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COUNTY CLERK

PRESERVATION AND RESTORATION RECORDS ARCHIVAL PLAN



*Navarro County Courthouse
Corsicana, Texas*

COUNTY CLERK

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EXECUTIVE SUMMARY

The County Clerks office wants to take advantage of new legislation that is designed to preserve archived records by adding an archive fee to each filed or recorded document. This fee is to be dedicated to that task. The vast majority of the permanent records in the County Clerks 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 adding an archive fee to cover the cost of microfilming the paper-based documents.

Additionally, significant space savings will be realized where documents are currently larger than legal size. During the preservation and restoration process, these documents will be reprinted to legal size paper.

INTRODUCTION

Currently, Counties adjacent to international borders have the ability to charge a records archive fee not exceed \$5.00 for the recording or filing of public documents in county clerks' offices. SB 1731 removes "adjacent to international borders" restriction and opens the fee to all Texas counties. S.B. 1731 provides for a fee not to exceed \$5.00 to be imposed for recording or filing public documents in county clerk offices in any county for the purpose of preserving, restoring, and managing county records.

County Clerks are currently authorized to collect a records management fee for maintaining and preserving current documents. In most cases, this fee is not sufficient to also preserve and restore archived records. This new legislation is designed to target archived records.

This bill authorizes the commissioner's court to adopt a records archive fee as part of the county's annual budget. If the provisions of SB 1731 are implemented, the county will experience a revenue gain. This additional revenue will be dedicated to helping county clerks focus on preserving older records.

The effective date of this Act is September 1, 2003 and expires September 1, 2008.

Effective June 17, 2005 SB 526 repeals the sunset date and lets the County Clerk designate the records, instead of it only covering recordings prior to 1/1/1990.

Texas Legislature 83rd Regular Session passed HB 1513 to increase the records management and preservation fees charged by district and county clerks to \$10.00. Fees are going into effect January 1, 2014 with a provision reverting back to the \$5.00 fee effective September 1, 2019.

In presenting my plan I am requesting the fee increase in both records' management and archive fee from \$5.00 to the \$10.00.

Texas Legislature 86th Regular Session passed SB 658 which allowed the archive fee of \$10.00 to be permanent. It was scheduled to be reduced to a maximum \$5.00 fee on 9/1/2019.

Statute

LGC § 118.011(f): The county clerk of a county shall, if the commissioner's 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 \$10.00

Texas Legislature 86th Regular Session

Effective September 1, 2019, the maximum allowable archive fee will be permanent. It was scheduled to be reduced to a maximum \$5 fee on 9/1/19, but SB 658 of the 86th TX Legislature made the current \$10 maximum allowable amount a permanent figure.

STATUTE

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.

NOTES:

The Archive Fee is separate from the \$10 Court Records Preservation Fee.

The Archive Fee is authorized under Chapter 118 LGC, Subchapter B. entitled "Fees of County Clerk Other than Court Fees"

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 \$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 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 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 approval by the Commissioners' Court. Public hearing required.

BUDGET AND EXPENDITURES

Records preservation and restoration efforts are funded by revenue generated by the Clerk's Archival Fee. The plan may be adopted by the Commissioners' Court in compliance with LGC §118.025 and is itemized as part of the County's annual budget process. The maximum allowable fee amount is established by the Texas Local Government Code §118.011(f) and requires approval by the Commissioners' Court. Both currently and in the past the Commissioners' Court has approved that the County Clerk collect \$ 10.00 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. The funds generated from the collection of this fee are 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.** Funds not used in a fiscal year will carry over to the next fiscal year for expenditures as listed in the Annual Archival Plan.

LGC § 118.025(c)

Completed projects

My 2015 plan was to digitize all my marriage license from 1849 to the present and digitize death certificated from 1903 to the present. This was a very large project with about a two-year process time. My plan for 2016-2017 is to complete this project. Kofile Preservation has scanned in all images. The next step will be the indexing of all marriage license and death certificates. This will be indexing and then a blind re-key and verification of all documents before release to our system. This also includes disaster recovery electronic off-site backup.

We are just now finishing up my 2016-2017 marriage and death certificate project.

My next project for 2017-2018 will be my DD214/Service Records. I have already begun this process with Data Preservation Solutions (DPS) with Commissioners Court approval. With the move back to the courthouse we did not have space to secure these records from the public. DD214/Service Records are not a public record. We will now have a computerized and automated in electronic format to provide copies to the veterans on request. My 2018-2019 project will go back five years with my Land Records. At this time, I have back to 1985 for the OPR records. This will include volumes 927-1042, January 1, 1980 through December 21, 1984. With backfile scanning and indexing. I will restore the Patent book. For the book reservation services they will clean, repair and deacidify all pages, new leather and buckrum binder's gold leaf lettering with county seal on cover. Pages will be placed in archival quality mylar sleeves. Includes scanning and a DVD. I will also have all 40 books of Commissioner Court minutes digitized. This will include scanning, image. Cost of all 3 projects \$173,635.00 with Data Preservation Solutions being the vendor on this project.

ARCHIVE PLAN

Fiscal Year 2024-2025

For my 2024-2025 plan I am working on 1836 to 1974 Official public records to be loaded both indexes and images into our Tyler Eagle system. This will be done upon the completion of the Historical archive project that Kofile is working on. This will be loaded by US Imaging that currently does all our indexing.

This too will be done with no-cost to the county and will safeguard the records in case of any type of loss. Again, most importantly will be space savings.

PROJECTED REVENUE

Documents subject to fees are Official Public Record, Civil, and Probate. This will be approximately \$48,000.00 per year.

Sherry Dowd
Navarro County Clerk

NOTICE OF PUBLIC HEARING

In accordance with Section 118.025 of the Texas Local Government Code, the Navarro County Commissioners Court will conduct a public hearing on Monday August 26, 2024 at 10:00 a.m. in the County Commissioners Conference Room located in the Navarro County Courthouse Basement at 300 W. Third Ave., Corsicana, Texas, to consider a plan for funding the preservation and restoration of the County Clerk's Archival Plan.

Anyone having questions concerning this hearing may contact the County Clerk's office located at the Navarro County Courthouse.