



# COUNTY OF SONOMA

575 ADMINISTRATION  
DRIVE, ROOM 102A  
SANTA ROSA, CA 95403

## SUMMARY REPORT

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**Agenda Date:** 11/28/2023

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**To:** Board of Supervisors

**Department or Agency Name(s):** County Clerk-Recorder-Assessor

**Staff Name and Phone Number:** Amanda S. King, 707-565-1805

**Vote Requirement:** Majority

**Supervisory District(s):** Countywide

**Title:**

Amendment of Licensed Software and Services Agreement for Recording, Vital Records, and Cashiering System with Tyler Technologies, Inc.

**Recommended Action:**

Authorize the County Clerk-Recorder-Assessor to execute the Third Amendment to the Licensed Software and Services Agreement for Recording, Vital Records, and Cashiering System with Tyler Technologies, Inc. to extend the Agreement for an additional five years through May 31, 2029 and expand the scope of software and services to include required software updates, staff support and new projects as required, in an amount not to exceed \$1,217,000 over the extended term, and delegate authority for the County Clerk-Recorder-Assessor to execute ancillary agreements, and minor amendments to the Agreement, in a form approved by County Counsel, cumulatively not to exceed \$200,000.

**Executive Summary:**

The Clerk-Recorder-Assessor is requesting that the Board approve an amendment to the contract ending May 31, 2024, to extend the term for five (5) years through May 31, 2029, and to expand the scope of software and services. The amendment will provide for essential software updates throughout the years as well as provide software support to staff over the phone or via remote connection. In addition, the amendment will allow funding for current projects related to the Restrictive Covenant Modification and Official Land Records Export and for future pilot projects to improve efficiencies of the office and services offered to the public to support the increased need for virtual services and speedy access to official public records.

**Discussion:**

A request for Proposals (RFP) was published in February 2012 for a Recording, Vital Records, and Cashiering System. The RFP solicited vendor responses for solutions to further overall department objectives of system and process integration for the Clerk and Recorder, reducing the number of systems to maintain, streamlining processes to generate more efficiency, and providing cashiering support for all divisions in the department. Tyler Technologies was selected as the most responsive and responsible vendor with their Eagle Recorder software, now known as Records Management solution.

On August 13, 2013, the Board approved a contract with Tyler Technologies in the amount of \$560,250, for the purchase and implementation of a new software system. The contract included one year of annual maintenance fees, which provided upgrades to the software and customer service support by phone.

The system was implemented in the Recorder division on April 28, 2014, and in the Clerk division on May 5, 2014. Following the implementation of the system, the Recorder and Clerk divisions required additional on-site training from the vendor in order to maintain a consistent and efficient level of service for the public. The Clerk and Recorder divisions also required additional web services in order to create an interface between the new Tyler system and Selectron, an interactive voice response phone system, to allow the public to have continued access to Official Records information over the phone.

On November 24, 2014, the Board approved the first amendment to the agreement with Tyler Technologies to expand the scope of work to include maintenance and support through June 30, 2019, on-site training, and pilot projects to integrate the Tyler system with other County systems, for a new contract total not to exceed \$1,322,298. These integrations included integration with the Enterprise Financial System (EFS), Megabyte Property Tax System (MPTS), and Geographic Information Systems (GIS). Additionally, self-service kiosks were created for customers to complete electronic applications at kiosks in-person and online and building an intranet site for County users to have access to public documents. The additional fees were to lock in annual maintenance fees, pay for on-site training and implementation of the Tyler system, interface with Selectron, and fund future pilot projects to improve efficiencies in the office and services offered to the public.

On May 7, 2019, the contract was amended through the Purchasing Agent's authority to extend the maintenance term through May 31, 2024. This amendment allows for renewal of the maintenance term for an additional five years at then-current rates, with the agreement to cap increases to the maintenance fee to five percent (5%) over the prior year's maintenance fees. The total fees paid during this five-year contract term was \$704,741.67. The item is being brought back to the Board for authorization to exercise the renewal option, and so that the Clerk-Recorder-Assessor can receive delegation to enter into amendments and ancillary contracts during the extended term to improve and upgrade the system. The Purchasing Agent has approved a sole source waiver for the agreement extension. Tyler is the only provider available to provide maintenance and support for the proprietary Recorder system that has been customized and implemented by the Recorder's Office.

The Clerk-Recorder-Assessor recommends approval of this amendment with a term through May 31, 2029, to provide maintenance fees for the next five (5) years and to expand the scope of software and services, which will provide funding for current projects related to the Restrictive Covenant Modification and Official Land Records image import. The Clerk-Recorder-Assessor also requests a delegation of authority to make minor amendments to the agreement to address new issues that may arise, changes in law, future pilot projects to improve efficiencies of the office and services offered to the public to support the increased need on virtual services and speedy access to official public records, and any other changed circumstances. Any amendment will be approved as to form by County Counsel and amendments will not exceed a combined amount of \$200,000 above the approved not-to-exceed value of the amended contract.

Tyler Technologies Records Management system (formerly known as Eagle Recorder) played an important role during the pandemic by providing remote services to the public, as well as access to official public records and allowing completion of applications and services from the comfort of one's home.

Funding to support this amendment will come from Recorder Modernization accumulated fund balance of \$7.8 million as of 09/30/2023, which is sourced from legislatively established fees collected since 01/01/1985 from document recordings under Government Code 27361(c), available solely to support, maintain, improve,

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and provide for the operation and modernization of the County's system of recorded documents.

**Strategic Plan:**

N/A

**Racial Equity:**

**Was this item identified as an opportunity to apply the Racial Equity Toolkit?**

No

**Prior Board Actions:**

8/13/13 - Board approved original agreement with Tyler Technologies, Inc.

11/24/14 - Board approved a first amendment to the agreement with Tyler Technologies, Inc.

**FISCAL SUMMARY**

<b>Expenditures</b>	<b>FY23-24 Adopted</b>	<b>FY24-25 Projected</b>	<b>FY25-26 Projected</b>
Budgeted Expenses	\$150,433	\$178,306	\$186,204
Additional Appropriation Requested	\$90,389		
<b>Total Expenditures</b>	<b>\$240,822</b>	<b>\$178,306</b>	<b>\$186,204</b>
<b>Funding Sources</b>			
General Fund/WA GF			
State/Federal			
Fees/Other			
Use of Fund Balance	\$240,822	\$178,306	\$186,204
General Fund Contingencies			
<b>Total Sources</b>	<b>\$240,822</b>	<b>\$178,306</b>	<b>\$186,204</b>

**Narrative Explanation of Fiscal Impacts:**

Funding to support this amendment will come from the Recorder Modernization fund, which is an accumulated fund balance from legislatively established and collected fees under Government Code 27361(c), available solely to support, maintain, improve, and provide for the operation and modernization of the county's system of recorded documents. Additional appropriations are needed to cover the cost of new modules of the recording system, and will be requested in a future consolidated budget adjustment item.

<b>Staffing Impacts: None</b>			
<b>Position Title (Payroll Classification)</b>	<b>Monthly Salary Range (A-I Step)</b>	<b>Additions (Number)</b>	<b>Deletions (Number)</b>

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**Narrative Explanation of Staffing Impacts (If Required):**

None

**Attachments:**

1. Amendment of Licensed Software and Services Agreement dated November 28, 2023
2. Sole Source Waiver

**Related Items “On File” with the Clerk of the Board:**

1. Agreement for Licensed Software and Services dated August 13, 2013;
2. Addendum dated November 25, 2014;
3. Amendment dated May 5, 2019.