



RESOLUTION No. _____

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE COUNTY OF NEVADA (“PARTICIPANT”) AND THE COUNTIES OF ORANGE, LOS ANGELES, RIVERSIDE, AND SAN DIEGO (“OWNER”) TO AUTHORIZE THE NEVADA COUNTY CLERK-RECORDER’S USE OF THE STATEWIDE ELECTRONIC COURIER UNIVERSAL RECORDING ENVIRONMENT (SECURE) MULTI-COUNTY ELECTRONIC RECORDING DELIVERY SYSTEM

WHEREAS, on November 14, 2017, the Board of Supervisors approved Resolution 17-577, thereby authorizing the County Clerk-Recorder to participate in an Electronic Recording Delivery System (ERDS) program pursuant to the Electronic Delivery Act of 2004, as authorized by Government Code sections 27390 through 27399; and

WHEREAS, an ERDS system allows for the delivery and, when applicable, return of specified digitized electronic records (Type 1 records) and digital electronic records (Type 2 records); and

WHEREAS, upon establishing the ERDS Program pursuant to Resolution 17-577, the Board of Supervisors also authorized the County Clerk/Recorder to impose a fee of up to and including \$1.00 for each instrument recorded by the county pursuant to Government Code section 27397(c)(1); and

WHEREAS, the Counties of Orange, Los Angeles, Riverside, and San Diego (“Owner”) entered into an agreement to share the ownership and ongoing maintenance of an ERDS, called SECURE, which they have made available to other counties for use as sub-county “Participants”; and

WHEREAS, the Nevada County Clerk-Recorder’s participation in the SECURE multi-county ERDS is projected to result in cost savings by negating the need to purchase and maintain an individual ERDS; and

WHEREAS, the California Code of Regulations, Title 11, Division 1, Chapter 18, requires that in order to apply for initial certification as a sub-county, the Board of Supervisors must grant authority to participate in a multi-county ERDS; and

WHEREAS, the County Clerk-Recorder desires that the County of Nevada become a sub-county Participant in the SECURE ERDS, and that the Nevada County Clerk-Recorder be authorized to exchange type 1 and/or type 2 instruments through the SECURE ERDS; and

WHEREAS, in order to participate in the SECURE ERDS, the County is required to enter into the attached Memorandum of Understanding with the Owner counties for a term of five years, which is effective when the agreement is signed, and it also requires the County to pay an annual Participant fee of \$5,000 for SECURE ERDS maintenance.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of Supervisors of County of Nevada, of State of California, that the County Clerk-Recorder be and is hereby authorized to participate in a multi-county ERDS, and to exchange Digitized (Type 1) and Digital (Type 2) Instruments through the ERDS.

BE IT FURTHER RESOLVED by the Nevada County Board of Supervisors that the MOU between the County of Nevada as “Participant” and the counties of Orange, Los Angeles, Riverside, and San Diego as “Owner” to authorize the County Clerk-Recorder’s use of the SECURE ERDS, with an annual Participant maintenance fee of \$5,000, for a term of five years, which is effective when the agreement is signed, be and hereby is approved in substantially the same form attached hereto, and that the Chair of the Board of Supervisors be and is hereby authorized to execute the MOU, and any amendments thereto, on behalf of the County of Nevada.