

28787

DATE: August 17, 2012

TO: Board of Acquisition & Contract

FROM: Timothy C. Idoni
County Clerk

RE: Authorization for the County of Westchester to enter into agreements with various parties, pursuant to which each such party will be allowed to transmit to the County Clerk instruments affecting real property for electronic recording, with each such agreement having no cost to the County and having a term commencing upon execution and continuing indefinitely until terminated by either party.

Authority is respectfully requested from your Honorable Board for the County of Westchester (the "County"), acting by and through the Office of the County Clerk, to enter into agreements with various parties, pursuant to which each such party will be allowed to transmit to the County Clerk, for electronic recording, instruments affecting real property. Each such agreement shall have no cost to the County and shall have a term commencing upon execution and continuing indefinitely until it is terminated by either party, upon sixty (60) days written notice.

Chapter 549 of the Laws of 2011 amended New York State law in order to allow recording officers to accept the electronic recording of instruments affecting real property, subject to the rules and regulations established by the State's electronic facilitator (the "Electronic Facilitator"). The Electronic Facilitator will soon officially promulgate such rules and regulations, and they will be codified in Title 9, Part 540, of the Official Compilation of Codes, Rules and Regulations of the State of New York ("NYCRR").

Under the pending regulation that will be codified in Title 9, Part 540.7(h), of the NYCRR, prior to a party submitting instruments affecting real property for electronic recording, there must be an agreement in place between that party (a "Registered Submitter") and the recording officer (the "Recording Officer"), which must specify the terms and conditions required by the Recording Officer for such electronic recording.

The proposed agreements will serve as the agreement that will be required by Title 9, Part 540.7(h), of the NYCRR, and thereby facilitate the use of electronic recording by the Office of the County Clerk and the various parties seeking to use electronic recording.

The proposed agreements will serve a public purpose by facilitating the utilization of electronic recording of land records in the Office of the Westchester County Clerk. Land records submitted electronically for recording can be processed at a significantly lower cost than land records submitted in hard copy, as hard copy submissions require review from an intake staffer, scanning, quality control review of the scanned image, and a staffer mailing the submission once it has been recorded. In addition, land records submitted electronically do not require envelopes and postage when returned to the submitter for correction or upon recording. The operational efficiencies which will be captured along with the reduced real costs for supplies and postage combine to serve the public purpose of providing a government service at a lower cost to the taxpayers.

The goal and objective of the proposed agreements is to facilitate the utilization of electronic recording in the Office of the Westchester County Clerk, since such agreements will be required, as described above.

The goal and objective of the proposed agreements is in the best interests of the County in terms of fiscal responsibility, safety and security, and health and the environment.

Electronic recording is in the best interests of the County in terms of fiscal responsibility, as the cost of recording land records will be reduced. Specifically, the electronic process eliminates the review by an intake staffer, scanning, quality control review of the scanned image, and a staffer mailing the submission once it has been recorded, all of which are required for a hard-copy submission. In addition, land records submitted electronically do not require envelopes and postage when returned to the submitter for correction or upon recording.

Electronic recording is in the best interests of the County in terms of safety and security, as submitters must register with the Office of the County Clerk before submitting documents electronically, and electronic submissions can be traced in ways that hard copy submissions cannot. Accordingly, the process of recording documents electronically provides enhanced security. In addition, electronic submissions cannot be misplaced or lost as they travel from the submitter's office of the recording office and back, making the process safer for submitters.

Electronic recording is in the best interests of the County in terms of the environment, as it reduces the amount of paper utilized in the process of recording land records. Submitters no longer have to make photo copies of submissions, as the original paper document can be retained by the submitter. Further, payment and document cover sheets no longer need to be printed out to accompany submissions. Paper mailing supplies, including envelopes and cover letters, are eliminated from the recording process. In addition, while it is expected to be a less-common process, Westchester County is ready to accept true paperless recordings, which were prepared, signed, and acknowledged electronically and never existed in paper form.

The goal and objective of the proposed agreements will be tracked and monitored by the management team of the Office of the Westchester County Clerk. As electronic recording is an option, and not mandatory, for land records submitters, the management team of the Office of the Westchester County Clerk has set periodic goals for participation. Goals have been set regarding

the registration of submitters, as well as for the percentage of submissions received electronically.

I respectfully recommend your Honorable Board's approval of the attached resolution.

TCI/ESM/bdm/nn

APPROVED BOARD OF ACQUISITION & CONTRACT - 09/13/2012 - JOMARY VIEIRA SECRETARY

RESOLUTION

Upon a communication from the County Clerk, be it hereby:

RESOLVED, that the County of Westchester (the “County”), acting by and through the Office of the County Clerk, is hereby authorized to enter into agreements with various parties, pursuant to which each such party will be allowed to transmit to the County Clerk, for electronic recording, instruments affecting real property (each an “Agreement”); and be it further

RESOLVED, that each Agreement shall have no cost to the County; and be it further

RESOLVED, that each Agreement shall have a term commencing upon execution and continuing indefinitely until it is terminated by either party, upon sixty (60) days written notice; and be it further

RESOLVED, that the County Executive or his duly authorized designee is hereby, authorized to execute any documents and take any actions reasonably necessary and appropriate to effectuate the purposes of this Resolution.

Account to be
Charged/Credited

Fund	Dept.	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
					N/A

Budget Funding Years _____ Start Date Upon Execution End Date N/A (Termination by a party)
(must match resolution)

Funding Source Tax Dollars _____
State Aid _____
\$0 Federal Aid _____
(must match resolution) Other _____