

1 **A RESOLUTION AMENDING RESOLUTION NO. 18-0168 AUTHORIZING THE**
2 **CREATION OF A FULTON COUNTY SUPERIOR COURT CLERK’S**
3 **TECHNOLOGY FUND; AND FOR OTHER PURPOSES.**
4

5 **WHEREAS**, on April 11, 2018, the Fulton County Board of Commissioners
6 approved a Resolution to Establish the Creation of a Fulton County Superior
7 Court Clerk’s Technology Fund (Agenda Item No. 18-0168)(otherwise known as
8 the “Technology Fund Resolution”), a copy of which is attached as Exhibit “A”;
9 and

10 **WHEREAS**, pursuant to O.C.G.A. § 15-6-60.1, the Clerk of Superior Court
11 (“Clerk”) is the constitutional officer elected by the citizens of Fulton County to
12 protect and preserve their court and land records and, pursuant to O.C.G.A. §
13 15-6-96, is the sole custodian of all original filed records that the Clerk is required
14 by law to retain in the Clerk’s office; and

15 **WHEREAS**, pursuant to O.C.G.A. § 15-6-61(a)(5), the Clerk is required by
16 law to keep all the books, papers, dockets, and records belonging to the office
17 with care and security and to keep the papers filed, arranged, numbered, and
18 labeled, so as to be of easy reference; and

19 **WHEREAS**, pursuant to O.C.G.A. § 15-6-61(b), the Clerk is authorized by
20 law to store for computer retrieval any and all records, dockets, indices, or files;
21 provided that any automated or computerized record-keeping method or system
22 shall provide for the systematic and safe preservation and retrieval of all such
23 records and with the same security and integrity as paper filing and record-
24 keeping; and

1 **WHEREAS**, the Clerk is required to participate in the state-wide uniform
2 automated information system as provided for by O.C.G.A. § 15-6-61(15) and
3 provide data about real property transactions electronically to the Georgia
4 Superior Court Clerks' Cooperative Authority; and

5 **WHEREAS**, pursuant to O.C.G.A. §15-6-68, the Clerk must provide an
6 electronic, computer-based indexing system to the public for certain types of land
7 records; and

8 **WHEREAS**, it appears to the Clerk that increased reliance upon
9 technology in Superior Court, including the growing body of statutory
10 requirements relating to land records in the largest county with the highest
11 population in the State, imposes upon the Clerk greater responsibility for the
12 maintenance of existing systems to ensure that the function and capacity of her
13 systems are stable and sufficient to fulfill her duties; and

14 **WHEREAS**, the Clerk has determined that setting aside revenue from
15 certain revenue-generating agreements related to e-recording of land records
16 would create an income stream that would be available to defray some of the
17 technology – related expenses that are critical to the performance of her duties
18 as they relate to the e–recording, indexing and transmission of land records; and

19 **WHEREAS**, in order for the Clerk to set aside revenue from her
20 agreement with the Georgia Superior Court Clerks' Cooperative Authority in the
21 Historical Plat Image Compensation Agreement (the "Agreement"), the Fulton
22 County Board of Commissioners must specifically authorize the Clerk to set

aside and use the funds generated from the Agreement for the purposes contained in the Technology Fund Resolution; and

WHEREAS, the Fulton County Board of Commissioners, recognizing the broad and increasing costs of technology, desires to amend the Technology Fund Resolution to include the revenue generated from the Agreement;

NOW, THEREFORE, BE IT RESOLVED, that the Fulton County Board of Commissioners hereby authorizes the Clerk to set aside funds from the Agreement into the Superior Court Clerk's Technology Fund.

BE IT FURTHER RESOLVED, that the purpose of the Technology Fund shall continue to be to augment funding provided by the Board of Commissioners for the operation of the Clerk's Office to meet rising technology-related expenses related to e-recording of land records.

BE IT FURTHER RESOLVED, that the authorization contained in this Resolution shall be retroactive to January 1, 2021.

BE IT FURTHER RESOLVED that the remainder of Resolution 18-0168 remains unchanged.

BE IT FINALLY RESOLVED, that resolutions and parts of resolutions in conflict with this Resolution are hereby repealed to the extent of the conflict.

SO PASSED AND ADOPTED, this _____ day _____, 2021.

**BOARD OF COMMISSIONERS OF
FULTON COUNTY**

NAME _____

1 Attest:

Approved as to Form:

2
3
4
5 _____
6 Tonya R. Grier
7 Clerk to the Commission
8
9

Kaye Burwell
Interim County Attorney

10
11
12 P:\CALegislation\SupCtClk\Resolutions\Technology Fund\2.23.21 Amended Resolution Authorizing Clerks Technology
13 Fund.doc

1
2 **RESOLUTION AUTHORIZING THE CREATION OF**
3 **A FULTON COUNTY SUPERIOR COURT CLERK'S TECHNOLOGY**
4 **FUND; AND FOR OTHER PURPOSES.**
5

6 **WHEREAS**, pursuant to O.C.G.A. § 15-6-60.1, the Clerk of Superior Court
7 ("Clerk") is the constitutional officer elected by the citizens of Fulton County to
8 protect and preserve their court and land records and ,pursuant to O.C.G.A. §
9 15-6-96, is the sole custodian of all original filed records that the Clerk is required
10 by law to retain in the Clerk's office; and

11 **WHEREAS**, pursuant to O.C.G.A. § 15-6- 61(a)(5), the Clerk is required
12 by law to keep all the books, papers, dockets, and records belonging to the office
13 with care and security and to keep the papers filed, arranged, numbered, and
14 labeled, so as to be of easy reference; and

15 **WHEREAS**, pursuant to O.C.G.A. § 15-6-61(a)(2), the Clerk is required to
16 attend to the needs of the Superior Court through the performance of the duties
17 of the Clerk required and enumerated by law, or as defined in court order, or
18 rules; and

19 **WHEREAS**, pursuant to O.C.G.A. § 15-6-61(b), the Clerk is authorized by
20 law to store for computer retrieval any and all records, dockets, indices, or files;
21 provided that any automated or computerized record-keeping method or system
22 shall provide for the systematic and safe preservation and retrieval of all such
23 records and with the same security and integrity as paper filing and record-
24 keeping; and
25

1 **WHEREAS**, the Clerk has specified duties imposed by statute and by
2 court order relating to electronic filing, storage, transmission of, and public
3 access to court and land records; and

4 **WHEREAS**, the Clerk is required to participate in the state-wide uniform
5 automated information system as provided for by O.C.G.A. § 15-6-61(15) and
6 provide data about real property transactions electronically to the Georgia
7 Superior Court Clerks' Cooperative Authority; and

8 **WHEREAS**, pursuant to O.C.G.A. §15-6-68, the Clerk must provide an
9 electronic, computer-based indexing system to the public for certain types of land
10 records; and

11 **WHEREAS**, it appears to the Clerk that increased reliance upon
12 technology in Superior Court, including the growing body of statutory
13 requirements relating to land records in the largest county with the highest
14 population in the State, imposes upon the Clerk greater responsibility for the
15 maintenance of existing systems to ensure that the function and capacity of her
16 systems are stable and sufficient to fulfill her duties; and

17 **WHEREAS**, it further appears to the Clerk that it is necessary and prudent
18 to plan and provide for future system enhancement and capacity to meet the land
19 records technology needs sufficient to fulfill her duties; and

20 **WHEREAS**, it further appears to the Clerk that it is in the best interests of
21 the citizens of Fulton County that the Clerk provide for ongoing training of staff
22 and for educating the public on the use of new and changing technology; and
23

1 **WHEREAS**, pursuant to O.C.G.A. §15-6-61(a)(19), the Clerk has a duty
2 to participate in agreements, contracts, and networks necessary or convenient
3 for the performance of duties required by law; and

4 **WHEREAS**, the Clerk has determined that setting aside revenue from
5 certain revenue-generating agreements related to e-recording of land records
6 would create an income stream that would be available to defray some of the
7 technology – related expenses that are critical to the performance of her duties
8 as they relate to the e–recording, indexing and transmission of land records ; and

9 **WHEREAS**, the Clerk has requested that a dedicated technology fund for
10 the use of the Clerk’s Office be created with revenue from contracts with vendors
11 providing e-recording of land records; and

12 **WHEREAS**, the Fulton County Board of Commissioners recognizes that a
13 dedicated, land records technology fund would be in the best interests of the
14 citizens of Fulton County who rely upon efficient and accurate land records kept
15 in the Clerk’s Office.

16 **NOW, THEREFORE, BE IT RESOLVED**, that the Fulton County Board of
17 Commissioners hereby authorizes the creation of a dedicated Superior Court
18 Clerk’s Technology Fund.

19 **BE IT FURTHER RESOLVED**, that said Technology Fund will be funded
20 by income derived by revenue-generating contracts with vendors providing e-
21 recording of land records that may be entered into from time to time by the Clerk.

22 **BE IT FURTHER RESOLVED**, that the purpose of the Technology Fund
23 shall be to augment funding provided by the Board of Commissioners for the

operation of the Clerk's Office to meet rising technology-related expenses related to e-recording of land records.

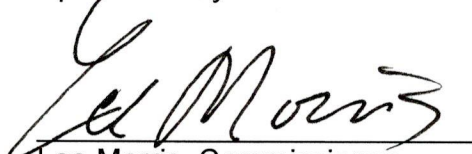
BE IT FURTHER RESOLVED, that the Finance Department is directed to set up a Superior Court Clerk's Technology Fund, a dedicated account to set aside income generated by contracts with vendors providing e-recording of land records which may be entered into from time to time by the Board of Commissioners on behalf of the Clerk, said income to be used solely by the Clerk for land records system technology-related expenses, specifically land records system upgrades, maintenance, development and training; workplace design and reconfiguration to accommodate conversion to digital processes; and to promote increased productivity and performance.

BE IT FINALLY RESOLVED, that this Resolution shall become effective upon its adoption, and that all resolutions and parts of resolutions in conflict with this Resolution are hereby repealed to the extent of the conflict.

SO PASSED AND ADOPTED, this ____ day_____, 2018.

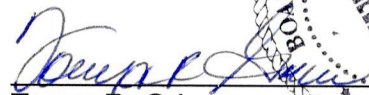
**BOARD OF COMMISSIONERS OF
FULTON COUNTY**

Sponsored by:


Lee Morris, Commissioner
District 3


1
2
3
4
5
6
7
8
9
10

Attest:


Tonya R. Grier
Interim Clerk to the Commission



Approved as to Form:


Patriise Perkins-Hooker
County Attorney

P:\CALegislation\SupCtClk\Resolutions\Technology Fund\03.21.18 - Resolution Authorizing Clerks Land Records
Technology Fund.doc