

## RESOLUTION

A Resolution of the Brown County Commissioners Court, Texas.

Opposition to re: SearchTX. January 17, 2017

**WHEREAS**, the Brown County Commissioners Court recognizes that the Texas Office of Court Administration (OCA), under The Supreme Court of Texas's direction, has created re:SearchTX, a web portal to allow judges secure access to a consolidated database of case information that has been e-Filed; and

**WHEREAS**, the sole purpose of the e-File system developed by the OCA was to provide a delivery system for attorneys to file documents electronically to the courts and that the information would only be retained for thirty days; and

**WHEREAS**, the OCA is now retaining information filed within the e-File system and plans to make it available to attorneys and the public for free or an undetermined fee through re:SearchTX in the near future; and

**WHEREAS**, as required by the Texas Constitution and state statutes, the county and district clerks of each Texas county are the designated custodians of court records, responsible for the management, preservation and access of court records; and

**WHEREAS**, Texas counties are responsible for providing resources to clerks for the management, preservation and access of court records to the public including having the option of offering county records through an electronic information system (on a contractual basis) direct access to the public, by statute;

**WHEREAS**, the implementation of this system has a direct impact on the sphere of authority granted elected clerks, undermines the authority of Commissioners' Court regarding the sale of documents owned by the county, and may cause funds to be diverted from the county.

**NOW THEREFORE, BE IT RESOLVED BY THE COMMISSIONERS COURT OF BROWN COUNTY**, by virtue of the authority vested in us, do hereby state that for the foregoing reasons, it is in the best interest of BROWN County and our taxpayers to oppose any change to current statutes regarding care, custody and control of records held by the county and district clerks and to any actions that would result in those records being centralized within any other entity, be it public or private.

**BE IT FURTHER RESOLVED**, we are opposed to the amendment and/or repeal of any current statutes or rules that authorize local control by Commissioner's Court in the administration of our duties concerning records held by the county and district clerk or how the county chooses to offer those records to the public.

**BE IT FURTHER RESOLVED**, finally, we oppose any diversion of existing County revenue to any other government entity concerning records held under local control by statute.

**PASSED AND APPROVED** by the Brown County Commissioners Court

on this the 17 day of January, 2017

E. Ray West  
E. Ray West, III Brown County Judge

Gary Worley  
Gary Worley, Precinct 1 Commissioner

Joel Kelton  
Joel Kelton, Precinct 2 Commissioner

Wayne Shaw  
Wayne Shaw, Precinct 3 Commissioner

Larry Traweek  
Larry Traweek, Precinct 4 Commissioner

Attest: Sharon Ferguson  
Sharon Ferguson, Brown County Clerk

January 17, 2017 (Exhibit #3)