

1 **RESOLUTION AMENDING RESOLUTION NO. 18-0168 AND RESOLUTION**
2 **NO. 21-0279 AUTHORIZING THE CREATION OF A FULTON COUNTY**
3 **SUPERIOR COURT CLERK’S TECHNOLOGY FUND; AND FOR OTHER**
4 **PURPOSES.**

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

11 **WHEREAS**, on April 21, 2021, the Fulton County Board of Commissioners
12 approved a Resolution Amending Resolution No. 18-0168 Authorizing the
13 Creation of a Fulton County Superior Court Clerk’s Technology Fund (Agenda
14 Item No. 21-0279), a copy of which is attached as Exhibit “B”; and

15 **WHEREAS**, pursuant to O.C.G.A. § 15-6-60.1, the Clerk of Superior Court
16 (“Clerk”) is the constitutional officer elected by the citizens of Fulton County to
17 protect and preserve their court and land records and, pursuant to O.C.G.A. §
18 15-6-96, is the sole custodian of all original filed records that the Clerk is required
19 by law to retain in the Clerk’s office; and

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

24 **WHEREAS**, pursuant to O.C.G.A. § 15-6-61(b), the Clerk is authorized by
25 law to store for computer retrieval any and all records, dockets, indices, or files;
26 provided that any automated or computerized record-keeping method or system

1 shall provide for the systematic and safe preservation and retrieval of all such
2 records and with the same security and integrity as paper filing and record-
3 keeping; 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 reliance on computer-based
12 technology for recording and retrieval of records will continue to increase; and

13 **WHEREAS**, increased reliance upon technology in the largest county with
14 the highest population in the State imposes upon the Clerk greater responsibility
15 for the maintenance of existing systems to ensure that the function and capacity
16 of her systems are stable and sufficient to fulfill her duties; and

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

22 **WHEREAS**, in order for the Clerk to set aside revenue from her
23 agreements with the Georgia Superior Court Clerks' Cooperative Authority in the

1 Historical Plat Image Compensation Agreement (the “Historical Plat Agreement”)
2 and the Historical Deed Indexing Compensation Agreement (the “Historical Deed
3 Agreement”), the Fulton County Board of Commissioners must specifically
4 authorize the Clerk to set aside and use the funds generated from the Historical
5 Plat Agreement and the Historical Deed Agreement for the purposes contained in
6 the Technology Fund Resolution; and

7 **WHEREAS**, the Fulton County Board of Commissioners, recognizing the
8 broad and increasing costs of technology, desires to amend the Technology
9 Fund Resolution to include the revenue generated from the Historical Plat
10 Agreement and the Historical Deed Agreement; and

11 **WHEREAS**, the Fulton County Board of Commissioners further desires to
12 amend the Technology Fund Resolution to authorize additional fund sourcing
13 from other revenue generating agreements involving real estate records.

14 **NOW, THEREFORE, BE IT RESOLVED**, that the Fulton County Board of
15 Commissioners hereby authorizes the Clerk to set aside funds from the Historical
16 Plat Agreement and the Historical Deed Agreement to be deposited into the
17 Superior Court Clerk’s Technology Fund.

18 **BE IT FURTHER RESOLVED**, that the Fulton County Board of
19 Commissioners hereby authorizes the Clerk to set aside funds from other
20 revenue generating agreements involving real estate recordation with the
21 Georgia Superior Court Clerks’ Cooperative Authority to be deposited into the
22 Superior Court Clerk’s Technology Fund.

BE IT FURTHER RESOLVED, that this Resolution shall not apply to agreements for e-filing in civil and criminal cases or agreements exempt by law.

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 purpose of the Technology Fund shall also extend to augmenting funding provided by the Board of Commissioners for the operation of the Clerk's Office and its reliance on computer-based technology for recording and retrieval of records.

BE IT FURTHER RESOLVED that the remainder of Resolution No. 18-0168 and Resolution No. 21-0279 remain 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 _____, 2022.

FULTON COUNTY BOARD OF COMMISSIONERS

ATTEST:

Tonya R. Grier
Clerk to the Commission

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2 APPROVED AS TO FORM:
3

4
5 _____
6 Y. Soo Jo
7 County Attorney
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12 Clerks Technology Fund (DM 9.1.22 REDLINE).doc