

STATE OF TEXAS

COUNTY OF TITUS

#2022-004

ORDER TO ADOPT RECORDS ARCHIVAL PLAN FY 2023

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, which commenced January, 2014, and will be collected until September, 2019; the fee will then revert to \$5.00.

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 to become permanent on September 1, 2019.

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 Titus County, pursuant to the Local Government Code, Section 118.011 (f) hereby adopts the Titus 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 8 day of August, 2022.

TITUS COUNTY COMMISSIONERS' COURT

Brian Lee
Brian Lee, County Judge

Jeff Parchman, Commissioner Pct. 1

John Fitch, Commissioner Pct. 2

Dana Applewhite, Commissioner, Pct. 3

Jimmy Parker, Commissioner Pct. 4

Attest: Joan Newman, County Clerk



Titus County Clerk's Office
Records Archival Plan for FY 2023

I. Statute

The 77th Texas Legislature passed HB 370 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.

SB 526 passed by the 79th Texas Legislature repeals the Local Government Code, Section 118.025 (a)(4) regarding 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 (September 21, 2010). The bill repealed 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 Sections 118.011 (b) and (f) of the Local Government Code 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. The increased fee is set to revert to the \$5 amounts on September 1, 2019.

SB 658 passed by the 86th Legislative Session amends Section 51.306(b) and Section 51.317(b) of the Texas Government Code to make permanent the temporary increase (HB 1513, 83rd Legislative Session) to the amount of the County Clerk's Records Archives Fee to not more than \$10.00. This permanent fee increase is effective September 1, 2019.

II. Purpose

The County Clerk's Records have been exposed to deterioration from usage and unfavorable elements in some of the storage areas. Although the office is progressive in the preservation of current records by utilizing the Records Management Fee, funding has not been sufficient to conserve all of the oldest records or to electronically preserve, restore and re-index these records that have priceless historical value. In order to preserve and enhance the integrity and reliability of the existing system for recording and preserving public documents; the County Clerk seeks to preserve existing original record books by restoration, digitizing, re-indexing these records and importing newly created images and data into the existing computer system.

III. Revenue

FY2023

Projected Revenue	\$ 47,000.00
Budgeted Expenditure	\$ 47,000.00

IV. Restoration and Preservation Projects

The goal of the County Clerk's office is to:

- Preserve 1800's and early to mid1900's record books by removing mold, de-acidifying, and placing in water-proof, fire-proof containers
- Modernize and upgrade old records systems in the office.
- Continue to add records and information to existing computer system.
- Eliminate or reduce manual look-ups and searches.
- Expedite record searching by having more records available for electronic retrieval.
- Provide more public information via the Internet.
- Preserve original records by reducing daily manual usage.

Project for FY2022

- Preserve Titus County Deed Records Volumes 53-63

Projects for future years:

- Continue to preserve old volumes of records from the 1800's and early and mid 1900's - particularly rural school record books.
- Digital re-creation, indexing and microfilming of the following records:
 - Deed Books
 - Birth and Death Record Books

V. Length of Project

Due to the enormous volume of records in the Titus County Clerk's Office, the records archival projects will be an ongoing process for many years to come.

Summary

The Legislature has provided a means to raise revenue for the records management and preservation of older county records. The records archive "user" fee is an alternative to raising taxes or spending general fund monies to accomplish these projects. This plan will be implemented in phases as money is accrued and all contract services will be done through standard purchasing procedures. Approval and implementation of the plan will insure the preservation of priceless historical records for future generations.