

**BROWN COUNTY CLERK'S OFFICE
ARCHIVAL PLAN FOR FY 2019-2020
For Preservation and Restoration of
County Clerk's Archived Records**

STATUTE AND STATUTORY HISTORY

LGC 118.011 (f): The county clerk of a county shall, if the commissioners court of the county adopts the fee as part of the county's annual budget, collect the following fee from any person: (1) Records Archive Fee (Sec. 118.025.....not more than \$10

LGC 118.025(c): The fee must be paid at the time a person, excluding a state agency, presents a public document to the county clerk for recording or filing.

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.

SB 658, passed by the 86th Legislature, has made the current \$10.00 maximum allowable amount a permanent figure. The legislation is designed to target archived records. This does not include court costs.

September 9, 2019
(Exhibit #6)

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.

NOTES

1. The Brown County Records Archival Reserve Balance is approximately \$292,729.34.
2. The Archive Fee is separate from the \$10 Court Records Preservation Fee.
3. The Archive Fee is authorized under Chapter 118 LGC, Subchapter B. entitled "Fee of County Clerk Other than Court Fees"
4. Regarding the Records Archive Fee, the Texas Association of Counties Legal Department submitted the following in their 2017 Publication titled *Special and Dedicated Funds*:
 - **Source [of revenue]:** Fees paid for recording or filing services, set by the Commissioners' Court not to exceed \$10. Optional, set by the Commissioners' Court. Accrued interest remains with this account. *[Effective September 1, 2019, the filing/recording maximum allowable fee will be permanent. It was scheduled to be reduced to a maximum allowable \$5 fee, but SB 658 will make the current \$10 maximum allowable amount a permanent figure.]*
 - **Controlled by:** County Clerk and Commissioners' Court, by agreement, subject to annual public hearing and commissioners court budgetary authorization.
 - **Purposes:** Monies may be expended only for the preservation and restoration services performed by the county clerk in connection with maintaining a county clerk's records archive on public documents designated county clerk's records archive on public documents designated by the county clerk as part of the records archive. The monies 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.
 - **Additional Requirements:** Fee set by Commissioners' Court as part of the budget process. County Clerk designates public documents that are part of records archive and prepares plan to pay for preservation and restoration of records archive, subject to approve by the Commissioners' Court. Public hearing required. Public hearing is set for *September 9, 2019 in the Brownwood Bulletin, Page A13 under "Public Notice"*;

PLAN SUMMARY

The purpose of this document is to define the restoration and preservation plans of the County Clerk's Office for the upcoming fiscal year. The scope of work will be ongoing for many years to come to preserve documents and conduct restoration activities when necessary. Not all documents of significant interest to the County Clerk and the public have been restored and preserved. Changes to the plan must be approved by Commissioner's Court. The plan can be modified as required. 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 more Real Property Records. My plan is to have 222 Real Property books scanned and encapsulated, if needed. 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.

The overall future 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.
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.

RESPONSIBILITY

The responsibility for implementing the preservation and restoration of records maintained by the County Clerk's Office will be by the County Clerk and employees selected by her to assist. **Final decision regarding the funding and expenditures of the plan shall be made by the County Clerk with Commissioners' Court approval.**

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.

BUDGET AND EXPENDITURES

Records preservation and restoration efforts are funded by revenue generated by the Clerk's Archival Fee. Both currently and in the past the Commissioners' Court has approved that the County Clerk collect \$10 for this fee which must be paid at the time any person, excluding a state agency, presents a public document to the County Clerk for recording or filing. Funds not used in a fiscal year will carry over to the next fiscal year for expenditures as listed in the Annual Archival Plan.

ESTIMATED REVENUE FROM RECORDS ARCHIVE FEE

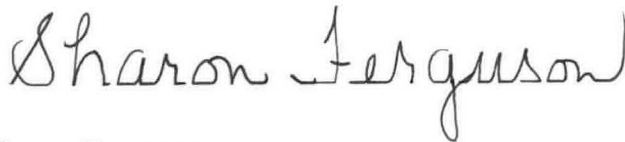
<u>Official Public Records/Land Records</u>	Approx 8,500 filings x \$10.00
Projected Revenue	Approx \$85,000.00
<u>Vital Records</u>	
Marriage Records	Approx 375 issued x \$10.00
Projected Revenue	Approx \$3,750.00

Brown County Clerk 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. Preparation will continue to prepare another group of books for restoration and encapsulation. 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. I am happy to say that is project has been completed and paid for.

County Clerk requests the Commissioners' Court approve and accept this archival plan as presented.

Respectfully submitted,



Sharon Ferguson
Brown County Clerk
Sharon.ferguson@browncountytexas.org

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 9, 2019, 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 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

Legal Notices

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 9, 2019, AT 9:00 A.M. IN THE COMMISSIONERS' COURTROOM, BROWN COUNTY COURTHOUSE, 200 SOUTH BROADWAY, BROWNWOOD, TEXAS, AT WHICH TIME THE COURT

Legal Notices

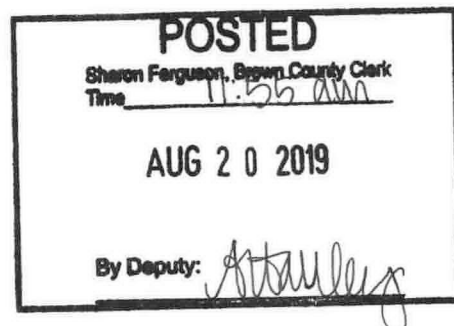
WILL CONSIDER FOR APPROVAL THE ANNUAL WRITTEN PLAN FOR FUNDING THE COUNTY CLERK'S RECORDS ARCHIVE.

August 20, 2019

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 9, 2019 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



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.

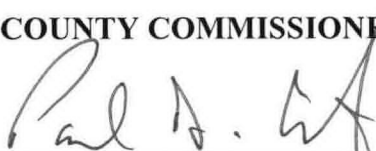
WHEREAS, with approval from the Commissioner's Court the County Clerk will collect a Records Archive Fee of \$10.00 when a non-court document is presented for recording or filing with said fee to commence January, 2014 and now this \$10.00 maximum allowable amount is a permanent figure.

WHEREAS, after Commissioners' Court approval of the County Clerk's Records Archive Plan for FY 2019-2020, and the Plan being accepted as presented;

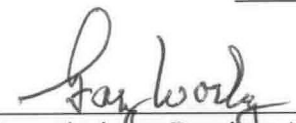
NOW THEREFORE, BE IT ORDERED by the Commissioners' Court of Brown County, pursuant to the Local Government Code, Section 118.011 (f) hereby adopts the County Clerk's Records Archival Plan. Further, the fees collected may be expended only for the preservation and restoration of County Clerk's records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

ADOPTED, this 9th day of Sept., 2019.

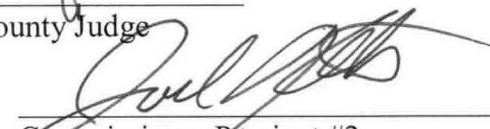
BROWN COUNTY COMMISSIONERS' COURT




Paul D. Lilly, Brown County Judge



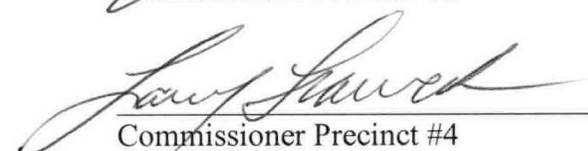
Commissioner Precinct #1



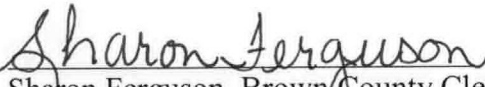
Commissioner Precinct #2



Commissioner Precinct #3



Commissioner Precinct #4

Attest:


Sharon Ferguson, Brown County Clerk