

The County Clerk in County Government

Presented by

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Bell County Clerk



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.)

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



Secretary of State
Probate College
Software Vendor



Clerk of Commissioners Court

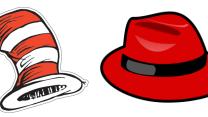
The Clerk SHALL attend Commissioners Court meetings and take the official minutes.

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 documentsattachments, 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









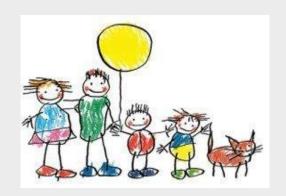
- Constitutional County Court
- County Court at Law
- Juvenile
- Civil
- Mental
- Guardianship
- Probate Statutory County Court
- Appeals
- Works with attorneys, prosecutors, jurors, defendants, Sheriff's Office, JP's, Constables, Probation, FBI, DPS, TABC, <u>COUNTY JUDGES</u> and <u>COMMISSIONERS</u>

Recorder of the County



- 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 taxassessor/collectors
- Provide attested copies
- 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
- E-recording of these documents

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

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
- 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



LGC Sec. 118.0216. 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 fee must be paid at the time of the filing of the document.
- (c) The fee shall be deposited in a separate records management and preservation account in the general fund of the county.
- (d) The fee may be used only to provide funds for specific records management and preservation, including for automation purposes.
- (e) All expenditures from the records management and preservation account shall comply with Subchapter C, Chapter 262.

LGC Sec. 118.025(b) COUNTY CLERK'S RECORDS ARCHIVE FEE:

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.

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

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.



"EVERY PIECE OF PAPER

IS A PERSON WHO

BECOMES A PART OF

BELL COUNTY HISTORY!"

- SHELLEY COSTON
BELL COUNTY CLERK
2007



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 Certifiicates
- Civil Court Records (ex. Credit card debt)
- Misdemeanor Court (ex. DWI)
- Death Records
- Probate Records Wills

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