

# 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 \$2,580,551 represents a net increase of \$64,761 or 2.6 percent from the FY2017-18 approved budget. This increase was driven by updated estimates for personnel including a salary increase for FY2018-19 and rising health care costs.

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,

### Annual Fiscal Plan

<b>Description</b>	<b>FY17 Actual</b>	<b>FY18 Original</b>	<b>FY19 Approved</b>	<b>Change 18 to 19</b>
Personnel	\$ 2,290,803	\$ 2,287,682	\$ 2,352,443	2.8%
Operation	389,008	228,108	228,108	0.0%
Capital	0	0	0	0.0%
<b>Total</b>	<b>\$ 2,679,811</b>	<b>\$ 2,515,790</b>	<b>\$ 2,580,551</b>	<b>2.6%</b>
Personnel Complement	N/A	N/A	N/A	N/A

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<b>Performance Measures</b>				
	<b>FY17</b>	<b>FY18</b>	<b>FY19</b>	<b>Change 18 to 19</b>
<b>Workload Measures</b>				
Civil Cases Commenced	4,659	4,300	4,100	(200)
Criminal Cases Commenced	6,650	5,800	5,800	0
Number of Wills and Administrations Recorded	1,038	1,150	1,050	(100)
Number of Instruments Recorded in Deed Books	42,752	43,000	43,000	0
Marriage Licenses Issued	2,238	2,225	2,250	25
Number of Judgments Docketed	19,503	17,100	19,000	1,900
Concealed Weapon Permits Issued	3,213	2,800	3,000	200

\$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 2017, funding of \$233,201, which was appropriated during the prior year from funding received by the Virginia Compensation Board, was re-appropriated to be spent during FY2017-18. In addition, new funding of \$186,000 was also appropriated in September. This appropriation of funds was used to enhance and improve the current imaging system for indexes, land records, wills and marriage licenses to provide better customer service 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. Three informational pamphlets were created for Probate, Record Room, and the Civil division to give customers a helpful resource. Record room staff scanned forty (40) years worth of State Highway Plat Books and made them available on-line, which saved \$20,450 in outside vendor costs. The office received two grants from the Library of Virginia to digitalize and restore two older books, which were showing signs of deterioration.

In 2017, the Clerk's Office added an additional 17 years to the digitalized land record system, with grantor/grantee images now going back to January 1973. The office also began e-recording four basic document types in the Record Room with CSC. Again in 2017, the Clerk's Office was awarded a 2<sup>nd</sup> grant from the Library of Virginia, to both digitalize and restore two older books. Currently, the staff is scanning in military discharge documents for disaster recovery purposes. The Clerk's Office spent \$42,000 to replace all of the aging recording equipment in each of the 5 Circuit Courts, which now includes

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hand held audio devices for the hearing impaired. Hundreds of hours were spent shredding both used and unused primary special election, and general election ballots from election cages.

In 2018, the goals of the Clerk's Office are to digitalize another 26 years of land records going back to 1947 and add 95 years worth of will indexes and images, going back to 1904. Both projects will be accomplished using TTF money and outside Land Record vendor Logan Systems. Lastly, the office plans to add a second e-recording vendor to increase the number of e-recordings from banks and title companies.

The table below reflects actuals for FY2008-09 through FY2016-17 as well as the budget forecast for FY2017-18 and FY2018-19 for both State and County funding. In FY2008-09, the State was contributing \$1,156,809 or 47.6 percent. By comparison, in FY2016-17 the State contributed \$1,274,703 or 52.4 percent. This represents a 1.1 percent increase 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
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	1,274,703	1,405,108	52.4%
2017-18*	1,200,000	1,315,790	52.3%
2018-19*	1,200,000	1,380,702	53.5%

\*FY18 and FY19 represent forecasted estimates.