

DISTRICT CLERK - WISE COUNTY, TEXAS
PRESERVATION AND RESTORATION RECORDS PLAN

EXECUTIVE SUMMARY

The purpose of this document is to define the restoration and preservation, digital capture, storage, retention and management of archived records belonging to the District Clerk's Office. Records maintained in the District Clerk's office have been identified to fall under the category of "Preservation and Restoration Plan" that will provide reproduction and archiving of such records and assist in maximizing storage space and making records readily available for optimum viewing. It is the intent of the District Clerk to follow guidelines set by the Texas State Library and Archives Commission for preservation of such records.

OBJECTIVE

The District Clerk's goal is to restore records, reduce deterioration of historical documents, and convert all court documents to electronic format. Improving public access and reducing the risk of deterioration.

SCOPE

The scope of the document includes the following

- *All District Clerk records filed at the Wise County Courthouse.
- *Plans to restore and preserve records with significant historical value.
- *Future plans are to improve public and governmental access and provide an archive for records that have and will be imaged.

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

SECTION ONE: RECORDS INVENTORY

The following constitute the Wise county District Court Records Archive:

PAPER RECORDS

MINUTE BOOKS

Civil	1894 -1983	(Book M –Book JJ)
Tax	1898-1987	(Book 1 –Book 3)
Divorce	1915-1959	(Book 1-Book 3)
Criminal	1987 – 2001	(Book 1 –Book 12)

DOCKET BOOKS

Civil	1895 – 2001	(Book 1-Book 84)
Tax	1920 – 2001	(Book 1 – Book 10)
Criminal	1987 -2001	(Book 1 – Book 3)

INDICES

Civil Index	Book 1 -2
Criminal Index	1896-1990
Civil Index – Direct and Indirect	1950-1981
Civil Index- Direct and Indirect	1982-1990

CASE FILES

- Adoptions
- Name change
- Paternity Suits (adjudication parentage)
- Voluntary Legitimations
- Executions and Orders of Sale

MISCELLANEOUS

Execution Dockets	1882-1917
Record of Declaration of Intention	1907-1914
Medical Register	1924-1984
Veterinary License Records	1916-1958
Chiropractic Register	1949-1952
All Case files	1920 and all prior years

ELECTRONIC RECORDS

All electronic records 1996 to the present

Electronic records 1988 - 1992

SECTION TWO: RESTORATION AND PRESERVATION

PERMANENT RECORDS

PAPER RECORDS

The District Clerk maintains millions of paper documents in the form of bound docket books, court minutes, indices and case files. These documents are subject to deterioration and therefore require special handling, restricted public access and climate controlled conditions. It is the intent of the District Clerk to convert these paper source documents into digital images. All digital formatting will be accessible in the same manner as current electronic storage and will be stored and retrieved through a document management system.

After reducing and /or reproducing these records, the District Clerk plans to utilize the space for the growing number of cases occurring daily. The reproduction will allow better access to the records and will alleviate over- crowding of storage rooms and eliminating items that are not required to maintain permanently.

ELECTRONICALLY STORED DATA

Pursuant to the Texas Administrative Code, Chapter 13, Rule 7.72(c) an electronic storage authorization request was submitted by the District Clerk and approved by the director and librarian of the Texas State Library and Archives Commission. Electronically stored documents are the "official record" for the District Court. Electronically stored data is a permanent record which constitutes a District Court records archive. The District Clerk will annually review and prioritize the imaging of the records archive, will annually audit the electronic records to ensure that electronic information is safely and securely protected and is compliant with the guidelines established by the

Texas Local Government Code, Chapter 205. Coordinating with the Wise County Information Technology Department providing the necessary maintenance service and support required to protect the stored information and assist in upgrading equipment as technology evolves.

RESTORATION

PERMANENT HISTORICAL RECORDS PRIOR TO 1952

The District Clerk will perform routine inspections of the records archive. Following inspection, should a document require restoration the District Clerk will determine the appropriate method. Restoration of damaged documents will be performed using the most efficient and practical method available.

Any document that cannot be successfully preserved or restored under current technology will be maintained in a manner consistent with proper records management techniques.

In the event it is determined that documents require special preservation or restoration the District Clerk will research vendors capable of providing and performing the necessary required services using the most practical, cost-efficient procedures, following Wise County policies and procedures for contracting with such vendors. Preservation and restoration will include maintenance, storage, technical upgrades for equipment and any services required to comply with this plan.

SECTION THREE: FUNDING

The District Clerk will utilize the funds available through the District Court Records Technology Fund for preservation and restoration services performed in connection with maintaining the District Court records archive. All expenditures will comply with Subchapter C, Chapter 262, Local Government Code.

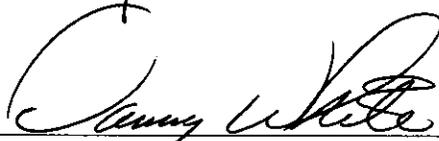
ORDER TO ADOPT RECORDS ARCHIVAL PLAN

ADOPTED, this 14 day of SEPT., 2015.

WISE COUNTY COMMISSIONERS' COURT



J. D. CLARK, County Judge



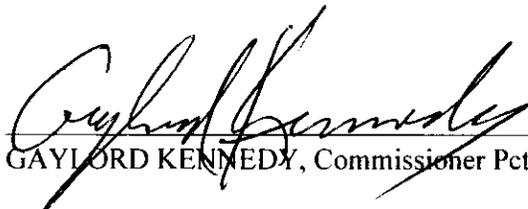
DANNY WHITE, Commissioner Pct. 1



KEVIN BURNS, Commissioner Pct. 2



HARRY LAMANCE, Commissioner Pct. 3



GAYLORD KENNEDY, Commissioner Pct. 4





SHERRY PARKER-LEMON, County Clerk

DISTRICT COURT TECHNOLOGY FUND

GS 51.305

GS 51.305 provides that the District Clerk of Wise County may collect a fee up to \$5.00 with approval by the Wise County Commissioners' Court, for filing in the District Civil Court of Wise County. The fund becomes effective this fiscal year for Wise County, October 1, 2015 at which time the District Clerk will continue collecting this fee. All monies collect will be placed in a line item in the budget labeled District Court Technology Fund to be used for the restoration and preservation of records in the District Clerk's Office.

A handwritten signature in cursive script that reads "Brenda Rowe". The signature is written in black ink and is positioned above a horizontal line.

Brenda Rowe, District Clerk
Wise County, Texas

BREAKING DOWN TECHNOLOGY, ARCHIVE AND RECORDS MANAGEMENT FEE

1. **Archive Fee-** 51.305 provides a District Court Technology Fund, however it is for preserving and Restoring Records. We named this the Archive FEE- and it Requires Commissioner approval annually and a plan. It is used for preservation and restoration of records as outlined below. This fee should not be confused with the Technology Fee, even though the funds are required to be deposited in a District Court Technology Fund (Up to \$10)

Sec. 51.305. DISTRICT COURT RECORDS TECHNOLOGY FUND. (better stated ARCHIVE FEE)

(a) In this section:

(1) "Court document" means any instrument, document, paper, or other record that the district clerk is authorized to accept for filing or maintenance.

(2) "Deterioration" means any naturally occurring process or a natural disaster that results in the destruction or partial destruction of a court document.

(3) "Preservation" means any process that:

(A) suspends or reduces the deterioration of a court document; or

(B) provides public access to a court document in a manner that reduces the risk of deterioration.

(4) "Restoration" means any process that permits the visual enhancement of a court document, including making the document more legible.

(b) The commissioners court of a county may adopt a district court records 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.

(c) The county treasurer, or the official who discharges the duties commonly delegated to the county treasurer, in a county that adopts a fee under Subsection (b) shall establish a district court records technology fund in the general fund of the county for deposit of fees paid under Section 51.317(f).

(d) Subject to Subsection (f), money generated from the fee imposed under this section may be expended only for the preservation and restoration of the district court records archive.

(e) 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.

(f) 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 plan may include a proposal for entering into a contract with another person for preservation and restoration services. 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 with Subchapter C, Chapter 262, Local Government Code.

(g) If a county imposes a fee under this section, a notice shall be posted in a conspicuous place in the district clerk's office. The notice must state the amount of the fee in the following form: "THE COMMISSIONERS COURT OF _____ (Insert name of county) COUNTY HAS DETERMINED THAT A RECORDS ARCHIVE FEE OF \$ _____ (Insert amount adopted by commissioners court) IS NEEDED TO PRESERVE AND RESTORE DISTRICT COURT RECORDS."

(h) Money remaining from the collection of fees imposed under this section after completion of a district court records archive preservation and restoration project may be expended for records management and preservation purposes in the manner provided by Section 51.317(d). The commissioners court of a county may not impose a fee under this section after the district court records archive preservation and restoration project is complete.

Added by Acts 2009, 81st Leg., R.S., Ch. 822, Sec. 1, eff. June 19, 2009.

2. Technology Fee is 51.708- see below – We named this fee- Records Technology fee

Technology Fee- (Can be used only to digitize records and preserve the records from a natural disaster.)

Sec. 51.708. ADDITIONAL FILING FEE FOR CIVIL CASES IN CERTAIN COURTS. (a) In addition to all other fees authorized or required by other law, the clerk of a county court, statutory county court, or district court shall collect a filing fee of not more than **\$10 in each civil case filed in the court to be used for court record preservation for the courts in the county.**

(b) Court fees due under this section shall be collected in the same manner as other fees, fines, or costs are collected in the case.

(c) The clerk at least monthly shall send the fees collected under this section to the county treasurer or to any other official who discharges the duties commonly assigned to the county treasurer. The treasurer or other official shall deposit the fees in a court record preservation account in the county treasury. **The money in the account may be used only to digitize court records and preserve the records from natural disasters.**

(d) The court record preservation account shall be administered by or under the direction of the commissioners court of the county.

Added by Acts 2009, 81st Leg., R.S., Ch. 1183, Sec. 8, eff. September 1, 2009.

- 3. Record Management & Preservation Fee-** Is more generic and does not limit what these funds can be spent on. The best definition of the use of these funds is for the records management and preservation services performed by the county as outlined in LGC 203.002

Sec. 203.002. DUTIES AND RESPONSIBILITIES OF ELECTED COUNTY OFFICERS AS RECORDS MANAGEMENT OFFICERS. The elected county officer shall:

- (1) develop policies and procedures for the administration of an active and continuing records management program;
- (2) administer the records management program so as to reduce the costs and improve the efficiency of recordkeeping;
- (3) prepare and file with the director and librarian the records control schedules and amended schedules required by Section 203.041 and the list of obsolete records as provided by Section 203.044;
- (4) prepare requests for authorization to destroy records not on an approved control schedule as provided by Section 203.045, requests to destroy the originals of permanent records that have been microfilmed as provided by Section 204.008, and electronic storage authorization requests as provided by Section 205.007;
- (5) identify and take adequate steps to preserve records that are of permanent value;
- (6) identify and take adequate steps to protect the essential records of the office;
- (7) ensure that the maintenance, preservation, microfilming, destruction, or other disposition of records is carried out in accordance with the policies and procedures of the records management program and the requirements of this subtitle and rules adopted under it; and
- (8) cooperate with the commission in its conduct of statewide records management surveys.

Added by Acts 1989, 71st Leg., ch. 1248, Sec. 1, eff. Sept. 1, 1989.

The fee is established For a County Court at Law:

Sec. 118.0546. RECORDS MANAGEMENT AND PRESERVATION FEE--CIVIL CASES. (a) The fee for "Records Management and Preservation" under Section 118.052(County clerk fee list) is for the records management and preservation services performed by the county as required by Chapter 203.

- (b) The fee shall be assessed as cost and must be paid at the time of filing any civil case or ancillary pleading thereto.
- (c) The fee shall be placed in a special fund to be called the records management and preservation fund.
- (d) The fee shall be used only for records management and preservation purposes in the county. No expenditure may be made from this fund without prior approval of the commissioners court.

Added by Acts 1993, 73rd Leg., ch. 675, Sec. 2, eff. Sept. 1, 1993.

For District Courts only: (although not stated specifically in statute, but same requirement in LGC 203 is followed for spending these fees.)

Sec. 51.317. FEES DUE AT FILING. (a) The district clerk shall collect at the time the suit or action is filed the fees provided by Subsections (b) and (b-1) for services performed by the clerk.

(b) The fees are:

(1) except as provided by Subsection (b-1), for filing a suit, including an appeal from an inferior court, \$50;

(2) for filing a cross-action, counterclaim, intervention, contempt action, motion for new trial, or third-party petition, \$15;

(3) for issuing a citation or other writ or process not otherwise provided for, including one copy, when requested at the time a suit or action is filed, \$8;

(4) for records management and preservation, \$10; and (see below)

(5) in addition to the other fees imposed under this section, for filing 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, the amount adopted by the county commissioners court, not to exceed \$5, for court records archiving.

(b-1) The fees for filing a suit, including an appeal from an inferior court, are:

(1) \$75, for a suit with at least 11 but not more than 25 plaintiffs;

(2) \$100, for a suit with at least 26 but not more than 100 plaintiffs;

(3) \$125, for a suit with at least 101 but not more than 500 plaintiffs;

(4) \$150, for a suit with at least 501 but not more than 1,000 plaintiffs; and

(5) \$200, for a suit with more than 1,000 plaintiffs.

(b-2) The fee imposed under Subsection (b)(5) does not apply to a filing by a state agency.

(c) The district clerk, after collecting a fee under Subsection (b)(4), shall pay the fee to the county treasurer, or to an official who discharges the duties commonly delegated to the county treasurer, for deposit as follows:

County Wide RMP(1) \$5 to the county records management and preservation fund for records management and preservation, including automation, in various county offices; and

DCRMP(2) \$5 to the district clerk records management and preservation fund for records management and preservation services performed by the district clerk when a case or document is filed in the records office of the district clerk.

(d) A fee deposited in accordance with Subsection (c) may be used only to provide funds for specific records management and preservation, including for automation purposes, on approval by the commissioners court of a budget as provided by Chapter 111, Local Government Code.

(e) An expenditure from a records management and preservation fund must comply with Subchapter C, Chapter 262, Local Government Code.

(f) The district clerk, after collecting a fee under Subsection (b)(5), shall pay the fee to the county treasurer, or to an official who discharges the duties commonly delegated to the county treasurer, for deposit to the district court records technology fund established under Section 51.305.

Acts 1985, 69th Leg., ch. 480, Sec. 1, eff. Sept. 1, 1985. Amended by Acts 1986, 69th Leg., 2nd C.S., ch. 11, Sec. 5, eff. Sept. 22, 1986; Acts 1991, 72nd Leg., ch. 186, Sec. 1, eff. Sept. 1, 1991; Acts 1993, 73rd Leg., ch. 675, Sec. 5, eff. Sept. 1, 1993; Acts 1995, 74th Leg., ch. 641, Sec. 1.01, eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 976, Sec. 1, eff. Sept. 1, 1997; Acts 2003, 78th Leg., ch. 732, Sec. 1, eff. Sept. 1, 2003; Acts 2003, 78th Leg., ch. 1080, Sec. 1, eff. Sept. 1, 2003.

Amended by:

Acts 2005, 79th Leg., Ch. 804, Sec. 3, eff. June 17, 2005.

Acts 2009, 81st Leg., R.S., Ch. 822, Sec. 2, eff. June 19, 2009.

PUBLIC NOTICE

The Wise County Commissioners' Court will conduct a public hearing to consider a plan for the District Clerk's Technology Fund, to fund, GC51, subchapter D for the preservation and restoration of the District Clerk's records. The meeting will be held on September 14, 2015 at 8:45 a.m. in the Commissioners' Courtroom, Wise County Courthouse, Decatur, Texas.

A handwritten signature in cursive script, reading "Brenda Rowe", is written over a horizontal line.

Brenda Rowe, District Clerk

Wise County, Texas

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proposal for entering into a contract with another person for preservation and restoration services. 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 with Subchapter C, Chapter 262, Local Government Code.

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Added by Acts 2009, 81st Leg., R.S., Ch. 822, Sec. 1, eff. June 19, 2009.