

In response to the Auditor's Internal Audit Report dated January 20, 2023 which entails a two year period specifically from October 2020 to October 2022, this is the first time in 20 years I have been made aware by the Auditor of issues concerning monies that total almost one million dollars that are in an account that has been in existence for over 15 years.

I will begin by giving a brief history of the Webb County Collections Plan. In the Commissioner's Court Meeting held on May 22, 2006, Mr. Leo Flores, County Auditor, presented to the court the Webb County Collections Plan that was submitted to the Office of Court Administration in accordance with SB1863.

At the county budget approval meeting on Monday, September 11, 2006, a motion was made by the court at that time for the County Clerk's Office to continue collecting the court cost on all criminal cases which were being done by the Adult Probation Department. For one year, I managed doing collections of court assessed fees following state guidelines, being in compliance with state reports and collecting large amounts of court fees using the S drive available to the county at the time. We also created forms and the accounting process for the distribution of monies.

In 2007, during the budget process meeting held on September 10, 2007, the present court at that time transferred the collection of court fees from the County Clerk to the Tax Assessor Collector. They transferred all duties and responsibilities as well as any revenue accounts that had to with that department. The transfer was approved by commissioner's court however the Auditor failed to transfer all the accounts listed on the budget to that department.

Every year during the budget process, I have reminded the present Auditor of all the budget items that have showed up in my section belonging to the collections department so I have left them blank and have never added any fees into those accounts.

After 2007, all the issues stated on pg. 5 (see exhibit) of the auditor's report began. I would think that when duties are transferred to another department or a new department is created the auditor's office should have a plan and guidelines in place as to the process in handling money.

I have always offered assistance to any department in Webb County especially when it has something to do with my office. For 20 years, the County Clerk's office has been operated under strict guidelines and we have never had a bad report from the Auditor's Office.

Since 2007, when the collections department was transferred from my office, it has gone through the leadership of several elected officials and the present auditor has been aware all along about these monies that have not been properly distributed. So how do they plan to distribute the money into different accounts when it has accumulated for 15 years and the system has changed through the years from AS400 to New World and many of those cases have been expunged and there is no record. Why didn't they nor the Judicial Collections Department create a process for distribution when Odyssey came in about 5 years ago instead of continuing to accumulate

money? The Auditor states the current fees are being collected wrong because of the GL codes without realizing that the codes were created by his staff 2 years ago in 2020 when the fees changed.

The auditor mentions that he has gotten information from the 2020 County Clerks Procedure Manual about the bill of cost and the fees collected by the county clerk however we do not prepare any bill of cost since it comes directly from the court. The Bill of Cost has any court assessed fees that the court orders a person to pay and it contains the signature of the judge and is issued to the defendant at the time they plea guilty. This is found in the Code of Criminal Procedure Chapter 103 Article 103.001: Payment, Collection and Recordkeeping which refers to the clerk as the one that collects the fees. When court costs are waived by the court, there is no information on the bill of cost since no fees will be paid by the defendant. When the judge orders that credit be given for time served, it is the duty of the Collections Department to contact the sheriff to find out the amount of credit per day given to the defendant.

I would like to ask the Auditor's Board of District Judges and Commissioner's Court to ask the auditor to remove all the Court Collection Accounts from my budget and assign them to the Judicial Collections Department as approved by the Commissioner's Court meeting held on September 10, 2007 when all duties and responsibilities were transferred to that department.

I appreciate all the recommendations and ideas that our County Auditor speaks about but I think he and his department have a lot of work to do and learn more about the process and responsibilities of the Collections Department since established in 2006. This is the first audit that mentions all these monies and I don't know if these issues have been addressed to the Auditor's Board, Commissioner's Court or the External Auditors because they would have been resolved by now. I feel the auditor is just trying to blame someone for this problem. My main concern is that I have addressed to the Auditor on several occasions that of every case that is assessed court costs \$40.00 should go to the County Clerk plus Records Management fees and they always tell me the money is there but I have never seen it.

I kindly ask the Commissioner's Court to instruct the IT Department not to move any programs in my court system without my authorization and to work with me so the court system is protected. I am the elected official and nobody has the right to move anything concerning my office. (Atty General Opinion No. GA-0203)

**Official Minutes for Webb County
Commissioners Court Meeting**

**Monday, May 22, 2006, 2006 at 1:00 PM
and continuing Tuesday, May 23, 2006 at 1:00 PM**
(Approved 06-26-2006)

- Item No. 1** **Call to order by Judge Louis H. Bruni**
Let it be remembered that a regular meeting of the Webb County Commissioners Court was held at 1:00 p.m. at the regular meeting place with the following members present to wit:

Louis H. Bruni	County Judge
Frank Sclaraffa	Commissioner, Pct. 1
Judith Gutierrez	Commissioner, Pct. 2
Cindy Cortez-Brunner	Commissioner, Pct. 4

Absent	
Jerry Garza	Commissioner, Pct. 3

Thus constituting a quorum, the Commissioners Court proceeded to act upon the Agenda as posted in the meeting notice of the 19th of May 2006. Present also were Ms. Nora Ella Prado, Deputy County Clerk representing Mrs. Margie Ramirez Ibarra, Ex-officio Clerk of the Commissioners Court, various officers and others interested in the business of the Court.

- Item No. 2** **Roll Call – Margie Ramirez Ibarra, Webb County Clerk**

Judge Bruni advised the court that Cmr. Garza had knee surgery and would be out for approximately two weeks.

Judge Bruni motioned to excuse Cmr. Garza from today's meeting. Cmr. Gutierrez seconded the motion.

Motion carried 4-0 with Cmr. Garza not present.

- Item No. 3** **Pledge of Allegiance – Led by All**

- Item No. 4** **Approval of bills, payroll and monthly reports**

Ms. Della Perales, County Treasurer, presented her monthly report ending April 2006. She stated that the bank reconciliations are up to date and that she is estimating \$1.5 million in excess sales tax revenues by the end of the fiscal year. She requested that the court approve a Request for Payment that she has submitted for their review. She stated that this was for late charges incurred in 2002 for car payments for the Sheriff's Department for a total of \$769.52.

Mr. Homero Ramirez, County Attorney, stated that a memo was sent to Mrs. Perales from Mr. Leo Flores, County Auditor, advising her that this item needed to be

Motion carried 4-0 with Cmr. Garza not present.

Item No. 29

Discussion and possible action authorizing the County Auditor to submit Webb County's Collection Program plan in accordance with SB 1863 as requested by the Office of Court Administration (OCA), and any other matters incident thereto.

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Sciaraffa seconded the motion.

Motion carried 4-0 with Cmr. Garza not present.

Item No. 30

Presentation and action to accept the Audited Basic financial Statements of Webb County for the fiscal Year ended September 30, 2005 by accounting firm of Mejia & Co., Certified Public Accountants.

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Sciaraffa seconded the motion.

Motion carried 4-0 with Cmr. Garza not present.

Item No. 31

Discussion and Possible action to approve the appointment of Al J. Chapa, CEO Doctors Hospital, as a Community Representative, for Category "C" for the Community Action Agency Advisory Board, to fill a current vacancy

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Sciaraffa seconded the motion.

Motion carried 4-0 with Cmr. Garza not present.

Item No. 32

Discussion and possible action to fill slot # 1131 & slot # 2054, Driver, for the WCCAA Rural Transportation Department effective May 23, 2006, at a salary of \$8.57 per hour. Funds are to come from account# 980-4205-5001. No impact to the General Fund.

Cmr. Sciaraffa motioned to approve item as submitted. Cmr. Gutierrez seconded the motion.

Motion carried 4-0 with Cmr. Garza not present.

Item No. 33

Discussion and possible action to approve the release of retainer as recommended by the Webb County Engineer to CG Construction in the amount of \$2,926.20 (Two Thousand Nine Hundred Twenty-Six Dollars and Twenty Cents) for the construction of the Webb County Self-Help Center Tool Library.

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Sciaraffa seconded the motion.

Official Minutes for Webb County
Commissioners Court Meeting

Monday, September 11, 2006 at 1:00 PM
(Approved 11/13/06)

Item No. 1 Call to order by Commissioner Judith Gutierrez
Let it be remembered that a regular meeting of the Webb County Commissioners Court was held at 1:00 p.m. at the regular meeting place with the following members present to wit:

Frank Sclaraffa	Commissioner, Pct. 1
Judith Gutierrez	Commissioner, Pct. 2
Jerry Garza	Commissioner, Pct. 3
Cindy Cortez-Brunner	Commissioner, Pct. 4

Not Present:
Louis H. Brunl County Judge

Thus constituting a quorum, the Commissioners Court proceeded to act upon the Agenda as posted in the meeting notice of the September 8, 2006. Present also were Mrs. Imelda Diaz, Deputy County Clerk representing Mrs. Margie Ramirez Ibarra, Ex-officio Clerk of the Commissioners Court, various officers and others interested in the business of the Court.

Item No. 2 Roll Call – Margie Ramirez Ibarra, Webb County Clerk

Item No. 3 Pledge of Allegiance – Led by All

Cmr. Gutierrez recognized that on this day 5 years ago was the attack of the World Trade Center. She recognized all law enforcement entities for the hard work that they do. She asked the Court for a moment of silence.

Item No. 4 Approval of minutes – August 17,2006, August 24,2006, August 25,2006 and August 28, 2006

Cmr. Garza motioned to approve Item as submitted. Cmr. Sclaraffa seconded the motion.

Motion carried 4-0 with Judge Brunl not present.

Item No. 5 Approval of bills, payroll and monthly reports

Mr. Rafael Perez, representing Mr. Leo Flores, County Auditor, presented the monthly report to the Court. Mr. Perez stated that as of August 31, 2006, the Fiscal Year was

Cmr. Sciaraffa mentioned that he would like to go back on the proposed budget so that he could explain some of the changes wanted. He mentioned that on the new Collections Department being made, he felt that five slots were two much. Therefore, he stated that he would want to get rid of the following positions: collections manager, one cashier, and one specialist. He would want to keep only two slots which would be under Ms. Patricia Barrera, Tax Assessor Collector, instead of having this department which would bring a saving of about \$100,000. Cmr. Gutierrez mentioned that Ms. Margie Ramirez Ibarra, County Clerk, will continue to collect her fees. Mr. Rafael Perez stated the collections would mean to collect fees from the District Clerk, County Clerk, and the Justice of the Peace. He mentioned that if these expectations could be met then there was no problem, however, that an annual audit would be done by the Court of Administration. Cmr. Sciaraffa stated that Ms. Barrera and Mrs. Ibarra could get audited without a problem. Cmr. Gutierrez asked Ms. Ibarra if she felt comfortable to continue collecting these court costs. Mrs. Ibarra mentioned that she has been doing this and is familiar with the collections process.

Cmr. Sciaraffa motioned to keep two slots at \$35,000 under Ms. Patricia Barrera, Tax Assessor Collector. Cmr. Garza seconded the motion.

Motion carried 4-0 with Judge Bruni not present.

Cmr. Sciaraffa motioned to move slot #0799 (Baliff position from 49th Drug Impact Court) which is currently under the proposed budget in the 49th District Court, to be transferred to Judge Raul Vaquez, 111th District Court. Cmr. Brunner seconded the motion.

Motion carried 4-0 with Judge Bruni not present.

Cmr. Sciaraffa motioned to have the court reporter from the 49th Drug Impact Court be transferred to a full time roving court reporter instead of transferring to the 406th District Court. Cmr. Garza seconded the motion.

Motion carried 4-0 with Judge Bruni not present.

Cmr. Garza asked Mr. Villarreal if such position of a roving court reporter would be made, if the court interpreter in the proposed budget would be eliminated. Cmr. Gutierrez explained that she had spoken to Judge Ender and she clarified that an interpreter was needed.

Cmr. Sciaraffa mentioned that on the Mental Health Unit, he felt that four slots was too much and thought two slots were more than enough. He stated that he personally did not want this unit. Cmr. Garza asked if staff had already been given any job descriptions.

Cmr. Sciaraffa motioned to take away the Mental Health Unit completely. Cmr. Brunner seconded the motion.

Motion carried 4-0 with Judge Bruni not present.

Official Minutes for Webb County
Commissioners Court Meeting

Monday, September 25, 2006 at 1:00 PM
(Approved 11/13/06)

Call to order by Judge Louis H. Bruni

Let it be remembered that a regular meeting of the Webb County Commissioners Court was held at 1:00 p.m. at the regular meeting place with the following members present to wit:

Louis H. Bruni	County Judge
Frank Sciaraffa	Commissioner, Pct. 1
Judith Gutierrez	Commissioner, Pct. 2
Jerry Garza	Commissioner, Pct. 3
Cindy Cortez-Brunner	Commissioner, Pct. 4

Thus constituting a quorum, the Commissioners Court proceeded to act upon the Agenda as posted in the meeting notice of the 22nd of September 2006. Present also were Mrs. Imelda Diaz, Deputy County Clerk representing Mrs. Margie Ramirez Ibarra, Ex-officio Clerk of the Commissioners Court, various officers and others interested in the business of the Court.

Item No. 1 Roll Call – Margie Ramirez Ibarra, Webb County Clerk

Item No. 2 Pledge of Allegiance – Led by All

Cmr. Gtz. motioned to bring up item No. 24 and 25. Cmr. Brunner seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 24. Discussion and possible action to lease block seven hundred twenty (720) in the Eastern Division of the City of Laredo, Texas less and except the most northerly portion thereof which is within a tennis court area, from the Paisano Girl Scouts Council for a 25 year term, for County and public purposes, and authorizing the

Mr. Carlos Villarreal stated to the Court that he was talking to Judge-Elect Joe Lopez and he wanted to ask if the Court could amend their motion in regards to the two judges overseeing the PreTrial Services. He stated that Judge Elect Joe Lopez wanted to include all three judges that heard criminal cases to be part of the overseeing.

Cmr. Sciaraffa amended his motion to be three Judicial District Judges and one County Commissioner. Cmr. Gutierrez seconded the motion.

Motion carried 5-0 by unanimous consent.

Mr. Villarreal stated the no. 7 (**see attached Attachment C on proposed list**) was to create an office clerk slot for Constable Pct. #4.

Cmr. Garza motioned to approve. Cmr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

Mr. Villarreal stated that no 10 (**see attached Attachment C on proposed list**) was to create Assistant District Attorney for District Attorney Rubio.

Cmr. Gutierrez motioned to approve, Cmr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

Cmr. Garza motioned to increase slots 1708 and 2282 from seven pay periods to additional 9 months. Cmr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

Mr. Villarreal stated to the Court that the Collections Department item had not been discussed. He stated that he had heard a presentation done by Ms. Patricia Barrera and that he felt she was incorrect. He mentioned that the plan submitted had been approved by the Board of Judges and Commissioner's Court after nobody had showed any interest to submit a plan. He mentioned that he does not feel that somebody should get any positions at the very last minute which are subject to audit and that we could possibly lose out on \$205,000.00 of administration money and \$375,000.00 projected revenues that are possibly going to be getting out of the Collection's Department. Mr. Villarreal mentioned that the Collection's Department would be going after the some of the revenues that is outstanding in Webb County that we never see on a year to year basis. He stated that he is relying on a report from Hidalgo County where the collections went from 20% to 80%. Mr. Villarreal mentioned that the plan was well conceived and well derived that if the State has someone ask for a plan to follow by they send them Webb County's. He mentioned that time after time people request positions and at the end of the year fall short. He stated that he felt the most effective way is to be able to meet the revenue requirement and to have a department that is subject to audit because if they find that we are not in compliance we would not be receiving the administrative fees of \$205,000.00 almost paying for the department itself. He mentioned that the best interest of the County was to have one centralized cohesive department which does solely collections.

Mr. Jim Lehman, State Office of Court Administration, mentioned that he was here to talk about the collection improvement program which was approved

by the last State Legislature. He stated that counties with a population of 50,000 or more and cities with a population of 100,000 or more have to implement a collection improvement program. The State approve that half of the counties implement by April of 2006 and the other half implement by April of 2007. Mr. Lehman mentioned that there are punitive measure if the County is not in compliance. He mentioned that part of the measure is that the County has to be in 100% compliance so that would mean that every Court had to be implemented in the program.

Mr. Aaron Castillo, Regional Director/Collections Specialist, mentioned that this program was implemented since 1999. He stated that they were here to help the County with anything that it needed in order to comply with the mandates.

Cmr. Gutierrez asked that since the plan had already been submitted, if the plan could be changed to another department and if they would be available for any questions that they might have. She asked what would happen if this would be done. Mr. Lehman stated that they were here to support whatever plan Webb County would submit or whoever they wished to give it to. Mr. Castillo stated that if two or three departments were to be handling the Collections Program then a plan would be needed for every department implementing the program. Cmr. Gutierrez stated that there would not be any problems with the funding of the State regardless if the County Clerk or Tax Assessor get the program so long as they are in compliance. Mr. Lehman acknowledged. Cmr. Gutierrez mentioned that she was told that if someone else got the program the State was not going to fund. Mr. Lehman stated that if one Court is not in compliance, then the County is not in compliance. Mr. Castillo stated that they recommend that the County go centralized being that it is better for the user and in regards to personnel it would be more effective. Cmr. Gutierrez stated that regardless if it goes to the two elected officials or the Auditor effectiveness would be no problem.

Cmr. Garza asked that someone please clarify as to who was approached to be able to perform the services of the Collections office.

Mrs. Gaby Lopez, Auditor's Office, stated that a memo was sent out to all JP offices, District Judges, County Court at Law Judges, Commissioner's Court, County Clerk, and District Clerk regarding Senate Bill #7. In November 2005, the Auditor's office went before the Auditor's Board to ask if it was okay for them to propose a plan to Commissioner's Court and the District Judges said yes. Cmr. Garza asked that regardless if the office was to go centralized or decentralized, who would have the ultimate authority in auditing this department. Mr. Rafael Perez, Chief Deputy Auditor, mentioned that the Commissioners have audit authority that is why they select an independent Auditor, the County Treasurer, and he mentioned that they get audited annually by the state agencies. Cmr. Garza asked Mr. Lehman and/or Mr. Castillo that based on their experience what operates better a centralized or decentralized office. Mr. Lehman mentioned that on his personal comment it is a smoother operation with a centralized office. He stated that you have one responsibility and one accountability stop for both the auditing purposes and the court user. However, he mentioned that was the positive side, in the negative side is that everyone in the centralized operation would have to know all levels of operation for all three courts. Cmr. Garza asked that if it was set up as decentralized all departments would be audited from the state. Mr. Lehman acknowledged. Cmr. Garza asked if everyone is to be in compliance in order to receive the funds. Mr.

Lehman acknowledged. Cmr. Garza stated that if one was not in compliance it jeopardized the whole County from being in compliance. Mr. Lehman acknowledged. Mr. Lehman mentioned that if any piece of the Judicial module was not in compliance, then there would be no funding. Mrs. Margie Ramirez Ibarra, Webb County Clerk, mentioned that at no time had she refused to do collections and that she attended the meeting done by the State. She mentioned that if they were to have any questions the Auditor's office would be there to help them. Mr. Villarreal stated that Auditor is the one who formulated the plan and that they are the ones aware of the system. Judge Bruni asked what the wishes of the Court were.

Cmr. Gutierrez stated that she would like to move to keep the Office of Court Administration but allotting Ms. Patricia Barrera and Mrs. Margie Ramirez Ibarra to do those collections and stated that was what was said in the budget that was voted on. She stated that she would like to continue to do that, however, the plan needed to be changed to reflect that Ms. Barrera and Mrs. Ibarra doing these collections and have the gentlemen work with them. Judge Bruni mentioned that there was a motion and that he would seconded the motion.

Motion was 2-2 with discussion with Cmr. Garza and Cmr. Brunner voting against. Cmr. Sciaraffa stated that he still has questions so he wasn't voting for or against. Judge Bruni asked Mr. Homero Ramirez, County Attorney, if this was legal. Mr. Ramirez stated that the Court is given some latitude since it is regarding Budget and could proceed as deemed appropriate. Ms. Barrera mentioned that Mr. Villarreal stated that she does not know anything, however, she stated that the Auditors did not know anything about this program either.

Cmr. Sciaraffa asked Mr. Villarreal how many slots the Auditor needed. Mr. Villarreal stated that they were five positions. He asked how many were needed for the County Clerk and Tax Assessor. Cmr. Gutierrez stated two. Mr. Villarreal mentioned that it would not take care of the JPs. Cmr. Sciaraffa stated to Mr. Castillo that when they met they talked about the hiring process and that his main concern was who was going to administer this department. Cmr. Sciaraffa asked Mr. Castillo that if the department was to be decentralized if the State was to still fund them. Mr. Castillo stated if they were in compliance yes. Cmr. Sciaraffa asked if they would still help them. Mr. Castillo said that is one of their services.

Judge Bruni asked if there was a motion. Cmr. Gutierrez stated that her motion still stands. Judge Bruni seconded the motion.

Motion carried 3-2 with Cmr. Garza and Cmr. Brunner voting against.

Mr. Villarreal stated that the projected revenues needed to be moved to the County Clerk and Tax Assessor. Judge Bruni asked if a motion was needed. Mr. Villarreal said yes.

Cmr. Gutierrez motioned to move projected revenues to County Clerk and Tax Assessor Collector department. Judge Bruni seconded the motion.

Motion carried 3-2 with Cmr. Garza and Cmr. Brunner voting against.

Judge Bruni moved that the recommended changes on this handout be approved as modified and that a handout be filed with the County Clerk and

be included with the minutes of this meeting. Cmr. Gutierrez stated that there was a change pending on the MHMR. Cmr. Gutierrez stated that when MHMR was here a few weeks ago, everyone had agree that they could support \$250,000.00. Judge Bruni stated that if they could find the monies he was all for it. Cmr. Sciaraffa mentioned that with discussion with Mr. Homero Ramirez and Border Region MHMR they came to a consensus of \$150,000.00. Mr. Daniel Castillon, Border Region MHMR, stated that he would prefer the \$250,000.00 but whatever wishes that the Court had was greatly appreciated. Mr. Villarreal stated to the Court that the budget was already in the RED being about \$100,000 over. He stated that he would like to know from where they were going to get the resources to be able to balance.

Judge Bruni motioned to increase the funding for MHMR to \$200,000. Cmr. Gutierrez seconded the motion. Cmr. Garza asked for discussion. Cmr. Brunner asked where the money was going to come from. Cmr. Gutierrez stated that several cut downs had been done. Mr. Villarreal stated that several slots had been added too.

Judge Bruni mentioned that there was motion and a second.

Motion carried 4-1 with Cmr. Brunner voting against.

Mr. Villarreal asked to Court to allow him to adjust some of the fees that he feels the County Clerk's office should be projected to bring in to the County. Mr. Villarreal advised the Court that they would have a list detailing all the total amount of all changes made today.

Judge Bruni moved that the recommended changes on the handouts be approved as modified today and that the handout be filed with the County Clerk and be included with the minutes of today's meeting (**see attached Revised List**). Cmr. Gutierrez seconded the motion.

Motion carried 5-0 by unanimous consent.

Mr. Homero Ramirez, County Attorney, stated that a motion was needed to adopt the budget with all the changes.

Judge Bruni motioned to adopt the budget with all the changes on the handout made today. Cmr. Gutierrez seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 19. Discussion and possible action to adopt the
"OPERATIONAL GENERAL ORDER" for fiscal year
2006-2007.

Judge Bruni motioned to approve item 19 as submitted. Cmr. Gutierrez seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 7. Discussion and possible action to authorize the
Purchasing Agent to solicit Request for Qualifications

Official Minutes for Webb County
Commissioners Court Meeting

MONDAY SEPTEMBER 10, 2007 at 9:00 AM
(APPROVED SEPTEMBER 24, 2007)

Call to order by Judge Danny Valdez

Let it be remembered that a regular meeting of the Webb County Commissioners Court was held at 9:00 a.m. at the regular meeting place with the following members present to wit:

Danny Valdez	County Judge
Frank Sciaraffa	Commissioner, Pct. 1
Rosaura "Wawi" Tijerina	Commissioner, Pct. 2
Jerry Garza	Commissioner, Pct. 3
Sergio "Keko" Martinez	Commissioner, Pct. 4

Thus constituting a quorum, the Commissioners Court proceeded to act upon the Agenda as posted in the meeting notice of the 7th of September 2007. Present also were Mrs. Imelda Diaz, Deputy County Clerk representing Mrs. Margie Ramirez Ibarra, Ex-officio Clerk of the Commissioners Court, various officers and others interested in the business of the Court.

Item No. 1. ROLL CALL BY HONORABLE MARGIE RAMIREZ-IBARRA, WEBB COUNTY CLERK

Cmr. Martz not present at time of roll call.

Item No. 2. PLEDGE OF ALLEGIANCE

Item No. 3. APPROVAL OF MINUTES FOR AUGUST 22, 2007

Cmr. Sciaraffa motioned to approve item as submitted. Cmr. Tijerina seconded the motion.

Motion carried 4-1 with Cmr. Martinez absent.

Item No. 4. APPROVAL OF BILLS, PAYROLL AND MONTHLY REPORTS

Cmr. Sergio "Keko" Martinez walked in at 9:05 a.m.

Mr. Leo Flores, County Auditor, explained the Auditors Report.

Cmr. Tijerina motioned to approve the Auditors Report. Cmr. Garza seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 5. COMMUNICATIONS

Judge Valdez asked for a moment of silence to commemorate September 11th and remember all the people involved.

Cmr. Sciaraffa sent his condolences to the Killam Family.

Cmr. Tijerina sent her condolences to the Killam Family. She congratulated Dr. Juan Maldonado on his swearing in at Laredo Community College. Cmr. Tijerina thanked all the men and women who are have served and continue to serve to protect our Country.

Cmr. Garza sent his condolences to the Killam Family as well as to all the families of 911.

Cmr. Martinez sent his condolences to the Killam Family. He congratulated Dr. Juan Maldonado on his swearing in and for an outstanding job. He thanked all the sponsors and organizers for the ceremony honoring the soldiers that were coming back from Iraq.

Judge Valdez sent his condolences to the Killam Family. He recognized and congratulated Mrs. Rebecca Palomo, CSCD Director, for working very hard in succeeding to cover the department's deficit.

Item No. 6. Public Comment - This section provides the public the opportunity to address the Commissioners Court on any items on the Agenda. Members of the public wishing to participate must complete a Witness Card specifying which agenda item they wish to comment on. Each public member will be allowed a total of three (3) minutes within which to make any/all public comments.

1st witness card - Maria Elena Morales

Ms. Morales explained to the Court that she has been collecting the delinquent taxes for Webb County for approximately five years and advised that she was unaware that in the Webb County Budget there was an expected amount of collections under the delinquent taxes. She asked the Court to reconsider the amounts that have been assessed in the budget because she found them to be unrealistic.

2nd witness card – Maria Graciela Ramirez

Ms. Ramirez suggested to the Court to raise their chairs so that they could be seen. She suggested to the Court to consider freezing the taxes to every six years or more. She mentioned that she would also take her petition to the City of Laredo.

3rd witness card – Shawn Miller

Mr. Miller spoke on item #57. He explained to the Court that his company, Sirius Computer Solutions, responded to the RFP (Request for Proposal) and were the lowest bidder; however, they were not being recommended. He asked the Court to reconsider their RFP.

4th witness card – Jerry Hem

Mr. Hem spoke on item #57. He advised the Court that he felt that their proposal was the most effective one being submitted. He explained that the system that they were proposing was eligible for future growth. He asked the Court to consider having an evaluation process.

5th witness card – Andres Ramos Jr.

Mr. Ramos asked the Court to maintain the same tax rate as last year. He advised the Court that on item #23, they had an option to make any modifications to the budget; however, he asked them to think of the taxpayers and not raise the tax rate.

Honorable Danny Valdez, Webb County Judge

Item No. 7. Discussion on the current and future status of the Webb County Collections Department (Fund #001 & Fund #010, County Clerk) with possible action to best resolve the issue; and any other matters incident thereto.

Mr. Leroy Medford, Executive Administrator to the County Judge, explained that the reason this item was placed on the agenda was to clarify issues brought forward to the Court by Mrs. Margie Ramirez Ibarra, Webb County Clerk.

Judge Valdez motioned to bring up item #37. Cmr. Garza seconded the motion.

Motion carried 5-0 by unanimous consent.

County Clerk

Item No. 37. Discussion and possible action to remove revenues as submitted on the 2007-2008 Proposed County Judge's Budget from the Webb County Clerks Office (#1120) proposed Revenue Budget as submitted for the Collections Department Fund #001, #010, #008, #330, & #009 and allocate to appropriate department. Changes are as follows:

Fund 001 Department 1150 Collection Dept	(\$210,000)
Fund 001 Department 1200 Fines Forfeiture	(\$90,000)
Fund 010 Department 1120 Fines Forfeiture	(\$10,000)
Fund 008 Department 1120 Records Preservation Fee	(\$4,000)
Fund 330 Department 1120 Court House Security Fee	(\$1,500)
Fund 009 Department 1120 Records Preservation Fee	(\$1,000)

TOTAL AMOUNT TO BE ADJUSTED (\$316,500)

[Requested by Margie Ramirez Ibarra, Webb County Clerk; Account Number VARIOUS]

Discussion on file at the County Clerks Office under the September 10, 2007 Commissioner's Court DVD.

Mr. Homero Ramirez, County Attorney, explained that the Court needed to go back to the agenda items as posted.

Judge Valdez motioned to go back to the agenda as posted. Cmr. Sciaraffa seconded the motion.

Mr. Ramirez explained that item # 7 should be taken up until the budget item came up.

Item No. 8. Status report by the Economic Development Director regarding the Webb County Courthouse Annex Building with possible action on any matters incident thereto.

Discussion of file at the County Clerks Office under the September 10, 2007 Commissioner's Court DVD.

Honorable Jerry Garza, Webb County Commissioner Pct. 3

Item No. 9. Presentation by Texas A&M International University Alumni Association on their up-coming Autmus Fest with discussion and possible action to authorize \$5,000.00 for County sponsorship of the event. [Account number (007-0101-7426) Promotional Account.]

Cmr. Garza motioned to table the item. Cmr. Tijerina seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 10. Status report regarding the mold assessment conducted on the 1st floor with discussion and possible action to address, health concerns, liabilities and any other matters incident thereto.

Discussion of file at the County Clerks Office under the September 10, 2007 Commissioner's Court DVD.

Cmr. Garza motioned to bring up item #61. Cmr. Tijerina seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 61. Discussion and possible action to authorize the Purchasing Agent to solicit price quotes and/or proposals to seal the weather surface of the Webb County Court

1
Cmr. Tijerina advised that the position would be funded for \$100.00

Motion carried 3-2 with Judge Valdez and Cmr. Martinez voting against.

Cmr. Garza motioned to increase under the general fund slot 1333 in the amount of \$9,000.00. Cmr. Sciaraffa seconded the motion.

Motion carried 3-2 with Judge Valdez and Cmr. Martinez voting against.

Cmr. Garza motioned to adopt to 2007-2008 Webb County Budget as amended by the Webb County Commissioner's Court.

Mr. Leroy Medford advised the Court that before the adoption of the budget official direction needed to be clarified for the Collections Department.

Discussion of file at the County Clerks Office under the September 10, 2007 Commissioner's Court DVD.

Mr. Homero Ramirez advised the Court that the vote should be in respect to the budget with the expectation that the Court is transferring the Collections responsibilities as well as the budgetary items that are outlined under item #37.

Cmr. Garza amended his previous motion to include the responsibilities and duties of the Collections office as to what was under the County Clerk be moved to the Tax Assessor Collector. Cmr. Sciaraffa seconded the motion.

Mr. Homero Ramirez advised the Court that when they refer to transferring all duties beginning October 1st, Mrs. Margie Ramirez Ibarra is expecting to transfer everything she has relating to the Collections Department and all that would be assumed by the Tax Assessor Collector. Mr. Ramirez explained that discussion would need to occur with Mrs. Patricia Barrera to see what issues she might have with the transition. He explained that the items that the County Clerk is transferring might include other items that were started before the Tax Assessor Collector started her collections.

Motion carried 4-1 with Judge Valdez voting against.

Mrs. Margie Ramirez Ibarra, Webb County Clerk, advised the Court that she hand over the list detailing the old cases to Ms. Patricia Barrera, Tax Assessor Collector.

Item No. 24. Discussion and possible action to ratify the property tax increase reflected in the budget.

Judge Valdez motioned to ratify the property tax increase reflected in the budget. Cmr. Garza seconded the motion.

Mr. Leroy Medford advised the Court to incorporate as part of the motion that this budget will raise more total property taxes than last year's budget by 2,774,942.00 or 2.40% and of that amount \$1,688,900.00 is tax revenues should be raised for new property added to the tax roll this year.

Judge Valdez motioned to include what Mr. Medford said as part of his motion. Cmr. Garza seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 25. Discussion and possible action to adopt the "Operational General Order" for fiscal year 2007- 2008.

Discussion of file at the County Clerks Office under the September 10, 2007 Commissioner's Court DVD.

Mr. Homero Ramirez, County Attorney, recommended to include a statement in the general order that permits overtime payment to exempt employees when certain conditions occur which in this case would be the law enforcement

1-20-23
10:00 AM.
meo



Internal Audit Report

Webb County Clerk

Historical Payments for County Court Cases



Rafael Pérez, CPA, CGFM
County Auditor

1110 Washington Street, Suite #201
Laredo, Texas 78040

Telephone (956) 523-4016
Fax No. (956) 523-5001

January 20, 2023

Honorable Margarita Ramirez-Ibarra
Webb County Clerk
1110 Victoria St. Suite 201
Laredo, TX 78040

Honorable Margarita Ramirez-Ibarra,

The Internal Audit Division conducted an internal audit in accordance with Texas Local Government Code (LGC) §§ 115.001, "Examination of Records" and 115.901, "Examination of Certain Records by County Auditor" of the monies recorded into general ledger (G/L) account 1001-209375, Court Costs County Clerk. Accumulation of balance in this liability holding account (liability account) is attributable to monies collected and receipted through New World ERP system (NWS) rather than the County's official Judicial case management system of record, Tyler Odyssey (Odyssey) and monies collected through Odyssey without proper G/L distribution. As of October 31, 2022, the total balance in the account is \$986,187.24. Balance in the account is pending distribution to either State and/or local court costs, fees, and/or fines.

The objectives of the audit are to obtain reasonable assurance of whether best practices or current processes at County Clerk's Office are working correctly to allow for the proper data entry (recording), classification (accounting), and distribution (remittance) of court costs, fees, and/or fines and determine the reason of the accumulation of monies in the aforementioned G/L account. The County's case management software, Odyssey, is the official system of record for cases, which provides for a complete criminal file docket electronically. This facilitates financial reporting as recommended by the Office of Court Administration (OCA) and required by Section B - Accounting System of the County Clerk Manual, LGC § 114.041(b) Statement of Fees, Commissions, and Other Money Received by Officers, and LGC § 133.051, Collection and Remittance of Fees.

The current process of County Court cases is that County Clerk staff inputs the courts costs and Judicial Collections Department inputs the fees and/or fines from the signed (file marked) Bill of Costs into Odyssey. When court costs are not fully assessed in Odyssey by County Clerk, Judicial Collections cannot proceed to finalize assessment in Odyssey for the fees and/or fines. As a result, Judicial Collections cannot not timely issue a receipt through Odyssey and issues a New World ERP receipt when defendants remit payment. Effective November 1, 2022, Judicial Collections started receipting all payments through Odyssey; however, portion of those payments continue to require full assessment for proper distribution.

Methodology of Audit

We reviewed a sample of receipts issued during the period of October 2020 through October 2022. The sample included receipts issued by the Judicial Collections Department through NWS and Odyssey. For the period under review, balance in the liability account increased by \$122,915.44 in 25 months, from \$863,271.80 to \$986,187.24.

To conduct the review, our office referred to the latest Edition of the County Clerk Procedure Manual prepared by the OCA. Since our office does not have inquiry access to County Court financial components in Odyssey, we requested from Judicial Collections copies of defendants' bills of costs and the case transactions summaries of 132 cases. The sample of cases tested was classified into two categories: eighty-seven (87) NWS receipted cases and forty-five (45) Odyssey receipted cases.

After conducting initial testing, we had meetings with the County Clerk's Office and Judicial Collections Department to inquire about their processes and responsibilities in the assessment and collection of court costs, fees, and/or fines. Based on the analysis conducted in this internal audit, the following findings are noted.

Findings and Observations

Cases Receipted through New World

Cases receipted through New World represent not only court order monies in County Court at Law criminal cases, but also Justice of the Peace traffic appealed cases and pre-trial diversion. In comparing the Odyssey Case Transaction Summary amount to the Bills of Costs total for the 87 cases that were receipted through NWS, we noted the following:

- **Sixty (60)** cases were not fully assessed on Odyssey
 - *Out of the 60 cases, 55 cases did not have the complete court costs which is assessed by County Clerk. These cases include:*
 - 24 County court criminal cases
 - 31 Justice of the Peace traffic appeal cases

Court Cases	Total	Percentage
Total cases	87	100%
Fully assessed cases	27	31%
Cases not fully assessed	60	69%
Cases partially or not assessed by County Clerk	55	63%

❖ Cases Not Fully Assessed in Odyssey

Based on the bill of cost totals, more than 50% of the court cost are not being fully assessed in Odyssey by County Clerk. This projection shows that likely more than half of cases could continue to lack full assessment of court costs which in turn would result in the increase of the liability account once defendants remit payment.

Bill of Cost Assessment	Base Court Costs	Percentage
Bill of Cost	32,244.00	100%
Amount assessed in Odyssey	14,530.00	45%
Amount not assessed in Odyssey by County Clerk	17,714.00	55%

Cause – Due to the practice of not having fully assessed cases on Odyssey, payments remitted by defendants cannot be disbursed to appropriate State and local G/L accounts.

Effect – For the period under review, the lack of full assessment of court costs, fees, and/or fines in cases has resulted in \$80,073.00 to be recorded into G/L account 1001-209375 - Court Costs County Clerk in New World and not being disbursed to their appropriate accounts.

Recommendation – Odyssey is the County’s official system of record and is already configured to distribute court costs, fees, and/or fines to their respective G/L accounts; therefore, the financial tabs in cases should be the complete accounting records. County Clerk must ensure court cost are itemized in Odyssey based on each case’s signed bill of cost in order to receipt and properly distribute monies collected. By properly assessing the bill of cost in Odyssey, the balance in G/L account should not further increase.

As of November 1, 2022, Odyssey has provided an alternative to receipting monies for cases not fully assessed on Odyssey. Judicial Collections staff will receipt payments directly in Odyssey and use a “suspense account” that is linked to each defendant’s case.

Even though, monies will be receipted through the case in Odyssey rather than NWS, they will still accumulate into the liability account. To reduce those payments from the liability account, Judicial Collections will convert the monies from the suspense account into the proper court costs, fees, and/or fines as per signed bill of cost once they verify cases are fully assessed.

❖ **Orders of Agreed Deferred Adjudication**

Finding – In Class C Misdemeanor offense appeals, the Courts issue “Agreed Order Granting Deferred Adjudication” orders which instruct defendants to be “assessed an administrative fee in the amount of \$400.00, payable to Judicial Collections, including court costs”. Payments received from these defendants are recorded into the liability account as there is no breakdown on how to distribute the monies.

Cause – The order does not itemize the costs and fees for the said amount and neither County Clerk nor Judicial Collections are familiar with the breakdown.

Effect – Monies collected for the 30 orders reviewed, totaling \$12,000, were recorded into G/L account 1001-209375, Court Costs County Clerk. Without proper allocation, monies cannot be distributed and will contribute to the increase in the aforementioned account.

Recommendation – County Clerk and Judicial Collections must identify the breakdown of the \$400 and allocate the costs and fees to the appropriate G/L account to allow for proper distribution of fees. Once the breakdown is identified, a fee schedule on Odyssey may be created to distribute monies accordingly.

Cases Received through Odyssey without Proper G/L Accounts

Another factor contributing to the increase of the balance in G/L account 1001-209375, Court Costs County Clerk account is that a portion of monies received in Odyssey does not have the appropriate G/L accounts configured to their fee codes.

Cause – Our review found the following Odyssey Fee Codes are not configured with the correct G/L accounts.

Fee Code	Fee Code Description	Current G/L account	Correct G/L account
0012439CRM	Electronic Filing Fee (OCA)	County Clerk G/L Account	1001-207680-005 Statewide Filing Fee
EMS	EMS Trauma Fund	County Clerk G/L Account	1001-207580 EMS Trauma Fee
RMPPF	Records Management & Preservation Fee	County Clerk G/L Account	2005-2310-341132 County Records Preservation Fund
RMPC	Records Management & Preservation Fee Clerk	County Clerk G/L Account	2006-2310-341132 CC Records Mgt. & Preservation Fund
0081120311	2013 Class A/B Misdemeanors CC (Eff. 09/01/13)	County Clerk G/L Account	2005-2310-341132 County Records Preservation Fund
0091120311	2013 Class A/B Misdemeanors CC (Eff. 09/01/13)	County Clerk G/L Account	2006-2310-341132 CC Records Mgt. & Preservation Fund
SEFC	Statewide E-Filing Court Cost	County Clerk G/L Account	1001-207680-005 Statewide Filing Fee
TPF	Time Payment Fee	County Clerk G/L Account	1001-207480-010 Time Payment Fee
01610511	Record Search	2009-101000-005 Cash Account	2009-2310-341160 CC Technology Fee

Effect – As result, a portion of monies receipted in Odyssey have been distributed to some of the aforementioned fee codes and are subsequently recorded into the New World G/L account 1001-209375, Court Costs County Clerk. For the period under review, this resulted in \$42,885.29 to be recorded to the liability account.

Recommendation – County Clerk staff should update the aforementioned fee codes with their respective G/L accounts so that future monies collected are properly distributed. Once the fee codes are updated, a financial script will need to be requested from Odyssey so that the change takes effect also on previously receipted monies to be properly distributed. As an alternative, an Odyssey specialist could also assist to update the G/L accounts on the fee codes.

Other Observations

❖ Bill of Cost

Court costs on the bills of costs are summarized rather than itemized.

- As per the 2020 Edition of the OCA's County Clerk Procedure Manual, "Clerk prepares a bill of costs containing the case number, style, judgment, and itemization of all costs due from the defendant. The Clerk signs the instrument, affixes the seal of the court, and presents the bill of costs to the defendant or to the sheriff for service."

- **Recommendation** – County Clerk should update their paper bill of cost format to itemize all costs due. A bill of costs format that is itemized and presented to the defendant shows financial transparency and assists in the collection’s process.

❖ **Waived Costs**

When court costs are waived by a Judge for a defendant, no information is added related to the waived costs in the Odyssey financial tab. As a result, bill of cost in Odyssey remains blank or incomplete.

- **Recommendation** – We recommend adding the costs reflected in the signed bill of costs and then adjusting any waived fees in the financial tab in the electronic bill of cost on Odyssey. This will serve as an audit trail to improve internal controls and for reference when inquiring the balances of a case/defendant.

❖ **Historical Payments Data and Project**

The information we analyzed for this audit was for the period from October 2020 through October 2022. However, the balance in G/L account 1001-209375 - Court Costs County Clerk, has been increasing every year since 2008. The following table shows the cumulative balance:

Fiscal Year	Increase	Cumulative Balance
2008	72,253.23	72,253.23
2009	7,555.90	79,809.13
2010	13,330.90	93,140.03
2011	2,665.57	95,805.60
2012	200.00	96,005.60
2013	200.00	96,205.60
2014	5,639.00	101,844.60
2015	24,349.00	126,193.60
2016	124,768.77	250,962.37
2017	209,734.96	460,697.33
2018	170,816.42	631,513.75
2019	158,242.19	789,755.94
2020	73,515.86	863,271.80
2021	63,096.24	926,368.04
2022	56,379.45	982,747.49
October 2022	3,439.75	986,187.24

In order to distribute the monies maintained in the liability account, the County is coordinating a project with Odyssey. Departments involved in this project are Auditor’s Office, Information Technology Department, Judicial Collections, and County Clerk.

As part of the initial testing phase of the project, an Odyssey specialist has input fee schedules applicable to cases sentenced 2017 and prior into the Odyssey test environment. This will allow to begin testing the process Judicial Collections will utilize to covert NWS receipts to Odyssey generated receipts. The purpose of this is to obtain proper distribution of previously receipted monies which are currently in the liability account. County Clerk's Office will be advised of the progress in order to have a transparent conversion.

Corrective action must be taken to remediate the findings addressed in this report and to comply with applicable statutes and regulations. We respectfully request that management provides us with a response as to how the aforementioned findings and observations will be corrected and the timeframe corrective actions will be implemented. Tyler Odyssey along with IT, Judicial Collections, and Auditor's Office are available to assist your Office in applying some of the recommendations. Please provide your written response within two weeks from issued date of this report.

We would like to acknowledge the cooperation and assistance given to us by your Office during this review. This report will be presented to the Auditor's Board of District Judges and Commissioners Court. If you have any questions or comments regarding this report, please contact us at (956)523-4016.

Respectfully,


Rafael Pérez, CPA, CGFM
Webb County Auditor

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2020

COUNTY CLERK CRIMINAL FEE CHANGES EFFECTIVE 1/1/2020

EXISTING BASE STATUTES REPEALED	EXISTING FEE 12/31/2019	NEW BASE STATUTES - CONSOLIDATED (LGC Subchapter C 134.102(b))	NEW FEE BREAKDOWN 1/1/2020
Clerk's filing fee (CCP Art. 102.005(a))	\$ 40.00	Clerk of the court account (1)	\$ 40.00
Records management fee (CCP §102.005(f)) \$22.50 County/\$2.50 Clerk	\$ 25.00	Records management and preservation fund (2)	\$ 25.00
Prosecutor's Fee (CCP §102.008(a)(c)(d))	\$ 20.00	Account for prosecutor's fee (3)	\$ 20.00
Jury fee (on conviction by jury) (CCP Art. 102.004)	\$ 40.00	County Jury fund (4)	\$ 1.00
Courthouse security fee (CCP Art. 102.017(b))	\$ 5.00	Courthouse security fund (5)	\$ 10.00
County and district court technology fund (CCP 102.0169)	\$ 4.00	County and district court technology fund (6)	\$ 4.00
Court reporter fee (GC §25.0593(k), 25.0594(1))	\$ 3.00	Court reporter service fund (7)	\$ 3.00
		NEW-County specialty court account (8)	\$ 20.00
Existing	\$ 137.00	New base fee to County Class A or B misdemeanor (LGC §102.0212(5))	\$ 123.00
<u>Current Fees to State Comptroller</u>	<u>Repealed 12.31.2019</u>	New base fee to State Comptroller - Class A or B misdemeanor (LGC §102.0212(2))	\$ 147.00
Consolidated Court Costs (LGC §133.102(a)(2))	\$ 83.00		
Judicial Support Fee (LGC §133.105(a))	\$ 6.00		
Indigent Defense Fee (LGC §133.107)	\$ 2.00		
Statewide electronic filing system (GC §51.851(d))	\$ 5.00	NEW CONSOLIDATED CLASS A OR B MISDEMEANOR BASE FEE	\$ 270.00

2019

County Clerks' Misdemeanor Conviction Court Cost Chart (ORIGINAL JURISDICTION) – 09/01/2019		A	B	C	D	E	F	G	H	I	J
Always Charge Cost Nos. 1 thru 15 upon conviction (including deferred adjudication and deferred disposition).											
1	Emergency Medical Services (EMS), Trauma Facilities and Trauma Care Systems Cost – CCP, art. 102.0185	100	100	100	0	0	0	0	0	0	0
2	Consolidated Court Cost – LGC, § 133.102(a)	83	83	83	83	83	83	83	83	83	83
3	Drug Court Cost – CCP, art. 102.0178	60	60	60	60	0	0	0	0	0	0
4	Juvenile Delinquency Prevention Fee – CCP, art. 102.0171(a)	0	0	0	0	50	0	0	0	0	0
5	Clerk's Fee – CCP, art. 102.005(a)	40	40	40	40	40	40	40	40	40	40
6	State Traffic Fine – Transp. Code, §542.4031	0	0	0	0	0	50	50	0	0	0
7	Records Management Fee – CCP, art. 102.005(f)	25	25	25	25	25	25	25	25	25	25
8	Judicial Fund Court Cost – Government Code, §§ 51.702, 51.703	15	15	15	15	15	15	15	15	15	15
9	Judicial Support Fee – Local Gov't Code, § 133.105(a)	6	6	6	6	6	6	6	6	6	6
10	County and District Court Technology Fund Fee – CCP, art. 102.0169	4	4	4	4	4	4	4	4	4	4
11	Court Security Fee – CCP, art. 102.017(b)	3	3	3	3	3	3	3	3	3	3
12	Additional Court Cost – Transp. Code, § 542.403	0	0	0	0	0	3	3	0	0	0
13	Indigent Defense Fee – Local Gov't Code, § 133.107	2	2	2	2	2	2	2	2	2	2
14	Moving Violation Fee – CCP, art. 102.022	0.10	0.10	0	0	0	0.10	0	0.10	0	0
TOTAL COSTS ALWAYS CHARGED UPON CONVICTION (INCLUDING DEFERRED ADJUDICATION AND DEFERRED DISPOSITION)		333.10	338.10	338	238	228	231.10	221	178.10	178	178
15	DNA Testing Court Cost No. 2 – CCP, art. 102.020(a)(2) Charged upon conviction (including deferred adjudication) if the court does not waive the cost because the defendant is indigent and unable to pay.	0	0	0	0	0	0	0	0	50	0
Cost Nos. 17 thru 28 are charged upon conviction (including deferred adjudication and deferred disposition) if the applicable service was performed by a peace officer.											
16	Execute or Process Arrest Warrant, Capias, or Capias Pro Fine - CCP, 102.011(a)(2)	50	50	50	50	50	50	50	50	50	50
17	Serve Writ – CCP, art. 102.011(a)(4)	35	35	35	35	35	35	35	35	35	35
18	Take and Approve Bond – CCP, art. 102.011(a)(5)	10	10	10	10	10	10	10	10	10	10
19	Convey Witness (charge per day) – CCP, art. 102.011(c)	10	10	10	10	10	10	10	10	10	10
20	Arrest without Warrant or Issue Notice to Appear – CCP, 102.011(a)(1)	5	5	5	5	5	5	5	5	5	5
21	Summon Witness (charge per witness each time summoned) – CCP, art. 102.011(a)(3)	5	5	5	5	5	5	5	5	5	5
22	Commitment to Jail – CCP, art. 102.011(a)(6)	5	5	5	5	5	5	5	5	5	5
23	Release from Jail – CCP, art. 102.011(a)(6)	5	5	5	5	5	5	5	5	5	5
24	Summon Jury – CCP, art. 102.011(a)(7)	5	5	5	5	5	5	5	5	5	5
25	Mileage Fees for certain Conveyances and Travel (29¢/mile) – CCP, art. 102.011(b)	x	x	x	x	x	x	x	x	x	x
26	Meals/Lodging Expenses for certain Conveyances and Travel – CCP, art. 102.011(b)	x	x	x	x	x	x	x	x	x	x
27	Overtime Costs for Testifying at Trial - CCP, 102.011(f)	x	x	x	x	x	x	x	x	x	x
28	Jury Fee – CCP, art. 102.004 Charged upon conviction by jury only.	40	40	40	40	40	40	40	40	40	40
29	Prosecutor's Fee – CCP, art. 102.008(a) Charged upon conviction. The statute does not indicate that "conviction" includes deferred adjudication and deferred disposition. This fee applies to misdemeanors and gambling offenses.	25	25	25	25	25	25	25	25	25	25
30	Juror Reimbursement Fee – CCP, art. 102.0045 Charged upon conviction. The statute does not indicate that "conviction" includes deferred adjudication and deferred disposition. This fee applies whether or not there was a jury trial.	4	4	4	4	4	4	4	4	4	4
31	Visual Recording Cost – CCP, art. 102.018(a) Charged upon conviction (including deferred adjudication and deferred disposition) if a law enforcement agency used an electronic device to visually record the defendant.	15	15	0	0	0	0	0	0	0	0
32	Restitution Installment Fee – CCP, art. 42.037(g) Charged upon conviction if the court ordered installment payments. The statute does not indicate that "conviction" includes deferred adjudication and deferred disposition.	12	12	12	12	12	12	12	12	12	12
33	Statewide E-Filing Fee – Gov't Code, § 51.851(d) Charged upon conviction (including deferred adjudication and deferred disposition) if the court did not waive the fee because the defendant is indigent.	5	5	5	5	5	5	5	5	5	5
34	Drug or Alcohol Rehabilitation Evaluation Court Cost – CCP, art. 102.018(b) Charged upon conviction (including deferred adjudication) if the court did not waive because the defendant is indigent.	x	0	0	0	0	0	0	0	0	0

NOTE: When "X" appears on the chart this indicates that the amount must be calculated as provided in the statute.

The following costs are charged in appropriate circumstances:

(35) Transaction Fee – CCP, art. 102.072 – not to exceed \$2.00

This optional fee may be charged on each transaction relating to the collection of fines, fees, restitution, or other costs imposed by a court.

(36) Time Payment Fee – LGC, § 133.103 – \$25.00

This fee is required whenever a person convicted of an offense pays any part of a fine, court costs, or restitution on or after the 31st day after the judgment entered assessing the fine, court costs, or restitution. For this fee, “convicted” includes deferred adjudication and deferred disposition.

~~(37)~~ Administrative Fee (Omni Fee – Failure to Pay) – Transportation Code, § 706.006(b) – \$30.00 (*driver's license*)

This fee is required if a person fails to pay or satisfy a judgment ordering the payment of a fine and cost in the manner the court orders it, but only if the court does not make a finding that the person is indigent.

NOTE: A person is presumed to be indigent if the person: (1) is required to attend school full time under Section 25.085, Education Code; (2) is a member of a household with a total annual income that is below 125 percent of the applicable income level established by the federal poverty guidelines; or (3) receives assistance from: (A) the financial assistance program established under Chapter 31, Human Resources Code; (B) the medical assistance program under Chapter 32, Human Resources Code; (C) the supplemental nutrition assistance program established under Chapter 33, Human Resources Code; (D) the federal special supplemental nutrition program for women, infants, and children authorized by 42 U.S.C. Section 1786; or (E) the child health plan program under Chapter 62, Health and Safety Code. See Transportation Code § 706.006(d)

(38) Order of Nondisclosure Fee – Government Code, § 411.072 – \$28.00

This fee is required before the court issues an order of nondisclosure under § 411.072(b). A person is not required to file a petition for an order of nondisclosure under § 411.072, so the clerk should not charge fees that generally apply upon the filing of a civil petition. Compare the language of § 411.072(b) with the language of §§ 411.0725(b), 411.0727(b), 411.0728(b), 411.073(b), 411.0731(b), 411.0735(b), and 411.0736(b). Unlike these other sections, Section 411.072(b) does not contain a sentence with language the same as or similar to, “the person may petition the court” or “the person is entitled to file with the court.... a petition.”

County Clerks' Misdemeanor Conviction Court Cost Chart

(ORIGINAL JURISDICTION) – 01/01/2018

2018

	A	B	C	D	E	F	G	H	I	J
Always Charge Cost Nos. 1 thru 15 upon conviction (including deferred adjudication and deferred disposition).										
1	Emergency Medical Services (EMS), Trauma Facilities and Trauma Care Systems Cost – CCP, art. 102.0185	100	100	100	0	0	0	0	0	0
2	Consolidated Court Cost – LGC, § 133.102(a)	83	83	83	83	83	83	83	83	83
3	Drug Court Cost – CCP, art. 102.0178	60	60	60	60	0	0	0	0	0
4	Juvenile Delinquency Prevention Fee – CCP, art. 102.0171(a)	0	0	0	0	50	0	0	0	0
5	Clerk's Fee – CCP, art. 102.005(a)	40	40	40	40	40	40	40	40	40
6	State Traffic Fine – Transp. Code, §542.4031	0	0	0	0	0	30	30	0	0
7	Records Management Fee – CCP, art. 102.005(f)	25	25	25	25	25	25	25	25	25
8	Judicial Fund Court Cost – Government Code, §§ 51.702, 51.703	15	15	15	15	15	15	15	15	15
9	Judicial Support Fee – Local Gov't Code, § 133.105(a)	6	6	6	6	6	6	6	6	6
10	County and District Court Technology Fund Fee – CCP, art. 102.0169	4	4	4	4	4	4	4	4	4
11	Court Security Fee – CCP, art. 102.017(b)	3	3	3	3	3	3	3	3	3
12	Additional Court Cost – Transp. Code, § 542.403	0	0	0	0	0	3	3	0	0
13	Indigent Defense Fee – Local Gov't Code, § 133.107	2	2	2	2	2	2	2	2	2
14	Moving Violation Fee – CCP, art. 102.022	0.10	0.10	0	0	0	0.10	0	0.10	0
TOTAL COSTS ALWAYS CHARGED UPON CONVICTION (INCLUDING DEFERRED ADJUDICATION AND DEFERRED DISPOSITION)										
		338.10	338.10	338	238	228	211.10	211	178.10	178
15	DNA Testing Court Cost No. 2 – CCP, art. 102.020(a)(2) Charged upon conviction (including deferred adjudication) if the court does not waive the cost because the defendant is indigent and unable to pay.	0	0	0	0	0	0	0	50	0
Cost Nos. 17 thru 28 are charged upon conviction (including deferred adjudication and deferred disposition) if the applicable service was performed by a peace officer.										
16	Execute or Process Arrest Warrant, Capias, or Capias Pro Fine - CCP, 102.011(a)(2)	50	50	50	50	50	50	50	50	50
17	Serve Writ – CCP, art. 102.011(a)(4)	35	35	35	35	35	35	35	35	35
18	Take and Approve Bond – CCP, art. 102.011(a)(5)	10	10	10	10	10	10	10	10	10
19	Convey Witness (charge per day) – CCP, art. 102.011(c)	10	10	10	10	10	10	10	10	10
20	Arrest without Warrant or Issue Notice to Appear – CCP, 102.011(a)(1)	5	5	5	5	5	5	5	5	5
21	Summon Witness (charge per witness each time summoned) – CCP, art. 102.011(a)(3)	5	5	5	5	5	5	5	5	5
22	Commitment to Jail – CCP, art. 102.011(a)(6)	5	5	5	5	5	5	5	5	5
23	Release from Jail – CCP, art. 102.011(a)(6)	5	5	5	5	5	5	5	5	5
24	Summon Jury – CCP, art. 102.011(a)(7)	5	5	5	5	5	5	5	5	5
25	Mileage Fees for certain Conveyances and Travel (29¢/mile) – CCP, art. 102.011(b)	x	x	x	x	x	x	x	x	x
26	Meals/Lodging Expenses for certain Conveyances and Travel – CCP, art. 102.011(b)	x	x	x	x	x	x	x	x	x
27	Overtime Costs for Testifying at Trial - CCP, 102.011(i)	x	x	x	x	x	x	x	x	x
28	Jury Fee – CCP, art. 102.004 Charged upon conviction by jury only.	40	40	40	40	40	40	40	40	40
29	Prosecutor's Fee – CCP, art. 102.008(a) Charged upon conviction. The statute does not indicate that "conviction" includes deferred adjudication and deferred disposition. This fee applies to misdemeanors and gambling offenses.	25	25	25	25	25	25	25	25	25
30	Juror Reimbursement Fee – CCP, art. 102.0045 Charged upon conviction. The statute does not indicate that "conviction" includes deferred adjudication and deferred disposition. This fee applies whether or not there was a jury trial.	4	4	4	4	4	4	4	4	4
31	Visual Recording Cost – CCP, art. 102.018(a) Charged upon conviction (including deferred adjudication and deferred disposition) if a law enforcement agency used an electronic device to visually record the defendant.	15	15	0	0	0	0	0	0	0
32	Restitution Installment Fee – CCP, art. 42.037(g) Charged upon conviction if the court ordered installment payments. The statute does not indicate that "conviction" includes deferred adjudication and deferred disposition.	12	12	12	12	12	12	12	12	12
33	Statewide E-Filing Fee – Gov't Code, § 51.851(d) Charged upon conviction (including deferred adjudication and deferred disposition) if the court did not waive the fee because the defendant is indigent.	5	5	5	5	5	5	5	5	5
34	Drug or Alcohol Rehabilitation Evaluation Court Cost – CCP, art. 102.018(b) Charged upon conviction (including deferred adjudication) if the court did not waive because the defendant is indigent.	x	0	0	0	0	0	0	0	0

NOTE: When "X" appears on the chart this indicates that the amount must be calculated as provided in the statute.


The following costs are charged in appropriate circumstances:

(35) Transaction Fee – CCP, art. 102.072 – not to exceed \$2.00

This optional fee may be charged on each transaction relating to the collection of fines, fees, restitution, or other costs imposed by a court.

(36) Time Payment Fee – LGC, § 133.103 – \$25.00

This fee is required whenever a person convicted of an offense pays any part of a fine, court costs, or restitution on or after the 31st day after the judgment entered assessing the fine, court costs, or restitution. For this fee, “convicted” includes deferred adjudication and deferred disposition.

 (37) Administrative Fee (Omni Fee – Failure to Pay) – Transportation Code, § 706.006(b) – \$30.00 (*driver's license*)

This fee is required if a person fails to pay or satisfy a judgment ordering the payment of a fine and cost in the manner the court orders it, but only if the court does not make a finding that the person is indigent.

NOTE: A person is presumed to be indigent if the person: (1) is required to attend school full time under Section 25.085, Education Code; (2) is a member of a household with a total annual income that is below 125 percent of the applicable income level established by the federal poverty guidelines; or (3) receives assistance from: (A) the financial assistance program established under Chapter 31, Human Resources Code; (B) the medical assistance program under Chapter 32, Human Resources Code; (C) the supplemental nutrition assistance program established under Chapter 33, Human Resources Code; (D) the federal special supplemental nutrition program for women, infants, and children authorized by 42 U.S.C. Section 1786; or (E) the child health plan program under Chapter 62, Health and Safety Code. See Transportation Code § 706.006(d)

(38) Order of Nondisclosure Fee – Government Code, § 411.072 – \$28.00

This fee is required before the court issues an order of nondisclosure under § 411.072(b). A person is not required to file a petition for an order of nondisclosure under § 411.072, so the clerk should not charge fees that generally apply upon the filing of a civil petition. Compare the language of § 411.072(b) with the language of §§ 411.0725(b), 411.0727(b), 411.0728(b), 411.073(b), 411.0731(b), 411.0735(b), and 411.0736(b). Unlike these other sections, Section 411.072(b) does not contain a sentence with language the same as or similar to, “the person may petition the court” or “the person is entitled to file with the court.... a petition.”

2016

County Clerks' Misdemeanor Conviction Court Cost Chart (ORIGINAL JURISDICTION) – 01/01/2016		A	B	C	D	E	F	G	H	I	J	K
The costs below must always be assessed upon conviction (including deferred adjudication).												
1	Emergency Medical Services (EMS), Trauma Facilities and Trauma Care Systems Cost – CCP, art. 102.0185	100	100	100	0	0	0	0	0	0	0	0
2	Child Abuse Prevention Fund Cost – CCP, art. 102.0186	0	0	0	100	0	0	0	0	0	0	0
3	Consolidated Court Cost – LGC, § 133.102(a)	83	83	83	83	83	83	83	83	83	83	83
4	Drug Court Cost – CCP, art. 102.0178	60	60	60	0	60	0	0	0	0	0	0
5	Juvenile Delinquency Prevention Fee – CCP, art. 102.0171(a)	0	0	0	0	0	50	0	0	0	0	0
6	Clerk's Fee – CCP, art. 102.005(a)	40	40	40	40	40	40	40	40	40	40	40
7	State Traffic Fine – Transp. Code, §542.4031	0	0	0	0	0	0	30	30	0	0	0
8	Records Management Fee – CCP, art. 102.005(f)	25	25	25	25	25	25	25	25	25	25	25
9	Judicial Fund Court Cost – Government Code, §§ 51.702, 51.703	15	15	15	15	15	15	15	15	15	15	15
10	Judicial Support Fee – Local Gov't Code, § 133.105(a)	6	6	6	6	6	6	6	6	6	6	6
11	County and District Court Technology Fund Fee – CCP, art. 102.0169	4	4	4	4	4	4	4	4	4	4	4
12	Court Security Fee – CCP, art. 102.017(b)	3	3	3	3	3	3	3	3	3	3	3
13	Additional Court Cost – Transp. Code, § 542.403	0	0	0	0	0	0	3	3	0	0	0
14	Indigent Defense Fee – Local Gov't Code, § 133.107	2	2	2	2	2	2	2	2	2	2	2
15	Moving Violation Fee – CCP, art. 102.022	0.10	0.10	0	0	0	0	0.10	0	0.10	0	0
TOTAL COSTS TO ALWAYS BE ASSESSED ON CONVICTION (INCLUDING DEFERRED ADJUDICATION)		338.10	338.10	338	278	238	228	211.10	211	178.10	178	178
The cost below must be assessed upon conviction (including deferred adjudication) if: (1) the Court has not determined the defendant to be indigent and unable to pay the cost; or (2) the Court chooses to impose the cost even though such a determination has been made.												
16	DNA Testing Court Cost No. 2 – CCP, art. 102.020(a)(2)	0	0	0	0	0	0	0	0	0	50	0
The costs below must be assessed upon conviction (including deferred adjudication) if the specified service has been performed in the case by a peace officer.												
17	Execute or Process Arrest Warrant, Capias, or Capias Pro Fine - CCP, 102.011(a)(2)	50	50	50	50	50	50	50	50	50	50	50
18	Serve Writ – CCP, art. 102.011(a)(4)	35	35	35	35	35	35	35	35	35	35	35
19	Take and Approve Bond – CCP, art. 102.011(a)(5)	10	10	10	10	10	10	10	10	10	10	10
20	Convey Witness (charge per day) – CCP, art. 102.011(c)	10	10	10	10	10	10	10	10	10	10	10
21	Arrest without Warrant or Issue Notice to Appear – CCP, 102.011(a)(1)	5	5	5	5	5	5	5	5	5	5	5
22	Summon Witness (charge per witness each time summoned) – CCP, art. 102.011(a)(3)	5	5	5	5	5	5	5	5	5	5	5
23	Commitment to Jail – CCP, art. 102.011(a)(6)	5	5	5	5	5	5	5	5	5	5	5
24	Release from Jail – CCP, art. 102.011(a)(6)	5	5	5	5	5	5	5	5	5	5	5
25	Summon Jury – CCP, art. 102.011(a)(7)	5	5	5	5	5	5	5	5	5	5	5
26	Mileage Fees for certain Conveyances and Travel (29¢/mile) – CCP, art. 102.011(b)	x	x	x	x	x	x	x	x	x	x	x
27	Meals/Lodging Expenses for certain Conveyances and Travel – CCP, art. 102.011(b)	x	x	x	x	x	x	x	x	x	x	x
28	Overtime Costs for Testifying at Trial – CCP, 102.011(i)	x	x	x	x	x	x	x	x	x	x	x
The fee below must be assessed upon conviction if the conviction was by a jury.												
29	Jury Fee – CCP, art. 102.004	40	40	40	40	40	40	40	40	40	40	40
The fees below must be assessed upon conviction only if the defendant has been convicted and has not simply been placed on deferred adjudication.												
30	Prosecutor's Fee – CCP, art. 102.008(a)	25	25	25	25	25	25	25	25	25	25	25
31	Juror Reimbursement Fee – CCP, art. 102.0045	4	4	4	4	4	4	4	4	4	4	4
The cost below must be assessed upon conviction (including deferred adjudication) if a law enforcement agency visually recorded the defendant with an electronic device.												
32	Visual Recording Cost – CCP, art. 102.018(a)	15	15	0	0	0	0	0	0	0	0	0
The fee below must be assessed upon conviction only if: (1) the defendant is convicted (not just placed on deferred adjudication); and (2) the Court chooses to impose the cost.												
33	Restitution Installment Fee – CCP, art. 42.037(g)	12	12	12	12	12	12	12	12	12	12	12
The cost below must be assessed upon conviction (including deferred adjudication) only if: (1) the defendant is not determined by the Court to be indigent; or (2) the Court chooses to assess the cost even though the defendant has been determined to be indigent.												
34	Statewide E-Filing Court Cost – Gov't Code, § 51.851(d)	5	5	5	5	5	5	5	5	5	5	5
The cost below is assessed only if: (1) defendant is not determined by Court to be indigent and unable to pay the cost; or (2) Court chooses to assess the cost even if such a determination is made												
35	Drug or Alcohol Rehabilitation Evaluation Court Cost – CCP, art. 102.018(b)	x	0	0	0	0	0	0	0	0	0	0

NOTE: When "X" appears on the chart this indicates that the amount must be calculated as provided in the statute.

The following costs are not assessed upon conviction, but are assessed in appropriate circumstances:

- (36) Transaction Fee – CCP, art. 102.072 – not to exceed \$2.00
This optional fee may be assessed on each transaction relating to the collection of fines, fees, restitution, or other costs imposed by a court.
- (37) Time Payment Fee – LGC, § 133.103 – \$25.00
This fee is required to be assessed whenever a person who has been convicted of an offense “pays any part of a fine, court costs, or restitution on or after the 31st day after the date on which a judgment is entered assessing the fine, court costs, or restitution.”
- ~~A~~ (38) Administrative Fee (Omni Fee) – Transportation Code, § 706.006(b) – \$30.00
This fee is required to be paid by any “person who fails to pay or satisfy a judgment ordering the payment of a fine and cost in the manner the court orders.”
- (39) Order of Nondisclosure Fee – Government Code, § 411.072 – \$28.00
This fee is required to be paid by a person seeking an order of nondisclosure under GC § 411.072 (no petition is filed) prior to the court issuing the order.

Detailed Description of Offenses in each Misdemeanor Category on Chart

- A Driving While Intoxicated (DWI) punishable under Penal Code, § 49.04(b)
- B Driving While Intoxicated (DWI) punishable under Penal Code, § 49.04(c), (d)
- C Class A or B Misdemeanor Intoxication Offense other than DWI – Penal Code, §§ 49.05 - 49.065
- D Employment Harmful to Children Offense – Penal Code, § 43.251
- E Class A or B Misdemeanor Drug Offense – Health & Safety Code, Ch. 481
- F Class A or B Misdemeanor Graffiti Offense – Penal Code, § 28.08
- G Class A or B Misdemeanor Rules-of-the-Road Offense¹ that is a moving violation²
- H Class A or B Misdemeanor Rules-of-the-Road Offense that is not a moving violation
- I General Class A or B Misdemeanor Offense³ that is a moving violation
- J Public Lewdness – Penal Code, § 21.07
Indecent Exposure – Penal Code, § 21.08
Unlawful Disclosure or Promotion of Intimate Visual Material – Penal Code, § 21.16
Terroristic Threat (if a Class A Misdemeanor) – Penal Code, § 22.07
Enticing a Child – Penal Code, § 25.04
Promotion of Prostitution – Penal Code, § 43.03
Sale, Distribution, or Display of Harmful Material to Minor – Penal Code, § 43.24
- K General Class A or B Misdemeanor Offense that is not a moving violation

¹ A rules-of-the-road offense is any offense found in Transportation Code, Chapters 541 through 600.

² The list of offenses considered to be moving violations can be found at 37 Tex. Admin. Code § 15.89(b). The list is available online at <http://texreg.sos.state.tx.us/fids/201403910-1.html>.

³ A general Class A or B misdemeanor offense is any Class A or B Misdemeanor offense other than an offense listed in Columns A through H or in Column J.

2013

County Clerks' Misdemeanor Court Cost Chart – 09/01/2013 ORIGINAL JURISDICTION												
MISDEMEANOR CATEGORY	A	B	C	D	E	F	G	H	I	J	K	
Cost Always Assessed												
1 EMS Trauma Fund Cost – CCP, art. 102.0185	100	100	100	0	0	0	0	0	0	0	0	
2 Child Abuse Prevention Fund – CCP, art. 102.0186	0	0	0	100	0	0	0	0	0	0	0	
3 Consolidated Court Cost – LGC, § 133.102(a)	83	83	83	83	83	83	83	83	83	83	83	
4 Drug Court Cost – CCP, art. 102.0178	60	60	60	0	60	0	0	0	0	0	0	
5 DNA Testing Court Cost – CCP, art. 102.020	0	0	0	0	0	0	50	0	0	0	0	
6 Juv. Delinquency Prev. Fee – CCP, art. 102.0171(a)	0	0	0	0	0	50	0	0	0	0	0	
7 Clerk's Fee – CCP, art. 102.005(a)	40	40	40	40	40	40	40	40	40	40	40	
8 State Traffic Fine – Transp. Code, §542.4031	0	0	0	0	0	0	0	30	30	0	0	
9 Records Management Fee – CCP, art. 102.005(f)	25	25	25	25	25	25	25	25	25	25	25	
10 Prosecutor's Fee – CCP, art. 102.008(a)	25	25	25	25	25	25	25	25	25	25	25	
11 Jud. Fund Court Cost – Gov't Code, §§ 51.702, 51.703	15	15	15	15	15	15	15	15	15	15	15	
12 Judicial Support Fee – Local Gov't Code, § 133.105(a)	6	6	6	6	6	6	6	6	6	6	6	
13 Statewide E-Filing Court Cost – Gov't Code, § 51.851(d)	5	5	5	5	5	5	5	5	5	5	5	
14 Juror Reimbursement Fee – CCP, art. 102.0045	4	4	4	4	4	4	4	4	4	4	4	
15 County and District Ct. Tech. Fund – CCP, art. 102.0169	4	4	4	4	4	4	4	4	4	4	4	
16 Court Security Fee – CCP, art. 102.017	3	3	3	3	3	3	3	3	3	3	3	
17 Additional Court Cost – Transp. Code, § 542.403	0	0	0	0	0	0	0	3	3	0	0	
18 Indigent Defense Fee – Local Gov't Code, § 133.107	2	2	2	2	2	2	2	2	2	2	2	
19 Moving Violation Fee – CCP, art.102.22	0.10	0.10	0	0	0	0	0	0.10	0	0.10	0	
20 Drug/Alc. Rehab. Eval. Ct. Cost – CCP, art. 102.018(b)	x	0	0	0	0	0	0	0	0	0	0	
TOTAL OF COSTS THAT ARE ALWAYS ASSESSED	372.10	372.10	372	312	272	262	262	245.10	245	212.10	212	
Cost Assessed if Service Performed by Peace Officer												
21 Exec./Proc. Arr. Warr., Capias, CPF - CCP, 102.011(a)(2)	50	50	50	50	50	50	50	50	50	50	50	
22 Serve Writ – CCP, art. 102.011(a)(4)	35	35	35	35	35	35	35	35	35	35	35	
23 Take and Approve Bond – CCP, art. 102.011(a)(5)	10	10	10	10	10	10	10	10	10	10	10	
24 Convey Witness (charge per day) – CCP, art. 102.011(c)	10	10	10	10	10	10	10	10	10	10	10	
25 Arrest w/out Warrant or Issue NTA – CCP, 102.011(a)(1)	5	5	5	5	5	5	5	5	5	5	5	
26 Summon Witness – CCP, art. 102.011(a)(3)	5	5	5	5	5	5	5	5	5	5	5	
27 Commitment to Jail – CCP, art. 102.011(a)(6)	5	5	5	5	5	5	5	5	5	5	5	
28 Release from Jail – CCP, art. 102.011(a)(6)	5	5	5	5	5	5	5	5	5	5	5	
29 Summon Jury – CCP, art. 102.011(a)(7)	5	5	5	5	5	5	5	5	5	5	5	
30 Mileage for # 21 - 28 (29¢/mile) – CCP, art. 102.011(b)	x	x	x	x	x	x	x	x	x	x	x	
31 Meals/Lodging Expense for # 21 - 28 – CCP, 102.011(b)	x	x	x	x	x	x	x	x	x	x	x	
32 Overtime Costs for Testifying at Trial - CCP, 102.011(i)	x	x	x	x	x	x	x	x	x	x	x	
Cost Assessed if Def. Fails to Pay Fine and/or Costs												
33 Admin. Fee (OMNI Fee) – Transp. Code, § 706.006(a)	30	30	30	30	30	30	30	30	30	30	30	
Cost Ass. if Pmt. made after 30th day after Judgment												
34 Time Payment Fee – Local Gov't Code, § 133.103	25	25	25	25	25	25	25	25	25	25	25	
Cost Assessed if Conviction is by Jury												
35 Jury Fee – CCP, art. 102.004	20	20	20	20	20	20	20	20	20	20	20	
Cost Assessed if DWI Defendant is Visually Recorded												
36 Visual Recording Fee – CCP, art. 102.018(a)	15	15	0	0	0	0	0	0	0	0	0	
Discretionary Costs												
37 Restitution Installment Fee – CCP, art. 42.037(g)	12	12	12	12	12	12	12	12	12	12	12	
38 Transaction Fee – CCP, art. 102.072	≤ 2	≤ 2	≤ 2	≤ 2	≤ 2	≤ 2	≤ 2	≤ 2	≤ 2	≤ 2	≤ 2	

- Note 1: This chart applies only to misdemeanor convictions in county-level courts.
- Note 2: Court costs directed primarily to the State are in bold.
- Note 3: x = indefinite amount.
- Note 4: Line 8 fee is not actually a court cost, but rather a mandatory fine.
- Note 5: Line 10 fee assessed only once if multiple defendants are tried jointly.
- Note 6: Line 13 court cost may be waived if defendant is indigent.

2011

County Clerks' Misdemeanor Court Cost Chart – 09/28/2011 ORIGINAL JURISDICTION											
MISDEMEANOR CATEGORY	A	B	C	D	E	F	G	H	I	J	
Cost Always Assessed											
1 EMS Trauma Fund Cost – CCP, art. 102.0185	100	100	0	0	0	0	0	0	0	0	
2 Child Abuse Prevention Fund – CCP, art. 102.0186	0	0	100	0	0	0	0	0	0	0	
3 Consolidated Court Cost – LGC, § 133.102(a)	83	83	83	83	83	83	83	83	83	83	
4 Drug Court Cost – CCP, art. 102.0178	60	60	0	60	0	0	0	0	0	0	
5 Juv. Delinquency Prev. Fee – CCP, art. 102.0171(a)	0	0	0	0	50	0	0	0	0	0	
6 DNA Testing Court Cost – CCP, art. 102.020	0	0	0	0	0	50	0	0	0	0	
7 Clerk's Fee – CCP, art. 102.005(a)	40	40	40	40	40	40	40	40	40	40	
8 State Traffic Fine – Transp. Code, §542.4031	0	0	0	0	0	0	30	30	0	0	
9 Records Management Fee – CCP, art. 102.005(f)	25	25	25	25	25	25	25	25	25	25	
10 Prosecutor's Fee – CCP, art. 102.008(a)	25	25	25	25	25	25	25	25	25	25	
11 Jud. Fund Court Cost – Gov't Code, §§ 51.702, 51.703	15	15	15	15	15	15	15	15	15	15	
12 Judicial Support Fee – Local Gov't Code, § 133.105(a)	6	6	6	6	6	6	6	6	6	6	
13 Juror Reimbursement Fee – CCP, art. 102.0045	4	4	4	4	4	4	4	4	4	4	
14 County and District Ct. Tech. Fund – CCP, art. 102.0169	4	4	4	4	4	4	4	4	4	4	
15 Court Security Fee – CCP, an. 102.017	3	3	3	3	3	3	3	3	3	3	
16 Additional Court Cost – Transp. Code, § 542.403	0	0	0	0	0	0	3	3	0	0	
17 Indigent Defense Fee – Local Gov't Code, § 133.107	2	2	2	2	2	2	2	2	2	2	
18 TCLEOSE Court Cost – CCP, art.102.22	0.10	0	0	0	0	0	0.10	0	0.10	0	
19 Drug/Alc. Rehab. Eval. Ct. Cost – CCP, art. 102.018(b)	X	0	0	0	0	0	0	0	0	0	
TOTAL OF COSTS THAT ARE ALWAYS ASSESSED	367.10	367	307	267	257	257	240.10	240	207.10	207	
Cost Assessed if Service Performed by Peace Officer											
20 Exec./Process Arrest Warrant – CCP, art. 102.011(a)(2)	50	50	50	50	50	50	50	50	50	50	
21 Serve Writ – CCP, art. 102.011(a)(4)	35	35	35	35	35	35	35	35	35	35	
22 Take and Approve Bond – CCP, art. 102.011(a)(5)	10	10	10	10	10	10	10	10	10	10	
23 Convey Witness (charge per day) – CCP, art. 102.011(c)	10	10	10	10	10	10	10	10	10	10	
24 Issue Written Notice to Appear – CCP, art. 102.011(a)(1)	5	5	5	5	5	5	5	5	5	5	
25 Make Arrest without a Warrant – CCP, art. 102.011(a)(1)	5	5	5	5	5	5	5	5	5	5	
26 Summon Witness – CCP, art. 102.011(a)(3)	5	5	5	5	5	5	5	5	5	5	
27 Commitment to Jail – CCP, art. 102.011(a)(6)	5	5	5	5	5	5	5	5	5	5	
28 Release from Jail – CCP, art. 102.011(a)(6)	5	5	5	5	5	5	5	5	5	5	
29 Summon Jury – CCP, art. 102.011(a)(7)	5	5	5	5	5	5	5	5	5	5	
30 Mileage for # 20 - 29 (29¢/mile) – CCP, art. 102.011(b)	X	X	X	X	X	X	X	X	X	X	
31 Meals/Lodging for # 20 - 29 – CCP, art. 102.011(b)	X	X	X	X	X	X	X	X	X	X	
32 Overtime Costs for Test. at Trial – CCP, art. 102.011(i)	X	X	X	X	X	X	X	X	X	X	
Cost Assessed if Def. Fails to Pay Fine and/or Costs											
33 Admin. Fee (OMNI Fee) – Transp. Code, § 706.006(a)	30	30	30	30	30	30	30	30	30	30	
Cost Ass. if Pmt. made after 30th day after Judgment											
34 Time Payment Fee – Local Gov't Code, § 133.103	25	25	25	25	25	25	25	25	25	25	
Cost Assessed if Conviction is by Jury											
35 Jury Fee – CCP, art. 102.004	20	20	20	20	20	20	20	20	20	20	
Cost Assessed if DWI Defendant is Visually Recorded											
36 Visual Recording Fee – CCP, art. 102.018(a)	15	0	0	0	0	0	0	0	0	0	
Discretionary Costs											
37 Restitution Installment Fee – CCP, art. 42.037(g)	12	12	12	12	12	12	12	12	12	12	
38 Transaction Fee – CCP, art. 102.072	≤ 2	≤ 2	≤ 2	≤ 2	≤ 2	≤ 2	≤ 2	≤ 2	≤ 2	≤ 2	
Cost Assessed if Offense results in Accident Response											
39 Accident Response Expense – CCP, art. 102.018(c)	X	X	0	0	0	0	0	0	0	0	

Note 1: Court costs directed primarily to the State are in bold.
 Note 2: Fee 10 - If two or more defendants are tried jointly, only one \$25 court cost may be assessed.
 Note 3: X = indefinite amount. Fee 39, however, may not exceed \$1,000.

2010

County Clerk's Misdemeanor Court Cost Chart – 01/01/2010 ORIGINAL JURISDICTION														
MISDEMEANOR CATEGORY	A	B	C	D	E	F	G	H	I	J	K	L	M	
Cost Always Assessed														
1 EMS Trauma Fund Cost – CCP, Art. 102.0185	100	100	0	0	0	0	0	0	0	0	0	0	0	0
2 Child Abuse Prevention Fund – CCP, Art. 102.0186	0	0	0	0	0	0	100	0	0	0	0	0	0	0
3 Consolidated Court Cost – LGC, § 133.102(a)	83	83	83	83	83	83	83	83	83	83	83	83	83	83
4 Drug Court Cost – CCP, Art. 102.0178	60	60	60	0	0	0	0	0	0	0	0	0	0	0
5 Juv. Delinquency Prev. Fee – CCP, Art. 102.0171(a)	0	0	0	50	0	0	0	0	0	0	0	0	0	0
6 DNA Testing Court Cost – CCP, Art. 102.020	0	0	0	0	50	0	0	0	0	0	0	0	0	0
7 Clerk's Fee – CCP, Art. 102.005(a)	40	40	40	40	40	40	40	40	40	40	40	40	40	40
8 State Traffic Fine – Transportation Code, §542.4031	0	0	0	0	0	0	0	30	30	30	30	0	0	0
9 Records Management Fee – CCP, Art. 102.005(f)	25	25	25	25	25	25	25	25	25	25	25	25	25	25
10 Prosecutor's Fee – CCP, Art. 102.008(a) ¹	25	25	25	25	25	25	25	25	25	25	25	25	25	25
11 Sch. Zone/Passing Sch. Bus Fee-CCP, Art. 102.014(c)	0	0	0	0	0	0	0	25	25	0	0	0	0	0
12 Jud. Fund Court Cost – Gov't Code, §§ 51.702, 51.703	15	15	15	15	15	15	15	15	15	15	15	15	15	15
13 Judicial Support Fee – Local Gov't Code, § 133.105(a)	6	6	6	6	6	6	6	6	6	6	6	6	6	6
14 Juror Reimbursement Fee – CCP, Art. 102.0045	4	4	4	4	4	4	4	4	4	4	4	4	4	4
15 County and District Ct. Tech. Fund-CCP, Art. 102.0169	4	4	4	4	4	4	4	4	4	4	4	4	4	4
16 Court Security Fee – CCP, Art. 102.017	3	3	3	3	3	3	3	3	3	3	3	3	3	3
17 Additional Court Cost – Transportation Code, § 542.403	0	0	0	0	0	0	0	3	3	3	3	0	0	0
18 Indigent Defense Fee – Local Gov't Code, § 133.107	2	2	2	2	2	2	2	2	2	2	2	2	2	2
19 TCLEOSE Court Cost – CCP, Art.102.22	0.10	0	0	0	0	0	0	0.10	0	0.10	0	0.10	0	0
20 Drug/Alc. Rehab. Eval. Ct. Cost – CCP, Art. 102.018(b)	X	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL OF COSTS THAT ARE ALWAYS ASSESSED	367.10	367	267	257	257	207	307	265.10	265	240.10	240	207.10	207	207
Cost Assessed if Service Performed by Peace Officer														
21 Exec./Process Arrest Warrant – CCP, Art. 102.011(a)(2)	50	50	50	50	50	50	50	50	50	50	50	50	50	50
22 Serve Writ – CCP, Art. 102.011(a)(4)	35	35	35	35	35	35	35	35	35	35	35	35	35	35
23 Take and Approve Bond – CCP, Art. 102.011(a)(5)	10	10	10	10	10	10	10	10	10	10	10	10	10	10
24 Convey Witness (charge per day) – CCP, Art. 102.011(c)	10	10	10	10	10	10	10	10	10	10	10	10	10	10
25 Issue Written Notice to Appear – CCP, Art. 102.011(a)(1)	5	5	5	5	5	5	5	5	5	5	5	5	5	5
26 Make Arrest without a Warrant – CCP, Art. 102.011(a)(1)	5	5	5	5	5	5	5	5	5	5	5	5	5	5
27 Summon Witness – CCP, Art. 102.011(a)(3)	5	5	5	5	5	5	5	5	5	5	5	5	5	5
28 Commitment to Jail – CCP, Art. 102.011(a)(6)	5	5	5	5	5	5	5	5	5	5	5	5	5	5
29 Release from Jail – CCP, Art. 102.011(a)(6)	5	5	5	5	5	5	5	5	5	5	5	5	5	5
30 Summon Jury – CCP, Art. 102.011(a)(7)	5	5	5	5	5	5	5	5	5	5	5	5	5	5
31 Mileage Fees on 22-31 (29¢/mile) – CCP, Art. 102.011(b)	X	X	X	X	X	X	X	X	X	X	X	X	X	X
32 Meals/Lodging Exp. For#19-28 – CCP, Art. 102.011(b)	X	X	X	X	X	X	X	X	X	X	X	X	X	X
33 Overtime Costs for Test. at Trial – CCP, Art. 102.011(i)	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Cost Assessed if Def. Fails to Pay Fine and/or Costs														
34 Admin. Fee (OMNI Fee) – Transp. Code, § 706.006(a)	30	30	30	30	30	30	30	30	30	30	30	30	30	30
Cost Ass. if Pmt. made after 30th day after Judgment														
35 Time Payment Fee – Local Gov't Code, § 133.103	25	25	25	25	25	25	25	25	25	25	25	25	25	25
Cost Assessed if Conviction is by Jury														
36 Jury Fee – CCP, Art. 102.004	20	20	20	20	20	25	20	20	20	20	20	20	20	20
Cost Assessed if DWI Defendant is Visually Recorded														
37 Visual Recording Fee – CCP, Art. 102.018(a)	15	0	0	0	0	0	0	0	0	0	0	0	0	0
Discretionary Costs														
38 Restitution Installment Fee – CCP, Art. 42.037(g)	12	12	12	12	12	12	12	12	12	12	12	12	12	12
39 Transaction Fee – CCP, Art. 102.072	≤2	≤2	≤2	≤2	≤2	≤2	≤2	≤2	≤2	≤2	≤2	≤2	≤2	≤2

¹ If two or more defendants are tried jointly, then only one \$25 court cost may be charged.

2008

County Clerk's Misdemeanor Court Cost Chart – 01/01/2008																
MISDEMEANOR CATEGORY	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	
Fee Always Assessed																
1 EMS Trauma Fund Cost – CCP, Art. 102.0185	100	100	0	0	0	0	0	0	0	0	0	0	0	0	0	
2 Child Abuse Prevention Fund – CCP, Art. 102.0186	0	0	0	0	0	100	0	0	0	0	0	0	0	0	0	
3 Consolidated Court Cost – LGC, § 133.102(a)	83	83	83	83	83	83	83	83	83	40	40	40	40	40	40	
4 Drug Court Cost – CCP, Art. 102.0178	50	50	50	0	0	0	0	0	0	0	0	0	0	0	0	
5 Juvenile Delinquency Prevention Fee – CCP, Art. 102.0171(a)	0	0	0	50	0	0	0	0	0	0	0	0	0	0	0	
6 DNA Testing Court Cost – CCP, Art. 102.020	0	0	0	0	50	0	0	0	0	0	0	0	0	0	0	
7 Clerk's Fee – CCP, Art. 102.005(a)	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	
8 State Traffic Fine – Transportation Code, §542.4031	0	0	0	0	0	0	30	30	0	30	30	30	30	0	0	
9 Records Management Fee – CCP, Art. 102.005(f)	25	25	25	25	25	25	25	25	25	25	25	25	25	25	25	
10 School Zone or Passing Sch. Bus Fee – CCP, Art. 102.014(c)	0	0	0	0	0	0	25	0	0	25	0	25	0	0	0	
11 School Non-Attendance Offense Fee – CCP, Art. 102.014(d)	0	0	0	0	0	0	0	0	0	0	0	0	0	20	0	
12 Judicial Fund Court Cost – Gov't Code, §§ 51.702, 51.703	15	15	15	15	15	15	15	15	15	0	0	15	15	15	15	
13 Judicial Support Fee – Local Gov't Code, § 133.105(a)	6	6	6	6	6	6	6	6	6	0	0	6	6	6	6	
14 Juror Reimbursement Fee – CCP, Art. 102.0045	4	4	4	4	4	4	4	4	4	0	0	4	4	4	4	
15 Court Security Fee – CCP, Art. 102.017	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	
16 Additional Court Cost – Transportation Code, § 542.403	0	0	0	0	0	0	3	3	0	3	3	3	3	0	0	
17 Indigent Defense Fee – Local Gov't Code, § 133.107	2	2	2	2	2	2	2	2	2	0	0	2	2	2	2	
18 Eval.for Drug/Alc. Rehab. Ct. Cost – CCP, Art. 102.018(b)	X	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
TOTAL OF FEES THAT ARE ALWAYS ASSESSED	328	328	228	228	228	278	236	211	178	166	141	193	168	155	135	
Fee Assessed if Service Performed by Peace Officer																
19 Execute or Process Arrest Warrant – CCP, Art. 102.011(a)(2)	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	
20 Serve Writ – CCP, Art. 102.011(a)(4)	35	35	35	35	35	35	35	35	35	35	35	35	35	35	35	
21 Take and Approve Bond – CCP, Art. 102.011(a)(5)	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	
22 Convey Witness (charge per day) – CCP, Art. 102.011(c)	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	
23 Issue Written Notice to Appear – CCP, Art. 102.011(a)(1)	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	
24 Make Arrest without a Warrant – CCP, Art. 102.011(a)(1)	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	
25 Summon Witness – CCP, Art. 102.011(a)(3)	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	
26 Commitment to Jail – CCP, Art. 102.011(a)(6)	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	
27 Release from Jail – CCP, Art. 102.011(a)(6)	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	
28 Summon Jury – CCP, Art. 102.011(a)(7)	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	
29 Mileage Fees for No. 19-28 (29¢/mile) – CCP, Art. 102.011(b)	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
30 Meals/Lodging Expense for No. 19-28 – CCP, Art. 102.011(b)	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
31 Overtime Costs for Testifying at Trial – CCP, Art. 102.011(i)	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Fee Assessed if Defendant Fails to Pay Fine and/or Costs																
32 Administrative Fee (OMNI Fee) – Transp. Code, § 706.006(a)	30	30	30	30	30	30	30	30	30	30	30	30	30	30	30	
Fee Assessed if Tried by District or County Attorney																
33 Prosecutor's Fee – CCP, Art. 102.008(a)	25	25	25	25	25	25	25	25	25	25	25	25	25	25	25	
Fee Ass. if Payment made after 30th day after Judgment																
34 Time Payment Fee – Local Gov't Code, § 133.103	25	25	25	25	25	25	25	25	25	25	25	25	25	25	25	
Fee Assessed if Conviction is by Jury																
35 Jury Fee – CCP, Art. 102.004	20	20	20	20	20	20	20	20	20	20	20	20	20	20	20	
Fee Assessed if DWI Defendant is Visually Recorded																
36 Visual Recording Fee – CCP, Art. 102.018(a)	15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Discretionary Fees																
37 Restitution Installment Fee	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	
38 Juvenile Case Manager Court Cost – CCP, Art. 102.0174	0	0	0	0	0	0	0	0	0	≤5	≤5	≤5	≤5	≤5	≤5	
39 Transaction Fee – CCP, Art. 102.072	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	
40 Appealed Case Special Exp. – CCP, Arts. 42.111, 45.051(c)	0	0	0	0	0	0	0	0	0	0	X	X	X	X	X	



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

June 14, 2004

The Honorable Ben W. "Bud" Childers
Fort Bend County Attorney
301 Jackson Street, Suite 728
Richmond, Texas 77469-3108

Opinion No. GA-0203

Re: Whether, in accordance with an order from the board of county court at law judges, a county clerk may redact Social Security numbers from documents available on the county clerk's website, although the numbers are not redacted from the hard copies of the same documents filed in the clerk's office (RQ-0154-GA)

Dear Mr. Childers:

On behalf of the Fort Bend County Clerk (the "Clerk"), you ask whether, in accordance with an order from a board of county court at law judges, a county clerk may redact Social Security numbers from documents available on the clerk's website, although the numbers are not redacted from hard copies of the same documents filed in the clerk's office.¹

You explain that the Clerk has scanned all public documents filed in her office into the computer, where they are available to the public on the Clerk's website² and at a computer terminal in the Clerk's office. Request Letter, *supra* note 1, at 1-2. "[J]uvenile records and other records deemed confidential by law" have not been scanned into the computer and generally are not available to the public. *Id.* at 1. "The Board of County Court at Law Judges has ordered the County Clerk to redact Social Security numbers . . . from the imaged documents available" online, but the "judges do not want the Social Security numbers redacted from the paper copy maintained by the . . . Clerk for use by the judges and walk-in public customers who request to view the hard copy." *Id.* at 2. The Clerk has informed us that the order pertains only to case-related filings, although some case-related documents are placed in other records (for example, probate court case documents affecting the chain of title of real property may be placed among the real-property records).³

¹See Letter from Honorable Ben W. "Bud" Childers, Fort Bend County Attorney, to Honorable Greg Abbott, Texas Attorney General, at 1 (Dec. 23, 2003) (on file with the Opinion Committee, also available at <http://www.oag.state.tx.us>) [hereinafter Request Letter].

²See http://www.co.fort-bend.tx.us/Admin_of_Justice/County_Clerk.

³See Telephone conversation with Honorable Dianne Wilson, Fort Bend County Clerk, and Mary Reveles, Assistant Fort Bend County Attorney (May 4, 2004).

Your letter suggests that adhering to the order would affect the use of resources, including employees, in the Clerk's office:

[A]t the time a request for a copy is made by a member of the public, a copy of the imaged document is printed and a deputy clerk certifies that copy This process saves the deputy clerks a great deal of time, as it does away with the need to locate a physical file, remove the requested document from the file, make the copy and put the file back together Additionally, in the event a specific file is not in the clerk's office, but is with a specific court, the requestor does not have to wait until the file is returned to the clerk's office to obtain copies. If the . . . Clerk is required to redact [Social Security] information from the imaged document, [she believes she will be] unable to certify that document as a certified copy of the original document on file.

Request Letter, *supra* note 1, at 2.

Based on the situation you have described, you pose three questions:

1. Whether the . . . Clerk may redact social security numbers only from the imaged court document available on the . . . Clerk's website of public documents filed in her office, rendering the information inaccessible to the public who view the documents on the internet?
2. Whether the . . . Clerk has the authority to designate a document filed in her office as the original document, contrary to the opinion of the County Court at Law Judges . . . as to what constitutes the original?
3. Whether the . . . Clerk is able to issue a certified copy of an imaged document [from which] certain information . . . has been redacted . . . ?

Id. at 1. Given the facts you provide, however, the ultimate issue is whether a county clerk must comply with the order of a board of judges (the "Board") to redact Social Security numbers on electronic copies of case-related documents filed in the clerk's office. This office typically does not consider the validity of a court order issued in a particular case. *See* Tex. Att'y Gen. Op. No. JC-0364 (2001) at 10. But the Board's order is not a court order. *See* Request Letter, *supra* note 1, at 2.

We consider the order only as it relates to Social Security numbers that are not confidential by law. In certain cases, statutes mandate the redaction of Social Security numbers, but we do not understand you to ask about situations in which Social Security numbers are subject to such statutes.

For example, federal law makes Social Security numbers confidential if the governmental body possessing the number obtained it or maintains it under a law enacted on or after October 1, 1990. *See* 42 U.S.C. § 405(c)(2)(C)(viii)(I) (2002). And in probate cases, although a court may request an applicant to produce information identifying the applicant or a decedent, including a Social Security number, the information may not be filed with the clerk; it must be maintained by the court. *See* TEX. PROB. CODE ANN. § 36(b) (Vernon 2003); *see also* TEX. CODE CRIM. PROC. ANN. art. 35.29 (Vernon Supp. 2004) (restricting the disclosure of jurors' Social Security numbers).

A county clerk is an elected officer, whose position is created under article V, section 20 of the Texas Constitution. (See TEX. CONST. art. V, § 20. Under that provision, the county clerk "shall be clerk of the county . . . Courts," and the clerk's duties "shall be prescribed by the Legislature.") *Id.* The county clerk is the custodian of county court records in civil and criminal cases and in probate matters. (See TEX. LOC. GOV'T CODE ANN. § 192.006(a) (Vernon 1999); TEX. CODE CRIM. PROC. ANN. art. 2.21(a) (Vernon Supp. 2004) (listing a county clerk's duties in a criminal proceeding). And the clerk may receive papers filed in guardianship and mental health actions. See OFFICE OF COURT ADMINISTRATION, COUNTY CLERK MANUAL V-7 through 8, 19, 28 (2003). The clerk provides an "attested," or certified, copy of an instrument recorded in the clerk's office in certain circumstances. (See TEX. LOC. GOV'T CODE ANN. § 191.004(a) (Vernon 1999); *see also id.* §§ 118.011(a)(3), (14) (Vernon 1999 & Supp. 2004) (providing for fee for certified papers). Certification signifies that the copy is a "true copy." *Tex. Attorney Gen. v. Litten*, 999 S.W.2d 74, 78 n.7 (Tex. App. Houston [14th Dist.] 1999, pet. denied) (quoting BLACK'S LAW DICTIONARY 287 (4th ed. 1968)) (*see also* BLACK'S LAW DICTIONARY 337 (7th ed. 1999) (defining a "certified copy" as "[a] duplicate of an original document certified as an exact reproduction [usually] by the officer responsible for issuing or keeping the original").

As an elected officer, the clerk occupies a sphere of authority within which another elected officer may not interfere. See *Abbott v. Pollock*, 946 S.W.2d 513, 517 (Tex. App.—Austin 1997, writ denied); *Renken v. Harris County*, 808 S.W.2d 222, 226 (Tex. App.—Houston [14th Dist.] 1991, no writ); Tex. Att'y Gen. Op. No. GA-0126 (2003) at 9. The clerk's sphere of authority encompasses authority over both (1) records in the clerk's office and (2) resources in and personnel employed in the clerk's office.

First, a clerk is, by statute, "custodian" of case-related records, with a statutory responsibility for keeping the records "properly indexed and arranged." TEX. LOC. GOV'T CODE ANN. § 192.006 (Vernon 1999); *see Hooten v. Enriquez*, 863 S.W.2d 522, 530 (Tex. App.—El Paso 1993, no writ) (stating that a clerk has the duty to manage, protect, and preserve records in the clerk's custody). The El Paso Court of Appeals has described the clerk as holding "virtually absolute sway over the particular tasks or areas of responsibility entrusted to [the clerk]." *Hooten*, 863 S.W.2d at 531 (quoting *Familias Unidas v. Briscoe*, 619 F.2d 391, 404 (5th Cir. 1980)). Thus, for example, while a commissioners court may "provide for the establishment and operation of a computerized electronic information system through which it may provide on a contractual basis direct access to information" in the clerk's office, the commissioners court may do so "only if" the county clerk, as records custodian, "agrees in writing." TEX. LOC. GOV'T CODE ANN. § 191.008(a) (Vernon 1999). Similarly, the county commissioners court may not expend records management and preservation

fees, collected under sections 118.011(b)(2) and 118.0216 of the Local Government Code, without consulting with the county clerk. *See* Tex. Att'y Gen. Op. No. GA-0118 (2003) at 8; *see also* TEX. LOC. GOV'T CODE ANN. §§ 118.0211(b)(2), .0216 (Vernon Supp. 2004) (providing for the collection and use of records management and preservation fees).

Second, a clerk has authority to determine how to use resources allocated to the clerk's office to accomplish the clerk's constitutional and statutory duties. *See* Tex. Att'y Gen. Op. No. JC-0214 (2000) at 5. This includes authority to determine how personnel in the clerk's office use their time. *See* Tex. Att'y Gen. Op. No. GA-0037 (2003) at 3 (quoting Tex. Att'y Gen. Op. No. JC-0239 (2000) at 4); *see also* Tex. Att'y Gen. Op. No. JC-0239 (2000) at 4 (stating that an elected county officer has authority "to determine what activities constitute a legitimate use of an employee's time").

The Board's order in this case improperly infringes upon the Clerk's sphere of authority to accomplish constitutional and statutory duties, as well as upon her authority to determine how to use the resources, including personnel, allocated to her office. For example, the Board's order affects the Clerk's "exclusive and absolute discretion to develop policies and records management procedures that will preserve permanent records in the most efficient and cost-effective manner." *Hooten*, 863 S.W.2d at 531. The Board's order also affects the Clerk's authority to provide the public with access to records belonging to her office, as section 191.006 of the Local Government Code requires. *See* TEX. LOC. GOV'T CODE ANN. § 191.006 (Vernon 1999). Likewise, the Board's order affects the Clerk's decision that her employees' time is better spent responding to records requests by printing a hard copy of an exact electronic copy of the original, rather than finding the filed original, copying it, and returning it to the correct place in the file. A board of judges may not control a clerk's discretion in this way.

Moreover, case-related documents are generally presumed to be open to the public. *See Nixon v. Warner Communications, Inc.*, 435 U.S. 589, 597 (1978); *Taylor v. Tex.*, 938 S.W.2d 754, 757 (Tex. App.—Waco 1997, no writ) (quoting *Nixon*). Rule 76a of the Texas Rules of Civil Procedure establishes a presumption that court records generally "are . . . open to the general public." *See* TEX. R. CIV. P. 76a(1). Records of criminal proceedings are likewise presumed open to the public. *See* TEX. CODE CRIM. PROC. ANN. art. 1.24 (Vernon 1977) ("The proceedings and trials in all courts shall be public."); *Star-Telegram, Inc. v. Walker*, 834 S.W.2d 54, 57 (Tex. 1992) (stating that documents filed in a criminal action are, in accordance with article 1.24, "part of the public record"); *In re Thoma*, 873 S.W.2d 477, 496 (Tex. Rev. Trib. 1994, no appeal) (affirming "our judicial system's abiding commitment to providing public access to civil and criminal proceedings and records").

While the public's right to access judicial records is not absolute and a court has the power to supervise its own records, *see Nixon*, 435 U.S. at 598; *Dallas Morning News v. Fifth Court of Appeals*, 842 S.W.2d 655, 658 (Tex. 1992) (quoting *Nixon*); *Taylor*, 938 S.W.2d at 757, we believe that a court may limit public access to case-related documents only in accordance with statutes and rules of the Supreme Court of Texas or the Court of Criminal Appeals of Texas authorizing such limitations. *See* TEX. CONST. art. V, § 31(a), (c) (delegating rule-making authority to the supreme


court and court of criminal appeals). For example, civil court records may be sealed, and information within therefore made inaccessible to the public, only in accordance with rule 76a of the Texas Rules of Civil Procedure, which requires a showing, among other things, of a predominant specific, serious, and substantial interest. *See* TEX. R. CIV. P. 76a(1). Cases that have examined a court's authority to close certain records to the public have done so in the context of a motion that was fully aired by the court in specific cases. *See Nixon*, 435 U.S. at 595 (concerning a motion for the release of tapes); *Dallas Morning News*, 842 S.W.2d at 655 (concerning a motion to limit the disclosure of certain documents under rule 76a of the Texas Rules of Civil Procedure); *Taylor*, 938 S.W.2d at 754 (concerning a motion to inspect materials the trial court used in a hearing). No statute authorizes a board of judges, or a court, to order the redaction of Social Security numbers on electronic copies of case-related documents, nor do we find any statute authorizing a court to issue a blanket order requiring certain information to be redacted from all electronic copies of case-related documents, without reference to a particular case.

We conclude that a board of judges has no authority to order a county clerk to redact Social Security numbers on the electronic copies of case-related documents. A clerk need not comply with such an order. Because we believe this conclusion resolves the situation in the Clerk's office, we do not answer your specific questions.

S U M M A R Y

A board of judges has no authority to order the county clerk to redact Social Security numbers on the electronic copies of case-related documents. The county clerk is not required to comply with such an order.

Very truly yours,


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