



# Assessor/Clerk-Recorder COUNTY OF TULARE AGENDA ITEM

## BOARD OF SUPERVISORS

KUYLER CROCKER  
District One

PETE VANDER POEL  
District Two

AMY SHUKLIAN  
District Three

EDDIE VALERO  
District Four

DENNIS TOWNSEND  
District Five

**AGENDA DATE:** September 29, 2020

Public Hearing Required	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Scheduled Public Hearing w/Clerk	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Published Notice Required	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Advertised Published Notice	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Meet & Confer Required	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Electronic file(s) has been sent	Yes <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
Budget Transfer (Aud 308) attached	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Personnel Resolution attached	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Agreements are attached and signature line for Chairman is marked with tab(s)/flag(s)	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>

CONTACT PERSON: Julie Poochigian    PHONE: 559.636.5077

**SUBJECT:** Approve a Memorandum of Understanding with Orange County Clerk-Recorder.

**REQUEST(S):**

That the Board of Supervisors:

1. Terminate Memorandum of Understanding Agreement No 27802 with Orange County Clerk-Recorder.
2. Approve Memorandum of Understanding Agreement between Orange County and Tulare County for the continual use of the Statewide Electronic Courier Universal Recording Environment (SECURE) Electronic Recording Delivery System, for the use of recording official record documents electronically. The term of this MOU shall commence upon the execution of this MOU by the Lead County and the Partners and shall continue in effect until August 18, 2023. The Owners and the Partner may further extend the term by written agreement.
3. Authorize the Assessor/Clerk-Recorder to sign the Memorandum of Understanding (MOU).

**SUMMARY:**

The Assessor/Clerk-Recorder recommends approval of this MOU to continue as a Participant County in the SECURE Multi-County Electronic Recording Delivery System (ERDS) portal hosted by the Orange County Clerk-Recorder. This is in compliance with the provisions of Government Code Section 27390 through 27399.

**SUBJECT:** Approve a Memorandum of Understanding with Orange County Clerk-Recorder  
**DATE:** September 29, 2020

The Assessor/Clerk-Recorder has been using the SECURE Electronic Recording System to record the real property documents since 2017 that was adopted by Tulare County Board of Supervisors Resolution No. 2016-0677.

Electronic recording is a vital part of the Clerk-Recorder's operation. Most of the documents received by the Clerk-Recorder are processed electronically using SECURE Electronic Recording Delivery System. The Clerk-Recorder is working diligently to maintain the same level of service and network reliability that everyone has come to expect from SECURE.

Changes in legislation on January 1, 2020 necessitated changes to all of SECURE's MOUs. The initial "buy-in" fee mentioned in the MOU does not apply to existing Partners.

Tulare County paid its initial buy-in fee to SECURE, in 2018 in the amount of \$20,000. The initial buy-in payment of \$20,000 will be considered as credited towards this new MOU.

**FISCAL IMPACT/FINANCING:**

There is no net County Cost to the General Fund. The cost of continue using and maintaining the Electronic recording Delivery System ERDS is to be funded by the \$1.00 recording fee that was adopted by Tulare County Board of Supervisors Resolution 2005-0661 by imposing a fee in amount up to and including one \$1.00 for each Real Property Instrument that is recorded by the County with the Fees being deposited into the Micrographics Trust Fund.

The annual maintenance fee will be \$0.30 per recorded document for the previous calendar year as reported to the Office of the Insurance Commissioner pursuant to Section 27296 of the Government Code. The recorded document amount will be transcribed from the annual letter issued by the State of California Department of Justice Electronic Recording Delivery System Program, and billed once per fiscal year.

**LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:**

The County's five-year strategic plan includes the Organizational Performance initiative that provides the technology and infrastructure to support better service delivery. Enhances the quality and productivity of the county workforce.

**ADMINISTRATIVE SIGN-OFF:**

\_\_\_\_\_/s/ Roland Hill  
Roland P. Hill, Assessor/Clerk-Recorder

cc: County Administrative Office

**SUBJECT:** Approve a Memorandum of Understanding with Orange County Clerk-Recorder  
**DATE:** September 29, 2020

Attachment(s) Revised SECURE Memorandum of Understanding  
Letter from Orange County  
Resolution 2016-0677

**BEFORE THE BOARD OF SUPERVISORS  
COUNTY OF TULARE, STATE OF CALIFORNIA**

**IN THE MATTER OF APPROVE A  
MEMORANDUM OF UNDERSTANDING  
WITH ORANGE COUNTY CLERK  
RECORDER**

)  
) Resolution No. \_\_\_\_\_  
) Agreement No. \_\_\_\_\_  
)

UPON MOTION OF SUPERVISOR \_\_\_\_\_, SECONDED BY SUPERVISOR \_\_\_\_\_, THE FOLLOWING WAS ADOPTED BY THE BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD \_\_\_\_\_, BY THE FOLLOWING VOTE:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

ATTEST: JASON T. BRITT  
COUNTY ADMINISTRATIVE OFFICER/  
CLERK, BOARD OF SUPERVISORS

BY: \_\_\_\_\_  
Deputy Clerk

\* \* \* \* \*

1. Terminated Memorandum of Understanding Agreement No 27802 with Orange County Clerk-Recorder
2. Approved Memorandum of Understanding Agreement between Orange County and Tulare County for the continual use of the Statewide Electronic Courier Universal Recording Environment (SECURE) Electronic Recording Delivery System, for the use of recording official record documents electronically. The term of this MOU shall commence upon the execution of this MOU by the Lead County and the Partners and shall continue in effect until August 18, 2023. The Owners and the Partner may further extend the term by written agreement.
3. Authorized the Assessor/Clerk-Recorder to sign the Memorandum of Understanding (MOU).



## HUGH NGUYEN CLERK-RECORDER

BIRTH AND DEATH RECORDS  
FICTITIOUS BUSINESS NAMES  
MARRIAGE LICENSES/RECORDS  
NOTARY REGISTRATION  
ORANGE COUNTY ARCHIVES  
PASSPORTS  
PROPERTY RECORDS

August 20, 2020

Julie Poochigan  
Tulare County Clerk-Recorder  
221 S. Mooney Blvd., Room 103  
Visalia, CA 93291-4593

Re: 2020 SECURE Partner MOU

Dear Julie:

Tulare County paid its initial buy-in fee to SECURE, in the amount of \$20,000, referenced by attached invoice (TL2018). This amount was paid in full at the time that Tulare County joined SECURE as a new Partner County (Partner) and is in fact considered an existing Partner of SECURE.

Changes in legislation on January 1, 2020 necessitated changes to all of SECURE's MOUs, which were updated and approved by the Orange County Board of Supervisors on March 24, 2020. As there were substantive changes, all of SECURE's existing Partners must sign the updated MOU by September 30, 2020, in order to continue as a SECURE Partner County.

We have discussed that there is reference in the new Partner MOU (Exhibit B, Section A) to an initial buy-in fee. Please know that this is not intended to apply to SECURE's existing Partners, which Tulare County is. Tulare County's initial buy-in payment of \$20,000 should be considered as credited towards this new agreement.

Should you have any questions, please do not hesitate to contact me at (714) 834-5119.

Sincerely,

A handwritten signature in black ink, appearing to read "Susan B. Evans".

Susan B. Evans  
Chief Deputy Recorder

NORTH COUNTY BRANCH OFFICE  
WELLS FARGO BUILDING  
222 S. HARBOR BLVD., STE 110  
ANAHEIM, CALIFORNIA 92805

ORANGE COUNTY  
COUNTY ADMINISTRATION SOUTH  
601 N. ROSS STREET  
SANTA ANA, CALIFORNIA 92701

OLD ORANGE COUNTY  
COURTHOUSE  
211 W. SANTA ANA BLVD. ROOM 201  
SANTA ANA, CALIFORNIA 92701

SOUTH COUNTY BRANCH OFFICE  
LAGUNA HILLS CIVIC CENTER  
24031 EL TORO ROAD, SUITE 150  
LAGUNA HILLS, CALIFORNIA 92653



**HUGH NGUYEN**  
CLERK-RECORDER

PROPERTY RECORDS  
BIRTH AND DEATH RECORDS  
MARRIAGE LICENSES/RECORDS  
PASSPORTS  
FICTITIOUS BUSINESS NAMES  
NOTARY REGISTRATION  
ORANGE COUNTY ARCHIVES

**INVOICE**

Date	Invoice #
1/24/2018	TL2018

To: Tulare County Clerk-Recorder  
Attn: Financial Services  
221 S. Mooney Blvd., Room 103  
Visalia, CA 93291  
(559) 636-5050



Description	Amount
SECURE Multi-County Electronic Recording Delivery System: Initial Buy-In Fee as Partner County	\$ 20,000.00
SECURE Multi-County Electronic Recording Delivery System: FY 2017-18 Annual Maintenance Tier 3	\$ 10,000.00

<b>Total Amount Due</b>	<b>\$ 30,000.00</b>
-------------------------	---------------------

Remit Payment To: Orange County Clerk-Recorder  
Attn: Financial Services  
12 Civic Center Plaza, Room 101  
Santa Ana, CA 92701

Payment Terms: 30 Days

  
Adam Steckler, Accounting/Budget Manager  
Orange County Clerk-Recorder  
(714) 834-2315

NORTH COUNTY BRANCH OFFICE  
HISTORIC DOWNTOWN FULLERTON  
201 N. HARBOR BOULEVARD  
FULLERTON, CALIFORNIA 92832

ORANGE COUNTY  
HALL OF RECORDS  
12 CIVIC CENTER PLAZA, ROOM 101  
SANTA ANA, CALIFORNIA 92701

SOUTH COUNTY BRANCH OFFICE  
LAGUNA HILLS CIVIC CENTER  
24031 EL TORO ROAD  
LAGUNA HILLS, CALIFORNIA 92653

# BEFORE THE BOARD OF SUPERVISORS COUNTY OF TULARE, STATE OF CALIFORNIA

IN THE MATTER OF APPROVING OF )  
MEMORANDUM OF UNDERSTANDING ) Resolution No. 2016-0677  
FOR ELECTRONIC RECORDING ) Agreement No. 27802  
SYSTEM )

WHEREAS, California Assembly Bill 578, Chapter 621, September 21, 2004 added to Government Code, Chapter 6 sections 27390 through 27399, and established the Electronic Recording Delivery Act (ERDS) of 2004, Government Code section 27391 (a) authorizes a County Recorder upon approval by resolution of the Board of Supervisors to establish an electronic recording delivery system, for the digital electronic records upon system certification by the ERDS Program.

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

WHEREAS, Government Code section 27397 (c)(2) 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 to contract as an Authorized Submitter; and

WHEREAS, the ERDS Program has established regulations and has been delegated the authority for system certification, regulations and oversight of Electronic Recording Delivery Systems and County Recorder shall comply with all ERDS regulation; and

NOW, THEREFORE BE IT RESOLVED that the Board of Supervisors of the County of Tulare approves the Assessor/Clerk-Recorder to:

- (1) Established a Multi-County ERDS for Type 1 and Type 2 instruments, and when applicable, the return functions.
- (2) Conduct all negotiations, execute, and submit all documents necessary for the establishment of an Electronic Recording Delivery System.
- (3) Impose a fee upon any person seeking to contract as an Authorized Submitter.
- (4) Use internal county resources to coordinate with our current recording systems vendor, DFM for the ERDS implementation.
- (5) Entered into a Memorandum of Understanding with the ERDS Program, before system certification, agreeing to the computer System Administration Fee and annually thereafter by an addendum to the Memorandum of Understanding.

- (6) Issue payments to the ERDS Program for the County's proportionate share of the System Administrative Fee; and submit an application for system certification to the ERDS Program; and, in doing so will comply with the California Code of Regulations, Title 11 Division 1, Chapter 18, Articles 1 through 9; and

BE IT FURTHER RESOLVED that the Assessor /Clerk-Recorder shall:

- (1) Submit an application for system certification to the ERDS Program, and in doing so will comply with California Code of Regulations, Title 11, Division 1, Chapter 18 Articles 1 through 9 and
- (2) Designated those individuals with secure and authorized access to an ERDS comply with Government Code Section 27395(b); and
- (3) Notify the ERDS Program if an individual that has secure access no longer requires that access compliant with the California Penal Code section 11105.2(d); and
- (4) Notify the Board of Supervisors, District Attorney, Computer Security Auditor on contractual agreement, and ERDS Program if there are any known or suspected security violations that compromises the safety and /or security of the ERDS; and
- (5) Notify the ERDS Program if there is a change of County Recorder; and
- (6) Notify the ERDS Program if the County wishes to withdraw their system certification.

UPON MOTION OF SUPERVISOR WORTHLEY, SECONDED BY SUPERVISOR VANDER POEL, THE FOLLOWING WAS ADOPTED BY THE BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD AUGUST 23, 2016, BY THE FOLLOWING VOTE:

AYES: SUPERVISORS VANDER POEL, COX, WORTHLEY AND ENNIS  
NOES: NONE  
ABSTAIN: NONE  
ABSENT: SUPERVISOR ISHIDA



Assessor  
Co. Counsel  
Auditor

DAY  
8/23/16

ATTEST: MICHAEL C. SPATA,  
COUNTY ADMINISTRATIVE OFFICER/  
CLERK, BOARD OF SUPERVISORS

BY:

  
Deputy Clerk