

# **DISTRICT CLERK**

## **COURT RECORDS ARCHIVE PLAN 2020**

### **PURPOSE**

The purpose of this plan is to define the preservation and restoration, digital capture, storage, retention, and management of archived records within the District Clerk's office. It is the intent of the District Clerk's office to follow guidelines set by the Texas State Library and Archives Commissioner (see Bulletin B at <http://www.tsl.state.tx.us/slrn/recordspubs/lgbullb.html>).

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. This statute authorizes the Commissioners' Court to adopt a records archive fee for deposit in a dedicated fund as a part of the county's annual budget. Expenditures from this fund enable 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. Converting documents to electronic format allows documents to be viewed by multiple persons simultaneously, be searched according to a variety of criteria, stored in a cost effective manner, and easily and readily duplicated for purposes of disaster recovery. Reduction and elimination (in all situations allowed) of paper documents is also our goal.

### **DESIGNATION OF DOCUMENTS**

- 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 and criminal documents in paper format.

### **RESTORATION AND PRESERVATION**

After reproducing and preserving these records, the District Clerk plans to utilize the space for more efficient storage of the historical cases. Reproduction will allow better access to the records and will alleviate overcrowding of storage areas. Records will be imaged, will be accessible by electronic devices, and are backed up on microfilm. Microfilm and 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.

## **FUTURE PLANS**

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


## **Public and Government Access**

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

## **SUMMARY**

Civil records up to approximately 1920 and criminal records up to approximately 1935 have been restored, preserved, and digitized for easier access. With approval from the Commissioners' Court, we will be able to continue this ongoing process of preserving part of Panola County history.

Signed this the 17<sup>th</sup> day of July, 2019

A handwritten signature in blue ink that reads "Lindsey Smith". The signature is written in a cursive style and is positioned above a horizontal line.

Lindsey Smith  
Panola County District Clerk

# ORDER #2019-08

**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

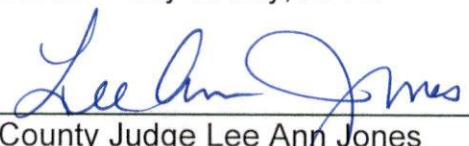
**WHEREAS**, the above-referenced fee shall be collected by the District Clerk at the time a suit, including an appeal from an inferior court, or a cross-action, counterclaim, intervention, contempt action, motion for new trial, or third-party petition is filed. The fee is in addition to any other fee collected by the District Clerk; and

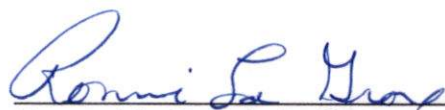
**WHEREAS**, (e) of Section 51.305 of the Government Code reads: "The district clerk shall designate the court documents that are part of the records archive for purposes of this section. The designation of court documents by the district clerk under this subsection is subject to approval by the commissioners' court in a public meeting; and

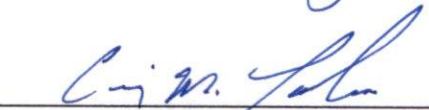
**WHEREAS**, (f) of Section 51.305 reads: "The district clerk in a county that adopts a fee under this section shall prepare an annual written plan for the preservation and restoration of the district court records archive." ... "The commissioners court shall publish notice of a public hearing on the plan in a newspaper of general circulation in the county not later than the 15<sup>th</sup> 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, 2020.

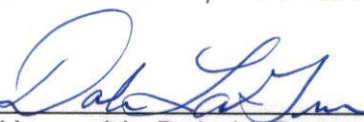
**PASSED, APPROVED, and ADOPTED** this 23<sup>rd</sup> day of July, 2019.

  
County Judge Lee Ann Jones

  
Honorable Ronnie LaGrone  
Commissioner, Precinct One

  
Honorable Craig M. Lawless  
Commissioner, Precinct Three

  
Honorable David A. Cole  
Commissioner, Precinct Two

  
Honorable Dale LaGrone  
Commissioner, Precinct Four

**ATTEST:**

  
County Clerk Bobbie Davis





# NOTICE

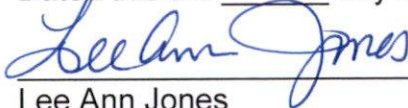
## SPECIAL MEETING OF THE COMMISSIONERS' COURT OF PANOLA COUNTY, TEXAS

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Notice is hereby given that a SPECIAL meeting of the Panola County Commissioners' Court will be held on the 20th day of August, 2019, at 1:30 o'clock ~~p.~~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 23rd day of July, 2019.



Lee Ann Jones  
County Judge, Panola County

ATTEST:



Lindsey Smith  
District Clerk, Panola County