



**OFFICE OF THE MINNESOTA  
SECRETARY OF STATE**

**Electronic Real Estate Recording  
Task Force**



**Task Force Bylaws**

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**Amended: April 19, 2007**

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### ARTICLE 1 – NAME and PURPOSE

**Section 1:** The name of the organization shall be the Electronic Real Estate Recording Task Force (ERERTF).

**Section 2:** The Electronic Real Estate Recording (ERER) Task Force was authorized to establish statewide standards to be used as the foundation for electronic real estate recording in Minnesota, under Laws 2000, Chapter 391. Since the inception of this original Task Force in 2001, the Task Force has completed initial development efforts for Phase I e-recording standards. The original Task Force and its authority expired on June 30, 2004.

### ARTICLE 2 – MEMBERSHIP

**Section 1: Authority.** The Task Force consists of 17 members. The Secretary of State is a member and chair of the Task Force. Members who are appointed shall serve for a term of three years expiring June 30, 2008. The Task Force includes four county government officers, two members of county boards of commission, seven members from the private sector including representatives of real estate attorneys, real estate agents, mortgage companies, other real estate lenders and technical and industry experts, a nonvoting representative selected by the Minnesota Historical Society and two representatives of title companies.

**Section 2:** Repealed April 19, 2007

### ARTICLE 3 - MEETINGS OF MEMBERS

**Section 1: Monthly meeting.** The date of the regular monthly meeting shall be set by the Task Force members who shall also set the time and place. Meetings will take place once a month on the 3<sup>rd</sup> Thursday of each month.

**Section 2: Reschedule.** When severe weather occurs, meetings may be rescheduled by the Chair with reasonable notice to all task force members.

**Section 3: Special meetings.** Special meetings may be called by the Chair, or a simple majority of the Task Force members.



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**Section 4: Notice.** Notice of each meeting shall be given by email to each voting member, including the location and time of the meeting, no less than five days before the meeting. All meeting notices shall be posted on the Secretary of State website.

**Section 5: Materials Distribution:** Materials will be distributed by email to the task force members five (5) business days prior to the meeting, i.e. agenda, previous meeting minutes. Any materials from members to be duplicated and made available at the meeting should be submitted by email to the Chair no later than three business days prior to the meeting. Copies of all distributed materials will be available at the meeting for all task force members.

**Section 6: Conducting Meeting.** All meetings shall be conducted based on Robert's Rules of Order and the bylaws as constructed herein.

**Section 7: Quorum.** The quorum for the Task Force is 50% of the voting membership plus one.

**Section 8: Voting.** All Task Force actions must be approved by a majority of the voting members present and a quorum must be present at the time of the vote. Each counted vote shall be a test of the quorum.

**Section 9: Attendees.** Meeting attendees are the Task Force Chair and Co Vice Chairs, members, guests (all meetings are open to the public) and Secretary of State Staff; a) scribe, b) IT support staff, and other support staff as needed.

- a. If a task force member is unable to attend, the member will give notice of their absence to the Chair at least one business day prior to the scheduled meeting or as soon as possible.
- b. Task force members may participate in meetings by conference call, if arranged in advance by the member with OSS staff.
- c. All task force members and guests shall sign the attendance sheet for each meeting.
- d. For those not in attendance OSS staff will:
  - i. mark the attendance sheet accordingly; and
  - ii. mail or email materials distributed at the meeting.
- e. The Chair shall inform the Task Force and the Appointing Authority of the member of the identities of any members who are absent without excuse for three or more consecutive meetings and the Task Force may ask for their resignation. If the member chooses at that time not to resign, but subsequently misses any meeting, the Chair shall again inform the Task Force, which may



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again ask for the member to resign. Any vacancy shall be filled in the same manner as the original appointment.

- f. The co-vice chairs will, in the absence of the Chair, facilitate the Task Force meetings and run the agenda.

**Section 10: Equipment Needs.** Any requests for audiovisual needs, supplies, or other equipment needs will be made in an email to the Chair no later than three business days prior to the meeting.

**Section 11: Recording.** A scribe will attend the meetings to record and prepare minutes for distribution prior to the next meeting. Meetings may be recorded for verification purposes. Minutes will be created in the following format:



### **Electronic Real Estate Recording Task Force Meeting Minutes {insert date of meeting}**

**As recorded by:** {insert name of scribe }

**Present:** {insert names of members, guests and OSS staff in attendance }

- a. **Call to Order** {insert time }
- b. **Previous Meeting Minute Review** {insert date }
- c. **List Each Agenda Item** (numbered separately)
- d. **Future Meeting Dates**
- e. **Adjournment** {insert time }

**Section 12: Agenda.** Proposed agenda items shall be submitted in an email to the Chair no later than five (5) business days prior to the meeting. The proposed agenda will be electronically distributed to members five (5) business days prior to the meeting. The final proposed agenda will be distributed at the meeting and approved by the Task Force. Action items not listed on the proposed agenda may be considered by the Task Force upon the approval of three-fourths of those voting members present.



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**Section 13: Robert's Rules.** Any matters not specifically covered by the provisions of these bylaws will be processed in accordance with Robert's Rules of Order, most recently revised. Decisions of the full Task Force are final but may be reconsidered pursuant to Robert's Rules of Order most recently revised.

### ARTICLE 4 - TASK FORCE MEMBERS

**Section 1: Role.** The role of the Task Force is to create standards, monitor pilot counties, act upon resolutions from counties to become a pilot, conduct monthly meetings and act upon other matters as deemed necessary.

**Section 2: Reporting.** The Task Force will prepare an annual legislative report due January 15<sup>th</sup> and other reports as deemed necessary.

**Section 3: Resolutions.** Resolutions may be submitted to the Task Force for action. The resolutions must pertain to the purpose and role of the Task Force as described in Article 1, Section 2 and Article 4, Section 1 respectively.

### ARTICLE 5 – PILOT COUNTIES

**Section 1: Role.** A pilot county, once approved, may participate in the pilot project for the electronic filing of real estate documents, by e-recording Phase I documents electronically, if:

- a. They comply with current standards; and
- b. They use software that was validated by the Task Force; and
- c. The document to be recorded or filed is of a type included in the pilot project.

**Section 2: Reporting.** Each month, pilot counties will certify that the county complies with standards adopted by the Task Force using software that was validated by the Task Force; and that the document to be recorded is of a type included in the pilot project by reporting to the task Force monthly, using an online process. These reports will be reviewed at the monthly meetings, acted upon as needed and posted on the Task Force Website.

**Section 3. Trusted Submitters.** Each month, pilot counties will list any new trusted submitters they have acquired and will certify that existing trusted submitters are complying with the standards adopted by the previous Task Force.



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### ARTICLE 6 – TRUSTED SUBMITTERS

**Section 1: Role.** A Trusted Submitter is a private sector , submitting electronic documents to the pilot counties, who must follow the Task Force standards for filing electronically with the county.

**Section 2: Contracts.** The Task Force has established official contracts with all pilot counties to ensure all parties utilize the standards in their work. These contracts require that a Trusted Submitter:

- a. is legally able to transact real estate business in Minnesota;
- b. has established a letter of intent with the county that will be accepting the electronic real estate records;
- c. has agreed to follow the Minnesota Electronic Real Estate Recording Standards as art of the contractual agreement; and
- d. has performed a test submission with the county to prove that the standards have been followed.

**Section 3. Standards.** A trusted submitter that does not comply with the current standards may be removed in whole or in part, by a vote of the Task Force, or by a determination by the pilot county, from their status as a trusted submitter.

**Section 4. Reconsideration.** If a trusted submitter is removed for non-compliance with current standards, the Trusted Submitted may request that they appear at the next Task Force meeting for reconsideration of the removal.

### ARTICLE 7 - SUBCOMMITTEES

**Section 1: Membership.** The Task Force may refer items to subcommittees. The chair shall recommend and the task force shall appoint the membership of a subcommittee. An individual may be appointed to a subcommittee without serving on the task force

**Section 2: Establishing.** The Task Force shall establish subcommittees by vote and shall determine the scope of responsibility of each subcommittee. Each subcommittee shall include at least one public sector, and one private sector member of the Task Force. The subcommittee shall be governed by these laws and by Robert's Rules of Order.

**Section 3: Subcommittee Chair.** The Chair may appoint a subcommittee chair, who will serve as such unless the Task Force, by motion, disapproves the appointment.



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**Section 4: Reporting.** Subcommittee chairs shall submit a detailed written report to the Task Force at each meeting regarding actions of the subcommittee.

### ARTICLE 8 – RESOLUTIONS and MOTIONS

**Section 1: Resolutions.** Written resolutions submitted by members should be transmitted to the Chair no later than five business days prior to the meeting. Items submitted later than 5 days prior to the meeting must be accompanied by eighteen copies of the resolution and supporting materials.

**Section 2: Motions.** Motions will be presented visually to the task force members by using a projector, wipe board or a hard-copy document. Note: For those on a conference call the scribe will verbally read the motion.

**Section 3: Recording.** All actions taken on a motion will be recorded in the minutes, and include but not be limited to the maker of the motion, the seconder, the text of the motion and the outcome of the motion.

### ARTICLE 9 - DONATIONS

**Section 1: Authority.** The Task Force may accept donations of money or resources, including loaned employees or other services; donations are appropriated to the task force and must be under the sole control of the task force, pursuant to Minnesota Statutes, section 507.094, Subdivision 3.

### ARTICLE 10 - AMENDMENTS

**Section 1:** The Task Force may amend these bylaws, upon ten days notice by any member of the Task Force to the other Task Force members of the text to be proposed.

**Section 2:** An amendment shall be adopted if it receives a 60% vote of the entire Task Force voting membership and will become effective at the conclusion of the meeting at which it is approved, or at any later time specified in the resolution by which the bylaw is approved.