



Legislation Details (With Board Report)

**File #:** A 23-041      **Name:** Tyler Amendment 1 County Clerk Recorder

**Type:** BoS Agreement      **Status:** Passed

**File created:** 2/1/2023      **In control:** Board of Supervisors

**On agenda:** 2/28/2023      **Final action:** 2/28/2023

**Title:** a. Ratify the execution by the County Clerk/Recorder of the non-standard Software-as-a-Service (“SaaS”) Services Agreement (A-15637) between the County of Monterey and Tyler Technologies, Inc. to provide software services with a retroactive start date of December 1, 2021 through November 30, 2026, for an amount not to exceed \$669,475; and  
b. Approve and authorize the County Clerk/Recorder to execute Amendment No. 1 to the SaaS Services Agreement (A-15637) with Tyler Technologies, Inc., revising the agreement period (retroactively from December 1, 2021); and  
c. Approve nonstandard provisions in the SaaS Services Agreement and Amendment No. 1 as recommended by the County Clerk/Recorder; and  
d. Authorize the County Clerk/Recorder to execute up to three (3) additional amendments to the Agreement that do not significantly alter the scope of work and do not cause a total increase of more than 10% of the original Agreement liability, subject to review and approval by the Office of the County Counsel as to form.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Board Report, 2. Service Agreement, 3. Amendment No 1., 4. Completed Board Order Item No. 41, 5. Fully Executed Agreement - Tyler Technologies, Inc. - Amendment No. 1

Date	Ver.	Action By	Action	Result
2/28/2023	1	Board of Supervisors		

a. Ratify the execution by the County Clerk/Recorder of the non-standard Software-as-a-Service (“SaaS”) Services Agreement (A-15637) between the County of Monterey and Tyler Technologies, Inc. to provide software services with a retroactive start date of December 1, 2021 through November 30, 2026, for an amount not to exceed \$669,475; and  
b. Approve and authorize the County Clerk/Recorder to execute Amendment No. 1 to the SaaS Services Agreement (A-15637) with Tyler Technologies, Inc., revising the agreement period (retroactively from December 1, 2021); and  
c. Approve nonstandard provisions in the SaaS Services Agreement and Amendment No. 1 as recommended by the County Clerk/Recorder; and  
d. Authorize the County Clerk/Recorder to execute up to three (3) additional amendments to the Agreement that do not significantly alter the scope of work and do not cause a total increase of more than 10% of the original Agreement liability, subject to review and approval by the Office of the County Counsel as to form.

**RECOMMENDATION:**

It is recommended that the Board of Supervisors:

- a. Ratify the execution by the County Clerk/Recorder of the non-standard Software-as-a-Service (“SaaS”) Services Agreement (A-15637) between the County of Monterey and Tyler Technologies, Inc. to provide software services with a retroactive start date of December 1, 2021 through November 30, 2026, for an amount not to exceed \$669,475; and
- b. Approve and authorize the County Clerk/Recorder to execute Amendment No. 1 to the SaaS Services

Agreement (A-15637) with Tyler Technologies, Inc., revising the agreement period (retroactively from December 1, 2021); and

- c. Approve nonstandard provisions in the SaaS Services Agreement and Amendment No. 1 as recommended by the County Clerk/Recorder; and
- d. Authorize the County Clerk/Recorder to execute up to three (3) additional amendments to the Agreement that do not significantly alter the scope of work and do not cause a total increase of more than 10% of the original Agreement liability, subject to review and approval by the Office of the County Counsel as to form.

**SUMMARY/DISCUSSION:**

County Clerk/Recorder and Tyler Technologies, Inc (Tyler) executed a non-standard software agreement for Tyler’s Eagle Clerk/Recorder Computer Software System and implementation services to replace the Office’s current internal Symphony/AS400 recording, filing, cashiering, reconciliation, and reporting system.

The County Clerk/Recorder discovered discrepancies between the Board Action purporting to authorize the execution and the contents of the agreement. In addition, not ratifying the prior execution, the County seeks to amend the agreement between the Parties to remove automatic renewals and provide for a fixed term.

**OTHER AGENCY INVOLVEMENT:**

County Counsel has reviewed the Agreement and Amendment and has approved it as to form only. IT has reviewed and approved the Agreement. County Risk Management has reviewed the Agreement and cannot approve it due to non-standard insurance and indemnity provisions. The Auditor-Controller has approved the fiscal provisions.

**FINANCING:**

Approval of the recommended actions will have no impact on the County General Fund. Per Government Code section 27361(c) a specified portion of recording fees, retained in Restricted Revenue Fund 027-2730-1180-ACR003-8004 be available solely to “support, maintain, improve, and provide for the full operation for modernized creation, retention, and retrieval of information in each county’s system of recorded documents.” Funds for payment of this agreement have been included in the CCR (027-2730-1180-ACR003-8004) FY 2022-2023 Adopted Budget. Transactions relating to future fiscal years will be included in each respective Recommended Budget.

**BOARD OF SUPERVISORS STRATEGIC INITIATIVES:**

The services rendered in this agreement provide the CCR with the additional support it needs to provide reliable and high-quality services to the residents of Monterey County.

- Economic Development
- Administration
- Health & Human Services
- Infrastructure
- Public Safety

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Authorized by: Marina Camacho, Assessor-County Clerk/Recorder, x5803

Attachments:

Service Agreement

Amendment 1