

COUNTY OF CLAYTON

STATE OF GEORGIA

RESOLUTION NO. 2007- 32

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 crime 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 resolves 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, subject to the condition that the Clayton County Board of Commissioners approve and sign the Memorandum of Understanding at its _____, 2007 Business Meeting; and

WHEREAS, the Board of Commissioners desires 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.

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

Section 1. RESOLVED that it is the desire of the Clayton County Board of Commissioners 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 the 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 minor changes, insertions or deletions as the Chairman of the Board of Commissioners may approve.

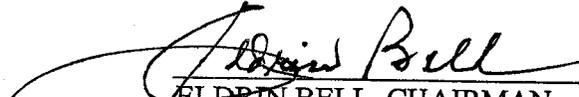
Section 2. RESOLVED that the County Clerk is directed to deliver an official copy of this resolution along with the executed Memorandum of Understanding to the Georgia Public Defender Standards Council immediately and to assure and confirm its receipt; and

Section 3. This Resolution shall be effective on the date of its approval by the Board of Commissioners.

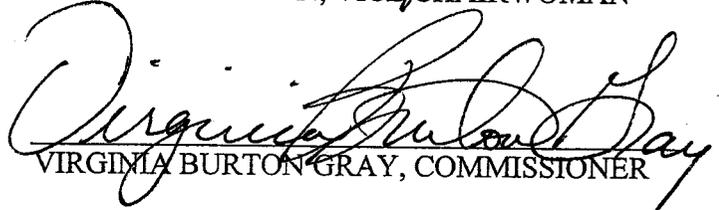
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SO RESOLVED this 20th day of February, 2007.

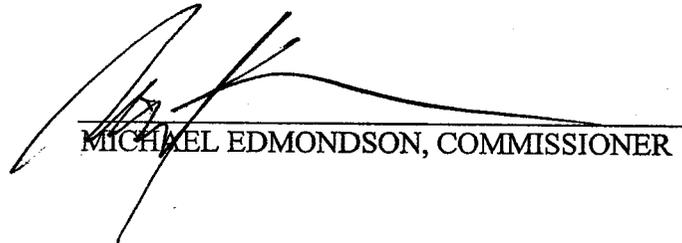
CLAYTON COUNTY BOARD OF COMMISSIONERS


ELDRIN BELL, CHAIRMAN


SONNA SINGLETON, VICE CHAIRWOMAN


VIRGINIA BURTON GRAY, COMMISSIONER


WOLE RALPH, COMMISSIONER


MICHAEL EDMONDSON, COMMISSIONER

ATTEST:


SHELBY D. HAYWOOD, CLERK