



Travis County Commissioners Court Agenda Request

Meeting Date: August 21, 2012

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Elected/Appointed Official/Dept. Head:

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Commissioners Court Sponsor: Samuel T. Biscoe, County Judge

AGENDA LANGUAGE:

Approval of Fiscal Year 2013 District Clerk's Records Management Plan

BACKGROUND/SUMMARY OF REQUEST AND ATTACHMENTS:

The District Clerk is requesting the attached FY13 District Clerk Records Management Plan be placed on the Commissioners Court agenda for August 21, 2012. The attached plan was developed in collaboration with Records Management and Communication Resources and reflects the level of coordination required between this department and the District Clerk to achieve the goals of the plan. Please note that Sec. 51.305 requires a public hearing to be held on this portion of the plan and that publication of notice of the public hearing occur no later than 15 days prior to the hearing. We had such notice published August 3rd for a 9:00 a.m. August 21st hearing date.

STAFF RECOMMENDATIONS:

Place on Commissioners Court agenda for approval of the Fiscal Year 2013 District Clerk's Records Management Plan

ISSUES AND OPPORTUNITIES:

N/A

FISCAL IMPACT AND SOURCE OF FUNDING:

Refer to plan

REQUIRED AUTHORIZATIONS:

None

DISTRICT CLERK FY13 RECORDS MANAGEMENT PLAN

The District Clerk presents the following records management plans for each of the funds specifically authorized and established by Chapter 51 the Government Code.

SEC. 51.317 GOVERNMENT CODE **RECORDS MANAGEMENT AND PRESERVATION FUND (FUND 055)**

District Clerk's Records Management and Preservation Fund Overview

This District Clerk's Records Management and Preservation Fund was established by act of the 78th Legislature through HB 1905, added Sec. 51.317(b) (4) and Sec. 51.317(c) (2) to the Government Code that established a new fee of \$10 upon filing of a new suit or other claims for relief, \$5 of which is designated for the District Clerk's Records Management and Preservation Fund. The effective date of the fee was January 1, 2004.

Sec. 51.317 (d) and (e) provides that the use of the fee be restricted to records management and preservation, including automation, subject to budget approval by the Commissioner Court. Any expenditure must comply with purchasing processes proscribed by Chapter 262 of the Local Government Code.

The purpose of this fee was to establish a source of funds through which District Clerks could enhance their respective records management operations beyond what is typically funded through a county's budget process.

The District Clerk's records management fees are charged upon the filing of a new court case or request for affirmative relief in an existing case; these filing types are a small percentage of the total filings received by the District Clerk. Further, because a high percentage of district court cases are comprised of the Attorney General's Title IV-D child support filings that are exempt from paying this fee, the revenue generated is a mere fraction of what is annually required to perform the District Clerk's records management functions.

Since the effective date of the fee, total available FY13 projected revenue net of prior expenditures and encumbrances is \$250,811 this amount is available for budgeting.

Status of Projects Funded in Previous Years

Document Management System for Criminal Record; Agency Upload Module

The District Clerk has determined that the current document management system should be replaced using the provision in the contract being negotiated by the County with another provider that allows for other departments to use the system. The District Clerk is internally supporting the current DMS, with assistance from ITS, until such time as the new system can be implemented.

The plan to transition to paperless records in District Court criminal trials is on hold pending completion of the felony courts' software installation designed for this purpose.

Historic Records Preservation

The District Clerk converted to a digital filing system for civil cases in FY04 and criminal cases in FY08. All new filings are maintained in digital format, and existing paper records are being converted to digital. To address the impact of this process on records of historical significance, the District Clerk used proceeds from Fund 055 to start a historical records preservation project in FY08 staffed by a Records Analyst project worker. The timing of this effort was important, because from FY08 through FY11, scanning services from the county's bank depository were made available to the District Clerk, so the rate at which paper records were converted to digital media was accelerated in these years. The Records Analyst coordinated this scanning project on behalf of the District Clerk. This project has ended, leaving only resources within the District Clerk and Records Management and Communications Resources available to continue this work. In FY11 and FY12, \$84,981 from Fund 070 for scanning technology was used to acquire point of entry scanners for the Civil Division to facilitate the scanning of documents that are filed in paper form. The point of entry scanning method has been analyzed and determined to be the best practice for converting newly filed paper documents to digital format. The high speed scanners previously used for batch scanning have been redeployed for use in converting old paper files to digital.

One of the outcomes of this preservation project was to identify historical records from those slated for conversion to digital format so they could be preserved. Other outcomes were the creation of a historical records definition, continued identification of historical records, acquisition of materials used to preserve existing historical records, and research of grant available to continue these activities. The most historically significant case identified, Sweatt v Painter, has been preserved using records management funds. The need for this project will continue as long as the District Clerk has paper records awaiting conversion to digital; therefore, the 055 funding request for FY13 includes continuing the Records Analyst position for historical records preservation.

FY13 Plan for the Use of the District Clerk's 055 Fund

The District Clerk has reduced the salary supplements first approved in FY06 for key records management staff and has incorporated those supplements within its Fund 001 budget. One salary supplement is requested in FY12:

TYPE	AMOUNT	PURPOSE
Personnel – ongoing	\$3,459.00	To fund prior pay adjustments for Slot 123 (key records management staff person)

The District Clerk is requesting approval of \$53,946 to continue funding a Records Analyst (special project worker) to continue the historic records preservation project discussed above plus \$15,000 to fund historical case records preservation services:

TYPE	AMOUNT	PURPOSE
Personnel – special project worker	\$56,035	Fund Slot 60002 to continue historic records preservation project commenced in FY08
Services	\$15,000	Contract services to preserve historical case records

SEC. 51.305 GOVERNMENT CODE
DISTRICT COURT RECORDS TECHNOLOGY FUND (FUND 070)

District Clerk’s Records Technology Fund Overview

The District Court Records Archive Fee and District Court Records Technology Fund are authorized in Texas Government Code 51.305(b) and 51.305(c), respectively. Section 51.305(d) requires the authorized fee to be used for “the preservation and restoration services of the district court records archive.” This section states, “The district clerk shall prepare an annual written plan for funding the preservation and restoration of the district court’s records archive. The district clerk is to prepare an annual written plan for use of this fund. The Commissioners Court is required to hold a public hearing on this plan and to publish notice of such hearing in a newspaper no later than 15 days prior to the hearing.

Designation of Court Documents

The District Clerk recommends the following types and formats of documents be designated as “court documents” pursuant to Government Code 51.305:

- 1) all documents and records with a permanent retention period in accordance with the guidelines from the Texas State Library.
- 2) all documents which are maintained in electronic format.
- 3) all documents maintained in microfilm format.
- 4) all civil documents in paper format.
- 5) all criminal case documents in paper format in which the defendant was convicted of an offense or was placed on probation or supervision.
- 6) all documents required for criminal proceedings in the district courts that are not subject to an expunction order.

Strategy for Preservation of Court Documents

The District Clerk's strategy is to:

- a) Convert and maintain all court documents in electronic format. This allows documents to be viewed by multiple persons simultaneously; be searched according

to a variety of criteria; stored in a cost effective manner; redacted where appropriate to protect individual privacy; and easily and readily duplicated for purposes of disaster recovery.

- b) Maintain certain key documents in microfilm format to allow for preservation in a manner that is not dependent upon technology yet also easily duplicated.
- c) Eliminate paper documents by converting them to one or both of the above formats.

To implement this strategy, the District Clerk will:

- **Convert all court documents in paper format to electronic format.**
This is a continuation of a project started in FY08 to provide a more secure and less costly method of maintaining and accessing these documents. These paper filings, once converted, would no longer be maintained in the original format. A public use version of the electronic documents will be redacted to shield sensitive information from view.
- **Duplicate all electronic documents with a mandated permanent retention on microfilm.**
This is a pending project that intends to make use of the capabilities of and technology within of the Travis County Records Management and Communications Resources Department. The microfilm archive writer will be used to duplicate the unredacted version of the electronic documents to microfilm in order to create a back-up version of the records that is less technology dependent. Currently, documents with a mandated permanent retention are comprised of the minutes of the court, file docket, and index of parties.
- **Duplicate all microfilm documents to an electronic format.**
This is also a pending project using the capabilities of and technology within of the Travis County Records Management and Communications Resources Department. It provides more ready access to documents than microfilm plus the ability to redact sensitive information.
- **Establish a consolidated database for all digital and digitized records.**
The District Clerk is required to maintain, in perpetuity, essential index information (case number, parties, filing date, assigned court, and minutes entry) on every case filed. To ensure preservation of this information, all District Clerk's case indices originally created on paper have been duplicated to a digital format, and since 1991, new cases have been indexed digitally. However, these digital indices exist in various databases and in different data formats. In preparation for the eventual migration to a new case management system, the District Clerk is working to consolidate these index databases into one repository so that they can be uploaded into the new system. This not only helps to preserve this essential

information, it creates a single source that facilitates searching the indices. The District Clerk will also be working to link digitized case filings to these indices to facilitate viewing of case files.

- **Apply special preservation methods to documents of significant historic value.** Modern preservation techniques should be applied to paper documents that merit special consideration.

FY13 Plan for the Use of the DISTRICT COURT Records technology Fund

The cumulative projected District Court Records Archive Fund revenue from FY09 through FY12, net of prior and encumbered expenditures, is \$121,818. In order to enhance the scanning capacity within the department, continued funding for one Court Clerk Assistant Project Worker is requested..

TYPE	AMOUNT	PURPOSE
Court Clerk Assistant	\$40,183.00	Slot 60003 to perform scanning

OTHER RECORDS MANAGEMENT FUNDS

The following two funds were established in FY10 to fund records management activities for the courts; however, they are under the control of the Commissioners Court and are presented here for informational purposes.

**ART. 102.0169 CODE OF CRIMINAL PROCEDURE
COUNTY AND DISTRICT COURT TECHNOLOGY FUND (FUND 071)**

The County and District Court Technology Fund were established by act of the 81st Legislature through HB 3637, creating a new fee of \$4 upon conviction, including probated sentences and deferred adjudication. Use of this fund, which is under the direction of the Commissioners Court, is restricted to the acquisition of technology for the courts and technology training for judicial, court, and clerk staff.

**SEC. 51.708 GOVERNMENT CODE
COURT RECORD PRESERVATION ACCOUNT (FUND 072)**

This District Clerk’s Records Technology Fund was established by act of the 81st Legislature through HB 3637, creating a new fee of \$10 upon filing of a new suit or other claims for relief, which is designated for the Court Record Preservation Account. Use of funds in this account, which is under the direction of the Commissioners Court, may only be used to digitize court records and preserve them from natural disasters.

