

# 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 \$25,000, 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 Clerk is also responsible for maintaining the marriage licenses issued by the office of the Clerk as well as the issuance of concealed handgun permits. 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 \$2,450,671 represents a net decrease of \$5,305 or 0.2 percent from the FY2013-14 approved budget. This reduction was driven by the removal of \$25,000 from the operating component, which reflects an overall reduction of 9.9 percent. As a result of the Circuit Court Clerk's Office implementing a new fileless system to maintain court records in FY2013-14, the need to purchase file folders was eliminated, which decreased office supplies by \$20,000. In addition, legal services were reduced by \$5,000 based on prior year actuals. These funds are used to pay Court Appointed Counsel as well as Jurors.

### Annual Fiscal Plan

<u>Description</u>	<u>FY13 Actual</u>	<u>FY14 Original</u>	<u>FY15 Approved</u>	<u>Change 14 to 15</u>
Personnel	\$ 2,152,749	\$ 2,203,368	\$ 2,223,063	0.9%
Operation	326,183	252,608	227,608	(9.9%)
Capital	0	0	0	0.0%
Total	<u>\$ 2,478,932</u>	<u>\$ 2,455,976</u>	<u>\$ 2,450,671</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.*

Performance Measures

	FY13	FY14	FY15	Change 14 to 15
<b>Workload Measures</b>				
Civil Cases Commenced	3,135	3,237	3,300	63
Criminal Cases Commenced	5,833	5,375	6,000	625
Number of Wills and Administrations Recorded	1,064	1,100	1,077	(23)
Number of Instruments Recorded in Deed Books	48,926	51,257	51,000	(257)
Marriage Licenses Issued	2,094	1,892	2,100	208
Number of Judgments Docketed	19,900	18,020	18,000	(20)
Concealed Weapon Permits Issued	2,049	3,225	2,500	(725)

While this budget experienced an overall decrease, it is important to note that the reduction in operating was partially offset by the increase in the personnel component totaling \$19,695 or 0.9 percent. This increase reflects a mid-year performance based raise for the Circuit Court Clerk employees as well as rising VRS and VRS life expenditures.

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.

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, the 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. The funding source is the Clerk’s Technology Trust Fund.

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 December 2013, funding of \$265,498, which was appropriated during the prior year from funding received by the Virginia Compensation Board, was reappropriated to be spent during FY2013-14. In addition, new funding of \$185,475 was also appropriated in December. This appropriation of funds has been used to continue making enhancements and improvements to the current imaging system for indexes and land records and improving access to court records in order to provide better service to the public in the records room.

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 reduced the amount of funds reimbursed to the locality by the Commonwealth from the collection of fees by the Circuit Court Clerk.

The table on the following page reflects actuals for FY2005-06 through FY2012-13 as well as the budget forecast for FY2013-14 and FY2014-15 for both State and County funding. It is important to note that the State funding represents only those revenues that are generated by the Compensation Board and excludes revenues associated with Clerk Excess Fees, State Recordation Tax, and the Clerk’s Technology Trust Fund. In addition, the County portion

*Court Clerk (cont'd)*

represents the difference between the Compensation Board revenues and actuals and/or budget for the Circuit Court Clerk's Office.

Fiscal Year	State Funding	County Funding	% County
2005-06	1,552,202	642,456	29.3%
2006-07	1,218,402	1,068,493	46.7%
2007-08	1,318,388	1,160,825	46.8%
2008-09	1,156,809	1,274,591	52.4%
2009-10	1,020,916	1,411,650	58.0%
2010-11	1,156,485	1,178,984	50.5%
2011-12	1,138,564	1,322,374	53.7%
2012-13	1,160,474	1,318,458	53.2%
2013-14	1,150,000	1,305,976	53.2%
2014-15	1,150,000	1,300,671	53.1%