

District Court Records Technology/Archive Fund

I. Background (Statutory History)

The 81st Texas Legislature passed SB 1685 that authorized the commissioner's court to 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 of action, motion for new trial, or third-party petition in a district 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.

SB 658, Effective September 1, 2019, repealed the sunset provision on district clerk archive fee and district and county clerk records management and preservation fees to keep them at \$10 (were scheduled to revert back to \$5 on 9/1/19)

II. Bill Summary

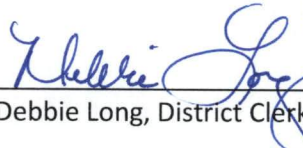
- **Begins** on the approval of County of Lamb 2020-2021 Annual Budget. The fee must be set and itemized in the county's budget as part of the budget preparation process every year.
- **Termination:** This fee may be collected until the district court records archive preservation and restoration project 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 District 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.


Debbie Long, District Clerk



LAMB COUNTY
COUNTY CLERK
Records Archive Fee
Plan Year: 2020-2021

Background (Statutory History)

- Records Archive Fee – Per Local Government Code: Section 118.011(f)(1), the county clerk of a county shall, if the commissioners court of the county adopts the fee as part of the county's annual budget, collect the fee from any person filing a document. The fee cannot exceed \$10. Local Government Code: Section 118.025 describes the scope of the County Clerk's Records Archive Fee.

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.

Controlled by: County Clerk and Commissioners Court, by agreement, subject to annual public hearing and commissioners court budgetary authorization.

Purposes: Monies may be expended only for the preservation and restoration services performed by the county clerk in connection with maintaining a county clerk's records archive on public documents designated by the county clerk as part of the records archive. The monies 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.

Additional Requirements: Fee set by commissioners court as part of budget process. County clerk designates public documents that are part of records archive and prepares plan to pay for preservation and restoration of records archive, subject to approval by the commissioners court. Public hearing required.

- *Effective September 1, 2019, the maximum allowable archive fee will be permanent. It was scheduled to be reduced to a maximum \$5 fee on 9/1/19, but SB 658 of the 86th TX Legislature made the current \$10 maximum allowable amount a permanent figure.*

Bill Overview

- **Began** on the **2011** Annual Budget. The fee must be set and itemized in the County's budget as part of the budget preparation process annually.
- The \$10.00 fees are assessed on any instrument, document, paper or other record that the County Clerk is authorized to accept for filing or recording (deeds or official public records, assumed names, marriage licenses, civil, probate case filings).
- Changes to the plan must be approved by Commissioners' Court.

Purpose

- Official Lamb County records are computerized and automated in electronic format back to **2005** for some records. The County Clerk's office is progressive in the preservation of current records, utilizing the original Records Management Fee, as well as the Records Archive Fee in order to preserve and enhance the integrity of the existing system for recording and preserving public documents; the County Clerk seeks to preserve existing original records by restoring or re-creating old volumes, re-indexing old handwritten and typed index books and converting all older media into electronic format and importing this newly created data into the existing computer system.

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.
- Provide public information to the citizens of the County via the Internet.
- Continue to eliminate the need for paper records.
- Preserving original records by reducing daily usage.

Length of Project

The restoration and archiving of records is an ongoing project and the length of completion is unknown.

Additional Provision

Any other project that may arise concerning the restoration, preservation or archival of records in the Lamb County Clerk records during the **2021** budget year.

Summary

The Legislature has provided a means to raise revenue for the records management and preservation of county property and vital records. This "user" fee is an alternative to raising taxes or 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 accounts. Any outsourcing and purchase of equipment will be done through standard purchasing processes. Approval of this plan will prevent the potential hazard and "disaster in waiting" as years and years of vital county property records remain unprotected and not adequately preserved.

Projects Pending

<u>Record Type</u>	<u>Description</u>	<u>Project Start Date</u>	<u>Completion Date</u>	<u>Cost</u>
Index Books- OPR – 10 years, 1995 to 2005	Images and Indexed, estimated 99,760 pages and 22,169 documents	Project has begun, documents have been sent and scanned at Kofile in Dallas	Unknown, Kofile is indexing the 10 years now	Ongoing

Brya Ritchie - County Clerk

