



**COUNTY OF SAN MATEO**  
Inter-Departmental Correspondence  
Clerk-Assessor-Recorder-Elections (CARE)



**DATE:** November 30, 2009  
**BOARD MEETING DATE:** December 15, 2009  
**SPECIAL NOTICE/HEARING:** None  
**VOTE REQUIRED:** 4/5ths

**TO:** Honorable Board of Supervisors

**FROM:** Warren Slocum, Chief Elections Officer & Assessor-County Clerk-Recorder *Carol Mally for WS*

**SUBJECT:** Memorandum of Understanding with SECURE/County of Orange for Participation in the Electronic Recording Delivery System (ERDS) in the amount of \$175,000 for 5 years.

**RECOMMENDATION:**

Approve two related resolutions to enable electronic recording in the County by:

- 1.) Amending Resolution #068019 dated June 6, 2006 Approving the County of San Mateo's Participation in the Electronic Recording Delivery System (ERDS); and
- 2.) Approving Resolutions to:
  - a) Authorize the President of the Board to execute a five-year Memorandum of Understanding (MOU) in the amount of \$175,000 between the Office of the Clerk-Assessor-Recorder & Elections (CARE) for the County of San Mateo and SECURE, a multi-county agreement led by the County of Orange and to provide partner counties with an electronic recording system; and
  - b) Authorize the Chief Elections Officer & Assessor-County-Clerk-Recorder, or his designee, to execute amendments and minor modifications to the MOU not to exceed \$25,000 (in aggregate), and/or modify the contract term and/or services within the current or revised fiscal provisions.

**BACKGROUND:**

In 2004, with the full support of the San Mateo County Board of Supervisors, CARE sought and gained passage of AB 578, which introduced and authorized e-recording in California. In 2006, your honorable Board approved CARE's participation in the Attorney General's electronic recording program. Since then, two County Recorders have developed multi-county e-recording systems in full compliance with the Attorney General's regulations. CARE has evaluated both systems, determined the preferred solution, and with your approval, will enter into an MOU with the County of Orange for

participation in the SECURE program, a multi-county agreement created to provide partner counties with an electronic recording system.

**DISCUSSION:**

The Attorney General's Office originally accepted the County's Resolution #068019 dated June 6, 2006. Since that time, the Attorney General's Office set new standards for resolutions. Resolutions must specify both the type of system (single county or multi-county), the type of documents (Type 1 - digitized documents that are scanned images and Type 2 - digital documents that are paperless and use an electronic signature) that will be recorded and a few other implementation tasks. The 2006 Board Memo and Resolution did not include this information. This amended resolution meets the new requirements.

Participation in SECURE, the multi-county e-recording program led by the County of Orange, will further enable this office to improve and modernize its systems of recording and handling real property instruments by permitting the electronic delivery, recording and return of specified documents, including reconveyances, substitutions of trustee, and assignments of deed of trust. It will also improve the recording process for our business partners who submit to multiple counties, thereby improving efficiencies for both private and public sector entities and their customers.

County Counsel and ISD have reviewed and approved the MOU, Board Memo and Resolutions.

Approval of this MOU and these two Resolutions will contribute to the Shared Vision 2025 outcome of collaboration in that: "Our leaders forge partnerships, promote regional solutions with informed and engaged residents and approach issues with fiscal accountability and concern for future impacts."

**Performance Measure(s):**

Measure	FY 2008-09 Actual	FY 2009-10 Target
Efficiency/Service Quality-Percentage of documents electronically recorded	6%	6%

There will be no performance gains until FY 2010-11 after implementation of the system is complete and certification from the Attorney General's Office is received. We anticipate performance measure percentages will increase in subsequent years.

**FISCAL IMPACT:**

The total cost in FY 2009-10 for the County to participate in the SECURE Electronic Recording Delivery System is \$75,000, which represents an initial one-time cost of \$50,000 and an annual maintenance fee of \$25,000. Monies from the Recorder's Electronic Recording Trust Fund will be used to fully offset current year costs and future year maintenance costs. There is no Net County Cost impact to any of these actions.