

# CIRCUIT 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, 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, and misdemeanor and civil appeals from the General District and Juvenile Courts. The Clerk is responsible for the collection of fines and costs in criminal cases, recordation fees and taxes, and maintains a financial system to track the collections and remittances for reporting to the State, and to local governments.

The Clerk issues and maintains marriage licenses entered by the office and issues concealed handgun permits. Land records are retained permanently by the Clerk and 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 preserves this history for future generations.

## OBJECTIVES

- To provide fair and equal access to all public records using modern technology.
- To protect and preserve records of the courts and county.
- To professionally and efficiently assist the general public and attorneys using the office.

## FISCAL YEAR 2020 SUMMARY

### Annual Fiscal Plan

Description	FY18	FY19	FY20	Change
	Actual	Original	Approved	19 to 20
Personnel	\$ 2,286,126	\$ 2,352,443	\$ 2,472,715	5.1%
Operation	477,400	228,108	228,108	0.0%
Capital	9,002	0	0	0.0%
Total	<u>\$ 2,772,528</u>	<u>\$ 2,580,551</u>	<u>\$ 2,700,823</u>	<u>4.7%</u>
Personnel Complement	N/A	N/A	1	1

*Note: A total of 38 Circuit Court Clerk positions are funded by the State and are either Complement III or IV. One new complement I position was added during FY2018-19 from the hold complement which brings the total to 39 positions for the Circuit Court Clerk's Office.*

## PERFORMANCE MEASURES

	FY18	FY19	FY20	Change 19 to 20
<b>Workload Measures</b>				
Civil Cases Commenced	4,100	4,100	5,500	1,400
Criminal Cases Commenced	5,600	5,300	5,900	600
Number of Wills and Administrations Recorded	1,150	1,050	1,000	(50)
Number of Instruments Recorded in Deed Books	43,000	43,000	40,500	(2,500)
Marriage Licenses Issued	2,225	2,250	2,000	(250)
Number of Judgments Docketed	17,100	19,000	19,000	0
Concealed Weapon Permits Issued	2,800	3,000	3,100	100

## BUDGET HIGHLIGHTS

The Circuit Court Clerk's budget of \$2,700,823 represents an increase of \$120,272 or 5.1 percent from the FY2018-19 approved budget. This increase was driven solely by the personnel component and reflects the addition of one Deputy Clerk II position that was added to the complement during FY2018-19. In addition, this component includes salary increases as well as rising health care costs. The operating component remains flat at \$228,108.

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 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, with approximately 100 subscribers, is offered to attorneys and their staff by a paid subscription.

In 2016, the Clerk's Office expanded the use of credit cards to the Record Room, Civil Division, Probate Department, and Concealed Weapon Permits. Three informational pamphlets were created for the Probate, Record Room, and the Civil division to give customers a helpful resource. Record Room staff scanned forty (40) years 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 digitize and restore two older books, which were showing signs of deterioration.

In 2017, the Clerk's Office added 17 years to the digitalized land record system, with grantor/grantee images going back to January 1973. The office also began e-recording four basic document types in the Record Room. Also, 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. The Clerk's Office spent \$42,000 to replace all the aging recording equipment in each of the five Circuit

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Courts, which includes 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.

In 2018, the Clerk’s Office continued to digitalize records to make them more accessible, prevent further deterioration of the aging books, and help with disaster recovery efforts. Another 26 years of land record images were added to the digital system, which now span back to 1947, this addition has enabled title examiners to perform residential and commercial searches via the internet. The Clerk’s Office also added digital will indexes dating back to 1781, so users can easily locate the will’s book and page numbers. Military discharge documents were all digitized too. The Clerk’s Office received its 3<sup>rd</sup> consecutive Library of Virginia grant to refurbish two older books from the late 1800s which were starting to deteriorate. The two books were also scanned as digital images to protect Henrico’s history. The Clerk of Court was certified as a Master Clerk by the Virginia Circuit Court Clerk’s Association in November 2018, having completed all educational requirements from the National Center for State Courts.

In September 2018, funding of \$165,825 which was appropriated during the prior year from funding received by the Virginia Compensation Board, was re-appropriated to be spent during FY2018-19. In addition, new funding of \$185,847 was also appropriated in September. This appropriation was used to pay the land record vendor, improve the current imaging system for indexes, land records, wills, and marriage licenses, and replace aging computer equipment.

The table reflects actuals for FY2009-10 through FY2017-18 as well as the budget forecast for FY2018-19 and FY2019-20 for both State and County funding. In FY2009-10, the State was contributing \$1,020,916 or 42.0 percent. By comparison, in FY2017-18 the State contributed \$1,304,033 or 47.0 percent. This represents a 5.0 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 Taxes, and the Clerk’s Technology Trust Fund. In addition, the County portion 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
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	1,304,033	1,468,495	53.0%
2018-19*	1,250,000	1,330,551	51.6%
2019-20*	1,275,000	1,418,068	52.6%

*\*FY19 and FY20 forecasted estimates.*