

COUNTY OF CLAYTON

STATE OF GEORGIA

RESOLUTION NO. 2009- 83

A RESOLUTION AUTHORIZING CLAYTON COUNTY TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE GEORGIA PUBLIC DEFENDER STANDARDS COUNCIL PROVIDING FOR THE DELIVERY OF INDIGENT DEFENSE SERVICES UNDER A HYBRID DELIVERY SYSTEM AS AN ALTERNATIVE TO THE SYSTEM SET FORTH IN 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, the Georgia Public Defender Standards Council is authorized by O.C.G.A §17-12-36 to permit a judicial circuit composed of a single county to continue in effect an

alternative delivery system to the one set forth in Article 2 of Chapter 12 of Title 17 of the Official Code of Georgia Annotated; and

WHEREAS, O.C.G.A. §17-12-36 (a) (2) authorizes the Standards Council to permit a judicial circuit composed of a single county to continue in effect an alternative delivery system if the council determines, by a majority vote of the entire council, that the alternative delivery system meets or exceeds its standards; and

WHEREAS, the Georgia Public Defender Standards Council and the Clayton County Board of Commissioners have agreed that a hybrid delivery system is an effective alternative delivery system; 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 Public Defender Standards Council resolved that the hybrid delivery system as defined in the Memorandum of Understanding between the Georgia Public Defender Standards Council and the Clayton County Board of Commissioners is approved as an alternative delivery system; 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

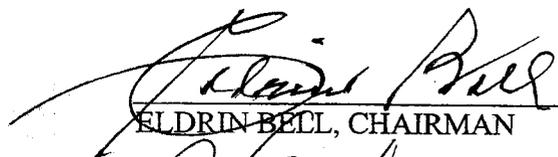
Section 1. The Clayton County Board of Commissioners hereby authorizes the County to enter into a Memorandum of Understanding with the Georgia Public Defender Standards Council providing for the delivery of indigent defense services under a hybrid delivery system as an alternative to the system set forth in the Georgia Indigent Defense Act. 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.

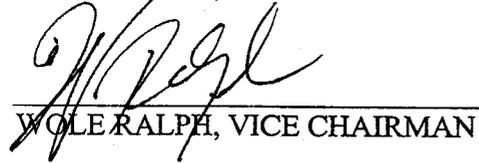
Section 2. This Resolution shall be effective on the date of its approval by the Board of Commissioners.

{SIGNATURES NEXT PAGE}

SO RESOLVED this 19th day of May, 2009.

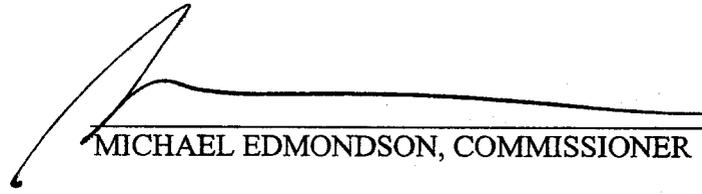
CLAYTON COUNTY BOARD OF COMMISSIONERS


ELDRIN BELL, CHAIRMAN

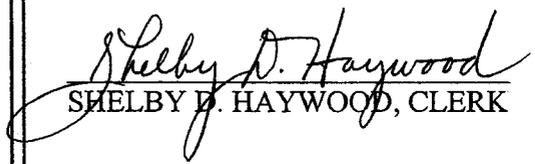

WOLE RALPH, VICE CHAIRMAN


GAIL B. HAMBRICK, COMMISSIONER


SONNA SINGLETON, COMMISSIONER


MICHAEL EDMONDSON, COMMISSIONER

ATTEST:


SHELBY D. HAYWOOD, CLERK