

FY2016

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"

Re: HB1513 effective September 1, 2014 (expires September 1, 2019) increased the

fee from \$5.00 to \$10.00. The fee was accessed beginning January 1, 2015. Continuation FY2016

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:

Deed Records	1852-1982
Real Records	1982-May, 1998
Official Public Records	May, 1998-Current
Commissioners' Court Records	1881-Current
Probate Records	1882-Current
Vital Records	
Birth	1864-Current
Death	1902-Current
Marriage	1881-Current
Plat Records	1945-Current

The County Clerk also serves as Clerk of the Court records for Statutory County Court at Law #1 Criminal Court (misdemeanor) 1980-current and Statutory County Court at Law #2 Civil Court 2011-current; and the archival retention of records from Constitutional County Court 1919 to December, 1979. The County Clerk also serves as Ex-officio Clerk of the Commissioners' Court. Original records and copies of records are maintained according to an applicable retention period.

The County Clerk serves as the local registrar for the county and all vital records are considered permanent.

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 are 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 following records are under the custodial care of the County Clerk: Vital Records including Birth, Death and Marriage; Real Records, Deeds, Deeds of Trust and other property and mineral records including Official Public Records; Maps and Plats; Military Discharge Records; Marks and Brands (livestock); Misdemeanor Criminal, Civil, Probate, Mental Health, and Commissioners' Court; and, miscellaneous records.

Proposed Plans: Index Historic Deeds; Index Deeds of Trust; Mechanics Liens; Releases of Lien and 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 to the Commissioners' Court of Wise County, Texas on the 14th day of September, 2015.

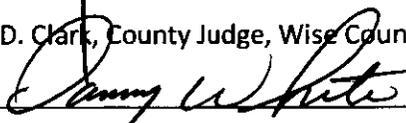


Sherry Lemon, County Clerk, Wise County, Texas

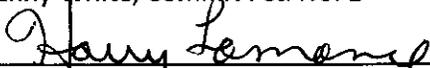
Approved by Commissioners' Court of Wise County, Texas this the 14 day of September, 2015.



J. D. Clark, County Judge, Wise County, Texas



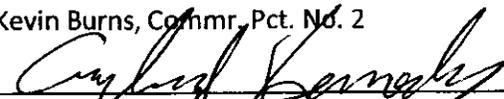
Danny White, Commr. Pct. No. 1



Harry Lamance, 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.