

# Panola County Clerk Records Archive Preservation and Restoration Plan 2022

## **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 Panola 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]. Pursuant to legislative changes in 2019, LGC 134.102(a) provides for the collection of \$25.00 per conviction in a criminal misdemeanor case filed in the County Clerk's Office. Currently, the statutes allow for 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]. The recent legislative session re-configured filing fees for all civil cases beginning Jan. 1, 2022. The fees authorized in civil cases for records management were adjusted from \$10.00 to \$30.00 per case, and \$10.00 to \$15.00 in probate cases.

In FY 2020 recording and filing generated approximately \$180,163 from these fees combined. During the first half of 2021, the currently authorized fees have generated approximately \$88,997. I anticipate an increase in the revenues from case filing fees in 2022, due to legislative changes.

## **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 and our determination to be paperless, we are creating very few new paper case files. With the support of Commissioners' Court, we now have digitized and preserved the oldest probate case files. County Clerk staff are working in-house to complete the digitization of the latest probate case files, and will continue to convert older paper civil case files to digital files to conserve space and enable the public to access those open records electronically. Probate and Final Estate Minute Books dating back to sovereignty have been identified as the books that should be preserved next. With the support of Commissioners' Court, we would like to proceed at the beginning of 2022 with preservation of 52 of these books that are in the poorest condition.

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 record books to be restored and preserved. The project was completed in late 2018, and those books are currently available in our office. Marriage records and marks and brands should be indexed and completed by County Clerk staff in the next two years.

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 I am pleased to say that County Clerk staff has digitally indexed and almost entirely completed the birth and death records, allowing us to quickly identify and issue records as they are requested by the public.

### **Summary**

Significant progress has been made in recent years 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 #2021-05

**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, 2022.

**PASSED, APPROVED, and ADOPTED** this 20<sup>nd</sup> day of July, 2021.

*Absent*

County Judge Lee Ann Jones

*Billy Alexander*

Honorable Billy Alexander  
Commissioner, Precinct One

*Absent*

Honorable Craig M. Lawless  
Commissioner, Precinct Three

*David A. Cole*

Honorable David A. Cole  
Commissioner, Precinct Two

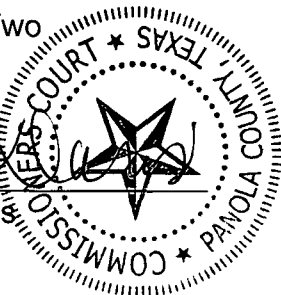
*Dale LaGrone*

Honorable Dale LaGrone  
Commissioner, Precinct Four

**ATTEST:**

*Bobbie Davis*

County Clerk Bobbie Davis

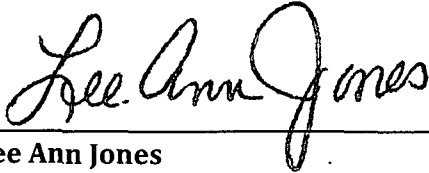


**Notice of Public Hearing**  
**On a Plan for the Preservation and Restoration of the**  
**County Clerk's Records Archive**

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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 regular meeting of the Panola County Commissioners' Court, in the Commissioners' Courtroom, Panola County Courthouse, 110 South Sycamore, Carthage, Texas, on Tuesday, August 17, 2021 at 1:30 PM.

Dated this 20<sup>th</sup> day of July, 2021.



Lee Ann Jones  
County Judge, Panola County

Attest:

  
Bobbie Davis  
County Clerk, Panola County

