

**WISE COUNTY CLERK/LOCAL REGISTRAR****SHERRY LEMON**

September 24, 2014

Memo

To: All Honorable Members of the Commissioners' Court of Wise County;
County Auditor Ann McQuiston, Honorable County Treasurer Katherine Hudson;
Commissioners' Court Attorney Thomas Aaberg

From: Sherry Lemon, County Clerk, Wise County

A handwritten signature in black ink, appearing to read "Sherry", written over the printed name "Sherry Lemon".

Re: Records Management and Preservation Plan for \$10.00 RMF/ACHIVE FEE FY2015
Consent Agenda Item for Commissioners' Court, Monday, September 29, 2014

Renewal of the RMF/Archive Fee fund plan has been placed on the agenda for your consideration. The plan was approved last year by Commissioners' Court on September 16, 2013 as presented by the late County Judge Bill McElhaney; and, the plan was signed by all commissioners court members except Honorable Harry Lamance who was absent at the time.

A new law, HB1513, became effective last year on **September 1, 2013**. The law allows a fee increase from \$5.00 to \$10.00 to support records management and preservation as well as archiving of records. The specific records are detailed on page one of the plan attached hereto. A copy of last year's plan is also attached for your reference along with a copy of HB1513. The fee will remain \$10.00.

I respectfully submit for your perusal, the County Clerk's Records Management and Preservation Plan for \$10.00 RMF/Archive Fee for FY2015.

**RECORDS MANAGEMENT AND PRESERVATION PLAN
FOR \$10.00 RMF/ARCHIVE FEE FY2015**

Pursuant to Local Government Code Section 118.025 COUNTY CLERK'S RECORDS ARCHIVE HB 1513, Effective September 1, 2014 (Expires 9-1-2019) Increased the fee from \$5.00 to \$10.00 then in 2019 will revert back to \$5.00.

Fee assessed beginning January 1, 2015

The County Clerk of Wise County houses some of the county's historic records back to 1852 as well as current records. These records consist of public records all of which has permanent retention period and include:

Deed Records: 1852-1982

Real Records: 1983-May 1998

Official Public Records: May 14, 1998 to Current

Commissioners Court Records: 1881-Current

Probate Records: 1882-Current

Vital Records: (Birth 1864; Death 1902; Marriage Records 1881)

Plat Records: 1945-Current

The County Clerk also serves as the Clerk of the Court for County Criminal Court, Civil Court, Commissioners' Court and Probate Court. The Clerk's office houses the original records as well, including all contracts and agreements for the county that are passed through a Commissioners' Court Order, which have a permanent retention period.

The Clerk serves as the only local registrar for the county and also houses all vital statistic records such as birth, death and marriage records, which are also all permanent. The County Clerk serves as the Records Management Officer for the county and is responsible for the safety and upkeep of these records.

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

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

Funds generated from the collection of a fee under this section may be expended only for the preservation and restoration of the county's 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 approve by the Commissioners Court in a public meeting.

Goal of the County Clerk:

The County Clerk will follow guidelines set by the Texas State Library and Archives Commission for the restoration, reproduction and archive of all documents as efficiently as possible. Every effort will be made to suspend or reduce deterioration of public record and improve public access to these documents in a manner that reduces the risk of further deterioration.

Scope:

The scope of the plan includes:

- All permanent records filed and/or recorded with the County Clerk.
- Plans to restore and preserve records with significant historical value
- Plans to improve public and government access

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 various liens and abstracts included in Official Public Records; Maps and Plats; Marks and Brands; Military Discharge; Misdemeanor Criminal; Civil; Probate, Mental Health; Commissioners Court; and a variety of miscellaneous records.

Responsibility and Intent:

The responsibility and intent of the County Clerk is to preserve the history of Wise County while making records more accessible to the public.

Proposed Plans for use of RMF/Archive Fund:

Cost to be determined on indexing based on details of quote.

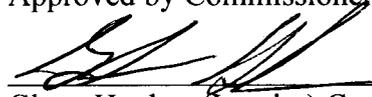
- Index Historical Deed Records
- Index Deed of Trust, Mechanics Lien, Release of Lien and Oil & Gas Records
- Image and Index the historic Probate records to preserve the old books
- Network Plat Copier and digitize the Plat records
- Image Patent Deed records Volumes A-Z

Respectfully submitted to the Commissioner's Court of Wise County, Texas on this the 29th day of September, 2014.

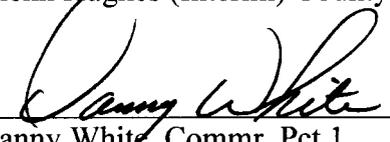
Sherry Lemon
County Clerk, Wise County



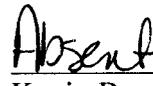
Approved by Commissioner's Court, Wise County, Texas this 29 day of September, 2014.



Glenn Hughes (Interim) County Judge, Wise County



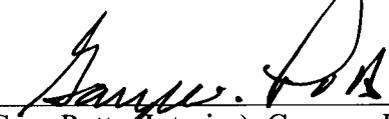
Danny White, Commr. Pct 1



Kevin Burns, Commr. Pct. 2



Harry Lamance, Commr. Pct. 3



Gary Potts (Interim), Commr. Pct. 4



**RECORDS MANAGEMENT AND PRESERVATION PLAN
For \$10.00 RMF/ARCHIVE FEE-FY 2014**

Pursuant to Loc Gov Code Section 118.025. COUNTY CLERK'S RECORDS ARCHIVE.

HB1513, Effective September 1, 2013 (expires 9-1-2019) Increased the Fee from \$5 to \$ 10 then in 2019 will revert back to \$5. Fee assessed beginning Jan.1, 2014

The County Clerk of Wise County houses some of the county's historic records back to 1852, As well as current records. These records consist of public records, all of which have a permanent Retention period, and include:

DEED RECORDS BEGIN 1852- 1982
REAL RECORDS BEGIN 1983- MAY 1998
OFFICIAL PUBLIC RECORDS BEGIN MAY 14, 1998-CURRENT
COMMISSIONERS COURT RECORDS BEGIN 1881-CURRENT
PROBATE RECORDS BEGIN 1882-CURRENT
VITAL RECORDS (BIRTH 1864, DEATH 1902,
MARRIAGE RECORDS 1881).
PLAT RECORDS BEGIN 1945-CURRENT

The County Clerk also serves as the Clerk of the Court for County Criminal Court, Civil Court, Commissioner's Court and Probate Court. The Clerk's office houses the original records as well, Including all contracts and agreements for the county that are passed through a Commissioner's Court Order, which have a permanent retention period.

The Clerk serves as the only local registrar for the county and also houses all vital statistic records, Such as birth, death, and marriage records, which are also all permanent. The County Clerk serves as the Records Management Officer for the county, and is responsible for the safety and upkeep of these records.

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

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

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.

Goal of the County Clerk:

The County Clerk will follow guidelines set by the Texas State Library and Archives Commission for the restoration, reproduction and archive of all documents as Efficiently as possible. Every effort will be made to suspend or reduce deterioration of Public records and improve public access to these documents in a manner that reduces the Risk of further deterioration.

Scope:

The scope of the plan includes:

- >All permanent records filed and/or recorded with the County Clerk
- >Plans to restore and preserve records with significant historical value
- >Plans to improve public and government access

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 various liens and abstracts including Official Public Records; Maps and Plats; Marks
And Brands; Military Discharges; Misdemeanor Criminal, Civil, Probate, Mental Health;
Commissioners' Court; and a variety of miscellaneous records.

Responsibility and Intent:

The responsibility and intent of the County Clerk is to preserve the history of
Wise County while making records more accessible to the public.

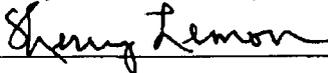
Proposed Plans for use of RMF/ARCHIVE Fund:

Cost to be determined on indexing based on details of quote.

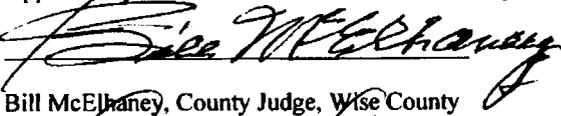
- * Index Historical Deed records .
- * Index Deed of Trust, Mechanics Lien, Release of Lien and Oil and Gas records
- * Image and Index the Historical Probate records to preserve the old books.
- * Network Plat copier and digitize the Plat records.
- * Image Patent Deed records Volumes A-Z.

Respectfully submitted to the Commissioner's Court of Wise County, Texas on this the 16th day of
September, 2013

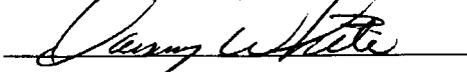
Sherry Lemon
County Clerk, Wise County, Texas



Approved by Commissioner's Court, Wise County, Texas this day of 16th September, 2013.



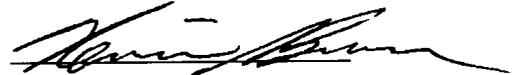
Bill McElhane, County Judge, Wise County



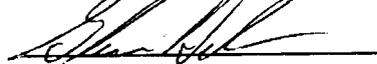
Danny White, Commr. Pct.1

ABSENT

Harry Lamance Commr. Pct.3



Kevin Burns Commr. Pct.2



Glenn Hughes Commr. Pct.4
(interim)

H.B. No. 1513

AN ACT

relating to temporary increases in the records archive fees and the records management and preservation fees charged by district and county clerks.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

ARTICLE 1. FEES EFFECTIVE SEPTEMBER 1, 2013

SECTION 1.01. Section 51.305(b), Government Code, is amended to read as follows:

(b) The commissioners court of a county may adopt a district court records archive fee of not more than \$10 [~~\$5~~] for the filing of a suit, including an appeal from an inferior court, or a cross-action, counterclaim, intervention, contempt action, motion for new trial, or third-party petition, in a district court in the county 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 and must be approved in a public meeting. The fee is for preservation and restoration services performed in connection with maintaining a district court records archive.

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(1) except as provided by Subsection (b-1), for filing a suit, including an appeal from an inferior court, \$50;

(2) for filing a cross-action, counterclaim, intervention, contempt action, motion for new trial, or third-party petition, \$15;

(3) for issuing a citation or other writ or process not otherwise provided for, including one copy, when requested at the time a suit or action is filed, \$8;

(4) for records management and preservation, \$10; and

(5) in addition to the other fees imposed under this section, for filing a suit, including an appeal from an inferior court, or a cross-action, counterclaim, intervention, contempt action, motion for new trial, or third-party petition, the amount adopted by the county commissioners court, not to exceed \$10 [~~\$5~~], for court records archiving.

SECTION 1.03. Section 101.0611, Government Code, is amended to read as follows:

Sec. 101.0611. DISTRICT COURT FEES AND COSTS: GOVERNMENT CODE. The clerk of a district court shall collect fees and costs under the Government Code as follows:

(1) appellate judicial system filing fees for:

(A) First or Fourteenth Court of Appeals District

(C) Third Court of Appeals District (Sec. 22.2041, Government Code) . . . \$5;

(D) Fourth Court of Appeals District (Sec. 22.2051, Government Code) . . . not more than \$5;

(E) Fifth Court of Appeals District (Sec. 22.2061, Government Code) . . . not more than \$5;

(E-1) Sixth Court of Appeals District (Sec. 22.2071, Government Code) . . . \$5;

(E-2) Seventh Court of Appeals District (Sec. 22.2081, Government Code) . . . \$5;

(F) Ninth Court of Appeals District (Sec. 22.2101, Government Code) . . . \$5;

(G) Eleventh Court of Appeals District (Sec. 22.2121, Government Code) . . . \$5;

(G-1) Twelfth Court of Appeals District (Sec. 22.2131, Government Code) . . . \$5; and

(H) Thirteenth Court of Appeals District (Sec. 22.2141, Government Code) . . . not more than \$5;

(2) when administering a case for the Rockwall County Court at Law (Sec. 25.2012, Government Code) . . . civil fees and court costs as if the case had been filed in district court;

(3) additional filing fees:

(B) to fund the improvement of Dallas County civil court facilities, if authorized by the county commissioners court (Sec. 51.705, Government Code) . . . not more than \$15;

(B-1) to fund the improvement of Bexar County court facilities, if authorized by the county commissioners court (Sec. 51.706, Government Code) . . . not more than \$15;

(C) to fund the improvement of Hays County court facilities, if authorized by the county commissioners court (Sec. 51.707, Government Code) . . . not more than \$15; and

(D) to fund the preservation of court records (Sec. 51.708, Government Code) . . . not more than \$10;

(4) for filing a suit, including an appeal from an inferior court:

(A) for a suit with 10 or fewer plaintiffs (Sec. 51.317, Government Code) . . . \$50;

(B) for a suit with at least 11 but not more than 25 plaintiffs (Sec. 51.317, Government Code) . . . \$75;

(C) for a suit with at least 26 but not more than 100 plaintiffs (Sec. 51.317, Government Code) . . . \$100;

(D) for a suit with at least 101 but not more than 500 plaintiffs (Sec. 51.317, Government Code) . . . \$125;

(E) for a suit with at least 501 but not more than

(5) for filing a cross-action, counterclaim, intervention, contempt action, motion for new trial, or third-party petition (Sec. 51.317, Government Code) . . . \$15;

(6) for issuing a citation or other writ or process not otherwise provided for, including one copy, when requested at the time a suit or action is filed (Sec. 51.317, Government Code) . . . \$8;

(7) for records management and preservation (Sec. 51.317, Government Code) . . . \$10;

(7-a) for district court records archiving, if adopted by the county commissioners court (Sec. 51.317(b)(5), Government Code) . . . not more than \$10 [~~\$5~~];

(8) for issuing a subpoena, including one copy (Sec. 51.318, Government Code) . . . \$8;

(9) for issuing a citation, commission for deposition, writ of execution, order of sale, writ of execution and order of sale, writ of injunction, writ of garnishment, writ of attachment, or writ of sequestration not provided for in Section 51.317, or any other writ or process not otherwise provided for, including one copy if required by law (Sec. 51.318, Government Code) . . . \$8;

(10) for searching files or records to locate a cause when the docket number is not provided (Sec. 51.318, Government

(Sec. 51.318, Government Code) . . . \$5;

(12) for abstracting a judgment (Sec. 51.318, Government Code) . . . \$8;

(13) for approving a bond (Sec. 51.318, Government Code) . . . \$4;

(14) for a certified copy of a record, judgment, order, pleading, or paper on file or of record in the district clerk's office, including certificate and seal, for each page or part of a page (Sec. 51.318, Government Code) . . . not to exceed \$1;

(15) for a noncertified copy, for each page or part of a page (Sec. 51.318, Government Code) . . . not to exceed \$1;

(16) fee for performing a service:

(A) related to the matter of the estate of a deceased person (Sec. 51.319, Government Code) . . . the same fee allowed the county clerk for those services;

(B) related to the matter of a minor (Sec. 51.319, Government Code) . . . the same fee allowed the county clerk for the service;

(C) of serving process by certified or registered mail (Sec. 51.319, Government Code) . . . the same fee a sheriff or constable is authorized to charge for the service under Section 119 131, Local Government Code; and

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(17) jury fee (Sec. 51.604, Government Code) . . . \$30;

(18) additional filing fee for family protection on filing a suit for dissolution of a marriage under Chapter 6, Family Code (Sec. 51.961, Government Code) . . . not to exceed \$15;

(19) at a hearing held by an associate judge in Dallas County, a court cost to preserve the record, in the absence of a court reporter, by other means (Sec. 54.509, Government Code) . . . as assessed by the referring court or associate judge; and

(20) at a hearing held by an associate judge in Duval County, a court cost to preserve the record (Sec. 54.1151, Government Code) . . . as imposed by the referring court or associate judge.

SECTION 1.04. Sections 118.011(b) and (f), Local Government Code, are amended to read as follows:

(b) The county clerk may set and collect the following fee from any person:

(1) Returned Check (Sec. 118.0215) not less than \$15 or more than \$30

(2) Records Management and Preservation Fee (Sec. 118.0216) not more than \$10 [~~\$5~~]

(3) Mental Health Background Check for License to Carry a Concealed Weapon (Sec. 118.0217) not more than \$2

Records Archive Fee (Sec. 118.025) not more than \$10 [~~\$5~~]

SECTION 1.05. The changes in law made by this article apply only to a fee that becomes payable on or after September 1, 2013. A fee that becomes payable before September 1, 2013, is governed by the law in effect when the fee became payable, and the former law is continued in effect for that purpose.

SECTION 1.06. This article takes effect September 1, 2013.

ARTICLE 2. FEES EFFECTIVE SEPTEMBER 1, 2019

SECTION 2.01. Section 51.305(b), Government Code, is amended to read as follows:

(b) The commissioners court of a county may adopt a district court records archive fee of not more than \$5 for the filing of a suit, including an appeal from an inferior court, or a cross-action, counterclaim, intervention, contempt action, motion for new trial, or third-party petition, in a district court in the county 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 and must be approved in a public meeting. The fee is for preservation and restoration services performed in connection with maintaining a district court records archive.

SECTION 2.02. Section 51.317(b), Government Code, is amended

suit, including an appeal from an inferior court, \$50;

(2) for filing a cross-action, counterclaim, intervention, contempt action, motion for new trial, or third-party petition, \$15;

(3) for issuing a citation or other writ or process not otherwise provided for, including one copy, when requested at the time a suit or action is filed, \$8;

(4) for records management and preservation, \$10; and

(5) in addition to the other fees imposed under this section, for filing a suit, including an appeal from an inferior court, or a cross-action, counterclaim, intervention, contempt action, motion for new trial, or third-party petition, the amount adopted by the county commissioners court, not to exceed \$5, for court records archiving.

SECTION 2.03. Section 101.0611, Government Code, is amended to read as follows:

Sec. 101.0611. DISTRICT COURT FEES AND COSTS: GOVERNMENT CODE. The clerk of a district court shall collect fees and costs under the Government Code as follows:

(1) appellate judicial system filing fees for:

(A) First or Fourteenth Court of Appeals District
(Sec. 22.2021, Government Code) not more than \$5;

Government Code) . . . \$5;

(D) Fourth Court of Appeals District (Sec. 22.2051, Government Code) . . . not more than \$5;

(E) Fifth Court of Appeals District (Sec. 22.2061, Government Code) . . . not more than \$5;

(E-1) Sixth Court of Appeals District (Sec. 22.2071, Government Code) . . . \$5;

(E-2) Seventh Court of Appeals District (Sec. 22.2081, Government Code) . . . \$5;

(F) Ninth Court of Appeals District (Sec. 22.2101, Government Code) . . . \$5;

(G) Eleventh Court of Appeals District (Sec. 22.2121, Government Code) . . . \$5;

(G-1) Twelfth Court of Appeals District (Sec. 22.2131, Government Code) . . . \$5; and

(H) Thirteenth Court of Appeals District (Sec. 22.2141, Government Code) . . . not more than \$5;

(2) when administering a case for the Rockwall County Court at Law (Sec. 25.2012, Government Code) . . . civil fees and court costs as if the case had been filed in district court;

(3) additional filing fees:

(A) for each suit filed for insurance contingency

court facilities, if authorized by the county commissioners court (Sec. 51.705, Government Code) . . . not more than \$15;

(B-1) to fund the improvement of Bexar County court facilities, if authorized by the county commissioners court (Sec. 51.706, Government Code) . . . not more than \$15;

(C) to fund the improvement of Hays County court facilities, if authorized by the county commissioners court (Sec. 51.707, Government Code) . . . not more than \$15; and

(D) to fund the preservation of court records (Sec. 51.708, Government Code) . . . not more than \$10;

(4) for filing a suit, including an appeal from an inferior court:

(A) for a suit with 10 or fewer plaintiffs (Sec. 51.317, Government Code) . . . \$50;

(B) for a suit with at least 11 but not more than 25 plaintiffs (Sec. 51.317, Government Code) . . . \$75;

(C) for a suit with at least 26 but not more than 100 plaintiffs (Sec. 51.317, Government Code) . . . \$100;

(D) for a suit with at least 101 but not more than 500 plaintiffs (Sec. 51.317, Government Code) . . . \$125;

(E) for a suit with at least 501 but not more than 1,000 plaintiffs (Sec. 51.317, Government Code) . . . \$150; or

intervention, contempt action, motion for new trial, or third-party petition (Sec. 51.317, Government Code) . . . \$15;

(6) for issuing a citation or other writ or process not otherwise provided for, including one copy, when requested at the time a suit or action is filed (Sec. 51.317, Government Code) . . . \$8;

(7) for records management and preservation (Sec. 51.317, Government Code) . . . \$10;

(7-a) for district court records archiving, if adopted by the county commissioners court (Sec. 51.317(b)(5), Government Code) . . . not more than \$5;

(8) for issuing a subpoena, including one copy (Sec. 51.318, Government Code) . . . \$8;

(9) for issuing a citation, commission for deposition, writ of execution, order of sale, writ of execution and order of sale, writ of injunction, writ of garnishment, writ of attachment, or writ of sequestration not provided for in Section 51.317, or any other writ or process not otherwise provided for, including one copy if required by law (Sec. 51.318, Government Code) . . . \$8;

(10) for searching files or records to locate a cause when the docket number is not provided (Sec. 51.318, Government Code) . . . \$5.

(12) for abstracting a judgment (Sec. 51.318, Government Code) . . . \$8;

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(A) related to the matter of the estate of a deceased person (Sec. 51.319, Government Code) . . . the same fee allowed the county clerk for those services;

(B) related to the matter of a minor (Sec. 51.319, Government Code) . . . the same fee allowed the county clerk for the service;

(C) of serving process by certified or registered mail (Sec. 51.319, Government Code) . . . the same fee a sheriff or constable is authorized to charge for the service under Section 118.131, Local Government Code; and

(D) prescribed or authorized by law but for which

(18) additional filing fee for family protection on filing a suit for dissolution of a marriage under Chapter 6, Family Code (Sec. 51.961, Government Code) . . . not to exceed \$15;

(19) at a hearing held by an associate judge in Dallas County, a court cost to preserve the record, in the absence of a court reporter, by other means (Sec. 54.509, Government Code) . . . as assessed by the referring court or associate judge; and

(20) at a hearing held by an associate judge in Duval County, a court cost to preserve the record (Sec. 54.1151, Government Code) . . . as imposed by the referring court or associate judge.

SECTION 2.04. Sections 118.011(b) and (f), Local Government Code, are amended to read as follows:

(b) The county clerk may set and collect the following fee from any person:

(1) Returned Check (Sec. 118.0215)not less than \$15 or more than \$30

(2) Records Management and Preservation Fee (Sec. 118.0216) not more than \$5

(3) Mental Health Background Check for License to Carry a Concealed Weapon (Sec. 118.0217) not more than \$2

(f) The county clerk of a county shall, if the commissioners

than \$5

SECTION 2.05. The changes in law made by this article apply only to a fee that becomes payable on or after September 1, 2019. A fee that becomes payable before September 1, 2019, is governed by the law in effect when the fee became payable, and the former law is continued in effect for that purpose.

SECTION 2.06. This article takes effect September 1, 2019.

ARTICLE 3. CONFLICT WITH OTHER LEGISLATION

SECTION 3.01. To the extent of any conflict, this Act prevails over another Act of the 83rd Legislature, Regular Session, 2013, relating to nonsubstantive additions to and corrections in enacted codes.

H.B. No. 1513

President of the Senate

Speaker of the House

I certify that H.B. No. 1513 was passed by the House on April 12, 2013, by the following vote: Yeas 131, Nays 3, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 1513 on May 23, 2013, by the following vote: Yeas 143, Nays 1, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 1513 was passed by the Senate, with amendments, on May 21, 2013, by the following vote: Yeas 27, Nays 3.

Secretary of the Senate

APPROVED: _____

Date

Governor