

Archive Plan

**For Preservation and Restoration
Of
Brown County Clerk's
Archived Records**

FISCAL YEAR 2018/2019



**Prepared by
SHARON FERGUSON
Brown County Clerk**

September 10, 2018
(Exhibit #6)

BROWN COUNTY CLERK'S OFFICE

RECORDS ARCHIVE PLAN FOR FY 2018-2019

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 counties* 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 Archive 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.

County Clerks are currently authorized to collect a records management fee for maintaining and preserving current documents. A fee not to exceed \$10 may be imposed for recording or filing public documents in county clerk offices in any county for the purpose of preserving, restoring and managing these county records. The legislation is designed to target archived records. This does not include court costs.

II. Bill Summary

The vast majority of the permanent records in the County Clerk's office are paper based. These records are used on a daily basis by the public and are vulnerable to loss by theft and wear and tear.

With no cost to the County, these records can be preserved by using the archive fee collected to cover the cost of scanning the paper based documents and preserving the handwritten ones by encapsulation. In addition to preserving the documents, the images can be added to our existing imaging system and improve customer service by offering a wider date range of documents on the internet.

- . 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, marriage licenses, civil, probate case filings etc.) This \$10.00 fee began January 1, 2014.

The funds may not be used to purchase, lease, or develop computer software to geographically index public records, excluding indexing public records by lot and block description as provided by Section 193.009(b)(4).

- . 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 FY2018/2019 (Fiscal Year)

Official Public Records Projected Revenue	Approx 8,000 filings x \$10.00 Approx \$80,000.00
Marriage Records Projected Revenue	Approx 313 issued x \$10.00 Approx \$3,130.00
Civil/Probate Filings Projected Revenue	Approx 200 filings x \$10.00 Approx \$2,000.00

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. Historical Data

In May, of 2016, 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 KOFILE, 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 and indexed. On September 6, 2017 I wrote a P.O. for \$215,790.88, payable to KOFILE Technologies for this completed project. I also wrote a P.O. for \$5,000.00 payable to NetData for programming and to convert/import these back scanned images, from the KOFILE Project, to the NetData software. As of April, 2016 my office is now "paperless", for Official Public Records. As of December 2017, I have Commissioner Court Minutes available online. My staff has been scanning in old birth, death, and marriage license.

//V111. Fiscal Year 2018/2019

My plan this next fiscal 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. I currently have \$195,200.44 in the Archive Fund. In April, 2018 I started the process of scanning 240 volumes of Real Property Records dating from 1972 through 1949. This was approved, through Commissioners Court on April 16, 2018. My quote, from KOFILE, to image and index these 240 volumes is \$202,217.80. This is the project I am currently working on. Once this project is complete, I would like to continue to back all Real Property Records to Patent. This is a work in progress, but will be very beneficial to the public. 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. 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.

V1111. Summary

The 83rd 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.

August 21, 2018

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 10, 2018 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

**Sharon Ferguson
Brown County Clerk**

POSTED
Sharon Ferguson, Brown Co
Time _____
AUG 21 2018
By Deputy: _____

POSTED
Sharon Ferguson, Brown County Clerk
Time 3:07 pm
AUG 21 2018
By Deputy:
M. DeGae

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 10, 2018, 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.

Notice must be published not later than the 15th day before the date of the hearing.

Bill cost for publication to: Brown County Commissioners Court
200 South Broadway, Ste. 322
Brownwood, Texas 76801

Wednesday, August 22, 2018

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 10, 2018,
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.

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 Archive Plan for FY 2018-2019, 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 10 day of September, 2018.

BROWN COUNTY COMMISSIONERS' COURT

E. Ray West, III

E. Ray West, III, County Judge

Ray Wally
Commissioner Precinct #1

Julie
Commissioner Precinct #2

hgro st
Commissioner Precinct #3

Larry Leland
Commissioner Precinct #4

Attest:

Sharon Ferguson
Sharon Ferguson, Brown County Clerk

