

“The Bowie County Commissioner’s Court will conduct a public hearing to consider a plan for the **County Clerk’s RECORDS ARCHIVE FEE**, to fund the preservation and restoration of the **County Clerk’s Records**.

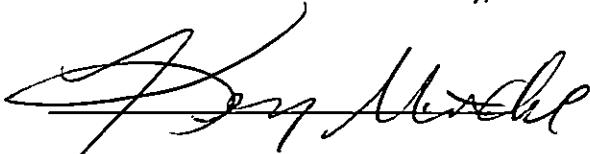
The meeting will be held on September 14, 2015 at 10:00 a.m. in the Commissioner’s Courtroom of the Bowie County Courthouse, New Boston, TX.”

H.B. 3674 transformed Section 132.001 of the Civil Practice and Remedies Code – a little-known provision dealing solely with the use of unsworn declarations by inmates (since they have limited access to notaries) – into a provision with very broad potential implications. As passed, the amended provision allows the use of an unsworn written declaration made under penalty of perjury in lieu of a written sworn declaration, verification, certification, oath, or affidavit required by statute or required by a rule, order, or requirement adopted as provided by law. (The section does not apply to an oath of office or an oath required to be taken before a specified official other than a notary.) The new law is effective September 1, 2011.

"My name is Kenny Mitchell, my date of birth is JULY 12, 1963, and my address is 133 EN FRONT ST, NEW BOSTON, TX 75570 and, I declare under penalty of perjury that the following is true and correct.

That I am the Publisher of the BOWIE COUNTY CITIZENS TRIBUNE, newspaper published at New Boston, Texas, Bowie County, Texas: that on August 26, 2015 there was published in said newspapers a Public Notice titled Bowie County Commissioners Court Public Hearing County Clerk's Record Archive's Fee. A copy of such public notice which was published in said newspapers is attached and made a part of here of for any and all purposes.

Executed in Bowie County, State of Texas, on the 26th day of August, 2015.



Declarant

Kenny Mitchell, Publisher
Bowie County Citizens Tribune
133 E.N. Front St.
New Boston, Texas
903 628 5801

CLASSIFIEDS

NOTICES

The Bowie County Commissioner's Court will conduct a public hearing to consider a plan for the County Clerk's RECORDS ARCHIVE FEE, to fund the preservation and restoration of the County Clerk's Records. The meeting will be held on September 14, 2015 at 10:00 a.m. in the Commissioner's Courtroom of the Bowie County Courthouse, New Boston, TX.

Media Release for Free and Reduced-Price Meals

Notice is hereby given that the City of Red Lick will hold a public hearing relating to the 2015-2016 fiscal year budget beginning at 6:30 p.m. on Thursday, the 10th day of September, 2015 at City Hall. The public is invited to attend.

This budget will raise more total property taxes than last year's budget by \$5,320.48 at an 8% increase, and of that amount \$226.93 (.112498% x \$201,715) is tax revenue to be raised from new property added to the roll this year.

BILLY FOX
BOWIE COUNTY
DISTRICT CLERK
710 JAMES BOWIE DRIVE
NEW BOSTON, TX 75570
(S) Theresa Capps, Deputy

No. 41,616
IN THE ESTATE OF
BERLE D. RYAN,
DECEASED
IN THE COUNTY COURT
OF BOWIE COUNTY, TEXAS

NOTICE TO CREDITORS
Notice is hereby given that
Original Letters Testamen-

Texarkana, Texas 75503
All persons having claims against this Estate which is currently being administered are required to present them within the time and in the manner prescribed by law.
DATED the 17th day of August, 2015.

ROSS & SHOALMIRE, LLP
1820 Galleria Oaks Drive
Texarkana, Texas 75503
Telephone: (903)223-5653
Facsimile: (903)223-5658
By: (s) John K. Ross IV
Attorneys for the Executors

YARD SALES

Garage Sale - August 28th & 29th
4 Family Garage Sale: Klds' toys, Girl's Clothes - size 2T to 5T, Boy's Clothes - size 3T to 5T, Big Boy's - size 7 to 14, Women's & Men's Clothes - all sizes, Women's Scrubs. 206 Walter's Blvd. New Boston.

GARDNER ESTATE SALE - FRIDAY & SATURDAY - 8 AM - 107 HALL, NEW BOSTON, TX - ANTIQUE BEDROOM SETS, SOFA, FORMAL CHINA CABINET & DINING TABLE W/6 CHAIRS, REFRIGERATOR, ROUND DINING TABLE, SIX DINING CHAIRS, SINGER SEWING MACHINE, PATIO SET, LOTS OF GLASSWARE & KNICKKNACKS, LINENS, KITCHEN ITEMS AND OTHER MISC. Web site: marypankey.com



Bowie County Clerk Records Management and Archive Plan

I. Background (Statutory History)

The 77th Texas Legislature passed HB 370 in 2001 to allow *border* county's to assess a \$5.00 Records Management and Preservation Fee for the preservation of older records filed with the County Clerk. The 78th Legislature passed SB 1744 amending the original legislation allowing *all* county's to collect this fee with Commissioner's Court approval. The County Clerk is proposing to collect this fee at this time.

This legislation amends Local Government Code, Section 118.01 (e), to enable the Commissioner's Court to adopt a Records Archive Fee for the preservation and automation of previously filed and recorded real property and vital statistics records as part of their regularly adopted annual budget.

II. Bill Summary

- ***Begins*** on approval of the County of Bowie 2014-15 Annual Budget. The fee must be set and itemized in the county's budget as part of the budget preparation process.
- ***Termination:*** The 79th Legislature extended this bill indefinitely.
- The \$5.00 fee is assessed on any instrument, document, paper, or other record that the County Clerk is authorized to accept for filing or recording (deed or official public records, assumed names, marriage licenses, civil case filings).
- The fee may be used ***only*** to provide funds for specific records management and preservation, ***including*** for automation purposes – **in accordance with this written plan.**
- Changes to the plan must be approved by Commissioner's Court. The plan may be modified as required.

III New Legislation

IN HB1513 by Lewis (Relating to temporary increases in the records archive **RE: fees and the records management and preservation fees charged by district and county clerks.**), **As Passed 2nd House and signed by the Governor of Texas**

No fiscal implication to the State is anticipated.

Article 1 would amend the Government Code to authorize the commissioners court of a county to increase a district court records archive fee from not more than \$5 to not more than \$10. The fee would be required to be deposited into a

district court records technology fund in the county's general fund and could only be expended for the preservation and restoration of the district court records archive. The bill would also amend the Local Government Code to authorize a county clerk to increase the Records Management and Preservation Fee and Records Archive Fee from not more than \$5 to not more than \$10. Article 1 would take effect September 1, 2013.

Article 2 would revert the fees to fee amounts prior to the increase in Article 1 and would take effect September 1, 2019.

According to the Office of Court Administration, the revenue generated by these fees is retained locally; therefore, no fiscal impact to the state is anticipated.

III. Purpose

Official Bowie County records have been computerized and automated in electronic format since 2012. The County Clerk's office is progressive in the preservation of current records, utilizing the original Records Management Fee from 1991 *forward*. However, this funding *has not been sufficient* to electronically preserve and restore the **older** documents that have a priceless historical value. In order to preserve and enhance the integrity of the existing system for recording and preserving public documents; the County Clerk seeks to preserve existing original records by digitizing older microfilm and paper records, and scanning books on site, re-indexing old handwritten and typed indexed books and converting all older media into an electronic format and importing this newly created data into the existing computer system.

IV. The overall goal and vision of the County Clerk's office is to:

- Modernize and upgrade old record systems in the office.
- Re-index land records back to when the county was first formed.
- Expedite record searching by having records available for electronic retrieval.
- Provide more public information to the citizens of the County via the Intra/Internet.
- Preserving original records by reducing daily usage.
- Improve productivity of the Bowie County's staff.

V. **Annual Revenue ESTIMATE**

Official Real Property Records

Total 16000 Filings Annually X 10.00 = \$160,000 Records Management

16000 Filings Annually X 10.00 = \$160,000 Records Archive

VI Restoration, Preservation, and Automation Projects

Phase I

Digitize existing microfilm and link to new land and vitals system 1979 to 2012

Approximately 520,000 documents

Estimated Cost \$286,000.00 **PARTIALLY COMPLETED**

Phase II

Scan pre 1979 Land Records on site, enhance images, and split images as needed, tag, index and load to existing system

Approximately 2,000,000 documents

Estimated cost \$5,000,000.00

Phase III

Scan, enhance, tag, index and load Birth records

Phase IV

Scan, enhance, tag, index and load Death Records

Phase V

Scan, enhance, tag, and index Military Discharge Records

Phase VI

Scan, enhance, tag, and index Marriage Records

Summary

The Legislature has provided a means to raise revenue for the records management and preservation of older county property and vital records. This “user” fee is an alternative to raising taxes or spending general fund monies to accomplish these projects. This plan will be implemented in “phases” as money is accrued and deposited into a special revenue account. Any outsourcing and purchase of equipment will be done through standard purchasing processes. The completion of the initial phases will increase storage space in the archives by hundreds of square feet. Approval will prevent the potential hazard and “disaster in waiting” as years and years of vital county property records sit under sprinkler systems – unprotected and not adequately preserved.

STATE OF TEXAS

COUNTY OF BOWIE

ORDER TO ADOPT RECORDS ARCHIVAL PLAN

WHEREAS, Local Government Code, Section 118.011 (f) 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 Clerk's records archive;

WHEREAS, a Commissioners' Court approved the collection of a Records Archive Fee of \$5.00 to commence on September 1, 2003, which the County Clerk's office will collect at the time of filing or recording of any public record, excluding a state agency;

WHEREAS, Sections 118.011 (b) and (f) of the Local Government Code was amended to increase the amount of the County Clerk's Records Archives Fee assessed when a non-court document is presented to the County Clerk for recording or filing from not more than \$5.00 to not more than \$10.00.

WHEREAS, after Commissioners' Court approval of the County Clerk's Records Archival Plan and the Plan being accepted as presented;

NOW THEREFORE, BE IT ORDERED by the Commissioners' Court of Bowie County, pursuant to the Local Government Code, Section 118.011 (f) hereby adopts the County Clerk's Records Archival Plan. Further, the fees collected may be expended only for the preservation and restoration of County Clerk's 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 September, 2015

BOWIE COUNTY COMMISSIONERS' COURT

James Carlow, County Judge

Commissioner Sammy Stone

Commissioner Tom Whitten

Commissioner Mike Carter

Commissioner Kelley Blackburn

Attest

Tina Petty, County Clerk

DEPARTMENT OF STATE HEALTH SERVICES



Contract number 537-16-0088-00001 (Contract), is entered into by Department of State Health Services (DSHS) Vital Statistics Unit and Bowie County (Contractor). DSHS and Contractor are collectively referred to herein as the "Parties."

- I. **Purpose of the Contract.** DSHS agrees to provide access to the Texas Electronic Registration Remote System (TER Remote System) for the purpose of issuing individual birth certificates.
- II. **Term of the Contract.** This Contract will begin on September 1, 2015 and end on August 31, 2017.
- III. **Authority.** The Parties enter into this Contract under the authority of Texas Government Code Chapter 791.
- IV. **Statement of Work.**
 - A. DSHS agrees to provide on-line computer services in support of Contractor from 7:00 a.m. to 6:00 p.m. (CST) Monday thru Friday, except holidays. In the event of an emergency or computer application error, DSHS may temporarily suspend services without advance notice.
 - B. Contractor will search DSHS databases, locate data, and issue Certifications of Vital Records to authorized individuals requesting such data. The certifications will be in a format formally approved by DSHS. No limit will be established on the number of searches per month not resulting in issuance of a certification, provided the number is reasonable.
 - C. Contractor will acquire the necessary data processing equipment, communications, hardware or software, and purchase "bank note" paper, as specified by DSHS. DSHS will assist in connection of the equipment, furnish software program and provide technical assistance, if necessary.
 - D. Contractor acknowledges that records may not be located in the searching process instituted by Contractor or records, which are located, may have errors due to:
 1. Normal key-entry errors in spellings;
 2. Accidental failure on the part of the DSHS to update a file for an amendment or paternity determination; and
 3. The event year does not exist on the system.

- E. Contractor will notify DSHS in writing, at least monthly of errors or suspected errors that exist on the data base information.
- F. Contractor is to maintain an inventory control and account for each document produced on "bank note" paper, including voided documents.
- G. Contractor is responsible for maintaining a system of vital record keeping that is in accordance with Health and Safety Code Chapter 195 and the regulations adopted.
- H. The Parties are required to comply with all applicable state and federal laws relating to the privacy and confidentiality of this data and records, which includes Texas Government Code Section 552.0038.
- I. The Parties will maintain sufficient safeguards to prevent release or disclosure of any such records or information obtained under this Contract to anyone other than individuals who are authorized by law to receive such records or information and who will protect the records or information from re-disclosure as required by law.
- J. The Parties will use confidential records and information obtained under this Contract only for purposes as described in this Contract and as otherwise allowed by law.

V. Fees.

Contractor agrees to pay DSHS \$1.83 for each Certification of Vital Record printed as a result of searches of the database. Contractor agrees to charge the same base search fee for a birth certificate as DSHS. Additional fees may only be charged as authorized by Texas Health and Safety Code 191.

VI. Billing.

A. DSHS will send an itemized billing to Contractor on a monthly basis for each certification of Vital Record printed. This billing will be sent through the U.S. Postal Service to the Contractor at:

Name: Bowie County Clerk's Office

Address: Attn: Tina Petty
710 James Bowie Dr.
New Boston, TX 75570

B. Contractor will direct any billing inquiries either by phone to 512-776-7206 or email to vsubusinessservices@dshs.texas.gov.

VII. Payment Method.

A. Contractor will remit payment to DSHS within thirty days after a billing is received by them. Payment by the Contractor will be considered made on the date postmarked.

Contract Number: 537-16-0088-00001

B. Contractor will send payments to DSHS at:

Texas Department of State Health Services
Cash Receipts Branch MC 2096
P.O. Box 149347
Austin, TX 78714-9347

C. Contractor will make payment to DSHS out of its current revenues.

VIII. **Representatives.** The following will act as the Representative authorized to administer activities under this Contract on behalf of their respective Party.

| Bowie County | DSHS |
|---|---|
| Denise Thornburg Bowie County Clerk's Office Attn: Tina Petty 710 James Bowie Dr. New Boston, TX 75570 Phone: 903-628-6740 Email: denise.thornburg@txkusa.org | Texas Department of State Health Services Contract Oversight and Support Attn: Princess Lindsay Mail Code 1326 P.O. Box 149347 Austin, TX 78714-9347 Phone: 512-776-3713 Email: Princess.Lindsay@dshs.state.tx.us |

IX. **General Terms and Conditions.**

A. **Governing Law.** Regarding all issues related to this Contract's formation, performance, interpretation, and any issues that may arise in any dispute between the Parties, the Contract will be governed by and construed in accordance with the laws of the State of Texas.

B. **Amendment.** This Contract may be modified by written amendment signed by the Parties.

C. **Confidentiality.**

1. The Parties are required to comply with all applicable state and federal laws relating to the privacy and confidentiality of patient and client records that contain Protected Health Information (PHI) or other information or records made confidential by law.
2. The Data Use Agreement # 2014-044060-001 that was executed between the Parties on 5/11/2015 is applicable to this Contract and Contractor agrees to continue to be bound by its terms and conditions.

3. Contractor will maintain sufficient safeguards to prevent release or disclosure of any such records or information obtained under this Contract to anyone other than individuals who are authorized by law to receive such records or information and who will protect the records or information from re-disclosure as required by law.
 4. Contractor will use confidential records and information obtained under this Contract only for purposes as described in this Contract and as otherwise allowed by law.
 5. Notwithstanding any provision relating to confidentiality, the confidential information held by DSHS may be disclosed to a third party pursuant to the Texas Public Information Act (Texas Government Code Chapter 552), any open records decision or ruling by the Attorney General that such information constitutes public information or as otherwise provided by law.
- D. Exchange of Client-Identifying Information.** If this Contract concerns client-identifying information, except as prohibited by other law, Contractor and DSHS may exchange PHI without the consent of clients in accordance with 45 Code of Federal Regulation § 164.504(e)(3)(i)(B), Texas Health and Safety Code § 533.009 and other applicable law or rules.
- E. Records Retention.** DSHS will retain records in accordance with DSHS State of Texas Records Retention Schedule at <http://www.dshs.state.tx.us/records/schedules.shtml>, Department Rules and other applicable state and federal statutes and regulations governing medical, mental health, and substance abuse information.
- F. Severability.** If any provision of this Contract is construed to be illegal or invalid, the illegal or invalid provision will be deemed stricken and deleted to the same extent and effect as if never incorporated, but all other provisions will continue.
- G. Notice.** Any notice required or permitted to be given under this Contract will be in writing and sent to the respective Party's Representative in Section VIII. Notice will be deemed to have been received by a Party on the third business day after the date on which it was mailed to the Party at the address specified in writing by the Party to the other Party, or, if sent by certified mail, on the date of receipt.
- H. Waiver.** Acceptance by either Party of partial performance or failure to complain of any action, non-action or default under this Contract will not constitute a waiver of either Party's rights under the Contract.
- I. Assignment.** Neither DSHS nor Contractor will not transfer, assign, or sell its interest, in whole or in part, in this Contract without prior written consent by both Parties.
- J. Suspension of Services Under This Contract.** In the event of an emergency or information technology system failure, DSHS may temporarily suspend services without advance notice.

K. Termination.

1. **Convenience.** This Contract may be terminated by mutual agreement of both Parties. Either Party may terminate this Contract without cause by giving 30 days written notice of its intent to terminate to the non-terminating Party.
2. **Cause.** This Contract may be terminated for cause by either Party for breach or failure to perform an essential requirement of the Contract.
3. **Notice of Termination.** Written notice may be sent by any method that provides verification of receipt, which will be calculated from the date of receipt by the non-terminating Party's Representative provided in Section VIII.
4. **Transition after Termination.** At the end of the Term of this Contract or termination as provided for in this Section, the Parties will equitably settle their respective accrued interests or obligations incurred prior to termination.

By signing below, the Parties agree that this Contract constitutes the entire legal and binding agreement between them. The Parties acknowledge that they have read the Contract and agree to its terms, and that the persons whose signatures appear below have the authority to execute this Contract on behalf of their respective Party.

DEPARTMENT OF STATE HEALTH
SERVICES

BOWIE COUNTY

Ed House
Chief Operating Officer
Department of State Health Services

Tina Petty
County Clerk
Bowie County

Date

Date

H.B. 3674 transformed Section 132.001 of the Civil Practice and Remedies Code – a little-known provision dealing solely with the use of unsworn declarations by inmates (since they have limited access to notaries) – into a provision with very broad potential implications. As passed, the amended provision allows the use of an unsworn written declaration made under penalty of perjury in lieu of a written sworn declaration, verification, certification, oath, or affidavit required by statute or required by a rule, order, or requirement adopted as provided by law. (The section does not apply to an oath of office or an oath required to be taken before a specified official other than a notary.) The new law is effective September 1, 2011.

"My name is Kenny Mitchell, my date of birth is JULY 12, 1963, and my address is 133 EN FRONT ST, NEW BOSTON, TX 75570 and, I declare under penalty of perjury that the following is true and correct.

That I am the Publisher of the BOWIE COUNTY CITIZENS TRIBUNE, newspaper published at New Boston, Texas, Bowie County, Texas: that on **August 26, 2015** there was published in said newspapers a Public Notice titled Public Hearing on District Clerk's Technology Fund. A copy of such public notice which was published in said newspapers is attached and made a part of here of for any and all purposes.

Executed in Bowie County, State of Texas, on the 26th day of AUGUST, 2015.

Declarant

Kenny Mitchell, Publisher
Bowie County Citizens Tribune
133 E.N. Front St.
New Boston, Texas
903 628 5801

Sec. 51.305. DISTRICT COURT RECORDS TECHNOLOGY FUND. (a) In this section:

(1) "Court document" means any instrument, document, paper, or other record that the district clerk is authorized to accept for filing or maintenance.

(2) "Deterioration" means any naturally occurring process or a natural disaster that results in the destruction or partial destruction of a court document.

(3) "Preservation" means any process that:

(A) suspends or reduces the deterioration of a court document; or

(B) provides public access to a court document in a manner that reduces the risk of deterioration.

(4) "Restoration" means any process that permits the visual enhancement of a court document, including making the document more legible.

Text of subsection effective until September 01, 2019

(b) The commissioners court of a county may adopt a district court records archive fee of not more than \$10 for the filing of a suit, including an appeal from an inferior court, or a cross-action, counterclaim, intervention, contempt action, motion for new trial, or third-party petition, in a district court in the county 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 and must be approved in a public meeting. The fee is for preservation and restoration services performed in connection with maintaining a district court records archive.

Text of subsection effective on September 01, 2019

(b) The commissioners court of a county may adopt a district court records archive fee of not more than \$5 for the filing of a suit, including an appeal from an inferior court, or a cross-action, counterclaim, intervention, contempt action, motion for new trial, or third-party petition, in a district court in the county 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 and must be

approved in a public meeting. The fee is for preservation and restoration services performed in connection with maintaining a district court records archive.

(c) The county treasurer, or the official who discharges the duties commonly delegated to the county treasurer, in a county that adopts a fee under Subsection (b) shall establish a district court records technology fund in the general fund of the county for deposit of fees paid under Section 51.317(f).

(d) Subject to Subsection (f), money generated from the fee imposed under this section may be expended only for the preservation and restoration of the district court records archive.

(e) The district clerk shall designate the court documents that are part of the records archive for purposes of this section. The designation of court documents by the district clerk under this subsection is subject to approval by the commissioners court in a public meeting.

(f) The district clerk in a county that adopts a fee under this section shall prepare an annual written plan for the preservation and restoration of the district court records archive. The plan may include a proposal for entering into a contract with another person for preservation and restoration services. 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. Money in the district court records technology fund may be expended only as provided by the plan. All expenditures from the records technology fund must comply with Subchapter C, Chapter 262, Local Government Code.

(g) If a county imposes a fee under this section, a notice shall be posted in a conspicuous place in the district clerk's office. The notice must state the amount of the fee in the following form: "THE COMMISSIONERS COURT OF _____ (Insert name of county) COUNTY HAS DETERMINED THAT A RECORDS ARCHIVE FEE OF \$_____ (Insert amount adopted by commissioners court) IS NEEDED TO PRESERVE AND RESTORE DISTRICT COURT RECORDS."

(h) Money remaining from the collection of fees imposed under this section after completion of a district court records archive

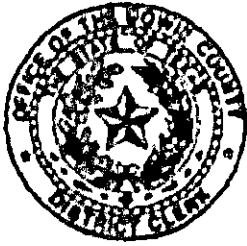
preservation and restoration project may be expended for records management and preservation purposes in the manner provided by Section 51.317(d). The commissioners court of a county may not impose a fee under this section after the district court records archive preservation and restoration project is complete.

Added by Acts 2009, 81st Leg., R.S., Ch. 822 (S.B. 1685), Sec. 1, eff. June 19, 2009.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 927 (H.B. 1513), Sec. 1.01, eff. September 1, 2013.

Acts 2013, 83rd Leg., R.S., Ch. 927 (H.B. 1513), Sec. 2.01, eff. September 1, 2019.



BOWIE COUNTY DISTRICT CLERK BILLY FOX

2015 DISTRICT CLERK TECHNOLOGY/ARCHIVE FEE PLAN

District Clerk's Records Technology/Archive Fee Overview

The District Clerk Records Archive Fee and District Clerk Records Technology Fund are authorized in Texas Government Code 51.305(b) and 51.305(c), respectively, HB1513 filed and passed in the 83rd Regular Session of the Texas Legislature amended Section 51.305(b) to allow the Commissioners Court to authorize a fee up to \$10 starting January 1, 2014; prior to this change, the fee was capped at \$5. The authorization of the \$10 fee extends through September 1, 2019, when it reverts back to \$5.

Section 51.305(d) requires the authorized fee to be used for "the preservation and restoration services of the district clerk records archive." This section states, "The District Clerk shall prepare an annual written plan for funding the preservation and restoration of the district court's records archive. The district clerk is to prepare an annual written plan for use of this fund. The Commissioners Court is required to hold a public hearing on this plan and to publish notice of such hearing in a newspaper no later than 15 days prior to the hearing.

Plan for Use of the DISTRICT CLERK'S Technology/Archive Fee

The District Clerk has decades of paper records stored in the basement of the Bowie County Courthouse. These records are referenced frequent for individuals who need certified copies; the reference rate for law enforcement is particularly high as a certified copy is required to enhance current criminal charges resulting from a subsequent arrest. An effort has begun to start converting these stored, inactive records to digital format.

It will be the responsibility of the District Clerk's office to perform routine inspections of the records archive. Following an inspection, should a document require restoration, a Deputy Clerk from the District Clerk's office will research local vendors capable of providing necessary services. The office will utilize the funds made available through the District Clerk's Technology/Archive Fee.

Goal

The goal is to produce and archive all documents, regardless of type, as efficiently as possible. The District Clerk's office is also restoring records, suspending and reducing deterioration of public records, improving public access to these documents and reducing the risk of deterioration.

STATE OF TEXAS

COUNTY OF BOWIE

ORDER TO ADOPT RECORDS TECHNOLOGY/ARCHIVAL PLAN

WHEREAS, Government Code, Section 51.305(b) enables the Commissioners' Court to adopt a Records Technology/Archive Fee, for the preservation and restoration services performed by the District Clerk in connection with maintaining a District Clerk's records archive;

WHEREAS, a Commissioners' Court approves the collection of a Technology/ Archive Fee of \$10.00 to commence on January 1, 2016, which the District Clerk's office will collect at the time of filing of a suit, including an appeal from an inferior court, or a cross-action, counterclaim, intervention, contempt action, motion for new trial, or third-party petition, in a district court in the county as part of the county's annual budget. The fee is for preservation and restoration services performed in connection with maintaining a district court records archive;

WHEREAS, with approval from the Commissioner's Court the District Clerk will collect a Technology/Archive Fee of \$10.00 with said fee to commence January 1, 2014 until September 30, 2019; the fee will then revert to \$5.00;

WHEREAS, after Commissioners' Court approval of the District Clerk's Preservation and Restoration Records Plan, and the Plan being accepted as presented;

NOW THEREFORE, BE IT ORDERED by the Commissioners' Court of Bowie County, pursuant to the Government Code, Section 51.305(b) hereby adopts the District Clerk's Records Preservation and Restoration Plan. Further, the fees collected may be expended only for the preservation and restoration of District Clerk's 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 the day of September, 2015.

BOWIE COUNTY COMMISSIONERS' COURT

James Carlow, County Judge

Commissioner Sammy Stone

Commissioner Tom Whitten

Commissioner Kelly Blackburn

Commissioner Mike Carter

Attest:

Tina Petty, County Clerk