

CIRCUIT COURT

Court Clerk

Description

The Circuit Court Clerk is a Constitutional Officer elected for a term of eight years, who serves as the administrative officer of the Circuit Court, is the Register of Deeds, and serves as a Probate Judge serves in other states. The Circuit Court Clerk is responsible for maintaining and administering the files in felony cases, claims over \$15,000, matters including adoptions, divorces, disputes concerning wills and estates, controversies involving property as well as maintaining and administering the files for misdemeanor appeals and civil appeals from District Court. The Clerk is also responsible for the collection of fines and costs in criminal cases; the collection of recordation fees and taxes; and maintains a financial system to track the collections and remittance of these sums to the State and local governments.

The land records, which need to be retained permanently by the Clerk, include deeds, surveys, wills, the indices for judgments, financing statements, and assumed names (or partnership names). The land records section of the Clerk's office contains a portion of the history of the County of Henrico and the importance of preserving these records is imperative.

Objectives

- To provide access to all public records using technology to the extent allowed by law.
- To maintain and preserve the integrity of all documents of historical value to the County.
- To provide services to the public in the areas of land records, marriage licenses, and probates of wills.
- To efficiently assist attorneys and the public in all areas of the Clerk's Office.

Budget Highlights

The Circuit Court Clerk's budget of \$2,428,490 represents a net increase of \$5,897 or 0.2 percent over the FY2011-12 approved budget. Personnel expenditures increased by a net difference of \$31,597 or 1.5 percent due to rising VRS, VRS life insurance, and health care expenditures. This increase was offset by the increase in vacancy savings and the reduction of salaries and benefits tied to current vacancies within the department.

Annual Fiscal Plan

<u>Description</u>	<u>FY11 Actual</u>	<u>FY12 Original</u>	<u>FY13 Approved</u>	<u>Change 12 to 13</u>
Personnel	\$ 2,078,654	\$ 2,144,285	\$ 2,175,882	1.5%
Operation	255,286	278,308	252,608	(9.2%)
Capital	1,529	0	0	0.0%
Total	<u>\$ 2,335,469</u>	<u>\$ 2,422,593</u>	<u>\$ 2,428,490</u>	<u>0.2%</u>
Personnel Complement	N/A	N/A	N/A	N/A

Note: The Circuit Court Clerk positions [38] are funded by the State and are either Complement III or IV positions.

Court Clerk (cont'd)

	Performance Measures			Change
	FY11	FY12	FY13	12 to 13
Workload Measures				
Civil Cases Commenced	3,034	3,200	3,200	0
Criminal Cases Commenced	6,431	7,500	7,000	(500)
Number of Wills and Administrations Recorded	1,095	1,200	1,200	0
Number of Instruments Recorded in Deed Books	37,682	43,000	40,000	(3,000)
Marriage Licenses Issued	1,844	2,000	2,000	0
Number of Judgments Docketed	19,720	21,000	21,000	0
Concealed Weapon Permits Issued	1,545	1,500	1,600	100

The operating component decreased by \$25,700 or 9.2 percent from the previous approved budget. These reductions were made as a result of the department's budget reduction strategy to reduce expenditures and increase efficiencies.

Pursuant to Virginia Code Section 17.1-279, the Clerk collects a \$5.00 technology fee on all instruments recorded in the land books, judgments docketed, and all civil suits commenced. Of this total, \$4.00 is to be reimbursed to the locality by the Compensation Board to support technology efforts within the Clerk's office. The funding is distributed to the Clerk by the Compensation Board. The Clerk implemented an electronic recording system in the Clerk's office and currently maintains deeds, plats, judgments, wills and fiduciaries, criminal orders, and civil orders in the electronic system.

Pursuant to the Code of Virginia, "Every circuit court clerk shall provide secure remote access to land records...on or before July 1, 2008." The Clerk made available via a secure remote paid site, deeds, judgments, and financing statements effective July 1, 2008. All users are required to enter into a subscription agreement and payment is made before access is granted. Currently, approximately 95 users have subscribed to the service through the Clerk's service provider.

It should be noted that in FY2010-11 this revenue source was removed from State restricted revenue and replaced with a line of credit. This revenue source is not included in the County's original budget, but is appropriated during the fiscal year as the Compensation Board makes funds available. Upon the implementation of the secure remote site to land records, the Code of Virginia provides that the Clerk can apply to the Compensation Board to implement other technology projects within the office. In September 2010, funding of \$348,783, which was appropriated during the prior year from funding received by the Virginia Compensation Board, was reappropriated to be spent during FY2010-11. The appropriation of funds have been used to comply with the Code of Virginia to remove social security numbers from the secure remote access site by 2011; implement a file tracking system for court records; improve the Clerk's ability to track files within the office; and upgrade software.

Also of interest is the reduction in excess clerk fees to the local government. The fee allocation to localities was reduced by 50.0 percent in the FY2010-11 State budget cycle. This reduces the amount of funds reimbursed to the locality by the Commonwealth from the collection of fees by the Circuit Court Clerk.