



# BEVERLEY MCGREW WALKER

DISTRICT CLERK  
Fort Bend County, Texas

## FY 2022 DISTRICT CLERK RECORDS PRESERVATION AND RESTORATION PLAN

Pursuant to Section 51.305 of the Texas Government Code, the District Clerk submits this her FY 2022 District Clerk Records Preservation and Restoration Plan providing for the expenditure of funds assessed and collected by the District Court Records Archive Fee.

The District Court Records Archive Fee under Texas Government Code §51.305 (b) was adopted by Commissioner's Court at their regularly scheduled meeting on October 20, 2009, with collection of the \$5 fee to begin on October 20, 2009.

Prior to the 86<sup>th</sup> State Legislature, the Commissioner's Courts of the state were permitted to set a fee of not more than \$10 per filing of civil suits in the district courts of the county until September 1, 2019. After September 1, 2019, the fee could not exceed \$5 per suit. Senate Bill 658 amended Section 51.305 to strike the language lowering the fee to \$5 per civil suit. Consequently, a commissioner's court may continue to set the fee at \$10 per civil suit.

The fees collected may only be used for the preservation and restoration services performed in connection with maintaining the archive of district court records consistent with a plan adopted by the court secondary to a public hearing.

This plan is prepared and submitted in accordance with Texas Government Code 51.304 (a) which states: **"The district clerk may, pursuant to the clerk's duty to record the acts and proceedings of the court, provide a plan for the storage of records, acts, proceedings, minutes of the court, and registers, records, and instruments for which the clerk is responsible by law, by microfilm, image processing technology, or other process that correctly and legibly reproduces or that forms a medium for copying or reproducing or by optical data storage. The plan must be in writing and provide for the maintenance, retention, security, retrieval, and reproduction of stored records."**

### **I. BACKGROUND AND PURPOSE**

The District Clerk's office stores approximately 2 million digital court documents and approximately 8.5 million pages of documents maintained solely on paper. The Texas State Library and Archives Commission requires certain documents be retained permanently. These permanent records must be preserved and maintained in a specific manner according to their medium.

*"State law requires district clerks to maintain large amounts of court*

*records permanently. In order to preserve and maintain these documents, offices are storing documents electronically or on a digital format. State law and state library rules dictate that the film and digital images be maintained permanently with a storage plan to secure the future transition of digitized records to new media that allows access to these records.*” - Excerpt from 81(R) SB 1685, House Committee Report – Bill Analysis

It is therefore the intent of the District Clerk’s *Records Preservation and Restoration Plan* to provide guidelines for the preservation of permanent documents maintained by this office. This “Plan” will govern all permanent documents regardless of media.

## **II. AUTHORITY**

The responsibilities of the District Clerk and the authority therein to govern the records of the Fort Bend County District Courts are established by the Texas Government Code. The Texas State Library and Archives Commission, Schedule DC – Records Retention, establishes the retention period for all documents maintained by the District Clerk. The Fort Bend County District Clerk is the Records Management Officer for all records of the District Courts of Fort Bend County, Texas.

## **III. DESIGNATION OF COURT DOCUMENTS**

In accordance with Local Government Code §203.041 (a)(2), the District Clerk filed with the Texas State Library and Archives Commission, the *Declaration of Compliance with the Records Scheduling Requirement of the Local Government Records Act* confirming intended compliance with Schedule DC (Records of District Clerks) and Schedule GR (Records Common to All Governments).

## **IV. PRESERVATION**

The District Clerk’s office currently maintains its records archive on three (3) media: paper, microfilm, and digital. The Texas State Library and Archives Commissions, Texas Administrative Code, Title 13, Chapter 7 and Texas Local Government Code, Chapter 205, dictate the specific manner to which each media must be maintained.

## **A. Paper**

The District Clerk and designated staff maintain millions of paper documents (various courts' minutes, indexes, and case files) many in bound books, binders or paper folders. These documents are subject to deterioration and therefore require special handling, restricted public access and climate controlled conditions. (Texas Local Government Code 203.048 and Texas Administrative Code, Title 13, Chapter 7, Subchapter F, Section 7.164 and 7.165)

In 2007, the District Clerk ceased the practice of indefinite retention of paper case files past the Texas State Library's retention period and eliminated the burden on the county taxpayer of the expense associated with the maintenance of unnecessary documents, leaving only those records subject to permanent retention.

The District Clerk's Records Manager will identify those records included in her permanent archive rated in fair condition "at-risk" for future deterioration. These records are not otherwise designated "historic" pursuant to TSLAC standards.

Through a contract with Kofile, the District Clerk opted to restore certain older volumes deemed at risk of deterioration for restoration as well as to digitize the records. The clerk will continue to identify at risk volumes to further utilize vendors specializing in restoration/preservation/digitization services and/or to purchase specialty equipment including but not limited to scanners used for digital archival record preservation.

It is the intent of this office to convert these paper source documents into digital images. The process and procedures for converting these documents are outlined below:

1. The District Clerk and Department Supervisor in charge of records, known hereinafter as Records Coordinator, will assess and determine the priority of paper document imaging.
2. Utilizing existing procedures, paper source documents will be scanned and indexed in-house or outsourced to a vendor.

Paper documents that cannot be successfully imaged (under current technology) will be maintained in a manner consistent with proper records management techniques. In the event it is determined that the documents require special storage, the Records Coordinator will research local vendors capable of successfully maintaining those documents.

The Fort Bend County District Clerk will utilize the funds from the District Court Technology Fee (DCTF), Records Archive Fee (REAR), Records Preservation Fee (DCRP), and Records Management Fee (DCRM) for maintenance and storage of its paper records.

The Fort Bend County District Clerk will follow Fort Bend County policies and procedures for contracting services with third party vendors.

## **B. Microfilm**

In addition to paper records, the District Clerk's office maintains thousands of volumes of court minutes on microfilm. Texas law requires local governments maintain court records and all supporting equipment, i.e.: readers/printers, for the duration of the documents' retention period.

In 2007 the District Clerk's office ceased the practice of microfilming records. Subsequently, through a contract with Open Text/Global 360, the District Clerk's office converted all microfilm to digital images. The images were indexed and uploaded to our case management system.

The digital conversion project was completed in 2012 and provides for the permanent preservation in a stable medium to prevent continued deterioration (GC 51.305(2)), provide suitable public access (GC 51.305(3)(A)), and restore those documents pursuant to GC 51.305(4).

The storage of the original microfilm will continue to be stored in-house in the District Clerk's office located at the Fort Bend County Justice Center, 1422 Eugene Heimann Circle, Suite 31004, Richmond, Texas 77469. Copies of the microfilm will continue to be stored at the Fort Bend County Justice Center, Lower Level, 1422 Eugene Heimann Circle, Richmond, Texas 77469 and Fort Bend County Rosenberg Annex, 4520 Reading Road, Rosenberg, Texas 77471.

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## **C. Electronic Document Imaging**

This office has transitioned to a "paper-less" court system which will greatly increase the preservation and accessibility of court documents. The process of converting paper and microfilm source documents will be the responsibility of the District Clerk Records Coordinator and designated staff "to be known as the Records Department". The Records Department will perform scanning and indexing of the records archives in accordance with the established procedures of this office.

In addition, the Records Department will oversee the transition of the current “paper” court minutes into a digital format. The digital court minutes will be accessible in the same manner as current minutes and will be stored and retrieved through the case management system.

The District Clerk’s office implemented the Odyssey case management system for Family/Civil cases in 2008 and criminal cases in 2010, which provided a means of scanning documents therefore creating a digital record. The Records Department implemented a comprehensive record scanning project to digitize all pending and disposed cases files.

The Fort Bend County District Clerk will utilize the funds from the District Court Technology Fee (DCTF), Records Archive Fee (REAR), Records Preservation Fee (DCRP), and Records Management Fee (DCRM) for maintenance and storage of its paper records.

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## **V. PRESERVATION AND RESTORATION**

Rules and Standards for the preservation of digital images were legislated by The Office of Court Administration for the preservation of digital images. The District Clerk continues to evaluate her records to ensure compliance with those standards (see Judicial Committee on Information Technology, Technology Standards Version 6.5 at <https://www.txcourts.gov/media/1435816/technology-standards.pdf>)

The Records Coordinator will annually review and prioritize the imaging of the records archive and ensure timeliness of the process. The Records Coordinator will routinely perform audits of the electronic records archive to ensure that electronic information is safely and securely protected and that the information storage is compliant with the guidelines established by the Texas Government Code, Chapter 205 (Electronic Storage of Records). This will be accomplished by coordinating with the Fort Bend County Information Technology Department. The IT Department will provide the necessary maintenance, service, and support required to adequately protect the stored information.

The Records Coordinator will be responsible for performing routine inspections of the records archive. During such inspections special attention will be made to the proper maintenance of the archive and compliance with applicable statutes. Following an inspection, should a document require restoration, the District Clerk will determine the appropriate method of restoration. In the event this office is unable to restore a document, the District Clerk will research vendors capable of providing the necessary services and utilize funds to facilitate this project.

The Fort Bend County District Clerk will utilize the funds from the District Court Technology Fee (DCTF), Records Archive Fee (REAR), Records Preservation Fee (DCRP), and Records Management Fee (DCRM) for maintenance and storage of its paper records.

The Fort Bend County District Clerk will follow Fort Bend County policies and procedures for contracting services with third party vendors.

## **VI. PRESERVATION AND RESTORATION – HISTORIC RECORDS**

Historic Records (records dated 1950 and prior) rated in fair to poor condition and in need of immediate preservation are continuously identified by the Records Coordinator. These records are subject to permanent retention under Texas State Library guidelines. The district clerk may utilize the services of an approved third-party vendor to restore and preserve these records pursuant to Section 211 of the Federal E-Government Act of 2002 and approval by the Fort Bend County Commissioner's Court. Section 211 authorizes state and local governments to access the General Services Administration (GSA) Cooperative Purchasing Program in order to acquire certain Information Technology products included on Federal Supply Schedule 70. Kofile Technologies provides restoration services under their schedule 70 contract with the GSA, contract number GS-35F-275AA.

## **VII. EXPENDITURES AUTHORIZED UNDER THE PLAN**

### **A. Equipment**

Costs incurred under this plan will be used by the District Clerk to purchase, enhance and maintain equipment necessary for the digitization of paper records and conversion of microfilm to digital medium. Funds have been expended for purchase and installation of high speed microfilm scanners that digitized the paper records in bulk. Funds may be used to purchase additional equipment, ancillary furniture, structures, storage and supplies, utilities or rent necessary to house the equipment and/or support the personnel required to operate the equipment. Funds may be expended to purchase microfilm destruction equipment or contract with a vendor to ensure the proper disposal of source material following digital processing.

### **B. Software & Connectivity**

Purchases of software, licenses, yearly maintenance fees and installation needed for the operation of the digital conversion equipment and the integration of the resulting digital records into the appropriate electronic case management system. Additional enhancements of current software used to manage records of the digital archive including any software needed for the redaction of sensitive data contained in the archive's corpus of legacy data. Funds will likely be allocated for the installation of dedicated

telecommunication lines or other resources to facilitate off-site scanning and record digitization.

Funds under this plan may be expended to facilitate automatic document redaction in order to meet rapidly changing statutory requirements and existing and future judgments of the court. This includes but is not limited to the installation of specific modules that redact records in the public access system, enhancement to the public access record portals, and the implementation of redaction capability within existing document management applications.

Funds under this plan may be expended in the deployment of a new case management system or jury management system as allowed. In addition, funds under this plan may be used to convert existing digital document images to the case management system including payment for consultation, salaries, staff training, and data clean-up in connection with the project.

### **C. Personnel**

In order to further the preservation of court records, funds may be used for the hiring of part time or full time employees as needed.

### **D. Travel & Training**

Funds will be expended for travel and training expenses including Tyler Conference registration or any other conference fees in connection with the digital archiving project. Only employees of the District Clerk's Office directly involved in the archive project's planning and implementation will utilize the travel and training funds.

### **E. Preservation, Restoration & Digitization Projects**

Through a contract with Kofile, the District Clerk opted to restore certain older volumes deemed at risk of deterioration for restoration as well as to digitize the records. The contract was signed October 2, 2018 and was to be completed in 3 phases - Phase 1 and 2 have been completed and funded; Phase 3 is scheduled for completion in 2021 and funding will occur upon completion of the project using an Advance Funding Resolution passed in Commissioner's Court on October 6, 2020 whereby the District Clerk's office will make 10 annual payments to satisfy said payment.

We have enlisted the assistance of the Historical Commission to appraise all case files prior to destruction to determine historical value. Any case file that is deemed to have historical value will be preserved, restored and digitized using an approved vendor.

## **F. Digitization Projects**

Through a contract with an approved vendor, funds may be expended in order to digitize the remainder of our disposed files in order to make them readily available to the public.

## **G. Archive Room**

Funds will be expended for construction/maintenance/miscellaneous costs associated with the Archive Room located in the District Clerk's office, which was designed to house historic records requiring special handling, restricted public access and climate controlled conditions. (Texas Local Government Code 203.048 and Texas Administrative Code, Title 13, Chapter 7, Subchapter F, Section 7.164 and 7.165)

The Fort Bend County District Clerk will utilize the funds from the District Court Technology Fee (DCTF), Records Archive Fee (REAR), Records Preservation Fee (DCRP), and Records Management Fee (DCRM) for maintenance and storage of its paper records.

The Fort Bend County District Clerk will follow Fort Bend County policies and procedures for contracting services with third party vendors.

## **VIII. NOTICE**

Pursuant to Section 51.305(g) the following notice will be placed in the District Clerk's Office following authorization by the Commissioner's Court of the fee:

THE COMMISSIONERS COURT OF FORT BEND COUNTY HAS DETERMINED THAT A RECORDS ARCHIVE FEE OF \$10 IS NEEDED TO PRESERVE AND RESTORE DISTRICT COURT RECORDS.