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TERRI ROSS
COUNTY CLERK
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UPSHUR COUNTY, TX.
BY [Signature]
DEPUTY

UPSHUR COUNTY CLERK

FY 2019

**PLAN FOR CONTINUATION OF FUNDING THE PRESERVATION AND RESTORATION
OF THE COUNTY CLERK'S RECORDS ARCHIVE**

PURPOSE:

The purpose of this plan is to set forth in writing the County Clerk's annual updated plan for the preservation and restoration of the County Clerk's archives. The plan is designed to comply specifically with the requirements and the intent of Texas Local Government Code Section 118.011 and 118.025.

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 \$10.00 to be collected at the time of filing or recording of any public record with the exception of documents filed by the State. The Upshur County Clerk has been collecting this fee.

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. The bill repeals the Local Government Code, Section 118.011(g), and Section 118.025(k), relating to the expiration date of September 1, 2008.

HB 1513 passed by the 83rd Legislative Session amends Section 118.011(b) and (f) of the Local Government Code to increase the amount of the County Clerk's Record 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 "not more than \$5.00" amount on September 1, 2019.

General Provisions: The fee for "Records Management and Preservation" under Section 118.011 is for the records management and preservation services performed by the County Clerk after the filing and recording of a document in the records of the office of the Clerk. (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) All expenditures from the records management and preservation account shall comply with Subchapter C, Chapter 262.

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. (d) The fee shall be deposited in a separate records archive account in the general fund of the County. (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. (g) The County Clerk shall prepare an annual written plan for funding the preservation and restoration of the County Clerk's records archive. All expenditures from the records archive account shall comply with Subchapter C, Chapter 262.

RESTORATION AND PRESERVATION PROJECTS:

The goal of the County Clerk's office is to digitize all official public records, modernize and upgrade old records systems in the office, continue and add records and information to existing computer system, eliminate record searching by having more records available for electronic retrieval, and provide more public information via the internet.

The County Clerk's office has approximately 333 Deed Record books, 100 Oil and Gas Record books, and 160 Deed of Trust Record books in paper form that need to be scanned, indexed and loaded into the software making it available for resale to the public via the internet. This project will be completed in different phases. The first phase of the project will include the imaging and indexing of approximately 333 volumes of the Deed Records. This phase will be paid for with the funds that have accumulated over the years at no additional cost to the county.

All of these phases will be paid for directly from the Records Archive funds collected by the County Clerk's office with no burden on the county budget. In addition to preserving the documents, the images will be added to our land records software making it easily accessible to the public.

Revenue collected and not expended in this fiscal year will be carried forward and used toward the next phase of this project.


SUMMARY:

Funds from these dedicated fees have not only allowed the County Clerk's office to restore and preserve deteriorated books and documents, but also to prevent further deterioration. Funds have allowed digital scanning of "Official Public Records", indexes, brands, bonds, surveys, vital statistics, and all court documents filed, including maintenance and upgrades to scanners, computer software, public computer terminals and hardware.

The County Clerk proposes that the Upshur County Commissioners Court continue the \$10.00 fee collected upon filing public documents in the County Clerk's office to continue our task of restoring and preserving historical documents and to provide online public access and to use scanning, digitizing, microfilming, photocopying and photo static reproduction techniques to preserve and restore the records archive.

Adopted by the Commissioners Court of Upshur County, Texas on this the 14 day of SEPTEMBER, 2018.


Dean Fowler, Upshur County Judge



Paula Gentry, Commissioner Pct. #1



Don Gross, Commissioner Pct. #2


Frank Berka, Commissioner Pct. #3


Mike Spencer, Commissioner Pct. #4

Attest:


Terri Ross
Upshur County Clerk

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