

WILLIAMSON COUNTY DISTRICT CLERK

ARCHIVE PLAN

FISCAL YEAR

OCTOBER 1, 2015

Summary

The vast majority of the permanent records in the District Clerks office are paper. These records are used on a daily basis by the public and are vulnerable to loss by theft and wear and tear.

With no cost to the County, these records can be preserved by using the archive fees and records management fees to cover the cost of scanning the paper based documents and preserving the handwritten ones. The images can be added to our existing imaging system and improve customer service.

The District Clerks are currently authorized to collect a records management and preservation fee of \$10. This fee is to a dedicated fund for the use of preserving and managing county and District Clerk records.

The 81st Texas Legislature passed Senate Bill 1685 which provides that the District Clerk may begin collecting a fee of \$5 for filing specific suits in the County and District Court. This fund becomes effective October 1, 2010. All monies collected will be placed in a line item in the budget labeled District Court Technology Fund to be used for the purpose of restoration and preservation of records in the District Clerk's Office.

The 83rd Texas Legislature passed HB 1513 which raises the possible fee amount to access to not more than \$10, effective date of bill September 1, 2013, effective date of fee January 1, 2014. The fee will revert back to \$5 effective September 1, 2019.

As of July 1, 2014, the Supreme Court Mandate ordered E-filing to begin in the courts for Williamson County for civil filings. The process to move the paper out of the office will be a continuous task to ensure records are archived and indexed for retrieval.

Goal

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

In 2007 the District Clerk began imaging historical records and most recently sent to a vendor the 4 defendant cases that were prosecuted by Dan Moody for restoration. The documents will be placed in leather binders and images are placed on a CD.

It will be the responsibility of the District Clerk records department to perform routine inspections of the records archive. Following an inspection, should a document require restoration, the Records Manager will determine the appropriate method of restoration.

Restoration of damaged documents will utilize the most efficient and practical method available. In the event this office is unable to restore a document, the Records Manager will research local vendors capable of providing necessary services.

This office will utilize the funds made available through the District Court Records Technology Fund.

In the 2015 budget a Scan Pro was purchased to do some in house digitizing of microfilmed documents and various older documents. The clerk has used discretion as to what can be done in house and what will have to be done by a professional vendor of historical documents. The reason is some of the older 1800 documents have to be handled very carefully and prepared in such a way that this cannot take place in the clerk's office.

The fund will allow an outside source to preserve many of the tattered documents that are part of the history of Williamson County and need to be preserved as set out by statute.

The fee is assessed upon the filing of a suit or a cross action, counterclaim, intervention, contempt action, motion for new trial, or a third party petition in District Court.

As of February 2015 the District Clerk Preservation fund total was \$220,578.81.

This amount has been allowed to grow due to the cost it takes to preserve these types of records. The objective in 2016 is to get as many historical records preserved as possible with the monies available in this account. The process is very costly and for that reason the dollar amount will decrease dramatically within this budget year with the work that needs to be done on the records. The strategy is to allow the fund to accumulate for at least two years until it reaches a sufficient amount to fund a records management project.

**Prepare Annual Archive Plan
Commissioner's Court Approval
Annual Public Hearing
Post Notice of Fee**

Lisa David

Lisa David, District Clerk Williamson County, Texas

7-30-15

Date

Dan Gattis, County Judge, Williamson County, Texas

Date

AN ACT

relating to the creation of a district court records technology fund.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter D, Chapter 51, Government Code, is amended by adding Section 51.305 to read as follows:

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

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

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

(3) "Preservation" means any process that:

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

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

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

(b) The commissioners court of a county may adopt a district court records archive fee of not more than \$5 for the filing of a suit, including an appeal from an inferior court, or a cross-action, counterclaim, intervention, contempt action, motion for new trial, or third-party petition, in a district court in the county as part of the county's annual budget. The fee must be set and itemized in the county's budget as part of the budget preparation process and must be approved in a public meeting. The fee is for preservation and restoration services performed in connection with maintaining a district court records archive.

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

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

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

(f) The district clerk in a county that adopts a fee under this section shall prepare an annual written plan for the preservation and restoration of the district court records archive. The plan may include a proposal for entering into a contract with another person for preservation and restoration services. The commissioners court shall publish notice of a public hearing on the plan in a newspaper of general circulation in the county not later than the 15th day before the date of the hearing. After the public hearing, the plan shall be considered for approval by the commissioners court. Money in the district court records technology fund may be expended only as provided by the plan. All expenditures from the records technology fund must comply with Subchapter C, Chapter 262, Local Government Code.

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

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

SECTION 2. Section 51.317, Government Code, is amended by amending Subsection (b) and adding Subsections (b-2) and (f) to read as follows:

(b) The fees are:

(1) except as provided by Subsection (b-1), for filing a suit, including an appeal from an inferior court, \$50;

(2) for filing a cross-action, counterclaim, intervention, contempt action, motion for new trial, or third-party petition, \$15;

(3) for issuing a citation or other writ or process not otherwise provided for, including one copy, when requested at the time a suit or action is filed, \$8;

(4) for records management and preservation, \$10; and

(5) in addition to the other fees imposed under this section, for filing a suit, including an appeal from an inferior court, or a cross-action, counterclaim, intervention, contempt action, motion for new trial, or third-party petition, the amount adopted by the county commissioners court, not to exceed \$5, for court records archiving.

(b-2) The fee imposed under Subsection (b)(5) does not apply to a filing by a state agency.

(f) The district clerk, after collecting a fee under Subsection (b)(5), shall pay the fee to the county treasurer, or to an official who discharges the duties commonly delegated to the county treasurer, for deposit to the district court records technology fund established under Section 51.305.

SECTION 3. Subchapter D, Chapter 101, Government Code, is amended by adding Section 101.06116 to read as follows:

Sec. 101.06116. ADDITIONAL DISTRICT COURT FEES: GOVERNMENT CODE. The clerk of a district court shall collect a district court records archive fee of not more than \$5 under Section 51.317(b)(5), if adopted by the county commissioners court.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2009**

****Passed each house by more than a two-thirds majority and signed by the governor June 19, 2009 (effective date).**

DISTRICT COURT TECHNOLOGY FUND

GC 51.305

GC 51.305 provides that the District Clerk of Williamson County may collect a fee up to \$10.00, with the approval by the Williamson County Commissioner's Court, for filing in the District Civil Court of Williamson County, Texas. This fund becomes effective with the fiscal budget for Williamson County, October 1, 2015, at which time the District Clerk will continue collecting this fee. All monies collected will be placed in a line item in the budget labeled District Clerk Technology Fund to be used for the restoration and preservation of records in the District Clerk's Office.

Lisa David, Williamson County District Clerk