

# Panola County Clerk Records Archive Preservation and Restoration Plan 2020

## Purpose

The purpose of this plan is to outline the preservation and restoration of the County Clerk's records archive for the upcoming fiscal year. Our goal is to digitally image all records stored in the County Clerk's office in a standardized, universal format, while simultaneously restoring and preserving the original records. This process will provide access, minimize deterioration of existing records and assist in developing the County Clerk's disaster recovery capabilities. Funding is necessary and legislation has been enacted to provide the collection of fees for this purpose.

The **County Clerk Records Archive Fee**, LGC 118.011(f)(1) and LGC 118.025, provides for "...the preservation and restoration services performed by the county clerk in connection with maintaining a county clerk's records archive" and authorizes the collection of up to \$10 per recorded document, with Commissioners' Court approval. The County Clerk's Office currently collects \$10 per recorded document. The funds generated from the collection of the Archive Fee may be expended only for the preservation and restoration, including automation, of the County Clerk's records archive.

The **Records Management and Preservation Fee** provides for "...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" and authorizes the collection of up to \$10 per recorded document [LGC 118.011(b)(2) and LGC 118.0216]. Section 2, Art. 102.005 CCP(f-h) provides for \$2.50 per conviction in a criminal misdemeanor case filed in the County Clerk's Office. These fees are designated as the County Clerk Records Management and Preservation Fund, and are to be used for specific records management and preservation purposes in the County Clerk's Office. Additionally, the collection of \$5 per new civil or probate case filed in the County Clerk's Office [LGC 118.052(3)(G), LGC 118.0546 and LGC 118.0645], and \$22.50 for each conviction in a criminal case filed the County Clerk's Office [Section 2, Art. 102.005 CCP(f-h)] is authorized. These fees are designated as the County Records Management and Preservation Fund, and may be used for specific records management and preservation purposes county-wide, including automation purposes. The County Clerk's Office currently collects \$10 per recorded document, along with the mandated fee amounts in court cases.

The **Court Record Preservation Fee** (GC 51.708) provides for "...a filing fee of not more than \$10 in each civil case filed in the court to be used for court record preservation for the courts in the county." The Panola County Clerk currently collects a Court Record Preservation Fee of \$5. Funds generated by this fee may be used only to digitize court records and preserve the records from natural disasters.

In FY 2018, recording and filing generated approximately \$175,173 from these three fees combined. During the first half of 2019, these fees have generated approximately \$85,826.

## **Designation of Records**

### **Open/Public Records**

Panola County real property records range in date from approximately 1850 to present, and contain over 2,100 books of recorded documents and indexes. All original land record books and index books have been microfilmed and reproduced in book format. With approval and support of Commissioners' Court in recent years, most land records have now been digitized and are available both locally and online. However, the majority of the original land record books have not been restored/preserved, and as current projects are completed by staff, we would like to begin the restoration/preservation of those books.

Probate, mental health, civil and criminal cases also date from approximately 1850 to present. Probate, civil and criminal case records (with the exception of juvenile criminal cases) are open to the public. With the advent of mandatory e-filing in civil and probate cases, early implementation of criminal e-filing, and our determination to be paperless, we are creating very few new paper case files. Criminal cases account for the majority of new cases opened in the County Clerk's office, and e-filing allows for less paper and faster filing into existing criminal cases. Additionally, County Clerk staff will continue to preserve and convert older paper case files to digital files to conserve space and enable the public to access those open records electronically.

Commissioners' Court Minutes are currently created and recorded electronically, and have been scanned and indexed back to 1996. Our plan is to continue to digitize these records, as personnel and equipment are available.

Livestock Marks and Brands record books date to 1882. These books were sent to an outside vendor with the birth, death and marriage books to be restored and preserved. The project was completed in late 2018, and those books are currently available in our office.

There are a number of miscellaneous books that are frequently referenced by staff and/or the public that would benefit from being digitized, so that the original books may be preserved. Our plan is to begin the restoration and conversion of our miscellaneous books in the next few years, as personnel, equipment and funds are available.

### **Closed Records**

Birth, death and marriage records date prior to 1900, and military discharge records date to early 20<sup>th</sup> century. *The original books were the only resource available until recently.* In 2017, Commissioners' Court approved funding to restore, preserve and digitize 72 of our oldest birth, death and marriage books. The preservation and restoration phase of this project was completed in late 2018, and indexing is being completed by staff as time allows for the records that were not previously indexed. These records aren't entirely open to the public, but digitization makes it much easier to track and retrieve these records when we receive a request from the public.

## **Summary**

Significant progress has been made in the past year restoring, preserving and digitizing the records of the County Clerk. It is our desire to preserve the history of Panola County and its citizens in the best way possible, with the most efficient use of fees collected. With continued funding and support of Commissioners' Court, we will persist until all of the records in our care have been preserved for future generations.

# ORDER #2019-09

**WHEREAS**, Section 118.025 of the Local Government Code reads as follows: Sec 118.025(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; and

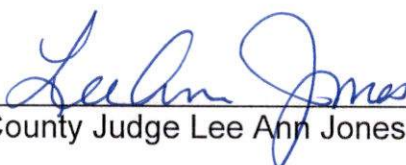
**WHEREAS**, the above-referenced fee shall be collected by the County Clerk at the time a person, excluding a state agency, presents a public document to the county clerk for recording or filing; and

**WHEREAS**, (d) of Section 118.025 of the Local Government Code reads: "The fee shall be deposited in a separate records archive account in the general fund of the county; and

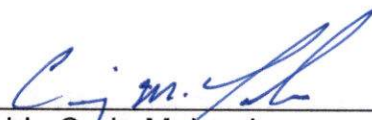
**WHEREAS**, (g) of Section 118.025 reads: "The county clerk shall prepare an annual written plan for funding the preservation and restoration of the county clerk's records archive." ... "The commissioners court shall publish notice of a public hearing on the plan in a newspaper of general circulation in the county not later than the 15<sup>th</sup> 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.";


**NOW, THEREFORE, IT IS ORDERED** by the Commissioners' Court of Panola County, Texas, meeting in Open Session at a properly scheduled meeting of said Court, that the sum of **TEN AND NO/100 (\$10.00) DOLLARS** be collected by the County Clerk from each person(s) when a public document is presented to said clerk for recording or filing beginning January 1, 2020.

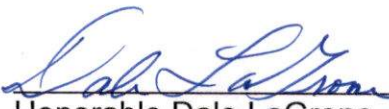
**PASSED, APPROVED, and ADOPTED** this 23<sup>rd</sup> day of July, 2019.

  
County Judge Lee Ann Jones

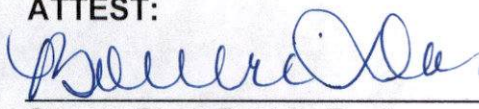
  
Honorable Ronnie LaGrone  
Commissioner, Precinct One

  
Honorable Craig M. Lawless  
Commissioner, Precinct Three

  
Honorable David A. Cole  
Commissioner, Precinct Two

  
Honorable Dale LaGrone  
Commissioner, Precinct Four

**ATTEST:**

  
County Clerk Bobbie Davis

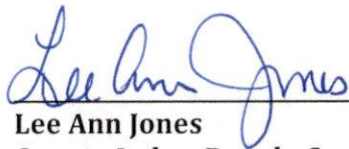


**Notice of Public Hearing**  
**On a Plan for the Preservation and Restoration of the**  
**County Clerk's Records Archive**


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Notice is hereby given that a public hearing on a plan for the preservation and restoration of the Panola County Clerk's records archive will be held pursuant to Local Government Code 118.025(g), at a special meeting of the Panola County Commissioners' Court, in the Commissioners' Courtroom, Panola County Courthouse, 110 South Sycamore, Carthage, Texas, on Tuesday, August 20, 2019 at 1:30 PM.

Dated this 23<sup>rd</sup> day of July, 2019.

  
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Lee Ann Jones  
County Judge, Panola County

Attest:

  
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Bobbie Davis  
County Clerk, Panola County

