Print Form

# COUNTY DEPARTMENT AGENDA REQUEST

Department/Division: Clerk of Court

Department Head: Sheila Studdard

Presenter, if needed: Jack Krakeel/Sheila Studdard

Preferred Meeting Date: Thursday, July 24, 2008

Wording for the Agenda:

Consideration of a request from Sheila Studdard, Clerk of Superior Court, that Fayette County affiliate with the Georgia Superior Courts Cooperative Authority which would allow Fayette County records to be provided to the Authority in exchange for a fee.

Background/History/Details:

Mrs. Studdard is asking that Fayette County enter into an agreement with the Georgia Superior Courts Cooperative Authority to allow the Authority to maintain electronic images of Fayette County's records. The Authority is a depository of public records throughout Georgia. Consumers who research public records are able to access statewide records via the GSCCA website. When records are viewed or downloaded, there is a cost to the user. Fayette County would receive a portion of the fee for each of it's images that has been accessed.

Mrs. Studdard is asking that the monies returned to Fayette County be earmarked to pay for converting records prior to 2001 to an electronic format. Funds previously budgeted for this purpose in the amount of $28,400. could be deleted from the budget.

What action are you seeking from the Board of Commissioners?

Approve request for Fayette County to enter into an agreement with the Georgia Superior Courts Cooperative Authority which would allow the transfer of Fayette County records which currently exist in an electronic format to said Authority in exchange for a fee for each record that is accessed by a consumer; and authorization and for the Chairman to execute said agreement.

If this item requires funding, please describe:

Funding in the amount of $28,400 resides in Budget Account # 521316 in the Court Clerk's Budget for the electronic imaging of records prior to 2001. When Mrs. Studdard took office in 2001, she began to use an electronic format for recording but prior records need to be addressed.

Has this issue come before the Commissioners in the past? No

If so, when?

Do you need audio-visual for the presentation? No

Back-up Material Submitted? Yes

## STAFF USE ONLY

Approved by Finance? Yes

Reviewed by Legal? Yes

Approved by Purchasing? Yes

Approved by Administrative Staff? Yes

Staff Notes

Administrator's Approval Yes

Confirmed Meeting Date Thursday, July 24, 2008

- ○ Recognition/ Presentation
- ○ Public Hearing
- ○ Old Business
- ◉ New Business
- ○ Consent
- ○ Report
- ○ Other

Fayette County
GEORGIA

DATE: June 26, 2008

TO: Board of Commissioners

FROM: Jack J. Krakeel

CC: Sheila Studdard

RE: Court Technology Fund

I have reviewed the proposal from the Clerk of Superior Court with respect to establishing a formal relationship with the Georgia Superior Courts Cooperative Authority. The formal agreement would result in the "Authority" accepting transfer of court document images. In return for providing these images to the Authority which makes them available for viewing and downloading at a cost to the user, the Clerk of Superior Court will receive .25 cents per image that this accessed.

The proposal from the Clerk would create a Fund in which these revenues would be deposited solely for the purpose of creating electronic images of Superior Court Records that have not been imaged prior to 2001. At the conclusion of the project, funds received from this initiative would be deposited into the County's General Fund.

For FY-09, the County has provided funding to the Clerk of Superior Court for microfilming in the amount $28,400 budget line item 521316. Should the BOC approve the request to engage the services of the "Authority" this funding can be eliminated from the FY-09 budget.

Office of the Clerk
**Sheila Studdard**
Clerk of Superior Court
Fayette County, Georgia

# MEMORANDUM

Date: June 9, 2008

To: Fayette County Commissioners

From: Sheila Studdard, CSC

Re: Records Preservation and Technology Fund

Pursuant to Georgia Statute §15-6-62, it is the duty of the Clerk of Superior Court "to record all the proceedings of any civil and criminal case within six months after the final disposition." I have taken this duty seriously and have been electronically preserving the data since I took office in 2001. However, prior to my taking office the Courts records have not been recorded in their entirety. Only the complaints, answers and finals have been recorded in civil cases and the accusation or indictment and final dispositions have been recorded in criminal cases. Obviously, this leaves a tremendous vacancy in the permanent record of the Fayette County Court records.

Preserving the record in the magnitude that is required can be quite expensive. The project for record preservation in the Real Estate Division is near $250,000.00 of Fayette County tax dollars. The current budgetary restraints of Fayette County are not conducive to a project of this enormity. However, there is a possible solution that might solve this problem, if you as Commissioners are willing to participate.

The Georgia Superior Court Cooperative Authority (aka "Authority) has a program whereby the local Clerks can enter into an agreement with them as a State entity and trade court images for funds that must be earmarked for record preservation or technological advances in the local Clerk's office. The said agreement is also codified between the Clerk and Commissioners (see the attached agreement).

I respectfully ask that you consider the attached agreement along with the codes sections that outline the Clerk's responsibilities for record preservation. I further request that you as the governing body of Fayette County allow me as the Clerk of Superior Court to transact business with the Clerk's Authority in an effort to preserve Fayette County's court records at NO expense to the tax payers of Fayette County.

I appreciate your consideration in this most important issue in my office. If you have any questions regarding this matter, please contact me directly at 770-716-4286.

One Center Drive. P. O. Box 130 Fayetteville, GA 30214
Email: Sheila.Studdard@gsccca.org