attachment A – ESS Membership

County	Date	Book	Page	Reference No.
Adair	9/15/05	535	14	2005-1670
Adams	8/30/05	101	704	2005 658
Allamakee	9/7/05			2005 2290
Appanoose	10/3/05	2005	2258	2005 2258
Audubon	9/6/05			05-0112
Benton	1/20/06			06-0348
Black Hawk	9/1/05			200600005959
Boone	9/6/05	2005	5309	55039
Bremer	8/31/05	2005	4097	20054097
Buchanan	12/5/05			2005R004417
Buena Vista	9/7/05			53001
Butler	10/20/05			2005-4484
Calhoun	9/7/05			2005-1545
Carroll	10/7/05	2005	3416	
Cass	8/31/05	2005	1987	2005 1987
Cedar	8/29/05	749	64	2005 3601
Cerro Gordo	9/7/05			2005-8138
Cherokee	9/7/05	2005	1803	2005 1803
Chickasaw	9/16/05			2005-2036
Clarke	12/21/05	96	442	52320
Clay	9/30/05	2005	3349	2005 3349
Clayton	8/31/05	1	256	
Clinton	9/12/05			7742-05
Crawford	9/6/05			2005-2368
Dallas	9/15/05	2005	15390	
Davis	9/12/05	124	46	2005-1246
Decatur	8/30/05	2005	1475	
Delaware	9/7/05	2005	3194	
Des Moines	9/8/05			2005-005549
Dickinson	9/21/05			05-06610
Dubuque	9/14/05			2005-00014977
Emmet	9/6/05	2005	1770	2005-01770
Fayette	9/6/05	2005	2904	2005 2904
Floyd	10/11/05	2005	2623	2005-2623
Franklin	9/12/05			20052181
Fremont	8/30/05	2005	1403	20051403
Greene	9/12/05	25	903	2005-1816

Grundy	9/8/05	2005	2461	
Guthrie	9/14/05	2005	2761	
Hancock	9/7/05			05 1942
Hardin	8/31/05	2005	3056	3056
Harrison	9/8/05	2005	2970	2970
Henry	9/1/05	2005	2514	2514
Howard	9/6/05	23	173	2005-4007
Humboldt	8/30/05			51923
Ida	9/1/05	5A	85	05 1167
Iowa	9/23/05	755	91	2005 1145
Jackson	9/7/05	2005	3622	05 3622
Jasper	9/22/05			05-07860
Jefferson	9/6/05			2005-2195
Johnson	9/15/05	3940	316	
Jones	8/30/05			2005 3077
Keokuk	8/30/05			2005 1650
Kossuth	9/23/05	2005	3426	2005 3426
Lee	9/6/05	05N	2658	2005 2658
Linn	9/29/05	6133	379	
Louisa	9/13/05	644	175	459
Lucas	9/14/05	A14	965	50443
Lyon	9/16/05	2005	2354	2005 2354
Madison	1/4/06	2006	54	2006 54
Mahaska	9/14/05			2005-3533
Marion	10/3/05	2005	6122	05 6122
Marshall	9/6/05			2005-00006378
Mills	9/7/05	353	569	3431
Mitchell	9/6/05			2005 001665
Monona	8/30/05	41	200	05-1558
Monroe	9/8/05	2005	1491	1491
Montgomery	9/29/05	288	676	
Muscatine	8/31/05			2005-06612
O'Brien	9/12/05			2005-2266
Osceola	9/15/05	2005	1382	20051382
Page	9/6/05			20052264
Palo Alto	8/30/05			2005 1784
Plymouth	9/13/05	2005	4417	2005 4417
Pocahontas	8/30/05	159	173	2005 1173
Polk	4/5/06	11595	65	2006-00093755
Pottawattamie	9/21/05	106	5949	
Poweshiek	10/3/05	721	426	3628

Ringgold	8/30/05	310	443	1204
Sac	9/13/05			52048
Scott	9/9/05			200500030241
Shelby	9/6/05			2413-05
Sioux	8/30/05	2005	4913	4913
Story	9/8/05			2005-00011251
Tama	9/6/05	41	60	871
Taylor	10/6/05	97	621	450
Union	9/28/05	831	39	2487
Van Buren	10/3/05	38	837	2005 1300
Wapello	9/16/05	2005	5163	2005 5163
Warren	9/7/05	2005	9880	
Washington	8/31/05	2005	3808	05 3808
Wayne	9/8/05	26	262	05-1802
Webster	8/30/05			2005-5280
Winnebago	8/30/05			51598
Winneshiek	9/29/05	2005	4058	2005 4058
Woodbury	10/20/05	679	7101	6637
Worth	8/29/05			20052060
Wright	9/13/05			05 2318

THE EXECUTION OF THIS AGREEMENT BY EACH UNDERSIGNED COUNTY SHALL CONSTITUTE ADOPTION OF THIS AGREEMENT. FOR EACH UNDERSIGNED COUNTY, SUCH EXECUTION SHALL BE PURSUANT TO AUTHORITY GRANTED BY MOTION OF THE BOARD OF SUPERVISORS.

28E AGREEMENT

ELECTRONIC SERVICES SYSTEM

____
Deb Kupka
Chair, Electronic Services System

Date ________________________________

STATE OF IOWA)
) ss
COUNTY OF POLK)

I, Deb Kupka, being first duly sworn on oath depose and state that I am the Chair of the ESS Coordinating Commitee, and that I executed the foregoing instrument as the Chair of the ESS Coordinating Committee and that the statements contained therein are true.

____
Deb Kupka, Chair, ESS Coordinating Committee

Subscribed and sworn to before me this ________ day of _____________, 2021.

____
Notary Public in the State of Iowa
Name of Notary ____________________

(SEAL)

28E AGREEMENT

ELECTRONIC SERVICES SYSTEM

______________________________ County, Iowa

By: ____

Date ___________________________

Chairperson ____________________________ County Board of Supervisors

(SEAL)

ATTEST:

____
County Auditor

STATE OF IOWA)
) ss
COUNTY OF _______________)

On this ____________ day of ________________________, 2021, before me, the undersigned, a Notary Public in and for said County and State, personally appeared ____________________________________ and_______________________________, to me personally known, who, being by me duly sworn, did say that they are the Chairperson of the Board of Supervisors and Auditor, respectively, of ___________________ County, Iowa; that this instrument was signed and sealed on behalf of said county by authority of its Board of Supervisors; and that the said ____ and ______________________________ as such officers acknowledged the execution of the said instrument to be the voluntary act and deed of _____________________________ County by it and by them voluntarily executed.

____
Notary Public in and for the State of Iowa
Name of Notary ___________________

(SEAL)

KIM REYNOLDS
GOVERNOR

OFFICE OF THE GOVERNOR

ADAM GREGG
LT GOVERNOR

June 8, 2021

The Honorable Paul Pate
Secretary of State of Iowa
State Capitol
Des Moines, Iowa 50319

Dear Mr. Secretary,

I hereby transmit:

> House File 837, an Act relating to the use of fees collected by a county recorder or governing board of the county land record information system for processing and recording instruments.

The above House File is hereby approved on this date.

Sincerely,

Kim Reynolds
Governor of Iowa

cc: Secretary of the Senate
Clerk of the House

House File 837

AN ACT

RELATING TO THE USE OF FEES COLLECTED BY A COUNTY RECORDER OR GOVERNING BOARD OF THE COUNTY LAND RECORD INFORMATION SYSTEM FOR PROCESSING AND RECORDING INSTRUMENTS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 331.604, subsection 3, paragraph b, Code 2021, is amended to read as follows:

b. (1) ~~For the period beginning July 1, 2004, and ending June 30, 2009, the county recorder shall also collect a fee of one dollar for each recorded transaction, regardless of the number of pages, for which a fee is paid pursuant to subsection 1 to be used for the purpose set forth in paragraph *"d"*.~~

~~(2) For the period beginning July 1, 2009, and ending June 30, 2011, the recorder shall also collect a fee of three dollars for each recorded transaction, regardless of the number of pages, for which a fee is paid pursuant to subsection 1 to be used for the following purposes:~~

~~(a) Maintaining the statewide internet site and the county land record information system.~~

~~(b) Integrating information contained in documents and records maintained by the recorder and other land record information from other sources with the county land record information system.~~

~~(c) Implementing and maintaining a process for redacting personally identifiable information contained in electronic documents that are displayed for public access through an~~

~~internet site or that are transferred to another person.~~

~~(3) Beginning July 1, 2011, the~~ The recorder shall also collect a fee of one dollar for each recorded transaction, regardless of the number of pages, for which a fee is paid pursuant to subsection 1 to be used for ~~the purposes in subparagraph (2) and for~~ the following purposes:

(a) Establishing and implementing standards for recording, processing, and archiving electronic documents and records.

~~(b) Expanding access to records by encouraging electronic indexing and scanning of documents and instruments recorded in prior years.~~

(b) Maintaining the statewide internet site and the county land record information system.

(c) Integrating information contained in documents and records maintained by the recorder and other land record information from other sources with the county land record information system.

(d) Implementing and maintaining a process for redacting personally identifiable information contained in electronic documents that are displayed for public access through an internet site or that are transferred to another person.

~~(4)~~ (2) ~~Notwithstanding subparagraph (2), the~~ The fee collected by the recorder under this subsection for recording a plat of survey is one dollar, regardless of the number of pages. For purposes of this subparagraph, *"plat of survey"* means the same as defined in section 355.1, subsection 9.

~~(5)~~ (3) Fees collected in excess of the amount needed for the purposes specified in this subsection shall be used by the county land record information system to reduce or eliminate service fees for electronic submission of documents and instruments.

Sec. 2. Section 331.605B, subsection 2, Code 2021, is amended by striking the subsection and inserting in lieu thereof the following:

2. A recorder or the governing board of the county land record information system shall collect only statutorily authorized fees for land records management. The governing board of the county land record information system shall not collect a fee for viewing, accessing, or printing documents in

the county land record information system unless specifically authorized by statute. The governing board of the county land record information system may collect a fee of not more than three dollars per recorded document for using the system to process electronic documents for recording. An additional service charge may be added for credit or debit card payments. Fees collected for the processing of electronic documents for recording may be used for the purposes specified in section 331.604 and for the purposes of development, operation, and maintenance of the county land record information system and internet sites, systems for electronic filing for recording, associated payment systems, security systems, the land records databases, methods for searching the databases, processes for the redaction of personally identifiable information posted for public online access, and processes for the integration of land records information with other property information systems.

Sec. 3. COUNTY LAND RECORD INFORMATION SYSTEM BUDGET AND RECORDING SERVICES COSTS — REPORTS.

By January 17, 2022, the governing board of the county land record information system shall submit to the chairperson and the ranking member of the senate committee on local government, the chairperson and the ranking member of the house committee on local government, the legislative services agency, and each caucus or research staff director of the general assembly a report that includes all of the following:

1. Financial information concerning revolving moneys and budgeted income and expenses for calendar years 2020 and 2021 as described in section 331.604, subsection 3, paragraph "b", as amended in this Act, and section 331.605B, subsection 2, as amended in this Act.

2. Information about reserve funds and expenditures from those reserves.

3. A review of electronic recording fees charged by public and commercial organizations in recording jurisdictions outside of Iowa.

4. Information about current and future resource and policy needs to provide for the sustainability of the county land record information system.

5. A review of customer and stakeholder perceptions about

the county land record information system including user feedback on the fees charged for electronic recording.

PAT GRASSLEY
Speaker of the House

JAKE CHAPMAN
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 837, Eighty-ninth General Assembly.

MEGHAN NELSON
Chief Clerk of the House

Approved June 8th, 2021

KIM REYNOLDS
Governor

Sec. 3. COUNTY LAND RECORD INFORMATION SYSTEM BUDGET AND

RECORDING SERVICES COSTS — REPORTS.

By January 17, 2022, the governing board of the county land record information system shall submit to the chairperson and the ranking member of the senate committee on local government, the chairperson and the ranking member of the house committee on local government, the legislative services agency, and each caucus or research staff director of the general assembly a report that includes all of the following:

1. Financial information concerning revolving moneys and budgeted income and expenses for calendar years 2020 and 2021 as described in section 331.604, subsection 3, paragraph “b", as amended in this Act, and section 331.605B, subsection 2, as amended in this Act.

2. Information about reserve funds and expenditures from those reserves.

3. A review of electronic recording fees charged by public and commercial organizations in recording jurisdictions outside of Iowa.

4. Information about current and future resource and policy needs to provide for the sustainability of the county land record information system.

5. A review of customer and stakeholder perceptions about the county land record information system including user feedback on the fees charged for electronic recording.

PROCESS IMPROVEMENT CONCEPT

IOWA LAND RECORDS

GROUNDWATER HAZARD STATEMENT PROCESS

Section 558.69 of the Iowa Code

"with each declaration of value submitted to the county recorder under chapter428A, there shall be submitted a groundwater hazard statement". Many properties do not have a reportable hazard such as a well, private burial site, underground storage tank, or other hazardous waste or disposal site. The preparation and submission of a groundwater hazard statement in these cases creates unnecessary work for owners, sellers, agents and public officials. Is there a more efficient way of handling this situation?

ALTERNATIVE OPTIONS

A possible alternative process would remove the requirement for preparing and filing a full groundwater hazard statement report when there is no hazard present. Instead, the conveyance document (deed, instrument, or writing by which any real property in this state shall be granted, assigned, transferred, or otherwise conveyed) would include the following statement on the first page:

"There is no known Groundwater Hazard, and therefore, the parcel is exempt from the Groundwater Hazard Statement pursuant to Iowa Code 558.69".

The change would have no direct fiscal impact, but it would save time, reduce paperwork, and increase efficiency.

NOTICE SIMILAR TO DOV REQUIREMENTS IN 428A.1

Section 428A.1 provides for a transfer tax associated with the sale of property. Subsection 2 of 428A.1 further requires that a Declaration of Value (DOV) document must accompany the conveyance document when submitted for recording to a County Recorder. However, a DOV is not required for certain types of transfers which are exempt from the tax. In those cases, the filer does not submit a blank or "no tax" DOV form to the County Recorder. In lieu of submitting an "empty" DOV report, Section 428A.4 allows for deeds or other conveyance documents to include a statement that the conveyance is exempt.

IOWA CODE ALLOWS DOV EXEMPTION STATEMENT

Specifically, Section 428A.4 states: "if there is filed with or endorsed on it a statement signed by either the grantor or grantee or an authorized agent, that the instrument or writing is excepted from the tax", the County Recorder can accept the document for recording.

Here is a common illustration of how this is represented on the first page of a conveyance document.

SPECIAL WARRANTY DEED

This Deed is for consideration less than $500 and is, therefore, exempt from transfer tax and the requirements of a Declaration of Value and Groundwater Hazard Statement pursuant to Iowa Code Section 428A.2(21).

Sample taken from an actual recorded document.
This same concept could be applied to Groundwater Hazard Statements.

RESPONSIBILITY

SELLER RESPONSIBILITY FOR DOV

Chapter 428A places responsibility for the payment of the tax on “any person, firm or corporation who grants, assigns, transfers, or conveys any land, tenement, or realty by a deed, writing, or instrument subject to the tax imposed by this chapter shall be liable for such tax ”.

PENALTIES FOR NONCOMPLIANCE

Sections 428A.10 and 428A.15 provide for penalties for knowingly failing to comply with the requirements.

OWNER RESPONSIBILITY FOR GWH

Section 558.69, Subsection 8 makes a similar statement of responsibility. “The owner of the property is responsible for the accuracy of the information submitted on the groundwater hazard statement.”

STAKEHOLDER REVIEW OF REFORM

This concept summary is intended for consideration by all stakeholders to determine whether the intent and purpose of the Groundwater Hazard Statement requirements are fulfilled.

1. When known groundwater hazards are present, as specified in Section 558.69 of the Iowa Code, are sellers required to disclose them, and are proper reports filed with the County Recorder and the Department of Natural Resources?
2. Are owners and sellers responsible for accurate reporting? The intention of the “No Known Hazard” statement is to effectively hold the party responsible to the same extent as a “no hazard present” groundwater hazard statement does.
3. Are there process improvement benefits by eliminating the Groundwater Hazard Statement filing when there are no hazards to report?
4. Is the inclusion of a statement on the first page of a deed or other conveyance document that “There is No Known Groundwater Hazard and therefore the parcel is exempt from the Groundwater Hazard

All stakeholders are encouraged to review this concept and the associated model legislation.

Section 558.69, numbered paragraph 1, is amended to read as follows:

1. With each declaration of value submitted to the county recorder under chapter 428A, except as specified in subsection 9, there shall be submitted a groundwater hazard statement stating all of the following:

a. Whether any known private burial site is situated on the property, and if a known private burial site is situated on the property, the statement shall state the approximate location of the site.

b. That no known wells are situated on the property, or if known wells are situated on the property, the statement must state the approximate location of each known well and its status with respect to section 455B.190 or 460.302.

c. That no known disposal site for solid waste, as defined in section 455B.301, which has been deemed to be potentially hazardous by the department of natural resources, exists on the property, or if such a known disposal site does exist, the location of the site on the property.

d. That no known underground storage tank, as defined in section 455B.471, subsection 11, exists on the property, or if a known underground storage tank does exist, the type and size of the tank, and any known substance in the tank.

e. That no known hazardous waste as defined in section 455B.411, subsection 3, exists on the property, or if known hazardous waste does exist, that the waste is being managed in accordance with rules adopted by the department of natural resources.

f. That no known private sewage disposal system exists on the property or, if such private sewage disposal system exists, that the system has been inspected pursuant to section 455B.172, subsection 11, or that the property is not subject to inspection due to its exclusion from a regulated transfer pursuant to section 455B.172, subsection 11, paragraph “a”.

2. Section 558.69 is amended by striking numbered paragraph 3.

3. Section 558.69, numbered paragraph 4, is amended to read as follows:

“A buyer of property shall be provided with a copy of the submitted groundwater hazard Statement, <u>if required under this section</u>, by the seller”.

4. Section 558.69, numbered paragraph 7, is amended to read as follows:

“The county recorder shall transmit the groundwater hazard statements to the department of natural resources ~~at times and in a manner directed by the director of the department.~~” <u>Groundwater hazard statements may be transmitted electronically to the department or may be presented to the department through a browser interface provided through the county land record information system. The form and timing of the transmittal of information shall be determined by the department and the county recorders.</u>

5.<u>Section 558.69, is amended by inserting the following after numbered paragraph 8:</u>

<u>“9. If there are no hazardous conditions present, as described in subsection 1 of this section, then a groundwater hazard statement shall not be submitted. In lieu of the submission of a groundwater hazard statement, any deed, instrument, or writing by which any real property in this state shall be granted, assigned, transferred, or otherwise conveyed shall include on the first page of the deed, instrument, or writing the following statement “ There is no known Groundwater Hazard, and therefore, the parcel is exempt from the Groundwater Hazard Statement pursuant to Iowa Code 558.69”. The owner of the property is responsible for the accuracy of this statement as is provided this section.”</u>

<u>“10. The county recorder shall refuse to record any deed, instrument, or writing by which any real property in this state shall be granted, assigned, transferred, or otherwise conveyed, if the deed, instrument, or writing and a required declaration of value is not accompanied by a groundwater hazard statement, or the statement “ There is no known Groundwater Hazard, and therefore, the parcel is exempt from the Groundwater Hazard Statement pursuant to Iowa Code 558.69” is not present on the first page of the deed, instrument, or writing.”</u>

6. <u>By numbering or renumbering Section 558.69 as necessary.</u>

ESS/Iowa Land Records
8711 Windsor Parkway, Suite 2
Johnston, Iowa 50131

November 3, 2020

To: James E. Nervig
Brick Gentry, P.C.
6701 Westown Parkway, Suite 100
West Des Moines, IA 50266

From: Phil Dunshee, ILR Project Manager

Re: Alternative Groundwater Hazard Concept

As a part of my role as Project Manager for the Iowa Land Records system and website I have the opportunity to observe various processes which can be improved. One such opportunity became apparent a few years ago when the legislature was considering policies with respect to a possible recording fee for the filing of groundwater hazard statements. The question being asked was "Should there be a recording fee for filing a groundwater hazard statement, and if so, what should it be?"

It occurred to us that a different set of questions could be asked. "Is there a better process? And why are groundwater hazard statements with no reportable issues being filed?"

We were aware that there is an alternative process already in place for Declaration of Value documents and real estate transfer taxes. If a transaction is exempt, no tax is paid, and no Declaration of Value document need be filed. Instead, a simple exemption statement is placed on the first page of the conveyance document.

Could this be a "win-win-win" for county recorders and sellers and document preparers? To explore this further we prepared a background document, and we have been sharing it with various stakeholder organizations. This is attached for your reference. If the real estate section of the Iowa State Bar Association and other stakeholder groups are interested in the concept, we would be pleased to continue to facilitate conversations.

Thank you, Jim. Stay safe and healthy!

Phil

Phil Dunshee, PMP, MPA
Project Manager
Iowa Land Records
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Attachment: GWH Concept Paper

SENATE FILE 541
BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO SF 303)

A BILL FOR

An Act relating to electronic transactions by permitting the use of distributed ledger technology and smart contracts.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 554D.103, subsections 4, 7, and 8, Code 2021, are amended to read as follows:

4. *"Contract"* means the total legal obligation resulting from the parties' agreement as affected by this chapter and other applicable law. *"Contract"* includes any contract secured through distributed ledger technology and a smart contract.

7. *"Electronic record"* means a record created, generated, sent, communicated, received, or stored by electronic means. *"Electronic record"* includes any record secured through distributed ledger technology.

8. *"Electronic signature"* means an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record. *"Electronic signature"* includes a signature that is secured through distributed ledger technology.

Sec. 2. Section 554D.103, Code 2021, is amended by adding the following new subsections:

NEW SUBSECTION. 4A. *"Distributed ledger technology"* means an electronic record of transactions or other data to which all of the following apply:

a. The electronic record is uniformly ordered.

b. The electronic record is redundantly maintained or processed by one or more computers or machines to guarantee the consistency or nonrepudiation of the recorded transactions or other data.

NEW SUBSECTION. 14A. *"Smart contract"* means an event-driven program or computerized transaction protocol that runs on a distributed, decentralized, shared, and replicated ledger that executes the terms of a contract. For purposes of this subsection, *"executes the terms of a contract"* includes taking custody over and instructing the transfer of assets.

Sec. 3. NEW SECTION. **554D.106A Use of distributed ledger technology.**

A person who, in engaging in or affecting interstate or foreign commerce, uses distributed ledger technology to secure information that the person owns or has the right to use retains the same rights of ownership or use with respect to such information as before the person secured the information using distributed ledger technology. This section does not apply to the use of distributed ledger technology to secure information in connection with a transaction to the extent that the terms of the transaction expressly provide for the transfer of rights of ownership or use with respect to such information.

Sec. 4. Section 554D.108, subsection 2, Code 2021, is amended to read as follows:

2. A contract shall not be denied legal effect or enforceability solely because an electronic record was used in its formation <u>or because the contract is a smart contract or contains a smart contract provision</u>.

EXPLANATION

The inclusion of this explanation does not constitute agreement with the explanation's substance by the members of the general assembly.

Code chapter 554D, the uniform electronic transactions Act, facilitates the use of electronic transactions in commerce by giving legal recognition to electronic records, signatures, and contracts. This bill modifies the Code chapter by permitting the use of distributed ledger technology and smart contracts in electronic transactions.

The bill defines "distributed ledger technology" as an electronic record of transactions or other data that is uniformly ordered and redundantly maintained or processed by one or more computers or machines to guarantee the consistency or nonrepudiation of the recorded transactions or other data. The bill defines "smart contract" as an event-driven program or computerized transaction protocol that runs on a distributed, decentralized, shared, and replicated ledger that executes the terms of a contract.

The bill adds contracts secured through distributed ledger technology and smart contracts to the definition of "contract". The bill adds the concept of security through distributed ledger technology to the definitions of "electronic record" and "electronic signature".

The bill provides that a person who, in engaging in or affecting interstate or foreign commerce, uses distributed ledger technology to secure information that the person owns or has the right to use retains the same rights of ownership or use with respect to such information as before the person secured the information using distributed ledger technology, unless in connection with a transaction with terms that expressly provide for the transfer of rights of ownership or use with respect to such information.

The bill provides that a contract shall not be denied legal effect or enforceability solely because the contract is a smart contract or contains a smart contract provision.

House Amendment to
Senate File 541

S-3106

Amend Senate File 541, as passed by the Senate, as follows:

1. Page 1, line 30, by striking <includes> and inserting <may include>

2. Page 2, after line 14 by inserting:

<Sec. ___. EFFECTIVE DATE. This Act takes effect January 1, 2022.>

3. Title page, line 2, after <contracts> by inserting <and including effective date provisions>

4. By renumbering as necessary.

ESS/Iowa Land Records
8711 Windsor Parkway, Suite 2
Johnston, Iowa 50131

August 10, 2021

To: ESS Coordinating Committee

From: Phil Dunshee, ILR Project Manager

Re: Search Engine User Registration and System Usage

As we have reported in previous meetings, in the past year we have been more closely monitoring user activity and have observed users who are exceeding the number of searches and image views allowed under the ESS Terms of Use. We have also observed users who are taking actions to circumvent these rules by creating multiple or fictitious user accounts, or by using a VPN to access the system from foreign IP addresses. In response to these prohibited user actions, the ILR team has taken steps to either block user accounts, or limit access from certain IP addresses. In many cases we will attempt to inform users of the Terms of Use and the potential consequences which may include blocking or blacklisting their accounts. There are users who continue to abuse the system after being warned, blocked, or blacklisted by creating different user accounts or using a different IP address or VPN.

The proposed amendments to the Terms of Use are intended to more clearly describe activities which are prohibited, but this is unlikely to fully resolve the problem if the Iowa Land Records portal continues to have an open registration system.

Some near-term steps are being planned as we begin to invest more resources in the maintenance of the ILR portal and search engine. These steps include a modification to the software to programmatically limit the number of searches per day by user account, and to remove the ability of users to perform simultaneous multi-county or statewide searches. Multi-county or statewide searches are rarely successful, and they stretch the resources of the system and diminish the quality of the search experience for other users.

Going forward we will be exploring options for converting the open registration system to a controlled registration process. This would involve some form of user application process and an administrative action by ILR before a new account may be created. Validation of both IP addresses and the identity of the applicant may be required. A controlled registration system may also involve the re-establishment of organizational accounts. Identity verification may also involve providing valid payment information, even though Iowa Land Records is prohibited from charging a fee for land records search services. Additional staff resources will be required to administer any controlled registration system.

Action Requested: No action is requested at this time. The ILR team is seeking guidance from the Committee about this issue, and it is anticipated that the topic will be discussed with stakeholders and policy makers.

Chapter 1
County Land Record Information System Governance

Chapter 1 of the Electronic Services System Policies and Procedures is amended to update various policies to conform with legislation enacted in 2021 and to update other provisions to correspond with current ESS operational practices.

ESS – 1.1 Definitions.
(Iowa Code Section 331.604, 3(a))

As used in this Chapter:

28E Agreement – An agreement between a public agency with one or more public or private agencies for joint or cooperative action pursuant to the provisions of Chapter 28E of the Iowa Code, including the creation of a separate entity to carry out the purpose of the agreement.

ACH – Automated Clearing House; an electronic banking network often used for direct deposit and electronic bill payment.

Bank Service Charges – Fees charged by a financial institution for the maintenance of an account or services associated with the account.

Batch Transfer - The delivery or transfer of an accumulation of electronic documents or records recorded or maintained by a County Recorder.

Browser User Interface Submitter – A Submitter which accesses the Iowa Land Records E-Submission service through a web browser interface.

CLRIS – See: county land record information system.

County – A political subdivision of the State of Iowa as defined in Chapter 331 of the Iowa Code.

County Land Record Information System (CLRIS) – The activities and organization created to for the purpose of planning and implementing electronic recording and electronic transactions in each county and developing county and statewide internet websites to provide electronic access to records and information as provided in 2003 Iowa Acts, Chapter 178, Section 25, Subsection 4; and 2005 Iowa Acts, Chapter 179, Section 101, Subsection 1.

County Official – An official defined in Section 331.101 of the Iowa Code including an Auditor, Board, Clerk, County Attorney, Recorder, Sheriff, Supervisor or Treasurer.

County Project Assessments – An assessment or fee which is levied by the ESS Coordinating Committee to a County for expenses associated with the operation of the county land record information system.

Draw Down Account – A payment account which authorizes a customer to deposit funds into an ESS current liability account. The customer may draw funds from this account to pay for County recording fees and Electronic Recording Convenience Fees.

Electronic Document - A document or instrument that is received, processed, disseminated, or maintained in an electronic format. The submission of an electronic document through the county land record information system electronic submission service shall be equivalent to delivery of a document through the United States postal service or by personal delivery at designated offices in each county.

Electronic Recording Fee – A fee levied by ESS Coordinating Committee to a Submitter for the service of enabling the review and transfer of electronic documents submitted for official recording in a County, as authorized by Section 331.605B, subsection 2, Code of Iowa.

~~Electronic Recording Deposit Fee – A fee paid by a Submitter when depositing funds into a Draw Down Account.~~

Electronic Services System (ESS) – The entity established under Chapter 28E to provide Iowa counties with an electronic services system for land record information, electronic recording and other services.

ESS Coordinating Committee (ESS Coordinating Committee) –The committee established under the Electronic Services System 28E Agreement to coordinate efforts to deliver services and information through ESS, provide advice and technical assistance to the Association, to make policy regarding the operations of ESS, and to perform other duties as delegated by the ICRA Executive Board.

Failed Payment – A payment transaction for a provided service which is not honored by a financial institution, credit card or debit card company or other payment service provider or organization, because there are insufficient funds, the debit or credit card has expired, the account is closed or frozen, or because of any other reason.

Failed Payment Occurrence – A Failed Payment associated with Recording Fees or service fees not received from a Submitter for ~~multiple~~ one or more recorded ~~document~~ documents at a specified time or on a specified day.

Failed Payment Service Fee – A fee paid by a Submitter when there is a Failed Payment to address ESS internal costs associated with the handling of a Failed Payment.

Hosting and Office Technology Costs – The costs associated with the hosting and operation of computing devices and systems and any related equipment or service including servers, software licenses, and technical support agreements.
ICRA Executive Board – The Executive Board of the Iowa County Recorders Association.

Insurance Costs – The costs associated with insurance maintained to mitigate the risks associated with Electronic Services System operations.

Iowa Counties Information Technology Affiliate – An affiliate of the Iowa State Association of Counties representing information technology professionals who work for a County.

Iowa County Recorders Association (ICRA) or (Association) – A private, nonprofit corporation established to represent elected County Recorders in the State of Iowa.

Iowa State Association of Counties (ISAC) – A private, nonprofit corporation established to promote effective and responsible county government for the people of Iowa.

Local Service Provider Maintenance Costs – The costs associated with services provided by local electronic indexing and imaging service providers to maintain and support the Recorder's Association Transfer Module which is used to transfer information between a County and the Electronic Services System.

Merchant Service Charges - Fees charged by an organization to merchants for facilitating customer payment through credit, debit or charge cards.

Operational Costs – The costs associated with accounting, account management, auditing, business analysis, clerical, communications, marketing, customer support, project management and quality assurance functions necessary for the operation of the Electronic Service System.

Payment Gateway Fees – Fees charged by an e-commerce application service provider which facilitates the implementation of electronic payment systems. The service provider authorizes payments for e-businesses, online retailers, or traditional businesses. Payment gateways protect credit card details by encrypting sensitive information, such as credit card numbers, to ensure that information is passed securely between the customer and the merchant and also between merchant and the payment processor.

Point of Sale Credit/Debit Payment System (POS) – The payment system established by ESS to facilitate credit, debit, mobile and digital wallet payments for services provided at authorized locations including but not limited to organizations which are members of the Electronic Services System (ESS)

Qualified County Recorder – A County Recorder from a County which is a member of the Electronic Services System 28E organization.

Real Estate Transfer Tax – The tax applied to the assignment, transfer or conveyance of lands, tenements or other realty as provided in Chapter 428A of the Iowa Code.

Recording Fees – The combined fees charged by a County for recording a document including the standard recording fee, the Auditor's transfer fee, additional transaction fee, and the document management fee.

Redaction – The process of permanently removing all or a portion of text or other information from a document or an electronic document, including but not limited to personally identifiable information. See also: Section 6.1 of the Policies and Procedures.

Registered User – A person or organization which establishes an account at ~~http://iowalandrecords.org/portal/~~ https://iowalandrecords.org/portal for the purpose of accessing information including images of recorded documents.

Revolving Fund Cash Flow Balance – The balance of funds maintained to ensure that sufficient funds are available to timely distribute recording fees and other funds to a County.

Software Development and Maintenance Costs – The costs associated with the process of conceiving, specifying, designing, programming, documenting, testing, and bug fixing involved in creating and maintaining applications, frameworks, or any software components developed and managed by the Electronic Services System.

Submitter – A person or organization which is authorized to submit electronic documents for recording through the county land record information system at ~~http://iowalandrecords.org/esubmission~~ https://iowalandrecords.org/esubmission.

Surcharge – The fee charged to a customer for the use of the POS system at an ESS location.

Technical Services Costs – The costs associated with services provided by ESS or ICRA employees, or third-party organizations who provide programming, system administration, database administration, web site administration, hosting and maintenance support, or other technical services to the Electronic Services System.

Treasury Management Service Charges - Fees charged by a financial institution for services associated with electronic funds transfers or other specialized services.

Unregistered User – A person or organization which accesses certain information or services at https://iowalandrecords.org/portal/ or https://iowalandrecords.org/esubmission, when such access does not require the provision of a unique user identification or password. An unregistered user will not have authorization to access images of recorded documents, submit electronic documents for recording, or receive other information or services reserved only for registered users <u>or Submitters</u>.

<u>Web Service Integration Portal User – An authorized organization which accesses the Iowa Land Records website and database through a web services API provided by the Electronic Services System and governed under an Integration Agreement.</u>

Web Service Integration Submitter – A Submitter which accesses the Iowa Land Records E-Submission service through a web services API provided by the Electronic Services System and governed under an E-Submission Integration Agreement.

Web Site Promotion – Promotional or advertising services provided by the Electronic Services System on behalf of a person or organization. Services may include but are not limited to web site banner or pop up advertisements.

Section 1.1 revised 2.12.14.
Section 1.1 revised 8.12.15. Effective 9.1.15
Section 1.1 revised 10.7.15. Effective 12.1.16
Section 1.1 revised 8.7.18

ESS – 1.2 Authority and Purpose.
(Iowa Code Section 331.604, Subsection 3(a); Section 331.604, Subsection 3(b); 2003 Iowa Acts, Chapter 178, Section 25, Subsection 4; 2005 Iowa Acts, Chapter 179, Section 101, Subsection 1; and 2009 Iowa Acts, Chapter 159)

1.2(1) The county land record information system is governed by Electronic Services System, a public entity established under the authority of Chapter 28E of the Iowa Code. As provided in the Electronic Services System 28E agreement, the Iowa County Recorders Association Executive Board is the governing board of the county land record information system. The ESS Coordinating Committee shall carry out the duties specified in the Electronic Services System 28E agreement and any duties delegated to the Committee by the ICRA Executive Board.

1.2(2) Each County and County Official shall participate in the county land record information system and shall comply with the policies and procedures established by the governing board of the county land record information system.

1.2(3) County representation in the governance of the county land record information system is contingent upon the execution of a 28E agreement between the board of supervisors of each county and the Iowa County Recorders Association for the implementation of the county land record information system as required by 2005 Iowa Acts, Chapter 179, Section 101, Subsection 1. Participation in the county land record information system, and compliance with the policies and procedures adopted by the governing board of the county land recording information is required notwithstanding the absence of a 28E agreement between a County board of supervisors and the Iowa County Recorders Association.

1.2(4) The Electronic Services System has the responsibility to develop, implement, and maintain a statewide internet website for purposes of providing electronic access to records and information and to implement electronic recording and electronic transactions in each County. The ICRA Executive Board and the ESS Coordinating Committee, subject to the duties delegated to it by the ICRA Executive Board, are therefore authorized to establish policies and procedures relating to or affecting the maintenance, transfer, storage, or utilization of land record information which may be incorporated with the Electronic Services System and the county land record information system.

1.2(5) Policies and procedures established by the Electronic Services System shall apply to all counties, County Officials and staff, any third-party service providers engaged in activities affecting the operations of the Electronic Services System and the county land record information system, and to Registered Users, Submitters and Unregistered Users.

1.2(6) Policies and procedures which may be addressed by Electronic Services System include but are not limited to the following.

a. Requirements for maintaining and operating the statewide internet website and the county land record information system.
b. Requirements relating to the use of the county land record information system and the associated web sites including but not limited to Terms of Use and Privacy policies.
c. Standards for recording, processing, indexing and archiving electronic documents and records.
d. Requirements for integrating, accessing, transferring and archiving information contained in documents and records from other sources with the county land record information system.

e. Requirements for redacting personally identifiable information contained in electronic documents that are displayed for public access through an internet website or that are transferred to another person.
f. Requirements for implementing electronic recording.
g. Initiatives to increase access to public records and the delivery of public services electronically ~~expand access to records by encouraging electronic indexing and scanning of documents and instruments recorded in prior years~~.

ESS – 1.3 Other Powers and Duties.
(Iowa Code Section 331.604, Subsection 3(a))

1.3(1) The ICRA Executive Board, and/or the ESS Coordinating Committee, shall have the following additional powers and duties.

a. Provide Iowa counties with an electronic services system for land record information including but not limited to associated web sites, databases, search engines and electronic document management and submission services;
b. Receive and disburse electronically into bank accounts designated by the ASSOCIATION and each County authorized fees for electronic recording and other services.
c. Provide Iowa counties with an electronic services system for other services provided through the Office of the County Recorder.
d. Provide Iowa counties with an electronic services system for other services subject to the approval of the appropriate parties.
e. Contract with any public or private entity to provide all necessary services.
f. Rent, lease or purchase any tangible personal property, real estate or services reasonably necessary to fulfill the purposes of the Electronic Services System.
g. Establish a system of accounting and budgeting, and a system for receiving payments.
h. Retain legal counsel, accountants and other professional individuals needed in order to fulfill the purposes of the Electronic Services System.
i. Exercise any other power or do any other legal act necessary to discharge its obligations and fulfill the purposes of the Electronic Services System.
j. Take other routine or ministerial action as needed to provide for the successful operation of the Electronic Services System and the county land record information system.
k. Establish Bylaws to provide for the operation of the ESS Coordinating Committee.
l. Establish subcommittees as needed to carry out the duties and responsibilities.

ESS – 1.4 Limitation of Liability.
(Iowa Code Section 331.606A, Subsection ~~6~~ 7)

1.4(1) The Electronic Services System and the county land record information system is a unit of local government for purposes of chapter 670, relating to tort liability of governmental subdivisions.

ESS – 1.5 Funding.
(Iowa Code Section 331.603, Subsection 5a; Section 331.604, Subsection 3; Section 331.605B, Subsection 2; ~~Section 331.606A, Subsection 6~~)

1.5(1) Funding for the operation of the Electronic Services System and the county land record information system shall be provided through the county land record information system fee as provided in Section 331.604, Subsection 3 of the Iowa Code, the Electronic Recording Fee as provided in Section Section 331.605B, Subsection 2 of the Iowa Code, any other transaction service or user fees, and other sources specified herein.

1.5(2) Electronic Recording ~~Fee~~ Surcharge. The Electronic Services System and the county land record information system is authorized to collect an additional service charge or surcharge for credit or debit card payments. ~~service fees for the electronic submission of documents and instruments, and actual third- party fees associated with accepting and processing statutorily authorized fees, including but not limited to credit card fees, treasury management fees, and other transaction fees required to enable electronic payment~~.

1.5(2-1) Electronic Recording Fee Schedule.

The Electronic Recording Fee shall be as follows.

For ACH Payments the base service fee is $3.00 per recorded document.

For Credit/Debit Card Payments the Electronic Recording Fee shall be $3.00 per recorded document plus the product of .01865 times the transaction amount.

For Draw Down Account deposits, there is an Electronic Recording Deposit Fee which shall be as follows.

a. For a deposit into a Draw Down account, if payment is made by a credit or debit card, then an Electronic Recording Deposit Fee of $25.00 plus the product of .01865 times the deposit amount shall apply for each deposit.
b. For a deposit into a Draw Down account, if payment is made by check or through ACH, then an Electronic Recording Deposit Fee of $25.00 shall apply for each deposit.

Each Draw Down Account Submitter shall maintain a minimum balance of $500.00 in the account. Any Draw Down Account Submitter which fails to maintain the required minimum balance shall be designated as “inactive” until sufficient funds are deposited into the account to maintain the balance and to cover any pending transactions.

For the payment of recording fees from a Draw Down Account, the Electronic Recording Fee is $3.00 per recorded document.

Notwithstanding the Electronic Recording Fee specified in this Section, designated administrative personnel for the Electronic Services System and the county land record information system may authorize temporary promotional discounts for Browser User Interface Submitters, and otherwise negotiate alternative fee structures with Web Service Integration Submitters, subject to the approval of the ICRA Executive Board, or the ESS Coordinating Committee if such authority is delegated to it.

1.5(2-2) Electronic Recording Fee Uses.

Income derived from the Electronic Recording Fee or the Electronic Recording Fee Surcharge may be used for the purposes specified in Section 331.604, subsection 3, and Section 331.605B, subsection 2.

The following are authorized uses for revenue or income generated from the Electronic Recording Fee.

~~These uses and expenses are authorized, because they are third- party fees associated with accepting and processing recording fees or required to enable electronic payment, or because they are required to operate, maintain and develop systems for facilitating the recording of Electronic Documents. Authorized uses for revenue or income generated from the Electronic Recording Fee include but are not limited to the following.~~

a. Payment Gateway Fees
b. Bank Service Charges
c. Treasury Management Service Charges
d. Merchant Service Charges
e. Revolving Fund Cash Flow Balance
f. Hosting and Office Technology Costs
g. Insurance Costs
h. Technical Services Costs
i. Local Service Provider Maintenance Costs
j. Operational Costs
k. Redaction
l. Software Development and Maintenance Costs

1.5(3) Credit/Debit Card Fee. The Electronic Services System has established a point of sale (POS) credit/debit card payment system for customers of County Recorders or other County offices. A surcharge is established to provide for the operation of the POS system. For Credit/Debit Card Payments the surchage shall be the product of .03 times the transaction amount.

Net income derived from the point of sale (POS) credit/debit card payment system may be used to assist counties with the replacement of equipment required for participation in the system such as card swipe readers and receipt printers. The method of assistance, if any, shall be determined by the ESS Coordinating Committee. Net income may also be used for other purposes as determined by the ESS Coordinating Committee. Net income is defined to be the gross Credit/Debit Card Surcharge income for a calendar year less expenses for third-party service provider transaction and merchant account fees.

1.5(4) Online Access Fees Prohibited. The Electronic Services System and the county land record information system shall not collect a fee for viewing, accessing, or printing documents in the county land record information system.

1.5(5) Batch Transfer Fees Prohibited. The Electronic Services System and the county land record information system shall not enter into an agreement or collect a fee for providing access to electronic documents or records on a batch basis. Access to accumulated documents shall be limited to the user and web service interfaces provided through the county land record information system web site and online search functions.

1.5(6) Interest Income. Income from interest associated with the deposit of funds managed by the Electronic Services System and the county land record information system may be used for ~~operational~~ the purposes specified in Section 1.5(2-2).

1.5(7) Web Site Promotion Fees. The Electronic Services System and the county land record information system may provide promotional or advertising services through the county land record information system web site. Income from any web site promotional fees may be used for operational purposes. Web site promotional fees are subject to the approval of the ICRA Executive Board, or the ESS Coordinating Committee if such authority is delegated to it.

1.5(8) County Project Assessments. As necessary the Electronic Services System and the county land record information system may assess an amount from each County to secure necessary funds for the maintenance and operation of the county land record information system. The amount of an assessment may be based on the proportionate share of land records in each County, on an equal basis, or any other basis, subject to the approval of the ICRA Executive Board, or the ESS Coordinating Committee if such authority is delegated to it.

1.5(9) Other Funding Sources. The Electronic Services System and the county land record information system may seek funding from other sources including but not limited to grants and charitable contributions, subject to the approval of the ICRA Executive Board, or the ESS Coordinating Committee if such authority is delegated to it.

1.5(10) Failed Payment Service Fee. The Electronic Services System and the county land record information system is authorized to collect a service fee for the handling of any Failed Payment. The amount of the Failed Payment Service Fee shall be $30.00 per Failed Payment Occurrence.

Any Submitter which submits a document(s) for recording which subsequently results in a Failed Payment shall have their submission privileges disabled until payment of the associated Recording Fees and the Failed Payment Service Fee is fully resolved.

Notwithstanding the Failed Payment Service Fee specified in this Section, designated administrative personnel for the Electronic Services System and the county land record information system may waive the Failed Payment Service Fee if the Submitter has had no prior Failed Payment Transactions or Failed Payment Occurrences.

1.5(11) Point of Sale Credit/Debit Payment System (POS). The Electronic Services System has established a Point of Sale Credit/Debit Payment System to facilitate credit, debit, mobile and digital wallet payments for services provided at authorized locations including but not limited to organizations which are members of the Electronic Services System (ESS). Participation in the POS system is subject to the following standards and guidelines.

a. An authorized location shall agree to the Terms and Conditions and other business requirements established by the Electronic Services System and the designated merchant payment service provider.

b. An authorized location shall agree to the application of a Surcharge to each transaction amount, as specified in Section 1.5(3). The authorized location shall display information about the Surcharge at the point of sale to inform customers about the amount of the Surcharge and its purpose. ESS shall provide text or standard information about the Surcharge to each authorized location.

c. An authorized location shall accept all forms of POS payments and shall follow the operational instructions provided by ESS and the designated merchant payment service provider.

d. An authorized location may void a transaction which occurs during a business day, but not later than 5:30 PM Central Time.

e. An authorized location shall not issue a refund through the POS system. Refunds shall only be made to customers through payment methods available to the location such as a check or cash. A refund made by a location shall exclude the Surcharge amount. In the event that an authorized location issues a refund through the POS system, the location shall reimburse ESS for the amount of the refund. ESS shall monthly issue an invoice to a location for the reimbursement amount. There shall be a $25.00 handling fee for each monthly invoice submitted to a location.

f. An authorized location shall ensure that the credit/debit card surcharge is applied to every point of sale transaction, including but not limited to the procedures for bypassing the entry of a personal identification number (PIN) for debit cards. In the event that an authorized location fails to apply the credit/debit card surcharge to a transaction, the location shall reimburse ESS for the amount of the credit/debit card surcharge. ESS shall issue an invoice to the location for the reimbursement amount. There shall be a $25.00 handling fee for each monthly invoice submitted to a location.

g. A location may accept payment through a charge card, gift card, or other card which does not permit the application of a surcharge for any reason. However, when a location accepts payment through a charge card, gift card, or other card which does not permit the application of a surcharge, the amount of the surcharge shall be manually added to the transaction amount by the location. When necessary, a location shall either back out of the transaction, or if completed, void a transaction, and then manually re-enter the total transaction amount including the surcharge.

   If a location accepts payment through a charge card, gift card, or other card which does not permit the application of a surcharge, and the location fails to manually add the surcharge to the transaction amount, then the surcharge amount shall be deducted from the transaction amount when funds for the transaction are distributed to the location. A location shall not be reimbursed for the balance of a transaction by ESS.

h. Certain point of sale devices may require the installation of supplemental software or an "add-in" application. If such software or application is required for a device, ESS shall issue an invoice to the location for the actual cost of the software or application. The frequency of invoices shall be determined by the mutual agreement of ESS and the location, but the frequency shall be no more than monthly.

Section 1.5(2-2) revised 2.12.14.
Section 1.5(2-2) revised 6.11.14.
Section 1.5 (2 and 3) revised 8.12.15. Effective 9.1.15
Section 1.5 (2-1) and (2-2) revised 10.7.15. Effective 12.1.16

New Section 1.5 (10) adopted 10.7.15. Effective 12.1.16
Section 1.5 (2-2) revised 8.7.18
Section 1.5 revised 9.25.18
Section 1.5 (11) adopted 9.25.18
Section 1.5 (11) revised 11.8.18
Section 1.5 (11) revised 2.7.19
Section 1.5 (3) revised 6.26.19
Section 1.5 (11) revised 8.8.19 – Effective 9.1.19

ESS – 1.6 ESS Coordinating Committee.

(Iowa Code Section 331.604, Subsection 3(a); 2005 Iowa Acts, Chapter 179, Division VII, Section 101, Subsection 1; Section 28E, Subsection 6, paragraph 3)

1.6(1) Committee Established. An ESS Coordinating Committee is established to coordinate efforts to deliver services and information through the Electronic Services System and the county land record information system, and to carry out the duties delegated to it by the ICRA Executive Board. The Committee shall consist of no more than 15 members, and the number of members may be adjusted as circumstances require.

1.6(2) Qualification of Members. Members of the ESS Coordinating Committee shall consist of eight County Recorders who shall be representative of the Electronic Services System membership as follows:

a. One County Recorder shall be appointed from each of the six geographic districts established by the Iowa County Recorders Association.
b. One County Recorder shall be appointed from one of five counties with the highest population based on the most recent official U.S. census.
c. One County Recorder who is a member of the Iowa County Recorders Association Executive Board.

To the extent practicable, the County Recorders should be representative of the various indexing and imaging systems utilized throughout Iowa. Deputy Recorders shall be eligible to serve on the ESS Coordinating Committee. Members of the Coordinating Committee may include representatives of stakeholders and professionals who develop, originate or process official real estate documents. These members shall be qualified as follows:

a. One representative of Iowa financial institutions including banks, credit unions or mortgage companies.
b. One member who is representative of professionals active in the practice of real estate law.
c. One member who is representative of professional realtors or brokers.
d. One member who is representative of professionals in abstracting and land title management.

Members of the Coordinating Committee may include representatives of affiliates of the Iowa State Association of Counties which are actively cooperating in efforts to include land record and real estate information under their control in the statewide Electronic Services System. These members shall be qualified as follows: One representative of the Iowa Counties Information Technology affiliate.

1.6(3) Nominations and Elections. Nominations shall be submitted to the Executive Board of the Iowa County Recorders Association not less than sixty (60) days prior to the expiration of the term of office for each position on the ESS Coordination Committee.

Nominations for each position shall be made as follows.

The County Recorders from each district may nominate up to two Qualified County Recorders from the district.

The County Recorders representing the five largest counties may nominate up to two qualified County Recorders.

Individuals representative of stakeholders and professionals who develop, originate or process official real estate documents may be nominated by an organization or association representing the profession.

Individuals representative of designated affiliates of the Iowa State Association of Counties shall be nominated by the Executive Board or governing board of the affiliate organization.

The Executive Board of the Iowa County Recorders Association shall designate its representative to the ESS Coordinating Committee. The Executive Board shall appoint the members of the ESS Coordinating Committee from the qualified nominations submitted.

1.6(4) Term of Office. The term of office for each position shall be two (2) years. ESS Coordinating Committee members will begin serving their terms on January 1st of the year following their election to the ESS Committee. The term of office for County Recorders representing even-numbered Districts will begin in even-numbered years. The term of office for County Recorders representing odd-numbered Districts will begin in odd-numbered years. The term of office for the County Recorder representing the highest population counties begins in odd-numbered years. The representative of the Executive Board shall serve at the discretion of the Executive Board.

The term of office for representatives of stakeholders, professionals and affiliates shall be initially established by the Executive Board to ensure that expiration of terms is balanced among the Committee members.

ESS Coordinating Committee members shall be eligible for nomination and appointment to additional terms of office.

1.6(5) Time and Place of Meetings. The ESS Coordinating Committee shall meet monthly at a time specified by the chair. The Committee may meet in person or by electronic means. Additionally, the ESS Coordinating Committee shall meet as necessary in joint session with Iowa County Recorders' Association Executive Board at a place determined by the Executive Board. Other meetings may be called by the Chair or Vice Chair of the Committee, or by the President of the Iowa County Recorders Association.

Meetings shall be conducted in accordance with the requirements of Chapter 21 of the Iowa Code. Items shall be placed on the agenda according to the order of business. The order of business for each regular meeting shall be as follows:

Welcome and Introductions
Approval of Meeting Summary
Financial Reports
Action and Discussion Items
Informal Discussion and Public Comment

By general consent of the Committee, items may be considered out of order.

1.6(6) Quorum and Voting. All members of the ESS Coordinating Committee shall have equal voting privileges. The members present at any properly announced meeting shall constitute a quorum. All issues to be voted on shall be decided by a simple majority of those present at the meeting in which the vote takes place.

The Committee shall proceed by motion. Any member, including the chair, may make a motion. A second is required to proceed with action on a motion.

1.6(7) Officers. There shall be three officers of the ESS Coordinating Committee, consisting of a chair, vice-chair and secretary/treasurer.

The ESS Coordinating Committee shall nominate and elect a chair, vice-chair and secretary/treasurer from the ESS membership. The term of Office for the Chair, Vice Chair & Secretary Treasure shall be one year. However an Officer may serve successive terms with no limit to the number of terms.

The Chair shall convene and preside over all meetings, or shall arrange for other members of the Coordinating Committee to preside at each meeting in the following order: Vice Chair, Secretary/Treasurer. The Chair shall also appoint members of any subcommittees established by the Coordinating Committee.

The Secretary/Treasurer shall be responsible for keeping records of ESS Committee actions, including overseeing the preparation of meeting summaries and financial reports, and ensuring that corporate records are maintained.

1.6(8) Vacancy. In the event of a vacancy prior to the expiration of a term of office, the Iowa County Recorders Association Executive Board shall accept nominations and make appointments as necessary.

1.6(9) Termination of Appointment. The Executive Board of the Iowa County Recorders Association may terminate the appointment of a member of the ESS Coordinating Committee if the member is habitually absent, fails to participate constructively in the deliberations of the ESS Committee or for other reasons.

1.6(10) Compensation of Members. The members of the ESS Coordinating Committee shall not receive compensation. However, ESS Coordinating Committee members, County Recorders or Deputy Recorders, or ICRA/ESS staff may be reimbursed for travel expenses subject to the following parameters.

a. ESS Coordinating Committee members or ICRA/ESS staff for participation in face-to-face meetings of the Committee.
b. A representative of the ESS Finance Subcommittee designated by the ICRA Executive Board for participation in face-to-face meetings of the ESS Coordinating Committee.
c. ESS Subcommittee Members or ICRA/ESS staff for participation in face-to-face meetings of the Subcommittee, subject to the prior approval of the ESS Coordinating Committee Chair.
d. County Recorders, Deputy Recorders, or ICRA/ESS staff who participate in scheduled meetings with legislators, legislative staff, and state administrative agencies, subject to the prior approval of the ESS Coordinating Committee Chair.
e. ESS Coordinating Committee members, County Recorders, Deputy Recorders, or ICRA/ESS staff who participate in and assist with trade shows on behalf of ESS, subject to the prior approval of the ESS Coordinating Committee Chair.
f. ESS Coordinating Committee members, County Recorders, Deputy Recorders, or ICRA/ESS staff for participation in other special meetings or events subject to the approval of the ESS Coordinating Committee.

Reimbursement rates for ESS Coordinating Committee members, County Recorders, Deputy Recorders or ICRA/ESS staff shall be based on the current State of Iowa Summary of Travel Reimbursement Guidelines. See: https://das.iowa.gov/state-accounting/travel-relocation.

Persons requesting reimbursement must disclose to ESS other purposes of the travel and whether reimbursement for the travel may be available from other sources. Reimbursement may be limited in the discretion the Chair or the ESS Coordinating Committee, as the case may be, when reimbursement is available from other sources regardless of the actual amount of reimbursement. The Chair or ESS Coordinating Committee shall consider the primary purpose of the travel and cooperate with other sources to provide appropriate allocation of reimbursement.

In all cases reimbursement for lodging expenses is subject to the prior approval of the Chair of the ESS Coordinating Committee.

1.6(11) Meeting Notices. Public notice of meetings of the ESS Coordinating Committee are posted at ~~https://iowalandrecords.org/portal/ in the "About ILR" section under the link "Agendas"~~ https://iowalandrecords.org/accountability-in-reporting/, and at the offices of the Iowa State Association of Counties, 5500 Westown Pkwy #190, West Des Moines, IA 50266.

1.6(12) Meeting Summaries. A summary of the proceedings of each regular, adjourned, or special meeting of the ESS Coordinating Committee, ~~including a schedule of bills allowed,~~ shall be published after adjournment of the meeting in one newspaper of general circulation within the geographic area served by the joint board of the entity created in the agreement. The summary of the proceedings shall include the date, time, and place the meeting was held, the members present, and the actions taken at the meeting. A summary of the proceedings of the ESS Coordinating Committee are also posted at ~~https://iowalandrecords.org/portal/ in the "About ILR" section under the link "Meeting Summaries"~~ https://iowalandrecords.org/accountability-in-reporting/.

1.6(13) Other Project Information. Operational information such as the project budget, financial reports, audits, project status reports and other information shall be posted at ~~https://iowalandrecords.org/portal/~~ https://iowalandrecords.org/accountability-in-reporting/.

1.6(14) Administrative Offices. The administrative offices of the Electronic Services System and the county land record information system are located at 8711 Windsor Parkway, Suite 2, Johnston, IA 50131.

1.6(15) Teleconference Expense Reimbursement. The ICRA Executive Board or an officer of the Iowa County Recorders Association may utilize the teleconference service established to facilitate teleconference communications for ESS ~~and CLRIS~~. However, when the purpose of any communication is not directly related to the activities of ESS ~~or CLRIS~~, the ICRA Executive Board or the Iowa County Recorders Association shall reimburse ESS ~~and CLRIS~~ for the actual cost of teleconference service usage.

Section 1.6(10) revised 2.8.12. Retroactive to 1.1.12

New Section 1.6(15) adopted 2.8.12. Retroactive to 1.1.12
Section 1.6(5) revised 8.12.15. Effective 9.1.15
Section 1.6(11-13) revised 8.12.15. Effective 9.1.15
Section 1.6(10) revised 5.9.19

ESS – 1.7 Financial Procedures.
(Iowa Code Section 331.604, Subsection 3(a))

1.7(1) ESS Finance Subcommittee. An ESS Finance Subcommittee is established to review the financial activities of the Electronic Services System. The Subcommittee shall perform the following duties.

a. Assist with the development of an annual budget for ESS and the county land record information system.
b. Review monthly invoices and claims for payment.
c. Review financial reports, meeting summaries and other information as necessary.
d. Assist the ESS Coordinating Committee with financial matters.

1.7(2) Review and Approval of Expenditures. Accounts payable (invoices and claims for payment) shall be reviewed by the ESS Finance Subcommittee prior to each meeting of the ESS Coordinating Committee. The Subcommittee shall advise the ESS Coordinating Committee of issues and activities which require formal action. Accounts payable shall be reviewed and approved by the ICRA Executive Board, or the ESS Coordinating Committee if such authority is delegated to it.

1.7(3) Review and Approval of Financial Reports. Financial reports shall be reviewed by the ESS Finance Subcommittee prior to each meeting of the ESS Coordinating Committee. The Subcommittee shall advise the ESS Coordinating Committee of issues and activities which require formal action. Financial reports shall be reviewed and approved by the ICRA Executive Board, or the ESS Coordinating Committee if such authority is delegated to it.

1.7(4) Annual Budget. The ESS Finance Subcommittee shall assist the ESS Coordinating Committee with the development of an annual budget and any budget amendments. An annual budget and any amendments to the budget shall be reviewed and approved by the ICRA Executive Board,.

1.7(5) Annual Audit. Financial accounts managed directly by ESS Coordinating Committee shall be audited annually by an independent auditor. Financial accounts managed through the Office of the State Treasurer shall be subject to the auditing procedures of the State Auditor.

1.7(6) Allocation and Expenditure of Reserve Funds. The following reserve funds are established.

a. ~~Fund 255 – Software Development and Equipment Maintenance Reserve. The purpose of the reserve is to provide resources for necessary equipment replacement or maintenance and for the development of software to improve or maintain services provided through the Electronic Services System~~
b. ~~Fund 255 – Redaction Reserve. The purpose of the reserve is to provide resources for the redaction of personally identifiable information which may be included in images of Back File documents as defined in Section 4.1~~
c. ~~Fund 255 – Restricted Operating Reserve. The purpose of the reserve is to provide resources which may be necessary to sustain the operation of the Electronic Services System due to an unforeseen event or emergency~~
d. ~~Fund 255 – Unrestricted Operating Reserve. The purpose of the reserve is to provide resources for planned operating expenses when income varies from budget projections~~
e. Treasury Management Software Development and Equipment Maintenance Reserve. The purpose of the reserve is to provide resources for authorized software development, technical assistance, equipment replacement or maintenance, and human resource management activities
f. Treasury Management Redaction Reserve. The purpose of the reserve is to provide resources for the redaction of personally identifiable information which may be included in images of Back File documents as defined in Section 4.1
g. Treasury Management Restricted Operating Reserve. The purpose of the reserve is to provide resources which may be necessary to sustain the operation of the Electronic Services System due to an unforeseen event or emergency.
h. Treasury Management Unrestricted Reserve. The purpose of the reserve is to provide resources for planned operating expenses when income varies from budget projections

Any reserve funds shall be reviewed at least annually by the ESS Coordinating Committee and the ESS Finance Subcommittee. The expenditure of Restricted Operating Reserve funds shall be subject to the approval of the ICRA Executive Board, or the ESS Coordinating Committee if such authority is delegated to it. The Administrator/Project Manager shall inform the ESS Coordinating Committee and ESS Finance Subcommittee of the expenditure of any other reserve funds. As needed the reserve funds may be adjusted or rebalanced by the ICRA Executive Board, or the ESS Coordinating Committee if such authority is delegated to it.

Funds not allocated to a reserve fund ~~in either Fund 255 or in the Treasury Management account~~ shall be available for general operating expenses and to maintain the necessary liquidity for daily operations including the distribution of funds to participating public agencies, budgeted operating expenses, and payments to vendors.

Section 1.7 (6) revised 5.9.19
Section 1.7 (6) revised 2.6.20
Section 1.7 (6) revised 11.5.20

ESS – 1.8 Administration.
(Iowa Code Section 331.604, Subsection 3(a))

1.8(1) Designation of Administrator/Project Manager. An administrator or Project Manager shall be designated by the ESS Coordinating Committee to oversee and manage the operations of the Electronic Services System and the county land record information system.

1.8(2) Duties of the Administrator/Project Manager. The administrator or Project Manager designated by the ESS Coordinating Committee shall perform the following duties.

a. Oversee the operation and maintenance of the Iowa Land Records system.
b. Manage and direct the work of all service providers and ensure the appropriate administration of contracts, deliverables and project plans.
c. Manage and direct the work of all employees assigned to the Electronic Services System and the county land record information system.
d. Work with the ESS Coordinating Committee and Subcommittees to address ongoing financial, management and standards issues.
e. Handle all financial aspects of the ILR, including accounts receivable and accounts payable and work with the financial service providers and the Association Treasurer as required. Provide for the monthly reconciliation of bank accounts and preparation of monthly financial statements.
f. Oversee customer service support systems.
g. Serve as the ILR primary administrative point of contact, and act to direct inquiries to Association leaders as appropriate.
h. Act as the administrative agent on behalf of the ICRA Executive Board and the ESS Coordinating Committee concerning matters relating to compliance with policies and procedures adopted by the Electronic Services System. The Project Manager is authorized and directed to take appropriate progressive action, subject to consultation with the President of the Iowa County Recorders Association and the Chairperson of the ESS Coordinating Committee, to secure compliance by a County or County Official concerning ESS policies and procedures.
i. Perform other administrative or project management duties as assigned by the ICRA Executive Board or the ESS Coordinating Committee

ESS – 1.9 Development of Policies and Procedures.
(Iowa Code Section 331.604, Subsection 3(a))

1.9(1) ESS Standards Subcommittee. An ESS Standards Subcommittee is established to assist with the review and development of policies and procedures for county indexing, imaging and archiving systems and standards for the Electronic Service System and the county land record information system. The Subcommittee shall perform the following duties.

a. Assist with the review and development of policies and procedures for the following:
    i. Operating policies for the county land record information system
    ii. Policies relating to the transfer of information from county systems to the county land record information system
    iii. Policies relating to indexing systems
    iv. Policies relating to document images
    v. Policies relating to local indexing and imaging systems
b. Assist with the review or development of other policies and procedures as requested by the ESS Coordinating Committee

ESS – 1.10 ESS Executive Committee.
(Iowa Code Section 331.604, Subsection 3(a))

1.10(1) ESS Executive Committee. An ESS Executive Committee is established to assist with contractual, personnel, management and strategic issues including but not limited to the following.

a. Assist with the review of contracts, amendments, contract extensions and work authorizations as necessary.
b. Assist with the review of personnel policies and procedures relating to the staff for the Electronic Services System and the county land record information system.
c. Assist with the oversight and management of Electronic Services System.
d. Assist with development of strategy for sustaining and strengthening the Electronic Services System.

1.10(2) ESS Executive Committee Members. The ESS Executive Committee shall be comprised of the individuals serving in the following roles.

a. President of the Iowa County Recorders Association
b. Chair of the ESS Coordinating Committee
c. Vice President of the Iowa County Recorders Association
d. Treasurer of the Iowa County Recorders Association
e. Secretary of the Iowa County Recorders Association

Section 1.10 revised - Executive Committee created 8.7.18

ESS – 1.11 Communications Subcommittee.
(Iowa Code Section 331.604, Subsection 3(a))

1.11(1) ESS Communications Subcommittee. An ESS Communications Subcommittee is established to assist with education, communications and outreach activities. The Subcommittee shall perform the following duties.

a. Assist with the development of an annual ESS education, outreach, communications and marketing plan.
b. Assist with marketing and promoting E-Submission services including activities such as the distribution of flyers and promotional materials, attendance at trade show exhibits, and participation in webinars and seminars.
c. Assist with the maintenance of county information posted on the Iowa Land Records web site including the following sections and pages: Iowa County Recorders, Search Tips, and ICRA Members.
d. Assist with monitoring performance reports and information and developing strategies for improving performance and quality.
e. Assist with the development of information and articles suitable for ESS and Iowa Land Records newsletters.
f. Assist with activities of the Iowa County Recorders Association which are related to or associated with ESS goals and objectives.

New Section 1.11 adopted 6.11.14.

ESS – 1.12 Document Retention and Destruction.
(Iowa Code Section 331.604, Subsection 3(a))

The purpose of this policy is to ensure that necessary records and documents of are adequately protected and maintained and to ensure that records that are no longer needed by the Electronic Services System or are of no value are discarded at the proper time. This policy applies to all physical records generated in the course of Electronic Services System's operation, including both original documents and reproductions. It also applies to electronic documents including but not limited to email and documents processed through the Iowa Land Records E-Submission service.

1.12(1) A record retention schedule is specified in Subsection 1.12(3) concerning the maintenance, retention and disposal schedule for physical records and electronic documents of the Electronic Services System. An administrator shall be designated by the ESS Coordinating Committee to ensure that the record retention schedule is followed. The administrator is authorized to monitor local, state and federal laws affecting record retention, annually review record retention and destruction policies and processes, and monitor compliance with this policy.

1.12(2) In the event the Electronic Services System is served with any subpoena or request for documents, or if the administrator becomes aware of a governmental investigation or audit concerning the Electronic Services System or the commencement of any litigation against or concerning the Electronic Services

System, the administrator shall temporarily suspend processes for destroying documents, subject to the review and guidance of legal counsel.

1.12(3) The Record Retention Schedule is as follows:

Record Type	Retention Limit
Electronic financial records maintained within the Right Networks File Manager including Bank of America Files: Audit Files, BankCardUSA reports, USAePay reports, VeriCheck reports, NCMIC Reports, BOA Financial Reports, Budget Reports, Committee Packets, Deposits, Payment Gateway Reports, IIF Files, Monthly Statements, NACHA Files, Reconciliation Reports, Bills-Receipts; Fund 255 Files: Committee Packets, Fund 255 Financial Reports, Budget Reports, State Treasurer Statements, Reconciliation Reports; Fund 823 Files: Fund 823 Financial Reports	7 years
Depreciation schedules	3 Years After Full Depreciation
Insurance Policies (current)	2 Years
Insurance Claims History	7 Years
Tax Returns	10 Years
Official Audit Reports	Permanently
Contracts, Integration Agreements and Other Written Agreements	7 Years After Expiration or Termination
Contracts including license and maintenance agreements (still in effect)	3 Years Following End of Contract Period
Correspondence (general)	1 Year
Correspondence (litigation and other formal legal matters)	Permanently
Correspondence (with customers and vendors)	2 Years
Personnel Records Including Insurance and 401K Information maintained by the Human Resources service vendor (Aureon/Paychex)	In Conformance with Aureon/Paychex policy
Employee Time Sheet Records	3 Years
Meeting Summaries, 28E Agreement	Permanently
Policies and Procedures	Permanently
Email correspondence (clris.com and iowalandrecords.org)	See Correspondence Type Above; email to be temporarily archived after 60 days

Record Type	Retention Limit
System-Generated and DoNotReply email messages	Archived each day and purged after 30 Days
ESS Application Log Files	7 Years
Documents submitted for electronic recording: see also Section 7.5 of the ESS Policies and Procedures	30 Days
Department of Revenue or IRS Tax Liens or Lien Releases	1 Day or as soon as possible
Marketing, Training and Other Communications Materials	2 Years Following Publication
Real Estate Agreements (if applicable)	7 Years After Expiration or Termination

New Section 1.12 adopted 6.26.19.

ESS – 1.13 Software Asset Determination.
(Iowa Code Section 331.604, Subsection 3

The purpose of this policy is to establish a method for valuing the software developed by the Electronic Services System and to account for the value of the software as an asset in the ESS financial reporting system. The asset is to be included in the ESS balance sheet and would be subject to depreciation. Software developed by ESS is not sold or licensed as a commercial product, and it has no market value in the traditional sense. The valuation method is to be primarily based on the value of the human resources dedicated to the creation of the software.

1.13(1) The value of ESS software is to be calculated based on the human resources expenditures associated with members of the ESS software development team and other personnel engaged in support activities associated with the development of the software including testing and initial implementation. The following methodology shall be used to calculate the value of the software.

a. The ESS Project Manager shall define the software assets to be developed, and the software development activities which contribute to the creation of the software asset. The ESS Project Manager shall also determine and document the points in time when development of the asset begins and when development is complete. Activities such as preliminary planning and post-production implementation shall not be included in the software development activities used to calculate the value of the asset.
b. ESS personnel, and any external software development professionals engaged to assist with ESS software development, shall track and report

time dedicated software development activities which may include planning, development, testing and initial implementation of the software.

c. An hourly cost shall be determined for ESS personnel and any external software development professionals engaged to assist with ESS software development. For ESS personnel, the hourly cost shall include to wages or salaries including all associated payroll taxes paid by the employer, plus the cost of benefits and any human resources administrative fees. For external software development professionals, the hourly cost shall be the hourly rate charged by the vendor or independent contractor.
d. For each member of the software development team and other designated personnel, the product of the hours allocated to the software development activities determined in subsection b., times the hourly costs determined shall be calculated.
e. The sum of the values determined in subsection d shall represent the value of the asset.
f. The value of the software assets shall be determined annually by calendar year.

New Section 1.13 adopted 5.9.19.

Chapter 1
County Land Record Information System Governance

Chapter 1 of the Electronic Services System Policies and Procedures is amended to conform with legislation enacted in 2021 concerning the Electronic Services System 28E agreement, and to conform with adopted amendments to the Electronic Services System 28E agreement.

ESS – 1.1 Definitions.
(Iowa Code Section 331.604, 3(a))

As used in this Chapter:

28E Agreement – An agreement between a public agency with one or more public or private agencies for joint or cooperative action pursuant to the provisions of Chapter 28E of the Iowa Code, including the creation of a separate entity to carry out the purpose of the agreement.

ACH – Automated Clearing House; an electronic banking network often used for direct deposit and electronic bill payment.

Bank Service Charges – Fees charged by a financial institution for the maintenance of an account or services associated with the account.

Batch Transfer - The delivery or transfer of an accumulation of electronic documents or records recorded or maintained by a County Recorder.

Browser User Interface Submitter – A Submitter which accesses the Iowa Land Records E-Submission service through a web browser interface.

CLRIS – See county land record information system.

County – A political subdivision of the State of Iowa as defined in Chapter 331 of the Iowa Code.

County Land Record Information System (CLRIS) – The activities and organization created to for the purpose of planning and implementing electronic recording and electronic transactions in each county and developing county and statewide internet websites to provide electronic access to records and information as provided in 2003 Iowa Acts, Chapter 178, Section 25, Subsection 4; and 2005 Iowa Acts, Chapter 179, Section 101, Subsection 1.

County Official – An official defined in Section 331.101 of the Iowa Code including an Auditor, Board, Clerk, County Attorney, Recorder, Sheriff, Supervisor or Treasurer.

County Project Assessments – An assessment or fee which is levied by the ESS Coordinating Committee to a County for expenses associated with the operation of the county land record information system.

Draw Down Account – A payment account which authorizes a customer to deposit funds into an ESS current liability account. The customer may draw funds from this account to pay for County recording fees and Electronic Recording Convenience Fees.

Electronic Document - A document or instrument that is received, processed, disseminated, or maintained in an electronic format. The submission of an electronic document through the county land record information system electronic submission service shall be equivalent to delivery of a document through the United States postal service or by personal delivery at designated offices in each county.

Electronic Recording Fee – A fee levied by ESS Coordinating Committee to a Submitter for the service of enabling the review and transfer of electronic documents submitted for official recording in a County.

Electronic Recording Deposit Fee – A fee paid by a Submitter when depositing funds into a Draw Down Account.

Electronic Services System (ESS) – The entity established under Chapter 28E to provide Iowa counties with an electronic services system for land record information, electronic recording and other services as provided in 2021 Iowa Acts, Chapter 126, Section 2. See also: Section 331.604, subsection 3, paragraph f.

ESS Coordinating Committee (ESS Coordinating Committee) –The committee established under the Electronic Services System 28E Agreement to coordinate efforts to deliver services and information through ESS~~, provide advice and technical assistance to the Association~~, and to make policy regarding the operations of ESS~~, and to perform other duties as delegated by the ICRA Executive Board~~.

Failed Payment – A payment transaction for a provided service which is not honored by a financial institution, credit card or debit card company or other payment service provider or organization, because there are insufficient funds, the debit or credit card has expired, the account is closed or frozen, or because of any other reason.

Failed Payment Occurrence – A Failed Payment associated with Recording Fees not received from a Submitter for multiple recorded document at a specified time or on a specified day.

Failed Payment Service Fee – A fee paid by a Submitter when there is a Failed Payment to address ESS internal costs associated with the handling of a Failed Payment.

Hosting and Office Technology Costs – The costs associated with the hosting and operation of computing devices and systems and any related equipment or service including servers, software licenses, and technical support agreements.
ICRA Executive Board – The Executive Board of the Iowa County Recorders Association.

Insurance Costs – The costs associated with insurance maintained to mitigate the risks associated with Electronic Services System operations.

Iowa Counties Information Technology Affiliate – An affiliate of the Iowa State Association of Counties representing information technology professionals who work for a County.

Iowa County Recorders Association (ICRA) or (Association) – A private, nonprofit corporation established to represent elected County Recorders in the State of Iowa.

Iowa State Association of Counties (ISAC) – A private, nonprofit corporation established to promote effective and responsible county government for the people of Iowa.

Local Service Provider Maintenance Costs – The costs associated with services provided by local electronic indexing and imaging service providers to maintain and support the Recorder's Association Transfer Module which is used to transfer information between a County and the Electronic Services System.

Merchant Service Charges - Fees charged by an organization to merchants for facilitating customer payment through credit, debit or charge cards.

Operational Costs – The costs associated with accounting, account management, auditing, business analysis, clerical, communications, marketing, customer support, project management and quality assurance functions necessary for the operation of the Electronic Service System.

Payment Gateway Fees – Fees charged by an e-commerce application service provider which facilitates the implementation of electronic payment systems. The service provider authorizes payments for e-businesses, online retailers, or traditional businesses. Payment gateways protect credit card details by encrypting sensitive information, such as credit card numbers, to ensure that information is passed securely between the customer and the merchant and also between merchant and the payment processor.

Point of Sale Credit/Debit Payment System (POS) – The payment system established by ESS to facilitate credit, debit, mobile and digital wallet payments for services provided at authorized locations including but not limited to organizations which are members of the Electronic Services System (ESS)

Qualified County Recorder – A County Recorder from a County which is a member of the Electronic Services System 28E organization.

Real Estate Transfer Tax – The tax applied to the assignment, transfer or conveyance of lands, tenements or other realty as provided in Chapter 428A of the Iowa Code.

Recording Fees – The combined fees charged by a County for recording a document including the standard recording fee, the Auditor's transfer fee, additional transaction fee, and the document management fee.

Registered User – A person or organization which establishes an account at http://iowalandrecords.org/portal/ for the purpose of accessing information including images of recorded documents.

Revolving Fund Cash Flow Balance – The balance of funds maintained to ensure that sufficient funds are available to timely distribute recording fees and other funds to a County.

Submitter – A person or organization which is authorized to submit electronic documents for recording through the county land record information system at http://iowalandrecords.org/esubmission.

Surcharge – The fee charged to a customer for the use of the POS system at an ESS location.

Technical Services Costs – The costs associated with services provided by ESS or ICRA employees, or third-party organizations who provide programming, system administration, database administration, web site administration, hosting and maintenance support, or other technical services to the Electronic Services System.

Treasury Management Service Charges - Fees charged by a financial institution for services associated with electronic funds transfers or other specialized services.

Unregistered User – A person or organization which accesses certain information or services at https://iowalandrecords.org/portal/ or https://iowalandrecords.org/esubmission, when such access does not require the provision of a unique user identification or password. An unregistered user will not have authorization to access images of recorded documents, submit electronic documents for recording, or receive other information or services reserved only for registered users.

Web Service Integration Submitter – A Submitter which accesses the Iowa Land Records E-Submission service through a web services API provided by the Electronic Services System and governed under an E-Submission Integration Agreement.

Web Site Promotion – Promotional or advertising services provided by the Electronic Services System on behalf of a person or organization. Services may include but are not limited to web site banner or pop up advertisements.

Section 1.1 revised 2.12.14.
Section 1.1 revised 8.12.15. Effective 9.1.15
Section 1.1 revised 10.7.15. Effective 12.1.16
Section 1.1 revised 8.7.18

ESS – 1.2 Authority and Purpose.

(Iowa Code Section 331.604, Subsection 3(a); Section 331.604, Subsection 3(b); 2003 Iowa Acts, Chapter 178, Section 25, Subsection 4; 2005 Iowa Acts, Chapter 179, Section 101, Subsection 1; and 2009 Iowa Acts, Chapter 159)

1.2(1) The county land record information system is governed by Electronic Services System, a public entity established under the authority of Chapter 28E of the Iowa Code. ~~As provided in the Electronic Services System 28E agreement, the Iowa County Recorders Association Executive Board is the governing board of the county land record information system.~~ The ESS Coordinating Committee shall carry out the duties specified in the Electronic Services System 28E agreement ~~and any duties delegated to the Committee by the ICRA Executive Board~~.

1.2(2) Each County and County Official shall participate in the county land record information system and shall comply with the policies and procedures established by the governing board of the county land record information system.

1.2(3) County representation in the governance of the county land record information system is contingent upon the execution of a 28E agreement between the board of supervisors of each county ~~and the Iowa County Recorders Association~~ for the implementation of the county land record information system as required by 2005 Iowa Acts, Chapter 179, Section 101, Subsection 1 <u>and as provided in 2021 Iowa Acts, Chapter 126, Section 2.</u> <u>See also: Section 331.604, subsection 3, paragraph f.</u> Participation in the county land record information system, and compliance with the policies and procedures adopted by the governing board of the county land recording information is required notwithstanding the absence of a 28E agreement <u>for participation in the Electronic Services System</u>. ~~between~~ <u>with</u> a County board of supervisors ~~and the Iowa County Recorders Association~~.

1.2(4) The Electronic Services System has the responsibility to develop, implement, and maintain a statewide internet website for purposes of providing electronic access to records and information and to implement electronic recording and electronic transactions in each County. The ~~ICRA Executive Board and the~~ ESS Coordinating Committee~~, subject to the duties delegated to it by the ICRA Executive Board, are therefore~~ is authorized to establish policies and procedures relating to or affecting the maintenance, transfer, storage, or utilization of land record information which may be incorporated with the Electronic Services System and the county land record information system.

1.2(5) Policies and procedures established by the Electronic Services System shall apply to all counties, County Officials and staff, any third party service providers engaged in activities affecting the operations of the Electronic Services System and the county land record information system, and to Registered Users and Unregistered Users.

1.2(6) Policies and procedures which may be addressed by Electronic Services System include but are not limited to the following.

a. Requirements for maintaining and operating the statewide internet website and the county land record information system.
b. Requirements relating to the use of the county land record information system and the associated web sites.
c. Standards for recording, processing, indexing and archiving electronic documents and records.
d. Requirements for integrating, accessing, transferring and archiving information contained in documents and records from other sources with the county land record information system.
e. Requirements for redacting personally identifiable information contained in electronic documents that are displayed for public access through an internet website or that are transferred to another person.
f. Requirements for implementing electronic recording.
g. Initiatives to expand access to records by encouraging electronic indexing and scanning of documents and instruments recorded in prior years.

ESS – 1.3 Other Powers and Duties.
(Iowa Code Section 331.604, Subsection 3(a))

1.3(1) The ICRA Executive Board, and/or the ESS Coordinating Committee, shall have the following additional powers and duties.

~~a. Provide Iowa counties with an electronic services system for land record information including but not limited to associated web sites, databases, search engines and electronic document management and submission services;~~

b. ~~Receive and disburse electronically into bank accounts designated by the ASSOCIATION and each County authorized fees for electronic recording and other services.~~
c. ~~Provide Iowa counties with an electronic services system for other services provided through the Office of the County Recorder.~~
d. ~~Provide Iowa counties with an electronic services system for other services subject to the approval of the appropriate parties.~~
e. ~~Contract with any public or private entity to provide all necessary services.~~
f. ~~Rent, lease or purchase any tangible personal property, real estate or services reasonably necessary to fulfill the purposes of the Electronic Services System.~~
g. ~~Establish a system of accounting and budgeting, and a system for receiving payments.~~
h. ~~Retain legal counsel, accountants and other professional individuals needed in order to fulfill the purposes of the Electronic Services System.~~
i. ~~Exercise any other power or do any other legal act necessary to discharge its obligations and fulfill the purposes of the Electronic Services System.~~
j. ~~Take other routine or ministerial action as needed to provide for the successful operation of the Electronic Services System and the county land record information system.~~
k. ~~Establish Bylaws to provide for the operation of the ESS Coordinating Committee.~~
l. ~~Establish subcommittees as needed to carry out the duties and responsibilities.~~

a. Provide Iowa counties with an electronic services system for land record information including but not limited to associated web sites, databases, search engines and electronic document management and submission services;
b. Receive and disburse electronically into bank accounts designated by the Electronic Services System and each County Recorder authorized fees for electronic recording and other services.
c. Provide Iowa counties with an electronic services system for other services provided through the Office of the County Recorder;
d. Provide an electronic services system for other public agencies or private organizations.
e. Contract with any public or private entity to provide all necessary services.
f. To rent, lease or purchase any tangible personal property, real estate or services reasonably necessary to fulfill the purposes of this Agreement;
g. Establish a system of accounting and budgeting, and a system for receiving payments;
h. Retain legal counsel, accountants and other professional individuals needed in order to fulfill the purposes of this Agreement; and
i. Exercise any other power or do any other legal act necessary to discharge its obligations and fulfill the purposes of this Agreement.

j. Take other routine or ministerial action as needed to provide for the successful operation of the Electronic Services System and/or the county land record information system.
k. Establish Policies and Procedures to provide for the governance and operation of the Electronic Services System and a governing board or committee.
l. Establish committees and subcommittees as needed to carry out the duties and responsibilities established by the ESS Coordinating Committee.
m. To sue, or be sued, acquire and own real or personal property necessary for its corporate purpose.
n. Adopt a corporate seal and alter the seal at its pleasure.
o. To issue debt as it deems necessary to fulfill its purposes.
p. Execute all powers conferred in chapter 28E of the Iowa Code (2021) and as subsequently amended from time to time.

ESS – 1.4 Limitation of Liability.
(Iowa Code Section 331.606A, Subsection 6)

1.4(1) The Electronic Services System and the county land record information system is a unit of local government for purposes of chapter 670, relating to tort liability of governmental subdivisions.

ESS – 1.5 Funding.
(Iowa Code Section 331.603, Subsection 5a; Section 331.604, Subsection 3; Section 331.605B, Subsection 2; Section 331.606A, Subsection 6)

1.5(1) Funding for the operation of the Electronic Services System and the county land record information system shall be provided through the county land record information system fee as provided in Section 331.604, Subsection 3 of the Iowa Code, any transaction service or user fees, and other sources specified herein.

1.5(2) Electronic Recording Fee. The Electronic Services System and the county land record information system is authorized to collect service fees for the electronic submission of documents and instruments, and actual third–party fees associated with accepting and processing statutorily authorized fees, including but not limited to credit card fees, treasury management fees, and other transaction fees required to enable electronic payment.

1.5(2-1) Electronic Recording Fee Schedule.

The Electronic Recording Fee shall be as follows.

For ACH Payments the base service fee is $3.00 per recorded document.

For Credit/Debit Card Payments the Electronic Recording Fee shall be $3.00 per recorded document plus the product of .01865 times the transaction amount.

For Draw Down Account deposits, there is an Electronic Recording Deposit Fee which shall be as follows.

a. For a deposit into a Draw Down account, if payment is made by a credit or debit card, then an Electronic Recording Deposit Fee of $25.00 plus the product of .01865 times the deposit amount shall apply for each deposit.
b. For a deposit into a Draw Down account, if payment is made by check or through ACH, then an Electronic Recording Deposit Fee of $25.00 shall apply for each deposit.

Each Draw Down Account Submitter shall maintain a minimum balance of $500.00 in the account. Any Draw Down Account Submitter which fails to maintain the required minimum balance shall be designated as “inactive” until sufficient funds are deposited into the account to maintain the balance and to cover any pending transactions.

For the payment of recording fees from a Draw Down Account, the Electronic Recording Fee is $3.00 per recorded document.

Notwithstanding the Electronic Recording Fee specified in this Section, designated administrative personnel for the Electronic Services System and the county land record information system may authorize temporary promotional discounts for Browser User Interface Submitters, and otherwise negotiate alternative fee structures with Web Service Integration Submitters, subject to the approval of the ~~ICRA Executive Board, or the~~ ESS Coordinating ~~Committee if such authority is delegated to it~~.

1.5(2-2) Electronic Recording Fee Uses.

The following are authorized uses for revenue or income generated from the Electronic Recording Fee. These uses and expenses are authorized, because they are third–party fees associated with accepting and processing recording fees or required to enable electronic payment, or because they are required to operate, maintain and develop systems for facilitating the recording of Electronic Documents. Authorized uses for revenue or income generated from the Electronic Recording Fee include but are not limited to the following.

a. Payment Gateway Fees
b. Bank Service Charges
c. Treasury Management Service Charges
d. Merchant Service Charges
e. Revolving Fund Cash Flow Balance
f. Hosting and Office Technology Costs
g. Insurance Costs
h. Technical Services Costs

i. Local Service Provider Maintenance Costs
j. Operational Costs

1.5(3) Credit/Debit Card Fee. The Electronic Services System has established a point of sale (POS) credit/debit card payment system for customers of County Recorders or other County offices. A surcharge is established to provide for the operation of the POS system. For Credit/Debit Card Payments the surchage shall be the product of .03 times the transaction amount.

Net income derived from the point of sale (POS) credit/debit card payment system may be used to assist counties with the replacement of equipment required for participation in the system such as card swipe readers and receipt printers. The method of assistance, if any, shall be determined by the ESS Coordinating Committee. Net income may also be used for other purposes as determined by the ESS Coordinating Committee. Net income is defined to be the gross Credit/Debit Card Surcharge income for a calendar year less expenses for third-party service provider transaction and merchant account fees.

1.5(4) Online Access Fees Prohibited. The Electronic Services System and the county land record information system shall not collect a fee for viewing, accessing, or printing documents in the county land record information system.

1.5(5) Batch Transfer Fees Prohibited. The Electronic Services System and the county land record information system shall not enter into an agreement or collect a fee for providing access to electronic documents or records on a batch basis. Access to accumulated documents shall be limited to the user interfaces provided through the county land record information system web site and online search functions.

1.5(6) Interest Income. Income from interest associated with the deposit of funds managed by the Electronic Services System and the county land record information system may be used for operational purposes.

1.5(7) Web Site Promotion Fees. The Electronic Services System and the county land record information system may provide promotional or advertising services through the county land record information system web site. Income from any web site promotional fees may be used for ~~operational~~ the purposes specified in Section 1.5(2-2) ~~operational~~ the purposes specified in Section 1.5(2-2). Web site promotional fees are subject to the approval of the ~~ICRA Executive Board, or the~~ ESS Coordinating Committee ~~if such authority is delegated to it~~.

1.5(8) County Project Assessments. As necessary the Electronic Services System and the county land record information system may assess an amount from each County to secure necessary funds for the maintenance and operation of the county land record information system. The amount of an assessment may be based on the proportionate share of land records in each County, on an equal basis, or any other basis, subject to the approval of the ~~ICRA Executive Board, or the~~ ESS Coordinating Committee ~~if such authority is delegated to it~~.

1.5(9) Other Funding Sources. The Electronic Services System and the county land record information system may seek funding from other sources including but not limited to grants and charitable contributions, subject to the approval of the ~~ICRA Executive Board, or the~~ ESS Coordinating Committee ~~if such authority is delegated to it~~.

1.5(10) Failed Payment Service Fee. The Electronic Services System and the county land record information system is authorized to collect a service fee for the handling of any Failed Payment. The amount of the Failed Payment Service Fee shall be $30.00 per Failed Payment Occurrence.

Any Submitter which submits a document(s) for recording which subsequently results in a Failed Payment shall have their submission privileges disabled until payment of the associated Recording Fees and the Failed Payment Service Fee is fully resolved.

Notwithstanding the Failed Payment Service Fee specified in this Section, designated administrative personnel for the Electronic Services System and the county land record information system may waive the Failed Payment Service Fee if the Submitter has had no prior Failed Payment Transactions or Failed Payment Occurrences.

1.5(11) Point of Sale Credit/Debit Payment System (POS). The Electronic Services System has established a Point of Sale Credit/Debit Payment System to facilitate credit, debit, mobile and digital wallet payments for services provided at authorized locations including but not limited to organizations which are members of the Electronic Services System (ESS). Participation in the POS system is subject to the following standards and guidelines.

a. An authorized location shall agree to the Terms and Conditions and other business requirements established by the Electronic Services System and the designated merchant payment service provider.

b. An authorized location shall agree to the application of a Surcharge to each transaction amount, as specified in Section 1.5(3). The authorized location shall display information about the Surcharge at the point of sale to inform customers about the amount of the Surcharge and its purpose. ESS shall provide text or standard information about the Surcharge to each authorized location.

c. An authorized location shall accept all forms of POS payments and shall follow the operational instructions provided by ESS and the designated merchant payment service provider.

d. An authorized location may void a transaction which occurs during a business day, but not later than 5:30 PM Central Time.

e. An authorized location shall not issue a refund through the POS system. Refunds shall only be made to customers through payment methods available to the location such as a check or cash. A refund made by a location shall exclude the Surcharge amount. In the event that an authorized location issues a refund through the POS system, the location shall reimburse ESS for the amount of the refund. ESS shall monthly issue an invoice to a location for the reimbursement amount. There shall be a $25.00 handling fee for each monthly invoice submitted to a location.

f. An authorized location shall ensure that the credit/debit card surcharge is applied to every point of sale transaction, including but not limited to the procedures for bypassing the entry of a personal identification number (PIN) for debit cards. In the event that an authorized location fails to apply the credit/debit card surcharge to a transaction, the location shall reimburse ESS for the amount of the credit/debit card surcharge. ESS shall issue an invoice to the location for the reimbursement amount. There shall be a $25.00 handling fee for each monthly invoice submitted to a location.

g. A location may accept payment through a charge card, gift card, or other card which does not permit the application of a surcharge for any reason. However, when a location accepts payment through a charge card, gift card, or other card which does not permit the application of a surcharge, the amount of the surcharge shall be manually added to the transaction amount by the location. When necessary, a location shall either back out of the transaction, or if completed, void a transaction, and then manually re-enter the total transaction amount including the surcharge.

   If a location accepts payment through a charge card, gift card, or other card which does not permit the application of a surcharge, and the location fails to manually add the surcharge to the transaction amount, then the surcharge amount shall be deducted from the transaction amount when funds for the transaction are distributed to the location. A location shall not be reimbursed for the balance of a transaction by ESS.

h. Certain point of sale devices may require the installation of supplemental software or an "add-in" application. If such software or application is required for a device, ESS shall issue an invoice to the location for the actual cost of the software or application. The frequency of invoices shall be determined by the mutual agreement of ESS and the location, but the frequency shall be no more than monthly.

Section 1.5(2-2) revised 2.12.14.
Section 1.5(2-2) revised 6.11.14.
Section 1.5 (2 and 3) revised 8.12.15. Effective 9.1.15
Section 1.5 (2-1) and (2-2) revised 10.7.15. Effective 12.1.16
New Section 1.5 (10) adopted 10.7.15. Effective 12.1.16
Section 1.5 (2-2) revised 8.7.18
Section 1.5 revised 9.25.18
Section 1.5 (11) adopted 9.25.18
Section 1.5 (11) revised 11.8.18
Section 1.5 (11) revised 2.7.19
Section 1.5 (3) revised 6.26.19
Section 1.5 (11) revised 8.8.19 – Effective 9.1.19

ESS – 1.6 ESS Coordinating Committee.
(Iowa Code Section 331.604, Subsection 3(a); 2005 Iowa Acts, Chapter 179, Division VII, Section 101, Subsection 1; Section 28E, Subsection 6, paragraph 3)

1.6(1) Committee Established. An ESS Coordinating Committee is established to coordinate efforts to deliver services and information through the Electronic Services System and the county land record information system~~, and to carry out the duties delegated to it by the ICRA Executive Board~~. The Committee shall consist of no more than 15 members, and the number of members may be adjusted as circumstances require.

1.6(2) Qualification of Members. Members of the ESS Coordinating Committee shall consist of eight County Recorders who shall be representative of the Electronic Services System membership as follows:

a. One County Recorder shall be appointed from each of the six geographic districts established by the Iowa County Recorders Association.
b. One County Recorder shall be appointed from one of five counties with the highest population based on the most recent official U.S. census.
c. One County Recorder who is a member of the Iowa County Recorders Association Executive Board.

To the extent practicable, the County Recorders should be representative of the various indexing and imaging systems utilized throughout Iowa. Deputy Recorders shall be eligible to serve on the ESS Coordinating Committee. Members of the Coordinating Committee may include representatives of stakeholders and professionals who develop, originate or process official real estate documents. These members shall be qualified as follows:

a. One representative of Iowa financial institutions including banks, credit unions or mortgage companies.

b. One member who is representative of professionals active in the practice of real estate law.
c. One member who is representative of professional realtors or brokers.
d. One member who is representative of professionals in abstracting and land title management.

Members of the Coordinating Committee may include representatives of stakeholders and professionals who develop, originate or process official real estate documents. ~~These members shall be qualified as follows:~~ Stakeholder representatives shall comprise no more than six positions on the Coordinating Committee. These members shall be qualified from one of the following groups:

~~e. One representative of Iowa financial institutions including banks, credit unions or mortgage companies.~~
~~f. One member who is representative of professionals active in the practice of real estate law.~~
~~g. One member who is representative of professional realtors or brokers.~~
~~h. One member who is representative of professionals in abstracting and land title management.~~

a. A person who is a representative of Iowa financial institutions including banks, credit unions or mortgage companies.
b. A person who is a representative of professionals active in the practice of real estate law.
c. A person who is a representative of professionals in abstracting and land title management.
d. A person who is a representative of information technology professionals who serve Iowa counties.
e. A person who is representative of professional realtors or brokers.
f. A person who is representative of professional and licensed land surveyors.
g. Any person who is representative of another profession engaged in the Iowa real estate industry.

~~Members of the Coordinating Committee may include representatives of affiliates of the Iowa State Association of Counties which are actively cooperating in efforts to include land record and real estate information under their control in the statewide Electronic Services System. These members shall be qualified as follows: One representative of the Iowa Counties Information Technology affiliate.~~

1.6(3) Nominations and Elections. Nominations shall be submitted to the Executive Board of the Iowa County Recorders Association not less than sixty (60) days prior to the expiration of the term of office for each position on the ESS Coordination Committee.

Nominations for each position shall be made as follows.

The County Recorders from each district may nominate up to two Qualified County Recorders from the district.

The County Recorders representing the five largest counties may nominate up to two qualified County Recorders.

Individuals representative of stakeholders and professionals who develop, originate or process official real estate documents may be nominated by an organization or association representing the profession, or they may be self-nominated.

~~Individuals representative of designated affiliates of the Iowa State Association of Counties shall be nominated by the Executive Board or governing board of the affiliate organization.~~

The Executive Board of the Iowa County Recorders Association shall designate its representative to the ESS Coordinating Committee. The Executive Board shall appoint the members of the ESS Coordinating Committee from the qualified nominations submitted.

1.6(4) Term of Office. The term of office for each position shall be two (2) years. ESS Coordinating Committee members will begin serving their terms on January 1st of the year following their election to the ESS Committee. The term of office for County Recorders representing even-numbered Districts will begin in even-numbered years. The term of office for County Recorders representing odd-numbered Districts will begin in odd-numbered years. The term of office for the County Recorder representing the highest population counties begins in odd-numbered years. The representative of the Executive Board shall serve at the discretion of the Executive Board.

The term of office for representatives of stakeholders, professionals and affiliates shall be initially established by the Executive Board to ensure that expiration of terms is balanced among the Committee members.

ESS Coordinating Committee members shall be eligible for nomination and appointment to additional terms of office.

1.6(5) Time and Place of Meetings. The ESS Coordinating Committee shall meet ~~monthly~~ quarterly at a time specified by the chair. The Committee may meet in person or by electronic means. Additionally, the ESS Coordinating Committee shall meet as necessary in joint session with Iowa County Recorders' Association Executive Board at a place determined by the Executive Board. Other meetings may be called by the Chair or Vice Chair of the Committee, or by the President of the Iowa County Recorders Association.

Meetings shall be conducted in accordance with the requirements of Chapter 21 of the Iowa Code. Items shall be placed on the agenda according to the order of business. The order of business for each regular meeting shall be as follows:

Welcome and Introductions
Approval of Meeting Summary
Financial Reports
Action and Discussion Items
Informal Discussion and Public Comment

By general consent of the Committee, items may be considered out of order.

1.6(6) Quorum and Voting. All members of the ESS Coordinating Committee shall have equal voting privileges. The members present at any properly announced meeting shall constitute a quorum. All issues to be voted on shall be decided by a simple majority of those present at the meeting in which the vote takes place.

The Committee shall proceed by motion. Any member, including the chair, may make a motion. A second is required to proceed with action on a motion.

1.6(7) Officers. There shall be three officers of the ESS Coordinating Committee, consisting of a chair, vice-chair and secretary/treasurer.

The ESS Coordinating Committee shall nominate and elect a chair, vice-chair and secretary/treasurer from the ESS membership. The term of Office for the Chair, Vice Chair & Secretary Treasure shall be one year. However an Officer may serve successive terms with no limit to the number of terms.

The Chair shall convene and preside over all meetings, or shall arrange for other members of the Coordinating Committee to preside at each meeting in the following order: Vice Chair, Secretary/Treasurer. The Chair shall also appoint members of any subcommittees established by the Coordinating Committee.

The Secretary/Treasurer shall be responsible for keeping records of ESS Committee actions, including overseeing the preparation of meeting summaries and financial reports, and ensuring that corporate records are maintained.

1.6(8) Vacancy. In the event of a vacancy prior to the expiration of a term of office, the Iowa County Recorders Association Executive Board shall accept nominations and make appointments as necessary.

1.6(9) Termination of Appointment. The Executive Board of the Iowa County Recorders Association may terminate the appointment of a member of the ESS Coordinating Committee if the member is habitually absent, fails to participate constructively in the deliberations of the ESS Committee or for other reasons.

1.6(10) Compensation of Members. The members of the ESS Coordinating Committee shall not receive compensation. However, ESS Coordinating Committee members, County Recorders or Deputy Recorders, or ICRA/ESS staff may be reimbursed for travel expenses subject to the following parameters.

a. ESS Coordinating Committee members or ~~ICRA/~~ESS staff for participation in face-to-face meetings of the Committee.
b. A representative of the ESS Finance Subcommittee designated by the ICRA Executive Board for participation in face-to-face meetings of the ESS Coordinating Committee.
c. ESS Subcommittee Members or ~~ICRA/~~ESS staff for participation in face-to-face meetings of the Subcommittee, subject to the prior approval of the ESS Coordinating Committee Chair.
d. County Recorders, Deputy Recorders, or ~~ICRA/~~ESS staff who participate in scheduled meetings with legislators, legislative staff, and state administrative agencies, subject to the prior approval of the ESS Coordinating Committee Chair.
e. ESS Coordinating Committee members, County Recorders, Deputy Recorders, or ~~ICRA/~~ESS staff who participate in and assist with trade shows on behalf of ESS, subject to the prior approval of the ESS Coordinating Committee Chair.
f. ESS Coordinating Committee members, County Recorders, Deputy Recorders, or ~~ICRA/~~ESS staff for participation in other special meetings or events subject to the approval of the ESS Coordinating Committee Chair.

Reimbursement rates for ESS Coordinating Committee members, County Recorders, Deputy Recorders or ICRA/ESS staff shall be based on the current State of Iowa Summary of Travel Reimbursement Guidelines. See: https://das.iowa.gov/state-accounting/travel-relocation.

Persons requesting reimbursement must disclose to ESS other purposes of the travel and whether reimbursement for the travel may be available from other sources. Reimbursement may be limited in the discretion the Chair ~~or the ESS Coordinating Committee, as the case may be~~, when reimbursement is available from other sources regardless of the actual amount of reimbursement. The Chair ~~or ESS Coordinating Committee~~ shall consider the primary purpose of the travel and cooperate with other sources to provide appropriate allocation of reimbursement.

In all cases reimbursement for lodging expenses is subject to the prior approval of the Chair ~~of the ESS Coordinating Committee~~.

1.6(11) Meeting Notices. Public notice of meetings of the ESS Coordinating Committee are posted at https://iowalandrecords.org/portal/ in the "About ILR" section under the link "Agendas", and at the offices of the Iowa State Association of Counties, 5500 Westown Pkwy #190, West Des Moines, IA 50266.

1.6(12) Meeting Summaries. A summary of the proceedings of each regular, adjourned, or special meeting of the ESS Coordinating Committee, including a schedule of bills allowed, shall be published after adjournment of the meeting in one newspaper of general circulation within the geographic area served by the joint board of the entity created in the agreement. The summary of the proceedings shall include the date, time, and place the meeting was held, the members present, and the actions taken at the meeting. A summary of the proceedings of the ESS Coordinating Committee are also posted at https://iowalandrecords.org/portal/ in the "About ILR" section under the link "Meeting Summaries".

1.6(13) Other Project Information. Operational information such as the project budget, financial reports, audits, project status reports and other information shall be posted at https://iowalandrecords.org/portal/.

1.6(14) Administrative Offices. The administrative offices of the Electronic Services System and the county land record information system are located at 8711 Windsor Parkway, Suite 2, Johnston, IA 50131.

1.6(15) Teleconference Expense Reimbursement. The ICRA Executive Board or an officer of the Iowa County Recorders Association may utilize the teleconference service established to facilitate teleconference communications for ESS and CLRIS. However, when the purpose of any communication is not directly related to the activities of ESS or CLRIS, the ICRA Executive Board or the Iowa County Recorders Association shall reimburse ESS and CLRIS for the actual cost of teleconference service usage.

Section 1.6(10) revised 2.8.12. Retroactive to 1.1.12
New Section 1.6(15) adopted 2.8.12. Retroactive to 1.1.12
Section 1.6(5) revised 8.12.15. Effective 9.1.15
Section 1.6(11-13) revised 8.12.15. Effective 9.1.15
Section 1.6(10) revised 5.9.19

ESS – 1.7 Financial Procedures.

(Iowa Code Section 331.604, Subsection 3(a))

1.7(1) ESS Finance Subcommittee. An ESS Finance Subcommittee is established to review the financial activities of the Electronic Services System. The Subcommittee shall perform the following duties.

a. Assist with the development of an annual budget for ESS and the county land record information system.
b. Review monthly invoices and claims for payment.
c. Review financial reports, meeting summaries and other information as necessary.
d. Assist the ESS Coordinating Committee with financial matters.

1.7(2) Review and Approval of Expenditures. Accounts payable (~~invoices~~ invoice payments, credit card charges, and claims for payment) shall be reviewed by the ESS Finance Subcommittee ~~prior to each meeting of the ESS Coordinating Committee~~. The Subcommittee shall advise the ESS Coordinating Committee of issues and activities which require formal action. ~~Accounts payable shall be reviewed and approved by the ICRA Executive Board, or the ESS Coordinating Committee if such authority is delegated to it~~.

1.7(3) Review and Approval of Financial Reports. Financial reports shall be reviewed by the ESS Finance Subcommittee monthly ~~prior to each meeting of the ESS Coordinating Committee~~. The Subcommittee shall advise the ESS Coordinating Committee of issues and activities which require formal action. Financial reports shall be reviewed and approved by the ~~ICRA Executive Board, or the~~ ESS Coordinating Committee quarterly ~~if such authority is delegated to it~~.

1.7(4) Annual Budget. The ESS Finance Subcommittee shall assist the ESS Coordinating Committee with the development of an annual budget and any budget amendments. An annual budget and any amendments to the budget shall be reviewed and approved by the ESS Coordinating Committee ~~ICRA Executive Board,~~.

1.7(5) Annual Audit. Financial accounts managed directly by ESS Coordinating Committee shall be audited annually by an independent auditor. Financial accounts managed through the Office of the State Treasurer shall be subject to the auditing procedures of the State Auditor.

1.7(6) Allocation and Expenditure of Reserve Funds. The following reserve funds are established.

a. Fund 255 - Software Development and Equipment Maintenance Reserve. The purpose of the reserve is to provide resources for necessary equipment replacement or maintenance and for the development of software to improve or maintain services provided through the Electronic Services System
b. Fund 255 - Redaction Reserve. The purpose of the reserve is to provide resources for the redaction of personally identifiable information which may be included in images of Back File documents as defined in Section 4.1

c. Fund 255 – Restricted Operating Reserve. The purpose of the reserve is to provide resources which may be necessary to sustain the operation of the Electronic Services System due to an unforeseen event or emergency
d. Fund 255 – Unrestricted Operating Reserve. The purpose of the reserve is to provide resources for planned operating expenses when income varies from budget projections
e. Treasury Management Software Development and Equipment Maintenance Reserve. The purpose of the reserve is to provide resources for authorized software development, technical assistance, equipment replacement or maintenance, and human resource management activities
f. Treasury Management Redaction Reserve. The purpose of the reserve is to provide resources for the redaction of personally identifiable information which may be included in images of Back File documents as defined in Section 4.1
g. Treasury Management Restricted Operating Reserve. The purpose of the reserve is to provide resources which may be necessary to sustain the operation of the Electronic Services System due to an unforeseen event or emergency.
h. Treasury Management Unrestricted Reserve. The purpose of the reserve is to provide resources for planned operating expenses when income varies from budget projections

Any reserve funds shall be reviewed at least annually by the ESS Coordinating Committee and the ESS Finance Subcommittee. The expenditure of Restricted Operating Reserve funds shall be subject to the approval of the ~~ICRA Executive Board, or the~~ ESS Coordinating Committee ~~if such authority is delegated to it~~. The Administrator/Project Manager shall inform the ESS Coordinating Committee and ESS Finance Subcommittee of the expenditure of any other reserve funds. As needed the reserve funds may be adjusted or rebalanced by the ~~ICRA Executive Board, or the~~ ESS Coordinating Committee ~~if such authority is delegated to it~~.

Funds not allocated to a reserve fund in either Fund 255 or in the Treasury Management account shall be available for general operating expenses and to maintain the necessary liquidity for daily operations including the distribution of funds to participating public agencies, budgeted operating expenses, and payments to vendors.

Section 1.7 (6) revised 5.9.19
Section 1.7 (6) revised 2.6.20
Section 1.7 (6) revised 11.5.20

ESS – 1.8 Administration.

(Iowa Code Section 331.604, Subsection 3(a))

1.8(1) Designation of Administrator/Project Manager. An administrator or Project Manager shall be designated by the ESS Coordinating Committee to oversee and manage the operations of the Electronic Services System and the county land record information system.

1.8(2) Duties of the Administrator/Project Manager. The administrator or Project Manager designated by the ESS Coordinating Committee shall perform the following duties.

a. Oversee the operation and maintenance of the Iowa Land Records system.
b. Manage and direct the work of all service providers and ensure the appropriate administration of contracts, deliverables and project plans.
c. Manage and direct the work of all employees assigned to the Electronic Services System and the county land record information system.
d. Work with the ESS Coordinating Committee and Subcommittees to address ongoing financial, management and standards issues.
e. Handle all financial aspects of the ILR, including accounts receivable and accounts payable and work with the financial service providers and the Association Treasurer as required. Provide for the monthly reconciliation of bank accounts and preparation of monthly financial statements.
f. Oversee customer service support systems.
g. Serve as the ILR primary administrative point of contact, and act to direct inquiries to ESS Officers and Association leaders as appropriate.
h. Act as the administrative agent on behalf of the ~~ICRA Executive Board and the~~ ESS Coordinating Committee concerning matters relating to compliance with policies and procedures adopted by the Electronic Services System. The Project Manager is authorized and directed to take appropriate progressive action, subject to consultation with the President of the Iowa County Recorders Association and the Chairperson of the ESS Coordinating Committee, to secure compliance by a County or County Official concerning ESS policies and procedures.
i. Perform other administrative or project management duties as assigned by the ~~ICRA Executive Board or the~~ ESS Coordinating Committee

ESS – 1.9 Development of Policies and Procedures.
(Iowa Code Section 331.604, Subsection 3(a))

1.9(1) ESS Standards Subcommittee. An ESS Standards Subcommittee is established to assist with the review and development of policies and procedures for county indexing, imaging and archiving systems and standards for the Electronic Service System and the county land record information system. The Subcommittee shall perform the following duties.

a. Assist with the review and development of policies and procedures for the following:
    i. Operating policies for the county land record information system
    ii. Policies relating to the transfer of information from county systems to the county land record information system
    iii. Policies relating to indexing systems

    iv. Policies relating to document images
    v. Policies relating to local indexing and imaging systems

b. Assist with the review or development of other policies and procedures as requested by the ESS Coordinating Committee

ESS – 1.10 ESS Executive Committee.
(Iowa Code Section 331.604, Subsection 3(a))

1.10(1) ESS Executive Committee. An ESS Executive Committee is established to assist with contractual, personnel, management and strategic issues including but not limited to the following.

a. Assist with the review of contracts, amendments, contract extensions and work authorizations as necessary.
b. Assist with the review of personnel policies and procedures relating to the staff for the Electronic Services System and the county land record information system.
c. Assist with the oversight and management of Electronic Services System.
d. Assist with development of strategy for sustaining and strengthening the Electronic Services System.

1.10(2) ESS Executive Committee Members. The ESS Executive Committee shall be comprised of the individuals serving in the following roles.

a. President of the Iowa County Recorders Association
b. Chair of the ESS Coordinating Committee
c. <u>Vice Chair of the ESS Coordinating Committee</u>
d. <u>Secretary/Treasurer of the ESS Coordinating Committee</u>
e. Vice President of the Iowa County Recorders Association
f. Treasurer of the Iowa County Recorders Association
g. Secretary of the Iowa County Recorders Association

Section 1.10 revised - Executive Committee created 8.7.18

ESS – 1.11 Communications Subcommittee.
(Iowa Code Section 331.604, Subsection 3(a))

1.11(1) ESS Communications Subcommittee. An ESS Communications Subcommittee is established to assist with education, communications and outreach activities. The Subcommittee shall perform the following duties.

a. Assist with the development of an annual ESS education, outreach, communications and marketing plan.
b. Assist with marketing and promoting E-Submission services including activities such as the distribution of flyers and promotional materials, attendance at trade show exhibits, and participation in webinars and seminars.

c. Assist with the maintenance of county information posted on the Iowa Land Records web site including the following sections and pages: Iowa County Recorders, Search Tips, and ICRA Members.
d. Assist with monitoring performance reports and information and developing strategies for improving performance and quality.
e. Assist with the development of information and articles suitable for ESS and Iowa Land Records newsletters.
f. Assist with activities of the Iowa County Recorders Association which are related to or associated with ESS goals and objectives.

New Section 1.11 adopted 6.11.14.

ESS – 1.12 Document Retention and Destruction.
(Iowa Code Section 331.604, Subsection 3(a))

The purpose of this policy is to ensure that necessary records and documents of are adequately protected and maintained and to ensure that records that are no longer needed by the Electronic Services System or are of no value are discarded at the proper time. This policy applies to all physical records generated in the course of Electronic Services System's operation, including both original documents and reproductions. It also applies to electronic documents including but not limited to email and documents processed through the Iowa Land Records E-Submission service.

1.12(1) A record retention schedule is specified in Subsection 1.12(3) concerning the maintenance, retention and disposal schedule for physical records and electronic documents of the Electronic Services System. An administrator shall be designated by the ESS Coordinating Committee to ensure that the record retention schedule is followed. The administrator is authorized to monitor local, state and federal laws affecting record retention, annually review record retention and destruction policies and processes, and monitor compliance with this policy.

1.12(2) In the event the Electronic Services System is served with any subpoena or request for documents, or if the administrator becomes aware of a governmental investigation or audit concerning the Electronic Services System or the commencement of any litigation against or concerning the Electronic Services System, the administrator shall temporarily suspend processes for destroying documents, subject to the review and guidance of legal counsel.

1.12(3) The Record Retention Schedule is as follows:

Record Type	Retention Limit
Electronic financial records maintained within the Right Networks File Manager including Bank of America Files: Audit Files, BankCardUSA reports, USAePay reports, VeriCheck reports, NCMIC Reports,	7 years

Record Type	Retention Limit
BOA Financial Reports, Budget Reports, Committee Packets, Deposits, Payment Gateway Reports, IIF Files, Monthly Statements, NACHA Files, Reconciliation Reports, Bills-Receipts; Fund 255 Files: Committee Packets, Fund 255 Financial Reports, Budget Reports, State Treasurer Statements, Reconciliation Reports; Fund 823 Files: Fund 823 Financial Reports	
Depreciation schedules	3 Years After Full Depreciation
Insurance Policies (current)	2 Years
Insurance Claims History	7 Years
Tax Returns	10 Years
Official Audit Reports	Permanently
Contracts, Integration Agreements and Other Written Agreements	7 Years After Expiration or Termination
Contracts including license and maintenance agreements (still in effect)	3 Years Following End of Contract Period
Correspondence (general)	1 Year
Correspondence (litigation and other formal legal matters)	Permanently
Correspondence (with customers and vendors)	2 Years
Personnel Records Including Insurance and 401K Information maintained by the Human Resources service vendor (Aureon/Paychex)	In Conformance with Aureon/Paychex policy
Employee Time Sheet Records	3 Years
Meeting Summaries, 28E Agreement	Permanently
Policies and Procedures	Permanently
Email correspondence (clris.com and iowalandrecords.org)	See Correspondence Type Above; email to be temporarily archived after 60 days
System-Generated and DoNotReply email messages	Archived each day and purged after 30 Days
ESS Application Log Files	7 Years
Documents submitted for electronic recording: see also Section 7.5 of the ESS Policies and Procedures	30 Days
Department of Revenue or IRS Tax Liens or Lien Releases	1 Day or as soon as possible

Record Type	Retention Limit
Marketing, Training and Other Communications Materials	2 Years Following Publication
Real Estate Agreements (if applicable)	7 Years After Expiration or Termination

New Section 1.12 adopted 6.26.19.

ESS – 1.13 Software Asset Determination.
(Iowa Code Section 331.604, Subsection 3

The purpose of this policy is to establish a method for valuing the software developed by the Electronic Services System and to account for the value of the software as an asset in the ESS financial reporting system. The asset is to be included in the ESS balance sheet and would be subject to depreciation. Software developed by ESS is not sold or licensed as a commercial product, and it has no market value in the traditional sense. The valuation method is to be primarily based on the value of the human resources dedicated to the creation of the software.

1.13(1) The value of ESS software is to be calculated based on the human resources expenditures associated with members of the ESS software development team and other personnel engaged in support activities associated with the development of the software including testing and initial implementation. The following methodology shall be used to calculate the value of the software.

a. The ESS Project Manager shall define the software assets to be developed, and the software development activities which contribute to the creation of the software asset. The ESS Project Manager shall also determine and document the points in time when development of the asset begins and when development is complete. Activities such as preliminary planning and post-production implementation shall not be included in the software development activities used to calculate the value of the asset.
b. ESS personnel, and any external software development professionals engaged to assist with ESS software development, shall track and report time dedicated software development activities which may include planning, development, testing and initial implementation of the software.
c. An hourly cost shall be determined for ESS personnel and any external software development professionals engaged to assist with ESS software development. For ESS personnel, the hourly cost shall include to wages or salaries including all associated payroll taxes paid by the employer, plus the cost of benefits and any human resources administrative fees. For external software development professionals, the hourly cost shall be the hourly rate charged by the vendor or independent contractor.

d. For each member of the software development team and other designated personnel, the product of the hours allocated to the software development activities determined in subsection b., times the hourly costs determined shall be calculated.
e. The sum of the values determined in subsection d shall represent the value of the asset.
f. The value of the software assets shall be determined annually by calendar year.

New Section 1.13 adopted 5.9.19.

Chapter 7
Terms of Use and Privacy Policies

Sections 7.1, 7.3 and 7.5 of the Electronic Services System Policies and Procedures is amended to clarify the circumstance a user account or associated IP address may be blocked and/or blacklisted, and to make other updates to the Definitions, and Terms of Use for the Iowa Land Records Portal and E-Submission Service.

ESS – 7.1 Definitions.
(Iowa Code Section 331.604, 3(a))

As used in this Chapter:

Abandoned Documents – Any number of associated E-Submission documents within an E-Submission group which have not been submitted or completed within 30 days after the creation of the E-Submission group.

Internet Protocol Address (IP address) – A numerical label assigned to each device (e.g., computer, printer) participating in a computer network that uses the Internet Protocol for communication.

Iowa Land Records Portal – The county land record information web site for searching and retrieving information about recorded documents and related services. The web site address is ~~http://iowalandrecords.org/portal~~ https://iowalandrecords.org/portal.

Iowa Land Records E-Submission Service – The county land record information web site for submitting documents to Iowa counties for recording. The web site address is https://iowalandrecords.org//esubmission.

Site Administrator – The Electronic Services System Project Manager, or a designated employee of the ~~Iowa County Recorders Association working in service to the~~ Electronic Services System.

Section 7.1 revised 10.10.12.
Section 7.1 revised 11.14.12.

ESS – 7.2 Authority and Purpose.
(Iowa Code Section 331.604, 3(a))

7.2(1) The Electronic Services System (ESS) is required to implement electronic recording in each county, and to maintain a statewide internet web site to provide electronic access to records and information. In order to ensure the successful operation of the county land record information system and to fulfill the requirements of Iowa law concerning the handling of personally identifiable information, it is necessary to establish and publish appropriate Terms of Use and Privacy policies. These policies apply to all persons and organizations that access information or engage in electronic recording activities at web sites published by the Electronic Services System and the county land record information system.

ESS – 7.3 Iowa Land Records Portal Terms of Use.
(Iowa Code Section 331.604, 3(a))

Terms of Use - Disclaimer
The information contained herein is provided as a service to the public for informational purposes only and no representation is made as to its accuracy or fitness for any particular purpose. The Iowa Land Records system, or the County Land Record Information System, is not intended to replace a search of the official records maintained in by the office of the County Recorder. The Electronic Services System and its agents hereby disclaim any and all liability from or related to the use of the information contained in the Iowa Land Records system, or the County Land Record Information System. Under Iowa law, the Electronic Services System is the sole owner of its compiled and developed information. None of the materials contained on this site or any part thereof, including any information, products and/or software related to the materials, may be compiled, bundled, grouped, reproduced, shared, transmitted, transcribed, stored in a retrieval system, or translated into any language in any form by any means without the express written permission of the Electronic Services System. Users of this site are granted a limited license to access the materials made available on this site. No user or any other party is permitted to sell, share, transfer, loan, license or market the materials or to engage in any similar transaction related to the materials contained on this site to any extent under any circumstances. The Electronic Services System provides any and all materials and other information and/or software distributed on this site "as is" without warranty of any kind, either express or implied, including but not limited to, the implied warranties or conditions of merchantability or fitness for a particular purpose. In no event shall the Electronic Services System be liable for any loss of profits, lost business, loss of use of data, interruption of business, or for indirect, special, incidental, or consequential damages of any kind. The Electronic Services System may revise the Terms of Use of its site from time to time without notices other than posting on its site.

The performance of this website and all information contained on, downloaded or accessed from this website are provided on an "as is" basis, without warranties of any kind whatsoever, including any implied warranties or warranties of merchantability, fitness for a particular purpose or non-infringement of the rights of third parties. The Electronic Services System shall be not responsible for any problems or technical malfunction of any telephone network or lines, computer on-line systems, servers, Internet access providers, computer equipment, software, or any combination thereof including any injury or damage to your or any other person's computer as a result of using this website.

As a registered user or unregistered user of ~~iowalandrecords.org/portal~~ https://iowalandrecords.org/portal and related extensions, you acknowledge and agree that any reliance on or use by you of any information available on this website shall be entirely at your own risk. In no event shall the Electronic Services System nor any of its service providers be liable for any direct, indirect, consequential or exemplary damages arising from the use or the performance of this website, even if the Electronic Services System or such provider has been advised of the possibility of such damages.

If you are a registered user of the Iowa Land Records system at ~~iowalandrecords.org/portal~~ https://iowalandrecords.org/portal, you shall maintain accurate user account information concerning your identity including your first and last name, company name if applicable, occupation, mailing address, e-mail address and telephone number.

User accounts and their associated IP addresses which are deemed to be a fictitious identity or impersonation, or created to circumvent these Terms of Use may be temporarily or permanently blocked and/or blacklisted. A determination that an account is fictious, false or inaccurate is subject to the sole discretion of an ESS Site Administrator.

If the user account information is not maintained or if the information is inaccurate, or if your user account is deemed inactive by a Site Administrator, ~~your~~ the user account(s) will be deactivated and ~~you~~ will no longer be permitted to access detailed information about documents posted at ~~iowalandrecords.org/portal~~ https://iowalandrecords.org/portal.

If you are a registered user of the Iowa Land Records system at ~~iowalandrecords.org/portal~~ https://iowalandrecords.org/portal, you acknowledge and agree that e-mail is an acceptable means of communication with you, and you agree to accept e-mails from either iowalandrecords.org or clris.com and shall not block e-mails originating from these sources. Newsletters and service announcements are delivered through a recognized third-party service provider - ~~exacttarget.com~~ mailchimp.com, and communications from this source shall also be accepted.

If you wish to participate in a web conference or other event hosted by the Iowa Land Records system, you shall provide accurate information concerning your identity including but not limited to your first and last name. If the information is not accurate or if the information is incomplete (such as providing a first name only), then you will not be permitted to have access to the conference or event.

The Iowa Land Records newsletter and other communications distributed by e-mail will comply with the requirements of the CAN-SPAM Act, and you may submit a request to "opt-out" of the e-mail distribution list. However, if you submit an opt-out request to Iowa Land Records concerning any newsletter, service announcement or other communication distributed via e-mail, or if we are unable to communicate with you via e-mail for any reason, your user account(s) will be deactivated and you will no longer be permitted to access detailed information about documents posted at ~~iowalandrecords.org/portal~~ https://iowalandrecords.org/portal. If you have a question or comment about this policy, please send an inquiry by email to support@clris.com.

No Unlawful or Prohibited Use

As a condition of your use of the iowalandrecords.org/portal and related extensions (site), you will not use the site for any purpose that is unlawful or prohibited by these terms, conditions, and notices. You may not use the site in any manner that could damage, disable, overburden, or impair any Electronic Services System server, or the network(s) connected to any Electronic Services System server, or interfere with any other party's use and enjoyment of the site. The maximum number of document details and/or document images which may be viewed or downloaded by an individual user shall not exceed 120 documents per day, except when authorized by a Site Administrator. This limitation will be programmatically enforced. Permission to view more than 120 documents per day may be granted to known, trusted registered users on a ~~case by case~~ case-by-case basis. Such permission may be revoked by a Site Administrator for any reason.

User accounts and their associated IP addresses which are deemed to be created to circumvent the daily document details and/or document image limitations may be temporarily or permanently blocked and/or blacklisted. A determination that an account(s) has been created to circumvent this policy is subject to the sole discretion of an ESS Site Administrator.

You may not attempt to gain unauthorized access to the site, other accounts, computer systems or networks connected to any Electronic Services System server or to any of the services or information provided, through hacking, password mining or any other means. You may not obtain or attempt to obtain any materials or information through any means not intentionally made available through the site.

Access to the site through an IP address located outside of the United States is prohibited except when authorized by a Site Administrator. Access to the site from a location outside of the United States via a proxy server or VPN service is also prohibited. Permission for access through foreign IP addresses may be granted to known, trusted registered users on a case-by-case basis. Such permission may be revoked by a Site Administrator for any reason.

User accounts and their associated IP addresses which are deemed to be created to circumvent the foreign access prohibition may be temporarily or permanently blocked and/or blacklisted. A determination that an account(s) has been created to circumvent this policy is subject to the sole discretion of an ESS Site Administrator.

Illegal and/or unauthorized uses of the site, including, but not limited to, unauthorized framing of or linking to the site, or unauthorized use of any robot, spider or other automated device on the site, will be investigated and appropriate legal action will be taken, including without limitation civil, criminal and injunctive redress.

User accounts and their associated IP addresses which are deemed to be created to circumvent the policies prohibiting illegal or unauthorized uses may be temporarily or permanently blocked and/or blacklisted. A determination that an account(s) has been created to circumvent this policy is subject to the sole discretion of an ESS Site Administrator.

If you violate these Terms of Use, the Electronic Services System may ~~terminate your use of the Site,~~ bar you from future use of the Site and/or take appropriate legal action against you. The laws of the State of Iowa shall govern and determine all matters arising out of or in connection with the Terms of Use. Any and all litigation or actions commenced in connection with this agreement, including after expiration or termination of this agreement, shall be brought in Des Moines, Iowa, in Polk County District Court for the State of Iowa, if jurisdiction is proper. However, if jurisdiction is not proper in the Iowa District Court, Polk County, but is proper only in a United States District Court, the matter shall be commenced in the United States District Court for the Southern District of Iowa.

Historical Index and Images
The Iowa Land Record indexes have been replicated from the official indexes in each county. The Iowa Land Record images have been replicated from the official image systems in each county. In some cases, the indexes and images have been modified to comply with standards established by the Electronic Services System including standards for document types, a standard format for party names, and a standard document image format. The County Recorder indexes and images are the official indexes and images in any and all cases where there is an inconsistency.

As provided in Section 331.606A (Iowa Code), Iowa Land Records and the Electronic Services System have implemented a system for redacting personally identifiable information from document images. "Personally identifiable information" means one or more of the following specific unique identifiers when combined with an individual's name:

(1) Social security number.

(2) Checking, savings, or share account number, credit, debit, or charge card number.

Driver license information is also being redacted from document images.

Every reasonable measure is taken to redact personally identifiable information from document images before they are posted for public access through Iowa Land Records. However, no redaction system has been shown to be completely accurate. Because it is possible that some personally identifiable information may be unintentionally visible in a document image, all users of the site have the responsibility to help protect the privacy of persons whose records may be displayed.

Any personally identifiable information which may be found on any image posted on this web site is considered to be confidential. In the event that you discover any personally identifiable information posted on the Iowa Land Records system, as a condition for being a user of the site, you have the responsibility to immediately notify Iowa Land Records so that the information can be restricted or redacted. Additionally, each user of the site is expressly prohibited from distributing, sharing, or publicizing any personally identifiable information which may be found. Personally identifiable information may be reported by using the "PII button" located on a search results page on the site, or by sending a message to support@clris.com."

Products
Any product mentioned on this site is mentioned for identification purposes only. Product names appearing in this material may or may not be registered trademarks or copyrights of their respective companies.

Links to External Sites
Iowa Land Records includes links to web sites not under the control of the Electronic Services System. The Electronic Services System does not have control of these other sites and is not responsible for the contents of any site outside of the iowalandrecords.org domain, any domain contained in a linked site, or any changes or updates to such sites. The Electronic Services System provides these links only as a convenience and is not an endorsement by the Electronic Services System.

The Iowa Land Records website is configured to operate with various web browsers including Microsoft Edge, Firefox and Google Chrome. Users should send an inquiry by email to support@clris.com concerning any compatibility issues with web browsers. Internet Explorer is not recommended. Users are advised to install the most recent updates to Adobe Acrobat Reader.

Copyright Notice

Section 7.3 revised 10.10.12.
Section 7.3 revised 4.10.13.
Section 7.3 revised 11.8.18.

ESS – 7.5 Iowa Land Records E-Submission Service Terms of Use.
(Iowa Code Section 331.604, 3(a))

Terms of Use
Each registered organization and user represents and warrants that he/she agrees that the user identification and authentication procedures implemented by the Iowa Land Records Electronic Submission Service, i.e., a user ID and password, is a valid electronic signature under Section 554D.103 of the Iowa Code, and that it is legally recognized as a signature under Section 554D.108. Each registered organization and user agrees that submission of a document through the Iowa Land Records Electronic Submission Service is equivalent to delivery of a document through the U.S. mail, courier service or over-the-counter at designated offices in each county or jurisdiction. Organizations and users agree that a County Recorder or other designee may correct any index information submitted which may be in error or which may require clarification. Organizations and users agree that the Iowa Land Records E-Submission Service or a Site Administrator may modify the format or scale of a scanned or rendered electronic document, without altering the content of the electronic document, in order to conform to standards established by the Electronic Services System. Organizations and users agree that a County Recorder or a Site Administrator may delete or otherwise remove Abandoned Documents from the Iowa Land Records Electronic Submission Service.

Organizations and users agree that they are responsible for assuring that documents submitted through the Iowa Land Records Electronic Submission Service are valid and comply with all requirements for recording. Organizations and users agree that electronic documents submitted through the Iowa Land Records Electronic Submission Service have been properly executed by the parties and represent the agreement of the parties.

Organizations and users accept and agree to make payment of due and proper recording and related online service fees through the payment services system specified by the Iowa Land Records Electronic Submission Service, and further agree that the Iowa Land Records Electronic Submission Service may suspend services for failure to make payment or to maintain current payment information as required.

A registered organization or user, when acting as a Surveyor Company or Surveyor as defined in Section 3.1, shall comply with the minimum standards for property surveys as described in Section 193C, Chapter 11 of the Iowa Administrative Code, and with the code of professional conduct as described in Section 193C, Chapter 8 of the Iowa Administrative Code. A Surveyor Company or Surveyor shall, when submitting corner certificates or surveys and plats as electronic documents for recording, comply with the requirements for surveys and plats as specified in Section 3.13 (6-7) of the ESS Policies and Procedures, and with the electronic document formatting requirements specified in Section 5.4 of the ESS Policies and Procedures. Additionally, a registered organization or user acting as a Surveyor Company or Surveyor shall ensure that any survey or plat has been reviewed and approved by any city or county jurisdiction, when such review and approval is required, prior to submitting the survey or plat through the Iowa Land Records E-Submission Service.

Each participating county and county recorder represents and warrants that he/she agrees that the user identification and authentication procedures implemented by the Iowa Land Records Electronic Submission Service, i.e., a user ID and password, is a valid electronic signature under Section 554D.103 of the Iowa Code, and that it is legally recognized as a signature under Section 554D.108. Each participating county and county recorder agrees that submission of a document through the Iowa Land Records Electronic Submission Service is equivalent to delivery of a document through the U.S. mail, courier service or over-the-counter at designated offices in each county or jurisdiction.

The Electronic Services System provides any and all materials and other information and/or software distributed on this site "as is" without warranty of any kind, either express or implied, including but not limited to, the implied warranties or conditions of merchantability or fitness for a particular purpose. In no event shall the Electronic Services System be liable for any loss of profits, lost business, loss of use of data, interruption of business, or for indirect, special, incidental, or consequential damages of any kind. The Electronic Services System may revise the terms of use of its site from time to time without notice other than posting on its site. The performance of this website and all information contained on, downloaded or accessed from this website are provided on an "as is" basis, without warranties of any kind whatsoever, including any implied warranties or warranties of merchantability, fitness for a particular purpose or non-infringement of the rights of third parties. The Electronic Services System shall be not responsible for any problems or technical malfunction of any telephone network or lines, computer on-line systems, servers, Internet access providers, computer equipment, software, or any combination thereof including any injury or damage to your or any other person's computer as a result of using this website.

As a registered user of the Iowa Land Records E-Submission Service at ~~iowalandrecords.org/esubmission~~ https://iowalandrecords.org/esubmission, you acknowledge and agree that any reliance on or use by you of any information available on this website shall be entirely at your own risk. In no event shall the Electronic Services System nor any of its service providers be liable for any direct, indirect, consequential or exemplary damages arising from the use or the performance of this website, even if the Electronic Services System or such provider has been advised of the possibility of such damages.

No Unlawful or Prohibited Use
As a condition of your use of the Iowa Land Records E-Submission Service, you will not use the Service for any purpose that is unlawful or prohibited by these terms, conditions, and notices. You may not use the Iowa Land Records E-Submission Service in any manner that could damage, disable, overburden, or impair any Electronic Services System server, or the network(s) connected to any Electronic Services System server, or interfere with any other party's use and enjoyment of any Services. You may not attempt to gain unauthorized access to any Services, other accounts, computer systems or networks connected to any Electronic Services System server or to any of the Services, through hacking, password mining or any other means. You may not obtain or attempt to obtain any materials or information through any means not intentionally made available through the Services. Illegal and/or unauthorized uses of the Site, including, but not limited to, unauthorized framing of or linking to the Site, or unauthorized use of any robot, spider or other automated device on the site, will be investigated and appropriate legal action will be taken, including without limitation civil, criminal and injunctive redress. If you violate these Terms of Use, Electronic Services System may terminate your use of the Site, bar you from future use of the Site and/or take appropriate legal action against you. The laws of the State of Iowa shall govern and determine all matters arising out of or in connection with the Terms of Use. Any and all litigation or actions commenced in connection with this Agreement, including after expiration or termination of this Agreement, shall be brought in Des Moines, Iowa, in Polk County District Court for the State of Iowa, if jurisdiction is proper. However, if jurisdiction is not proper in the Iowa District Court, Polk County, but is proper only in a United States District Court, the matter shall be commenced in the United States District Court for the Southern District of Iowa.

Products
Any product mentioned on this site is mentioned for identification purposes only. Product names appearing in this material may or may not be registered trademarks or copyrights of their respective companies.

Links to External Sites
Iowa Land Records includes links to web sites not under the control of the Electronic Services System. The Electronic Services System does not have control of these other sites and is not responsible for the contents of any site outside of the Iowa Land Records E-Submission Service (iowalandrecords.org) or any domain contained in a linked site, or any changes or updates to such sites.

The Electronic Services System provides these links only as a convenience and is not an endorsement by the Electronic Services System.

Section 7.5 revised 10.10.12.
Section 7.5 revised 11.14.12.
Section 7.5 revised 8.9.16.
Section 7.4 revised 11.8.18.

Amendment to Chapter 6
ESS Policies and Procedures
Personally Identifiable Information

Chapter 6 of the Electronic Services System Policies and Procedures is amended to provide for a redaction process as required by Section 331.604, subsection 3(f). These provisions require a county recorder or a county recorder's staff to redact the names of qualified parties from electronic documents that are displayed for public access through an internet site. Policies and procedures are necessary to further define and implement these requirements.

1. Section 6.1 of the ESS Policies and Procedures is amended as follows.

ESS – 6.1 Definitions.
(Iowa Code Section 331.604, 3(a))

As used in this Chapter:

Actual Cost – The proportionate amount of the equivalent hourly compensation of the person assigned to supervise, assist or implement a Batch Transfer of information from a County plus the actual cost of the media used to transfer the information.

Batch Transfer - The delivery or transfer of an accumulation of electronic documents or records recorded or maintained by a County Recorder.

Certifying Authority - A City Chief of Police, County Sheriff, County Attorney, or a designated administrative official of a State of Iowa Law Enforcement agency with direct knowledge concerning a Compelling Safety Interest of a former law enforcement official.

Compelling Safety Interest – A circumstance or condition in which a former law enforcement officer attests that there is a credible risk to their physical safety and well-being, and the risk is confirmed in writing by an Certifying Authority.

Electronic Document - A document or instrument that is received, processed, disseminated, or maintained in an electronic format. The submission of an electronic document through the county land record information system electronic submission service shall be equivalent to delivery of a document through the United States postal service or by personal delivery at designated offices in each county.

Personally Identifiable Information (PII) - One or more of the following specific unique identifiers when combined with an individual's name:
(1) Social security number.
(2) Checking, savings, or share account number, credit, debit, or charge card number.

Private Image Repository – The storage system used by the county land record information system to permanently archive original, unaltered images of recorded documents.

Public Access Terminal – A personal computer or other public computer terminal provided to the public at a service counter or other designated area for the purpose of providing read-only access to information and images for recorded documents.

Qualified Individual – Current or former law enforcement officers as follows:

a. a current or former peace officer as defined in section 801.4 of the Code of Iowa,
b. a current or former civilian employee of a law enforcement agency,
c. a current or former state or federal judicial officer,
d. a current or former state or federal prosecutor

   A person holding or seeking public office shall not be considered as a Qualified Individual.

Recently Recorded Documents – Documents which are recorded and transferred to the county land record information system within the previous three business days as provided in Section 4.6(1).

Redaction - The process of permanently removing all or a portion of personally identifiable information or other information specified by Iowa law from electronic documents ~~document images~~.

2. Chapter 6 of the ESS Policies and Procedures is amended by adding the following new section.

ESS – 6.8 Redaction Requests.
(Iowa Code Section 331.604, subsection 3(f))

6.8(1) Request For Redaction of Qualified Individual Name. A Qualified Individual may request that their name be redacted from electronic documents displayed for public access through an ESS internet site. ESS will fulfill a valid redaction request at no cost when all of the following conditions are true:

a. The person requesting the restriction is a named party in the document or documents, and

b. The person is a Qualified Individual as verified by the employer, or if a former employee, verified by a supervisor or other human resources manager with the former employer, and
c. If the person is a former law enforcement officer, verification by an Certifying Authority that the person has a Compelling Safety Interest, and
d. The request is made in writing using a form approved by ESS, and
e. The person specifies the documents to be redacted, and
f. The person does not currently hold or is not seeking public office, and
g. The redaction request is reviewed and approved by the county recorder or their staff

6.8(2) Form of Image Restriction Request. An individual requesting the restriction of document images shall provide all of the following information.

a. Contact information for the person requesting a redaction (the Qualified Individual including name, phone number, and e-mail address).
b. The Compelling Safety Interest (if applicable).
c. The name of the County in which the document has been recorded.
d. The document reference number assigned to the electronic document(s) by the County. There are various formats used by different counties. In some cases the reference number is a book and page number.
e. The date on which the document(s) was recorded.

Requests to redact a name from an electronic document without the required specific document information will not be considered. All requests must be submitted in writing using the required form through a county recorder's office. The Office of the County Recorder shall deliver approved requests via e-mail to support@clris.com with the subject "Electronic Document Redaction Request".

6.8(3) Disposition Of Image Restriction Requests. Pending the completion of the redaction of a name, the applicable electronic document(s) will be temporarily removed from public access. A person who has made a redaction request will be notified of the disposition of the request. If a request is denied, the individual will be informed of the reason for the denial by the office of the county recorder.

6.8(4) No Restriction Of Index Information. Information about electronic documents which is used to index and reference information filed with the Office of the County Recorder shall not be restricted.

6.8(5) Removal of Redaction. ESS will restore unredacted electronic documents when any of the following conditions exist.

a. The individual requesting the restriction of document images rescinds the request in writing.
b. Four years following the application of a requested redaction to an electronic document.

6.8(6) Renewal of Redaction Request. A person may request that an electronic document continue to be redacted under this section by submitting an application for renewal to the Office of the County Recorder.

Senate File 342 - Enrolled

Senate File 342

AN ACT

RELATING TO PUBLIC RECORDS AND COMMUNICATIONS IN PROFESSIONAL CONFIDENCE; UNIFORM COMMERCIAL CODE FILINGS; QUALIFIED IMMUNITY; PEACE OFFICER HEALTH PLANS AND WORKERS' COMPENSATION; CERTAIN LAW ENFORCEMENT MATTERS; CRIMINAL LAWS INVOLVING PUBLIC DISORDER, ASSAULTS, AND HARASSMENT; CIVIL LIABILITY FOR CERTAIN VEHICLE OPERATORS; WINDOW TINTING; ACTS ON CERTAIN HIGHWAYS; AND CIVIL SERVICE COMMISSION EXAMINATIONS; PROVIDING PENALTIES, AND INCLUDING EFFECTIVE DATE AND RETROACTIVE APPLICABILITY PROVISIONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

DIVISION I

PUBLIC RECORDS —— COMMUNICATIONS IN PROFESSIONAL CONFIDENCE

Section 1. Section 9E.1, Code 2021, is amended to read as follows:

9E.1 Purpose.

The general assembly finds that individuals attempting to escape from actual or threatened domestic abuse, domestic abuse assault, sexual abuse, assault, stalking, or human trafficking frequently establish new addresses in order to prevent their assailants or probable assailants from finding them. The purpose of this chapter is to enable state and local agencies to respond to requests for data without disclosing the location of a victim of domestic abuse, domestic abuse assault, sexual abuse, assault, stalking, or human trafficking; to enable interagency cooperation with the secretary of state in providing address confidentiality for victims of domestic abuse, domestic abuse assault, sexual abuse, assault, stalking, or human trafficking; and to enable program participants to use an address designated by the secretary of state as a substitute mailing address for the purposes specified in this chapter. In addition, the purpose of this chapter is to prevent such victims from being physically located through a public records search.

Sec. 2. Section 9E.2, subsection 6, paragraph a, Code 2021, is amended to read as follows:

a. "Eligible person" means a person who is ~~all~~ a resident of this state, an adult, a minor, or an incapacitated person as defined in section 633.701, and is one of the following:

(1) ~~A resident of this state.~~

~~(2) An adult, a minor, or an incapacitated person as defined in section 633.701.~~

~~(3)~~ A victim of domestic abuse, domestic abuse assault, sexual abuse, assault, stalking, or human trafficking as evidenced by the filing of a petition pursuant to section 236.3 or a criminal complaint or information pursuant to section 708.1, 708.2A, 708.11, or 710A.2, or any violation contained in chapter 709.

(2) A currently active or retired state or local judicial officer, as defined in section 4.1, a federal judge, or a spouse or child of such a person.

(3) A currently active or retired state or local prosecuting attorney, as defined in section 801.4, or a spouse or child of such a person.

(4) A currently active or retired peace officer, as defined in section 801.4, civilian employee of a law enforcement agency, or a spouse or child of such a person.

Sec. 3. Section 9E.3, subsection 1, paragraph b, subparagraph (1), subparagraph division (a), Code 2021, is amended to read as follows:

(a) The eligible person listed on the application is a victim of domestic abuse, domestic abuse assault, sexual abuse, assault, stalking, or human trafficking.

Sec. 4. Section 9E.3, subsection 1, paragraph e, Code 2021, is amended to read as follows:

e. The residential address of the eligible person, disclosure of which could lead to an increased risk of domestic abuse, domestic abuse assault, sexual abuse, assault, stalking, or human trafficking.

Sec. 5. Section 9E.7, Code 2021, is amended by adding the following new subsection:

NEW SUBSECTION. 4A. Upon request by a program participant, the assessor or the assessor's staff shall redact the requestor's name contained in electronic documents that are displayed for public access through an internet site. The assessor shall implement and maintain a process to facilitate these requests. A fee shall not be charged for the administration of this paragraph.

Sec. 6. Section 22.10, subsection 3, paragraph b, subparagraph (2), Code 2021, is amended to read as follows:

(2) Had good reason to believe and in good faith believed facts which, if true, would have indicated compliance with the requirements of this chapter. It shall constitute such good reason and good faith belief and a court shall not assess any damages, costs, or fees under this subsection if the person incorrectly balanced the right of the public to receive public records against the rights and obligations of the government body to maintain confidential records as provided in section 22.7 under any judicially created balancing test, unless the person is unable to articulate any reasonable basis for such balancing.

Sec. 7. Section 331.604, subsection 3, Code 2021, is amended by adding the following new paragraph:

NEW PARAGRAPH. *f.* (1) Upon request by a peace officer, as defined in section 801.4, civilian employee of a law enforcement agency, or state or federal judicial officer or state or federal prosecutor, the county assessor or the county assessor's staff, or the county recorder or the county recorder's staff, shall redact the requestor's name contained in electronic documents that are displayed for public access through an internet site.

(2) Upon request by a former peace officer, as defined in section 801.4, or a former civilian employee of a law enforcement agency, the county assessor or the county assessor's staff, or the county recorder or the county recorder's staff, may redact, upon the presentation of evidence that a compelling safety interest is served by doing so, the requestor's name contained in electronic documents that are displayed for public access through an internet site.

(3) This paragraph does not apply to a requestor holding or seeking public office.

(4) The county assessor and the county recorder shall implement and maintain a process to facilitate requests pursuant to this paragraph.

(5) A fee shall not be charged for the administration of this paragraph.

Sec. 8. Section 622.10, subsection 9, paragraphs a and b, Code 2021, are amended to read as follows:

a. A peer support group counselor or individual present for a group crisis intervention who obtains information from an officer or a civilian employee of a law enforcement agency or fire department by reason of the counselor's capacity as a peer support group counselor or an individual's presence for a group crisis intervention shall not be allowed, in giving testimony, to disclose any confidential communication properly entrusted to the counselor or individual present for a group crisis intervention by the officer or civilian employee while receiving counseling or group crisis intervention.

b. The prohibition in this subsection does not apply where the officer or civilian employee has consented to the disclosure of the information specified in paragraph "*a*" or where the peer support group counselor or individual present approved to administer any examination under this section shall be posted in the city hall at least twenty-four hours prior to the examination.

JAKE CHAPMAN
President of the Senate

PAT GRASSLEY
Speaker of the House

I hereby certify that this bill originated in the Senate andis known as Senate File 342, Eighty-ninth General Assembly.

W. CHARLES SMITHSON
Secretary of the Senate

Approved _______________, 2021

KIM REYNOLDS
Governor

Instructions
Peace Officer and Law Enforcement
Electronic Document Redaction Request Form

Updated - 07/27/2021

Section 331.604 subsection 3(f) provides for the redaction of certain names from electronic documents displayed for public access through an Internet site for the protection of current and former law enforcement professionals. This form is required for the processing of any redaction request under this section.

> **331.604(3)(f)(1) -** "Upon request by a peace officer, as defined in section 801.4, civilian employee of a law enforcement agency, or state or federal judicial officer or state or federal prosecutor, the county assessor or the county assessor's staff, or the county recorder or the county recorder's staff, shall redact the requestor's name contained in electronic documents that are displayed for public access through an internet site."
>
> **331.604(3)(f)(2) -** "Upon request by a former peace officer, as defined in section 801.4, or a former civilian employee of a law enforcement agency, the county assessor or the county assessor's staff, or the county recorder or the county recorder's staff, may redact, upon the presentation of evidence that a compelling safety interest is served by doing so, the requestor's name contained in electronic documents that are displayed for public access through an internet site."

Instructions for Requestors (qualified peace officers, or former peace officers or civilian law enforcement personnel, as defined by Section 331.604(3)(f), Code of Iowa).

Part 1 – Page 1

Full Legal Name, Phone Number and Email Address. This information concerns the person requesting the redaction. The name specified here will be the name that is redacted on the documents referenced elsewhere in this form. Variations on this name, if present, will be redacted from the specified documents. A phone number and email address are required if the requestor needs to be contacted for any reason.

Part 2

Eligibility for the redaction of a name from an electronic document displayed for public access through an internet site is based on the employment status of the requestor. The requirements for current and former peace officers or law enforcement personnel are different.

Part 2A – Page 1 – Complete this section if you are <u>currently employed</u> in a position that qualifies for redaction pursuant to 331.604(3)(f)(1) (see the reference above).

Employer, Employer Phone Number. This information concerns the identification of the law enforcement organization which employs the requestor (the person who is requesting that their name be redacted). Verification of employment as an eligible law enforcement employee is required before a redaction request can be fulfilled. Specify the name of the employer organization, and the phone number of a supervisor or HR Manager who can verify employment or answer questions about the role and status of the requestor.

Name of Supervisor or HR Manager, and Title. This information concerns the identity and employment title of the supervisor or human resources manager (or equivalent position) who can verify the current employment of the requestor with the employing law enforcement organization. Enter the name of the supervisor or HR manager, and their employment title.

Certification of Employment Checkbox, Signature and Date. The signature of the supervisor or HR manager, the date of the signature, and a marked or checked box representing the certification that the requestor is currently employed in an eligible position are required. A redaction request will not be accepted without this certification by the supervisor or HR manager.

Part 2B – Page 2 – Complete this section if you were formerly employed in a position that qualifies for redaction pursuant to 331.604(3)(f)(2) (see the reference above).

Most Recent Law Enforcement Position/Title. Enter the previous employment position name or title held by the person requesting the redaction.

Law Enforcement Organization Name and Employer Phone Number. This information concerns the identification of the law enforcement organization which formerly employed the requestor (the person who is requesting that their name be redacted). Verification of previous employment as an eligible law enforcement employee is required before a redaction request can be fulfilled. Specify the name of the former employer organization, and the phone number of a supervisor or HR Manager who can verify employment or answer questions about the role and status of the requestor.

Statement or explanation of compelling safety interest for requestor. Section 331.604(3)(f)(2) specifies that a redaction may be implemented when there is evidence that a compelling safety interest is served by doing so. It is not possible for a county recorder to make a determination about a compelling safety interest. Therefore, it is required that an appropriate person representing the former employer – or another knowledgeable law enforcement official – certify that there is a compelling safety interest concerning the requestor.

Using the space provided on the form, provide a summary statement or explanation of the compelling safety interest of the requestor.

Certification of Former Employment and Certification of Compelling Safety Interest. Statements certifying that the requestor was previously employed as an eligible law enforcement employee AND that there is a compelling safety interest concerning the requestor are provided in the form. Both statements must be marked or checked by a certifying authority who may be a former supervisor of the requestor or another active law enforcement official who is knowledgeable about the compelling safety interest.

Certifying Authority Name, Title/Position, Signature and Date. This information concerns the identity and employment title of the person (certifying authority) who can verify the previous employment of the requestor and who can attest to the compelling safety interest of the requestor. Enter the name of the person acting as the certifying authority, their employment title. The person acting as the certifying authority must sign and date Part 2B at the bottom of page 2.

Part 3 – Page 3

Documents to be Redacted. It is the responsibility of the requestor to specify which electronic documents are to be redacted. <u>The requestor must be a named party in an electronic document</u>, and a requestor should be familiar with the electronic documents with which they are associated. Every recorded document is assigned a unique document reference number (or a book and page reference number) and a date of recording by the county recorder. This information is included in the recording stamp on the first page of any recorded document.

Enter the following information in the spaces provided.

1. Name of the county in which the document(s) are recorded
2. Reference Number (or book & page) assigned and displayed in the recording stamp
3. Date of recording displayed in the recording stamp

Space for additional references to recorded documents is provided in the form on page 4.

Acknowledgements. Part 3 includes several statements which the requestor must read and review. Each and every statement must be marked or checked by requestor to acknowledge that they have read and understand it. The following is an explanation for each statement type.

Statement: I certify that I am either: 1) currently employed in a capacity that qualifies for redaction pursuant to Iowa Code 331.604(3)(f)(1); or 2) I was formerly employed as a peace officer or a civilian employee of a law enforcement agency pursuant to Iowa Code 331.604(3)(f)(2).

> **Explanation.** Iowa law provides that the redaction service is only available to individuals who qualify as current or former law enforcement personnel as defined in these Sections: Iowa Code 331.604(3)(f)(1) or Iowa Code 331.604(3)(f)(2). This service is not available to any other person.

Statement: I understand that the submission of this application does not guarantee the permanent redaction of my name from the public record, but it will be used to review the redaction request.

> **Explanation.** The general policy of the State of Iowa is to include the identities of all parties to legal transactions in the public record and to make public information available online. These provisions are an exception. Circumstances change over time. It is

presumed that when a person no longer serves in a position referenced in Iowa Code 331.604(3)(f)(1), or when a compelling safety interest is no longer present, that the original unaltered versions of the public documents should again be made accessible.

Statement: I acknowledge that only the requestor name listed on this application will be redacted from electronic document(s)

Explanation. Sections 331.604(3)(f)(1) and 331.604(3)(f)(2) only specify that a requestor's name shall or may be redacted. No other party is referenced in the legislation.

Statement: I am aware that it is not the responsibility of the county recorder to identify new real estate documents in which my name may appear as a party. A new request must be submitted for any additional electronic documents which may need to be redacted.

Explanation. The public record of recorded documents includes millions of documents, and many people have the same names. It is not practical or cost effective for public officials to conduct research to identify the public records for any individual. Individuals should be aware of and responsible for knowing of the legal documents to which they are a party. Further, it is not practical for public officials to track or monitor any new transactions or newly recorded documents to which the requestor may be a party. Therefore it is responsibility of the requestor to explicitly inform the county about which documents may require redaction, or any new documents which may require redaction after an initial redaction request is fulfilled.

Statement: I acknowledge that the removal of information from the public record could affect future real estate or lending transactions. I have been advised to consult with legal counsel or my lending institution before requesting that electronic documents be redacted.

Explanation. Real estate professionals including attorneys, financial institutions, title companies and many others rely upon the public land registry for information used in their business processes including underwriting, lending and title searches. The redaction of information from the public record can inhibit or interfere with these business processes. Requestors are encouraged to carefully evaluate the comparative risks and benefits of redaction.

Statement: I do not currently hold an elected office, and/or I am not a candidate for public office.

Explanation. Sections 331.604(3)(f)(3) explicitly states that the redaction service may not be provided to a person holding or seeking public office.

Statement: I acknowledge that this redaction request is valid for four years from the date specified below, unless I otherwise become disqualified during this time. If I wish to continue to have my information redacted after four years, I understand I must submit a new request to the County.

Explanation. As referenced previously, the general policy of the State of Iowa is to include the identities of all parties to legal transactions in the public record and to make public information available online. In order to ensure that public information is made available in the public record after a change in circumstances, such as when a person no longer serves in a position referenced in Iowa Code 331.604(3)(f)(1), or when a compelling safety interest is no longer present, a reasonable time limit is set for the application of any redaction applied under this service. Redaction request may be renewed by submitting a redaction request renewal form.

Requestor Signature. – Bottom of Page 3 The requestor is required to sign and date the request form in the space provided.

The completed form should be submitted to the appropriate county recorder. If a requestor requires the redaction of electronic documents in multiple counties, a separate Electronic Document Redaction Request Form must be submitted to each applicable county. Questions about this form and the Redaction Request process should be directed to the appropriate county recorder.

Instructions for Version 2 – 07/22/2021

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Instructions for County Recorders. Electronic Document Redaction Request Forms must be reviewed by designated staff in the office of the county recorder. The following is a checklist of items to be reviewed.

1. Is part 1 of the form complete, including the requestor's name, phone number, email address and mailing address? An address may be a street address or a post office box number.
2. Is Part 2 (either 2A or 2B) complete? [It is not necessary for the requestor to complete both Part 2A and 2B.]
    a. **If 2A,** is an Employer (company or organization name) Employer Phone Number, supervisor or HR Name and Title provided?
    b. Is the checkbox marked or checked?
    c. Is there a signature for the Supervisor or HR manager and is it dated?

       It is not the responsibility of the county recorder or staff to authenticate this information.

    a. **If 2B,** is the Recent Law Enforcement Position/Title, Law Enforcement Organization Name, Employer (organization) Phone Number provided?
    b. Is there a statement of explanation of compelling safety interest provided and is it legible?
    c. Are both checkboxes marked or checked?
    d. Is the name and title of the person certifying the past employment and the compelling safety interest provided?
    e. Is there a signature for the person certifying the past employment and the compelling safety interest and is it dated?

       It is not the responsibility of the county recorder or staff to authenticate this information.

3. Is Part 3 complete, including additional documents listed on page 4 or other additional pages, and is the name of the County, and a Reference Number and Date of Recording provided for each electronic document?
    a. Each electronic document listed should be reviewed by designated staff in the office of the county recorder.
        i. Does the electronic document exist?
        ii. Does the requestor name appear in the document as a party to the transaction?
    b. Are ALL checkboxes marked or checked?
    c. Is there a signature for the requestor (the name provided in Part 1), and is it dated?

4. Is Part 4 complete, including the name of the County and the name of the County Recorder?

   Mark or check one but NOT both of the check boxes.

a. If the information is in order and is verified by either the requestor's employer (2A) or by a Certifying Authority (2B), and the electronic document information is correct, mark or check the first check box.

   Sign and date the approved request in the space provided at the bottom of page 3, and then email a scanned image of the Redaction Request Form to Iowa Land Records at support@clris.com with the subject line "Electronic Document Redaction Request".

b. If the information is not in order and is NOT verified by either the requestor's employer (2A), or by a Certifying Authority (2B), OR the electronic document information is incorrect, mark or check the second check box.

   Sign and date the declined request. Keep a copy for future reference. Do NOT forward a declined request to Iowa Land Records. Return the declined form to the requestor. When possible, inform the requestor of any steps necessary to correct errors or otherwise provide any missing information.

Requestors will be notified via email when a redaction request has been fulfilled. Typically, allow for up to one week for the completion of a redaction request.

Peace Officer and Law Enforcement
Electronic Document Redaction Request Form

IOWA LAND RECORDS

ICRA
Iowa County
Recorders Association

Updated - 07/27/2021

Section 331.604 subsection 3(f) provides for the redaction of certain names from electronic documents displayed for public access through an internet site for the protection of current and former law enforcement professionals. This form is required for the processing of any redaction request under this section.

331.604(3)(f)(1) - "Upon request by a peace officer, as defined in section 801.4, civilian employee of a law enforcement agency, or state or federal judicial officer or state or federal prosecutor, the county assessor or the county assessor's staff, or the county recorder or the county recorder's staff, shall redact the requestor's name contained in electronic documents that are displayed for public access through an internet site."

331.604(3)(f)(2) - "Upon request by a former peace officer, as defined in section 801.4, or a former civilian employee of a law enforcement agency, the county assessor or the county assessor's staff, or the county recorder or the county recorder's staff, may redact, upon the presentation of evidence that a compelling safety interest is served by doing so, the requestor's name contained in electronic documents that are displayed for public access through an internet site."

PART 1 - Requestor Information

Full Legal Name ______________________________ Phone Number ________________________

Email Address ________________________________ ***Notifications will be sent via e-mail

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Please complete section 2a if you are currently employed in a position that qualifies for redaction pursuant to **331.604(3)(f)(1)**.

PART 2A- Employment Verification

Employer ________________________________ Employer Phone Number ________________

____ ____________________________________

Name of Supervisor or HR Manager Title

☐ I certify that the requestor listed above is a current employee with the above organization.

____ ____________________________________

Supervisor or HR Manager Signature Date

Please complete section 2b if you are a former peace officer or a former civilian employee of a law enforcement agency pursuant to 331.604(3)(f)(2), and summarize the nature of the compelling safety interest.

PART 2B - Former Law Enforcement- Employment Verification

Most Recent Law Enforcement Position/Title ______________________________

Law Enforcement Organization Name______________________________

Employer Phone Number ______________________________

Statement or Explanation of Compelling Safety Interest for Requestor

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☐ I certify that the requestor listed above is a former peace officer or civilian employee of a law enforcement agency with the organization listed above and that I am their former supervisor or another law enforcement official familiar with the safety interest.

☐ I certify that the statement above accurately and fairly describes the requestor's compelling safety interest.

Certifying Authority Name ______________________________

Certifying Authority Title/Position ______________________________

______________________________ ______________________________

Certifying Authority Signature Date

PART 3 - Documents to be Redacted

County ______________________________

Reference Number __________________ Date of Recording __________

Reference Number __________________ Date of Recording __________

Reference Number __________________ Date of Recording __________

Reference Number __________________ Date of Recording __________

Reference Number __________________ Date of Recording __________

(Please use page 4 to specify additional documents for redaction.)

☐ I certify that I am either: 1) currently employed in a capacity that qualifies for redaction pursuant to Iowa Code 331.604(3)(f)(1); or 2) I was formerly employed as a peace officer or a civilian employee of a law enforcement agency pursuant to Iowa Code 331.604(3)(f)(2).

☐ I understand that the submission of this application does not guarantee the permanent redaction of my name from the public record, but it will be used to review the redaction request.

☐ I acknowledge that only the requestor name listed on this application will be redacted from electronic document(s)

☐ I am aware that it is not the responsibility of the county recorder to identify new real estate documents in which my name may appear as a party. A new request must be submitted for any additional electronic documents which may need to be redacted.

☐ I acknowledge that the removal of information from the public record could affect future real estate or lending transactions. I have been advised to consult with legal counsel or my lending institution before requesting that electronic documents be redacted.

☐ I do not currently hold an elected office, and/or I am not a candidate for public office.

☐ I acknowledge that this redaction request is valid for four years from the date specified below, unless I otherwise become disqualified during this time. If I wish to continue to have my information redacted after four years, I understand I must submit a new request to the County.

____ ____________________

Requestor's Signature Date

PART 4 - County Recorder Verification

County ____

County Recorder Name ____

☐ I attest that to the best of my knowledge the Requestor is a party named in the documents specified in this redaction request. I request that Iowa Land Records to redact the specified electronic documents.

☐ I decline the request above for the redaction of public documents

Reason for Decline ____

____ ____________________

County Recorder Signature Date

PART 3 - Document Redaction List (Continued)

County ____________________________

Reference Number __________________ Date of Recording _________

Reference Number __________________ Date of Recording _________

Reference Number __________________ Date of Recording _________

Reference Number __________________ Date of Recording _________

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Reference Number __________________ Date of Recording _________

__________________ County/City

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SAFE AT HOME APPLICATION FOR INTERNET NAME SUPPRESSION Iowa Code Chapter 9E

Iowa Code Chapter 9E, which is Iowa's Address Confidentiality Program and known as the Safe at Home Program, allows program participants (as defined under Iowa Code Section 9E.2(6)(a)) to request the assessor to "redact the requestor's name contained in electronic documents that are displayed for public access through an internet site."

I am requesting my owner information be suppressed from the _____________________ County/City website per Iowa Code 9E.2(6)(a)). ☐

Property Information:
Property Owner Name (s)

____

Phone Number_____________________ Email Address____

Parcel # (s):

____

____

Properties Address(es):

____

____

I verify that I am a current participant in the Safe at Home program and have presented my SAF enrollment card if requested. ☐

If I move to a different property a new application shall be submitted. ☐

I will notify the __________________________ County/City Assessor's Office if I no longer qualify for the SAF program. ☐

I acknowledge the rest of my property information will still be available to view, just my owner name, my spouses name or the names of any children living at home will be suppressed. ☐

This only applies to _____________________ County/City Assessor's website. My name and address may still be searched by / through other internet websites and searches.
_____________________ County/City Assessor's office is not responsible for functions through the website that may no longer be available including paying property taxes, title searches for banks, etc.

In efforts to remain compliant with the Iowa Open Records Law, ownership information will be available upon requests through all other acceptable media.

Owner Signature: ____ Date_______________________

Assessor Or Authorized Representative: ____

Date ______________________________ Allowed: Yes ☐ No ☐

M&F 7-29-2021

__________________ County/City

____

____

______________ ______________________

APPLICATION FOR INTERNET NAME SUPPRESSION Iowa Code 331.604

I am requesting my owner information be suppressed from the ____________ County/City website per Iowa Code 331.604. This will not suppress the name(s) from Iowa Land Records. Please contact the ________________County Recorder's office at ________________ for more information.

I qualify under:

Judicial Officer: ☐ Active ☐ Retired

Prosecuting Attorney: ☐ Active ☐ Retired

Peace Officer: ☐ Active ☐ Retired

I am a former peace officer with evidence that a compelling safety interest is served by supressing my name contained in electronic documents displayed for public access through the Assessor's Office internet site. ☐

Civilian Employee in Law Enforcement: ☐ Active ☐ Retired

I certify that I currently do not hold or are not seeking public office and that if I do I will notify the Assessor's Office and my records will no longer qualify to be suppressed. ☐

I will supply qualifying documentation at time of application. Qualifications may be reviewed periodically.
If I move to a different property a new application shall be submitted. ☐
If I leave the profession prior to retirement notification should be provided to the ________________ County/City Assessor's Office and names will no longer be suppressed. ☐

Property Information:
Property Owner Name (s)

____

Parcel # (s):

____

____

Property Address: ____

I acknowledge the rest of my property information will still be available to view, just my owner name will be suppressed. ☐
This only applies to ______________ County/City Assessor's website. My name and address may still be searched by / through other internet websites and searches.
______________ County/City Assessor's office is not responsible for functions through the website that may no longer be available including paying property taxes, title searches for banks, etc.
In efforts to remain compliant with the Iowa Open Records Law, ownership information will be available upon requests through all other acceptable media.

Owner Signature: ____ Date________________

Assessor Or Authorized Representative: ______________________________________
Date ____________________ Allowed: Yes ☐ No ☐

M&F 7-12-2021

From: Mark Ladd <Mark.Ladd@ice.com>
Sent: Monday, May 10, 2021 1:08 PM
To: Diane Swoboda Peterson <dspeterson@woodburycountyiowa.gov>; McCalmant, Joan <Joan.McCalmant@linncounty.org>
Cc: phil@clris.com
Subject: Iowa Counties and eNotary

Hello to all my favorite Iowa folks!

As I think you are aware, at Simplifile we (attempt) to keep track of what the eRecording counties will accept when it comes to eNotary. In some states, the answers vary as widely as night vs. day. But I'm thinking Iowa may be a little more standardized than most - and I'm hoping you can help me know how to direct our team.

For this project, we are not interested in "debating" whether or not something is "legal" - we just want to know what the counties will accept for eRecording - even if our Legal Department would disagree with their position.

There are four questions that we periodically update regarding eNotary:

1. **In-person, electronic notary - performed in your state.** If a signer physically appears before an IOWA notary and signs an electronic document, utilizing an electronic signature, will you accept that document for recording?

2. **In-person, electronic notary – performed in another state.** If a signer physically appears before a notary in another state that authorizes electronic notary (such as North Carolina), and the signer signs the document utilizing an electronic signature, will you accept that document for recording?

3. **Remote online notary - performed in your state.** If a signer appears before an Iowa notary utilizing two-way, audio-visual communication, consistent with the provisions (statutory reference), will you accept that document for recording?

4. **Remote notary from other states.** If a signer remotely appears before a notary in a state that authorizes such a notarial act, and signs the document in compliance with the remote online notary rules, will you accept that document for recording? (There are currently 32 states that authorize remote notary.)

Do you know if the Recorders there in Iowa have a unified/standard response to these four scenarios? If "yes", then we won't pester them with individual phone calls. But if this is still a county-by-county decision, we'll have our team make contact with each county to get their answers.

Thanks for any advice/assistance you can provide.

Mark Ladd
Vice President, Regulatory & Industry Affairs
ICE Mortgage Technology

First American Title™

[State] County Research Questionnaire

County: ______________________________

Contact Name: ______________________________ **Date:** ______________________________

Email: ______________________________ **Phone Number:** ______________________________

I. Electronic Documents (eDocuments) and Electronic Recording (eRecording)

There are two types of electronic documents a county would receive to record; a native digital document and a digitized document. A native digital document is an electronic document that is created electronically on a computer, electronically signed and electronically notarized, and submitted for eRecording. A native digital document is an original document in electronic form and never was a tangible piece of paper. A digitized document is a paper document, signed with ink and traditionally notarized that has been scanned into a computer and submitted for eRecording.

a. Is the County able to determine whether a document submitted for eRecording is a native digital document or a digitized (scanned image) document? YES ◯ NO ◯
If **YES**, describe the methods used by the recorder to accomplish this:

____
____
____
____

b. Will the County accept native digital documents for eRecording? YES ◯ NO ◯
If **YES**, describe any limitations or restrictions:

____
____
____
____

c. Are there different rules for recording different types of documents (*e.g.* deed vs. mortgage)? YES ◯ NO ◯
If **YES**, explain:

____
____
____
____

d. Other than standard eRecording rules, are there any additional reasons that an electronic document (native digital or a digitized) submitted for eRecording would be rejected? YES ◯ NO ◯
If **YES**, explain:

____
____
____
____

First American Title™

II. Electronic Signatures (eSignatures)

a. Will the County accept documents containing eSignatures? YES ◯ NO ◯
If **YES**, select which types of eSignatures are accepted (see examples on Page 3):
Holographic ◯ Cursive Typeface ◯ Standard Typeface ◯

b. When/Why would an eSignature be rejected?

III. Electronic Notarization (eNotarization)

There are two types of eNotarization: in-person eNotarization and remote online eNotarization. Both types of eNotarization occur on a native digital document.

a. Will the County accept documents containing an in-person eNotarization? YES ◯ NO ◯
If **YES**, describe any limitations or restrictions:

b. Will the County accept documents containing a remote online eNotarization? YES ◯ NO ◯
If **YES**, describe any limitations or restrictions:

c. Are any special formatting, security features, or information required? YES ◯ NO ◯
If **YES**, explain:

d. Other than standard eRecording rules, are there any additional reasons that an electronic document (native digital or a digitized) submitted for eRecording would be rejected? YES ◯ NO ◯
If **YES**, explain:

eSignature Types

Chapter 5

County and CLRIS Operational Requirements – Electronic Recording

Chapter 5 of the Electronic Services System Policies and Procedures is amended to clarify the acceptance of electronic signatures, remote notarial acts, and electronic documents which represent smart contracts.

ESS – 5.1 Definitions.
(Iowa Code Section 331.604, 3(a))

As used in this Chapter:

Business Day - A business day generally represents a period of time which includes eight or more consecutive business hours. For example, a business with office hours from 8:00 A.M. to 5:00 P.M. is considered one business day. Alternatively, a business day could be considered as the consecutive business hours within one twenty-four hour period. For example, one business day could be represented as the office hours between 2:00 P.M. on day 1, and 2:00 P.M. on day 2. In either representation, a business day is intended to help define a minimum time frame in which a service should be reasonably performed.

Condensed – The process of scaling or shrinking an image to fit a smaller area, such as scaling a legal-sized document for printing on letter-sized paper.

Cover Page - A page submitted with a document for recording which includes required information and which conforms to requirements for recording such as the appropriate top margin on the first page. A cover page facilitates the recording of a non-standard or non-conforming document.

Electronic Document - A document or instrument that is received, processed, disseminated, or maintained in an electronic format. The submission of an electronic document through the county land record information system electronic submission service shall be equivalent to delivery of a document through the United States postal service or by personal delivery at designated offices in each county.

Electronic Recording Stamp – A stamp or other indicia applied to an electronic document submitted through the ILR E-Submission service which indicates or confirms that the document has been officially recorded in a County.

Electronic Signature – an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record. “Electronic signature” includes a signature that is secured through distributed ledger technology. See Section 554D.103, subsection 8 of the Iowa Code.

External Submitter – A Submitter authorized to submit documents through the county land record information system web service. Typically, an External Submitter has more advanced information technology capabilities, and handles a larger volume of documents.

ILR E-Submission Service – A component of the county land record information system which facilitates the submission of electronic documents for recording in a County.

Irregular or Nonconforming Document – A document which does not conform to the specifications described in Section 3.3.

PDF - Portable Document Format; an open standard for document exchange created by Adobe Systems.

Remote Notarial Act – A notarial act performed with respect to a Traditional Paper Document or an Electronic Document which conforms to the requirements of Section 9B.14A of the Code of Iowa.

Smart Contract – an event-driven program or computerized transaction protocol that runs on a distributed, decentralized, shared, and replicated ledger that executes the terms of a contract. For purposes of this subsection, "executes the terms of a contract" includes taking custody over and instructing the transfer of assets. See Section 554D.103, subsection 14A of the Code of Iowa.

Submitter - A person or organization which is authorized to submit electronic documents for recording through the county land record information system.

Text Area - A text box, text field or text entry box used when building a graphical user interface (GUI). A text box's purpose is to allow the user to input text information to be used by a program. For example, a PDF document which is formatted as a fillable form.

TIF - Tagged Image File Format; a file format for storing images, popular among graphic artists, now under the control of Adobe Systems.

Traditional Paper Document - A real estate or other document presented for recording in a letter or legal sized paper format which may include ink signatures, embossed seals, stamps or other features associated with the processing of paper instruments.

Section 5.1 revised 11.9.17

5.4(2) – Smart Contracts. Smart Contracts are governed by Section 554D.103, subsection 14A of the Code of Iowa. While Smart Contracts may not take the form of a Traditional Paper Document or an Electronic Document (often in the form of a TIF or PDF image which resembles a paper document), it may be necessary to memorialize a Smart Contract transaction in the public record registry.

An Electronic Document which includes the necessary and required information to record a transaction, and which conforms to document formatting requirements in the same manner as is required of a scanned Traditional Paper Document or as a rendered Electronic Document, shall be submitted for recording as a representation of a Smart Contract. An Electronic Document which represents a Smart Contract and conforms to the requirements of Iowa law shall be accepted for recording.

As provided in Section 331.601A, subsection 3 which provides a definition for an Electronic Document, "Persons who submit electronic documents for recording are responsible for ensuring that the electronic documents comply with all requirements for recording." This responsibility includes the assurance that any Electronic Document which is representative of a Smart Contract is legally and properly executed.

5.4(3) – Electronically Signed Documents. Electronic signatures are governed by Section 554D.103, subsection 8 of the Iowa Code. Electronic signatures, including digital signatures, make take many forms ranging from simple text to the use of cryptographic methods to authenticate the signatories, and these forms include various representations of a signature by a party to a transaction including holographic, cursive font or standard font.

Electronic Documents submitted for recording through the Electronic Services system which are signed using any electronic signature authorized by and conforming to Iowa law shall be accepted for recording.

As provided in Section 331.601A, subsection 3 which provides a definition for an Electronic Document, "Persons who submit electronic documents for recording are responsible for ensuring that the electronic documents comply with all requirements for recording." This responsibility includes the assurance that an Electronic Document is legally and properly signed.

5.4(4) – Remote Notarial Act – Standards for notarial acts are governed by Chapter 9B of the Iowa Code and the associated administrative rules adopted by the Iowa Secretary of State. Iowa law and administrative rules specify the requirements for the notarization of Traditional Paper Documents and Electronic Documents. Additionally, Iowa law and rules authorize Remote Notarial Acts which use approved communication technology.

As provided in Section 9B.14A, subsection 4, the certificate of notarial act required by section 9B.15 and the short-form certificate provided in section 9B.16

“must indicate that the notarial act was performed using communication technology”.

Electronic Documents submitted for recording through the Electronic Services system which are notarized using any notarization process authorized by and conforming to Iowa law shall be accepted for recording.

As provided in Section 331.601A, subsection 3 which provides a definition for an Electronic Document, “Persons who submit electronic documents for recording are responsible for ensuring that the electronic documents comply with all requirements for recording.” This responsibility includes the assurance that an Electronic Document is legally and properly notarized.

Restrictive Covenant

A provision in a deed limiting the use of the property and prohibiting certain uses. A clause in co ntracts of partnership and employment prohibiting a contracting party from engaging in similar employment for a specified period of time within a certain geographical area. (https://legal-dictionary.thefreedictionary.com/restrictive+covenant)

Racial Covenants

Tools used by real estate developers to prevent people of color from buying or occupying property. Often just a few lines of text, these covenants were inserted into warranty deeds across the country. These real estate contracts were powerful tools for segregationists. Real estate developers and public officials used private property transactions to build a hidden system of American apartheid during the twentieth century.
(https://mappingprejudice.umn.edu/)

Repudiation

The rejection or refusal of a duty, relation, right, or privilege. Repudiation of a contract means a refusal to perform the duty or obligation owed to the other party. (https://legal-dictionary.thefreedictionary.com/Repudiation)

Expungement

To "expunge" is to erase or remove completely. While a person's reasons for seeking expungement of a record, and a court's reason for allowing expungement of a record, might, ultimately, include desires for privacy, it is important to realize that there are limitations.
https://www.americanbar.org/groups/public_education/publications/teaching-legal-docs/what-is-_expungement-/

Disclaimer

Generally, any statement intended to specify or delimit the scope of rights and obligations that may be exercised and enforced by parties in a legally recognized relationship.
https://en.wikipedia.org/wiki/Disclaimer

Residential Security Maps

In the United States and Canada, **redlining** is the systematic denial of various services to residents of specific, often racially associated, neighborhoods or communities, either explicitly or through the selective raising of prices. https://en.wikipedia.org/wiki/Redlining

Fair Housing Act

Title VIII of the 1968 Civil Rights Act, also known as the federal Fair Housing Act, made it illegal to discriminate in the buying, selling or renting of housing because of a person's race, color, religion or national origin. https://www.nchfa.com/about-us/fair-housing

IOWA
LAND RECORDS

CERTIFICATE

OF COMPLETION

THE CERTIFICATE IS PRESENTED TO:

Amy Assink

FLOYD COUNTY

For successfully completing Iowa Land Records Basic Training virtual series covering basic Iowa Land Records skills and concepts.

Basic
AWARD
Training

April 1, 2021
Date

Project Manager

2021
Seminar Series

LEARN
This program covers basic electronic filing skills in order to make online recording simple and easy for customers and recorders alike.

PREVIEW
Don't miss the opportunity to get a sneak peak of the updated E-Submission 2.0 Customer Interface as well as its improved functionality and user experience.

ENGAGE
Get the chance to ask questions about processes you've been struggling with on the platform, as well as provide direct feedback to help us.

EVENT SCHEDULE

Date	City, County	Date	City, County
Tuesday, September 14	Winterset, Madison	Tuesday, October 5	Council Bluffs, Pottawattamie
Tuesday, September 14	Greenfield, Adair	Wednesday, October 6	Glenwood, Mills
Wednesday, September 15	Osceola, Clarke	Wednesday, October 6	Clarinda, Page
Wednesday, September 15	Creston, Union	Tuesday, October 19	Centerville, Appanoose
Thursday, September 16	Audubon, Cass	Tuesday, October 19	Ottumwa, Wapello
Thursday, September 16	Guthrie Center, Guthrie	Tuesday, October 26	Fort Madison, Lee
Tuesday, September 28	Spirit Lake, Dickinson	Tuesday, October 26	Burlington, Des Moines
Tuesday, September 28	Spencer, Clay	Wednesday, October 27	Muscatine, Muscatine
Wednesday, September 29	Rock Rapids, Lyon	Wednesday, October 27	Washington, Washington
Wednesday, September 29	LeMars, Plymouth	Thursday, October 28	Mt Pleasant, Henry
Thursday, September 30	Primghar, O'Brien	Thursday, October 28	Fairfield, Jefferson
Thursday, September 30	Cherokee, Cherokee	Tuesday, November 2	Davenport, Scott
Friday, October 1	Souix City, Woodbury	Tuesday, November 2	Tipton, Cedar
Friday, October 1	Ida Grove, Ida		
Tuesday, October 5	Harlan, Shelby		

REGISTER AT: HTTPS://IOWALANDRECORDS.ORG/EVENTS/MONTH/2021-09/

2021
Seminar Series

EVENT SCHEDULE CONTINUED

Date	City, County	Date	City, County
Wednesday, November 3	Iowa City, Johnson	Wednesday, December 1	Newton, Jasper
Wednesday, November 3	Cedar Rapids, Linn	Thursday, December 2	Grundy Center, Grundy
Thursday, November 4	Dubuque, Dubuque	Thursday, December 2	Marshalltown, Marshall
Thursday, November 4	Elkader, Clayton	Tuesday, December 7	Decorah, Winneshiek
Wednesday, November 10	Vinton, Benton	Tuesday, December 7	Waukon, Allamakee
Wednesday, November 10	Anamosa, Jones	Wednesday, December 8	West Union, Fayette
Thursday, November 11	Cedar Falls, Blackhawk	Wednesday, December 8	Waverly, Bremer
Thursday, November 11	Manchester, Delaware	Thursday, December 9	Charles City, Floyd
Wednesday, November 17	Boone, Boone	Thursday, December 9	Hampton, Franklin
Wednesday, November 17	Nevada, Story	Tuesday, December 14	Mason City, Cerro Gordo
Thursday, November 18	Carroll, Carroll	Tuesday, December 14	Northwood, Worth
Thursday, November 18	Fort Dodge, Webster	Wednesday, December 15	Algona, Kossuth
Tuesday, November 30	Adel/Waukee, Dallas	Wednesday, December 15	Clarion, Wright
Tuesday, November 30	Des Moines, Polk	Thursday, December 16	Oskaloosa, Mahaska
Wednesday, December 1	Indianola, Warren	Thursday, December 16	Knoxville, Marion

REGISTER AT: HTTPS://IOWALANDRECORDS.ORG/EVENTS/MONTH/2021-09/

2021
Seminar Series

IOWA
LAND RECORDS

LEARN
This program covers basic electronic filing skills in order to make online recording simple and easy for customers and their recorders.

PREVIEW
Don't miss the opportunity to get a sneak peak of the updated E-Submission 2.0 Customer Interface as well as its improved functionality and user experience.

ENGAGE
Get the chance to ask questions about processes you've been struggling with on the platform, as well as provide direct feedback to help us.

FORT DODGE, IA

LINDSEY LAUFERSWEILER
Webster County Recorder

EVENT DETAILS

WHEN: *THURSDAY, NOVEMBER 18 10:00-11:30 AM*

WHERE: *GREATER FORT DODGE GROWTH ALLIANCE - 24 N 9TH ST. A, FORT DODGE, IA 50501*

REGISTER AT: IOWALANDRECORDS.ORG/EVENT/2021-SEMINAR-SERIES-FORT-DODGE/

IOWA
LAND RECORDS
2021 Fall Conference

Partners in Progress: A Celebration of Success

2021 Fall Conference Registration Information

Thursday, September 23, 2021
8:30 AM to 3:30 PM
Hilton Garden Inn - West Des Moines, IA

Members of County Recorder office staff are invited to attend a day-long Iowa Land Records Fall Conference. The agenda will focus on skills for Deputy Recorders and other office staff. This content would also be suitable for new county recorders or anyone looking for a refresher for Iowa Land Records basics. The conference agenda will be published soon, but you can expect topics to include leadership and customer service skills, e-submission basics, portal basics and more!

There is a registration fee of $50 per person to attend the conference. Please complete and return the attached registration form with payment directed to Iowa Land Records by mail. If you would like to pay with a credit card, please call Iowa Land Records for more information.

Iowa Land Records
8711 Windsor Parkway, Suite 2
Johnston, IA 50131

Accommodations
A block of rooms has been reserved at the Hilton Garden in West Des Moines (near Jordan Creek Town Center). Please reserve a room by calling 515-223-0571 or see our monthly newsletter for a link to book online. The room rate is $129 per night.

Welcome Networking Event
The Iowa Land Records team will be hosting a welcome networking event for attendees arriving Wednesday night. The event will take place from 5:00 PM to 8:00 PM. Food and soda will be provided. Alcoholic beverages will be available for purchase.

Cancellation
A full refund of registration will be provided if cancellation of registration is requested 15 days prior to the event (September 8). If the event is cancelled by Iowa Land Records due to COVID-19 concerns, a full refund will be provided to all registrants.

Please fill out the attached registration form for all attendees.

2021 Fall Conference Registration Form

Partners in Progress: A Celebration of Success

Thursday, September 23, 2021 from 8:30 AM to 3:30 PM
Hilton Garden Inn
205 S 64th Street, West Des Moines, IA 50266

(Please list each participant's name and role. Note any specific dietary needs.)

COUNTY ______________________________

NAME ______________________________ **ROLE** ______________________________

DIETARY NEEDS? Y/N ________________ **PRE-CONFERENCE EVENT?** Y/N ____________

NAME ______________________________ **ROLE** ______________________________

DIETARY NEEDS? Y/N ________________ **PRE-CONFERENCE EVENT?** Y/N ____________

NAME ______________________________ **ROLE** ______________________________

DIETARY NEEDS? Y/N ________________ **PRE-CONFERENCE EVENT?** Y/N ____________

NAME ______________________________ **ROLE** ______________________________

DIETARY NEEDS? Y/N ________________ **PRE-CONFERENCE EVENT?** Y/N ____________

TOTAL NUMBER OF PARTICIPANTS __________ **REGISTRATION FEE ENCLOSED** $ ____________

WHAT WOULD YOUR REGISTRANTS LIKE TO LEARN WHILE ATTENDING THE IOWA LAND RECORDS CONFERENCE?

____

____

____

____

PLEASE LIST A CELL PHONE NUMBER(S) WHERE PARTICIPANTS CAN BE REACHED THE DAY OF THE CONFERENCE. ______________________________

____

2021 Fall Conference Itinerary

Partners in Progress: A Celebration of Success

Thursday, September 23, 2021 from 8:30 AM to 3:30 PM
Hilton Garden Inn
205 S 64th Street, West Des Moines, IA 50266

WEDNESDAY, SEPTEMBER 22, 2021

5:00 PM - 8:00 PM	**Welcome / Networking Event** Smash Park

THURSDAY, SEPTEMBER 23, 2021

7:30 AM - 8:30 AM	**Registration & Breakfast/Coffee Service**
8:30 AM - 8:35 AM	**Welcome and Opening Remarks** Deb Kupka, ESS Coordinating Committee Chair
8:35 AM - 9:35 AM	**Partner Value in Leadership** *Leadership & Customer Service* Laila Down, Keynote Speaker
9:40 AM - 10:25 AM	**E-Submission Staples for Success** *E-Submission Basic Skills* Lisa Long, Customer Service & Account Manager
10:25 AM - 10:40 AM	**Refreshment Break**
10:45 AM - 11:45 AM	**Iowa's Land - Title System** *The Impact of ICRA on Iowa Title* Lindsey Guerrero, Iowa Title Guarantee
11:45 AM - 12:30 PM	**Luncheon**
12:35 PM - 1:30 PM	**Portal Tips & Tricks** *Portal Basic Skills* Phil Dunshee, ILR Project Manager
1:30 PM - 2:30 PM	**Keeping Customers Happy in 99 Counties** *Standards Roundtable Disucssion* Facilitated by Iowa Land Records Staff
2:30 PM - 2:45 PM	**Refreshment Break**
2:50 PM - 3:30 PM	**ILR Resources & Tools** *Explore resources and tools available to counties* Kati Ross & Leah Champion

PRIA OPERATING RULES AND TOPICS - EXCERPTS

1. *Meetings of the Board of Directors*

It is PRIA's practice to provide its members notice of meetings of the Board of Directors and related supporting materials. These practices include the following.

- Publication via the website of the date and time of regular meetings of the Board of Directors.
- When practical, board meeting notices will be published via the website two weeks in advance, board meeting agenda one week in advance and board binders three days in advance of each meeting.
- In the event of a special meeting of the Board of Directors, notice will be published 24 hours in advance of the meeting.
- Confidential information such as personnel records may be excluded from the published materials at the discretion of the PRIA President.
- Summaries of meetings of the Board of Directors will be published after they are approved. The PRIA staff may provide members with updates through PRIA communication channels.
- Materials and information will be published in an appropriate electronic format in the Members-only section of the PRIA website (www.pria.us); generally, published meeting notices and materials will be maintained on the website for a period of two years, plus the current year and then archived by PRIA staff.

2. *Meetings of Committees, Sub-committees and Work Project Teams*

- Committee, Sub-committee and Work Project Team meetings must be held periodically, either face-to-face or electronically, allowing all interested parties to participate.
- To allow for proper planning, the Co-chairs must give reasonable advance notice regarding the date and method for a meeting. Shorter notice for a meeting is allowed provided there are no objections.
- To the extent practical, these groups are expected to conduct their work in an open and transparent manner to include and engage all members. This openness may be demonstrated by the following:
  - Notice to the membership about meetings;
  - Publishing summaries of meetings and interim work products;
  - Periodically publishing updates about activities in PRIA newsletters and other communications channels.

PRIA OPERATING RULES AND TOPICS - EXCERPTS

25. Communications Policy (4/15/2020)

Purpose: To establish a policy defining how to respond to requests for a PRIA membership list.

PRIA has an implied relationship with its members by virtue of the information collected during the membership application and renewal process, which includes contact data and preferences.

With concern about consumer privacy, PRIA has a responsibility to carefully maintain the confidentiality of personally identifiable information (PII). General Data Protection Regulation (GDPR) and California Consumer Protection Act (CCPA) are in effect. The current situation regarding privacy is fluid as new laws, ordinances and rules are being written by local jurisdictions, states and the federal government.

There is a Membership Directory of PRIA members on the members-only side of the website. Members may opt out of being listed in the directory, but their contact data will continue to be accessible by PRIA staff. PRIA members can search the directory for contact information about an individual, or multiple individuals.

PRIA has an obligation to protect its brand. That requires reviewing all requests for information and protecting members' privacy by controlling access to member data. IMI distributes communications at the direction of the board and committees.

Policy:

- Mass communications to members are distributed through the PRIA office by the staff.

- Only a current PRIA member may request to have information sent to the PRIA membership list. Such messages will be approved by the relevant PRIA committee before distribution.

- Starting with 2020-2021, preferences will be added to and included on all membership forms, including applications and renewal forms, both online and paper copies:
    - Opt-out of member directory
    - Opt-out of all communications from PRIA

Implementation/Enactment:

1. The PRIA staff will apply this policy automatically in response to inquiries.

2. The PRIA Board of Directors may modify this policy based on extenuating circumstances.

Suggested Language for Registration Forms:

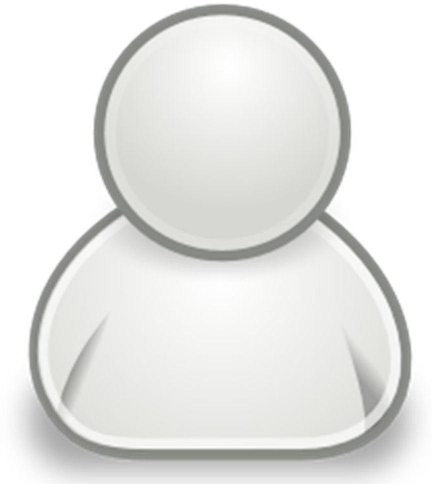
PRIA OPERATING RULES AND TOPICS - EXCERPTS

PRIA collects information from attendees during the conference registration process that may be deemed personally identifiable information (PII). This information may be used solely for PRIA marketing purposes. For example, PRIA distributes pre- and post-conference attendee lists, which include attendee name, organization, city and state. (Note: email address not included.)

If you wish to receive a one-time email(s) from PRIA conference sponsor(s), please indicate below.

- ❑ I agree to receive a one-time email(s) from 2020 PRIA Winter Symposium sponsor(s).

PDunshee



12 posts
Joined 01/26/2021
Posted 06/24/2021 9:27AM (CT) 0 Likes

Good morning,

Before getting into a few suggestions - I wish it to be known that I am very appreciative of the work of the operating rules working group. You have worked very hard and have shown great patience. As currently drafted members should experience more opportunities to engage in the development of PRIA policies and new channels of communication have been created including this forum, the posting of monthly agendas and board packets, and guidelines for the operation of the various committees and workgroups. We will encourage all members to take advantage of these tools. Change is happening rapidly, and if we want to keep up, PRIA is a very good place to be. So - thank you again! pd

---

Reply Quote Edit

PDunshee

12 posts
Joined 01/26/2021
Posted 06/24/2021 10:05AM (CT) 0 Likes

Now for a few suggestions as the group seeks to wrap up this review and update.
1. There are a number of policies that have been adopted by the Board that do not yet appear in the operating rules. These should be reviewed by the working group and incorporated in the operating rules, correct? These include: the advocacy policy, the transparency policy, the community code of conduct and the communications policy.

2. As was noted in a recent conversation I had with Jerry, there may be a need to clarify the communications policy. It seems appropriate that the elements of the code of conduct would apply to the communications policy in most cases, as it is reasonable to ask members to not use commercial bulk email systems to promote themselves or their products to the membership. But it may not be reasonable to suggest that a member should not send an email concerning PRIA or PRIA policy to multiple members from their personal email accounts. We want to encourage engagement, right?

3. When the work is complete, perhaps after adoption by the Board, it might be appropriate to have some sort of process to review current practices to make sure everything is in alignment. A small example: the draft update provides that the resolutions on Alliances be posted on the website. A link to MISMO is on the website, but I don't think the resolution is. And the current policy and draft indicates that any Alliance agreement be reviewed every two years. Does a process need to be put in place for that?

4. I'll preface this one by saying that it may be a bridge too far for this review and maybe it is a topic for the next one. But the operating rules for the membership meetings at conferences are a little fuzzy. This came up in some of the discussions I participated in with regard to the bylaws in the last couple of years. For example, can a member make a motion in a membership meeting (at a conference for example), on a policy or anything else? If so, what protocol should be followed? If a member has the proxy of multiple other members, can that member exercise that proxy on a motion made at a membership meeting? All of this is related to the question of whether the membership at large has an opportunity to vote on policy? I think you know our answer would be "yes", the membership should have that opportunity - as is the case in many, many other policy organizations around the country.

5. Finally, a small editorial question and a suggestion. Where in the current rules or in our current draft is there a statement indicating that papers, standards, etc. should be subject to the 30 day review, or a description of that review process? I just couldn't find it. Can someone point that out?

The suggestion is that the 30 day review be applied to all work products in section 10. This would include position papers such as the decision to endorse the SECURE Act 2021, for example. This would be another step forward in transparency and membership engagement.

Thanks very much. Have a good meeting!

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