



RESOLUTION No. _____

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

RESOLUTION APPROVING THE PARTICIPATION OF THE NEVADA COUNTY CLERK-RECORDER IN THE ELECTRONIC DOCUMENT DELIVERY ACT OF 2004, ADOPTING A NEW ELECTRONIC DOCUMENT RECORDING FEE, AMENDING THE FEE SCHEDULE FOR THE CLERK-RECORDER'S OFFICE, AND AMENDING RESOLUTIONS 12-024 AND 17-245

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

WHEREAS, said legislation codified in Government Code 27397 requires a resolution from the County of Nevada's Board of Supervisors to authorize County participation in the Electronic Recording Delivery System; and

WHEREAS, Government Code 27397 authorizes a county recorder to impose a fee in an amount up to and including one dollar (\$1) for each instrument that is recorded by the county; and

WHEREAS, Government Code 27397 (c) (2&3) authorizes a county recorder to impose a fee upon any vendor seeking approval of software and other services as part of an electronic recording delivery system and upon any person seeking a Submitter Agreement; and

WHEREAS, the California Attorney General has been delegated the authority and responsibility for establishing regulations and the regulation and oversight of the Electronic Recording Delivery System; and

WHEREAS, the Clerk-Recorder's Office is authorized to charge and collect fees, as provided by Government Code Sections 27366, 27397, and 54985; and

WHEREAS, the Nevada County Clerk-Recorder's Office has gathered information on the cost of providing electronic document recording and has proposed a new Electronic Document Recording fee based on those costs; and

WHEREAS, the Nevada County Clerk-Recorder desires this fee to be fair and equitable to the recipients of document recording services and County taxpayers; and

WHEREAS, the Nevada County Clerk-Recorder desires to add the Electronic Document Recording fee for document recording services as allowed by law; and

WHEREAS, state law allows the Clerk-Recorder to charge and collect a fee for this service, said fee to reflect reasonable, actual costs, capped at one dollar (\$1.00) by statute, the amount of which shall be adopted by Resolution of the Board of Supervisors of the County of Nevada; and

WHEREAS, concurrently with adoption of this resolution, the Board of Supervisors of the County of Nevada is introducing an Ordinance that will amend Section A-II 24.8 of Article 24 of Chapter II of the Administrative Code; and

WHEREAS, to implement said Ordinance, the Nevada County Clerk-Recorder's Office has prepared an amended Schedule of Fees, a copy of which is attached hereto as Exhibit "A"; and

WHEREAS, notice of public hearing was duly published on or about November 2nd, 3rd and 8th.

NOW, THEREFORE, BE IT HEREBY RESOLVED, that the Board of Supervisors of County of Nevada hereby approves:

1. The Nevada County Clerk-Recorder's participation in the Electronic Recording Delivery Act of 2004.
2. The Nevada County Clerk-Recorder's imposition of a fee in an amount up to and including one dollar (\$1.00) for each instrument that is recorded by the County.
3. The Nevada County Clerk-Recorder, or his/her designee, as agent impose a fee to be adopted by the Board of Supervisors upon any vendor seeking approval of software and other services as part of an electronic recording delivery system and to impose a fee upon any person seeking a Submitter Agreement with the fees being deposited into the Recorder's General Fund.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that:

1. The Board of Supervisors of the County of Nevada appoints the Nevada County Clerk-Recorder, or his/her designee, as agent to conduct all negotiations and execute and submit all documents which may be necessary for the completion of the aforementioned project.
2. The Board of Supervisors of the County of Nevada amends and replaces the Nevada County Clerk-Recorder's Office fees as set forth respectively in Exhibit "A," and the Electronic Document Recording Fee is hereby adopted and shall be effective as of January 15, 2018.
3. The Board of Supervisors of the County of Nevada Resolutions 12-024 and 17-245 are hereby revised in accordance with this resolution.
4. Concurrently with adoption of this resolution, the Board of Supervisors of the County of Nevada is introducing an Ordinance that will amend Section A-II 24.8 of Article 24 of Chapter II of the Administrative Code