



**COUNTY OF SAN MATEO**  
**Inter-Departmental Correspondence**  
Assessor-County Clerk-Recorder



**DATE:** May 13, 2015  
**BOARD MEETING DATE:** June 16, 2015  
**SPECIAL NOTICE/HEARING:** None  
**VOTE REQUIRED:** Majority

**TO:** Honorable Board of Supervisors

**FROM:** Mark Church, Assessor-County Clerk-Recorder

**SUBJECT:** Resolution ratifying automatic renewal of MOU with Orange County for continued use of SECURE electronic recording system

**RECOMMENDATION:**

Adopt a resolution ratifying the automatic renewal of the Memorandum of Understanding with Orange County, for a five-year term of use of the SECURE electronic recording system, through December 14, 2019, for a total cost not to exceed \$125,000.

**BACKGROUND:**

In 2004, San Mateo County joined the push to enact California's Electronic Recording Delivery Act of 2004 (AB 578 (Leno), Chap. 621, 9/21/04), authorizing county recorders to accept digitized/digital electronic records for recordation, thereby increasing efficiency for both county recorders and authorized filers. Under the Act, the Attorney General is responsible for certification of each newly developed e-recording delivery system (ERDS) and for regulating standards and procedures. (See <https://oag.ca.gov/erds>.) Each ERDS must meet security specifications and all persons with a secure access role are required to undergo fingerprint criminal history checks. To establish an ERDS, a county recorder requires a resolution of the county's board of supervisors and authorization and system certification from the Attorney General. Eligible document filers include certain title insurers, underwritten title companies, institutional lenders and local, state or federal government agencies.

In 2006, we joined in the Attorney General's ERDS Program (Reso. No. 068019, 6/6/06) and supported the multi-county development of compliant systems. In 2009, after evaluating the two available systems, we entered into a Memorandum of Understanding (Reso. No. 070556, 12/15/09) to become a participant-user of the "SECURE" (Statewide Electronic Courier Universal Recording Environment), co-owned and developed by the counties of Orange, Los Angeles, Riverside, San Diego, and led by Orange County. (See <http://secure-erds.com/> )

**DISCUSSION:**

The initial MOU of 2009 provided for a period of performance of five years, commencing on the date of execution, December 15, 2009. The MOU provided for automatic renewal for an additional five-year period unless terminated or extended by written agreement as specified in the MOU.

The initial five-year usage period had a total cost of \$175,000, consisting of a one-time \$50,000 "buy-in fee" (for system installation, testing, and future enhancements or modifications), and a \$25,000 annual maintenance fee (due after successful testing of initial connections, for ongoing costs to support, host and maintain the system). The cost of the new five-year term will be \$125,000, consisting of annual maintenance fees only.

Ratification of this automatic renewal will contribute to the *Shared Vision 2025* outcome of collaborative community, by supporting this multi-county partnership to advance the technological prowess, efficiency, speed and convenience of a governmental service.

County Counsel has reviewed and approved the Resolution as to form.

**Performance Measures:**

Measure	2014 Actual	2015 Projected	2015 Projected
Percentage of documents electronically recorded	18%	21%	25%
Total Recorded Documents	140,110	130,000	130,000

**FISCAL IMPACT:**

There will be no Net County Cost. Ratification of the automatic five-year renewal extends the term of performance through December 14, 2019, at a total cost not to exceed \$125,000, consisting of annual maintenance fees only. Funding will come from the Recorder's Electronic Recording Trust Fund account, which is continuously replenished by a statutory supplemental fee on each electronic recording.