



# Clay County Clerk

**Fiscal Year 2019**

## **Records Management, Preservation & Disaster Recovery Plan**

### ***Legislative History.....***

The 77<sup>th</sup> 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 78<sup>th</sup> 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 79<sup>th</sup> 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.

***\*There is a push from the clerk's association to allow continued collection of the \$10 fees through 2019.***

#### *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.*

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.

***Records***

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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.

**June 1, 2017 – May 31, 2018**

<b>Record Type</b>	<b>Filed</b>	<b>Disposed</b>
OPR (property records)	1904 (down 533 from FY2018)	N/A
Marriage Licenses	43 (issued) (down 5 from FY2018)	N/A
Criminal	161 (Down 49 from FY2018)	159 (Down 15 from FY2018)
Civil	20 (Down 2 from FY2018)	5 (Down 2 from FY2018)
Probate	28 (Down 11 from FY2018)	N/A

***Preservation and Disaster Recovery.....***

The Clerk’s office met and/or exceeded all automation/preservation goals set for FY2018, 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 officer in charge of making 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:

\* *Remaining balance of Birth Automation Project to Kofile*

The Clerk’s Office has utilized the Records Management Record Preservation and Automation

\* *Annual Support fees for records software and case management system*

The Clerk’s office has not used a notable amount of funds from court record preservation fees (RPF), vital fees or court technology fees, during FY 2018.

<b>Annual Revenue Collected 6/1/2017 – 5/31/2018</b>	
<b>RECORDS MGMT (16-340-446)</b>	<b>\$21,105.45</b>
<b>ARCHIVE FEE (16-340-459)</b>	<b>\$19,400.00</b>
	(Down \$9,533.39 from FY2018)

*The County Clerk’s office also collected and contributed \$67,971.88 to the General Fund from misc. fees and court costs, during this one-year time period. (\$11,634.13 less than FY2018)*

***FY 2019 Project Goals.....***

- Continue ***Probate and Criminal Case Automation Projects***. Court cases will be scanned, digitally indexed, stored for disaster recovery and available online. Currently back to 1970's.
- Continue ***Vital Statistic Automation Project, Phase II***. Death and Marriage records will be scanned by Kofile, attached to electronic indexes, and stored for disaster recovery from sovereignty to present.
- Continue ***Deed Record Automation Project***. Scanning to be done by Kofile, with electronic indexing done in-house. Currently back to 1970's.
- Continue ***Commissioners' Court Minutes Automation Project***. Back-scan Commissioners' Court Minute books from 2010 and earlier using IDS Minutes Manager program. The minutes and attachments will be scanned and archived for disaster recovery, and available on the county's website, with key word index search capability.
- Continue ***Delinquent Court Cost Recovery Program***, started July 2016.
- Continue historic book preservations, enlisting services of Kofile, as needed and as funds permit.
- Possibly hire a part-time relief clerk using Records Mgmt. funds collected to fund salary, in accordance with LGC 118. *GA-0118 (2003): The County Clerk Records Management & Preservation Fund may be used for employee salaries, so long as the employees perform records management and preservation functions. The clerk determines what constitutes records management and preservation functions.*