COUNTY DEPARTMENT AGENDA REQUEST

Department:	Magistrate Judges	Presenter(s):	Judge Bob Ruppenthal
Meeting Date:	Wednesday, January 5, 2011	Type of Request:	New Business

Wording for the Agenda:

Consideration of a request from Chief Magistrate Judge Bob Ruppenthal.

Background/History/Details:

Judge Ruppenthal, representing the four Magistrate Judges, has items to discuss with the Board of Commissioners. The three items involved would require changes in the County's local legislation which governs Fayette County's Magistrate Court. The three issues to be discussed are:

1. Salary structure for Magistrate Judges
2. Qualifications of Magistrate Judges
3. Vacancies in the Chief Magistrate's position

If agreement is reached on any of these issues, legislation amending the current local act would be introduced in the upcoming 2011 General Assembly Session.

What action are you seeking from the Board of Commissioners?

Discussion and possible action to support any/all of the requests.

If this item requires funding, please describe:

Not applicable at this time. Changes in the salary structure for Magistrate Judges, if approved, could effect annual budget requirements.

Has this issue come before the Commissioners in the past?	No	If so, when?	
Do you need audio-visual for the presentation?	No	Back-up Material Submitted?	Yes

STAFF USE ONLY

Approved by Finance	Not Applicable	Reviewed by Legal	Yes
Approved by Purchasing	Not Applicable	Approved by County Clerk	Yes
Administrator's Approval	Yes		

Staff Notes:

MEMO

To: Jack Krakeel
From: Bob Ruppenthal
Date: November 23, 2010

Re: Proposal for Modification to Local Legislation Concerning Fayette County Magistrate Court

Dear Jack:

Pursuant to our earlier discussion, I would like the Fayette County Commissioners to consider supporting a change to the local legislation concerning the Fayette County Magistrate Court during its December 1, 2010 workshop.

There are three issues we seek to resolve. First, we propose that the qualifying requirements for a judge be modified. The change we propose below would improve the stature of the Court in the legal community, would enable our Court to assist other courts as needed, and would bring us in-line with the other metro-Atlanta counties. Second, we propose that the pay structure for Magistrates be linked to the Superior Court judges' salary. The Magistrate Court is the only court in the county that has not been similarly "linked." With this change, the Magistrates will be treated the same as all the other County judges, Solicitor, District Attorney, Clerk of Court, and County Commissioners. In addition, the issue of our judges' pay would become a purely budgetary issue. Third, even though we continue to support the authority of the Chief Superior Court Judge to appoint the Chief Magistrate Judge as has been the requirement for Fayette County since the court's inception, we believe that any such appointment should be restricted to the Magistrate Judges who have been duly elected by the Fayette County voters.

Therefore, I would propose the following:

1. Qualifications to serve as Magistrate Judge in Fayette County to be amended to require: individual is over 25 years of age; a resident of Fayette County for more than one year; and, an attorney admitted to practice law in good standing with the Georgia Bar Association for seven or more years, or in the alternative, a judge of Magistrate Court of Fayette County in good standing for seven or more years.

2. Salaried compensation for each Magistrate Judge in Fayette County to be amended to: each Magistrate Judge in Fayette County shall be compensated at the rate of 18% of the existing Superior Court Judge base salary for a Fayette Superior Court Judge, or such amount as may be amended, plus any COLAs or supplements as required or provided for any Magistrate and for services as Chief Magistrate

3. In the event of a vacancy for Chief Magistrate in the Fayette Magistrate Court due to the death, incapacity, retirement, removal, or expiration of the elected term of the then serving Chief Magistrate, the Chief Superior Court Judge shall be authorized to appoint as Chief for the Magistrate Court any of the other duly elected Magistrates.

As you know, these and other changes have been considered for some time. However, due to the recent death of one of our judges, we reviewed all issues concerning the composition of the judges in Fayette's Magistrate Court. After this review, it was agreed that these are the only necessary changes at this time. It is also agreed that these changes should be implemented early in 2011. Therefore, we respectfully request that the Commission consider this Memo during its December 1, 2010 workshop and approve publication of the legal "Notice Of Intention To Introduce Local Legislation" with the Fayette News during the month of December in anticipation of submission to the legislature in January of 2011.

Thank you for your assistance in this matter. Feel free to contact me if you need anything further from me or if I can be of any assistance.

Sincerely,

Robert A. Ruppenthal
Chief Magistrate Judge
Fayette County Magistrate Court

Cc: Hon. James A. White
Hon. Joseph Tinsley