

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.

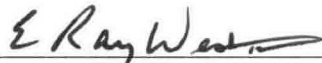
WHEREAS, with approval from the Commissioner's Court the County Clerk will collect a Records Archive Fee of \$10.00 when a non-court document is presented for recording or filing with said fee to commence January, 2014 until September, 2019; the fee will then revert to \$5.00.

WHEREAS, after Commissioners' Court approval of the County Clerk's Records Archival Plan, 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 15 day of September, 2014.

BROWN COUNTY COMMISSIONERS' COURT



E. Ray West, III, County Judge

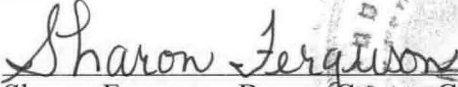

Commissioner Precinct #1


Commissioner Precinct #2

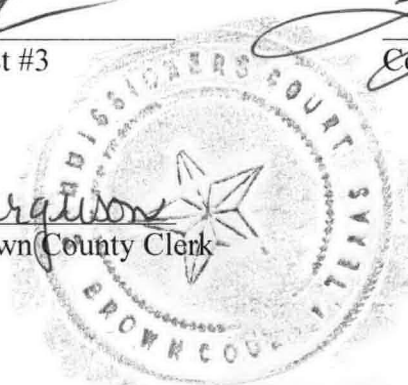

Commissioner Precinct #3


Commissioner Precinct #4

Attest:


Sharon Ferguson, Brown County Clerk

September 15, 2014
(Exhibit #1)



BROWN COUNTY CLERK'S OFFICE
RECORDS ARCHIVAL PLAN FOR FY 2014-2015
For Preservation and Restoration of
County Clerk's Archived Records

I. Statutory History

The 77th Texas Legislature passed HB 370 in 2001 to *allow border county's* to assess a \$5.00 Records Management and Preservation Fee for the preservation of older records filed with the County Clerk. The 78th 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 79th 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 83rd 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.
- . 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 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-import data to existing computer system in a searchable format

V. Projected Revenue FY2014/2015

Official Public Records Projected Revenue	Approx 9,000 filings x \$10.00 Approx \$90,000.00
Marriage Records Projected Revenue	Approx 300 x \$10.00 Approx \$3,000.00
Civil/Probate Filings Projected Revenue	Approx 300 filings x \$10.00 Approx \$3,000.00
Birth/Death Projected Revenue (\$1.00 VRP Fee)	Approx 1,500 filings x \$1.00 \$1,500.00
Criminal Filings Projected Revenue (\$25.00 for each court cost assessed)	Approx 1,000 filings Court Cost must be paid in full to determine

VI. 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.

VII. Summary

The 83rd Legislature provided a means to raise revenue for the preservation and restoration of older county records. 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 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.