



County of San Mateo

Inter-Departmental Correspondence

Department: ASSESSOR-COUNTY CLERK-
RECORDER-ELECTIONS

File #: 24-482

Board Meeting Date: 6/25/2024

Special Notice / Hearing: None
Vote Required: Majority

To: Honorable Board of Supervisors

From: Mark Church, Assessor-County Clerk-Recorder & Chief Elections Officer

Subject: Agreement with Kofile Technologies, Inc. for AB 1466 Restrictive Covenant Modification Program, Archive Restoration, Preservation and Data Conversion Services

RECOMMENDATION:

Adopt a resolution authorizing:

- A) Waiving the Request for Proposals (RFP) process; and
- B) An agreement with Kofile Technologies, Inc. for the implementation of the AB 1466 Restrictive Covenant Modification Program, archive restoration, preservation and data conversion services, for the term of July 1, 2024 through June 30, 2025 in an amount not to exceed \$1,500,000; and
- C) Authorizing the Assessor-County Clerk-Recorder or his designee to execute contract amendments and minor modifications not to exceed \$25,000 (in aggregate) and/or modify the contract term and/or services within the current or revised fiscal provisions.

BACKGROUND:

AB 1466 Restrictive Covenant Modification Program

AB 1466, codified as Cal Gov. Code Section 12956.1, requires County Recorder Offices to establish a "Restrictive Covenant Modification Program" to assist in the redaction of restrictive covenants from historic deeds. The County adopted its Restrictive Covenant Modification Program implementation plan on July 1, 2022. The objectives of the County's Restrictive Covenant Modification Program are to:

- Identify unlawfully restrictive covenants recorded in County land records;
- Redact unlawfully restricted covenants;

- Provide indexing of the modified covenants; and
- Establish timelines for redacting restrictive covenants from historic deeds.

Preservation and Digitization: Phase I

By statute, the County is tasked with the recordation, indexing, and secure custody and preservation in perpetuity of official records (documents evidencing title to real property and other matters) and vital records (birth, death, and marriage). As part of that task, the Recorder must make determinations about what records should be preserved in original or electronic format to maintain an accurate historical record of the County.

Phase One of the Preservation of Historical Documents was a multi-phase project that commenced in 2021 and will span several decades. Phase One preserved 6,088 maps dating from approximately 1850 to 1910 and installed a secure, fire-resistant storage system at the 40 Tower Road facility for all archival Recorder documents. The document preservation program: (1) created a log of the condition and location of each map; (2) cleaned, repaired and applied preservative-protective polyester film coatings; (3) repaired or replaced covers, bindings, and tabs; and (4) verified and corrected volume titling, based on actual contents, (5) re-bound the volumes. These irreplaceable documents were in an extremely fragile condition due to the deterioration that naturally occurs with documents printed on acidic paper.

This county's archive of bound paper records includes nearly 10,400 volumes of historical records in their original bindings and some large-scale original maps. Most of the volumes are in poor or extremely poor condition, due to acid hydrolysis deterioration. pH testing found this acidic condition in official records books dating from 1856 through 1976 and in vital records dating through 2003.

DISCUSSION:

AB 1466 Restrictive Covenant Modification Program: Phase I

The AB 1466 Restrictive Covenant Modification is a phased program that will commence by scanning 8,075,000 typed images, along with identifying and redacting restrictive covenants. Phase one of the program will establish a Secure Client Portal for hosting, access, support, and scanning of all images from 1976 to 2023.

The Kofile redaction process of recorded images will be performed using Optical Character Recognition (OCR) with strict quality controls to analyze data for key words and phrases that are flagged for proposed redaction. Once the proposed redacted images are reviewed, they are sent to a web portal for review and approval by County staff. The images are then sent to a newly established County Counsel Queue for final approval through an Auto-Filled Restricted Covenant Modification (RCM) form. Once approved, the redacted document is ready for recording. Reports on all program activities will be generated for reporting and statistical purposes.

Preservation and Digitization: Phase II

Phase Two of the Preservation of Historical Documents Program will preserve, image and digitize 100 volumes, totaling 150,000 pages of official records from 1976-2023. The digitizing of these records is essential for converting data in a digital format for the implementation of AB 1466 Restrictive Covenant Modification Program. Additional fire and moisture proof shelving will be

provided to preserve and protect the historical archives.

A waiver of the Request for Proposals process is requested because Kofile Technologies Inc. has participated in the California Department of General Services' competitive process and was awarded California Multiple Award Schedule (CMAS) Contract Number GS-35F-275AA. The pricing in the proposed Agreement is the same as the pricing set forth in CMAS Contract Number GS-35F-275AA. The County Attorney has reviewed and approved the Agreement as to form.

FISCAL IMPACT:

These costs for the Kofile Archive Restoration, Preservation and Data Conversion Services Project will be fully funded by the County Clerk-Recorder's Modernization Trust Fund. There is no additional Net County Cost impact.