

The Board of Commissioners of Fayette County, Georgia met in a Budget Workshop on Tuesday, May 17, 2005 at 8:30 a.m. in the Commissioners' Conference Room of the Fayette County Administrative Complex, 140 Stonewall Avenue, Fayetteville, Georgia.

COMMISSIONERS PRESENT: Greg Dunn, Chairman
Linda Wells, Vice Chair
Herb Frady
Peter Pfeifer
A.G. VanLandingham

STAFF MEMBERS PRESENT: Chris Venice, Acting County Administrator
Carol Chandler, Executive Assistant
Mark Pullium, Director of Business Services
Mary Holland, Assistant Finance Director
Tom Sawyer, Budget Officer
Karen Morley, Chief Deputy Clerk

HUMAN RESOURCES

Commissioner Wells commented on the request for an Assistant to the Director of Human Resources. She said the Board had reviewed the job description. She said the Board agreed to take out the Mystery Shopper Program. She said it was also agreed from yesterday's discussion that \$3,500 would be added to that budget so that turkeys could be provided to the employees during the Holidays. She said the big question in this budget was if the position for the Assistant Director would be added.

Chairman Dunn said he opposed the position for an Assistant.

Commissioner Wells interjected that she felt it was absolutely necessary for the county for compliance and policy oversight. She said someone was needed for an Assistant who would have human resources experience and act as a right hand person and give the Director the latitude to act as a supervisory position.

Commissioner Pfeifer said he agreed with Commissioner Wells.

Commissioner VanLandingham said he had one small difficulty and that was placing the name of Assistant on this position. He said this would bring up future raises that could get out of proportion. He suggested titling this position something other than Assistant.

Commissioner Wells said there were a lot of job descriptions that needed to be rewritten. She said the job descriptions that she had seen lately were terrible. She said the county needed someone with the time and expertise and the focus to review those titles.

Commissioner VanLandingham said he had no problem with the position.

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Chairman Dunn said he wanted to make sure the person hired for the job had the right qualifications to meet the requirements of this job.

Chris Venice interjected that the job description should require that they have a Bachelor's Degree in Human Resource Management and possibly a Master's Degree or whatever the Board felt was necessary.

Commissioner VanLandingham suggested the county policy be reviewed as well as job descriptions.

Mr. Pullium interjected that there were certain requirements that were a combination of academic and professional requirements that were appropriate for each job together with an appropriate amount of experience.

Commissioner Wells said the county would be facing more and more contentious issues in the future and the Human Resources assistant's position would be responsible for making sure that all of the job descriptions were correct and fit the positions.

Commissioner Frady felt this new position would coordinate any and all personnel needs for all departments. He said this person would be a policy coordinator or something of that nature and the position would require a lot of legal knowledge.

Commissioner Pfeifer pointed out that there needed to be more justification for new positions. He said there was no consistency in that area.

Commissioner VanLandingham said he felt the conduit to the Commissioners would be the County Administrator. He said he felt the County Administrator should sign off on all supervisory personnel hires.

Chris Venice said one of the other issues that was being looked at was the nepotism policy. She said she would be bringing something for the Board's review in the near future. On motion made by Commissioner Wells, seconded by Commissioner Frady to adopt the Human Resources portion of the budget with the new position and the title to be decided on, elimination of the Mystery Shopper Program, and adding \$3,500 to purchase turkeys for the employees at the Holidays. The motion carried 4-1 with Chairman Dunn voting in opposition.

Chairman Dunn said he was in favor of the purchase of the turkeys but not in favor of adding the position.

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Commissioner Frady questioned the current job vacancies at the jail.

Mrs. Venice said staff had just received notice that three of the positions had just been filled as of last week.

Major Glaze appeared to discuss this budget. He remarked on category 522110 regarding disposal services. He said when the budget was submitted they had requested \$3,937.20 which would cover the dumpster at the jail as well as grease pick up for recycling. He said they were requesting an additional \$385.80 to cover the increased cost due to new ownership by Waste Management, Inc. for a total of \$4,323.

Major Glaze remarked on category 522234 regarding video repair. He said they had requested \$11,304 and the Finance Department had recommended \$10,750.

Commissioner VanLandingham said his figures showed that the Sheriff's Office requested \$10,500 and Finance recommended \$10,750.

Major Glaze said the figure should have been \$11,304 and commented that they might have made an error when entering this into the Munis system. He said they were under contract for radio repairs and they had left a couple of radios off the list approximately two years ago. He said they had left six or eight radios off the list.

Commissioner Wells clarified that the Sheriff's Office had 95 jailers. She asked how many of these individuals carried radios.

Major Glaze replied all 95 people carried them and they also had one spare radio making a total of 96.

Commissioner Wells asked how many walkie talkies the \$11,304 would cover.

Mr. Glaze replied that it would cover 96 walkie talkies as well as the six 800 MHz radios and six VHF radios.

Mr. Glaze discussed software maintenance on page 198. He said they were requesting \$22,100 to cover this category.

Mr. Pullium interjected that the Sheriff's Department had only spent \$7,500 for this.

Mr. Glaze remarked that when the jail initially opened a lot of the computers were purchased out of bond money. He said the billing had not been in the right sequence to go along with the budget year. He said there was not enough money in that account right now to pay the \$22,100 bill.

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Commissioner Wells said since all of the positions that the Board had authorized last year had not been filled, Major Glaze could use some of that money and put it toward the software maintenance category.

Mr. Pullium said Major Glaze would have to prepare an agenda request item to actually transfer salary funds to another line item in the budget. He said if it was the Board's pleasure this could be paid for next year out of the current year's budget and then nothing else would have to be done until next July.

Commissioner VanLandingham clarified that \$13,800 was recommended.

Major Glaze said another issue was overtime.

Mr. Pullium said the overtime budget was approximately \$20,000.

Major Glaze said he could determine what he had left in his budget for this year and use that money and then whatever amount he would need out of salaries could be added to next year's budget.

Commissioner Wells said next year \$22,100 would be budgeted.

Mr. Pullium clarified that Major Glaze had a software maintenance agreement that needed to be paid on July 1, 2005 and it would be for the period July 1, 2005 to June 30, 2006. He said he understood that the money could be transferred now out of the salary line item and put it into the software maintenance line item and paid out of FY 2005.

Mr. Pullium said another option was to pay this same bill and give Major Glaze the \$22,100 out of FY 2006. He said it was the Board's choice as to which option to take.

Commissioner Wells said Major Glaze would be funded out of this year but the \$13,800 would come off.

Major Glaze said another issue was overtime. He said this issue came up every year although they were trying to keep this down.

Commissioner Wells asked if part of the problem was because of vacancies and Major Glaze replied yes. Commissioner Wells clarified that four positions were open right now.

Major Glaze remarked that the biggest problem was because they were hired as detention officers and that was starting at the lowest level. He said a lot of people start the job and do not stay because it was not what they thought it was going to be. He said other people leave at the first opportunity to be out on the road patrolling the county. He remarked that during the one, two or three year period before an officer goes to the police academy they

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leave and take jobs in Peachtree City, Fayetteville, Atlanta, Riverdale, DeKalb County, and Fulton County.

Mr. Pullium suggested that once a quarter some of the salary money could be transferred out and put into the overtime account.

Major Glaze said another issue was personnel. He asked for the Board's consideration to hire another maintenance person. He said he had also requested a promotion for 10 detention officers to deputy sheriffs. He said this was something that had been done every year and it was the first time it had been removed from the budget.

Chairman Dunn said the county should not be paying officers as deputies unless there was a slot for them.

Chris Venice said she was hearing that there was a policy shift in how promotions were done. She felt this whole issue needed time to be studied. She pointed out that in several different departments employees were behaving along certain lines as to how things happened in the past. She said if policy was going to be changed, she felt the employees and the departments needed the opportunity to explain the changes and have a certain date as to when they would occur.

Major Glaze remarked that these individuals could not just be promoted to deputy sheriffs. He said they had to attend the police academy and they could only take a certain number of classes per year. He said he could not arbitrarily go in and promote people tomorrow.

Chairman Dunn said these individuals were hired as Detention Officers and they were given additional training to make their future better at the county's expense. He said as soon as there was an opening here for a deputy sheriff or an opening somewhere else they would apply for it.

Ms. Venice said there were a lot of employees who had worked during this entire past year who had worked on their certifications, training and testing with certain assumptions that the promotions would be in the budget. She said if the Board was going to make this huge shift, which she certainly did not have a problem with, employees needed to be aware of it so they could act accordingly. She said there were employees in the pipeline who had been coming along under certain assumptions.

Major Glaze agreed that this would not be fair to people who had been hired and working for three or four years waiting on their opportunity for a promotion. He said he had been with the Sheriff's Office for the last 22 years and this had been the policy for at least that

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long.

Commissioner Wells said the Board had not been aware of this past history.

Commissioner VanLandingham asked how much it costs to send a deputy to the police academy.

Major Glaze replied approximately \$4,000.

Captain Charlie Cowart said the State pays for the training and the county pays for the salaries.

Commissioner VanLandingham said Chief Jack Krakeel had a policy that if personnel leave the county and go to another job after the county has paid to train them, then that employee would have to repay the county for this training.

Major Glaze said he had been doing the same thing for ten years. He said if one of his deputies left the county to take a job with Fayetteville, Peachtree City or Tyrone then they were required to pay back the money that the county spent on them while in the police academy.

Captain Cowart said these employees were required to sign a contract before attending the police academy.

Major Glaze pointed out that last year he had asked for the County Attorney's Office to sue a former employee who had not paid for this training after taking another job.

Chairman Dunn said the Board was the keeper of taxpayers' money. He said the Board had to justify to the taxpayers why it was paying all of these different people for certain jobs more money than was required for those jobs. He asked how the Board could justify that to the taxpayers.

Commissioner Wells said these people were hired as detention officers, could work as detention officers and be paid as detention officers. She said the county trained them to be deputy sheriffs at the county's expense and then paid these employees as deputy sheriffs. She said after they completed training, all the county needed was detention officers.

Commissioner VanLandingham felt from this time on that there needed to be a policy that this was not a given situation but felt it would be a terrible injustice to take this away from employees who were already in the system going through training.

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Commissioner Wells said employees should not be guaranteed a promotion. She said all additional training and education does for an employee was to make them more eligible for a position in the future but it was not a guarantee of a promotion.

Commissioner Frady asked Major Glaze if the application for a detention officer guaranteed an individual to be promoted after training.

Major Glaze remarked that nothing was stated on the application but during the interview process they did ask questions about attending the police academy.

Commissioner Frady clarified there was nothing in writing that guaranteed anyone of a promotion after additional training.

Ms. Venice interjected that there were certain understandings.

Chairman Dunn said taxpayers were paying hundreds of thousands of dollars extra to get the same job done that they could get done for hundreds of thousands of dollars less.

Ms. Venice said there needed to be a county wide policy on training and testing procedures. She said that would take all of this innuendo and misunderstanding out of the picture.

Chairman Dunn said this could not wait five or six years to transition because there were people in the pipeline waiting three or four years.

Ms. Venice said staff would need one year to write the policy, get it enacted, and explain it to existing and new employees coming on. She said this was a fiscally sound and very good idea and next year during the budget would work fine. She said there were employees in the pipeline who have been proceeding under certain assumptions that this would occur. She said staff would need one year to put this together, formulate and get in place and then put it in effect.

Commissioner Wells commented on the issue of employees' expectations. She said for years there was the expectation that every employee was going to get a 5% merit raise. She said everybody expected that year after year after year.

Ms. Venice remarked that the departments were not organized right now to be able to implement what the Board was trying to do at this point.

Commissioner VanLandingham felt all this would take was a memo from the County Administrator to all department heads that this would be considered next year.

Major Glaze said they try to send ten officers to the police academy every year.

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Chairman Dunn asked how many officers were waiting in the pipeline.

Major Glaze replied approximately 70.

Chairman Dunn said that would equal seven years worth of promises.

Major Glaze commented that not every officer wanted to go to the police academy. He said there were also those individuals who go and did not pass the academy because of physical condition or academics.

Chairman Dunn interjected that these individuals attend the police academy and fail but they were still qualified to be a detention officer. He asked how many weeks the academy training lasted.

Major Glaze replied that the training lasted ten weeks.

Chairman Dunn said a ten week course and ten individuals attending the training would come to 100 weeks that the county was also budgeting for with no work coming out. He said this training was in order to prepare these individuals for the future. He said the county was paying quite a price.

Major Glaze said it was hoped that it was to prepare these individuals to work in the county for many years.

Chairman Dunn interjected that Major Glaze had said that most of these individuals did not stay with Fayette County and leave to go elsewhere.

Major Glaze remarked that most of the deputy sheriffs stay here and Chairman Dunn remarked that the county did not get the time back that was lost.

Commissioner Wells said the county was paying these individuals a salary while they were in training and then paying somebody else overtime to cover for them in their absence.

Captain Cowart interjected that the training was a State requirement.

Chairman Dunn responded no, it was not a State requirement to send detention officers for this course for ten weeks per year. He said that was a decision that was being made by the Sheriff's Department and it was not to send just one individual but to send ten.

Captain Cowart said the Sheriff's Department had to hire a deputy sheriff somewhere whether it was from the outside or the inside.

Chairman Dunn said the taxpayers were paying for these individuals to be absent from their

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job and also paying their tuition to the police academy.

Commissioner VanLandingham said that he would not go to the point of removing this for this year but he would next year. He said he felt the individuals there now were expecting this and everybody before them had received this. He said he was not in favor of taking this away from people who were already hired.

Major Glaze interjected that last June he lost eleven people in one month.

Chairman Dunn felt this program was creating more of a problem for the Sheriff's Department. He said the Department was creating all of these opportunities and the people were leaving immediately. He said it was common in jails to have huge turnover. Commissioner Frady asked Major Glaze what other division at the Sheriff's Office was hiring rookies.

Major Glaze said he was the only one because the other departments required more experienced people. He said it had been done but it was very rare in other departments.

Mark Pullium said he agreed with Chris Venice in that there needed to be a policy in place. He said he was aware that this would require some study but felt this needed to be on a fast track. He said the other part of this would be to determine how many deputy sheriffs were needed in the jail. He suggested that this move forward for this budget year. He said the appropriate level of authority needed to be determined to get the policy done as soon as possible.

Commissioner Wells asked who would be assigned to take this task on.

Chris Venice said the Board could assign it to her and it would be done.

Commissioner Frady remarked that this had been used as a pool at the Sheriff's Office and it was costing approximately \$100,000 including overtime and there were also empty slots there. He said this was a big problem to him.

Commissioner Pfeifer said slots needed to be identified for specific jobs and then filled accordingly. He said the job description had to be in place first.

Commissioner Wells pointed out that individuals were hired for a certain slot and then they go to school and get more education and then they were promoted to other slots. She said this was not based on whether or not the county needed these slots but because these individuals now had the education they could qualify for the slots if they were vacant. She said the county was automatically creating vacancies.

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Ms. Venice pointed out that this was what had occurred and it was wrong. She said there needed to be a change and it needed to be an evolution of at least a certain period of time so that people could finish up what they were doing and departments could get their slots ready and make a proposal to the Board as to how many employees were needed.

Chairman Dunn asked how many deputy sheriffs were in the jail on any given day.

Major Glaze replied two and maybe three per shift.

Commissioner Wells asked Major Glaze how many deputy sheriffs he needed there right now.

Major Glaze replied he needed a total of twenty.

Major Glaze asked for the Board's consideration to hire a maintenance person and a records clerk but if he could only get one then he really needed a maintenance person.

Chairman Dunn suggested he take one of the jailer positions and convert that to a maintenance and Major Glaze said he would consider it.

Commissioner Wells questioned the amount of ammunition that was requested. She said \$8,570.92 was being requested. She asked how many cases this was for.

Captain Cowart responded 94 cases.

Commissioner Wells questioned 94 cases for 95 individuals. She asked how many cases per person were being requested.

Captain Cowart said they go to the range once per month for practice and they qualify twice per year. He said each time they go each person shoots 50 rounds assuming they qualify the first time.

Chairman Dunn clarified that the detention officers did not go to the shooting range and Major Glaze replied that was correct and said they did not have weapons.

Chairman Dunn pointed out that most of Major Glaze's personnel was made up of detention officers and questioned the amount of ammunition that was being requested.

Major Glaze remarked that if every person in his department who carried a gun went to the practice range it would require the 94 cases.

Commissioner Wells asked Major Glaze historically how many officers go to the practice range and Major Glaze respond approximately two-thirds.

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Chairman Dunn said the problem was that every department within the Sheriff's Department had ordered ammunition to cover all of these practice rounds and qualifying and they were not using it.

Major Glaze said his department had not been approved for ammunition for the last three years.

Chairman Dunn asked Major Glaze how many of his officers were on the SET team and Major Glaze responded none.

Commissioner VanLandingham asked how many officers in this department had to qualify and Major Glaze responded approximately 24.

Commissioner Wells questioned the request for 94 cases of ammunition and pointed out that there were 1,000 rounds of ammunition in every case.

Captain Cowart remarked that there were 500 rounds of ammunition in every case.

Commissioner Wells interjected that there were 129 certified employees and thus far 273 cases of ammunition were being requested for the Sheriff's Department.

Commissioner Wells clarified that everybody was in agreement with the disposal service, radio repair, and the overtime issue was resolved. She said the Board did not agree to the maintenance position or the clerk's position.

Commissioner Wells questioned the issue of promotions. She said Major Glaze needed 20 and this would give him what he needed. She said the understanding would be that Major Glaze would tell the rest of the officers that there was not an automatic promotion to deputy sheriff.

Mr. Pullium remarked that currently 13 people were budgeted.

Major Glaze pointed out that three of those individuals had transferred

Commissioner VanLandingham remarked that just seven people would be added for a total of 20.

Commissioner Wells clarified that this department would be approved for a total of 20 persons.

Commissioner VanLandingham asked if the ammunition would be left the way that it was and Commissioner Wells replied yes and said they had not received any last year.

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Mary Holland remarked that she had noted that software maintenance be reduced by \$13,800 for the current year.

Mark Pullium asked for clarification from the Board involving the issue of taking one of the detention officer position and making that into a clerical position or maintenance person.

Major Glaze responded that he would not be in favor of that.

On motion made by Commissioner VanLandingham, seconded by Commissioner Wells to approve the Sheriff's Department/Jail Division budget as discussed, discussion followed.

Chairman Dunn said he was in favor of everything in this budget but was not in favor of the 20 positions that were approved. He said they did not have 20 now and he felt they never would.

The motion carried 4-1 with Chairman Dunn opposing the motion.

PUBLIC DEFENDER'S OFFICE

Chairman Dunn remarked that the Public Defender was asking for \$621,000 for this budget year and last year the Board had authorized \$385,000.

Mr. Pullium agreed with these figures.

Public Defender Arthur English spoke on this budget. He said last year when he came before the Board he was looking at number projections for caseloads for the 2004 fiscal year. He said Fayette County had reported to the State of Georgia that the grant money for that year was based 660 cases for all of the county courts including Superior Court, State Court, Juvenile Court, delinquencies and deprivations, etc. He said he had based his budget request last year on manpower to deal with that caseload on an initial basis with an eye that there might be as much as a 50% increase this year over that. He said as of April 30, 2005 in Fayette County his office has handled 673 cases. He said the first third of this year he had already handled more cases in just Fayette County alone that were handled the entire year before. He said he was easily going to triple the case count from what it was last year. He said as of April 30th he had seen approximately 850 people in this county of which they had taken on almost 700 as clients. He said they had a denial rate of approximately 17% and that was much higher than in the rest of the circuit. He said they were screening the clients and denying a significant number of people who either did not qualify or did not want to use his office. He said they were certainly not taking everybody who walked through their door. He said he had not expected to have a caseload anywhere near this volume until some time in the Fall. He said it would get worse as time goes along. He said he was aware that what he was asking for was a substantial increase but when the total number of positions was looked at, it would add eight people. He said these eight

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people would consist of four attorneys, three secretaries and one investigator. He said essentially this would put one more attorney in each of his offices. He said he was requesting this as a circuit wide split and remarked that he was not asking Fayette County to fund eight positions but asking Fayette County to fund 26% of those positions in addition to what was funded last year.

Mr. English remarked he had eight attorneys plus himself who were handling the Superior Court caseloads and of the 2,300 clients circuit wide approximately 1,970 were felony cases. He said he was looking at 650 felony cases per attorney this year. He said the State had issued this caseload standard which was non-enforceable but the figures were recommended by the American Bar Association, Federal Government, the Washington D.C. Public Defender Service, and National League of Lay Defender Service. He said the figures came from a Federal Survey in 1973 and have been the nationally accepted standards for more than thirty years. He said the Superior Court attorneys were going to be at five times that by the end of this year. He said he was already having problems with overtime and his personnel were working 50 to 60 hours per week with the staff that he currently has and they were only a third of the way through the year. He said he was very concerned about turnover and burn out.

Mr. English further remarked that he could show for the first four months of this year as compared to the last four months of 2004 there was a decrease in Fayette County's jail population of a little over 11%. He said he could save the county money in the jails.

Chairman Dunn remarked that the reason for the decrease in the jail population was a result of the county charging the City courts for their prisoners and now the Cities were sending fewer prisoners to Fayette County.

Commissioner Frady said Fayette County jail was not averaging more than 200 prisoners per day.

Mr. English said he respectfully disagreed with that. He said part of the reason that the Cities were not sending people here was because his office had drawn a line with the Cities about them referring cases cart blanche to the State Court and saddling Fayette County with the workload of those cases where they did not want to provide Public Defender services in their Municipal Courts.

Commissioner Frady asked Arthur English how much he felt the jail population had dropped here.

Mr. English responded that it was down 11% according to the report from the Department of Community Affairs.

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Commissioner Frady said the Board receives a report from the Sheriff every month and it had not dropped.

Mr. English remarked that these figures that the jail was reporting to the State of Georgia Department of Community Affairs were listed on their website under their monthly jail report.

Chairman Dunn said there was a decline in jail population but it occurred coincidentally with the county charging a fee to the cities and now they did not want to pay the fee.

Commissioner VanLandingham interjected that the decline in jail population occurred before Arthur English came on.

Mr. English said he had a problem with manpower and the number of cases coming into his office. He felt 650 felony cases per attorney per year was just an unacceptable amount of work to expect from an attorney. He said he understood that the Finance Department was recommending an increase of one attorney and one secretary to his staff. He said he had thirteen attorney slots in his current program, six secretarial slots and four investigator slots. He said he had one attorney that he was using to fill in one of the secretarial slots. He said this person was in private practice and had 20 years of experience. He said if he was approved for one attorney slot then he would give that slot to her. He said the recommendation from the Finance Department would give him zero attorneys and two secretaries.

Commissioner VanLandingham remarked what concerned him the most was the fact that this program was almost one year old and it had already exceeded what the county was paying prior to this coming into existence. He said this program was supposed to help the county but it was hurting the county.

Mr. English said he was aware that the county had paid \$454,000 on its indigent defense program in the year prior to this program coming into existence. He said he was aware that going from \$454,000 to \$620,000 was a lot.

Mr. Pullium interjected that the State was also providing funding positions in the Public Defender's Office.

Commissioner Wells interjected that the attorneys in the Public Defender's Office were receiving much higher salaries than attorneys in the private sector.

Commissioner VanLandingham interjected that the Public Defender's budget was greater than the District Attorney's budget.

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Mr. English responded that was because he did not have the same funding sources.

Chairman Dunn remarked that Mr. English was paying each of the attorneys a supplement.

Mr. English said he was trying to maximize the efficiency of the courts.

Mr. Pullium remarked that the State funded part of his staffing and Mr. English agreed.

Mr. Pullium asked how many new attorneys were from the State for the upcoming year.

Mr. English replied that he had one attorney who just started on May 1st and now that the Juvenile Court bill passed he would probably get another attorney in January 2006. He said he might get a third attorney but he was not sure. He said out of all 49 judicial circuits this circuit was number three in indigent case load. He said DeKalb County and Fulton County were the only judicial circuits that have more court appointed cases so far in 2005 than Fayette County.

Chairman Dunn interjected that the indigent case load comes out of Griffin and Mr. English agreed that it did.

Mr. English said this was split based on case load and not based on population.

Commissioner Wells asked if this was the total case load or the case load that Mr. English accepted.

Mr. English remarked that as of April 30th in Fayette County there were 673 cases and they had seen approximately 850 people and had turned down approximately 17% of the people who applied in this county. He said in Spalding County they had seen a little over 950 individuals of which 877 became clients. He said these were all Superior Court clients. Commissioner VanLandingham asked why Fayette County was paying more.

Mr. English said Fayette County was using him for the lower courts.

Commissioner VanLandingham asked how indigency was determined.

Mr. English remarked that indigency was determined based on income and the number of household dependents based upon the Federal poverty guidelines for 2004. He said if a person was charged with a felony and there was a spouse and two children in this State and they make less than \$36,000 per year then that person would qualify.

Commissioner Wells asked what kind of documentation was required for application for indigency.

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Mr. English replied that at this point an Affidavit was required. He said he did not have the resources or the manpower to go out and pull tax and property records. He said he just did not have the resources to go through those.

Commissioner Wells interjected that she did not feel like it would take many resources to have someone review a person's most recent tax return.

Mr. English said he did not have a human being who was available to do that.

Commissioner Wells felt the person who does the interviewing of the applicants could do this.

Mr. English said this was not possible since the vast majority of the people were in the jails and they could not leave the jail to go and get their tax return and then bring it back. He said they also get cases from the courts. He said a judge will ask them to interview someone right then and deal with them at that time. He said an attorney must make a decision at that very moment if their application would be approved or not.

Chairman Dunn said he was trying to determine how to justify this budget doubling. He said now Mr. English comes back to the Board just one year later asking for just Fayette County's portion the amount of \$621,000. He said he just could not understand this. He said the Board had a choice to make last year when Mr. English approached the Board during the budget and made a statement that he would save the county money.

Commissioner Wells interjected that this had turned out to be the opposite situation.

Chairman Dunn said the Board had an even bigger decision to make now and that was if the Board even wanted to continue this program.

Commissioner Wells said she was not in favor of continuing this. She said Fayette County was not getting what it was promised last year.

Chairman Dunn said he just could not get a handle on where the biggest problem was. He questioned the supplements. He said the Board was not in favor of supplements and did not want to supplement every person that was hired. He said the Board could not control what was happening with this and he felt it was out of control. He questioned the percentage increase for this budget for less than one year.

Commissioner Wells questioned how many of the cases were put out and how many actually went to trial.

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Mr. English responded that there had only been three trials so far this year. He said each and every case had dozens of hours of attorneys' and investigators' time invested in these cases. He said every attorney listed and every salary shown only represented a 3% increase over what was listed last year.

Commissioner Frady asked Mr. English for the exact amount of money that he was asking for right now for Fayette County.

Mr. English replied for Fayette County the amount was \$621,000.

Commissioner Frady asked Mr. English how he arrived at that figure. He said his paperwork said \$317,000 and this was a 61% increase in one year.

Mr. English interjected that the case load was up 200%.

Chairman Dunn questioned this increase and said he saw no justification for this request.

Commissioner Wells said this budget was up 61% in less than one year. She said the County could go back to what it was doing before.

Mr. Pullium questioned the time spent in Fayette County by the attorneys in the Public Defender's Office.

Mr. English said he had recently moved a couple of the attorneys around and things seemed to be working well now.

Commissioner VanLandingham questioned \$149,000 for office equipment. He asked if the request for the six laser printers was for the entire circuit.

Mr. English replied yes it was for the entire circuit. He said Fayette County was paying 26% of this. He said two printers would be in Fayette County, two printers would be in Spalding County and two printers would be in Upson County. He said Fayette County was getting a third of the benefit for a quarter of the price.

Commissioner VanLandingham questioned the request for easel boards.

Mr. English said there were dry erase boards, and other items that must be displayed in a court room.

Commissioner Wells said she wished legal counsel was present to see what was necessary to undo this situation. She said five years from now this will be a million dollar program.

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Mr. Pullium said if the Board decided not to fund the lower courts, the figure would be reduced by \$251,000. He said there were two issues that the Board needed to decide and that was how to provide the lower court services which would be State Court, Magistrate Court and Juvenile Court deprivation and also the handling of Superior Court and Juvenile Court delinquencies.

Commissioner VanLandingham felt the County was getting a bad deal on this. He said last year the Board was promised that this was going to save the County money and promised that it was not going to escalate. He said now there was a 61% increase in less than one year.

Mr. English interjected that case loads were increasing at a rate far in excess of anything that was expected. He said when he appeared before the Board last year he had said that he would be able to save the County money for what had been spent the year before and he was anticipating about a 51% case load. He said now in looking at this there was a 200% in case load and he had no control over that.

Commissioner Frady asked where most of the cases were coming from.

Mr. English replied that the majority of the cases were coming from Spalding County. He said the percentages would change after this. He said right now he was using the numbers he had for last year which would have Fayette County at 26.5%, Upson County at 25.5%, Spalding County a little over 41% and Pike County at 6%. He said the way it was going so far this year indicated that next year's numbers would bring Spalding County closer to 50% of the total budget. He pointed out that Fayette County was not having more growth in the total number of court cases but the percentage of indigent cases within that was growing rapidly. He said this was for two reasons and one was the fact that the indigency guideline had doubled. He said last year when it was on its own it was just the Federal poverty guideline.

Chairman Dunn pointed out that the judges were no longer making determinations regarding indigency and Mr. English was now making those decisions. He said Mr. English could now make the determination as to how much business there would be. He remarked that Mr. English had previously said that he was not even trying to verify who was indigent and who was not. He asked Mr. English if he was just accepting the person's word if they were indigent or not.

Mr. English replied said he did not have the resources to get all of this information. He said previously a lot of people were getting turned down and left without representation who were entitled to it.

Chairman Dunn said the County was not experiencing a whole lot of that here and Commissioner Wells agreed. He said Mr. English was also stating that a lot of the court

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cases were coming from Spalding County. He said Spalding County did not even use Mr. English for anything but Superior Court. He asked Mr. English to break out the figures for the Superior Court case load, State Court case load and so forth.

Mr. English said he would be glad to do that. He said Spalding County was dealing with 877 felony cases and that was for the period January through April. He stated there were 330 felony cases here in Fayette County for the same time period.

Chairman Dunn said the Board was not trying to be difficult but trying to determine the best way that the Board could spend money on behalf of the taxpaying citizens. He said this did not appear to be a good deal for the citizens. He said the County was getting really good service in the past and now it had escalated. He said the jail population and the crime rate had not escalated. He felt Fayette County was paying the bill for the entire region. He said somebody was getting a really good deal and Fayette County was getting a really bad deal.

Mr. Pullium interjected that Fayette County was showing 19.9% but was being asked for 26.9%.

Mr. English said this was not a year's worth of numbers. He said this was only for one third of the year.

Commissioner Wells said she knew what could be done with this budget request. She suggested that the County go back and handle locally what could be handled locally. She said she would be in favor of approving two people for Fayette County and adjust the budget accordingly and go back to where it used to be. She said Fayette County could not afford a 61% budget increase.

Mr. English said he was not expecting the case load to triple.

Chairman Dunn remarked that Fayette County had not shown a triple figure for crime. He felt the taxpayers here were paying for something that they should not be paying for.

Mr. English said if the Board would approve his budget this year he would commit to the Board not to come back for two years and asked for any additional personnel. He said he would not come back next year and would wait until the following year.

Commissioner VanLandingham asked Mr. English if he had been to Spalding County yet.

Mr. English replied that he had already spoken to the finance department at Spalding County and they were not happy with the situation either.

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Chairman Dunn suggested the four County Commissions meet to discuss this situation. He said a cheaper way of doing this was not necessarily the biggest issue. He said the issue was that people get an adequate defense without the taxpayers being ripped off. He said the County had a pretty good system but it was also a system that not everybody thought was adequate.

Mr. English remarked that the previous system was full of delays and with attorneys "milking the counties" on their bills. He said he and his staff were providing a better service to what the County had previously.

Chairman Dunn said in the past the County had not been criticized for what was being done. He said Fayette County was doing the best of all the other alternatives but it was not felt to be the best way to do it. He said the Board has to balance what is the most cost effective way to do this and not get the taxpayers into a black hole and paying for people who may or may not even be in this County.

Mr. English remarked that he did not have enough people on staff to adequately do the job that needed to be done. He said if the Board did not approve any additional persons for him then he would do the best that he could. He said the help he was requesting would basically put another secretary and another attorney in each office.

Chairman Dunn said the State had come up with a system to give Mr. English a certain amount of money. He said now it was not enough and Mr. English was here asking for more money. He said Mr. English had not gone back to the State but came to the County first.

Mr. English interjected that he had gone to the State first and they approved one attorney for him.

Chairman Dunn said this was happening all over the State of Georgia and the State seemed to be expecting the Counties to pay for it.

Mr. English said he was aware that this was more expensive than what the County was previously paying and also that he was not able to honor what he had told the Board last year. He said he had to abide by the guidelines and that was beyond his control. He said he could not guarantee the Board that by the end of this year he would be able to perform this task to the level that it needed to be done with the resources that he currently had. He said he was asking for one more secretary and one more attorney in each of the three counties. He said it would also give him one more investigator.

Chairman Dunn asked Mr. English what the other counties had said when he questioned

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them.

Mr. English replied that his conversation yesterday with Spalding County was that their finance personnel were going to recommend what Mr. Pullium's office was recommending to this Commission. He said he would appear before the Spalding County Commission next week. He pointed out that he had not dealt with Pike County yet but he understood that all of the counties were on the same track.

Chairman Dunn remarked that this was taxpayers' money and there was no other budget line item that was even close to an increase like this.

Commissioner VanLandingham asked Mr. English to explain the time that was spent on the screening of applications.

Mr. English remarked that it takes approximately ten minutes to go through the application with an individual. He said they had seen in Fayette County alone approximately 850 people. He said they did not represent all of those individuals and turned down approximately 17%. He said one could take the 850 people and multiply that figure by ten minutes and divide that out into hours and it comes to approximately four weeks out of the year. He said this figure was just for the first third of this year.

Commissioner VanLandingham said if Mr. English had a method in place during the ten minute period where people could bring in their last year's income tax statement. He said that would be a very good indicator right there and it would not take long to look at one line.

Mr. English agreed and said he would start doing something where they would require these individuals to bring in their statements to verify their income. He said he would pledge to the Board today that he would go back to his office and implement this procedure. He said the vast majority of people that his office deals with do not file tax returns. He said they deal with illegal aliens and people working hourly jobs who do not get a W-2.

Commissioner VanLandingham remarked on illegal aliens. He said these individuals come into this County and get indigent care, hospital care, welfare and everything else. He said there were tax paying citizens who could not receive these benefits.

Chairman Dunn said he hoped everyone knew that there was no personal vendetta here. He said the Board was saying that it was not going along with this anymore. He said the County's taxpayers could not afford this. He said the Board had to review its options as to whether or not it wanted to continue participating in this program or not or possibly participate partially or maintain the same level of funding. He said he did not know the

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answer to that but he did know that this Board was not in favor of approving a 61% increase in less than one year. He said this Board knows the County and knows that the crime rate has not risen anywhere near the client base rise. He felt there was two things happening here. He said it was to Mr. English's advantage to have more people represented as indigent for the success of the program. He said the Board only wanted the truly indigent people to be represented by Mr. English's office. He said this Board did not want Mr. English's office to represent the indigent pretenders nor the people who were hiding income from the first look taken at them. He said this County could not afford this and did not have to deal with this in the past. He said Fayette County had not been under Federal or State scrutiny about how people were being treated here. He said Fayette County had previously done a good job with handling this although it was not perfect. He said this Board had to decide exactly what it wanted to be done with this program.

Mr. English said he certainly understood those comments. He said he did not disagree with any of the Board's feelings or insights or anything that had been said thus far. He commented on the Superior Courts and the juvenile delinquencies. He said the basic status of the law said the County required him to be there. He said he was at the Board's mercy funding wise for anything that was not given to him by the State. He commented on the lower courts. He said the Board would not have to deal with him at all and could go back to the previous system but the County must meet all of the requirements and the guidelines that were set forth by the State.

Chairman Dunn said there were other Federal and State guidelines that were only open to indigent people. He said the County had been involved in an indigent burial last week and within minutes the Department of Family and Childrens Services could tell the County whether or not this person was truly indigent. He said this person had just passed away under very strange circumstances but within minutes DEFCS could determine that this person had a family and this person's family had assets. He said twenty minutes later they were able to call back and say that this person's family was in bankruptcy and there was no money. He said this information was obtained in just minutes. He said if there was one way for one State or government agency to be able to determine this fairly quickly then why could this not be done by the Public Defender's Office.

Mr. English said he did not disagree with that at all. He said there was a long answer and a short answer to that. He said the best answer to it was while they were a State agency, they were still a fledgling State agency and other State agencies were checking his office out. He said the DEFCS office was used to dealing with law enforcement and they had access to data bases that his office did not have.

Chairman Dunn said Mr. English's office was a State program and his office should have access and the State should have provided it.

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Commissioner Wells questioned the 10% administrative fee that was budgeted.

Mr. English replied that the 10% administrative fee covered travel, expenses, training expenses, and computers.

Commissioner Wells said this was just another benefit. She said Mr. English had \$104,000 budgeted for that which was obviously going to pay for their travel, training, and computers.

Mr. English said this was not an individual benefit but a line item in his operating expenses if it was not included in the 10%. He said otherwise he would have a travel reimbursement line, a training expense line and so forth. He said these items were covered in the 10%. He said this was how they were made State employees.

Commissioner Wells questioned State benefits. She said Mr. English had stated that there were some things that he did not have control over. She said he would have control over the 10% administrative fee, the State benefits and supplements.

Mr. English said he had control over the supplements to some extent.

Commissioner Wells said Mr. English had decided to make these individuals State employees.

Mr. English replied yes. He said he had discussed this with the Board last year during the budget discussions.

Commissioner Wells remarked that last year Mr. English had told the Board that he was going to save \$70,000. She said she had asked him what he was going to do when the numbers were not quite what he had projected. She said Mr. English replied that it was not going to happen.

Mr. English remarked that he did not think it would. He said no one was more unpleasantly surprised as he was about this. He said the Board's criticisms were completely valid about that. He said he did tell the Board that and he truly believed at that time that this would not occur. He promised the Board that he was doing the best that he could. He said his staff works 50 to 60 hours a week and nobody leaves the office at 5:00 p.m. He said this applied to every office in the circuit. He said staff was at work by 8:30 a.m. or before every morning and did not leave until 6:00 p.m. to 7:00 p.m. every night.

Chairman Dunn asked Mr. English if he wanted the Board to know anything else that he had not told the Board. He said the Board would have to sit down and discuss this and there was no need for Mr. English to be there for that.

Mr. English said he wanted to make two points. He said firstly he wanted to comment on

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the supplements. He said if he had not made these individuals State employees and had employees through Fayette County then he would not be asking for supplements. He said he would just have that money built in and nobody would be dealing with the term supplement. He said he realized that nobody liked this term and he did not like asking for it. He said he had found through all of the counties that they would rather give him \$80,000 for an attorney than they would a \$10,000 supplement to pay to an attorney. He said the supplements were just to get him to parity so that he could be competitive with the District Attorney's Office.

Mr. English further stated that he wanted to remark on the Board's comment about the nature of his office collecting and reporting this data. He said he was paid by the State and gets the same salary whether he handles 100 cases or 10,000 cases. He said he was not obligated to handle the County's lower courts and he was not paid a dime to do it. He said everything that comes through State Court, Magistrate Court, and Juvenile DFCS cases he was not paid anything from any of the counties for doing that work. He said this was not included in his salary. He said the supplement he was requesting for himself was not included in the lower court but it was in the Superior Court budget for Spalding County and he had to share a portion of that. He said he had no personal interest in seeing any numbers go one way or the other. He said he was trying to do the best job that he could for these counties and his staff was working hard and committed to the program. He said if there was a way to do this cheaper, then he would like to find it. He said he was willing to explore it but he desperately needed some help.

Chairman Dunn said this had become one huge unfunded mandate from the State government.

Mr. English said he would not ask the Board for anything for the next two years if the Board approved his request for this year.

Commissioner Frady asked if all of the lower courts case loads added to his case loads.

Mr. English replied yes, the ones that he was reporting to the Board on today. He said the amount he was requesting would cover all of the courts including the lower courts as well as Superior Court.

Chairman Dunn said the Board would discuss this further and thanked Mr. English for appearing.

Commissioner Frady said he had taken the liberty to call Attorney McNally to come over to discuss this with the Board.

Chairman Dunn remarked that this was a 61% increase in less than one year that Mr. English was asking for.

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Commissioner Wells said this budget had gone from \$385,000 to the requested \$621,000. She said this was just for Fayette County's portion.

Attorney Bill McNally entered the meeting at this time.

Chairman Dunn asked Attorney McNally if the County had any options now and could it go back to the way it used to be done.

Attorney McNally replied that this was actually a two tiered Public Defender system currently in place. He said as filing fees were paid in the county's court system those funds go back to the State of Georgia. He said the State of Georgia then provided to the Public Defender's attorneys which handle the cases in Superior Court, certain cases in the Juvenile Court, direct appeals from those courts and provision of counsel in conflict cases. He said the State was paying for the Public Defender, three assistants, one investigator and two administrators and this was circuit wide. He said this was as of last year and he did not know what the State was giving him this year. He said in addition to that Fayette County had a State Court. He said Chris Cofty, Mark Pullium and himself went to a meeting where this new program was presented. He said they had discussed at that time the Public Defender also supplying those same services in the County's State Court. He said it was not only in the State Court but in the Magistrate Court and in the Juvenile Court regarding child deprivation.

Attorney McNally further remarked that at that time Spalding County indicated that they were going to continue with their contract Public Defender who was handling all of their cases at that time in their State Court and Magistrate Court. He said they had discussed the provision of those services in Fayette County's State Court and Chris, Mark and himself agreed that it would probably behoove Fayette County to proceed with the Public Defender in providing that service to its State Court if the price was right. He said that was when Mr. English had quoted the County a dollar amount and the County tried to negotiate with him and ended up actually just doing a Memorandum of Agreement for the short period of the budget that was left.

Commissioner Frady interjected that Mr. English had stated that he did not have the resources to check on proof of indigency and he was not checking anyone.

Commissioner VanLandingham stated that Mr. English had said that he would go back to his office and start this new procedure today. He questioned where Mr. English had now gotten the resources to start this during this thirty minute time period.

Attorney McNally remarked that from the aspect of Superior Court and Juvenile Court, Fayette County did not have the ability to opt out. He said this was a State mandate and part of the circuit and Fayette County could not opt out. He said Fayette County could choose not to use Mr. English to provide Public Defender services in the State Court and

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Juvenile Court.

Commissioner VanLandingham asked Attorney McNally for clarification of his statement that the County could opt out.

Attorney McNally remarked that there were two tiers of service that Fayette County was getting from the Public Defender's office. He said one tier was the State mandated Superior Court, Juvenile Court and appeals. He said Fayette County could not opt out of that as long as it was part of the circuit.

Commissioner VanLandingham asked what would happen if Fayette County became an independent district.

Attorney McNally replied that Fayette County would then have to request the ability to opt out. He said this request may or may not be granted. He said several of the larger counties have opted out and Gwinnett County was one of those that he recalled.

Commissioner VanLandingham asked if this had been allowed.

Attorney McNally replied yes and remarked that these counties were not part of a circuit but were independent. He said Fayette County was part of a circuit. He said if Fayette County was independent then it would be possible that it could opt out.

Commissioner Pfeifer remarked that the last study that the State had done on the circuit said that it would cost everybody more money.

Attorney McNally said if Fayette County elected to use another type of indigent defense even in the State Court and Magistrate Court it would have to meet certain standards that the Public Defender Council establishes. He felt any good and competent attorney would meet those qualifications.

Commissioner Wells questioned if Fayette County could revert back to the indigent council or would the County have to hire a legal firm to provide that.

Attorney McNally said in his opinion he did not think that they would approve going back to the method of just selecting attorneys on a revolving basis to handle cases. He said part of the reason that they had gone to the Public Defender system was to be sure that Public Defenders had adequate representation.

Commissioner Wells felt the County should be able to hire a law firm of that nature for \$200,000 to \$250,000 per year easily.

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Attorney McNally remarked that would be hard for him to evaluate because he was not familiar enough with the case load.

Commissioner Frady said first of all the County would have to determine the case load involved.

Attorney McNally felt it would cost a little bit more today. He said with two attorneys and a secretary they would want the County to pay for reasonable equipment and books and so forth that they would need to have.

Commissioner Pfeifer said they would also need an investigator.

Commissioner Wells said if it was an established law firm then they would already have most of the material on site and they would not have to start from scratch. She said the County would not be paying their benefits and would be saving a lot of money in that regard.

Commissioner Pfeifer remarked if the Board looked at the District Attorney's Office and how that was broken out it showed Fayette County with approximately 20% of the case load in the circuit. He said Fayette County was approximately one third of the District Attorney's work in this County and one third of the support staff worked in this County. He asked if Fayette County's cases were more complicated than the rest of the circuit's.

Attorney McNally felt Fayette County would have fewer indigent defense services per District Attorney case here than any of the other three counties.

Commissioner Wells said the County could keep Mr. English where the County was required to keep him, determine how many individuals he needed and pay that and then set up a separate program. She said this would have to be up and running by July 1st since Mr. English's contract ends at that time. She asked if the County had the time and the expertise to do that.

Chairman Dunn said Mr. English had stated that if the Board did not approve his budget request that he would continue to work as hard as he could to get the job done. He said the County was only one year into this program and he felt if the County kept Mr. English at his current level of funding that the Board could discuss what it wanted to be done with the entire circuit during the next budget cycle.

Chairman Dunn suggested that since this was a new program and less than one year old that the Board watch this program at least another year. He said then the Board could

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determine its options for the funding level. He said until the Board got some definitive guidelines on who was indigent and who was not, this was just a never ending spiral.

Mr. Pullium asked for clarification that Chairman Dunn was suggesting the Board approve the current level of funding that was in place.

Chairman Dunn said he was suggesting that the Board give Mr. English the same level of funding as last year. He said during the year the Board needed to explore whether or not it wanted to restructure the program.

On motion made by Commissioner VanLandingham, seconded by Commissioner Wells to approve the same level of funding as last year for the Public Defender's budget, discussion followed.

Chairman Dunn asked if this was reasonable.

Attorney McNally replied that was very hard for him to say. He said the State had encouraged the County last year to fund the County's share of the program for at least what had been funded in the prior year.

Mr. Pullium said last year the county gave the Public Defender almost \$386,000 and this year he was requesting \$621,000.

Commissioner Wells suggested the County approve \$450,000 for the Public Defender's budget for this year and tell Mr. English that the Board expected him to have some type of verifiable way of discerning who was indigent and who was not.

Chairman Dunn said this would give the Board additional time to explore an option.

On motion made by Commissioner VanLandingham, seconded by Commissioner Wells to amend his motion to state that \$450,000 was the approved level of funding for this budget year. The motion carried 5-0.

Commissioner Wells remarked that Arthur English needed to know that the Board wanted verifiable procedures for indigency.

Commissioner Frady said he would like Ms. Chandler to get the figures tomorrow verifying how many indigent defense cases were heard in each court for Fayette County.

Chairman Dunn said a letter needed to be sent.

Commissioner VanLandingham said the letter needed to indicate that the Board wanted this information as soon as possible.

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Chairman Dunn remarked that in the future the Board would need for funding to be broken down for all court cases in all court levels and how many cases were going to court.

Mr. Pullium said he wanted clarification. He remarked that \$450,000 was a flat fee. He asked about the issue of supplements and converting them to State benefits. He questioned if the \$450,000 contained supplements.

Commissioner VanLandingham interjected that once the Board did this then it could not be taken back. He said there would be no supplements.

Chairman Dunn said the Board was not agreeing to any supplements. He said if Mr. English paid a supplement with the money that was his business.

Commissioner VanLandingham remarked again that Mr. English could not use this money for supplements. He said this would need to go in the letter that would be sent to Mr. English.

Commissioner Wells said there would need to be a motion on that issue.

On motion made by Commissioner VanLandingham, seconded by Commissioner Wells that staff be directed to forward a letter to the Public Defender Arthur English requiring him to submit to the Board the verifiable procedures for indigent people and the money the county was giving him in his budget would not be used for supplements for anybody, and to also provide a quarterly report listing the number of case loads that go to trial that were in the lower courts, Superior Court and Juvenile Court and what counties they were coming from, discussion followed.

Commissioner VanLandingham said if Mr. English could not comply with that request within a week's time, then the Board would withdraw the budget.

Chairman Dunn said the Board was not directing Mr. English as to how he would use the money but tell him the two ways that he could not do it.

The motion carried 5-0.

Mr. Pullium said that Mr. English had people in his office that were State employees and he also has people who were circuit paid who he upscales to the State benefit level. He said he actually has all of his personnel treated as State employees and that was costing some money.

Commissioner Wells said Mr. English could spend the money anyway he wanted to without giving them supplements.

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Attorney McNally remarked that staff had requested Mr. English to prepare a contract and be prepared to enter into a contract with the county. He said as of today, he had not heard back from Mr. English's office. He said this was since February.

Commissioner Wells interjected that at this point in time she was not sure the county would want to enter into a contract.

Mr. Pullium said the Public Defender had already converted all of his staff and probably would convert all of the staff that he brings on board to State benefits. He said the District Attorney's Office did not do that. He commented on the 10% administrative fee of \$105,000. He said Mr. English did not give the Board an answer. He said it was included in that but he never said how much it was. He said he had brought this up so that he could get guidance from the Board.

Attorney McNally said he felt the question that Mark was getting to was did the Board want to mention to the Public Defender that the Board would not be funding to convert personnel up to the State level.

Chris Venice said there would be no salary or benefit supplements and the Board agreed.

Attorney McNally exited the meeting at this time.

Superior Court Clerk

Sheila Studdard and Susan Thompson appeared to discuss this budget.

Commissioner Wells asked Ms. Studdard to explain her promotion request.

Ms. Studdard said she was presenting the same argument that she presented last year. She said this was the same position, same job duties, and same explanation. She said she has had Ms. Thompson performing these duties this year as well as last year. She asked for consideration to compensate Ms. Thompson for the good job that she does. She remarked that the technical responsibility for anyone in the courthouse was increasing. She said they were providing more reports to more agencies. She said Joshua's Law was passed on May 11th and that would be another program change. She said Ms. Thompson would lead that training. She said every time there was a change in everything she defaulted to Ms. Thompson to make sure that all of these were implemented in the correct legal manner, to make sure programs were kept up to date and to make sure fines and fees were being assessed correctly and distributing money correctly.

Chairman Dunn asked Ms. Studdard what was new in this job description from the current job description that Ms. Thompson has.

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Chairman Dunn asked for Ms. Thompson's current job description.

Mr. Pullium said he would get that information right now.

Chairman Dunn said one of the things that the Board was trying to achieve over the last several years was that promotions did not occur unless there was a vacant job to promote someone or they were creating a new job because of new responsibilities and everything. He said it was incumbent on the Board now to see how this job changed from what it was to what she wanted it to be and why.

Chairman Dunn said he wanted Ms. Studdard to understand that this had occurred with everybody who ask for a promotion. He said they questioned if there was a vacancy and how was it different and were there additional responsibilities. He said the county had a salary study done several years ago that established a value for every job that the county has. He said the Board had found that many people who would like to promote people because they had been there a long time, they were maxed out in their current job and just want to give them more money because they were good people and good employees. He said that was nice but this was taxpayers' money and there was only a certain amount of value in that job. He said if an employee was maxed out then they knew the salary ceiling when they first went into the position. He said in order for the Board to make this kind of decision the Board would have to determine what was different and what made this position more valuable to the taxpayer. He said Ms. Studdard had listed in the justification that the recent Senate Bill approved put additional responsibility on the Clerk.

Commissioner Wells questioned the promotion from Court Clerk II to Court Clerk III. She asked if this was a separate request.

Ms. Studdard responded that there was going to be a vacancy due to a retirement. She said in the next cycle she would have a lady retiring and it would be her choice as to who would fill that position. She said it would not take place until next February.

Commissioner VanLandingham asked if the position was already there.

Ms. Studdard replied right now no it was not.

Chairman Dunn asked when the lady would be retiring.

Ms. Thompson replied on June 10, 2005.

Chairman Dunn said this would be a vacancy. He said she could hire a Court Clerk II.

Ms. Studdard remarked that when she prepared the budget she was only aware of one retirement.

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Chairman Dunn interjected that if there was a requirement for a Clerk II then she could hire a Clerk II. He said if there was a requirement for Clerk III, then she should hire a Clerk III. He said if there was a vacancy for a Clerk III then move the person from II and hire a Clerk II. He said she would not have to go back and hire a Clerk I because the Clerk II would do more work and would be more qualified. He said if the person was leaving in June then Ms. Studdard did not even have to ask. He said when she speaks with Ms. Boehnke to make sure she tells her that she was requesting a Clerk II and not a Clerk I. He noted that Ms. Studdard was authorized a Clerk II and Clerk III right now.

Commissioner Wells asked if the current position that was filled was a Clerk II or Clerk III.

Ms. Studdard replied Clerk III.

Chairman Dunn said if Ms. Studdard wanted to move a Clerk I up to a Clerk II then she could hire a Clerk I. He said all the Board wanted to do was to make sure that everybody was in a job that was properly staffed and properly approved and when it was vacant it would be filled.

Chairman Dunn clarified that question was solved and now the Board would discuss the job promotion for Ms. Thompson. He said some of the wording in both job descriptions was the same.

Ms. Studdard replied that the biggest difference was the difference between plans, prepares and supervises to directs, collects and acts. She said she had given Ms. Thompson more responsibility to act as her designee when she was not available for a particular court. She said she was giving Ms. Thompson the ability to act for her at whatever court needed her. She said a lot more responsibility had been added due to technological advances and new Senate Bills that required her presence in one of the three courts at all times. She said she could not be in three places at one time.

Commissioner Wells asked why Ms. Thompson could not presently do that.

Ms. Studdard replied no, not to the extent that this would allow her. She said she could in Superior Court because she was the deputy clerk for Superior Court. She said she could not in the other courts.

Commissioner Wells felt this could be remedied and Ms. Thompson could go to the Superior Court while Ms. Studdard went to the other courts.

Ms. Studdard interjected that it was not always that easy.

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Ms. Thompson interjected that on the job description for Chief Deputy Clerk she did not do paragraph number 2 and 3.

Ms. Studdard said those items have been given to other people.

Commissioner Wells asked Ms. Thompson if she was currently performing the duty of standing in for the Clerk at show cause hearings and jury orientation when the Clerk was unavailable.

Ms. Thompson replied yes.

Ms. Studdard interjected that the show cause hearings were something new within the last year.

Chairman Dunn remarked that Ms. Thompson had pointed out some job functions that she was not doing on the new job description.

Ms. Studdard clarified that Ms. Thompson was not doing these in the old job description.

Ms. Thompson said she was doing the job functions listed in the new job description and not doing some of the functions listed in the old job description.

Chairman Dunn questioned the job description for the Chief Deputy Clerk and why it was not changed.

Ms. Studdard replied that this job description also applied to Chief Deputies in the other courts and perhaps they were performing these functions.

Commissioner Frady pointed out that the job description also called for the person to have a Bachelor's Degree.

Commissioner Wells asked Ms. Thompson if she had a Bachelor's Degree.

Ms. Thompson replied no.

Chairman Dunn pointed out that was a requirement in the new job.

Ms. Studdard interjected that she had also included experience.

Commissioner Wells said she saw nothing relating to experience.

Ms. Studdard said there was a page missing from the job description where job experience would replace the Bachelor's Degree.

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Mr. Pullium commented on the new job description where it stated status/non-exempt. He asked if this meant that the new position with this promotion would still be able to earn over time.

Ms. Thompson said she would like to address that. She said she currently worked 7:00 a.m. to 7:00 p.m. and asked how much overtime the county paid her.

Commissioner Wells said if the position was non-exempt the person would be entitled to over time and there could be litigation from it.

Ms. Thompson said she rarely turned this time in.

Chairman Dunn said the Board was talking about spaces and not faces. He said the person in the job was irrelevant to him.

Commissioner Wells asked what would happen if Ms. Thompson left and somebody else comes in and this was a non-exempt position they might abuse overtime.

Ms. Studdard responded that would be open to discussion and she would be happy to negotiate that.

Commissioner VanLandingham remarked that since the discussion was about Susan Thompson why did not the Board asked her if she would accept an exempt status.

Commissioner Wells said she was not in favor of that. She said the Board was not negotiating with an employee.

Ms. Studdard said she would leave this open for negotiation.

Mr. Pullium said one of the things that he understood from the county's personnel policy was that if that person was supervising other people that they were exempt status and therefore not entitled to earn over time.

Commissioner Wells said this fact was not negotiable.

Mr. Pullium said this was the reason he had asked this question for a point of clarification.

Ms. Thompson said this did not bother her anyway. She said most of the extra time she was there she was not turning in anyway and this would not affect her one way or the other.

Commissioner Wells said the important word was "most".

Chairman Dunn said Ms. Thompson was not the issue. He said just the job was. He said

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Ms. Thompson could be replaced by someone else who might try to take advantage of the county. He said the county has had this problem and it was not unique.

Commissioner Wells pointed out if the position was supervisory, then the county policy said it was exempt.

Commissioner Wells asked Ms. Studdard if she also prepared the Clerk of State Court's budget.

Ms. Studdard replied yes.

Commissioner Wells questioned the annual maintenance and repair of the time clock stamps for the Clerk of the Superior Court. She said it was costing \$240 per clock. She asked if the same one was used in State Court.

Susan Thompson said there were nine different clocks and some were assigned for Superior Court and some were assigned for State Court.

Ms. Studdard interjected that all of the time clocks were the same kind.

Commissioner Wells remarked that in the Clerk of State Court's budget it only cost \$100 each for yearly maintenance and repair on these time clocks and in Superior Court it cost \$240 per clock.

Ms. Thompson said they had a certain portion of the State Court Clocks that were rebuilt and their maintenance was cheaper.

Ms. Studdard remarked that she had purchased new clocks in Superior Court and State Court's clocks were rebuilt and their maintenance agreements were less.

Commissioner Wells questioned why there were twelve typewriters in this day and age of technology.

Ms. Thompson said they still typed out their checks and notary applications.

Ms. Studdard said there were 23 employees in the office and they shared the twelve typewriters for State Court and Superior Court.

Commissioner VanLandingham clarified that this was for State Court and Commissioner Wells agreed.

Commissioner Wells said this was in the State Court budget under projected services for four of the twelve typewriters.

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Ms. Studdard said she had twelve typewriters in the office for State and Superior Courts. She said there were eight in Superior Court and four in State Court.

Commissioner Wells interjected that on page 86 it read that projected services and repair was for thirteen typewriters and Ms. Thompson said that was her mistake.

Commissioner Wells questioned the projected services for twelve typewriters in the amount of \$450. She said under Superior Court it stated that the projected services in the amount of \$500 was for thirteen typewriters.

Ms. Studdard said she would need to check her invoices because she had twelve typewriters.

Ms. Thompson said she would check that figure and get that information for the Board.

Commissioner Wells said if the other eight typewriters were being covered for \$500 then this needed to be checked.

Commissioner VanLandingham said he had a question regarding postage meters. He said there were quite a few of these throughout the county offices. He asked if there could be a centralized postal area where someone could post all of the mail. He said this had been previously addressed and he would like it to be addressed again.

Ms. Studdard said she was in favor of team work and if there was a solution that fit the building, she would be happy to be part of the team. She said if there was a mail room and mail brought into this room, there would have to be a designated person there to deal with it.

Commissioner VanLandingham felt by having someone who could post the mail in one location, the county could save \$25,000 per year.

Commissioner Wells said there needed to be somebody to audit and look at the budget for this type of redundancy.

Ms. Thompson asked what other departments at the Judicial Center had postage machines. She pointed out that Probate Court used stamps as well as all of the judges' offices.

Commissioner VanLandingham said each department would still be allotted the amount of postage they needed but the county would save money on the rental of these machines.

Mary Holland said the county would have to meet the new standards coming out in 2007 regarding postage meters.

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Commissioner VanLandingham pointed out the rental on the postage machine for State Court costs the county \$1,255.

Ms. Studdard questioned her personal bond and it being moved to comply with GADSB. She said this was her personal bond for the Clerk of Superior Court. She asked if \$25,000 was a reasonable amount to cover her. She said the law required \$25,000 and this was the minimum.

Ms. Studdard said she also wanted to question the taxes not being paid on her personal expense account. She said staff recommended that this would not be paid.

Chairman Dunn said the law required that constitutional officers receive \$300 expenses. He said according to the I.R.S. there was two ways to handle that. He said the officer could receive the entire \$300 or send in receipts totaling \$300. He said if the officer preferred receiving the \$300 per month, then that officer would have to pay tax on that amount.

Commissioner Frady said the constitutional officer would have to file a 1099 form.

Chairman Dunn said staff had been handling this incorrectly. He said the officer's expenses had been increased so that they would net \$300 after taxes.

Ms. Studdard asked what the correct procedure was for this.

Chairman Dunn said Ms. Studdard would have an option. He said she could either claim the \$300 or get a 1099 form for it.

Mr. Pullium said there were actually two possibilities. He said either way Ms. Studdard was going to receive a check for \$300. He said if she submitted receipts to the county showing that she had used the \$300 for expenses, then it would be treated as an accountable plan. He said by doing this she would have justified this as a legitimate expense and the county would not put this on her W-2 as taxable income due. He said if the officer did not want to turn in receipts to the county, then this would go on the W-2. He said there might still be receipts and in that case this was called a non accountable plan and would go on her W-2 and there would be some FICA tax that would be expensed against it. He said in that particular situation, she would still have the option of going to her personal income tax return on her Schedule A as employee business expenses and itemizing those expenses and taking a deduction off of Schedule A.

On motion made by Commissioner Wells, seconded by Commissioner VanLandingham to approve the Superior Court budget as presented with the promotion as an exempt position, discussion followed.

Ms. Venice asked for consideration to review the title for this position.

Chairman Dunn suggested Ms. Venice and Ms. Studdard discuss the title of the position.

Commissioner VanLandingham said this would just open it up for raises.

Chairman Dunn called for the vote. The motion carried 5-0.

District Attorney's Budget

Scott Ballard and Susan Harper appeared to discuss this budget.

District Attorney Ballard said he had asked for an additional attorney out of 5% monies and that was not recommended. He said he had asked for an additional secretary circuit wide that was not recommended. He remarked that they had a pretrial diversion program that gives them a way to make somebody earn the dismissal of their case. He said he was requesting \$30,000 for that program circuit wide and Fayette County's share would be \$10,000. He said staff was recommending approval for this. He said the other issue that staff was recommended for approval was the funding that was necessary to make the circuit paid employees eligible for State benefits. He said he wanted to make it clear that he did not have any Fayette County employees. He said their insurance benefits and other plans were purchased like a private law firm would do. He said staff had recommended spending the approximate \$10,000 to allow him to have the State put these employees on State benefits.

District Attorney Ballard further remarked that the one thing he was asking the Board to deviate from staff's recommendation was that through the years Fayette County had been paying by itself for one ADA position who was in Fayette County to work. He said staff's recommendation was to turn that into a circuit position where the payments could be spread among the different counties. He said he was in agreement with that if that was the way that it should be. He said he would prefer it that way because he preferred the flexibility of moving this person wherever he was needed. He said he would like it to start next budget year rather than this year because he had already submitted to the other counties his budget request and did not know to include anything for them to pay for. He asked for the Board's consideration to pay for the one attorney for Fayette County for this next year and then next budget year he would turn that into a circuit position. He said this would be based on this year's case load. He said he felt the pretrial diversion would pay for everything extra that he was asking for.

Mark Pullium remarked that the District Attorney had two cars titled to Fayette County. He asked how these two cars came to the District Attorney's Office.

Attorney Ballard replied that these cars were purchased by the Sheriff's Office for Bill McBroom when he was the District Attorney. He said the cars were purchased with drug

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forfeiture monies. He remarked that the problem was that by being titled to the county, the County was paying for the insurance. He said in the future if the Sheriff's Office was going to give him forfeiture money to purchase vehicles, he would purchase the vehicles and title them to the State. He said he did not see any reason why the titles to these cars could not be sent to the State now and save the County paying for the insurance.

Commissioner Wells questioned maintenance on the vehicles.

Attorney Ballard replied that the County had been maintaining all of his vehicles. He said his office pays for the parts and the County provided the labor.

Chairman Dunn said if these were State vehicles the County might not want to do that.

Mr. Pullium said with the County providing maintenance, did the District Attorney's Office then reimburse the County for the cost of the maintenance.

Susan Harper replied not for the labor.

Chairman Dunn asked who the cars were assigned to. He said there were only two cars.

Attorney Ballard replied the two cars that the County owned were both driven by lawyers who both work and live in Fayette County. He said Rhonda drives the older vehicle. He pointed out that she lives in Fayette County and was their circuit wide juvenile prosecutor. He said he drove the other vehicle until approximately two weeks ago and now Warren Sellers drives it. He said Warren works and lives in Fayette County.

Commissioner Wells asked if these vehicles were being driven home.

Attorney Ballard replied that they were basically following the State rules for the use of State vehicles. He said these vehicles were driven home and to work but not for personal use.

Commissioner Wells said they would need a 1099 form for that.

Ms. Harper pointed out that these employees did not receive a Fayette County check. She said their checks were from Scott Ballard. He said they had not been doing 1099 forms for this. She said these employees turn in reports to this office.

Mr. Pullium asked if the two drivers of these cars had been getting a 1099.

Attorney Ballard said it would suit him to just change the title of these vehicles over to the State. He said he did not think it was fair for the County to pay for the insurance on cars if the County did not have total control on what cars were purchased. He said the cars that

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were purchased with forfeiture money were having to be maintained by the County. He said he would be glad to change the title to these vehicles to the State.

Chairman Dunn said then these vehicles could be insured as State vehicles. He said currently the County had liability.

Commissioner Wells said the Board would be in favor of that.

Attorney Ballard remarked that he would do that and have the County sign the title over to the State.

Mr. Pullium said Attorney Ballard could speak to him about this and it would have to go on a consent agenda.

Chairman Dunn asked that the Sheriff be contacted as well since he would need to know the final disposition of the vehicles.

Attorney Ballard remarked that the Sheriff had the money in his forfeiture account that they used to purchase cars.

Chairman Dunn said sometimes the Sheriff's Office takes possession of vehicles during drug seizures.

Attorney Ballard said they did not have any drug seizures because they would handle those and they would come through his office.

Commissioner Wells asked Attorney Ballard if his office had other cars.

Attorney Ballard replied yes and stated that he had quite a few cars. He said he had a total of 18 cars. He said three cars were County owned and one was owned by Spalding County, two by Fayette County and the others were all State vehicles. He pointed out that two vehicles were titled to Fayette County.

Commissioner Frady said if these two vehicles were titled to Fayette County then the Finance Department would have the titles and Mr. Pullium replied yes that was correct.

Chairman Dunn said right now these two vehicles were listed as Sheriff's Department vehicles and the Sheriff had given these to the District Attorney's Office to use.

Mr. Pullium said he counted fourteen as being the figure for what the District Attorney was requesting from the Board to pay the additional amount of money to make these people State employees.

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Attorney Ballard said this would enable them to receive State benefits.

Commissioner Wells asked why Fayette County should be concerned with the employees listed for Spalding County, Upson County and Pike County.

Ms. Harper replied that their budget was circuit wide.

Commissioner Wells asked why Fayette County should use taxpayers' dollars.

Attorney Ballard replied that he had gone back to determine how much more the County's insurance premiums were going to the counties was increasing over how much the State's was increasing every year. He said the State had a bigger pool and they did not have to go up on premiums in order to break even or make their profits as fast as Blue Cross/Blue Shield. He said when there were trials in Fayette County, some of the employees from Spalding County were brought here. He said people were shifted around.

Commissioner Wells felt the county was paying more than its fair share for the circuit and the county would be knowingly doing this.

Chairman Dunn asked Attorney Ballard if he had to go before all four Counties to see if they would be agreeable to this.

Attorney Ballard replied that so far he was receiving positive feedback.

Chairman Dunn asked what would happen if one or two other counties did not agree and Attorney Ballard said he would just have to do the best that he could.

Chairman Dunn said it was one thing if all of the counties agreed to this but another thing if they did not all agree.

Attorney Ballard said he had met with the County Commission Chairman of Pike and Upson Counties and the Financial Manager of those two counties. He said they have expressed their approval of doing this and they have received the staff recommendation to the Commissioners in Spalding County which was recommending approval of this.

Commissioner Frady asked if Fayette County's portion was \$30,000.

Attorney Ballard disagreed and said Fayette County's portion was approximately \$10,000 to \$11,000.

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Commissioner Wells said it was 36.24% is Fayette County's portion.

Ms. Harper said the amount was \$10,872.

Chairman Dunn clarified that Attorney Ballard was asking the County for \$10,872 to do this.

Commissioner Wells questioned why some of these employees were State paid and some were circuit paid.

Attorney Ballard replied that by statute he was entitled to one State paid investigator, two State paid secretaries and one State paid assistant per judge plus one or two other State paid assistants. He said all of his other employees were circuit paid employees. He said one was paid by county money but not given county benefits.

Ms. Harper said that was the one position that they were asking consideration to fill again.

Attorney Ballard said they did not receive county benefits but the county gives him money in the budget to pay for them without help from the other counties.

Chairman Dunn asked Attorney Ballard if he had an insurance program for his district wide employees.

Attorney Ballard replied yes and commented it was just like he was a private law firm. He said he had to go out and shop for insurance.

Commissioner Wells questioned if the county paid the \$30,000 this year what would happen next year. She asked what percentage of increase would Fayette County see on a regular basis in order to make these employees eligible for State benefits.

Attorney Ballard said this would depend on the rates next year.

Commissioner VanLandingham said if this stayed private, then it would cost more.

Commissioner Wells clarified that the \$30,000 was to raise these employees up so that they were eligible for State benefits. She asked if these would have to be raised even higher next year or was the \$30,000 what Fayette County would be paying each and every year.

Attorney Ballard replied that he really would not have that answer now.

Ms. Harper said there was no way of knowing what the State was going to do with their insurance rates but their retirement was fairly stable.

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Chris Venice interjected that these would not be State employees but the State was just allowing the District Attorney to put them on the State's medical benefits plan. She said this was an annual cost and the County would have this much every year if not more.

Commissioner Wells said this increase was not making the employees State employees and was only allowing these employees to be eligible for State benefits.

Chairman Dunn remarked that part of the bill that the County pays circuit wide was for insurance coverage. He felt this was going to be higher every year.

Ms. Venice clarified that these circuit employees were currently insured and the County was paying for them as well.

Attorney Ballard said his office pays for this with money they receive from the counties.

Ms. Venice said Attorney Ballard was paying an additional \$30,000 to give the employees better benefits. She said these employees were already insured.

Attorney Ballard pointed out that the County would not be paying both insurances but would be paying the amount it did now plus the \$10,000. He said he sends a check to the State and they pay the salary and the benefits.

Ms. Harper remarked that the State insurance rates had not increased near as much as the circuit paid rates.

Mr. Pullium asked if there was any difference in the benefits for a circuit paid employee and a State paid employee.

Attorney Ballard replied yes. He said the primary difference was dependent healthcare coverage. He said the State benefits cost a lot less plus the employee had an option to take a payroll deduction for accidental death, life insurance and would be eligible for the State's retirement plan in ten years. He said the State paid employees receive pay increases twice per year and the circuit paid employees receive pay increases if the Board grants them one.

Chairman Dunn asked how much the county was paying for healthcare for the circuit employees right now. He said this would also include life insurance.

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Ms. Harper said Fayette County pays 24% of the \$88,848 amount that was prorated among the counties.

Mary Holland said this figure comes to \$32,000.

Chairman Dunn asked how many employees this involved and Ms. Harper replied approximately ten or eleven employees.

Commissioner Wells said there were only five employees in Fayette County that were circuit paid.

Chairman Dunn clarified this would cost the county \$32,000 plus the \$10,000 for a total of \$42,000 just for insurance for five employees.

Ms. Harper remarked that part of the \$10,000 figure was for retirement.

Chris Venice asked about the two grant employees.

Commissioner Wells said their money was coming from the 5% money and they would not be included in this discussion.

Commissioner Wells pointed out that the county would be paying for people who were circuit employees out of county tax dollars to make them eligible for State benefits while county employees here are denied the 5%.

Commissioner VanLandingham felt the bottom line was that these were not Fayette County employees. He said these were circuit employees.

Chairman Dunn said the Board would be voting on this budget later and thanked Attorney Ballard for his discussion.

TAX COMMISSIONER'S OFFICE

George Wingo appeared to discuss this budget. He questioned staff's recommendation that the county vehicle be used for seminars and other training. He said the county vehicle was not really suitable for the driving that he does.

Chris Venice interjected that the county vehicles were recommended for staff. She said staff recommended that employees not be paid for mileage but they should use a county vehicle for travel. She said Mr. Wingo receives funds for mileage in his expense account and he could drive his own vehicle.

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Commissioner Wells said the Board was cutting down on every county employee's reimbursement for mileage. She said as long as there were county vehicles available, employees would have to use them for travel to seminars or other county business.

Mr. Wingo interjected that it was not practical to try and get a county vehicle to go to the post office and back.

Commissioner Wells questioned what other mileage would be difficult for using a county vehicle other than trips to the post office.

Mr. Wingo said there was not a problem in using the county vehicle for county business except this local post office and bank kind of mileage. He said he did not want his employees spending an hour trying to get a county vehicle to make a three minute trip.

Commissioner Wells said staff had recommended \$75 for mileage. She said if the employees were spending more than \$75 for mileage to the bank and post office, the Board would revisit this issue.

Chairman Dunn interjected that the Tax Commissioner had an expense allowance of \$300 per month. He said he was sympathetic about someone having to wait for a while to get a county vehicle just to go to the bank or post office. He asked how long it took to get a county vehicle when travel was required.

Chris Venice responded that an employee calls and if there was a vehicle available then the employee gets a key right then.

Chairman Dunn said the county was paying 40.5 cents per mile. He said the county would save a lot of money by having employees use county vehicles instead of turning in mileage for reimbursement.

Mr. Wingo questioned the cut in software maintenance by \$3,000. He said he had received a letter from the company saying that there was going to be a 5% increase for their fee.

Mr. Pullium questioned if Mr. Wingo had paid for all of his software for an entire year.

Mr. Wingo replied no. He said the last check his department wrote for this was \$8,750 and if that amount was doubled it was \$17,500. He said if 8% was added then \$825 more would be added. He said this was for tax software and this did not include licenses and so forth.

Chairman Dunn said he did not understand why \$3,000 was cut out of this.

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Commissioner Wells interjected that part of the reason was when new computers were purchased they have to add the old software to those computers. She said they keep their old computers as well.

Mr. Wingo said that information was not correct. He said the old computers were in a vault in the office and he would like to have them taken out.

Chairman Dunn remarked that \$17,500 had been budgeted and it appeared that this would be spent by the end of the year.

Mr. Pullium said the Tax Commissioner had started the fiscal year 2005 with \$20,500 and he had transferred out \$3,000 for other purposes down to \$17,500.

Chairman Dunn clarified that the revised budget was \$17,500; \$16,600 had already been spent; there was another month to go and he was also requesting the 5% increase.

Mr. Wingo said the current rate was \$8,750 for six months and doubling it came to \$17,500. He said with the 5% increase that they project added in this would be \$825 more. He said this comes to \$18,325. He said he might need a little cushion in there for software items that might come up.

Mary Holland asked Mr. Wingo if he had changed vendors and he replied no.

Mr. Pullium questioned the vendors Visa Craft versus Manitron. He asked what Manitron was.

Mr. Wingo replied that Visa Craft had sold out to Manitron.

Mr. Pullium said the figure that he came up with was \$18,375 based on the spending history.

Chairman Dunn remarked that the spending history did not include the 5% raise.

Commissioner Wells agreed that this budget was close but Mr. Wingo still had \$847.54 and pays for everything else on an annual basis. She said the question was is the \$847.54 a needed expense and was the \$875 that much off what staff recommended.

Commissioner Frady asked if the \$17,500 and the \$847 would be left in.

Mr. Wingo said the three year average was not really relevant to what he was going to do next year. He said if the vendor would bill them on a three year average, this would be exactly correct but they did not do it that way.

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Commissioner Wells suggested \$18,500 be put in this budget and the Board agreed.

Mr. Wingo said that would be fine with him. He said he had no problem with the rest of his budget.

Commissioner Wells asked Mr. Wingo if he understood the \$300 expense issue and how that was being handled.

Mr. Wingo said this amounted to a reduction in his pay but he could live with it.

Commissioner Wells said this was not really pay.

Mr. Wingo said the amount goes on his W-2 and taxes are taken out.

Chairman Dunn said this was being done incorrectly to all constitutional officers and the Board has had to explain this situation.

Mr. Pullium said there was authorization from the Legislature for a \$300 expense allowance for the different constitutional officers and Magistrate Court Judges. He said from the I.R.S.'s standpoint there was two ways of doing this. He said one was an accountable plan and the other was a non-accountable plan. He said the accountable plan from the I.R.S. was for expenses to be itemized, turned in and reimbursed. He said receipts are turned in to justify the money. He said under that particular scenario it would not go on a W-2 in any way shape, form or fashion and it would not be taxable to the individual receiving the money. He said the other example was called a non-accountable plan and this plan was when a person receives the money and turns in no receipts. He said at that point in juncture from the I.R.S., this must be included as a taxable benefit on the employee's W-2. He said as an individual Mr. Wingo would also have the option on

the his individual tax return to take this over to his Schedule A on Form 2106 as an employee business expense and submitting receipts as an itemized deduction on his individual income tax return. He said either way the individual would have several options and the person would still receive the \$300.

Mr. Wingo remarked that the Board had been giving him \$505.47 and paying the taxes and this coming out to the \$300.

Mr. Pullium remarked that was wrong.

Mr. Wingo felt there had not been anything wrong with it and he said the I.R.S. had no problem with it.

Commissioner Wells said this Board felt it was wrong and it was a waste of taxpayer's money.

Mr. Wingo said the result of what was being done now equated to less money in his pocket.

Chairman Dunn said a staff member had made a determination to let individuals net out \$300 and this was the reason they were paid the \$505.47. He said this was not the intention of the Legislature and was not the intention of the I.R.S. to do it that way. He said the I.R.S. had two options. He said they could give an individual the \$300 and put it in the salary or the individual could do an accounting and not have it included in their salary. He said the option of giving a person more money so that they could net out \$300 was made by a person who also benefitted from that decision.

Mr. Wingo said the way in which this was originally handled had not been a problem for the I.R.S.

Chairman Dunn said he agreed and commented this was because the I.R.S. had no visibility of it. He said to the I.R.S. it just looked like income. He said the Board was doing this to be legal with the I.R.S. and fair to the taxpayer. He said it was also the intent of the Legislature that it was \$300 and not \$507.47.

Commissioner Wells clarified that software maintenance would be \$18,500 and that was the only change.

Mr. Wingo asked for clarification on the 20 hours per week, \$12,012.78 plus \$1,006,000 plus another \$1,000 was what was agreed on and Mr. Pullium replied yes that was correct.

Commissioner Wells said those figures related to the new program.

Mr. Wingo said he had no other problems with his budget.

FURTHER DISCUSSION OF THE DISTRICT ATTORNEY'S BUDGET

Chairman Dunn said he was not sure about the 10%.

Commissioner Wells said she was not going to support it.

Chairman Dunn said he was in favor of the programs requested including the diversion program. He questioned the cost of the diversion program.

Commissioner Wells replied the cost of the program was \$10,000.

Chairman Dunn felt it was worth the money.

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Commissioner Wells said this was 36% of \$30,000.

Chairman Dunn questioned the issues in this budget. He said there was the diversion and the lawyer that the District Attorney was going to use next year that was not in the budget now.

Commissioner VanLandingham remarked that the cars would not go in the budget. He said that was going to be handled outside.

Chairman Dunn remarked that this issue would have to be discussed with the Sheriff. He noted that the Sheriff had purchased these vehicles with drug money and then he gave them to the District Attorney's Office. He said the Sheriff had titles in the County's name but the fact was that there was an equity issue too.

Commissioner VanLandingham felt the drug money puts a little different status on that issue.

Commissioner VanLandingham said he wanted to make a motion to adopt the intervention program, the lawyer for next year and the benefit program.

Chairman Dunn said this was a benefit supplement.

Chairman Dunn said there were two issues in this budget and that was the lawyer for next year and the benefit supplement.

Commissioner Frady remarked that the car was not in the budget.

Chris Venice remarked that the lawyer was in the budget.

Commissioner Wells said that was for next year and the lawyer would be taken out this year.

Chairman Dunn said the motion just covered two issues.

Commissioner Wells said this would allow these employees to be bumped up to State status.

Chairman Dunn asked if there was a second to the motion. Hearing none, he said the motion died for lack of a second. He asked for the Board's pleasure on this matter.

Commissioner Wells said she would like to make a motion.

On motion made by Commissioner Wells, seconded by Commissioner Pfeifer to adopt the District Attorney's budget as submitted by staff with the intervention program approved,

discussion followed.

Commissioner Wells pointed out these were the only changes that the Board had made officially.

Chairman Dunn stated the difference in the motion was that it did not include the benefits package.

Commissioner Wells said the attorney was for next year but was budgeted now.

Commissioner Frady said the two cars were not in there.

Mr. Pullium remarked that the District Attorney had asked for three things. He said the District Attorney had asked for pre-trial diversion, the upgrade of the employees with the benefits package and then he asked for a secretary for the Circuit. He said in the budget that was presented to the Board, staff had recommended pre-trial diversion and listed the other benefits package upgrade for discussion purposes only.

Commissioner Wells clarified that the diversion package was all that the Board was approving. She said the Board was not approving the secretary and nothing else.

Chairman Dunn clarified that the motion was to approve the District Attorney's budget as requested with the only change being the diversion program.

Commissioner Wells said her motion was not as requested but as submitted by the staff which included the diversion, not the secretary and not the benefits package.

Chairman Dunn asked if there was support for the benefits.

Wells said the motion was seconded for discussion purposes.

Chairman Dunn clarified that he was not in favor of a secretary and Commissioner Wells agreed with that.

Commissioner Frady clarified that there was no justification for the secretary.

Commissioner Wells agreed and said not for this year.

Chairman Dunn called for the vote.

The motion carried 4-1 with VanLandingham voting in opposition.

FURTHER DISCUSSION OF THE TAX COMMISSIONER'S BUDGET

Commissioner VanLandingham said he would like to make a motion.

On motion made by Commissioner VanLandingham, seconded by Commissioner Pfeifer to approve the Tax Commissioner's budget as amended to reflect the \$18,500. The motion carried 5-0.

GENERAL GOVERNMENT BUDGET

On motion made by Commissioner Wells, seconded by Commissioner Frady to approve the general government budget. The motion carried 5-0.

JUDGES, BAILIFFS, AND COURT REPORTERS BUDGET

Mr. Pullium said a supplement had been requested for the secretary.

Commissioner Frady said he would not support any supplements for these secretaries since other secretaries employed by the county were just as qualified and loyal and were not receiving any supplements.

Commissioner VanLandingham felt these employees were aware of the casualty of these positions when they were hired.

Chairman Dunn said he was not in favor of any supplements.

On motion made by Commissioner Frady, seconded by Commissioner Pfeifer to approve the Judges, Bailiffs and Court Reporters Budget as presented without the supplements. The motion carried 5-0.

SOLICITOR GENERAL'S BUDGET

James Inagawa appeared to discuss this budget. He commented on the issue of an investigator for his office. He said he did not know what the figures would be for his office but commented that they handled a large volume of cases with no investigators.

Commissioner Frady asked Attorney Inagawa how many cases did he handle per month.

Attorney Inagawa replied 300 to 400 traffic cases every month and approximately 100 misdemeanor cases. He said they also handle ordinance cases for the county and that breaks down to approximately 30 to 40 per month. He said they also handle approximately 30 to 40 cases per month for Magistrate Court for bad checks and that type of thing. He said this year there had been a lot of cases filed although he said he was not sure of the

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exact figure for cases for next year and this was one of the reasons he was backing off the request for an investigator.

Commissioner Pfeifer asked Attorney Inagawa if he felt comfortable backing off his request for an investigator for this year.

Attorney Inagawa said of course he wanted the investigator position but State Court would not come to a standstill if he did not have one. He said he even considered a part time position. He felt there was a need for one and also that it would help the county both financially and the citizens of Fayette County because he could handle more cases. He said he would not say this was in an emergency state but there was a need for this position but he understood the Board's feelings on this. He said he just wanted to make the Board aware that there was a need and he would continue to asked for one.

Attorney Inagawa said the other issue that he had seen that was rejected was the vehicle. He said the county vehicle was in his budget for approximately \$550 per year. He pointed out if this vehicle was taken away it would cost that about every month in his budget. He said three or four days out of every week somebody was going somewhere and they did not turn in the mileage because they have the opportunity to use the vehicle that was sitting in the parking lot. He said the employees did not want to use the vehicle because they felt it was an old car and not something they wanted to drive.

Commissioner Wells asked if anyone takes this vehicle home every night.

Attorney Inagawa replied that he had taken the vehicle home. He remarked that the vehicle was really not that bad.

Commissioner Wells asked if Attorney Inagawa was receiving a 1099 form for that.

Mr. Pullium replied yes he would be receiving that form.

Chairman Dunn asked if staff was recommending the vehicle and Mr. Pullium replied no.

Chairman Dunn asked why staff had recommended tires and gas for the vehicle.

Mr. Pullium remarked that staff would take all of that out of the budget. He said \$310 had been spent on gasoline and he was suggesting that this particular vehicle be put in the pool. He said if any of these employees needed to go somewhere, they could reserve it to go wherever they needed to.

Attorney Inagawa remarked that for the last three years the vehicle was averaging \$375 per year for gasoline.

Mr. Pullium said staff was looking at the vehicle from a utilization standpoint. He said if a

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vehicle was not being used, then it needed to go into the county vehicle pool to be used more often.

Attorney Inagawa said he did not think it was feasible for three or four days out of the week for someone to ask for a pool vehicle.

Chris Venice asked if there were pool cars over at the Judicial Center. She suggested some of the pool cars located at the administrative complex could be moved to the Judicial Center for use.

Chairman Dunn pointed out that there was a pool car at the Solicitor's Office and hardly anyone was using it.

Mr. Pullium said the reason staff was not recommended a pool vehicle was because the utilization of this vehicle was not sufficient to warrant the expense.

Commissioner Wells felt this vehicle should be left at this location as a pool vehicle and Attorney Inagawa should encourage his staff to use this car.

Chairman Dunn suggested this vehicle be rotated if it was not being used a lot.

Commissioner Wells questioned lodging and meals listed on page 101. She questioned networking in the amount of \$3,385. She noted that no new employees were being hired.

Attorney Inagawa remarked that he had three employees. He said the attorney that was first there was only there for a few months and he had to hire a brand new attorney in January.

Commissioner Wells remarked that she was referring to lodging and meals and not employees. She noted that \$181 had been spent in this category for this year.

Chairman Dunn said there was \$2,600 left over to use in the next four weeks.

Commissioner Wells said staff did not have a historical spending for Attorney Inagawa for this. She asked how many employees he would be sending this year to seminars.

Attorney Inagawa discussed several conferences and stated there was also a summer conference.

Commissioner Wells asked for the amount that would be needed for dues and Attorney Inagawa replied he would need approximately \$1,360.

Commissioner Wells questioned mileage and parking. She noted in the past it was budgeted for zero dollars and now they were asking for \$2,100.

Chairman Dunn asked \$2,100 was being requested when \$1,800 was being projected.

Attorney Inagawa said he had based this amount on historical spending since this was his first year in office.

Commissioner Wells remarked if \$2,000 was budgeted and only \$50 and he decided that he needed money for another budget, he would not be able to take it from the mileage account and spend it some place else.

Commissioner Wells questioned court reporter services.

Attorney Inagawa said some of these bills had started coming in and he did not realize himself that it was that expensive. He said he would have to ask the court reporter why they were charging \$800 to \$900 every time. He said he would need to be aware of any other attorneys in his office who were requesting this.

Commissioner Wells pointed out that if an attorney was requesting this he would be responsible for it himself.

Attorney Inagawa said his office had requested these services about three or four times this year because of some cases that were dismissed.

Commissioner Wells asked Attorney Inagawa if he felt this needed to be increased and he replied no he did not think so.

Commissioner Wells asked why the legal services portion of his 2005 budget was coming in so high.

Attorney Inagawa replied that was for some prior legal representation from his predecessor. He said he was surprised to see that his office was being charged for that. Commissioner Wells said she had no further questions.

The Board thanked Attorney Inagawa for discussing his budget.

Chairman Dunn asked for the Board's pleasure on this matter.

On motion made by Commissioner Wells, seconded by Commissioner Pfeifer to adopt the Solicitor General's budget as presented without the investigator position. The motion carried 5-0.

STATE COURT JUDGES

Chairman Dunn noted that this budget was \$100,000 less than last year. He asked for the Board's pleasure on this matter.

On motion made by Commissioner Wells, seconded by Commissioner Pfeifer to adopt the State Court Judges budget as recommended. The motion carried 5-0.

PROBATE COURT

Commissioner Wells questioned the request for a new part time person.

Mr. Pullium said the Judge had presented justification showing the work load indicators in support of the request.

Mary Holland said currently Probate Court staff consisted of four people including the Judge.

The Board suggested continuing this discussion after Juvenile Court's budget.

JUVENILE COURT

Commissioner Wells questioned the expenditures for indigent guardian ad litem. She asked for the justification for this increase.

Mr. Pullium said there had been an increase in the activity of moms getting addicted to methamphetamine. He said as a result of that the Department of Children and Family Services was having to take custody of the children and then appoint an attorney to represent the interest of the child.

On motion made by Commissioner Wells, seconded by Chairman Dunn to approve the Juvenile Court budget as presented. The motion carried 5-0.

FURTHER DISCUSSION OF PROBATE COURT

Chairman Dunn remarked that the justification for the part time position related to increased population. He said the data before the Board was really not that much different than in years past. He said he did not see a significant increase.

On motion made by Commissioner Wells, seconded by Chairman Dunn to approve the Probate Court Judge's budget as recommended by staff. The motion carried 5-0.

NON-DEPARTMENTAL PUBLIC SAFETY BUDGET

On motion made by Commissioner Wells, seconded by Chairman Dunn to approve the non-departmental Public Safety budget as recommended by staff. The motion carried 5-0.

PUBLIC SAFETY DIRECTOR BUDGET

On motion made by Commissioner Wells, seconded by Chairman Dunn to approve the Public Safety Director's budget as presented by staff. The motion carried 5-0.

MARSHAL'S OFFICE

Mark Pullium remarked that the Marshal's Office was in very small cramped quarters. He asked for consideration for renovation of this space.

Chris Venice remarked that \$15,000 was recommended for the renovation.

Mr. Pullium said that would be a line item under capital projects and it would not go in this particular budget.

Ms. Venice said if this could be done this year it would be a consent agenda item.

Commissioner Wells questioned the request for training. She pointed out that the amount requested for lodging and meals had tripled and also the seminars and dues had tripled.

Chairman Dunn questioned the number of hours that were required for certification.

Commissioner Wells questioned the justification for his training.

After a brief discussion, the Board suggested that Chief Collins discuss this with them in the morning at the budget meeting.

CORONER'S BUDGET

Mary Holland remarked that the Coroner had substantially overspent in his budget.

Chairman Dunn pointed out that the coroner was not a constitutional officer.

Commissioner Wells questioned the paying of salaries for the deputy coroners. She said the deputies receive \$125 per case. She felt these deputies were not the county's responsibility. She also noted that the county was now paying for two deputy coroners' phones that increased from \$750 last year to \$1,627 this year. She said she was not in favor of this.

Chairman Dunn remarked that the coroner began receiving a supplement in 1999.

Commissioner VanLandingham suggested that since the office space that the county had provided for the coroner located on McDonough Road was not being utilized by the coroner, it should be closed up.

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Commissioner Wells remarked that the coroner's salary was set by the State. She said the county was giving him \$300 for a car allowance.

Commissioner Frady questioned the amount in this budget last year.

Mary Holland replied that the Coroner had overspent his budget last year and the Board had to supplement it.

Chairman Dunn questioned the deputy coroners going to training and said he was not in favor of this. He noted that last year's budget was \$54,000 and the coroner went up to \$57,000.

On motion made by Commissioner VanLandingham, seconded by Commissioner Pfeifer to approve the coroner's budget as recommended, discussion followed.

After a brief discussion Commissioner Pfeifer withdrew his motion.

Chairman Dunn said staff recommended the budget as presented.

On motion made by Commissioner Frady, seconded by Commissioner Wells to approve the Coroner's budget in the amount of \$54,673.46 which is the same amount he was budgeted last year. The motion carried 4-1 with Commissioner VanLandingham voting in opposition.

ANIMAL CONTROL BUDGET

Commissioner Wells questioned why \$1,300 was budgeted for neutering animals at no expense.

Mr. Pullium felt this was for an increase in the sterilization costs because there was an increase in animal pickup. He noted that adoptions were up 33%.

Chairman Dunn said this budget indicated that they were going to trap and neuter.

Commissioner Wells questioned if the vehicle was scheduled for replacement.

Mr. Pullium replied no. He said the vehicle was not at the threshold for replacement.

Commissioner Wells questioned the number of cell phones for this department totaling \$6,459.

Mr. Pullium replied that these were for different phone services such as Bell South for the

base, Light Year was for long distance, Verizon Wireless was for the cell phone service and Megapath was for internet service. He pointed out that this figure was the annual cost. Commissioner Wells suggested staff look into the number of phones at the Shelter and check on the other phone services.

Commissioner Frady questioned the seminars and dues that were listed.

Commissioner Wells said this would be training for the employees and the Board agreed with this request.

Commissioner Wells questioned the request for uniforms.

Chairman Dunn said it referred to a new position but actually it was just an increase in one employee's hours.

Commissioner Wells felt the Board could vote on this budget subject to clarification of the phone request.

On motion made by Commissioner Wells, seconded by Commissioner VanLandingham to adopt the Animal Shelter's budget subject to clarification on the BellSouth bill in the amount of \$409 and also that there will be no experimentation on the animals. The motion carried 5-0.

PUBLIC WORKS DIRECTOR

Mr. Pullium remarked that this budget included the Director and also the secretaries.

Chairman Dunn said he had no questions on this budget.

On motion made by Commissioner Wells, seconded by Chairman Dunn to adopt the Public Works Director's budget as recommended by staff. The motion carried 5-0.

ROAD DEPARTMENT BUDGET

Commissioner Wells questioned hauling services. She noted that \$13,000 had been spent.

Commissioner VanLandingham asked if the hauling was done with county trucks.

Commissioner Wells replied no, this was outsourced.

Chris Venice said Mr. Hearn had taken out bids for hauling services and road striping.

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Commissioner Wells questioned technical services on page 265. She noted that the guardrail installation was not defined in the bids as to what the composition of the guardrails was supposed to be. She said some of the guardrails were part metal and part wood.

Ms. Venice interjected that Mr. Hearn was going by the Department of Transportation standards.

Commissioner VanLandingham left the meeting at this time.

Commissioner Wells questioned the ground supplies on page 269. She said last year they asked for \$600 for these items and this year they were asking for \$2,000.

Ms. Venice remarked that they had spent \$1,500 the year before.

Chairman Dunn pointed out that this particular area was one in which the County Administrator would concentrate a lot of efforts this year as far as management and the leadership in this department. He said it was very important that the execution of this money be used for what the Board deemed necessary for the County.

Ms. Venice remarked that as of June 15th she would be providing the Board with an annual work program for the money in asphalt and tac and the Board would know the amount of money that would be spent for these for the rest of this year.

On motion made by Commissioner Wells, seconded by Commissioner Pfeifer to adopt the Road Department's budget as recommended by Staff. The motion carried 4-0. Commissioner VanLandingham was absent for the vote.

There being no further business to come before the Board, Chairman Dunn adjourned the meeting at 6:35 p.m.

Karen Morley, Chief Deputy Clerk

Gregory M. Dunn, Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 7th day of September, 2005.

Karen Morley, Chief Deputy Clerk