

**SHARON FERGUSON
BROWN COUNTY CLERK**



**ARCHIVE PLAN
For Preservation and Restoration
Of Archived Records
FY 2021-2022**

Prepared by Sharon Ferguson, Brown County Clerk

HEARING DATE SEPTEMBER 7, 2021

September 7, 2021
(Exhibit # 3)

September 7, 2021

The Honorable Judge Paul D. Lilly
Brown County Judge

The Honorable Gary Worley
County Commissioner Pct. 1

The Honorable Joel Kelton
County Commissioner Pct. 2

Mrs. Jennifer Robison
Brown County Auditor

The Honorable Wayne Shaw
County Commissioner Pct. 3

The Honorable Larry Traweck
County Commissioner Pct. 4

Re: PROPOSED ARCHIVAL PLAN OF BROWN COUNTY CLERK

Dear Sirs, Madam,

The proposed Archival Plan of the County Clerk follows:

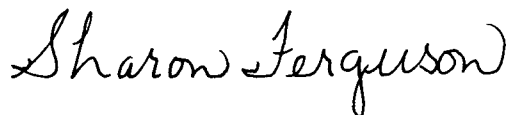
Noteworthy topics:

1. Effective September 1, 2019, the maximum allowable archive fee became permanent. It was scheduled to be reduced to a maximum \$5 fee on 09/01-2019, but SB 658 of the 86th Texas Legislature made the current \$10 maximum allowable amount a permanent figure.
2. Archival Plan, long term, includes preserving approximately 1000 Books.
(some dating back to the 1880's)
3. In previous years, it was presented to the Commissioners' Court that the Archive fee is collected in Civil and Criminal Filings, and this is not so.

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

Thank you for your time and consideration.

Respectfully submitted,



Sharon Ferguson
Brown County Clerk
325-643-2594

BROWN COUNTY CLERK'S OFFICE
ARCHIVAL PLAN FOR FY 2021-2022
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 except for 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.

SB 685, 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.

BILL SUMMARY

Most of the permanent records in the County Clerk's office are paper based. These records are used daily 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 \$256,702.05.
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 2019 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 has made 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 7, 2021, and advertised online in the Brownwood Bulletin.*
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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 approximately 287 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. Floor and storage space is a premium commodity. Historical court and county records are voluminous and continue to increase exponentially each year, especially when population growth abounds. Archived records are subject to deterioration, exacerbated by the conditions of the available record storage facilities, such as our basement. I am tasked with implementing creative solutions to overcome and remedy these challenges

VOLUME APPRECIATED

This archive projects include court records, from misdemeanor criminal cases, estate and probate cases, and all types of civil suits. Additionally, the project includes deed records, lien records, commissioners' court minutes, and marriage and death records.

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.

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 in previous years, this cannot be done in one year. I am happy to say that all 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. On March 16, 2020, Commissioners Court approved for me to begin another phase of back scanning (179 volumes) of Real Property Records, by contracting with KOFILE Technologies for \$208,984.52. I am happy to say this project has been completed and paid for. On June 8, 2021, I wrote P.O. #137536 for \$208,984.52. This March 16, 2020, project was for 20,000 estimated documents to index, however, I wanted to complete an entire book, instead of a partial book, which is an increase of 18,000 documents, so this continuation of this project will be \$49,500.00 more, which is still being completed, at this time, and has not been paid for.

Sharon Ferguson, Brown 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

August 11, 2021

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 Tuesday, September 7, 2021 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 BROWN COUNTY COMMISSIONERS COURT WILL CONDUCT A PUBLIC HEARING ON SEPTEMBER 7, 2021 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 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

Order Receipt

Brownwood Bulletin

Brownwood Bulletin
PO Box 631218
Cincinnati, OH 45263-1218
Phone: (325) 646-2541

URL: <http://www.brownwoodtx.com>

1

T'Anna McClure
Brown County Commissioners Court
200 S. Broadway #322
BROWNWOOD, TX 76801

Acct #: 00026992
Phone: (325)643-1985
Date: 08/13/2021
Ad #: 00134205
Salesperson: brwthentry Ad Taker: ISCCS1

Class: 900

Ad Notes:

Sort Line: PUBLIC NOTICE IN ACCORDANCE WI

Description	Amount
AFF Affidavit Fee \$5.00	5.00
BW1010 Brownwood Bulletin 2021-08-18	40.00
BW1020 Brownwood Bulletin Online 2021-08-18	3.00

Ad Text:

PUBLIC NOTICE
IN ACCORDANCE WITH SECTION 118.025 (g) OF THE TEXAS
LOCAL GOVERNMENT CODE, THE BROWN COUNTY
COMMISSIONERS COURT WILL CONDUCT A PUBLIC HEARING
ON SEPTEMBER 7, 2021 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 WRITTEN PLAN
FOR FUNDING THE PRESERVATION AND RESTORATION OF
THE COUNTY CLERK'S RECORDS ARCHIVE.

Payment Reference:

Total: 48.00
Tax: 0.00
Net: 48.00
Prepaid: 0.00

Total Due 48.00

Advertising Invoice

Brownwood Bulletin

Brownwood Bulletin
 PO Box 631218
 Cincinnati, OH 45263-1218
 Phone: (325) 646-2541

URL: <http://www.brownwoodtx.com>

T'Anna McClure
 Brown County Commissioners Court
 200 S. Broadway #322
 BROWNWOOD, TX 76801

Acct #: 00026992
 Phone: (325)643-1985
 Date: 08/23/2021
 Ad #: 00134205
 Salesperson: brwthentry Ad Taker: ISCCS1

Class: 900

Ad Notes:

Description	Start	Stop	Ins.	Cost/Day	Extras	Amount
PUBLIC NOTICE IN	08/18/2021	08/18/2021	2	24.00	5.00	48.00

Ad Text:

PUBLIC NOTICE
 IN ACCORDANCE WITH SECTION 118.025 (g) OF THE TEXAS
 LOCAL GOVERNMENT CODE, THE BROWN COUNTY
 COMMISSIONERS COURT WILL CONDUCT A PUBLIC HEARING
 ON SEPTEMBER 7, 2021 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 WRITTEN PLAN
 FOR FUNDING THE PRESERVATION AND RESTORATION OF
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Total: 48.00
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AFFP
PUBLIC NOTICE IN ACCORDANCE WI

T'Anna McClure
Brown County Commissioners Court
200 S. Broadway #322
BROWNWOOD, TX 76801

PUBLIC NOTICE
IN ACCORDANCE WITH SECTION 118.025 (g) OF THE TEXAS LOCAL
GOVERNMENT CODE, THE BROWN COUNTY COMMISSIONERS
COURT WILL CONDUCT A PUBLIC HEARING ON SEPTEMBER 7, 2021
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 WRITTEN PLAN FOR FUNDING THE PRESERVATION AND
RESTORATION OF THE COUNTY CLERK'S RECORDS ARCHIVE.

Affidavit of Publication

STATE OF TEXAS
COUNTY OF BROWN

I, said Legal Clerk, being duly sworn, says:

That I am the Legal Clerk of the Brownwood Bulletin, a
daily newspaper of general circulation, printed and
published in Brownwood, Brown County, Texas; that the
publication, a copy of which is attached hereto, was
published in the said newspaper on the following dates:

August 18, 2021

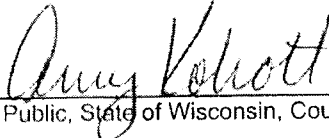
That said newspaper was regularly issued and circulated
on those dates.

SIGNED:



Legal Clerk

Subscribed to and sworn to me this 18th day of August
2021.



Notary Public, State of Wisconsin, County of Brown

My commission expires: 6/30/2025

00026991 00134205

AMY KOKOTT
Notary Public
State of Wisconsin

PUBLIC NOTICE

IN ACCORDANCE WITH SECTION 118.025 (g) OF THE TEXAS LOCAL GOVERNMENT CODE, THE BROWN COUNTY COMMISSIONERS COURT WILL CONDUCT A PUBLIC HEARING ON SEPTEMBER 7, 2021 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 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.

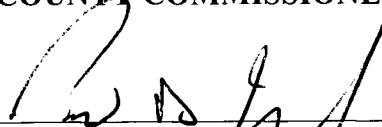
WHEREAS, with approval from the Commissioner's Court the County Clerk will collect a Records Archive Fee of \$10.00 when a non-court document is presented for recording or filing with said fee to commence January 2014 and now this \$10.00 maximum allowable amount is a permanent figure.

WHEREAS, after Commissioners' Court approval of the County Clerk's Records Archive Plan for FY 2021-2022, and the Plan being accepted as presented.

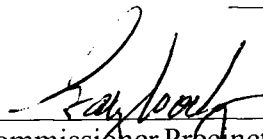
NOW THEREFORE, BE IT ORDERED by the Commissioners' Court of Brown County, pursuant to the Local Government Code, Section 118.011 (f) hereby adopts the County Clerk's Records Archival Plan. Further, the fees collected may be expended only for the preservation and restoration of County Clerk's records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

ADOPTED, this 7th day of Sept, 2021.

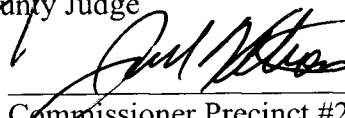
BROWN COUNTY COMMISSIONERS' COURT



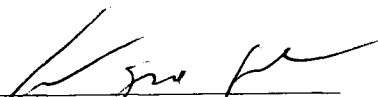
Paul D. Lilly, Brown County Judge



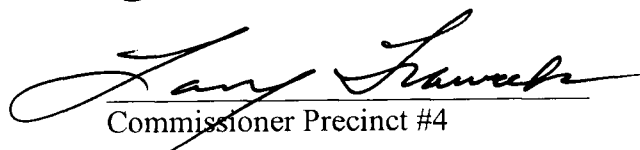
Commissioner Precinct #1




Commissioner Precinct #2



Commissioner Precinct #3



Commissioner Precinct #4

Attest:


Sharon Ferguson, Brown County Clerk

