

Archive Plan

For Preservation and Restoration
Of Archived Records

Presented by

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Executive Summary

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 using the archive fees collected 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 by offering a wider date range of documents on the Internet.

Introduction

County Clerks are currently authorized to collect a records management fee for maintaining and preserving current documents. A fee not to exceed \$5 can 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. The legislation is designed to target archived records. This does not include court records.

This bill authorizes the Commissioners Court to adopt a records archive fee as part of the county's annual budget. This additional revenue will be dedicated to help focus on preserving older records.

Williamson County Commissioners Court approved this \$5 fee on August 26, 2003 under agenda item #23.

Historical Data FY2001 – FY2010

In FY 2001-2002 Deed books 1 through 3 and Survey book for 1902 were preserved and encapsulated. In FY 2002-2003 Deed books 4 and 5 were preserved and encapsulated. In FY 2003-2004 Police Court minutes 1850 – 1859; Elections Volume 1 – 1884-1892; Deed books 6 – 26 were preserved and encapsulated. In FY 2004-2005 Deed books 27 – 122 were preserved and encapsulated. In FY 2005-2006 Williamson County Bid 06WC406 awarded. Deed books 123 – 168 were preserved and encapsulated. In FY 2006-2007 Marriage Indexes 1848 - 1997; Elections Volumes 2-9 were preserved and encapsulated.

The encapsulation effort was halted in 2006 pending the acceptance of the vendor that has done the majority of our books onto the State of Texas contract vendor's list. In early 2008, Brazoria County, TX awarded a contract to this same vendor for repair and restoration of historical books for Brazoria County. At that time, Williamson County Clerk's Office entered into an Interlocal agreement with Brazoria County for the Repair and Restoration of historical books.

Williamson County Commissioners Court approved an Interlocal Agreement with Brazoria County for the Repair and Restoration of historical books for the County Clerk on March 25, 2008 under agenda item #25.

Subsequent to the approval by the Commissioners Court, 52 Marriage books (1850-1997) and 51 Commissioner's Court books were sent to the selected vendor for preservation and encapsulation. Also completed in FY 2008-2009 were Birth Record Volumes 1-12, 1903-1957, Delayed Birth Records Volumes A-Z and Volumes A-1 through A-10, Still Birth Record and Register of Births 1868-1876, Death Records Volumes 1-12, 31 Naturalization Books, Index to Deeds and the Reverse Indexes for preservation and encapsulation.

Since February of 2005 with a staff of 7 we have scanned all of the deed books. All books that are scanned will be made available on personal computers in the public research area and over the internet. Each book and page will be accessible by book and page lookup. Scanning has taken place of 943 deed books. These images are now available online. After finishing this initial project, they scanned and indexed all marriage records including old marriage licenses that were not returned or picked up. Restoration of the oldest Probate records was started after the archive staff took photos of all documents sent for restoration. They then reviewed the books returned to proof what was sent actually came back. Minor errors were caught and corrected. The oldest marriage licenses never picked up have been photographed and are boxed awaiting shipment to be restored.

Archive Plan

Fiscal Year 2011 – 2012

Restoration of older probate records were partially finished last year. Since only half of them were done, that it will take most of the year for the restoration of these to be completed. When completed with this project, the archive division will begin entering the birth records and then the death records that are from the beginning of the county and come forward until 1935 and death until 1985. Estimate: **\$150,600**

This coming year we need to have original marriage licenses from the 1800's to more modern days restored and preserved by the methods of previous years. Estimate: **\$124,166**

Also 40 boxes of Civil Case files from the 1800's were also returned in March after a 14 year absence. These need to be de-acidified and encapsulated. Estimate: **\$526,400** (Only part of these can be done this next year.)

We may have to wait on completing this project and the oldest Criminal files. They can be completed in following years. Estimate: **\$611,800** This will have to wait until 2012-2013.

Each budget year a revised plan and report of the current progress will be reported.

Steps to implement and continue

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

Projected Revenue for 2011-2012

| Document Type | Forecast of # documents filed subject to fee based on 2010 filings | Anticipated maximum revenue at \$5.00 per document |
|-------------------------|--|--|
| Official Public Records | 88,945 | \$444,725 |

Proposed Budget of Expenses for 2011-2012

| | |
|-----------------------|-------------------|
| Salaries for 5 people | \$164,605.22 |
| FICA @7.5% | 12,545.00 |
| Retirement @7% | 19,006.00 |
| Insurance | 35,166.00 |
| Workers Comp | 500.00 |
| Encapsulation | <u>650,000.00</u> |
| Total | \$881,822.22 |

LOCAL GOVERNMENT CODE

§ 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) "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 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.

(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.

Amended by Acts 2003, 78th Leg., ch. 974, § 3, eff. Sept. 1, 2003; Acts 2003, 78th Leg., ch. 1275, § 3(32), eff. Sept. 1, 2003.

From SB 526 79th Legislature

SECTION 7. Subsection (g), Section 118.011, and Subdivision (4), Subsection (a), and Subsection (k), Section 118.025, Local Government Code, are repealed.