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Esther Degollado Webb County District Clerk



2019-2020

**Preservation and Restoration of the District Clerk Records Archive
Government Code § 51.305**

Background

The 81st Texas Legislature passed Senate Bill 1685 which provided that the District Clerk may begin collecting a fee of \$5 for filing specific suits in the District Court. All monies collected will be placed in a line item in the budget labeled District Court Technology Fund (Archive Fund) to be used for the purpose of restoration and preservation of records in the District Clerk's Office.

The 84th Texas Legislature passed House Bill 2182, Section 3(b), raises the fee amount to 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 any court in the county for which the district clerk accepts filings as a part of the county's annual budget.

Effective September 1, 2019, the maximum allowable archive fee will be permanent. It was scheduled to be reduced to a maximum \$5 fee, but Senate Bill 658 of the 86th Texas Legislature made the current \$10 maximum allowable amount a permanent figure.

Purpose

The purpose of this document is to outline a plan for the restoration and preservation, deterioration, digital capture, storage, retention and management of archived court documents accepted for filing or maintenance within the District Clerk's Office. Government Code § 51.305 defines the above mentioned as followed:

- "Court document" means any instrument, document, paper, or other record that the district clerk is authorized to accept for filing or maintenance.
- "Deterioration" means any naturally occurring process or a natural disaster that results in the destruction or partial destruction of a court document.
- "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.
- "Restoration" means any process that permits the visual enhancement of a court document, including making the document more legible.

Government Code § 51.305 creates a dedicated district court **records technology fund** and authorizes district clerks to collect an additional fee not to exceed \$10 per filing. The code provides these funds be used only for the preservation and restoration services performed in connection with maintaining a district courts records archive.

Many offices are moving records to a digital format to relieve storage problems as well as maintaining a form of digital preservation. In order to comply with retention and preservation statutes and State Library rules

(see Bulletin B at <http://www.tsl.state.tx.us/slrn/recordspubs/lgbullb.html>), digital images must be maintained permanently and a plan in place to secure the future transition of digitized records to new media which will allow access to these records.

The State Library suggests a department head make a plan for future retention of the court records and have the appropriate person/body sign off on a guarantee the funding will be in place to upgrade the ability to retrieve permanent records. However, a commissioner's court is powerless to obligate a future court to any expenditure. Therefore, this dedicated fund will insure the funds are available to do the necessary preservation, restoration, and conversion work to preserve and restore archived records and this new legislation was designed to target archived records.

Introduction

The District Clerk's Office currently has records that date back to the late 1800s. As of January 2011, all court documents accepted for filing were imaged and continue to be imaged on a daily basis. In 2013, our index books, historical minute books and execution books were preserved and restored. Our records management team works diligently to image any and all documents that were filed between 1988 to the present. We are currently researching vendors to provide imaging services for cases not in our Case Management System. Our current project, along with all of our future projects, will require the use of these funds to obtain the services necessary to complete the preservation and restoration of our records. All of our projects will be ongoing and at this time, we do not have a set date for completion.

Process

As part of our procedure, we require all new cases be scanned. Our records management team works on cases from previous years.

The procedure would be as follows:

- Active/Closed case documents are scanned into Odyssey Navigator Case Management System for record storage and retrieval convenience.
- Request old files from storage; once received, our records management team would verify if an event took place in Odyssey Navigator Case Management System for files to be scanned
- Once scanned, our records management team will determine whether the files are eligible for destruction or need to be retained for a further period of time allotted by the Texas State Library and Archive Rules
- The exception to destruction as per Texas State Library and Archive Rules are criminal judgments or docket sheets upon which defendant's finger prints have been placed. They remain as a permanent paper document.
- This is a continuing process as new cases are filed daily.

Goal

The goal of this plan is to reproduce and archive all documents regardless of type, as efficiently as possible. The District Clerk's is also in the process of the restoration of records that include old hand-written records, suspending their deterioration and improving public access to documents. It is anticipated that paper records will no longer be accessed by the public but that digitized records will be the method of storage and retention.

To complete our efforts toward electronic storage of all case files, we envision maintaining closed cases on our shelves for a short period of time and using computers to access all records with a view to the future of using the computers entirely for court activity.

With less cost to the County, we may continue this ongoing process by using the archive fee to cover the cost of scanning paper source documents. In addition to preserving the documents, the images will be added to our existing imaging system and improve customer service. Additionally, significant space savings will be realized once paper documents are destroyed.

Projects

Currently, we have hundreds of minute books and permanent cases in storage, not in our case management system, which are in need of digitization. The District Clerk's Office is also in the process of preserving and restoring court records dating back to the 1800s. At this time, we have 140 boxes of historical records, in which 17 have been preserved and restored and another 7 are presently being preserved and restored.

PROJECTED REVENUE:

Filing of new suit, appeals from an inferior court, cross-action, counterclaim, intervention, contempt action, motion for new-trial, or third-party petition:

Projected Balance for 2019-2020

Fund 2009, Archive Fund is \$72,300.00

Fund 2011, Records Preservation Fund is \$36,800.00

PROJECTED EXPENDITURE:

Fund 2009, Archive Fund-\$185,000.00

Fund 2011, Records Preservation Fund-\$224,000.00

Expenditures include but are not limited to:

- All necessary computer hardware and peripherals
- Computer software
- Computer and peripheral repair as well as technical support
- Service Provider and other outsourcing services
- Relevant staff salary
- Data storage supplies
- Travel expenses to and from a service provider to deliver and pickup case documents, if necessary
- Other expenses related to preservation and archiving activities described in this plan

APPROVED, this the 9th day of September, 2019.

WEBB COUNTY COMMISSIONERS COURT:

TANO TIJERINA
County Judge

JESSE GONZALEZ
Commissioner Precinct No. 1

ROSAURA "WAWI" TIJERINA
Commissioner Precinct No. 2

JOHN GALO
Commissioner Precinct No. 3

CINDY LIENDO
Commissioner Precinct No. 4

ATTEST:

MARGIE RAMIREZ IBARRA
Webb County Clerk