

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

970



FROM: Assessor-County Clerk-Recorder

SUBMITTAL DATE:
12/08/2015

SUBJECT: Approval of the Second Amendment to the Multi-County Agreement between the Counties of Los Angeles, Orange, Riverside and San Diego for the shared ownership and ongoing maintenance of the Electronic Recording Delivery System known as SECURE. 2 years. Districts All. [\$ 542,500 Electronic Recording Fee Fund 100%.

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve and execute the second amendment to the Multi-County agreement between the counties of Los Angeles, Orange, Riverside and San Diego for the shared ownership and ongoing maintenance of the Electronic Recording Delivery System; and,
2. Authorize the Assessor-County Clerk-Recorder or designee to execute all future amendments that do not increase the annual cost more than the CPI.

BACKGROUND:

Summary

(Continued on Page 2)

Peter Aldana
Peter Aldana
Assessor-County Clerk-Recorder

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$ 250,000	\$ 292,500	\$ 542,500	\$ 0	Consent <input type="checkbox"/> Policy <input checked="" type="checkbox"/>
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0	

SOURCE OF FUNDS: Electronic Recording Fee Fund 100%

Budget Adjustment: No
For Fiscal Year: 15/16-16/17

C.E.O. RECOMMENDATION:

APPROVE

BY: *Samuel Wong* 11/24/15
Samuel Wong

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Tavaglione, seconded by Supervisor Jeffries and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Tavaglione, Washington, Benoit and Ashley
Nays: None
Absent: None
Date: December 8, 2015
xc: ACR

Kecia Harper-Ihem
Clerk of the Board
By: *[Signature]*
Deputy

Prev. Agn. Ref.: 11/6/12 3.15

District: All

Agenda Number:

3-10

FORM APPROVED COUNTY COUNSEL
DATE 11/23/15
BY: GREGORY P. PRIAMOS
FISCAL PROCEDURES APPROVED
PAUL ANGULO, CPA, AUDITOR-CONTROLLER
DATE 11/24/15
BY: Susana Garcia-Bocanegra
Departmental Concurrence

A-30 ☐ Positions Added ☐ Change Order ☐
4/5 Vote ☐

SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
FORM 11: Approval of the Second Amendment to the Multi-County Agreement between the Counties of Los Angeles, Orange, Riverside and San Diego for the shared ownership and ongoing maintenance of the Electronic Recording Delivery System known as SECURE. 2 years. Districts All. [\$ 542,500] Electronic Recording Fee Fund 100%.

DATE: 12/08/2015

PAGE: 2 of 2

BACKGROUND:

Summary (continued)

SECURE is a Multi-County effort and allows authorized statewide and national submitters to record documents electronically via a portal. The benefits of this portal include reduced cost to the involved counties, closer communication between Southern California title companies and service providers, and reduced confirmation times for title companies.

On July 29, 2008, Agenda item 3.17, the Board of Supervisor approved the Multi-County agreement allowing Riverside County to equally share the costs for acquisition, ongoing maintenance and software development upgrades among the four involved counties.

On November 6, 2012, Agenda item 3.15, the Board of Supervisors approved the first amendment to the Multi-County agreement extending Riverside County's cooperation and the SECURE system upgrade to a third version. The enhanced version has ongoing maintenance costs spanning three years, renewable in one year increments.

Approval of the second amendment will continue Riverside County's cooperation in the Multi-County SECURE system. The total cost is comprised of \$292,500 annually for system maintenance and a onetime charge of \$250,000 to incorporate the Government to Government (G2G) Portal, which will reside as a separate portal functioning under the same security framework and protocols as set forth by the Electronic Recording Delivery Act of 2004.

Additional Fiscal Information

The department does not anticipate any further costs for the G2G implementation. The agreement does not impact the General Fund and no budget adjustment is necessary. All Costs have been anticipated in the current year budget and funded through the Electronic Recording Delivery System reserve fund, as provided for in the Electronic Recording Delivery Act of 2004.

Impact on Residents and Businesses

The benefits of this portal include reduced cost to the participating counties, closer communication between Southern California title companies and service providers, and shorter confirmation times for title companies of recorded instruments.

ATTACHMENTS:

For signature is one original second amendment to the Multi-County agreement.

**SECOND AMENDMENT TO THE MULTI-COUNTY AGREEMENT BETWEEN
THE COUNTIES OF LOS ANGELES, ORANGE, RIVERSIDE AND SAN DIEGO
FOR THE SHARED OWNERSHIP AND ONGOING MAINTENANCE OF AN
ELECTRONIC RECORDING DELIVERY SYSTEM**

This Second Amendment to the Multi-County Agreement between the Counties of Los Angeles, Orange, Riverside, and San Diego for Shared Ownership and Ongoing Maintenance of an Electronic Recording Delivery System hereinafter referred to as the "Second Amendment," is made and entered into upon execution of all necessary signatures from the Counties of Los Angeles, Orange, Riverside, and San Diego, collectively referred to as the "Counties".

RECITALS:

WHEREAS, the Counties entered into the Multi-County Agreement Between the Counties of Los Angeles, Orange, Riverside, and San Diego for Shared Ownership and Ongoing Maintenance of an Electronic Recording Delivery System ("Agreement") on August 19, 2008; and

WHEREAS, under the First Amendment to the Agreement, effective July 1, 2012, the Agreement was amended, among other things, to: (i) enhance and upgrade the SECURE system to a new version known as SECURE Version 3; and, (ii) increase the maintenance costs in relation to the SECURE Version 3; and

WHEREAS, the Counties wish to further amend the Agreement to: (i) incorporate the Government to Government (G2G) Portal, which resides as a separate portal functioning under the same security framework and protocols as set forth by the Electronic Recording Delivery Act of 2004 in SECURE Version 3; (ii) clarify the costs associated with administering the G2G portal; and, (iii) authorize one-time cost recovery for SECURE Version 3 upgrade expenditures paid in 2013/14 and 2014/15.

NOW, THEREFORE, in consideration of the mutual obligations set forth herein, Counties mutually agree to amend the Agreement as follows:

1. Section 10 ("Additional parties") of the Agreement is amended to add an additional paragraph to read as follows:

Government agencies may participate in the use of SECURE system through the G2G Portal upon majority approval of the Counties. A government agency will participate by use of a separate Memorandum of Understanding Agreement created and approved by the Counties. In addition, fees and conditions for the use of the system by the government agency shall be determined and imposed by the Counties.

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2. Section 17 ("Notices") of the Agreement is amended to change the contact information for the County of Los Angeles and the County of Orange to read as follows:

The County of Los Angeles:

Monique Blakely
Assistant Registrar-Recorder/County Clerk
12400 Imperial Highway, Room 5013
Norwalk, CA 90650
(562) 462-2073

The County of Orange:

Orange County Assistant Clerk-Recorder
Hall of Finance and Records
12 Civic Center Plaza, Room 101
Santa Ana, CA 92701
(714) 834-2248

3. Exhibit A of the Agreement is amended to add a section 15 to read as follows:

15. Administer the Secure G2G Portal MOU to include entering into memorandums of understanding with government agencies for recording documents through the SECURE G2G portal with the individual counties.

4. Exhibit B of the Agreement, section c, is amended to read in its entirety as follows:

c. Annually, collect the direct maintenance costs for SECURE from each Owner County. The initial annual direct maintenance cost was estimated at \$100,000 per County. Additional cost adjustments are as follows:

1. For FY 2012/2013, the annual direct maintenance cost per County is \$186,750.
2. For FY 2013/2014, the annual direct maintenance cost per County is \$239,625.
3. For FY 2014/2015 and each fiscal year thereafter, the annual direct maintenance cost per County is \$292,500.

5. Exhibit B of the Agreement, section d, is amended to read in its entirety as follows:

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RECEIVED RIVERSIDE COUNTY
CLERK / BOARD OF SUPERVISORS

- d. Review the annual costs for SECURE, to include any adjustment and/or enhancement costs, provide the results of the review to the Counties, and adjust them as needed to include direct costs to the owner counties;
6. Exhibit B of the Agreement, section e, is amended to read in its entirety as follows:
- e. Disburse, when due, out of SECURE funds, all sums payable on outstanding bills and money owed which the Counties have approved.
7. Exhibit B of the Agreement, section j, is added to read in its entirety as follows:
- j. Collect from each owner county a one-time cost recovery of \$250,000 for SECURE Version 3 upgrade expenditures paid by the Lead County (Orange County) in Fiscal Years 2013/2014 and 2014/2015.
8. Except as otherwise expressly set forth herein, all other terms and conditions contained in the Agreement are unchanged and shall remain in full force and effect.

SIGNATURE PAGES TO FOLLOW

IN WITNESS WHEREOF, the Counties hereto have executed this Second Amendment to the Multi-County Agreement Between the Counties of Los Angeles, Orange, Riverside, and San Diego for Shared Ownership and Ongoing Maintenance of an Electronic Recording Delivery System to be executed and attested to by their proper officers thereunto duly authorized, and their official seals to be hereto affixed:

THE COUNTY OF ORANGE:

By: _____

Name: _____
(Print)

Title: _____

Date: _____

THE COUNTY OF ORANGE COUNTY COUNSEL:

By: _____

Name: Jacqueline German
(Print)


Title: Deputy County Counsel

Date: 9/25/2015

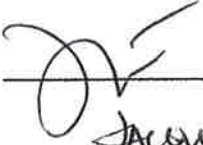
Approved by the County of Orange Board of Supervisors on: _____

IN WITNESS WHEREOF, the Counties hereto have executed this Second Amendment to the Multi-County Agreement Between the Counties of Los Angeles, Orange, Riverside, and San Diego for Shared Ownership and Ongoing Maintenance of an Electronic Recording Delivery System to be executed and attested to by their proper officers thereunto duly authorized, and their official seals to be hereto affixed:

THE COUNTY OF ORANGE:

By: 
Name: Hugh Nguyen
(Print)
Title: Orange County Clerk-Recorder
Date: 11-18-15

THE COUNTY OF ORANGE COUNTY COUNSEL:

By: 
Name: JACQUELINE GORMAN
(Print)
Title: Deputy County Counsel
Date: 11-18-2015

Approved by the County of Orange Board of Supervisors on: 11-10-2015

IN WITNESS WHEREOF, the Counties hereto have executed this Second Amendment to the Multi-County Agreement Between the Counties of Los Angeles, Orange, Riverside, and San Diego for Shared Ownership and Ongoing Maintenance of an Electronic Recording Delivery System to be executed and attested to by their proper officers thereunto duly authorized, and their official seals to be hereto affixed:

THE COUNTY OF RIVERSIDE:

By: Marion Ashley

Name: MARION ASHLEY
(Print)

Title: CHAIRMAN, BOARD OF SUPERVISORS

Date: DEC 08 2015

ATTEST:

KECIA HARPER-IHEM, Clerk

By: [Signature]
DEPUTY

THE COUNTY OF RIVERSIDE COUNTY COUNSEL:

By: [Signature]

Name: Kristine Bell Valdez
(Print)

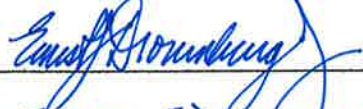
Title: Deputy county Counsel

Date: 11/23/15


Approved by the County of ~~Orange~~ Board of Supervisors on: _____
Riverside

IN WITNESS WHEREOF, the Counties hereto have executed this Second Amendment to the Multi-County Agreement Between the Counties of Los Angeles, Orange, Riverside, and San Diego for Shared Ownership and Ongoing Maintenance of an Electronic Recording Delivery System to be executed and attested to by their proper officers thereunto duly authorized, and their official seals to be hereto affixed:

THE COUNTY OF SAN DIEGO:

By: 
Name: ERNEST J. DRONENBURG, JR
(Print)
Title: ASSESSOR, RECORDER CLERK
Date: DEC. 16, 2015

THE COUNTY OF SAN DIEGO COUNTY COUNSEL:

By: 
Name: Walter deLowall III
(Print)
Title: Sr. Deputy County Counsel
Date: 12/16/15

Approved by the County of ~~Orange~~ Board of Supervisors on: 12/15/2015
SANDIELO

IN WITNESS WHEREOF, the Counties hereto have executed this Second Amendment to the Multi-County Agreement Between the Counties of Los Angeles, Orange, Riverside, and San Diego for Shared Ownership and Ongoing Maintenance of an Electronic Recording Delivery System to be executed and attested to by their proper officers thereunto duly authorized, and their official seals to be hereto affixed:

THE COUNTY OF LOS ANGELES:

By: Dean C. Logan

Name: DEAN C. LOGAN
(Print)

Title: REGISTRAR-RECORDER / COUNTY CLERK

Date: 11/20/15

THE COUNTY OF LOS ANGELES COUNTY COUNSEL:

By: [Signature]

Name: LAURA T. CARINENA
(Print)

Title: DEPUTY COUNTY COUNSEL

Date: 11/20/15

Approved by the County of Orange Board of Supervisors on: N/A
Los Angeles

ORANGE COUNTY BOARD OF SUPERVISORS
MINUTE ORDER
November 10, 2015

Submitting Agency/Department: Clerk-Recorder

Approve amendment 2 to Multi-County agreement with Counties of Los Angeles, Orange, Riverside and San Diego for shared ownership and ongoing maintenance of Statewide Electronic Courier Universal Recording Environment electronic recording delivery system (\$250,000; new total \$3,168,875) effective upon Board approval through 8/18/18; and authorize Clerk-Recorder or his designee to execute agreement - All Districts

The following is action taken by the Board of Supervisors:

APPROVED AS RECOMMENDED ☒ OTHER ☐

Unanimous ☒ (1) DO: Y (2) STEEL: Y (3) SPITZER: Y (4) NELSON: Y (5) BARTLETT: Y

Vote Key: Y=Yes; N=No; A=Abstain; X=Excused; B.O.=Board Order

Documents accompanying this matter:

- ☐ Resolution(s)
- ☐ Ordinances(s)
- ☐ Contract(s)

Item No. 18

Special Notes:

Copies sent to:

Clerk-Recorder – Dana Ohanesian



I certify that the foregoing is a true and correct copy of the Minute Order adopted by the Board of Supervisors, Orange County, State of California.
Robin Stieler, Interim Clerk of the Board

By: _____

Deputy



AGENDA STAFF REPORT

ASR Control 15-000590

MEETING DATE: 11/10/15
LEGAL ENTITY TAKING ACTION: Board of Supervisors
BOARD OF SUPERVISORS DISTRICT(S): All Districts
SUBMITTING AGENCY/DEPARTMENT: Clerk-Recorder (Approved)
DEPARTMENT CONTACT PERSON(S): Dana Ohanesian (714) 834-2104
Adam Steckler (714) 834-2315

SUBJECT: Second Amendment to Multi-County Agreement

CEO CONCUR
Concur

COUNTY COUNSEL REVIEW
Approved Agreement to Form

CLERK OF THE BOARD
Discussion
3 Votes Board Majority

Budgeted: Yes

Current Year Cost: N/A

Annual Cost: N/A

Staffing Impact: No

of Positions:

Sole Source: No

Current Fiscal Year Revenue: \$750,000

Funding Source: N/A

County Audit in last 3 years: No

Prior Board Action: 06/26/2012 #38, 08/19/2008 #11, 02/05/2008 #23

RECOMMENDED ACTION(S):

Authorize the County Clerk-Recorder or his designee to execute the Second Amendment to the Multi-County Agreement between the Counties of Los Angeles, Orange, Riverside and San Diego for the shared ownership and ongoing maintenance of the Statewide Electronic Courier Universal Recording Environment electronic recording delivery system, to increase contract amount by \$250,000 per county effective upon Board approval through August 18, 2018, for a new contract total amount not to exceed \$3,168,875 per county.

SUMMARY:

The Orange County Clerk-Recorder requests approval of the Second Amendment to the Multi-County SECURE Electronic Recording Delivery System Agreement to: (i) incorporate the Government to Government Portal, which was incorporated into SECURE Version 3 as a separate module for government to government recordings; (ii) clarify the costs associated with administering the Government to Government Portal; and, (iii) authorize a one-time cost recovery for SECURE Version 3 upgrade expenditures paid in FY 2013-14 and FY 2014-15.

BACKGROUND INFORMATION:

On February 5, 2008, the Board of Supervisors authorized the Orange County Clerk-Recorder to enter into a Multi-County Agreement with the Counties of Los Angeles, Orange, Riverside and San Diego to

share ownership, cost and maintenance of a multi-county electronic recording delivery system. This system eventually became known as SECURE.

On August 19, 2008, the Board of Supervisors authorized the Clerk-Recorder to execute a revised multi-county agreement with counties of Riverside, Los Angeles and San Diego for shared ownership and maintenance of an electronic recording delivery system known as SECURE.

The SECURE system allows certain organizations authorized under the California Government Code (title companies, escrow companies, financial institutions, government agencies and others) to electronically submit official documents to County Recorders for recording. Under the Multi-County Agreement, Orange County was designated the "Lead County" responsible for administering the contract, training new submitters, training partner counties, and maintaining the delivery system and network.

On June 26, 2012, the Board of Supervisors authorized the Clerk-Recorder to execute the First Amendment to the Multi-County Agreement. The First Amendment provided for the enhancement and upgrade of the SECURE system to a new version known as SECURE Version 3. It also provided for an increase in the annual not-to-exceed maintenance costs, which is assessed to each SECURE owner. This development and upgrade to SECURE Version 3 also required an upgrade to the computer network. As the Lead County which hosts the network, Orange County designed and built the new SECURE Version 3 network, which is currently housed at the Orange County Data Center. The Second Amendment authorizes Orange County to recover a contribution of \$250,000 from the other SECURE owners (Los Angeles, Riverside, and San Diego) to reimburse Orange County for costs incurred as Lead County for upgrading the SECURE Version 3 network. As the Lead County which built the new SECURE Version 3 network, Orange County's contribution to the network has already been expended.

The SECURE Version 3 system allows for the integration of a new Government to Government Portal within the security framework of the system. The Government to Government Portal allows government agencies at the local, state or federal level to submit legal documents to County Recorders for electronic recording. The Second Amendment will add contract language that allows the Lead County (County of Orange) to administer the government to government MOUs on behalf of other SECURE owner counties.

FINANCIAL IMPACT:

Revenue for this agreement is included in the FY 2015-16 Adopted Budget for Clerk-Recorder Special Revenue Fund 12D.

STAFFING IMPACT:

N/A

ATTACHMENT(S):

Attachment A - Second Amendment
Attachment B - Original Agreement
Attachment C - First Amendment