



County of San Mateo

Inter-Departmental Correspondence

Department: ASSESSOR-COUNTY CLERK-
RECORDER-ELECTIONS

File #: 23-661

Board Meeting Date: 8/1/2023

Special Notice / Hearing: None
Vote Required: Majority

To: Honorable Board of Supervisors
From: Mark Church, Assessor-County Clerk-Recorder & Chief Elections Officer
Subject: Memorandum of Understanding with Orange County for use of the SECURE electronic recording system

RECOMMENDATION:

Adopt a resolution authorizing a Memorandum of Understanding (MOU) with Orange County for use of the SECURE electronic recording system for the term of April 26, 2023 through April 26, 2028, in an amount not to exceed \$250,000.

BACKGROUND:

In 2004, San Mateo County joined the push to enact California's Electronic Recording Delivery Act of 2004 (AB 578) authorizing county recorders to accept digital electronic records for recordation, thereby increasing efficiency for both county recorders and authorized filers. Under AB 578, the Attorney General is responsible for certification of each newly developed e-recording delivery system (ERDS) and for regulating standards and procedures. Each ERDS must meet security specifications and all persons with a secure access role are required to undergo fingerprint criminal history checks.

In 2006, the Assessor-County Clerk-Recorder and Elections (ACRE) Department 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, ACRE entered 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.

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 \$250,000 consisting of annual maintenance costs and recording fees.

The County Attorney has reviewed and approved the resolution and Memorandum of Understanding as to form.

FISCAL IMPACT:

Appropriations to cover the costs of this Memorandum of Understanding are included in the Assessor-County Clerk-Recorder and Elections (ACRE) Department FY 2023-24 Recommended Budget and will be included in future budgets. Funding from the Recorder's Electronic Recording Trust Fund will be used to fully offset the current year costs and future year maintenance costs. There is no Net County Cost impact to any of these actions.