

STATE OF GEORGIA

COUNTY OF CLAYTON

RESOLUTION NO. 2020-236

A RESOLUTION AUTHORIZING CLAYTON COUNTY TO MAKE APPLICATION TO THE GEORGIA PUBLIC DEFENDERS STANDARDS COUNCIL FOR RETENTION OF FUNDS RECEIVED FROM INDIGENT DEFENDANTS APPLYING FOR THE SERVICES OF THE CLAYTON COUNTY PUBLIC DEFENDER; TO AUTHORIZE THE CHAIRMAN TO EXECUTE ANY DOCUMENTS AND TO OTHERWISE PERFORM ALL OTHER ACTS NECESSARY TO ACCOMPLISH THE INTENT OF THIS RESOLUTION; TO AUTHORIZE THE CHIEF FINANCIAL OFFICER TO AMEND THE BUDGET WHEREAS MAY BE REQUIRED; TO PROVIDE AN EFFECTIVE DATE OF THIS RESOLUTION; AND FOR OTHER PURPOSES.

WHEREAS, the Clayton County Board of Commissioners ("County") is the governing body of Clayton County, Georgia; and

WHEREAS, the Office of the Clayton County Public Defender ("Public Defender") provides indigent criminal defense for the Clayton Judicial Circuit; and

WHEREAS, Georgia law requires each and every indigent defendant who applies for legal defense services under Chapter 12 of Title 17 of the Official Code of Georgia Annotated to pay the Public Defender a single fee of \$50.00 for the application, receipt of, or application for and receipt of such services; and

WHEREAS, the Georgia Department of Corrections currently collects the Public Defendant application fees and transmits said fees to the Public Defendant for remission to Georgia Public Defender Council ("GPDC"), then to the Georgia Superior Court Clerks Authority;

WHEREAS, pursuant to O.C.G.A. §§ 15-21-74 and 15-21a-(6), the County can make Application to Retain Funds to the GPDC each calendar year to retain the application fees for use by the Public Defender; and

WHEREAS, retention of fees by the County will provide a revenue stream from and to the Public Defender Office that was previously not identified, which will assist the Public Defender with operational expenses; and

WHEREAS, the Board of Commissioners deems it in the best interest of the County, and the County will best be served by, making application to the GPDC for retention of the Public Defender application fees for the Public Defender's use in Clayton County for the above-stated purpose(s).

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS
OF CLAYTON COUNTY, GEORGIA AND IT IS HEREBY RESOLVED

Section 1. The Board of Commissioners hereby authorizes Clayton County to make Application to Retain Funds to the Georgia Public Defenders Standards Council for the 2021 calendar year to retain the \$50.00 application fees paid by each indigent defendant applying for services of the Office of the Clayton County Public Defender for use by the Clayton County Public Defender to assist in operating expenses. The Board of Commissioners hereby authorizes the Chairman to execute any documents and to perform all other acts necessary to accomplish the intent of this Resolution. Further, the Board of Commissioners authorizes the Chief Financial Officer to amend the Budget where necessary to reflect the additional revenue received. The Application to Retain Funds shall be in substantially the form attached hereto, subject to such minor changes, insertions or deletions as the Chairman of the Board of Commissioners may approve.

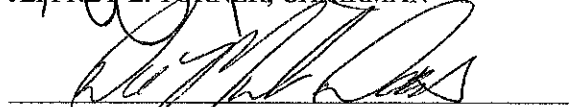
Section 2. This Resolution shall become effective upon its approval by the Board of Commissioners.

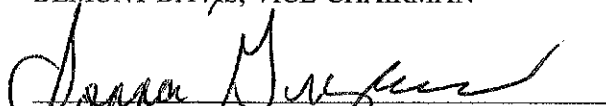
SIGNATURES LOCATED ON THE FOLLOWING PAGE

SO RESOLVED, this the 1 day of December, 2020.

CLAYTON COUNTY BOARD OF COMMISSIONERS



JEFFREY E. TURNER, CHAIRMAN


DEMONT DAVIS, VICE-CHAIRMAN


SONNA GREGORY, COMMISSIONER


GAIL B. HAMBRICK, COMMISSIONER


FELICIA FRANKLIN WARNER, COMMISSIONER

ATTEST:

BRENDA B. JAMES, CLERK