



## Legislation Details (With Board Report)

<b>File #:</b>	A 21-471	<b>Name:</b>	Tyler Contract August 2021
<b>Type:</b>	BoS Agreement	<b>Status:</b>	Passed
<b>File created:</b>	8/25/2021	<b>In control:</b>	Board of Supervisors
<b>On agenda:</b>	12/7/2021	<b>Final action:</b>	12/7/2021

**Title:**

a. Approve and Authorize the County Clerk/Recorder (CCR) to enter into an Agreement including non-standard provisions as to indemnification, alternative dispute resolution, insurance provisions, and limitations on liability, with Tyler Technologies, Inc. (Tyler) for integrated computer software and the migration of the County Clerk/Recorder's data over to the Tyler Technologies Eagle Recorder Hosted Environment for the period of December 15, 2021 through December 31, 2022 in an amount not to exceed \$166,211; and

b. Authorize the County Clerk/Recorder to execute up to four (4) future annual 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 cost for each additional one year period, subject to review and approval by the Office of the County Counsel as to form.

### Sponsors:

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### Code sections:

**Attachments:** 1. Board Report, 2. Service Agreement, 3. Completed Board Order Item No. 81, 4. Fully Executed Agreement with Tyler Technologies, Inc.

Date	Ver.	Action By	Action	Result
12/7/2021	1	Board of Supervisors	approved	

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- b. Authorize the County Clerk/Recorder to execute up to four (4) future annual 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 cost for each additional one year period, 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. Approve and Authorize the County Clerk/Recorder (CCR) to enter into an Agreement including non-standard provisions as to indemnification, alternative dispute resolution, insurance provisions and limitations on liability, with Tyler Technologies, Inc. (Tyler) for integrated computer software and the migration of the County Clerk/Recorder's data over to the Tyler Technologies Eagle Recorder Hosted Environment for the period of December 15, 2021 through December 31, 2022 in an amount not to exceed \$166,211; and
- b. Authorize the County Clerk/Recorder to execute up to four (4) future annual 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 cost for each additional one year period, subject to review and approval by the Office of the County Counsel as to form.

### **SUMMARY/DISCUSSION:**

On December 13, 2016, the Board authorized the CCR to enter into an agreement with Tyler Technologies, Inc (Tyler) 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.

Tyler's .net/web-based system has proven to be a benefit to the CCR department in use, adaptability, technology, and support. Implementation of the Eagle system has allowed the department to increase automated customer service venues. To simplify operations and reduce costs, Tyler will host and maintain the CCR's data and servers. ITD is in agreement and approves this migration of data.

The Agreement contains non-standard provisions including, but not limited to, the following: vendor terms overriding County standard terms, non-standard defense, indemnification, payment, and travel reimbursement terms, limitations on liability, limitations or absence of warranties of performance of certain products, non-standard intellectual property liability protection, and non-standard insurance provisions.

Based on the current system's success, the CCR requests that the Board of Supervisors approve this action.

### **OTHER AGENCY INVOLVEMENT:**

County Counsel has reviewed the Agreement 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 2021/2022 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

Prepared by: Chihiro Tabata, Management Analyst, x6607

Authorized by:

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Stephen L. Vagnini  
Assessor-County Clerk/Recorder, x5803

Attachments:  
Service Agreement