

COUNTY OF CLAYTON

STATE OF GEORGIA

RESOLUTION NO. 2010- 57

A RESOLUTION AUTHORIZING CLAYTON COUNTY TO AMEND THE 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 AMENDMENT TO THE MEMORANDUM OF UNDERSTANDING AND TO PERFORM ALL ACTS NECESSARY TO ACCOMPLISH THE INTENT OF THIS RESOLUTION; 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, the County and the Public Defender's Office entered into a Memorandum of Understanding which determined that in order to effectuate the most efficient and cost-effective manner of delivering quality indigent defense services, agreed to add personnel to cover each of the seven courts (for superior courts, one magistrate court and two juvenile courts) and provided for the County to end the hybrid system and become an opt-in circuit with the Georgia Public Defenders Council; 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 it is necessary to amend the Memorandum of Understanding to provide additional guidance for the ongoing operation of the Panel system; and

WHEREAS, the County and the Public Defenders Council desire to change the manner in which the Governing Committee is established and modify the Internal Operating Procedures that are in place governing the operation, responsibilities and duties of the panel attorneys regarding the requirements that attorneys serving on the Panel have actual offices and connections in Clayton County in order to provide necessary services to the citizens of 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 an amendment to the Memorandum of Understanding with the Georgia Public Defenders Standards Council for FY 2010 providing for the delivery of indigent services so as to change among other things, the manner in which the Governing Committee is selected, the qualifications to serve on the Governing Committee, and modify the Internal Operating Procedures that are in place governing the operation, responsibilities and duties of panel attorneys regarding the requirements of attorneys serving on the panel as set forth below.

Section 2. The governing Committee of the Indigent Defense Panel will consist of three members selected as follows:

- The Board of Commissioners shall appoint two members of the Committee. One shall be a member of the Clayton County Bar Association who is not a member of the Panel system and the other shall either be a member of the Clayton Bar Association who is not a member of the Panel system or one who is a member of the community and a resident of Clayton County who is not a lawyer or such member can be an employee or agent of the County (such as the Chief Staff Attorney);
- The President of the Clayton County Bar Association shall appoint a member of the Clayton County Bar Association who is not a member of the panel system.

The members shall serve terms of two years ending December 31, provided however they may continue to serve until such time as the member's successor is appointed. Current members of the Governing Committee shall continue to serve until successor members are appointed pursuant to this resolution.

Section 3. The Internal Operating Procedures of the Panel are modified so as to provide that: Any attorney serving or appointed to serve on the Indigent Panel shall have the following minimum requirements;

- Must be a member of the Clayton County Bar Association;
- Must have a bona fide office in Clayton County that is published as the primary office of the attorney in the Georgia Bar Directory

or listed on- line with the State Bar of Georgia as the attorneys
primary office.

Section 4. This Resolution shall be effective on the date of its approval by the
Board of Commissioners.

SO RESOLVED this 16th day of February, 2010.

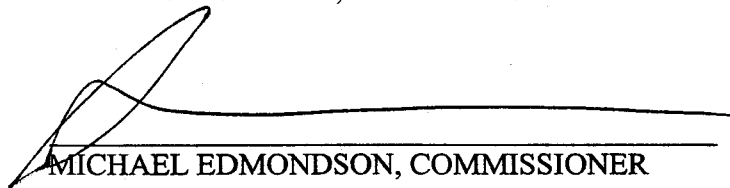
CLAYTON COUNTY BOARD OF COMMISSIONERS


ELDRIN BELL, CHAIRMAN

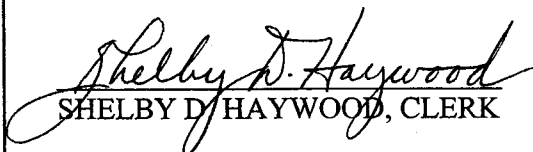

WOLFE RALPH, VICE CHAIRMAN


GAIL B. HAMBRICK, COMMISSIONER


SONNA SINGLETON, COMMISSIONER


MICHAEL EDMONDSON, COMMISSIONER

ATTEST:


SHELBY D. HAYWOOD, CLERK