

PANOLA COUNTY COMMISSIONERS' COURT AGENDA REQUEST

DATE: July 19, 2017

MEETING DATE REQUEST: July 24, 2017

DEPARTMENT: District Clerk

CONTACT PERSON: Debra Johnson

REQUEST SUBJECT: Request for adoption of records archive fee of \$10 per filing for 2018;
Request for approval of District Clerk Court Records Archive Plan for 2018

COMMENTS: The District Clerk's Office records archive preservation and restoration project will not be completed in 2017, therefore, I am requesting that the court adopt the above fee and approve the records archive plan so that the project may be continued in 2018.

BUDGETARY IMPACT: If approved, budgeted funds will be expended

DISTRICT CLERK COURT RECORDS ARCHIVE PLAN

Summary

The purpose of this document is to define the restoration and preservation, digital capture, storage, retention and management of archived records within the District Clerk's Office. Records maintained in the District Clerk's office have been identified as "court documents", and expenses relative to maintenance and preservation of such records will be governed by the "District Court Records Archive Plan". In order to comply with retention and preservation statutes and State Library rules (see Bulletin B at <http://www.tsl.state.tx.us/slrn/recordspubs/lgbullb.html>), film and digital images must be maintained permanently, and a plan must be in place to store the film and secure the future transition of digitized records to new media that allows access to these records.

Government Code 51.305 created a dedicated District Court records archive fee, and authorized District Clerks to collect a fee not to exceed \$10 per filing. The statute provides that this fund be used only for the preservation and restoration of the District Court records archive, and authorizes effective preservation and efficient retrieval of the large amount of legal documents that are required to be preserved. Further, HB 2182, 84th Legislature, provides that a District Clerk shall collect fees for performing services related to a matter filed in a statutory county court, the same fees allowed the District Clerk for those services in the District Court [GC 51 319(4)].

This statute authorizes the Commissioners' Court to adopt a records archive fee for deposit in a dedicated fund as part of the county's annual budget. Expenditures from this fund enables the District Clerk to focus on preservation of older court records. Fees may not be imposed after the district court records archive preservation and restoration project is complete.

Goal

The goal is to reproduce and archive all documents, regardless of type, as efficiently as possible, as well as to restore records, suspend or reduce deterioration of records, and to improve public access to these records in a manner that reduces the risk of deterioration. Reduction and elimination (in all situations allowed) of paper documents is also our goal.

Scope

The scope of this document includes the following:

- All District and County Court at Law Court records filed in the Panola County District Clerk's Office
- Plans to restore and preserve said records
- Future plans to improve public and governmental access and to provide an archive for said records.

This document addresses the restoration and preservation needs of the District Clerk records. No other departments are addressed.

SECTION ONE: RECORDS CURRENTLY IN REPOSITORY

Inventory

Currently, the District Clerk's office holds docket books and files that are related to civil and criminal actions which have occurred since the mid-1800's and up to the present time.

SECTION TWO: RESTORATION AND PRESERVATION

Permanent Records

After reproducing and preserving these records, the District Clerk plans to utilize the space for more efficient storage of the historical cases, and for possible storage of the growing number of cases occurring daily. Reproduction will allow better access to the records and will alleviate overcrowding of storage areas. Records will be imaged, will be accessible by DVD or by electronic device, and are backed up on microfilm. Microfilm or digital media will be stored in Panola County's depository and in addition will be maintained by any vendor that has reproduced said permanent records.

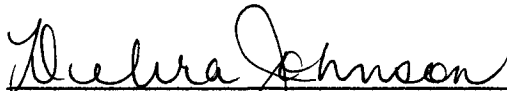
SECTION THREE: FUTURE PLANS

Future plans include continued reproduction and preservation of all filings and docket books, as well as back-up of images by microfilm.

Public and Government Access

Future plans for public and government access include continued process of making public records more accessible by electronic means.

Signed this the 19th day of July, 2017.


Debra Johnson,
Panola County District Clerk

NOTICE OF ADDITIONAL FEE

THE COMMISSIONERS' COURT OF PANOLA COUNTY, PURSUANT TO GOVERNMENT CODE 51.305, HAS DETERMINED THAT A RECORDS ARCHIVE FEE OF \$10.00 IS NEEDED FOR PRESERVATION AND RESTORATION OF DISTRICT AND COUNTY COURT AT LAW COURT RECORDS IN THE PANOLA COUNTY DISTRICT CLERK'S OFFICE.

EFFECTIVE DATE: JANUARY 1, 2018

**DEBRA JOHNSON,
PANOLA COUNTY DISTRICT CLERK**

ORDER #2017-08

WHEREAS, Section 51.305 of the Government Code reads as follows: Sec 51.305(b) The commissioners court of a county may adopt a district court record 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; and


WHEREAS, the above-referenced fee shall be collected by the District Clerk at the time 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 is filed. The fee is in addition to any other fee collected by the District Clerk; and

WHEREAS, (e) of Section 51.305 of the Government Code reads: "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; and

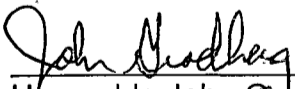
WHEREAS, (f) of Section 51.305 reads: "The district clerk in a county that adopts a fee under this section shall prepare an annual written plan for the preservation and restoration of the district court records archive." ... "The commissioners court shall publish notice of a public hearing on the plan 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 by Subchapter C, Chapter 262, Local Government Code.";

NOW, THEREFORE, IT IS ORDERED by the Commissioners' Court of Panola County, Texas, meeting in Open Session at a properly scheduled meeting of said Court, that the sum of **TEN AND NO/100 (\$10.00) DOLLARS** be collected by the District Clerk from each person(s) when 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 is filed beginning January 1, 2018.

PASSED, APPROVED, and ADOPTED this 24th day of July, 2017.



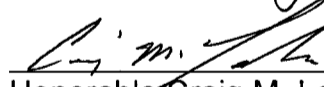
Honorable Ronnie LaGrone
Commissioner, Precinct One



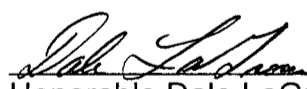
Honorable John Gradberg
Commissioner, Precinct Two



County Judge Lee Ann Jones

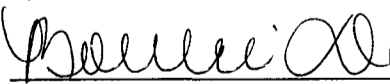


Honorable Craig M. Lawless
Commissioner, Precinct Three

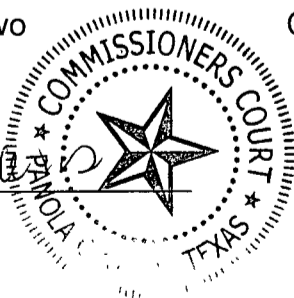


Honorable Dale LaGrone
Commissioner, Precinct Four

ATTEST:



County Clerk Bobbie Davis



NOTICE

SPECIAL MEETING OF THE COMMISSIONERS' COURT OF PANOLA COUNTY, TEXAS

Notice is hereby given that a SPECIAL meeting of the Panola County Commissioners' Court will be held on the 28th day of August, 2017, at 9:00 o'clock a.m. in the Commissioners' Courtroom, first floor, Panola County Courthouse, 110 S. Sycamore, Carthage, Texas, at which time the following subjects will be discussed:

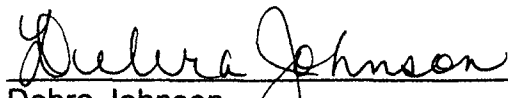
PUBLIC HEARING RE: GOVERNMENT CODE 51.305
DISTRICT COURT RECORDS TECHNOLOGY FUND

Dated this the 24th day of July, 2017.



Lee Ann Jones,
County Judge, Panola County

ATTEST:



Debra Johnson,
District Clerk, Panola County