



Clay County Clerk

Records Management and Preservation Plan for \$10.00 RMF/Archive Fee- FY 2016

Legislative History:

The 77th Texas Legislature passed HB 370 in 2001 to allow border counties to assess a \$5.00 records archive fee for the preservation and automation of previously filed and recorded property and vital statistics records. The 78th legislature passed SB 1744 amending the original legislation allowing all counties to collect this fee with commissioners' court approval. This fee was to terminate September 1, 2008. The 79th legislature passed SB 526 which allowed the County Clerk to designate which records will be preserved and/or automated. 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. Clay County began collecting this fee Jan. 1, 2014.

Records Archive LGC 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) 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.

Record Management LGC '118.0216

Each document Filed: \$10.00 (a) 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. Clay County began collecting this fee Jan. 1, 2014.

The \$10.00 fees are assessed on any instrument that the County Clerk is authorized to accept for filing or recording, including, but not limited to, Deeds, Liens, and other property or land records, Livestock Brands and Marriage Licenses.

Goals and Projects

See attached records preservation/ disaster recovery plan

Annual Revenue Estimate

See attached spreadsheet based on revenue from June 2014 through May 2015.



Clay County Clerk

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Clay County Preservation and Disaster Recovery Plan- FY 2016

Approved in Commissioners' Court August 24, 2015

RECORDS

The Clay County Clerk's office houses some of the county's historic records back to 1873, as well as current records. These records consist of public records, all of which have a permanent retention period, and include land records, Plats, livestock brands, Military Discharge records, Records of Elections, Physician's Records, and political candidate filings.

The County Clerk also serves as the Clerk of the Court for County Criminal Court, Civil Court, Commissioners' Court, and Probate Court. The Clerk's office houses these original records as well, including all contracts and agreements for the county that are passed through a Commissioners' Court order, which have a permanent retention period.

The Clerk serves as the only local registrar for the county and also houses all vital statistic records, such as birth, death, and marriage records, which are also all permanent. The County Clerk serves as the Records Management Officer for the county, and is responsible for the safety and upkeep of these records.

PRESERVATION/ DISASTER RECOVERY

The Clerk's office met and/or exceeded all automation/preservation goals set for FY 2015, in regards to back-scanning and records preservation. The Clerk's office utilizes three software programs, both of which offer disaster recovery for any and all records contained in the systems.

In the event of an emergency and/or natural disaster, County Clerk, Sasha Kelton will make decisions concerning the management of the office hours, office location, and availability of vital records, based on the situation, and type of emergency and/or disaster. It will always be the goal and main concern of the clerk's office to preserve the integrity of the records, and to offer the most access to the public as possible during such time. In Kelton's absence, Chief Deputy Carla Moore shall serve as person in charge of making above-mentioned decisions. In the absence of Kelton and Moore, Deputy Clerk Terri McGhee shall serve as the person in charge of making the above-mentioned decisions.

FEES COLLECTED/ ANNUAL REVENUE ESTIMATE

The County Clerk collects Record Management (RMF), Record Preservation (RPF), Archive fees, Vital Statistics fees and Court technology fees, which may be used in specific ways to preserve or digitize records. Some of those funds are shared among one or more other offices, which also collect the fees.

The Clerk’s office has utilized the Archive Fee budget line this year for the following:

- * Image Processing (Second and final partial payment to Kofile for scanning Deed Records)

The Clerk’s Office has utilized the Records Management Record Preservation and Automation budget line this year for the following:

- * Annual software maintenance, support and disaster recovery fees

The Clerk’s office has not used a notable amount of funds from RPF, Vital fees or court technology fees, during FY 2015.

COUNTY CLERK FILING/ COLLECTIONS JUNE 2014- MAY 2015

NUMBER OF FILINGS				
DATE RANGE	Instruments Filed	Probate Cases	Civil Cases	Marriage Lic.
JUNE 1, 2014-	2,733	49	19	59
MAY 31, 2015				

FEES COLLECTED				
MONTH	RMF	ARCHIVE	RPF	GENRL FUND
JUNE 2014	3065.00	2830.00	30.00	10059.95
JULY 2014	2990.24	2800.00	30.00	12142.84
AUGUST 2014	2347.20	2070.00	80.00	8423.19
SEPTEMBER '14	2789.76	7630.00	30.00	7452.66
OCTOBER 2014	3097.80	3010.00	80.00	10119.08
NOVEMBER '14	2310.00	2100.00	20.00	8122.40
DECEMBER 2014	2485.00	2410.00	50.00	8697.41
JANUARY 2015	2296.34	2050.00	00.00	7197.17
FEBRUARY 2015	2315.00	2080.00	70.00	9128.09
MARCH 2015	2283.66	2019.00	70.00	7539.61
APRIL 2015	2100.00	1950.00	20.00	6328.17
MAY 2015	2065.00	1830.00	50.00	6221.50
TOTAL	30,145.00	32,779.00	530.00	101,432.10

PROJECTS COMPLETED FY 2015

- **DEED RECORD AUTOMATION PROJECT**

June 2015: County Clerk staff completed *Deed Automation Project, Phase II*: Deed Record vol. 360–531. Instruments filed Jan. 1, 1985 - Dec. 31, 2010 are now electronically imaged and indexed, and stored for disaster recovery.

GOALS FOR FY 2016

- Complete Criminal Court Case Automation Project. Court cases will be scanned, digitally indexed, stored for disaster recovery and available online from Jan. 1, 1985 to present. (As of Aug. 1, 2015, records are automated back to 1986)
- Possibly hire Kofile Inc. to preserve historical books, such as the cattle brand records, birth and death records, and/or Commissioners' Court Minute books, which are deteriorated.
- Possibly begin *Deed Automation Project, Phase III*.

CLAY COUNTY AUTOMATED RECORDS

	ELECTRONIC INDEX DATA	VOLUMES	SCANNED IMAGES	VOLUMES
OPR	JAN. 1, 2011-PRESENT (COMPLETE)	1- PRESENT	JAN. 1, 2011-PRESENT (COMPLETE)	1- PRESENT
DEED	JAN. 1, 1985- DEC. 31, 2010	360-531	JAN. 1, 1985- DEC. 31, 2010	360-531
MARKS & BRANDS	AUG. 31, 2011- PRESENT	8- PRESENT	AUG. 31, 2011-PRESENT	8- PRESENT
MARRIAGE	JAN. 1, 1874- PRESENT (COMPLETE)	1- PRESENT	JAN. 1974- PRESENT (All small books)	18- PRESENT
BIRTH	1800's - PRESENT (COMPLETE)	1- PRESENT	AUG. 31, 1999-PRESENT (All small books)	7- PRESENT
DEATH	1903- PRESENT (COMPLETE)	1- PRESENT	APRIL 1, 1989- PRESENT (All small books)	6- PRESENT
MILITARY DSCHG	1918- PRESENT (COMPLETE)	1- PRESENT	MARCH 5, 2012- PRESENT	5- PRESENT

	ELECTRONIC INDEX DATA	CAUSE NO.	SCANNED IMAGES	CAUSE NO.
PROBATE	JAN. 1, 1994 - PRESENT	3378- PRESENT	JAN. 1, 1994 - PRESENT	3378- PRESENT
CIVIL	JAN. 1, 2004- PRESENT	4150- PRESENT	JAN. 1, 2004- PRESENT	4150- PRESENT
CRIMINAL	JANUARY 1986 - PRESENT	8590- PRESENT	JANUARY 1986 - PRESENT	8590- PRESENT