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COUNTY CLERK  
2023 SEP 15 PM 12:32  
UPSHUR COUNTY, TX.  
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DEPUTY

UPSHUR COUNTY CLERK

FY 2024

## 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 77<sup>th</sup> 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 78<sup>th</sup> 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 79<sup>th</sup> 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 83<sup>rd</sup> 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. Effective September 1, 2019, the maximum allowable archive fee will be

permanent. It was scheduled to be reduced to a maximum \$5.00 fee on September 1, 2019, but SB 658 of the 86<sup>th</sup> Texas Legislature made the current \$10.00 maximum allowable amount a permanent figure.

**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 completed a project of digitizing and indexing approximately 333 Deed Record books and these records have been downloaded into our computer software. In addition to preserving the documents, the images are also easily accessible to the public. The project was completed in 2017 and paid for directly from the Records Archive funds collected by the County Clerk's office with no burden on the county budget.

The County Clerk's office has also been able to digitize and index all plat records and downloaded into our computer software. Again, this not only preserves the documents but also provides easy access to the public. This project was also paid for directly from these funds at no cost to the county.

This past year we completed digitizing and indexing the Oil and Gas Records. These records are now available for access on our website. Again, this project was paid for directly from these funds at no cost to the county.

The County Clerk's office has completed Phase 1 of a 4 year project with Kofile to scan our Deed of Trust Records and Mechanic's Lien Records. This Phase consisted of 13,006 total documents and 44,159 images from Volumes 1-62 of the Deed of Trust Records. These images and indexing will be uploaded in the near future and will be available for viewing on our website.

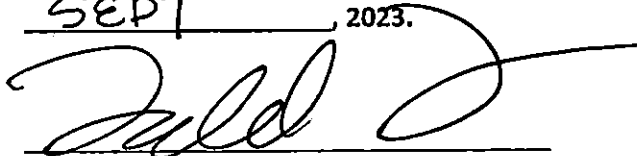
## **SUMMARY:**

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 15 day of SEPT, 2023.



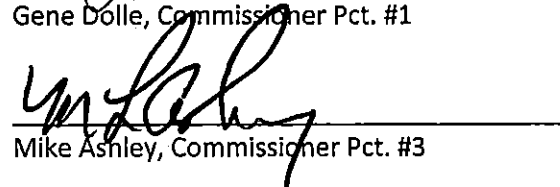
Todd Tefteller, Upshur County Judge



Gene Dolle, Commissioner Pct. #1



Dustin Nicholson, Commissioner Pct. #2

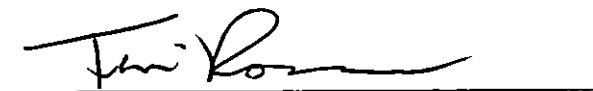


Mike Ashley, Commissioner Pct. #3



Jay W. Miller, Commissioner Pct. #4

Attest:



Terri Ross  
Upshur County Clerk