

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS
OF SAN BERNARDINO COUNTY
AND RECORD OF ACTION**

May 5, 2026

FROM

JOSIE GONZALES, Assessor-Recorder-County Clerk

SUBJECT

Amendment to Agreements with Tyler Technologies, Inc., for Filing Access and Payment Processing Services

RECOMMENDATION(S)

1. Approve **Amendment No. 4 to Agreement No. 20-645** with Tyler Technologies, Inc., for Filing Access Module services of a Land Vital Records software solution to record, file, and cache documents, increasing the agreement amount by \$10,000, from \$5,437,286 to \$5,447,286, with no change to the term of May 7, 2018, through May 6, 2028.
2. Approve **Amendment No. 1 to non-financial Agreement No. 24-1172** with Tyler Technologies, Inc. for credit card payment processing software and hardware services support, to add an additional non-standard term, with no change to the term of December 3, 2024, through May 6, 2028.

(Presenter: Josie Gonzales, Assessor-Recorder-County Clerk, 382-3204)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

Improve County Government Operations.

Operate in a Fiscally-Responsible and Business-Like Manner.

FINANCIAL IMPACT

Approval of this item will not result in the use of additional Discretionary General Funding (Net County Cost). The total estimated not-to-exceed cost for the Filing Access Module and payment processing services is \$10,000. This amount includes the module's setup costs and credit card processing chargeback fees. Adequate appropriation and revenue are included in the Assessor-Recorder-County Clerk's (ARC) Recorder Modernization budget (3110002340) for initial setup costs. Minimal chargebacks for card payer disputes and transaction fees will be funded from the Recorder-County Clerk budget (3118001000).

Filing Access Module transaction and service fees will be paid directly to Tyler Technologies, Inc. (Tyler) by the card holder (customer). Based on historical data from product sales, Tyler could potentially generate an estimated \$66,000 in customer paid transaction and service fees in an annual period for Fictitious Business Name Statements and Withdrawals, Legal Document Assistant Registrations, Process Server Registrations, Notary Filings, and Unlawful Detainer Assistant Registration transactions through the Filing Access Module.

BACKGROUND INFORMATION

The Recorder-County Clerk Divisions of ARC provide several services to the public. The computer software solution called Tyler Enterprise Records Management (formerly known as

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Eagle Recorder) that the Recorder-County Clerk began using in September 2019 to record, file, and cache documents has enhanced these services with improved computer operations in the Recorder's Division when recording documents and maps, as well as indexing, verifying and retrieving documents. In the County Clerk's Division, the system efficiently issues marriage licenses, birth/death/marriage certificates, and fictitious business names.

A new application for the Tyler system, called Filing Access Module, will continue to improve Recorder-County Clerk services by streamlining business processes through a software tool that provides the public with secure online access to request services using electronic fillable forms. This tool will increase transparency and enable constituents to securely complete requests for Fictitious Business Names (Additional Names, Application, and Withdrawal), Legal Document Assistants (Corporation and Individual), Process Servers (Certificate or Registration and Additional Registrant), Notary Filings, and Unlawful Detainer Assistant Registrations. Constituents will also be able to select their shipping option and pay for their transaction through the online portal. This enhancement will process requests more efficiently and provide more accessibility to the public. The Filing Access Module will work concurrently with Tyler Payments credit card processing services.

On May 1, 2018 (Item No. 14), the Board of Supervisors (Board) approved the County's participation in Sourcewell (formerly known as National Joint Powers Alliance, or NJPA) Agreement No. 110515-TTI with Tyler, resulting in the approval of Agreement No. 20-645 for the purchase of a Land and Vital Records software solution to record, file, and cache documents and their related information for the Recorder-County Clerk. The agreement amount was not to exceed \$3,825,515 for the period of May 7, 2018, through May 6, 2023. The item also authorized the Purchasing Agent to execute documents necessary for participation in the Sourcewell agreement.

On August 11, 2020 (Item No.16), the Board approved Amendment No. 1 to Agreement No. 20-645, for the removal of a Fraud Guard software license and maintenance offered by Tyler in the original agreement and accepted a credit of \$48,000. The Board approved for the credit to be used towards funding change orders to make corrections or adjustments to the software solution to ensure optimal operation. All other terms of the agreement remained unchanged.

On April 25, 2023 (Item No.16), the Board approved Amendment No. 2 to Agreement No. 20-645 with Tyler, for maintenance and support services of a Land and Vital Records software solution to record, file, and cache documents, increasing the agreement amount by \$1,211,771, from \$3,825,515 to \$5,037,286, and extending the term by five years, for a total agreement term of May 7, 2018, through May 6, 2028.

On December 3, 2024 (Item No. 11), the Board approved Amendment No. 3 to Agreement No. 20-645 with Tyler, for additional maintenance and support services of a Land and Vital Records software solution to record, file, and cache documents, increasing the agreement amount by \$400,000, from \$5,037,286 to \$5,437,286, with no change to the term of May 7, 2018, through May 6, 2028. The additional maintenance and support services included the Image Upload Project, transition from Bridge Pay to Tyler Payments, use of the Vital Access online portal, and use of the E-Certify software tool. Secondly, the Board approved a Payment Processing Agreement No. 24-1172 with Tyler, including non-standard terms, for a total term of December 23, 2024, through May 6, 2028, for credit card processing software and hardware service support. Thirdly, the Board approved a Submitter Merchant Agreement No. 24-1173 with Paymentech, LLC and JPMorgan Chase Bank, N.A. including non-standard terms, for a

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total term of December 3, 2024, through May 6, 2028, for payment processing instructions and guidelines.

On December 3, 2024 (Item No. 11) the Board approved non-financial Agreement No. 24-1172 with Tyler, including non-standard terms, for credit card payment processing software and hardware services and support, for a term of December 3, 2024, through May 6, 2028. After Board approval of Agreement No. 24-1172, Tyler updated its standard commercial license on November 11, 2025. The update includes an additional indemnity provision that was not included when the Board approved Agreement No. 24-1172, so ARC is requesting approval of Amendment No. 1 at this time to add the additional non-standard term and continue using Tyler's services under Agreement No. 24-1172.

Agreement No. 24-1172 is Tyler's standard commercial license, which contains terms that differ from the standard County contract. The updated Agreement No. 24-1172 contains the same non-standard terms that were approved on December 3, 2024, but now adds the new indemnity provisions:

The County is required to indemnify Tyler from and against any claim or action related to the County's violation of applicable law or Association Rules.

- The County standard contract does not include any indemnification or defense by the County of a Contractor.
- Potential Impact: By agreeing to indemnify Tyler, the County could be contractually waiving the protection of sovereign immunity. Claims that may otherwise be barred against the County, time limited, or expense limited could be brought against Tyler without such limitations and the County would be responsible to defend and reimburse Tyler for costs, expenses, and damages, which could exceed the total contract amount.

Approval of the Amendments, including non-standard terms, will allow the ARC to improve County government operations and operate in a fiscally-responsible and business-like manner by implementing the Filing Access Module in the Tyler Enterprise Records Management system. This new application will enhance the ARC's ability to streamline business processes for Fictitious Business Names, Legal Document Assistants, Process Servers, Notary Filings, and Unlawful Detainer Assistant Registrations processed through an online portal.

PROCUREMENT

N/A

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Kenneth Brown, Deputy County Counsel, 387-5455) on March 24, 2026; Purchasing (Jessica Barajas, Supervising Buyer, 387-2065) on March 26, 2026; Risk Management (Stephanie Pacheco, Staff Analyst II, 386-9039) on April 3, 2026; Innovation and Technology (Lynn Fyhrlund, Chief Information Officer, 388-5501) on April 10, 2026; and County Finance and Administration (Kathleen Gonzalez, Administrative Analyst, 387-5412) on April 15, 2026.

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Record of Action of the Board of Supervisors
San Bernardino County

APPROVED (CONSENT CALENDAR)

Moved: Curt Hagman Seconded: Joe Baca, Jr.
Ayes: Col. Paul Cook (Ret.), Jesse Armendarez, Dawn Rowe, Curt Hagman, Joe Baca, Jr.

Lynna Monell, CLERK OF THE BOARD

BY  _____
DATED: May 5, 2026



cc: ARC - Faussier w/agrees
 Contractor - c/o ARC w/agree
 File - w/agree

CCM 05/7/2026