



# County of Ventura COUNTY CLERK AND RECORDER

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County Clerk and Recorder

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Public Information Officer

June 27, 2023

Board of Supervisors  
County of Ventura  
800 S. Victoria Ave.  
Ventura, CA 93009

**Subject: Approval of, and Authorization for the Ventura County Clerk-Recorder to Sign, a Memorandum of Understanding Agreement Between Owner Counties and Partner for the Use of the SECURE Electronic Recording Delivery System Through April 25, 2028.**

**Recommendation:**

It is recommended that your Board approve and authorize the Ventura County Clerk-Recorder to sign, the Memorandum of Understanding Agreement Between Owner Counties and Partner for the use of the SECURE Electronic Recording Delivery System through April 25, 2028.

**Fiscal/Mandates Impact:**

Mandatory:	No
Source of Funding:	Electronic Recording Delivery System - Non-Operating and Fiduciary Fund
Funding Match required:	No
Impact on Other Departments:	None

<b><u>Summary of Revenue and Costs:</u></b>	<b><u>FY 2022-23</u></b>	<b><u>FY 2023-24 (estimated)</u></b>
Revenue	\$74,000	\$40,000
Costs:		

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Direct	\$74,000	\$40,000
Indirect-Agency/Department	Minimal	Minimal
Indirect-County	\$0	\$0
Total Costs	\$74,000	\$40,000
Net Costs	\$0	\$0
Recovered Indirect Costs	\$0	\$0

#### Current Fiscal Year Budget Projection

BU 1901 Unit	Adopted Budget	Adjusted Budget	Projected Budget	Estimated (Savings/Deficit)
Appropriations	\$6,537,680	\$6,805,460	\$5,715,431	\$1,090,029
Revenue	\$5,783,000	\$5,783,000	\$4,206,865	(\$1,576,135)
Net Cost	\$754,680	\$1,022,460	\$1,508,566	(\$486,106)

#### **Discussion:**

The Electronic Recording Delivery Act of 2004 authorized county recorders in California to record documents electronically. On March 20, 2012, your Board adopted a Resolution approving the County of Ventura's participation in an Electronic Recording Delivery System, and also authorized the County Clerk-Recorder to sign a Memorandum of Understanding Agreement (MOU) with the owner counties of SECURE. The Resolution authorized, upon execution of the MOU, remit to the owner counties of SECURE the first-year \$50,000 buy-in fee, and \$25,000 annual maintenance fee.

On December 8, 2020, your Board authorized the County Clerk-Recorder to sign a new MOU with a term through August 18, 2023. Rather than the lump sum annual maintenance fee payable under the previous MOU, the annual maintenance fee under this MOU are based on a per recorded document rate of \$0.30.

Your Board is asked to approve and authorize the County Clerk-Recorder to sign a new MOU Agreement with a term through April 25, 2028. The changes to this MOU are listed below:

Item 5 - The Indemnification provision was changed to include any claim that the SECURE system (that is in existence at the time of execution) in whole or in part, infringes the intellectual property rights of any third party, including without limitation copyrights, patents, or trademarks.

Item 14.b - The Termination provision was revised to state explicitly that termination for breach by the County includes failure to pay any invoices for fees or services.

Item 14.c – The Termination provision was also revised to clarify that, in the event of a termination resulting from written notice of termination by the County or due to the County's breach of the agreement, Owners will retain the initial buy-in fee and any other maintenance fees collected.

Exhibit A - 1<sup>st</sup> paragraph has been updated to specify that Orange County as the Lead County is responsible for handling the administrative functions and negotiating and executing of any contract relating to the support and maintenance of SECURE.

The County Clerk-Recorder's office currently records a majority of documents electronically, with a goal of increasing the percentage annually to reduce the time and effort of document processing for both the submitting party and the department. Continued participation in the SECURE system is critical to the efficiency of County Clerk-Recorder's recording operations and customer service.

This letter has been reviewed by the County Executive Office, Auditor-Controller and County Counsel.

If you have any questions regarding this item, please call David Valenzuela, Clerk-Recorder Division Manager, at (805) 477-7143, or me at (805) 654-2266.



**MICHELLE ASCENCION**  
County Clerk-Recorder & Registrar of Voters

Board of Supervisors  
SECURE Electronic Recording Memorandum of Understanding Agreement  
June 27, 2023  
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Attachment:  
Exhibit 1 – SECURE Memorandum of Understanding Agreement