

ENOTAH JUDICIAL CIRCUIT

MINUTES OF THE BUDGET MEETING

HELD MONDAY, APRIL 23, 2012 AT 6:00 P.M.

Representatives of each of the four counties comprising the Enotah Judicial Circuit held a budget meeting on Monday, April 23, 2012 at 6:00 p.m. at the Western Sizzlin' in Cleveland, GA. Present at the meeting were:

Lumpkin County: Chairman John Raber, Commissioner Bill Scott, Commissioner Tim Bowden, Commissioner Clarence Stowers, Commissioner Clarence Grindle, County Manager Stan Kelley, County Attorney K.C. Horne, Finance Director Allison Martin, and County Clerk Kathleen Walker; Towns County: Sole Commissioner Bill Kendall; Union County: Sole Commissioner Lamar Paris; White County: Chairman Travis Turner, Commissioner Terry Goodger, Commissioner Lyn Holcomb, Commissioner Edwin Nix, Commissioner Craig Bryant, Interim County Manager Jean Welborn, Finance Director Vicki Mays, and County Clerk Shanda Smallwood; and Enotah Judicial Circuit: Superior Court Judge Murphy Miller, District Attorney Jeff Langley, Public Defender Charlie Brown, Public Defender Administrative Assistant Lynn Shedd, and Juvenile Court Judge Jerry Bruce.

Chairman Turner called the meeting to order and asked that each division of the Enotah Judicial Circuit present their budget requests.

Ms. Vicki Mays, Finance Director for White County who administers the Superior Court, District Attorney, and Juvenile Court portions of the Enotah Judicial Circuit Budget presented an overview of the three budgets (see attached report). Ms. Mays specifically noted that the fund balance of \$87,000.00 which was forwarded in the 2012 was actually reduced to \$67,185.00 once the 2011 budget was reconciled; therefore each county would bear additional expense as the 2012 budget year came to an end.

District Attorney Jeff Langley stated he was fortunate in the budget he was presenting due to some changes in personnel which reduced the salaries within his department. He stated this was done by hiring a former Assistant District Attorney out of retirement therefore not being required to bear retirement and / or benefits cost for the employee. Mr. Langley stated that although his department had lost a significant amount of grant funding for personnel, he had been able to stay within the budget target by reducing two positions to part time status and eliminating a few positions. He indicated that the District Attorney's Office case load had increased by 12% over the past two years and his personnel had decreased by 10%. Mr. Langley stated that hiring the post (state) retirement employee had allowed him to offset the drastic increases in state employee benefit costs in the 2013 budget; however once this employee was no longer available the circuit would see a significant increase if he were not able to hire another post-retirement employee. He asked that the following revisions be made to the proposed budget presented by Ms. Mays – Health Insurance expense line change from \$1,700.00 to \$2,030.00 and Supplies-Office change from \$800 to \$1,500.00 which would revise the total of the District Attorney 2013 budget to \$401,782.00 (.38% increase from 2012). Towns County Commissioner Bill Kendall expressed concern that the phone charges were not being handled consistently across the circuit, as Towns

County had not been submitting reimbursement requests for their expenses. Mr. Langley stated that if Towns County would be submitting reimbursement requests for phone charges for his office that the associated expense line would need to be increase accordingly. Ms. Mays told Commissioner Kendall that based on the Enotah Intergovernmental Agreement that the circuit was to reimburse the phone costs; therefore Towns County could be reimbursed for those expenses. Commissioner Kendall estimated the phone expenses to be approximately \$4,000.00 for the District Attorney's Office and \$3,000.00 for the Superior Court Judge's Office. Mr. Langley stated that an expense for worker's compensation also needed to be added to the budget in the amount of \$1,503.00 – which would bring the total budget request to \$403,285.00 (.75% increase from the 2012 budget).

Superior Court Judge Murphy Miller, prior to presenting the 2013 budget for the Superior Court Division, reviewed the changing trend in the judicial arena of accountability courts to include mental health court, drug court, problem solving (child support) court, family drug court, and veteran's court. He stated that a mental health accountability court was up and running in all four counties with approximately twenty (20) participants. Judge Miller explained that the circuit received a \$37,500.00 grant to get the mental health court started – they are in the process of hiring a coordinator. He stated that additional funds would be available from the state level in the ten (10) million dollars set aside by Governor Deal and the Enotah Circuit was positioned to receive a portion of these funds. Judge Miller explained that he had taken over the drug court and he was still acclimating himself the procedures and had hired a consultant to evaluate the set up. He stated that the hope was to combine all the accountability courts under one umbrella and explained that state funding for accountability courts is all a part of the sweeping Criminal Justice Reform Act designed to lower incarceration rates and shift policing back to the community level. Judge Miller emphasized that his goal was for there to be increased transparency throughout the circuit. He suggested the counties review and update the current Enotah Judicial Intergovernmental Agreement which was written in 1999 in order to reflect the current landscape.

Judge Miller presented a budget for the Enotah Superior Court in the amount of \$89,140.00 compared to the 2012 budget of \$89,743.00 (0.67% decrease). He indicated that he had voluntarily reduced the Chief Judge supplement from \$22,000.00 per year to \$20,000.00- as he interpreted the law to read that all Superior Court Judges within the same circuit were to be compensated at the same amount. There was brief discussion regarding some concerns that eventually the state funding for the accountability courts would go away; however Judge Miller stated that it was best to work within the current system and utilize the resources available for benefits in the short term and regroup if needed in the long term.

Judge Miller stated that the law provided that the Superior Court submit the salary for the Juvenile Court Judge contingency on the Commissioners approval and he stated that within the budget being presented by Juvenile Court Judge Jerry Bruce that he had done so by including a proposed \$25,000.00 salary increase in order to bring the salary back to the level it was in the 2011 budget (and the prior three years). Judge Bruce stated that aside from the recommended salary increase there were only minor operational changes in the budget as proposed - \$145,350.00 for 2012 to \$183,974.00 for 2013 (26.57% increase).

Mr. Charlie Brown, Public Defender, presented the proposed budget for the Public Defender's Office (see attached presentation). Mr. Brown explained that increases in the budget were caused by increases in the cost of State provided retirement and health insurance. Ms. Allison Martin stated the recommendation was to utilize \$75,000.00 of fund balance to offset the Public Defender's 2013 budget. Ms. Martin said that without utilizing fund balance the Public Defender's budget (Counties Contribution) would increase by \$790.71 however with utilizing a portion of the fund balance the counties contribution would decrease by the \$75,000.00 as allocated to the Counties based on a pro-rate share by population. Mr. Brown expressed that his office was challenged with turnover and increases in case load; however that was the nature of the work they did and they took special care in their hiring process to hire those best fitted for the positions.

Commissioner Tim Bowden (Lumpkin County) asked who would be coordinating the review of the current intergovernmental agreement. Mr. Stan Kelley (Lumpkin County) stated that previously they had worked with Court Administrator Steve Ferrell and that he would be glad to coordinate moving forward with the process. Judge Miller said he would be happy to assist in any manner he could. Commissioner Tim Bowden said he would be happy to coordinate this process among the four circuit counties. There was a consensus that the intergovernmental agreement would begin to be reviewed in mid-summer 2012.

Upon adjourning the meeting for a brief break, Chairman Travis Turner (White County) emphasized that the remainder of the meeting would continue as an open meeting and it was not necessary for any party to be excused.

Chairman Turner (White County) asked for staff's recommendations regarding the Enotah Judicial Circuit Budget. Ms. Vicki Mays stated that when the member counties staff met in preparation of budget presentation there was some discussion regarding Superior Court Judges supplements and if these were required to remain in effect by law.

Judge Miller stated the local supplements were the county's buy-in to the State's placement of the judges in order to off-set the market in recruitment of judges. He explained that all judges within the circuit must be compensated the same and with the three (3) positions being on staggered terms that it was not possible to eliminate the supplements. He said that the Enotah Circuit's supplements were well below average – with the circuit being 41st out of the 49 judicial circuits within the State in the amount of supplement paid. Judge Miller noted in particular that there was legislative history in the Enotah Circuit as the County's dedicated the \$20,000.00 annual supplement in order to acquire the third judgeship which was seated in 2008. Judge Miller cautioned that prior to eliminating the supplements that the counties should seek an opinion on this from the Georgia Attorney General.

Mr. K.C. Horne (Lumpkin County Attorney) stated that he could not find any reference of mandated supplements for superior court judges in the 1992 or 2007 act – however he could identify fifteen of the 49 circuits which did not have state mandated supplements and he could not identify any circuits which did not pay a supplement to their superior court judges. He indicated the law was unclear on the issue and the question rested on the interpretation of what was "provided by law" and if this only applied to the circuits with state mandated supplements.

He explained that although the counties agreed to the established supplements in an effort to acquire the third judgeship – this was not mandated by the state legislature.

Chairman Turner (White County) read an email which stated that following an initial preparation meeting – that staff did not recommend approving the salary increase as requested for Juvenile Court and did not recommend providing supplements to the two (2) incoming Superior Court Judges.

Commissioner Lamar Paris (Union County) expressed that he did not support eliminating the Superior Court Judges supplements as this was a key decision in acquiring the third judgeship which was desperately needed and he did not support the salary reductions made to the Juvenile Court budget since salary was not discussed prior to Judge Bruce being appointed to the position. He indicated that the same principle applied to those seeking either of the two (2) Superior Court Judge seats – he felt it was not fair to decrease compensation after folks had already put their name in the hat as a candidate.

Commissioner Bowden (Lumpkin County) stated that although he had concerns over some of the decisions made in the budget process last year he felt the budgets as presented were acceptable.

Commissioner Stowers (Lumpkin County) said the 2013 budget process was going to be difficult for Lumpkin County and the county employees had not received a pay increase in five (5) years. He expressed that he valued the work of the judges; however in the current economic times he was in support of eliminating the supplements and agreed with the staff recommendation read by Chairman Turner (White County).

Commissioner Bowden (Lumpkin County) expressed concern over the legality of eliminating the supplements for the newly (to be) seated judges. Mr. K.C. Horne clarified there was case law which stated that compensation could not be reduced mid-term and there was case law which stated compensation must be equal for judges within the circuit; however the question was how to you reconcile each of these opinions with judges being on staggered terms.

Commissioner Edwin Nix (White County) stated White County was in the same position as Lumpkin with not having provided employee pay increases in four (4) years and having eliminated the county's contribution for employee retirement.

Judge Miller provided a comparison of supplements paid in judicial circuits throughout the State (see attached) indicating an average supplement amount of \$24,555.00.

There was a consensus that, in light of the requirements of the current intergovernmental agreement that any decision be unanimous, there would need to be an additional meeting once the four (4) boards discussed their positions.

District Attorney Jeff Langley stated that those who have applied for the two (2) Superior Court Judge seats do need to know what the salary for the position(s) are going to be in order to be certain if they want to be considered for the position(s).

Chairman Turner asked Ms. Jean Welborn (White County) to obtain an opinion from the Georgia Attorney General regarding the Superior Court Judges supplements.

There was a consensus that following the receipt of an opinion from the Attorney General there would be a called meeting scheduled with the four (4) counties in order to vote on the Enotah Judicial 2013 Budget.

Chairman Raber (Lumpkin County) expressed that if the funds were available that he did not think that anyone would have an issue with accepting the budgets as presented; however this was a very difficult decision during the current economic downturn.

Chairman Turner adjourned the meeting.

Approved as stated this 7th day of May, 2012.

WHITE COUNTY BOARD OF COMMISSIONERS

s/Travis C. Turner

Travis Turner, Chairman

s/Terry D. Goodger

Terry Goodger, District 1

s/Lyn Holcomb

Lyn Holcomb, District 2

s/Edwin Nix

Edwin Nix, District 3

s/Craig Bryant

Craig Bryant, District 4

s/Shanda Smallwood

Shanda Smallwood, County Clerk