



## Travis County Commissioners Court Agenda Request

**Meeting Date:** September 10, 2013

**Prepared By/Phone Number:** Michelle Brinkman (854-9581)

**Elected/Appointed Official/Dept. Head:** Amalia Rodriguez-Mendoza

**Commissioners Court Sponsor:** Samuel T. Biscoe, County Judge

### **AGENDA LANGUAGE:**

Approval of Fiscal Year 2014 District Clerk's Records Management Plan

### **BACKGROUND/SUMMARY OF REQUEST AND ATTACHMENTS:**

The District Clerk is requesting the attached FY14 District Clerk Records Management Plan be placed on the Commissioners Court agenda for September 10, 2013. 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 23<sup>rd</sup> for a 9:00 a.m. September 10th hearing date.

### **STAFF RECOMMENDATIONS:**

Place on Commissioners Court agenda for approval of the Fiscal Year 2014 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 FY14 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 127)**

#### **District Clerk's Records Management and Preservation Fund Overview**

This District Clerk's Records Management and Preservation Fund was established by act of the 78<sup>th</sup> 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 \$363,407 this amount is available for budgeting.

#### **Status of Projects Funded in Previous Years**

##### *Historic Records Preservation*

For several years, the District Clerk has used revenue from the Records Management and Preservation Fund to pay for a Records Analyst assigned to identify historical records that merit special preservation. This initial identification phase has now ended, and

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funding for the Records Analyst is not requested for FY14. The focus now will be to pay for contract services to perform the preservation work for identified records.

**FY14 Plan for the Use of the District Clerk’s 127 Fund**

The District Clerk has been collaborating with ITS to develop online access to its records. Two systems are envisioned; one for attorneys which will be accessible via user name and password and readily provide both case data and documents for viewing, and one for the general public which will readily provide case data for viewing with the option to request a copy of a specific document or documents. These two systems have many benefits:

- 24/7 access to District Clerk records
- Fewer customers coming to the courthouse for records services
- Less demand for parking in the courthouse vicinity
- Less staff time required to fill requests for case information or documents
- A reduction in the amount of resources required to print copies

The District Clerk recognizes that the documents it receives often contain sensitive information such as identification numbers and financial account numbers and that such information should be redacted before it is provided to the public. To prepare for the online access and document copy requests, the District Clerk is requesting funding of \$225,200 for automated redaction software and support services as follows:

<b>TYPE</b>	<b>AMOUNT</b>	<b>PURPOSE</b>
<b>Redaction services</b>	<b>\$150,000</b>	<b>To fund redaction of 20 million pages within District Clerk DMS</b>
<b>Redaction software</b>	<b>\$75,000</b>	<b>Software Fees for processing up to 12,000 pages per day</b>
<b>Knowledge Base</b>	<b>Included</b>	<b>Development of redaction configuration rules</b>
<b>Integration Web Service</b>	<b>Included</b>	<b>Web Service to pass images/data to or from software</b>
<b>Software Installation</b>	<b>\$1,600</b>	<b>Baseline &amp; Integration Software</b>
<b>Training</b>	<b>\$2,400</b>	<b>Technical, Supervisory and End User</b>
<b>Testing</b>	<b>\$3,200</b>	<b>End User Pilot/integration Test</b>
<b>Modification</b>	<b>\$8,000</b>	<b>Modify Integration Web Service to use legacy DMS tiff extract program</b>
<b>Project Management</b>	<b>\$1,600</b>	
<b>Optional integration</b>	<b>\$8,000</b>	<b>Modify Integration Web Service to extract new or modified images from Visiflow</b>
<b>Bundled service credit</b>	<b>-\$24,600</b>	<b>Credit for bundling software and services</b>
<b>Total FY14</b>	<b>\$225,200</b>	

The Supreme Court of Texas is planning to phase in mandated electronic filing of court documents starting January 1, 2014. Travis County will be included in the initial phase of the mandate.

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While self-represented (pro se) litigants are excepted from the mandate, the District Clerk believes the proper e-filing system can make the process of initiating a court case and submitting filings easier for self-represented litigants. Discussions are presently underway with other District and County Clerks to contract with a vendor to develop such a customized system. In the event procurement for this system proceeds, the District Clerk is willing to commit up to \$50,000 toward this project:

<b>TYPE</b>	<b>AMOUNT</b>	<b>PURPOSE</b>
<b>Pro se e-filing system</b>	<b>\$50,000</b>	<b>To fund the Travis County District Clerk's share of a development contract</b>

NOTE: The Fund 127 salary supplement for records management services in previous years has been reallocated to the District Clerk's general fund budget.

**SEC. 51.305 GOVERNMENT CODE**  
**DISTRICT COURT RECORDS TECHNOLOGY FUND (FUND 139)**

**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. HB1513 filed and passed in the 83<sup>rd</sup> Regular Session of the Texas Legislature amended Section 51.305(b) to allow the Commissioners to authorize a fee up to \$10 starting January 1, 2014; prior to this change, the fee was capped at \$5. The authorization of the \$10 fee extends through September 1, 2019, when it reverts back to \$5. The District Clerk is including in this plan adoption a fee of \$5 for the first quarter of the county's fiscal year (October 1 – December 31, 2013), and that a fee of \$10 be adopted for the remainder of the fiscal year.

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.

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- 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.
- d) Remove records from the archive that are subject to an order for expunction entered by the court.

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.

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- 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.

**FY14 Plan for Use of the DISTRICT COURT Records Technology Fund (Fund 139)**

In order to maintain the scanning capacity within the office and ensure records within the archive are appropriate for preservation, funding for staff and contract services is requested as follows:

<b>TYPE</b>	<b>AMOUNT</b>	<b>PURPOSE</b>
<b>Court Clerk Assistant</b>	<b>\$42,030</b>	<b>Slot 60003 to perform scanning</b>
<b>Court Clerk Assistant</b>	<b>\$42,030</b>	<b>New position to assist with removing expunged case files from the archive</b>
<b>Court Clerk I</b>	<b>\$45,436</b>	<b>Continued position to fill in for records staff assigned to TechShare</b>
<b>Law Librarian Specialist</b>	<b>\$29,819</b>	<b>New .5 FTE to fund review of records for archiving</b>
<b>Available for additional pay</b>	<b>\$2415</b>	<b>Funds from which to offer performance pay</b>
<b>Contract Services</b>	<b>\$15,000</b>	<b>To preserve historical case records</b>
<b><u>Total</u></b>	<b><u>\$174,314</u></b>	

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## **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 140)**

The County and District Court Technology Fund were established by act of the 81<sup>st</sup> 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 141)**

This District Clerk's Records Technology Fund was established by act of the 81<sup>st</sup> 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.

#### **Attachments:**

PB5, Fund 127 Budget Request (Redaction Software and Services) For FY14

PB5, Fund 127 Budget Request (Salary supplement) For FY14

PB5, Fund 127 Budget Request (Historic Records Preservation) For FY14

PB5, Fund 139 Budget Request (Criminal Case File Scanning) For FY14

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**FY 2014 BUDGET SUBMISSION  
Budget Request Details (PB-5)**

**Name of Budget Request:** Records Preservation Activities  
**Budget Request Priority #:** 1      **Dept #:** 121      **Dept Name:** District Clerk

**Benefits Calculations**

A. Personnel										FICA (506010)	Medicare (506020)	Hospitalization (506030)	Life Insurance (506040)	Retirement (506050)	WCI (506060)	Total Benefits	Comm. Item
Job Title	Pay Grade	FTE	Fund	Funds Center	Fund %	Emp Type	Annual Cost										
							Salary	Benefits	Total								
Court Clerk Asst	011	1.00	139	1210010139	100%	Regular	\$ 26,417	\$ 14,405	\$ 40,822	1,638	383	8,828	99	3,405	52	14,405	500050
Court Clerk Asst	011	1.00	139	1210010139	100%	Regular	\$ 26,417	\$ 14,405	\$ 40,822	1,638	383	8,828	99	3,405	52	14,405	500050
Court Clerk I	013	1.00	139	1210010139	100%	Regular	\$ 30,239	\$ 15,197	\$ 45,436	1,875	438	8,828	99	3,898	59	15,197	500050
Law Library Specialist	015	0.50	139	1210010139	100%	Regular	\$ 17,304	\$ 12,515	\$ 29,819	1,073	251	8,828	99	2,230	34	12,515	500050
					100%	Regular	\$ -	\$ -	\$ -	-	-	-	-	-	-	-	-
					100%	Regular	\$ -	\$ -	\$ -	-	-	-	-	-	-	-	-
					100%	Regular	\$ -	\$ -	\$ -	-	-	-	-	-	-	-	-
					100%	Regular	\$ -	\$ -	\$ -	-	-	-	-	-	-	-	-
					100%	Regular	\$ -	\$ -	\$ -	-	-	-	-	-	-	-	-
Temporary Employees	N/A	N/A			100%	Temp	\$ 2,000	\$ 415	\$ 2,415	124	29	-	-	258	4	415	500070
Overtime	N/A	N/A			100%	OT	\$ -	\$ -	\$ -	-	-	-	-	-	-	-	502010
<b>TOTAL PERSONNEL</b>							\$ 102,377	\$ 56,937	\$ 159,314	6,348	1,484	35,312	396	13,196	201	56,937	

B. Operating							
Commitment Item Category	Commitment Item Description	Fund	Funds Center	Func Area	Commitment Item	One-time or Ongoing	Cost
Services	Other Consulting Services	0139	1210010139	1220	511890	One-time	\$ 15,000
							\$ -
							\$ -
							\$ -
							\$ -
							\$ -
							\$ -
							\$ -
							\$ -
							\$ -
							\$ -
							\$ -
						Ongoing	\$ -
<b>TOTAL OPERATING</b>							\$ 15,000

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C. Computer/Telecommunication and Capital Related to This Request			
TOTAL COMPUTER/TELECOMMUNICATION EQUIPMENT FROM ITS FORMS			\$ -
TOTAL CAPITAL EQUIPMENT FROM CAPITAL BUDGET REQUEST (PB-6)			\$ -
TOTAL ALL CAPITAL			\$ -
<b>TOTAL BUDGET REQUEST</b>	<b>One-Time \$</b>	<b>Ongoing \$</b>	<b>Total FY 14</b>
<b>TOTAL REQUESTED NON-CAPITAL (A + B)</b>	<b>\$ 15,000</b>	<b>\$ 159,314</b>	<b>\$ 174,314</b>
<b>TOTAL REQUESTED (A + B + C)</b>	<b>\$ 15,000</b>	<b>\$ 159,314</b>	<b>\$ 174,314</b>

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FY 2014 BUDGET SUBMISSION																	
Budget Request Details (PB-5)																	
<b>Name of Budget Request:</b>		Redaction Software and Self-Represented E-file Services															
<b>Budget Request Priority #:</b>		1	<b>Dept #:</b>		121	<b>Dept Name:</b>						District Clerk					
											<b>Benefits Calculations</b>		Comm. Item				
<b>A. Personnel</b>																	
Job Title	Pay Grade	FTE	Fund	Funds Center	Fund %	Emp Type	Annual Cost			FICA (506010)	Medicare (506020)	Hospitalization (506030)	Life Insurance (506040)	Retirement (506050)	WCI (506060)	Total Benefits	
							Salary	Benefits	Total								
					100%	Regular	\$ -	\$ -	\$ -	-	-	-	-	-	-	-	
					100%	Regular	\$ -	\$ -	\$ -	-	-	-	-	-	-	-	
					100%	Regular	\$ -	\$ -	\$ -	-	-	-	-	-	-	-	
					100%	Regular	\$ -	\$ -	\$ -	-	-	-	-	-	-	-	
					100%	Regular	\$ -	\$ -	\$ -	-	-	-	-	-	-	-	
					100%	Regular	\$ -	\$ -	\$ -	-	-	-	-	-	-	-	
					100%	Regular	\$ -	\$ -	\$ -	-	-	-	-	-	-	-	
					100%	Regular	\$ -	\$ -	\$ -	-	-	-	-	-	-	-	
					100%	Regular	\$ -	\$ -	\$ -	-	-	-	-	-	-	-	
					100%	Regular	\$ -	\$ -	\$ -	-	-	-	-	-	-	-	
Temporary Employees	N/A	N/A			100%	Temp	\$ -	\$ -	\$ -	-	-	-	-	-	-	-	500070
Overtime	N/A	N/A			100%	OT	\$ -	\$ -	\$ -	-	-	-	-	-	-	-	502010
<b>TOTAL PERSONNEL</b>							\$ -	\$ -	\$ -	-	-	-	-	-	-	-	
<b>B. Operating</b>																	
Commitment Item Category	Commitment Item Description	Fund	Funds Center	Func Area	Commitment Item	One-time or Ongoing	Cost										
Services	Hardware/Software Install Services	0127	1210010127	1220	511810	One-time	\$ 225,200										
Services	Hardware/Software Install Services	0127	1210010127	1220	511810	One-time	\$ 50,000										
							\$ -										
							\$ -										
							\$ -										
							\$ -										
							\$ -										
							\$ -										
							\$ -										
							\$ -										
							\$ -										
						Ongoing	\$ -										
<b>TOTAL OPERATING</b>							\$ 275,200										
<b>C. Computer/Telecommunication and Capital Related to This Request</b>																	
TOTAL COMPUTER/TELECOMMUNICATION EQUIPMENT FROM ITS FORMS											\$ -						
TOTAL CAPITAL EQUIPMENT FROM CAPITAL BUDGET REQUEST (PB-6)											\$ -						
TOTAL ALL CAPITAL											\$ -						
<b>TOTAL BUDGET REQUEST</b>							<b>One-Time \$</b>	<b>Ongoing \$</b>	<b>Total FY 14</b>								
<b>TOTAL REQUESTED NON-CAPITAL (A + B)</b>							\$ 275,200	\$ -	\$ 275,200								
<b>TOTAL REQUESTED (A + B + C)</b>							\$ 275,200	\$ -	\$ 275,200								

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