

**AGENDA ITEM 23**

Discuss and adopt Records Archive Fee for 2003/2004 budget year.

Moved: **Judge Doerfler**

Seconded: **Commissioner Heiligenstein**

Motion: To adopt the Record Archive Fee of \$5.00 for the 2003/2004 budget year for the recording and filing of public documents in the County Clerk's office effective October 1, 2003.

Vote: **5 - 0**

< Attachment >

## **Proposed Fee Increase**

For Preservation and Restoration  
Of Archived Records

Presented By

Nancy E. Rister, County Clerk

August, 2003

## Executive Summary

The County Clerks office wants to take advantage of new legislation that is designed to preserve archived records by adding an archive fee to each filed or recorded document. This fee is to be dedicated to that task. The vast majority of the permanent records in the County Clerks office are paper based. These records are used on a daily basis by the public and are vulnerable to loss by theft and wear and tear.

With no cost to the County, these records can be preserved by adding an archive fee to cover the cost of scanning the paper based documents and preserving the handwritten ones by encapsulation. In addition, to preserving the documents, the images can be added to our existing imaging system and improve customer service.

## Introduction

Currently, Counties adjacent to international borders have the ability to charge a records archive fee not to exceed \$5.00 for the recording or filing of public documents in county clerks offices. SB 1731 removes "adjacent to international borders" restriction and opens the fee to all Texas counties. S.B. 1731 provides for a fee not to exceed \$5 to be imposed for recording or filing public documents in county clerk offices in any county for the purpose of preserving, restoring, and managing these county records.

County Clerks are currently authorized to collect a records management fee for maintaining and preserving current documents. In most cases, this fee is not sufficient to also preserve and restore archived records. This new legislation is designed to target archived records.

This bill authorizes the Commissioners Court to adopt a records archive fee as part of the county's annual budget. If the provisions of SB 1731 are implemented, the county will experience a revenue gain. This additional revenue will be dedicated to helping county clerks focus on preserving older records.

The effective date of this Act is September 1, 2003 and expires September 1, 2008

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## Steps to Implement

Prepare Archive Plan  
 Commissioner's Court Approval  
 Public Hearing  
 Post Notice of Fee in a conspicuous place

## Projected Revenue

New legislation is open for interpretation. Court records are currently being reviewed to determine if those filings fall under SB 1731.

Document Type	Prediction of # documents filed subject to new fee based on 2002 filings	Revenue at \$5.00	Revenue at \$4.00	Revenue at \$3.00	Revenue at \$2.00
Official Public Records	104,000	\$520,000	\$416,000	\$312,000	\$208,000
Civil*	1,200	\$6,000	\$4,800	\$3,600	\$2,400
Probate*	600	\$3,000	\$2,400	\$1,800	\$1,200
Criminal*	6,000	\$30,000	\$24,000	\$18,000	\$12,000
<b>Total</b>	<b>111,800</b>	<b>\$559,000</b>	<b>\$447,200</b>	<b>\$335,400</b>	<b>\$223,600</b>

\*Court records may not fall under this bill. Interpretation yet to be received.

## Archive Plan

Fiscal Year 2003 – 2004

Start scanning approximately 943 deed books, 7 election books, 397 deeds of trust books, 87 Commissioners Court books. Import these images into existing image database to make images available online. Revenue collected and not expended to the fiscal year will be carried forward. Many books still need to be encapsulated including birth, death, marriage, Commissioners Court, elections, etc.

Until we move into the new building and have space for people to work exclusively on archived records, only the encapsulation process can be done. Each budget year a revised plan and report of the current progress will be reported.

All books that are scanned will be made available on a personal computer in the public research area and over the internet. Each book and page will be accessible by book and page lookup. A laser printer will be available to print instruments and instrument pages on demand. This will reduce the need for clerks to handle heavy record books to make copies.

*approved 8-26-03*  
*John C. Draefler*

**SB 1731**

8(R) SB 1731 - Enrolled version - Bill Text

S.B. No. 1731

## AN ACT

relating to fees imposed by certain counties for the preservation, restoration, and management of certain county records.

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

SECTION 1. Subsection (e), Section 118.011, Local Government Code, as added by Chapter 794, Acts of the 77th Legislature, Regular Session, 2001, is amended to read as follows:

(e) The county clerk of a county [adjacent to an international boundary] shall, if the commissioners court of the county adopts the fee as part of the county's annual budget, collect the following fee from any person:

Records Archive Fee

(Sec. 118.025) not more than \$5

SECTION 2. The heading to Section 118.025, Local Government Code, is amended to read as follows:

Sec. 118.025. COUNTY CLERK'S RECORDS ARCHIVE [IN BORDER COUNTY].

SECTION 3. Subsection (b), Section 118.025, Local Government Code, is amended to read as follows:

(b) The commissioners court of a county [that is adjacent to an international boundary] may adopt a records archive fee under Section 118.011(e) 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(e) is for the preservation and restoration services performed by the county clerk in connection with maintaining a county clerk's records archive.

SECTION 4. This Act takes effect September 1, 2003.

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President of the Senate

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Speaker of the House

I hereby certify that S.B. No. 1731 passed the Senate on May 15, 2003, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

I hereby certify that S.B. No. 1731 passed the House on May 28, 2003, by a non-record vote.

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(b) A county clerk may not be compelled to file or record any instrument or writing authorized or required to be recorded until payment for all fees has been tendered. This provision does not apply to papers or instruments filed or recorded in suits pending in county court.

(c) In this section, "ex officio services" includes services in relation to roads, bridges, and ferries; issuing and taking receipts for jury scrip or county warrants; services in habeas corpus cases; making out bar dockets; keeping records of trust funds; filing and docketing all papers for the commissioners court; keeping road overseers' books and lists of hands; recording all collection returns of delinquent insolvents; recording county treasurer's reports; recording reports of justices of the peace; recording reports of animals slaughtered; and services in connection with elections.

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

§ 118.024. Free Access to Records

(a) This subchapter does not limit or deny any person full and free access to any document referred 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. Records Archive in Border County

Text of section effective until Sept. 1, 2008

(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) "Records archive" means public documents filed with the county clerk before January 1, 1990.

(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 that is adjacent to an international boundary may adopt a records archive fee under Section 118.011(e) 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(e) 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.

(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.

(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) 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 not 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.

(h) If a county charges a fee under this section, a 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."

(i) The fee is subject to approval by the commissioners court in a public meeting.

(j) Any excess funds generated from the collection of a fee under this section remaining after completion of a county records archive preservation and restoration project may be expended only for the purposes described by Section 118.0216. The commissioners court of a county may not order the collection of a fee authorized by this section after the county records archive preservation and restoration is complete.

(k) This section expires September 1, 2008.

Added by Acts 2001, 77th Leg., ch. 794, § 4, eff. Sept. 1, 2001.

#### SUBCHAPTER C. FEES OF CLERK OF COUNTY COURT

**WILLIAMSON COUNTY, TEXAS - RESTORATION COST ESTIMATES**

Deeds 1 1848	MYLAR	\$1,667.00
Deeds 2 1850	MYLAR	\$1,613.00
Deeds 3 1851	MYLAR	\$1,007.00
Surveys 1902	MYLAR	\$1,829.00

Sub Total \$ 6,116.00

**VOLUMES WHICH HAVE BEEN CONVERTED TO LOOSE LEAF WITH SHEET  
EXTENDERS AND PRESSURE SENSITIVE TAPE.**

Deeds 4 1852	MYLAR	\$2,669.00
Deeds 5 1853	MYLAR	\$3,010.00
Deeds 6 1855	MYLAR	\$3,010.00
Deeds 7 1856	MYLAR	\$2,410.00
Deeds 8 1859	MYLAR	\$2,410.00
Deeds 9 1863	MYLAR	\$428.00
Deeds 10 1863	MYLAR	\$2,432.00
Deeds 11 1860	MYLAR	\$2,410.00
Deeds 12 1870	MYLAR	\$2,410.00
Deeds 13 1871	MYLAR	\$2,850.00
Deeds 14 1872	MYLAR	\$2,850.00
Deeds 15 1874	MYLAR	\$2,839.00
Deeds 16 1875	MYLAR	\$2,850.00

**GRAND TOTAL \$38,694.00**

**We would like to suggest that if the County of Williamson would make a firm commitment to a consecutive two or three year program with our company to accomplish this entire project, we would, in turn, be willing to hold prices firm over the same period.**

In any event, the above restoration cost estimates will be held firm for one year from the date of this proposal.

Signed,  24 May 2002

Joseph J. Marotti, Jr.  
President

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Hart Intercivic, Inc.  
Fort Worth Division  
P.O. Box 3420 • Fort Worth, TX 76113  
(817) 332-3202 • (800) 792-8788  
Fax (817) 332-1838 • (877) 942-3667  
www.hartintercivic.com Tax ID #95-3248916

## INVOICE

INVOICE : 100474

INVOICE DATE: 05/30/03

REMIT TO:  
HART INTERCIVIC, INC.  
DEPT. 0453  
P.O. BOX 120453  
DALLAS, TX 75312-0453

Ship To:  
NANCY RISTER, COUNTY CLERK  
WILLIAMSON COUNTY  
COURTHOUSE, 1ST FLOOR  
200 W. 2ND ST.  
GEORGETOWN, TX 78626

CLIENT NO. CLIENT P.O. NO.  
3859 72348

SHIP DATE/VIA  
(see items)

CONSULTANT  
RANDY RAY  
RR

ORDR	SHIPPED	ITEM NO.	DESCRIPTION	UNIT PRICE	AMOUNT
1.000	1.000 BR/1	CC-REST-NEED-4	RESTORATION - DEEDS - VOLUME 4 (1832)	2669.00000	2669.00
	SHIP VIA: UPS SECOND DAY AIR		SHIP DATE: 06/24/03		
1.000	1.000 BR/1	CC-REST-NEED-5	RESTORATION - DEEDS - VOLUME 5 (1833)	3010.00000	3010.00
	SHIP VIA: UPS SECOND DAY AIR		SHIP DATE: 06/24/03		

APPROVED FOR PAYMENT

Authorized Signature

Date 03/25-03/25-004550

Budget Line Item

45929

THANK YOU FOR YOUR ORDER. PLEASE SEE IMPORTANT INFORMATION ON REVERSE SIDE.

TERMS: NET 10 DAYS

\*\*\*\*\*PLEASE PAY FROM THIS INVOICE\*\*\*\*\*  
BALANCES MORE THAN 30 DAYS PAST DUE  
ARE SUBJECT TO A SERVICE CHARGE OF 1.5%  
PER MONTH (18% ANNUAL PERCENTAGE RATE)

SUBTOTAL 5679.00  
FREIGHT 150.00  
SALES TAX 0.00  
TOTAL 5829.00

ORIGINAL



08/26/2003

# HART

intercivic

INVOICE : 97227  
INVOICE DATE: 09/13/02

Hart Intercivic, Inc.  
Fort Worth Division  
P.O. Box 3420 • Fort Worth, TX 76113  
(817) 332-3202 • (800) 792-8788  
Fax (817) 332-1838 • (877) 942-3667  
www.hartintercivic.com Tax ID #95-3248916

## INVOICE

REMIT TO:  
HART INTERCIVIC, INC.  
DEPT. 0453  
P.O. BOX 120453  
DALLAS, TX 75312-0453

Sold To:  
WILLIAMSON COUNTY  
ATTN: NANCY RISTER, COUNTY CLK  
P.O. BOX 18  
GEORGETOWN TX 78627

Ship To:  
NANCY RISTER, COUNTY CLERK  
WILLIAMSON COUNTY  
COURTHOUSE, 1ST FLOOR  
710 MAIN ST  
GEORGETOWN TX 78626

CLIENT NO. CLIENT P.O. NO.  
3859 66747

SHIP DATE/VIA  
09/09/02  
SALES REP

CONSULTANT  
MARK CARTER  
MC

ORDRD	SHIPPED	ITEM NO.	DESCRIPTION	UNIT PRICE	AMOUNT
1.000	1.000 EV/1	CC-NEST-DR-1	RESTORATION-DEED RECORD - 1 (1848)	1667.00000	1667.00
1.000	1.000 EV/1	CC-NEST-DR-2	RESTORATION-DEED RECORD - 2 (1850)	1613.00000	1613.00
1.000	1.000 EV/1	CC-NEST-DR-3	RESTORATION-DEED RECORD - 3 (1851)	1007.00000	1007.00
1.000	1.000 EV/1	CC-NEST-SURVEY RESTORATION - SURVEYS - 1902		1829.00000	1829.00

APPROVED FOR PAYMENT  
Authorized Signature  
Date 9-19-02

THANK YOU FOR YOUR ORDER. PLEASE SEE IMPORTANT INFORMATION ON REVERSE SIDE.

Budget Line Item  
0305-0305-004550

TERMS: NET 10 DAYS  
\*\*\*\*\*PLEASE PAY FROM THIS INVOICE\*\*\*\*\*  
BALANCES MORE THAN 30 DAYS PAST DUE  
ARE SUBJECT TO A SERVICE CHARGE OF 1.5%  
PER MONTH (18% ANNUAL PERCENTAGE RATE)

SUBTOTAL 6116.00  
FREIGHT 300.00  
SALES TAX 0.00  
TOTAL 6416.00

ORIGINAL