

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 and Juvenile 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 issuing and maintaining marriage licenses entered by the office and issuing 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 it is important to preserve this history for future generations.

Objectives

- To provide access to all public records using modern 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 and professionally assist attorneys and the public in all areas of the Clerk's Office.

Budget Highlights

The Circuit Court Clerk's budget of \$2,515,790 represents a net increase of \$50,938 or 2.1 percent from the FY2016-17 approved budget. This increase was driven by updated estimates for personnel including a 2.5 percent salary increase for FY2017-18 as well as rising health care costs. The operating component remained flat from the previous fiscal year.

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

Annual Fiscal Plan

Description	FY16 Actual	FY17 Original	FY18 Approved	Change 17 to 18
Personnel	\$ 2,230,453	\$ 2,236,744	\$ 2,287,682	2.3%
Operation	358,086	228,108	228,108	0.0%
Capital	0	0	0	0.0%
Total	\$ 2,588,539	\$ 2,464,852	\$ 2,515,790	2.1%
Personnel Complement	N/A	N/A	N/A	N/A

Performance Measures				
	FY16	FY17	FY18	Change 17 to 18
Workload Measures				
Civil Cases Commenced	4,000	4,000	4,100	100
Criminal Cases Commenced	5,650	5,700	5,600	(100)
Number of Wills and Administrations Recorded	1,000	1,100	1,150	50
Number of Instruments Recorded in Deed Books	43,000	45,000	43,000	(2,000)
Marriage Licenses Issued	2,225	2,300	2,225	(75)
Number of Judgments Docketed	17,200	17,000	17,100	100
Concealed Weapon Permits Issued	3,300	2,700	2,800	100

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 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 approximately 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.

In September 2016, funding of \$321,301, which was appropriated during the prior year from funding

received by the Virginia Compensation Board, was reappropriated to be spent during FY2016-17. In addition, new funding of \$144,288 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 the improvement of access to court records in order to provide better service to the public in the Record Room.

In 2016, The Clerk's Office expanded the use of credit card services to the Record Room, Civil Division, Probate Department, and Concealed Weapon Permits. Two different pamphlets were created with General Circuit Court information and Record Room information to help the general public with filing and procedural requirements. Instead of spending \$20,450 to have work done by an outside vendor, the staff spent hours scanning State Highway Plat Books from January 1977 through 2016, making these available on-line. Currently, the office is completing their review of grantor/grantee indexes from January 1973 through April 30, 1989, so that they can make forty-three years' worth of land records available on-line to the public in early 2017. To review older records on microfilm/microfiche, the office recently purchased a new machine which has reverse imaging capabilities and spot enhancement abilities, to enable users to obtain the best images possible.

This year, the Circuit Court Clerk's Office received a grant of \$3,688 from the Library of Virginia, which will enable the office to digitalize and repair two older books which are showing some deterioration. The department's goal in 2017 is to continue to increase the number of indexes, land records, wills and other historical records that are available on-line using in

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house staff and the Clerk's Technology Trust Fund money. The Clerk's Office will also try to increase their number of paid subscription agreement users.

The table below reflects actuals for FY2007-08 through FY2015-16 as well as the budget forecast for FY2016-17 and FY2017-18 for both State and County funding. In FY2007-08, the State was contributing \$1,318,388 or 53.2 percent. By comparison, in FY2015-16 the State contributed \$1,258,458 or 48.6 percent. This represents a 4.6 percent decrease over this time period. 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
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	1,258,458	1,330,081	51.4%
2016-17*	1,200,000	1,264,852	51.3%
2017-18*	1,200,000	1,315,790	52.3%

**FY17 and FY18 represent forecasted estimates.*