

COUNTY OF CLAYTON

STATE OF GEORGIA

RESOLUTION NO. 2009- 91

A RESOLUTION AUTHORIZING CLAYTON COUNTY TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE GEORGIA PUBLIC DEFENDER STANDARDS COUNCIL FOR FY 2010 PROVIDING FOR THE DELIVERY OF INDIGENT DEFENSE SERVICES UNDER THE GEORGIA INDIGENT DEFENSE ACT; TO AUTHORIZE THE CHAIRMAN TO EXECUTE THE MEMORANDUM OF UNDERSTANDING AND TO PERFORM ALL ACTS NECESSARY TO ACCOMPLISH THE INTENT OF THIS RESOLUTION; TO AUTHORIZE THE FINANCE DIRECTOR TO AMEND THE BUDGET WHERE NECESSARY TO REFLECT THE REQUIRED APPROPRIATIONS AND EXPENDITURES, ALL AS MAY BE REQUIRED UNDER THE TERMS OF THE MEMORANDUM OF UNDERSTANDING; TO PROVIDE AN EFFECTIVE DATE OF THIS RESOLUTION; AND FOR OTHER PURPOSES.

WHEREAS, the Board of Commissioners is vested with substantial powers, rights and authorities, which among certain endeavors allows for the general funding of a legal defense delivery system for qualified indigent individuals accused of crimes in Clayton County; and

WHEREAS, it is the policy of Clayton County and the State of Georgia to provide the constitutional guarantees of the right to legal counsel and equal access to the courts to all citizens in criminal cases; and

WHEREAS, Clayton County, the Georgia Public Defender Standards Council and the Clayton Judicial Circuit Public Defender's office have previously entered into a Memorandum of Understanding regarding the provision of indigent defense where there is a coexistence of a panel system and the Public Defender Office; and

WHEREAS, the County and the Public Defender's Office have determined that in order to effectuate the most efficient and cost-effective manner of delivering quality indigent defense services, it is necessary to add personnel to cover each of the seven courts (for superior courts, one magistrate court and two juvenile courts); and

WHEREAS, the Georgia Public Defender Standards Council and the Clayton County Board of Commissioners have agreed to a Memorandum of Understanding concerning the provision of Indigent Defense in Clayton County; and

WHEREAS, the Board of Commissioners desire to continue delivering a fair, efficient, and expeditious administration of justice and otherwise providing the constitutional guarantees of the right to legal counsel and equal access to the Clayton County courts to all citizens in criminal cases.

WHEREAS, the County and the Public Defenders Office have determined that additional personnel is necessary for the most cost effective manner of delivering services; and

WHEREAS, the additional personnel will be State employees funded by the County.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS

OF CLAYTON COUNTY, GEORGIA AND IT IS HEREBY RESOLVED

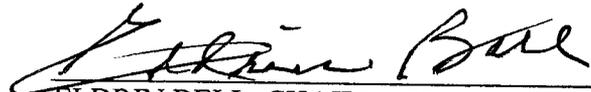
Section 1. The Clayton County Board of Commissioners hereby authorizes the County to enter into a Memorandum of Understanding with the Georgia Public Defender Standards Council for FY 2010 providing for the delivery of indigent defense services. The Board of Commissioners hereby authorizes the Chairman to execute a Memorandum of Understanding and to perform all other acts necessary to accomplish the intent of this Resolution. Further, the Board of Commissioners hereby authorizes the Director of Finance to

amend the budget where necessary to reflect an appropriate revenue source and expense, all as may be required under the terms of the Memorandum of Understanding. The Memorandum of Understanding shall be in substantially the form attached hereto subject to such changes and modifications as deemed necessary by the Chairman.

Section 2. This Resolution shall be effective on the date of its approval by the Board of Commissioners.

SO RESOLVED this 30<sup>th</sup> day of June, 2009.

CLAYTON COUNTY BOARD OF COMMISSIONERS

  
ELDRIN BELL, CHAIRMAN

  
WOLE RALPH, VICE CHAIRMAN

  
GAIL B. HAMBRICK, COMMISSIONER

  
SONNA SINGLETON, COMMISSIONER

  
MICHAEL EDMONDSON, COMMISSIONER

ATTEST:

  
SHELBY D. HAYWOOD, CLERK