

# 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 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 \$2,443,708 represents a net decrease of \$6,963 or 0.3 percent from the FY2014-15 approved budget. The personnel component is the driver of the reduction and reflects several retirements within the department. Although this component experienced an overall decrease, the partial year impact of the 2.0 percent raise is included as well as increased health care costs. The operating component totals \$227,608 and mirrors the FY2014-15 submission.

Pursuant to Virginia Code Section 17.1-279, the Clerk

### Annual Fiscal Plan

<u>Description</u>	<u>FY14 Actual</u>	<u>FY15 Original</u>	<u>FY16 Approved</u>	<u>Change 15 to 16</u>
Personnel	\$ 2,180,693	\$ 2,223,063	\$ 2,216,100	(0.3%)
Operation	301,736	227,608	227,608	0.0%
Capital	0	0	0	0.0%
Total	<u>\$ 2,482,429</u>	<u>\$ 2,450,671</u>	<u>\$ 2,443,708</u>	<u>(0.3%)</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**

	<b>FY14</b>	<b>FY15</b>	<b>FY16</b>	<b>Change 15 to 16</b>
<b>Workload Measures</b>				
Civil Cases Commenced	3,237	3,475	3,500	25
Criminal Cases Commenced	5,375	5,073	5,100	27
Number of Wills and Administrations Recorded	1,100	1,093	1,100	7
Number of Instruments Recorded in Deed Books	51,257	36,443	46,000	9,557
Marriage Licenses Issued	1,892	2,172	2,300	128
Number of Judgments Docketed	18,020	17,607	17,000	(607)
Concealed Weapon Permits Issued	3,225	2,590	2,600	10

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.

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 2014, funding of \$280,816, which was appropriated during the prior year from funding received by the Virginia Compensation Board, was reappropriated to be spent during FY2014-15. In addition, new funding of \$156,104 was also appropriated in September. 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.

In 2014, the Clerk implemented an on-line system for Officers of the Court to remotely access criminal and civil records. This system is offered to attorneys and their staff by a paid subscription. The system enables attorneys to have access to court files without leaving

their office. The Clerk currently has more than 100 users of the system.

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 below reflects actuals for FY2005-06 through FY2013-14 as well as the budget forecast for FY2014-15 and FY2015-16 for both State and County funding. State funding represents only those revenues that are generated by the Compensation Board and excludes Clerk Excess Fees, State Recordation Tax, and the Clerk's Technology Trust Fund. In addition, the County portion below 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	1,226,908	1,255,521	50.6%
2014-15	1,150,000	1,300,671	53.1%
2015-16	1,150,000	1,293,708	52.9%