

Hidalgo County Clerk's Records Archive Plan

(AS PER SECTION 118.025 (G) of the Local Government Code)

Whereas the Texas State Legislature found, that the deterioration of public documents in the offices of the county clerks constituted a threat to the integrity and reliability of the existing system for preserving documents,

And whereas, the purpose of the their Act was to impose a fee for filing public documents in the offices of the county clerks in order to provide funds to be used to preserve existing public documents,

The Hidalgo County Clerk's Office seeks to preserve and restore all of their public documents as defined by subsection 2 of section 118.025 of the Local Government Code. The documents included are listed, but are not limited to the following:

Marriage Records	Deed Records	Civil Records
Birth Records	Assumed Name	DD-214 Military Discharge
Cattle Brand Records	Records	Criminal Records
Death Records	Subdivision Maps	Probate Records
Official Records	Commissioners Court	Bail Bond Records
	Minutes	

In order to satisfy the requirements of this statute, the Hidalgo County Clerk's Office seeks to use the latest in technological advances to preserve and restore all aforementioned records. In order to accomplish this we will require, various tools, services, and resources. Some of the required resources are listed, but not limited to,

Personnel, facilities, services, repairs, equipment, tools, hardware, software, and general supplies needed for the creation, use, maintenance, retention, preservation, restoration of records.

Copying services including personnel, hardware and software, plus any required office equipment need to fulfill this service to operate effectively and efficiently (copy machines, paper supplies, etc...).

Scanning services including personnel, along with any hardware and software equipment required to operate the storage facility.

Re-indexing services including personnel, and any computer hardware and software equipment required to fulfill these services.

Shrink wrapping, printing, binding services, and or materials required to accomplish these types of services to better preserve and restore the integrity of its records.

Document storage services including shelving, boxes, other types of storage containers and computer technologies capable of tracking documents within the facility more effectively and efficiently.

Microfilm production, conversion and storage services also the equipment as required to accomplish these services.

The County Clerk Document Storage Facility will be maintained in compliance with the Texas Library of Archives' document storage standards. Facility will be equipped with equipment required for operating efficiently and effectively (i.e., ladders, lifts, dollies, etc...).

Transportation service, including fuel, maintenance, and repairs.

Document warehousing services including personnel, building renovations or leases, to include outfitted the warehouse with climate control to meet the Texas Library of Archive standards.

Safety and First Aid equipment to keep personnel working in a safe environment.

General Office supplies and equipment, including computer equipment with the appropriate hardware and software required to operate the storage facility.

The ability to acquire emerging technologies that could assist in the restoration and preservation of our records.

Any items not covered specifically under this plan are referenced per object code, in the Hidalgo County Auditors Object Code and Description Guidelines Manual, Paragraph I – VIII, Object Codes 111 – 899.

Sec. 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, Sec. 7, eff. June 17, 2005.
- (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.
- (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 the 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.
- (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) Repealed by Acts 2005, 79th Leg., Ch. 804, Sec. 7, eff. June 17, 2005.

Added by Acts 2001, 77th Leg., ch. 794, Sec. 4, eff. Sept. 1, 2001. Amended by Acts 2003, 78th Leg., ch. 974, Sec. 3, eff. Sept. 1, 2003; Acts 2003, 78th Leg., ch. 1275, Sec. 3(32), eff. Sept. 1, 2003.

Amended by:

Acts 2005, 79th Leg., Ch. 804, Sec. 1, eff. June 17, 2005.

Acts 2005, 79th Leg., Ch. 804, Sec. 7, eff. June 17, 2005.