

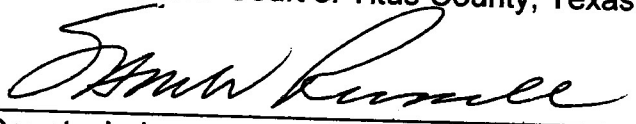
**NOTICE OF MEETING OF THE
COMMISSIONERS' COURT OF TITUS COUNTY, TEXAS**

Notice is hereby given that a Special Meeting of the Commissioners' Court of Titus County, Texas, will be held on the 2nd day of March, 2007, at 2:30 o'clock P.M., in the Titus County Courthouse, County Courtroom, 100 West First Street, Suite 205, Mt. Pleasant, Texas 75455, at which time the following subjects will be discussed:

1. Consider and possibly approve hiring part-time workers for County Clerk's office to address the issuance of Attorney General Opinion GA-0519 relating to provisions of the Public Information Act dealing with the release of social security numbers in filed documents.
2. Consider and possibly approve authorizing the County Judge to hire a court reporter for County Court.

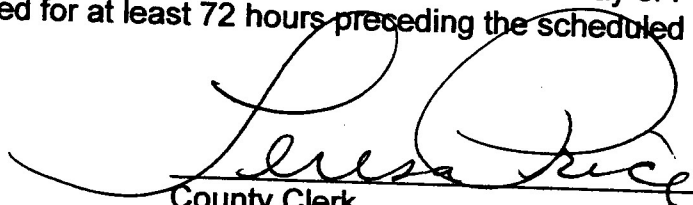
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Commissioners' Court of Titus County, Texas

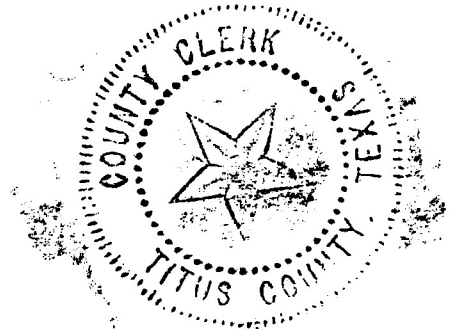


County Judge

I, the undersigned County Clerk, do hereby certify that the above Notice of Meeting of the Commissioners' Court of Titus County, Texas, is a true and correct copy of said Notice, and that I posted a true and correct copy of said Notice on the bulletin board and doors of the Titus County Courthouse and Annex, places readily accessible to the general public at all times, prior to 2:30 o'clock P.M., on the 27th day of February, 2007, and remained so posted for at least 72 hours preceding the scheduled time of said meeting.



County Clerk



**TITUS COUNTY COMMISSIONERS' COURT
SPECIAL MEETING
MARCH 2, 2007 @ 2:30 P.M.**

Judge Sam W. Russell called the meeting to order stating that notice was posted and accessible to the general public at all times prior to 2:30 p.m. on the 27th day of February 2007 and remained so posted for at least 72 hours preceding the scheduled time of said meeting.

2.) Consider and possibly approve authorizing the County Judge to hire a court reporter for County Court.

A court reporter is needed for March 7, 2007 and possibly part of March 8, 2007 and March 21, 2007 and possibly March 22, 2007. Tabbetha Kopec is available March 7 and 8, 2007 but still needs someone for March 21-22, 2007. The cost would be \$160 for a full day and \$80 for a half day. A non-jury trial as well as a jury trial has to be recorded and a record kept. There will also be the cost of sending jury notices as well as juror expenses. Carl Johnson explained that there is some money in the budget and budget amendments could be made as needed. Judge Russell asked that the media include in their article that in order for their County government to work, they need to show up when they receive a jury notice and be willing to serve. Motion was made by Mike Fields and seconded by Bob Fitch for the County Judge to hire a Court Reporter. Motion carried.

1.) Consider and possibly approve hiring part-time workers for County Clerk's office to address the issuance of Attorney General Opinion AG-0519 relating to provisions of the Public Information Act dealing with the release of social security numbers in filed documents.

Teresa Price, County Clerk, addressed the court concerning the above mentioned GA-0519 regarding the release and redaction of social security numbers under the Public Information Act, section 552.147 of the Government Code (RQ-0418-GA). Ms. Price first referred to an email received from the Texas Association of Counties Legal Department and their opinion which holds the County Clerk responsible and that it is a criminal offense to disclose confidential information and that criminal action could be taken. At this time, you can no longer transcribe, write or record information from a copy. The information can be retrieved from the document and copied and then presented to the County Clerk's office personnel to establish that the information does not contain a Social Security number.

On 2/28/2007, Teresa met with the representatives from Greene Title, Titus County Tile and the Appraisal District to discuss and come up with a plan that would help all parties involved regarding the GA Opinion. The title companies copy as many as a 1000 pages per day. It was agreed that a confidentiality agreement would be created and would state specifically information regarding the social security numbers. An agreement would be

created for each person employed in their office with a copy being given to the County Clerk office.

On 2/28/2007, the Attorney General issued a reprieve of 60 days in order to allow the Legislature ample time for thorough deliberation and action. During this time, Opinion No. GA-0519 would have no force or effect. Ms. Price stated that this does not eliminate the need to still monitor copies for social security numbers.

Ms. Price then referred to a letter received from the County Attorney advising the her office to not restrict access to records from the public but to review any document copied and made available to the public to insure that all social security numbers are redacted from the copies before being released. Should problems arise, then it may be necessary to revisit policies of record access.

Ms. Price then read a copy of the notice being posted as follows: "Public view of County Clerk records is hereby prohibited per Attorney General Opinion GA-0519 issued on February 21, 2007. The Day Book and Indices will still be available on a first come first served basis. If the researcher finds a document listed in the indices, my staff will then have to determine if it may be viewed by the public. I am sorry for the inconvenience, but I must comply with the Attorney General's Opinion. The opinion may be viewed at: <http://www.oag.state.tx.us/opinions/ga/ga0519.pdf>."

Ms. Price next told the court that she proposed to hire two (2) temporary people to assist with the increased work load of copying; to back scan all documents from 1895 to present, redacting public view only and purchase 8 public view stations. Ms. Price had originally planned to begin scanning documents next year but due to the Attorney General's Opinion, the process is being moved up. This could be funded from the Record Management fund which had \$250,000 in the account and could be used for preservation purposes and to fund temporary staff. There are now 4 computers used for public view. Ms. Price estimated the cost of this project to be approximately \$100,000.

Ms. Price went on to explain that an original document could not be altered. Judge Sam Russell asked Ms. Price to define what original is. Ms. Price answered that "It is an article that is scanned. It is then certified that it is not the original. The original goes back to the person who originated the document." Judge Russell stated that he disagreed and would do further research. Ms Price stated that she was not sure if the documents that had been put on microfilm and microfiche could be scanned and still be legible. She is to check these documents on Thursday, March 8, 2007 to see how well they have been preserved and if they can be scanned and still be legible enough to remove the social security numbers and then be copies and read. Commissioner Mike Fields informed the court that \$150,000 had been paid to Government Records from Dallas to preserve the documents. Ms. Price then introduced the court to Robert Brenners from Image Tek.

Mr. Brenners, who had been with Net Data for 10 years prior to going to work with Image Tek, addressed the issue on what is an original document. He stated that you can scan any document. At that time, it is considered to be an original document. He next addressed the

issue of scanning documents and back scanning to redact social security numbers to get ready for the County Clerk's office to view. Mr. Brenners stated that there is not any software available that can retrieve social security numbers from a document due to the many different formats in which they are shown. He went on to say that they can not clean up microfilm. Government Records copies need to be checked for damage. The best way to preserve copies is to back scan. Their company goes through each document three times in order to ensure that the social security numbers have been removed. They offer several backups in which they also keep a disk.

Ms. Price stated that after an original is copied and altered, you have to stamp REDACT on it. This is also done for security purposes.

Commissioner Thomas Hockaday asked why the temporary employees were needed at this time since a 60 day reprieve had been given. He also stated that he would first like to get a estimate from Image Tek to see how much it would cost for them to come in and scan and back scan and to wait until the Legislature decides what they want to do. Image Tek can be here next Friday, March 9, 2007 and will take 1-2 days to complete and report back. Commissioners Bob Fitch and Mike Fields both agreed to hold off making a decision until further information and cost was received. Commissioner Hockaday then asked County Attorney, Tim Taylor, his opinion who in turn, recommended scanning of the documents.

No action was taken on the agenda item of hiring temporary workers at this time. Ms. Price stated that her office would still continue as normal and monitor each document that goes out, blacking out the social security numbers before being released.

Milton Fisher from Gulf Pipeline supported the hiring of two (2) people due to the large stacks of copies his office would need. He estimated this to be in the range of 3000 copies.

Motion was made by Commissioner Thomas Hockaday and seconded by Commissioner Bob Fitch to adjourn. Motion carried.

Commissioners take no action on county clerk's request for help

By ASHLEY TOMPKINS
Tribune City Editor

A request to temporarily hire two part-time employees to oversee document copying and the removal of all Social Security numbers from documents leaving the Titus County clerk's office died for lack of a motion Friday afternoon in a special Titus County Commissioners Court meeting.

The request deals with Texas Attorney General Greg Abbott's opinion released late last month holding county clerks criminally responsible for any Social Security numbers released on documents accessible to the public.

On Wednesday, Abbott abated his opinion and granted county clerks a 60-day reprieve.

County Clerk Teresa Price said even with the 60-day reprieve, her office will continue blacking out – or redacting as the state law reads – all Social Security numbers included in documents available to the public through the Public Information Act.

Many officials, including Titus County Judge Sam Russell and Price, had interpreted the law designed to prevent identity theft as a suggestion, not a requirement.

"We are monitoring every document that goes out the door," Price said. "(The policy)

will stay until we redact all of those Social Security numbers because we know they exist. We know there is a possibility that they can be taken out of our office.

"And all we've done is alert everybody in the world that their Social Security numbers are waiting for someone to pick up."

Price's policy states visitors, including local title attorneys, surveyors and those in the real estate business, can browse the office's index collection and pull necessary books.

However, they can no longer transcribe, write, record or scan any document. They may copy their own documents at \$1 per page and then present all documents to deputy clerks to be inspected as soon as possible.

Price said a \$10 search fee may be charged depending on the amount of work that goes into editing each request.

They must also wait one day up to several days, depending on the workload, for the clerk's office to research documents for any Social Security numbers.

Price said the policy will not change, despite the workload and having no extra help. On Wednesday afternoon, the office had several

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inches of documents to inspect for Social Security numbers.

"You don't know whether (the number) is at the middle of the document, the end of the document or if it's even on the document," Price said Wednesday. "It's like a needle in a haystack. You've got to read every page, every line."

She estimated the Titus County Appraisal District, Titus County Title and Greene Title & Abstract each copy 300 to 400 pages a day, leaving the clerk's office with 900 to 1,000 extra copies to inspect, along with their normal day-to-day work. Due to the volume of documents, Price and the three businesses have entered into a confidentiality agreement allowing the clerk's office to release documents with Social Security numbers.

The Texas District and County Attorneys Association has agreed not to prosecute county clerks on

criminal charges while the Texas Legislature works on a solution to Abbott's opinion.

Questions arose Friday as to whether the documents in the county clerk's office are originals.

Russell said documents are certified copies, not originals.

"I'm not so sure that you shouldn't be able to go back in there and start taking books out and blacking out Social Security numbers," Russell said.

"I understand that, but I am definitely not going to go back there and start marking out Social Security numbers when I don't know if my original document is preserved somewhere," Price responded.

Price argued the documents are original to her office and that she has no other source to turn to if they are altered.

Previously, Titus County used

Government Records in Dallas to scan all documents. Price plans to inspect those documents, placed on microfilm and microfiche, Thursday to see if they are in good condition.

Russell said he will investigate the definition of "original" document. Robert Benners with Image Tech spoke to commissioners, explaining that his company, along with several others who work primarily with scanning documents, could scan and redact all social security numbers on documents being viewed by the public.

Price planned to begin scanning documents next year, but said with Abbott's opinion, the process was moved up. She explained scanning documents would help with the Social Security number question at hand, but also cut down on work for deputy clerks.

Benners will visit the courthouse next week to inspect all documents

and will report back to the commissioners' court on future action needed.

Milton Fisher with the Gulf Pipeline Group spoke in support of Price's plan and need for two part-time employees. Fisher said Abbott's opinion has devastated many researcher's work.

"There is a certain inevitability that documents are going to start piling up," he said. "Somewhere along the line, she is going to need some help."

In addition to hiring two part-time employees, Price requested permission to purchase eight public view stations, and to move forward with scanning all documents handled by the clerk's office.

Price estimated total expenses would be less than \$100,000. She has more than \$250,000 available in her records management account.

Those requests died due to a lack of motion after Precinct 4 Commissioner Thomas Hockaday said he would like to get a better idea on costs before authorizing the expenditure.

In other action, commissioners approved Russell hiring a court reporter to handle upcoming non-jury and jury trials in the county's criminal court system slated for March 7, 8, 21 and 22.

The court reporter for March 7 and 8 will receive \$160 for a full day's work and \$80 for half of a day. Russell has not located a reporter for March 21 and 22.

Funds for the hire will come from the court's miscellaneous account.

Russell said jury notices will be mailed soon.

"If the people want county court to work, they need to be willing to serve as a juror. You can't just not show up," Russell said.