



The County Clerk in County Government

Presented by

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History of the County Clerk

- **Texas Constitution - Article 5, Section 20**

There shall be elected for each county...a County Clerk, who shall hold this office for four years; who shall be clerk of the County and Commissioners Courts and recorder of the county, whose duties, perquisites and fees of office shall be prescribed by the Legislature...further, that in counties having a population of less than 8,000 persons there may be an election of a single Clerk, who shall perform the duties of District and County Clerks. (Amended Nov. 2, 1954.)



History of the County Clerk



- Currently:
- 189 County Clerks
- 189 District Clerks
- 65 Combination Clerks

Required Continuing Education

Section 51.605 of the Government Code

- (a) In this section, the word "clerk" includes a county clerk, district clerk, or county and district clerk.*
- (b) A clerk shall complete 20 hours of instruction regarding the performance of the clerk's duties of office before the first anniversary of the date the clerk assumes those duties.*
- (c) After the first anniversary of the date a clerk assumes the duties of office, the clerk must each calendar year complete 20 hours of continuing education courses.*
- (d) A clerk may carry over from the current calendar year to the following calendar year not more than 10 hours of completed continuing education courses that exceed the number of hours of completed continuing education courses required.*

Opportunities to obtain those 20 hours during each calendar year

Texas Association of Counties

UT CLE

Region Meetings

Vital Statistics



Election Law

Secretary of State

Probate College/Academy

Software Vendor



Clerk of Commissioners Court

The Clerk SHALL attend Commissioners Court meetings and take the official minutes.

*LGC Sec. 81.004. SEAL. (a) The commissioners court shall have a seal; and
(b) The clerk shall keep the seal and use it to authenticate official acts of the court.*

Custodian of all Commissioner Court documents-attachments, contracts, and handouts presented to the Court.

Receives all resolutions, proclamations, orders, oaths and official bonds from the Commissioners Court for filing.

Clerk of Many Courts



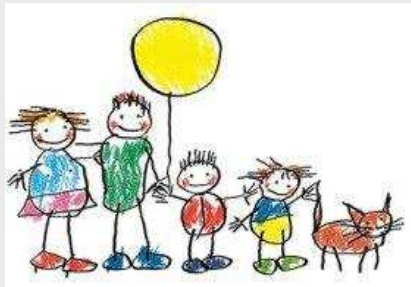
- Constitutional County Court
- County Court at Law
- Juvenile
- Civil
- Mental
- Guardianship
- Probate – Statutory County Court
- Appeals
- Works with attorneys, prosecutors, jurors, defendants, Sheriff's Office, JP's, Constables, Probation, FBI, DPS, TABC, COUNTY JUDGES and COMMISSIONERS

Recorder of the County



- Maintain OPR according to laws, codes, statutes
 - Record real property records including but not limited to:
 - Deeds, mortgages, conveyances, deeds of trust, bonds for title
 - Maintain records on liens
 - Record all plats
- File mark, record, scan and index all instruments accepted for filing
- File budgets and make available for public inspection—County, city, school districts
- Record appointments of deputy sheriffs, deputy district clerks, deputy treasurers, and deputy tax-assessor/collectors
- Provide certified/exemplified copies from filed court cases
- E-recording of these documents (not required)

Local Registrar for Vital Records



- Birth Certificates, Verifications, Amendments, Delayed Birth and Home Births
- Death Certificates, Verifications, Amendments, Burial Transit Permits
- Marriage Licenses
- Declaration of Informal Marriage
- Acknowledgement of Paternity (not all county office offer this service)

Sundry: various items not important enough to be mentioned individually; consisting of a haphazard assortment of different kinds.

- Assumed Name Certificates
- Beer and Wine Permits
- Brands
- Military Records (DD214)
- Notary Records
- Wills for Safekeeping
- Campaign Finance Reports (EAs file in some counties)
- Affidavits for Search Warrants
- Reports to OCA, DPS, TxPW, SOS, Comptroller

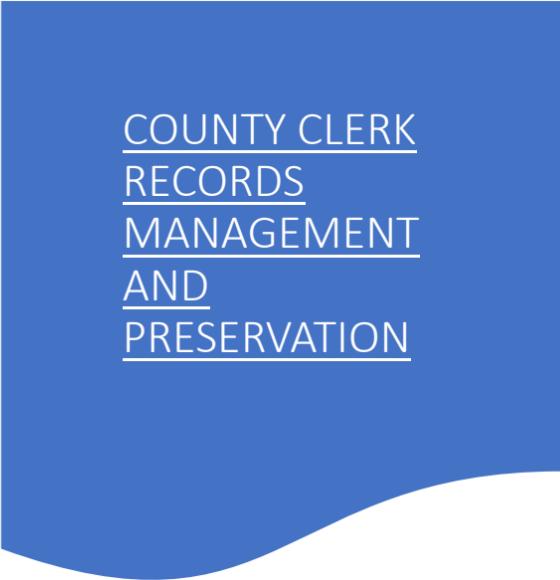




FINANCIAL RESPONSIBILITIES



- Registry of the Court
- Maintain Trust Accounts
- Statutory Collection of Fees
- Reports disbursements to Auditor/Treasurer
- Receives funds ordered by the court for disbursements
- Receives and deposits Cash Bonds on Criminal Cases
- Criminal Collections – fines and court costs (some counties have collection departments)



COUNTY CLERK
RECORDS
MANAGEMENT
AND
PRESERVATION

- LGC 118.025 COUNTY CLERK’S RECORDS MANAGEMENT AND PRESERVATION
- (a) The fee for “Records Management and Preservation” under Section 118.011 is for the 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.
- (b) The County Clerk may set and collect the fee (LGC 118.011(b))
- (c) The fee must be paid at the time of the filing of the document.
- (d) The fee shall be deposited in a separate records management and preservation account in the general fund of the county.
- (e) The fee may be used only to provide funds for specific records management and preservation, including for automation purposes.
- (f) All expenditures from the records management and preservation account shall comply with Subchapter C, Chapter 262



COUNTY
CLERK'S
RECORDS
ARCHIVE

- LGC 118.025 COUNTY CLERK'S RECORDS ARCHIVE.
- (a) The Commissioners Court may adopt a records archive fee as part of the county's annual budget.
- (b) The fee 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 of the filing of the document.
- (d) The fee shall be deposited in a separate archives account in the general fund of the county. (Any interest remains with the account)
- (e) The funds from the collection of this fee may be extended only for the preservation and restoration of the county clerk's records archive.



COUNTY
CLERK'S
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ARCHIVE

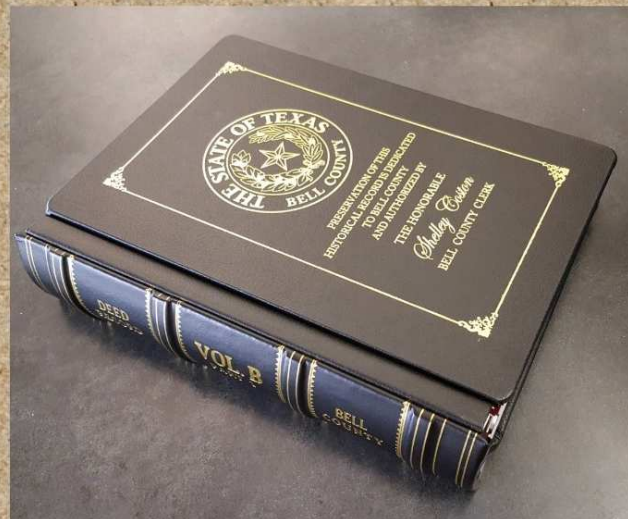
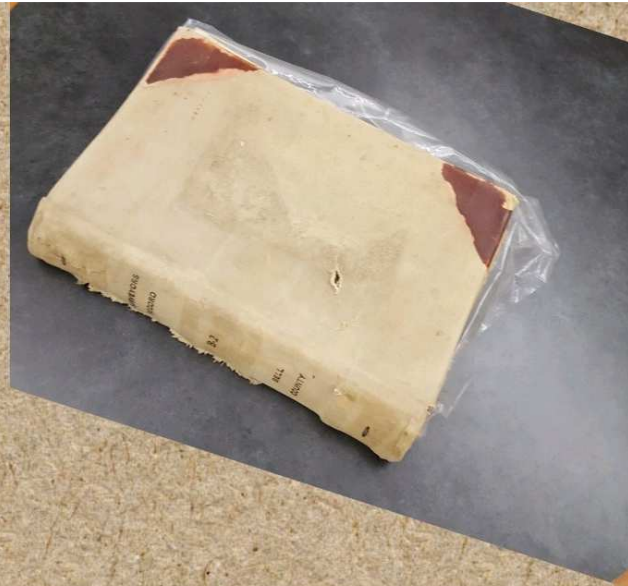
- LGC 118.025 COUNTY CLERK'S RECORDS ARCHIVE continued.
- (f) The funds may not be used to purchase, lease or develop computer software.
- (g) Before collecting the fee under this section, the County Clerk shall prepare an annual written plan and shall be presented during a public hearing. (Public hearing notice posted in the paper)
- (h) The fee is subject to approval by the Commissioners Court in a public meeting during the budget process.
- Records Archive means a document filed with the County Clerk prior to January 1, 1990.

*Preservation using
Records Management Funds*

Before

and

After



Records Retention



Texas State Records Retention Schedule - Revised 4th Edition

Local Schedule CC - for Records of County Clerks

Part 1: County Clerk as Clerk to Commissioners Court

Part 2: County Clerk as Recorder

Part 3: County Clerk as Clerk of County Court

Part 4: Official Public Records of County Clerks

Local Schedule GR – for Records Common to all Local Governments

Local Schedule EL – for Records of Elections and Voter Registration

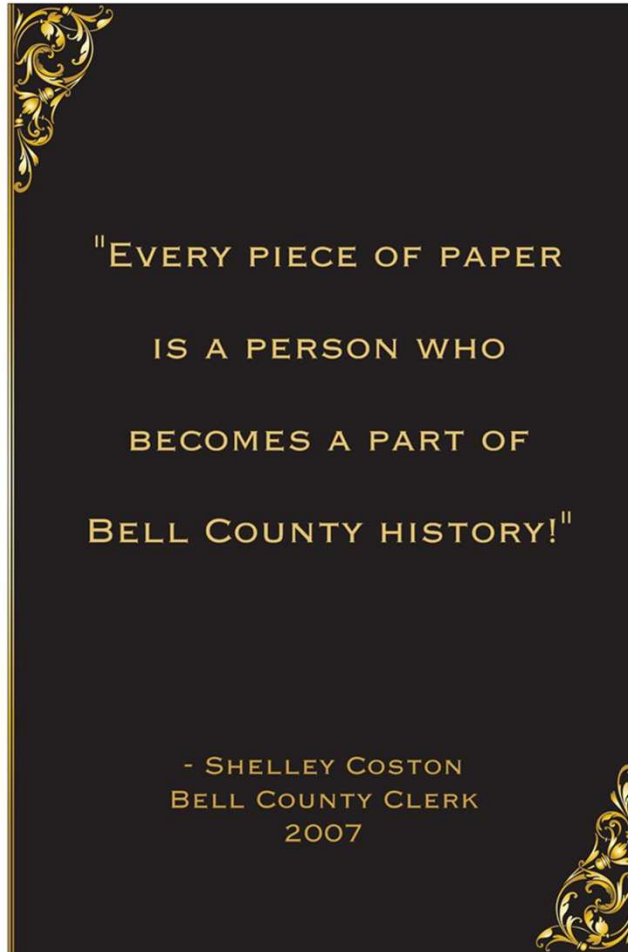
Records Retention



Texas Administrative Code, Title 13, Part 1, Chapter 6, Section 6.10

The Government Code, Section 441.158, provides that the Texas State Library and Archives Commission shall issue records retention schedules for each type of local government, including a schedule for records common to all types of local government.

Although many counties are going paperless, many records must be maintained in paper form permanently.



County Commissioners...

How can you help your County Clerk?



There is no such thing as a “permanent” Dump Truck!

- Support a Records Management Plan
- Funding for Conferences – Continuing Education Hours
- Provide Resources to aid in operating the office
- Election Administrator:
 - Deserves its own department – sole attention
 - Job is too big, too important and too many moving parts
 - Not an elected position



Records that carry you through life:

- Birth Records
- Juvenile Court Records
- Election Records
- Military Records
- Marriage Records
- Deed/Property Records
- Livestock Brands
- Assumed Name Certificates
- Civil Court Records (ex. Credit card debt)
- Misdemeanor Court (ex. DWI)
- Death Records
- Probate Records - Wills

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