

FY 2017

COUNTY CLERK'S RECORDS MANAGEMENT AND PRESERVATION PLAN FOR RMF/ARCHIVE \$10.00 FEE

Pursuant to Local Government Code Sec. 118.025 "County Clerk's Records Archive" (see attached) HB1513 effective September 1, 2014 increased the fee from \$5.00 to \$10.00. The fee was assessed beginning January 1, 2015. Proposed continuation for FY2017. The fee expires September 1, 2019.

The County Clerk's office houses some of the county's historic records dating back to 1852, as well as current records. These records consist of public records which have a 'permanent retention' period and include the following:

Deed Records	1852-1982	<b>Vital Records:</b>	
Real Records	1982-May, 1998	Birth	1864-Current
Official Public Records	May, 1998-Current	Death	1902-Current
Plat Records	1945-Current	Marriage	1881-Current
Brands	1884-Current		

**Court Records:**

Commissioners' Court Records	1881- Current
Probate Records	1882-Current
Civil Records	1919-Current
Misdemeanor Criminal Records	1920-Current

County Court at Law #1 (Statutory County Court)	1980-Current
County Court at Law #2 (Statutory County Court)	2011-Current
Constitutional County Court	1919-1979

The Commissioners' Court may adopt a records archive fund as part of the county's annual budget. The fee for Records Archive is for the preservation and restoration performed by the county clerk in connection with maintaining the archives.

The fee must be paid at the time a public document is presented for recording or filing and shall be deposited in a separate account in the general fund of the county.

Funds generated from the collection of the fee under this section may be expended only for the preservation and restoration of the county clerk's records. Records designated above.

**Goal:** The County Clerk shall follow the guidelines of the Texas State Library and Archives Commission for the restoration, reproduction and archive of documents as efficiently as possible. Every effort will be made to improve public access and suspend or reduce the deterioration of public records.

**Scope:** The scope of the plan includes: All permanent records filed and/or recorded in the County Clerk's office with plans to restore and preserve records with significant historic value.

**Inventory:** The above mentioned records are under the custodial care of the County Clerk.

Continuation of Proposed Plan: Index historic deeds; index deeds of trust; mechanic's liens; releases of lien; oil and gas records; image and index historic probate records preserving the old books; image and index Deed Records Volume A-Z.

Due to the amount of records to be archived, the projects will be an ongoing process implemented with allocated funds.

Approval and implementation of the plan will insure the preservation of priceless historic records for future generations.

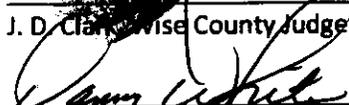
Respectfully submitted,

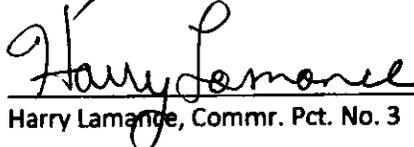


Sherry Lemon  
County Clerk, Wise County

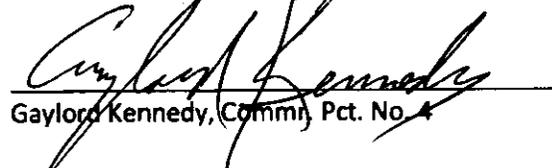
Approved by the Board of Commissioners Court of Wise County this the 12 day of September, 2016.

  
J. D. Clark, Wise County Judge

  
Danny White, Commr. Pct. No. 1

  
Harry Lamonde, Commr. Pct. No. 3

  
Kevin Burns, Commr. Pct. No. 2

  
Gaylord Kennedy, Commr. Pct. No. 4

**Subject:**

LGC 118.025 County Clerk Record Archive Fee

Sec. 118.025. COUNTY CLERK'S RECORDS ARCHIVE. (a) In this section:

(1) "Deterioration" means any naturally occurring process or a natural disaster that results in the destruction or partial destruction of a public document.

(2) "Preservation" means any process that:

(A) suspends or reduces the deterioration of public documents; or

(B) provides public access to the public documents in a manner that reduces the risk of deterioration, excluding providing public access to public documents indexed geographically.

(3) "Public document" means any instrument, document, paper, or other record that the county clerk is authorized to accept for filing or maintaining.

(4) Repealed by Acts 2005, 79th Leg., Ch. 804, Sec. 7, eff. June 17, 2005.

(5) "Restoration" means any process that permits the visual enhancement of a public document, including making the document more legible.

(b) The commissioners court of a county may adopt a records archive fee under Section 118.011(f) as part of the county's annual budget. The fee must be set and itemized in the county's budget as part of the budget preparation process. The fee for "Records Archive" under Section 118.011(f) is for the preservation and restoration services performed by the county clerk in connection with maintaining a county clerk's records archive.

(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.

(d) The fee shall be deposited in a separate records archive account in the general fund of the county. Any interest accrued remains with the account.

(e) The funds generated from the collection of a fee under this section may be expended only for the preservation and restoration of the county clerk's records archive. The county clerk shall designate the public documents that are part of the records archive for purposes of this section. The designation of public documents by the county clerk under this subsection is subject to approval by the commissioners court in a public meeting during the budget process.

(f) 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).

(g) Before collecting the fee under this section, the county clerk shall prepare an annual written plan for funding the preservation and restoration of the county clerk's records archive. The commissioners court shall publish notice of a public hearing on the plan in a newspaper of general circulation in the county not later than the 15th day before the date of the hearing. After the public hearing, the plan shall be considered for approval by the commissioners court. Funds from the records archive account may be expended only as provided by the plan. All expenditures from the records archive account shall comply with Subchapter C, Chapter 262. The hearing may be held during the budget process. After establishing the fee, the plan may be approved annually during the budget process.

(h) If a county charges a fee under this section, a notice shall be posted in a conspicuous place in the county clerk's office. The notice must state the amount of the fee in the following form: "THE COMMISSIONERS COURT OF \_\_\_\_\_ COUNTY HAS DETERMINED THAT A RECORDS ARCHIVE FEE OF \$ \_\_\_\_\_ IS NEEDED TO PRESERVE AND RESTORE COUNTY RECORDS."

(i) The fee is subject to approval by the commissioners court in a public meeting during the budget process.

(j) Repealed by Acts 2011, 82nd Leg., R.S., Ch. 330, Sec. 3, eff. June 17, 2011.

(k) Repealed by Acts 2005, 79th Leg., Ch. 804, Sec. 7, eff. June 17, 2005.

Added by Acts 2001, 77th Leg., ch. 794, Sec. 4, eff. Sept. 1, 2001. Amended by Acts 2003, 78th Leg., ch. 974, Sec. 3, eff. Sept. 1, 2003; Acts 2003, 78th Leg., ch. 1275, Sec. 3(32), eff. Sept. 1, 2003.

Amended by:

Acts 2005, 79th Leg., Ch. 804 (S.B. 526), Sec. 1, eff. June 17, 2005.

Acts 2005, 79th Leg., Ch. 804 (S.B. 526), Sec. 7, eff. June 17, 2005.

Acts 2011, 82nd Leg., R.S., Ch. 330 (H.B. 2716), Sec. 2, eff. June 17, 2011.

Acts 2011, 82nd Leg., R.S., Ch. 330 (H.B. 2716), Sec. 3, eff. June 17, 2011.