



RESOLUTION No. _____

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

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

WHEREAS, on November 14, 2017, the Board of Supervisors approved Resolution #17-577, authorizing the Nevada County Clerk-Recorder to participate in an Electronic Recording Delivery System (“ERDS”) program pursuant to the Assembly Bill 578 (Stats. 2004, Ch. 621, sec. 2), known as the Electronic Recording Delivery Act of 2004 (“the Act”), set forth in Title 3, Division 2, Part 3, Chapter 6, Article 6 of the California Government Code (section 27390 et seq.). The Act authorizes County Recorders in California to accept digitized electronic records and certain digital electronic documents for recordation pursuant to the provisions and regulations promulgated by the Department of Justice; and

WHEREAS, upon establishing the ERDS Program, the Nevada County Board of Supervisors also authorized the Nevada County Clerk-Recorder to impose a fee of \$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 (“Owners”) share the ownership and ongoing maintenance of SECURE, which is an ERDS available to other counties for use as sub-county participants; and

WHEREAS, on May 22, 2018, the Nevada County Board of Supervisors approved Resolution #18-190, authorizing the Nevada County Clerk-Recorder to enter into a Memorandum of Understanding (“MOU”) between County of Nevada and the Statewide Electronic Courier Universal Recording Environment (“SECURE”); and

WHEREAS, the Nevada County Clerk-Recorder has successfully implemented the SECURE ERDS, in which customers efficiently submit digitized electronic records and certain digital electronic documents for recordation; and

WHEREAS, SECURE Owners updated the Partner MOU, which reflects changes to the sub-county participant fee structure from an annual flat fee of \$5,000.00 to a fee of \$0.30 per document, which increases Nevada County’s annual fee to approximately \$7,600.00; and

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Nevada County Board of Supervisors authorizes the amended MOU between the County of Nevada as Participant and the Owner and approves the County Clerk-Recorder's continued use of the SECURE ERDS, with an annual Participant maintenance fee of \$0.30 per document, for a term ending April 25, 2028, 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. This MOU is contingent upon the adoption of the FY 23/24 County Budget. The MOU begins on July 1, 2023.