



POLK COUNTY COMMISSIONERS COURT

October 14, 2003

9:30 A.M.

Polk County Courthouse, 3rd floor

Livingston, Texas

2003-086

COPY

NOTICE is hereby given that a Special meeting of the Polk County Commissioners Court will be held on the date stated above, at which time the following subjects will be discussed;

Agenda topics

- 1. **PUBLIC HEARING ON PLAN FOR FUNDING THE PRESERVATION AND RESTORATION OF THE COUNTY CLERK'S RECORD ARCHIVE AND SETTING THE RECORDS ARCHIVAL FEE.**

ADJOURN

By: John P. Thompson, County Judge

Posted: October 8, 2003

I, the undersigned County Clerk, do hereby certify that the above Notice of Meeting of the Polk County Commissioners Court is a true and correct copy of said Notice and that I posted a true and correct copy of said Notice in the Polk County Courthouse at a place readily accessible to the general public at all times on Wednesday, October 8, 2003 and that said Notice remained so posted continuously for at least 72 hours preceding the scheduled time of said Meeting.

BARBARA MIDDLETON, COUNTY CLERK

By: Schelana Walker

FILED FOR RECORD
 2003 OCT -8 AM 9:52

 BARBARA MIDDLETON
 POLK COUNTY CLERK

78R6840 MI-D

By: Gallegos

S.B. No. 1731

A BILL TO BE ENTITLED

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. Section 118.011(e), 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. Section 118.025(b), 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.



POLK COUNTY, TEXAS

*Barbara Middleton
County Clerk*

P. O. Drawer 2119 - Livingston, Texas 77351
Telephone (936) 327-6805 Fax (936) 327-6874

**SUBJECT: PUBLIC HEARING TO CONSIDER A PLAN FOR FUNDING THE
COUNTY CLERK PERMANENT RECORDS ARCHIVE OF
ALL DOCUMENTS RECORDED BETWEEN 1846 & 1990**

COMMISSIONERS COURT ACTION REQUESTED:

It is requested that Commissioners Court hold a Public Hearing on October 14, 2003 at 9:30 A.M. to consider a plan for funding the preservation and restoration of the County Clerk's RECORDS ARCHIVE and setting the RECORDS ARCHIVAL FEE OF \$5.00 per document, effective October 14, 2003 through September 1, 2008. A "Public Notice" has been published pursuant to Texas Local Government Code, Section 118.025(g). (attached)

BACKGROUND:

This hearing is being called per Texas Local Government Code, Section 118.025 and newly passed Legislation of the 78th Legislature ** (SB 1731) that now allows the County Clerk to Collect a RECORDS ARCHIVE FEE in the amount of \$5.00 on all "Public Documents" filed with the County Clerk. Public documents mean any instrument, document, paper, or other record that the county clerk is authorized to accept for filing or maintaining.

PROPOSED PLAN:

The written plan proposed for funding the preservation and restoration of the County Clerk's Records Archive is attached. "Records Archive" means public documents filed with the county clerk before January 1, 1990. **(attached) LGC, Sec. 118.025 (b).

NOTICE:

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 POLK COUNTY HAS DETERMINED THAT A RECORDS ARCHIVE FEE OF \$5.00 is needed to PRESERVE AND RESTORE COUNTY RECORDS." LGC, Section 118.025(h). (attached)

DISPOSITION BY COMMISSIONERS COURT:

APPROVED DENIED OTHER
10/14/03

SUBMITTED BY: Barbara Middleton, County Clerk

September 26, 2003

Friday, September 26, 2003

To: Polk County Enterprise

From: Barbara Middleton, County Clerk

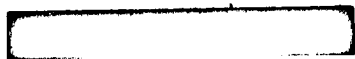
**PLEASE RUN THIS LEGAL NOTICE IN SUNDAY'S
(SEPT.28,2003) NEWSPAPER. THE NOTICE NEED
TO RUN ONLY (1) TIME.**

PUBLIC NOTICE:

The Commissioners Court of Polk County will hold a "Public Hearing" on October 14, 2003 at 9:30 a.m. to consider a plan for funding the preservation and restoration of the County Clerk's RECORDS ARCHIVE and setting the RECORDS ARCHIVAL FEE of \$5.00 per document, effective October 15, 2003 through September 1, 2008. The notice is being published pursuant to Texas Local Government Code, Section 118.025 (g).
Commissioners Court of Polk County
John P. Thompson, County Judge

NEWSPAPER "LEGAL NOTICE" SEPTEMBER 28, 2003
CONCERNING THE "ARCHIVAL FEE" FOR COUNTY CLERK
2003-2008

PAGE 108 - POLK COUNTY ENTERPRISE, SUNDAY, SEPTEMBER 28, 2003



LEGAL NOTICE
The Commissioners Court of Polk County will hold a "Public Hearing" on October 14, 2003 at 9:30 a.m. to consider a plan for funding the preservation and restoration of the County Clerk's RECORDS ARCHIVE and setting the RECORDS ARCHIVAL FEE of \$5.00 per document, effective October 15, 2003 through September 1, 2008. The notice is being published pursuant to Texas Local Government Code, Section 118.025(g). Commissioners Court of Polk County, John P. Thompson, County Judge.

◆NOTICE OF ARCHIVAL FEE

**“THE COMMISSIONERS COURT OF
POLK COUNTY HAS DETERMINED THAT
A RECORDS ARCHIVE FEE OF \$5.00 IS
NEEDED TO PRESERVE AND RESTORE
COUNTY RECORDS”**

***Effective October 15, 2003 - September 1, 2008*

Approved by Commissioners Court
and Posted - October 14, 2003
By: Barbara Middleton, County Clerk



Barbara Middleton

**POLK COUNTY
COUNTY CLERK**

ARCHIVAL FIVE YEAR PLAN

- I Statue**
- II Purpose**
- III Projected Revenue**
- IV Restoration and Preservation Projects**
- V Length of Project**
- VI Order**

I. STATUTE

Senate Bill - 1731 enacted by the 78th' Legislature of the State of Texas, subsection (e) Section 118.011, Local Government Code - Section 118.025, Local Government Code (b), to enable the Commissioners' Court to adopt a Records Archive Fee. 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 118.001 (e) is for preservation and restoration services performed by the County Clerk in connection with maintaining a county records archive.

II. PURPOSE

The County Clerk's wishes to take advantage of the new legislation that is designed to assist the county in preserving all Archived Records. This extra \$5.00 fee for each document filed or recorded for the next five years, is to be dedicated to that task. Although the county clerk is progressive in the preservation of current records, utilizing the Records Management Fees, funding has not been sufficient to "Archive" the older documents that have priceless historical value. We have many years of Original Probate & Guardianships (stored in basement in metal file cabinets) that have never been microfilmed. These original records can be permanently "Archived" at no cost to the county by approving this new fee for the county clerk's office.

III. PROJECTED REVENUE

Document Type	Documents subject to fee	Revenue @ \$ 5.00
Official Records (2002)	11778	\$58,890.00
Probate & Guardianship Cases	221	\$1,105.00
Civil Cases	5	\$25.00
Total Projected - Annually		\$60,020.00

IV. RESTORATION & PRESERVATION PROJECTS

Microfilm all original Probate & Guardianships for security back up as well as digitizing those records for our current computer network. After microfilming is completed, storage of these records in "Acid Free" folders and place them in the Texas State Archives Library in Liberty, Texas. The vast majority of the permanent records in the County Clerk's office are paper based in looseleaf binders. Although these records have been microfilmed for security backup, most of these records are used on a daily basis by the public and are venerable to wear and tear. My goal is to complete the Imaging of all original deed recording into our computer system so that copies can be accessed electronically by the public. We also have (over 100 years) of Original Marriage License's (all 1846 - 1959) stored in three (3) legal size cardboard boxes that have never been microfilmed for security. In February of 2003, all of the vital records were microfilmed for safety back up. We will be able to digitize those records and add to our computer network. Therefore saving much needed space in our main office.

V. LENGTH OF PROJECTS

It is estimated that the preservation and restoration of the "Archival" process of the historically valuable public records will be completed in five years as the legislature has granted.

State of Texas }

County of Polk }

ORDER TO ADOPT ARCHIVAL FIVE YEAR PLAN

Whereas, Local Government Code, Section 118.011 (e) enables the Commissioners' Court to adopt a Records Archive Fee, for the preservation and restoration services performed by the County Clerk in connection with maintaining a County Clerks' records archive;

Whereas, Commissioners' Court approved a Records Archive Fee of \$ 5.00 on August 26, 2003 which the County Clerks' office will collect at the time of filing or recording of any public record;

Whereas, the fee shall be deposited in a separate Records Archive Account with the general funds of the County, by the County Treasurer;

Whereas, after Commissioners Court approval on October 14, 2003 the "Archival Five Year Plan", and the plan being accepted as presented;

Now therefore, BE IT ORDERED by Commissioners' Court of Polk County, pursuant to the Local Government Code, Section 118.011 (e), hereby adopts the Archival Five Year Plan to be implemented by the County Clerk at the time of filing or recording of any public document, for a period of five years. Further, the \$5.00 fee may be expended only for the preservation and restoration of the County Clerks' records archive. The funds may not be used to purchase, lease, or develop computer software to geographically index public records for current recordings.

ADOPTED this 14th day of October, 2003.

POLK COUNTY COMMISSIONERS' COURT

John P. Thompson, County Judge

Bob Willis
Commissioner Pct #1

James J. "Buddy" Purvis
Commissioner Pct #3

Bobby Smith
Commissioner Pct #2

Tommy Overstreet
Commissioner Pct #4

Attest:

Barbara Middleton, County Clerk

