

**RECORDS MANAGEMENT & RECORDS ARCHIVE**

**WRITTEN PLAN**

**FISCAL YEAR 2016/2017**

**For Preservation and Restoration**

**Of**

**Brown County Clerk's**

**Archived Records**



**Presented by**

**SHARON FERGUSON**

**Brown County Clerk**

September 12, 2016  
(Exhibit # 2)

August 26, 2016

Brown County  
Commissioners Court

RE: County Clerk Preservation and Restoration Records Plan FY2014/2016

Dear Sirs:

As per instructions of Section 118.025 LGC, County Clerk's Records Archive Fee, I have prepared a written plan for funding the preservation and restoration of the County Clerk's Records Archives.

The funds generated from the collection of a fee under this section may be expended only for the preservation and restoration of the County Clerk's Records Archive. The County Clerk shall designate the public documents that are part of the records archive for purposes of this section. It has been identified that we still have many records that need to be reproduced/archived. The goal is to reproduce all documents, regardless of type, as efficiently as possible. The County Clerk's Office is looking at restoring records, suspending or reducing deterioration of public records and improving the public access to these documents in a manner that reduces the risk of deterioration.

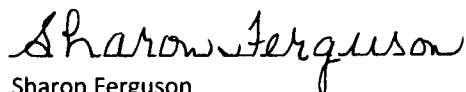
Therefore, my plan includes:

My plan this year is to continue to archive more permanent records. The project that I would like to concentrate on for this fiscal year is to continue to back scan Real Property Records. Last year I started the process of scanning 187 volumes of Official Public Records dating from 1971 through 1981. This plan was approved, through Commissioner's Court, on October 26, 2015. My quote, from KOFIL, to image and index these 187 deed records, was \$215,790.88!! As I stated last year, this cannot be done in one year. I am happy to say that all of these volumes have been scanned. The exhausting process of indexing is what KOFIL is doing at this time. The Official Public Records are online, only what has been scanned, at a cost of \$10,000.00. The more records that are available online, the better. I am happy to report that I no longer will be purchasing books and recording paper, for Official Public Records. As of April, 2016 my office is now "paperless", for Official Public Records. On October 19, 2015, with permission from Commissioner's Court, I purchased a software program called EZDOC, for Commissioner Court Minutes. This makes Commissioner Court minutes available online. As money permits, I would like to scan and index Vital Records and of course more Official Public Records. Some of these records are subject to falling apart and getting lost. I have plans to restore and preserve records with significant historical value also. It is the intent of the County Clerk's Office to continue to make public records accessible in the office and of course on line. This will improve public and governmental access.

The expenditure of these funds is determined by the amount taken in by this office and projects will be undertaken only when funds are available. The County Clerk will provide the Commissioner's Court with the written quotes and will adhere and comply with Subchapter C, Chapter 262, Texas Local Government Code.

I invite you to visit the office and I will be glad to show you the books and projects in question.

Sincerely,



Sharon Ferguson  
Brown County Clerk

**BROWN COUNTY CLERK'S OFFICE**  
**RECORDS ARCHIVAL PLAN FOR FY 2016-2017**  
**For Preservation and Restoration of**  
**County Clerk's Archived Records**

**I. Statutory History**

The 77<sup>th</sup> Texas Legislature passed HB 370 in 2001 to *allow border countys* to assess a \$5.00 Records Management and Preservation Fee for the preservation of older records filed with the County Clerk. The 78<sup>th</sup> Legislature passed SB 1731 amending the original legislation allowing *all* counties to collect this fee with the Commissioners' Court approval. This legislation amends Local Government Code, Section 118.011(g), to enable the Commissioners' Court to adopt a Records Archive Fee for the preservation and automation of previously filed and recorded records.

The court established a fee of \$5.00 to be collected at the time of filing or recording of any public record with the exception of documents filed by the state. The Brown County Clerk has been collecting this fee since February 2, 2004.

SB 526 passed by the 79<sup>th</sup> Texas Legislature repeals the Local Government Code, Section 118.025 (a) (4) regarding the definition of "Records Archive" as public documents filed with the County Clerk before January 1, 1990 and adds language to allow the County Clerk to designate records that are part of records archive plan, with approval of Commissioners' Court in a public meeting. The bill repeals the Local Government Code 118.011 (g) and 118.025 (k), relating to the expiration date of September 1, 2008.

HB 1513 passed by the 83<sup>rd</sup> Legislative Session amends Section 118.011 (b) and (f) of the Local Government Code to increase the amount of the County Clerk's Records Archives Fees (assessed when a non-court document is presented to the County Clerk for recording or filing) from not more than \$5.00 to not more than \$10.00. The increased fee is set to revert to the "not-more-than \$5" amounts on September 1, 2019.

## II. Bill Summary

- . The fee must be set and itemized in the county's budget as part of the Annual Budget preparation process.
- . The \$10.00 fee is assessed on any instrument, document, paper, or other record that the County Clerk is authorized to accept for filing or recording (deed or official public records and assumed names, marriage licenses, civil, probate case filings etc.) This \$10.00 fee began January 1, 2014.
- . The fee may be used *only* to provide funds for specific records management and preservation, *including* for automation purposes-**in accordance with this written plan.**
- . The fund is dedicated, including interest, for the preservation and restoration services of documents and is designed to target archived records.
- . Changes to the plan must be approved by Commissioner's Court. The plan can be modified as required.
- . This fund cannot be spent without a budget (prepared by the county clerk and approved by commissioner's court)

### **III. Purpose**

The County Clerk's office is progressive in the preservation of *current* records and is aggressively striving to electronically preserve and restore *all* documents that have a priceless historical value, utilizing the original Records Archive Fee, however, this funding *has not been sufficient* to electronically preserve and restore the **older** documents that have a priceless historical value. In order to preserve and enhance the integrity of the existing system for recording and preserving public documents; the County Clerk seeks to preserve existing original records by restoring or re-creating old volumes, digitizing older microfilm and paper records, re-indexing old handwritten and typed indexed records and importing newly created images and data into the existing computer system.

### **IV. Restoration and Preservation Projects**

The overall goals and vision of the County Clerk are to:

- . Digitize all official public records/birth/death records.
- . Suspend or reduce the deterioration of public documents
- . Create roll of security microfilm for scanned images.
- . Secure off-site records storage in temperature/humidity-controlled vault for archival backup.
- . Modernize and upgrade old records systems in the office by back scanning.
- . Continue to add records and information to existing computer system.
- . Eliminate or reduce manual lookups and searches.
- . Expedite record searching by having more records available for electronic retrieval.
- . Provide continued internet access of Official Public Records.
- . Preserve original records by reducing daily manual usage.
- . Continue to eliminate the need for paper records
- . Commissioner Court Records-continue to import data to existing computer in the searchable format Easy Doc.

## **V. Projected Revenue FY2016/2017 (Fiscal Year)**

Official Public Records Projected Revenue	Approx 8,000 filings x \$10.00 Approx \$80,000.00
Marriage Records Projected Revenue	Approx 325 issued x \$10.00 Approx \$3,250.00
Civil/Probate Filings Projected Revenue	Approx 280 filings x \$10.00 Approx \$2,800.00
Birth/Death Projected Revenue (\$1.00 VRP Fee)	Approx 2,485 issued x \$1.00 \$2,485.00
Criminal Filings Projected Revenue (\$25.00 RM Fee assessed per def. court costs)	Approx 720 filings Court Cost must be paid in full to determine

### **V1. Length of Project**

Due to the enormous volume of records in the Brown County Clerk's Office, the records archival projects will be an ongoing process for many years to come.

### **V11. Summary**

**The 83<sup>rd</sup> Legislature provided a means to raise revenue for the preservation and restoration of older county records with the use of the records management and archive fee. The County Clerk's office has taken advantage of the Records Archive Fee as an alternative to spending general fund monies to accomplish these projects. Revenue collected and not expended in the fiscal year will be carried forward and used toward outstanding balances of the current projects for use in future years. We will re-assess and prioritize what records and/or documents need to be completed as future projects and some archival projects will be an ongoing process. This plan will be updated annually as part of the budget process. Approval and implementation of the plan will continue to modernize the Brown County Clerk's office and insure the preservation of priceless historical records for future generations.**

## Laws

### **Fund - Record Management LGC §118.0216**

Sec. 118.0216 RECORDS MANAGEMENT AND PRESERVATION. – Each document Filed \$10.00 (a) The fee for "Records Management and Preservation" under Section 118.011 is for the records management and preservation services performed by the county clerk after the filing and recording of a document in the records of the office of the clerk. (d) The fee shall be deposited in a separate records archive account in the general fund of the county. Any interest accrued remains with the account. (e) All expenditures from the records management and preservation account shall comply with Subchapter C, Chapter 262.

### **Fund - Records Archive LGC §118.025**

Sec 118.025 Each document filed \$10.00 (b) the commissioners court of a county may adopt a records archive fee under Section 118.011(f) as part of the county's annual budget. The fee must be set and itemized in the county's budget as part of the budget preparation process. The fee for "Records Archive" under Section 118.011(f) is for the preservation and restoration services performed by the county clerk in connection with maintaining a county clerk's records archive. (d) The fee shall be deposited in a separate records archive account in the general fund of the county. (e) The funds generated from the collection of a fee under this section may be expended only for the preservation and restoration of the county clerk's records archive. (g) the county clerk shall prepare an annual written plan for funding the preservation and restoration of the county clerk's records archive. All expenditures from the records archive account shall comply with Subchapter C, Chapter 262. (h) If a county charges a fee under this section, a notice shall be posted in a conspicuous place in the County Clerk's Office. The notice must state the amount of the fee in the following form: "The Commissioners Court of \_\_\_ County has determined that a Records Archive Fee of \$ \_\_\_ is needed to preserve and restore county records."

# COUNTY CLERK'S RECORDS ARCHIVE FEE

Local Government Code 118.025(h)

(h) If a county charges a fee under this section, a notice shall be posted in a conspicuous place in the County Clerk's Office. The notice must state the amount of the fee in the following form:

**“THE COMMISSIONERS COURT OF  
BROWN COUNTY HAS DETERMINED  
THAT A RECORDS ARCHIVE FEE OF \$10.00  
IS NEEDED TO PRESERVE AND RESTORE  
COUNTY RECORDS.”**

COMMISSIONER COURT MINTUES

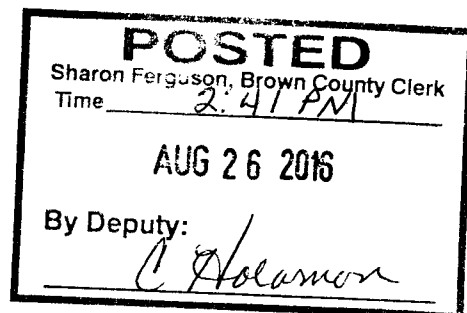
August 13, 2013

**August 26, 2016**

**NOTICE**

**Notice is hereby given, per Texas Local Government Code Sec. 118.025 (g), that a public hearing regarding the preservation and restoration of the County Clerk's Records Archive shall be held on Monday, September 12, 2016 at 9:00 A.M. at 200 South Broadway, Brownwood, Texas, in the County Commissioners Courtroom to allow public discussion regarding the use of these funds.**

**Sharon Ferguson  
Brown County Clerk**



## **PUBLIC NOTICE**

IN ACCORDANCE WITH SECTION 118.025 (g) OF THE TEXAS LOCAL GOVERNMENT CODE, THE COMMISSIONERS COURT WILL HOLD A PUBLIC HEARING ON SEPTEMBER 12, 2016, AT 9:00 A.M. IN THE COMMISSIONERS' COURTROOM, BROWN COUNTY COURTHOUSE, 200 SOUTH BROADWAY, BROWNWOOD, TEXAS, AT WHICH TIME THE COURT WILL CONSIDER FOR APPROVAL THE ANNUAL WRITTEN PLAN FOR FUNDING THE PRESERVATION AND RESTORATION OF THE COUNTY CLERK'S RECORDS ARCHIVE.

Sunday, August 28, 2016

**PUBLIC  
NOTICE**

ACCORD-  
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SECTION  
118.025 (g) OF  
THE TEXAS  
LOCAL GOV-  
ERNMENT  
CODE, THE  
COMMISSION-  
ERS COURT  
WILL HOLD A  
PUBLIC  
HEARING ON  
SEPTEMBER  
12, 2016, AT  
9:00 A.M. IN  
THE COMIS-  
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COURTROOM,  
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C L E R K ' S  
R E C O R D S  
A R C H I V E.

**Notice must be published not later than the 15<sup>th</sup> day before the date of the hearing.**

Bill cost for publication to: Brown County Commissioners Court  
200 South Broadway  
Brownwood, Texas 76801

STATE OF TEXAS  
COUNTY OF BROWN

**ORDER TO ADOPT RECORDS ARCHIVAL PLAN**

**WHEREAS**, Local Government Code, Section 118.011 (f) enables the Commissioners' Court to adopt a Records Archive Fee, for the preservation and restoration services performed by the County Clerk in connection with maintaining a County Clerk's records archive;

**WHEREAS**, a Commissioners' Court approved the collection of a Records Archive Fee of \$5.00 to commence on September 1, 2003 which the County Clerk's office will collect at the time of filing or recording of any public record, excluding a state agency;

**WHEREAS**, Sections 118.011 (b) and (f) of the Local Government Code was amended to increase the amount of the County Clerk's Records Archives Fee assessed when a non-court document is presented to the County Clerk for recording or filing from not more than \$5.00 to not more than \$10.00.

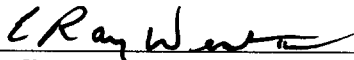
**WHEREAS**, with approval from the Commissioner's Court the County Clerk will collect a Records Archive Fee of \$10.00 when a non-court document is presented for recording or filing with said fee to commence January, 2014 until September, 2019; the fee will then revert to \$5.00.

**WHEREAS**, after Commissioners' Court approval of the County Clerk's Records Archival Plan for FY 2016-2017, and the Plan being accepted as presented;

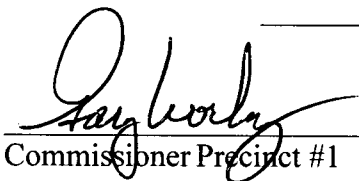
**NOW THEREFORE, BE IT ORDERED** by the Commissioners' Court of Brown County, pursuant to the Local Government Code, Section 118.011 (f) hereby adopts the County Clerk's Records Archival Plan. Further, the fees collected may be expended only for the preservation and restoration of County Clerk's records archive. The funds may not be used to purchase, lease, or develop computer software to geographically index public records for current recordings.

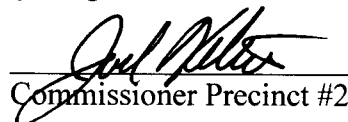
ADOPTED, this 12 day of September, 2016.

**BROWN COUNTY COMMISSIONERS' COURT**

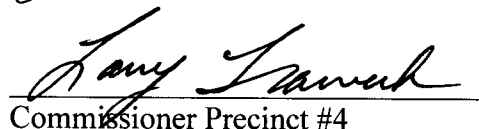


E. Ray West, III, County Judge

  
Commissioner Precinct #1

  
Commissioner Precinct #2

  
Commissioner Precinct #3

  
Commissioner Precinct #4

Attest:

\_\_\_\_\_  
Sharon Ferguson, Brown County Clerk