



Travis County Commissioners Court Agenda Request

Meeting Date: September 23, 2014

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

Commissioners Court Sponsor: Samuel T. Biscoe, County Judge

AGENDA LANGUAGE:

Public Hearing receiving comments and Approval of Fiscal Year 2015 Travis County District Clerk's Records Management Plan

BACKGROUND/SUMMARY OF REQUEST AND ATTACHMENTS:

The District Clerk is requesting the attached FY15 District Clerk Records Management Plan be placed on the Commissioners Court agenda for September 23, 2014. 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 September 5th for a 9:00 a.m. September 23rd hearing date.

STAFF RECOMMENDATIONS:

Place on Commissioners Court agenda for approval of the Fiscal Year 2015 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 FY15 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 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 FY15 projected revenue net of prior expenditures and encumbrances is \$XXX,XXX; this amount is available for budgeting.

Status of Projects Funded in Previous Years

Historic Records Preservation

The District Clerk has identified immigration records as one of historical significance, and preservation of these records is presently underway.

Redaction Services

The plan to move forward with an RFP to acquire redaction capabilities for the District Clerk's case records has put on hold as the District Clerk evaluated the possibility of migrating its document management system to OnBase. The move toward an enterprise DMS solution solidified the District Clerk's decision to do this migration. With a new DMS on the horizon, the District Clerk then re-evaluated redaction options and needs. It was determined that the revenue produced by the District Clerk's Records Management and Preservation Fund would not support ongoing wholesale redaction of all filings received into the record. Therefore, the plan to issue the RFP was deferred with an expectation that the contract would not be signed until FY15. The FY15 Records Management Plan would reflect a different redaction strategy that transferred the cost burden to persons requesting copies of records from the District Clerk.

FY15 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 public online case data access and document copy requests, the District Clerk is requesting an authorization to spend up to \$125,000 for automated redaction software and support services as follows:

TYPE	AMOUNT	PURPOSE
Redaction services	\$15,000	To fund redaction of 1 million pages per year
Redaction software	\$75,000	Software for redaction
Knowledge Base	Included	Development of redaction configuration rules
Integration Web Service	Included	Web Service to pass images/data to or from software
Software Installation	\$1,600	Baseline & Integration Software
Training	\$2,400	Technical, Supervisory and End User
Testing	\$3,200	End User Pilot/integration Test
Modification	\$8,000	Modify Integration Web Service to use legacy DMS tiff extract program

Project Management	\$1,600	
Optional integration	\$8,000	Modify Integration Web Service to extract new or modified images from Visiflow
Contingency	10,200	Unanticipated costs or expenses
Total FY15 expenditure	\$125,000	

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

The District Clerk is planning to migrate to a new document management system in FY15 as part of a county enterprise solution. Travis County is exploring having the vendor of this system send trainers to Travis County as a cost effective means of implementation. In order to meet this timeframe, the District Clerk is setting aside contingent training (and associated travel) funds so this project can move forward in FY15 as planned:

TYPE	AMOUNT	PURPOSE
Training and travel (contingent)	\$ 16,000	To enable migration from the current (and no longer vendor-support) document management system an enterprise document management system

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 83rd 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.
- 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.

- **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.

FY15 Plan for Use of the DISTRICT COURT Records Technology Fund (Fund 139)

The District Clerk has decades of paper records stored at the HMS Courthouse, the CJC, and in offsite contracted storage. These records are referenced frequent for individuals who need certified copies; the reference rate for law enforcement is particularly high as a certified copy is required to enhance current criminal charges resulting from a subsequent arrest. An effort has begun to start converting these stored, inactive records to digital format. Presently, available funds only provide for one position to perform this task.

The District Clerk also has historically significant records that warrant special preservation efforts so that they may be preserved even while made available to the public. Specialized, contract services are required to perform this level of preservation.

The District Clerk is engaged in the TechShare project for a new case management system. Tenured staff within the office are frequently engaged in this project. To ensure the routine work of the tenured staff is kept current, a Clerk I position is funded to assist with their duties.

In order to maintain this scanning capacity within the office, preserve historical records within the archive, and support TechShare, funding for staff and contract services is requested as follows:

TYPE	AMOUNT	PURPOSE
Court Clerk Assistant	\$ 42,030	Slot 30051603 to perform scanning
Court Clerk Assistant	\$ 42,030	Slot 30001158 to assist with removing expunged case files from the archive
Court Clerk I	\$ 46,196	Slot 30050805 to fill in for records staff assigned to TechShare
Law Librarian Specialist	\$ 51,506	Upgrade Slot 30051604 to fulltime to fund review of records for archiving
Contract Services	\$ 15,000	To preserve historical case records
Formula adjustment for pay	\$ 1,475	PB5 formula adjustment
Total	\$198,237	

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 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 141)

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.

Attachments:

PB5, Fund 127 Budget Request (Redaction Software/Services – New DMS) For FY15

PB5, Fund 139 Budget Request (Records Preservation Functions) For FY15