

August 29, 2018

To -
Gene Jones
8-30-18

LAMB County Commissioners Court

RE: County Clerk Archive and Records Management Fee Plan

Dear Sirs:

As per instructions of Section 118.025 LGC, County Clerk's Records Archive, I have prepared a written plan for funding the preservation and restoration of the County Clerk's Record Archives. The 2018 Plan will be placed on the agenda for consideration by the LAMB County Commissioner's Court. A notice of public hearing on the plan was published. After the public hearing, the plan shall be considered for approval by the Commissioners' Court Section 118.025 (i) LGC.

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 record archive. The County Clerk shall designate the public documents that are part of the records archive for purposes of this section.

The expenditure of these funds is determined by the amount taken in by this office and projects will be undertaken only when funds are available. The County Clerk will provide the Commissioner's Court with the written quotes and will adhere and comply with Subchapter C, Chapter 262, LGC

Thank you for your support.

Sincerely,



Tonya Ritchie
LAMB County Clerk

Laws

Record Management LGC §118.0216

Sec. 118.0216 RECORDS MANAGEMENT AND PRESERVATION. – Each document Filed \$10.00 (a) 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.

**HB 1513 – Effective September 1, 2013 (expires 9-1-2019)
Increased the fee from \$5 to \$10 then in 2019 will revert back to \$5.**

Records Archive LGC §118.025

Sec 118.025 Each document filed \$10.00 (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. (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.

**HB 1513 – Effective September 1, 2013 (expires 9-1-2019)
Increased the fee from \$5 to \$10 then in 2019 will revert back to \$5.**

Records Management and Preservation Plan

The overall goal and vision of the County Clerk's office is to:

- Modernize and upgrade old record systems in the office.
- Continue to add records and information to our existing computer system.
- Eliminate or reduce manual lookups and searches.
- Expedite record searching by having more records available for electronic retrieval.
- Preserving original records by reducing daily usage.

COUNTY COURT RECORDS ARCHIVE/MANAGEMENT & PRESERVATION FUND

I. Background (Statutory History)

The 81st Texas Legislature passed SB 1685 that authorized the commissioner's court to adopt a County court records Archive fee of not more than \$5 for the filing of a suite, including an appeal from an inferior court, or a cross-action, counterclaim, intervention, contempt of action, motion for new trial, or third-party petition in a County court in the county. The 83rd Texas Legislature passed HB 1513 that increased the amount to not more than \$10 until September 1, 2019, thereafter the fee is dropped down to no more than \$5.

II. Bill Summary

***Begins** on the approval of County of Lamb 2009-2010 Annual Budget. The fee must be set and itemized in the county's budget as part of the budget preparation process every year.

***Termination:** This fee may be collected until the County court records archive preservation and restoration project is complete.

*The fee is assessed on the filing of a suit, including an appeal from an inferior court, a cross-action, counterclaim, intervention, contempt action, motion for new trial or third-party petition

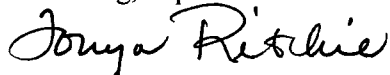
*The fee may only be used to maintain court documents from deterioration and to provide preservation and restoration to older documents – in accordance with this plan.

III. Purpose

The purpose of this fee is to off-set the expense in maintaining the older documents filed in the County Clerk's Office. The clerk's office will be imaging the older records to help preserve them. We plan on using the current imaging system to add these older records to our system. This will help preserve older records and enable record searches to be available for electronic retrieval.

Summary

The Legislature has provided a means to raise revenue for the records management and preservation of older county records. This fee is an alternative to spending general fund monies to accomplish these projects. This plan will be implemented in phases as money is accrued and deposited into a special revenue account. Any outsourcing and purchase of equipment will be done through standard purchasing processes. Approval will prevent the potential hazard and "disaster in waiting" as years and years of vital statistics are crumbling, unprotected and adequately preserved.



Tonya Ritchie, Lamb County Clerk

Jo Gina Jones
8-30-18

Purpose: To provide insurance or similar coverage for county clerk's errors and omissions in an amount of at least \$10,000 but not to exceed \$500,000. The amount of coverage required within the statutory range is determined by reviewing the maximum amount of fees collected in any year during the term of office preceding the term for which the insurance is obtained.

Limitation: When the contingency fund reaches the required amount, the clerk shall stop collecting the additional fee.

2. County and District Court Technology Fund

Statute: Code Crim. Proc. §102.0169

Ancillary funding statutes:
Gov't Code §102.041(4) (District Court); Gov't Code §102.061(4) (Statutory County Court); Gov't Code §102.081(4) (County Court)

Source: Fee assessed against those convicted of a criminal offense in a county court, statutory county court, or district court - \$4.

Controlled by: Commissioners Court

Purposes: To pay the cost of continuing education and training for county court, statutory county court, or district court judges and clerks regarding technological enhancements; purchase and maintenance of technological enhancements including: computer systems, networks, hardware and software; imaging systems; electronic kiosks; and docket management systems.

3. County Clerk Records Archive Account

Statutes: Local Gov't Code §§118.011(f), 118.025

Source: Fees paid for recording or filing services, set by the commissioners court, not to exceed \$10. Optional, set by the commissioners court. Accrued interest remains with this account.

*To
Sena Jones
8-30-18*

THE COMMISSIONERS
COURT OF LAMB COUNTY
HAS DETERMINED THAT A
RECORDS ARCHIVE FEE OF
\$10.00 IS NEEDED TO
PRESERVE AND RESTORE
COUNTY RECORDS

§ 118.024

LOCAL GOVERNMENT CODE

to in this subchapter. A person is entitled to read, examine, and copy from those documents or from any microfilm or other photographic image of the documents.

(b) A person may exercise the right provided by this section without paying any charge under the reasonable rules of the county clerk at all reasonable times during the hours in which the clerk's office is open to the public.

Acts 1987, 70th Leg., ch. 149, § 1, eff. Sept. 1, 1987.

§ 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, § 7.

(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 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 no 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, 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." *Sign made 8-27-18*

(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., ch. 330 (H. 2716), § 3.

(k) Repealed by Acts 2005, 79th Leg., ch. 804, § 7. Added by Acts 2001, 77th Leg., ch. 794, § 4, eff. Sept. 1, 2001. Amended by Acts 2003, 78th Leg., ch. 974, § 3, Sept. 1, 2003; Acts 2003, 78th Leg., ch. 1275, § 3(32), Sept. 1, 2003; Acts 2005, 79th Leg., ch. 804, §§ 1, 7, eff. June 17, 2005. Amended by Acts 2011, 82nd Leg., ch. 330 (H. 2716), §§ 2, 3, eff. June 17, 2011.

§ 118.026. F

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(b) The fee r... under Sec... 118.025.

(c) The fee sh... technology and... of the cou... of the account

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added by Acts 2011... 1, 2015.

SUBCHAP... 01

118.051. Cleri

Except as prov... ed in this subch... der Section 11... kets under Sec... duties perform... ding:

(1) filing, regis... taxing costs for :... tion, return, docu...

(2) issuing and... notice, subpoena... execution while th... garnishment befo... writ, process, or...

required to be iss... must be recorded;

(3) attendances

(4) impaneling a

(5) swearing wit