

**Nueces County District Clerk's
Records Management, Archiving, Preservation, and Restoration Plan
November, 2019**

I. DISTRICT CLERK'S AUTHORITY OVER COURT RECORDS

The Texas Government Code establishes the responsibilities of the Nueces County District Clerk as the keeper of the records of the courts of Nueces County. The Nueces County District Clerk is the Records Management Officer for all court records in Nueces County.

II. DISTRICT CLERK'S AUTHORITY TO COLLECT FEE

Texas Government Code §51.305 currently provides, in relevant part, as follows:

“(b) The commissioners court of a county may adopt a district court records archive fee of not more than \$10 for the filing of a suit, including an appeal from an inferior court, or a cross-action, counterclaim, intervention, contempt action, motion for a new trial, or third-party petition, in any court in the county for which the district clerk accepts filings 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 at a public meeting. The fee is for preservation and restoration services performed in connection with maintaining a district court records archive.” (i.e., the District Court Records Archive Fee).

The District Court Records Archive Fee under Texas Government Code §51.305 was adopted by Commissioners Court at their meeting on August 28, 2019, with collection of the fee beginning on October 1, 2019.

The Nueces County District Clerk is recommending continued collection of the \$10 District Court Records Archive Fee on all applicable filings in the Nueces County District Clerk’s Office.

Collection of the District Court Records Archive Fee is needed to continue the preservation and restoration services performed in connection with maintaining a district court records archive.

Changes to this Plan must be approved by Commissioners’ Court as part of the annual budget process.

III. PURPOSE

The Nueces County District Clerk is focusing on the preservation of historical court records, utilizing available funds to manage, archive, preserve, and restore court documents and volumes starting at sovereignty of Nueces County and progressing forward as funds are available.

IV. DISTRICT CLERK'S DESIGNATION OF THE RECORDS ARCHIVE

The following list of Nueces County District Clerk boxes stored at the Nueces County Records Warehouse constitutes the Records Archive:

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Year Range	Secured Room	DISTRICT CLERK	PERMANENT BOXES
		CIVIL	
1980-2011		CIVIL EXHIBITS	
		CIVIL EXHIBITS / POSTER BOARDS	
1938-2010	Secured Room	Adoptions	243
1852-1950		HISTORICAL/CIVIL	570
1847-1950		PROBATE	96
1951-2014		PROBATE	535
1975-2014	Secured Room	GUARDIANSHIP/MENTAL COMMITMENTS	275
1951-1987		FELONY	137
1988-2013		FELONY	
1951-1979		MISDEMEANOR	
2002-2014		MISDEMEANOR	
1913-1951		HISTORICAL/CRIMINAL* FELONY & MISD.	103

TOTAL of DC Boxes @ Warehouse 1959

OVERSIZED INDEX BOOKS 577

MINUTE BOOKS 3238

V. FUNDING:

The projects outlined herein are funded by the \$10 District Court Records Archive Fee authorized under Government Code §§51.305(b) and 51.317(b)(5), as well as the \$10 Records Management and Preservation Fee required under Government Code §51.317(b)(4). Based upon the current

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annual volume of 9,500+ civil, family, and probate filings, an estimated \$190,00.00 can be expected to be generated during this budget-year by the continued collection of these fees.

VI. THE OVERALL GOAL AND VISION OF THE NUECES COUNTY DISTRICT CLERK IS TO:

- Continue to add records and information for electronic access for the public.
- Preserving or archival imaging original records by reducing daily usage.
- Eliminate or reduce manual lookups and searches.
- Expedite record searching by having more records available for electronic retrieval.
- Provide public information to the citizens of the County via the Intra/Internet.
- Continue to eliminate the need for paper records.

VII. PROJECTS TO INCLUDE:

- Digitization of physical Index Books to enable electronic access for staff and the public.
- Restoration and preservation of Historical Nueces County Courts system. To include all minutes and file docket records.
- Archival imaging and indexing of historical Civil, Criminal and Tax Case Files dating back to Nueces County's sovereignty.

VIII. LENGTH OF PROJECTS:

Each project described above in §VII has various timelines based on volume and workflow. Each project will be reviewed annually and presented to Commissioner's Court for approval.

SUMMARY

The Legislature has provided a means to raise the revenue needed to fund the management, archiving, preservation, and restoration of court records. Such fees are an alternative to raising taxes or spending general fund monies to accomplish these projects.

This Plan will be implemented in phases as money is accrued and deposited into these specialized accounts. Any outsourcing and purchase of equipment will be done through standard purchasing processes.

Commissioners Court approval of this Plan will help prevent a potential hazard and "a disaster in waiting," as years and years of court records are without backup media and remain unprotected and not adequately preserved.

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2020 UPDATE TO THE PROJECTS DESIGNATED IN THE PLAN:

1. On May 19, 2020, Kofile picked up 240 historical case files and volumes (sovereignty to 1950) for storage in their Dallas Facility for safekeeping before hurricane season.
2. On July 14, 2020, Kofile picked up 200 boxes of case files (2015, 2016, 2017) to take to their Dallas Facility for digitizing and downloading into the Odyssey Case Management System. This represents approximately ¼ of the total case file project. When these files are imaged, Kofile will return and pick up the next round, and so on. From this pick, Kofile will prepare a “pilot” for our IT Department to load into Odyssey to validate work.
3. Hired two clerks to assist John Mitchell with the 6th Floor District Clerk Records.