

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 \$2,464,852 represents a net increase of \$21,144 or 0.9 percent from the FY2015-16 approved budget. This increase was driven by updated estimates for personnel including a 2.372 percent salary increase for FY2016-17 and rising health care costs. The operating component totals \$228,108 and reflects a budget adjustment of \$500 for education and training classes. Funding associated with this adjustment was previously captured in a central reserve and has been reallocated to the department's budget.

Annual Fiscal Plan

<u>Description</u>	<u>FY15 Actual</u>	<u>FY16 Original</u>	<u>FY17 Approved</u>	<u>Change 16 to 17</u>
Personnel	\$ 2,172,946	\$ 2,216,100	\$ 2,236,744	0.9%
Operation	395,409	227,608	228,108	0.2%
Capital	11,111	0	0	0.0%
Total	<u>\$ 2,579,466</u>	<u>\$ 2,443,708</u>	<u>\$ 2,464,852</u>	<u>0.9%</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

	FY15	FY16	FY17	Change 16 to 17
Workload Measures				
Civil Cases Commenced	3,475	3,965	4,000	35
Criminal Cases Commenced	5,073	5,620	5,700	80
Number of Wills and Administrations Recorded	1,093	981	1,100	119
Number of Instruments Recorded in Deed Books	36,443	42,216	45,000	2,784
Marriage Licenses Issued	2,172	2,223	2,300	77
Number of Judgments Docketed	17,607	16,916	17,000	84
Concealed Weapon Permits Issued	2,570	2,620	2,700	80

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.

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 2015, funding of \$177,919, which was appropriated during the prior year from funding received by the Virginia Compensation Board, was reappropriated to be spent during FY2015-16. In addition, new funding of \$151,597 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 FY2006-07 through FY2014-15 as well as the budget forecast for FY2015-16 and FY2016-17 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
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	1,185,219	1,394,247	54.1%
2015-16	1,150,000	1,293,708	52.9%
2016-17	1,200,000	1,264,852	51.3%