



The Probate Court of Cook County

L. Chase Daughtrey, Judge

Memo

Date: May 5, 2011

To: Commission Chairman Jeff Lane
Commissioner Debra Robinson
Commissioner Mike Dinnerman
Commissioner Brett Kelly
Commissioner Ronnie Joe Sumner

From: Chase Daughtrey

RE: Proposed FY 2012 Budget – Probate Court 24500

51.1100 Regular Employees

FY 2011 = \$42,350.00

FY 2012 = \$42,350.00 (Subject to change per salary study and scale)

Difference = \$0 (Subject to change per salary study and scale)

Under my FY 2011 Budget my Clerk of Court Gail White is paid at \$11.03 an hour (\$22,942 annually) and Suzanne Bennett is paid at \$9.33 an hour (\$19,404 annually). In the FY 2011 Budget Proposal, I asked for a 15% pay increase for both Gail and Suzanne. Gail White has served the county and its citizens for over 14 years here at the Probate Court and Suzanne Bennett has served the county and its citizens for 5 years. I was denied that increase. Currently, you have entered into an agreement with Condrey and Associates to look at and analyze the salaries of Cook County's employees. It is my understanding that you will receive a proposal from them around mid summer. It is also my understanding that the Board will set aside a certain amount of funds in contingency to be earmarked for pay increases per the pay scale that Condrey and Associates presents to the board. However, I understand that the county may not be able to fully fund the scale initially, but over time. Please let this serve as notice that I respectfully request for a pay increase for my employees based on the scale that Condrey and Associates deems appropriate. I am not going to affix a dollar amount in this budget with regards to pay raises at this time. Per a letter that was sent to you by the Constitutional Officers dated April 29, 2011, we are planning to meet with you and discuss pay increases based on the scale. I will make my recommendation on pay raises for my employees at that time.

For the record, our office handles well over 100 calls a day, we have had so many calls coming in we had to add an additional telephone line. We processed over \$1.2 million in fines and fees in 2009 and another \$800,000 plus in 2010. Not to mention that we on average issue over 300 firearm permits, handled 6000 traffic cases, and process hundreds of birth and death certificates on top of issuing marriage licenses and handling mental health cases in a year. My point is, we

never have any down time and often around days we have court, they work in excess of their 40 hour work week. Their devotion to their job and doing their job well is reason enough for me to request this pay increase.

51.1101 Constitutional Officer

FY 2011 = \$55,700.00

FY 2012 = \$55,700.00

Difference = \$0

51.1200 Temporary Employees

FY 2011 = \$11,430.00

FY 2012 = \$11,430.00 (Subject to change per salary study and scale)

Difference = \$0 (Subject to change per salary study and scale)

Martha Hall currently serves as our temporary employee and is paid \$7.85 per hour. Martha plays a critical role in this office Monday through Wednesday and a half of a day on Thursday. Martha provides support to both the traffic and probate clerks as well serves as our ambassador at the window when citizens come or call the Probate Court. My predecessor advised you during the FY 09 Budget process that this office is in need of 3 Full Time Employees even though it was losing its role in elections. I agree with Judge Cowart's assessment, however, I feel that with our current workload cupped with a part time solicitor that we will be able to perform the duties of this office effectively and not face a backlog like that of my predecessor only if you fund this position. Having said that, I respectfully a pay increase for Martha Hall per the scale that is set by Condrey and Associates.

51.2101 Hospitalization Insurance

FY 2011 = \$14,400.00

FY 2012 = \$14,400.00

Difference = \$ 0

FY 2012 figure is based on FY 2011 figure, subject to change.

51.2102 Dental Insurance

FY 2011 = \$900.00

FY 2012 = \$900.00

Difference = \$0

FY 2012 figure is based on FY 2011 figure, subject to change.

51.2200 Social Security

FY 2011 = \$8,680.00

FY 2012 = \$8,680.00

Difference = \$0

FY 2012 figure is based on FY 2011 figure, subject to change.

51.2400 Retirement

FY 2011 = \$3,920.00

FY 2012 = \$3,920.00

Difference = \$0

FY 2012 figure is based on FY 2011 figure, subject to change.

52.1201 Attorney Services

FY 2011 = \$5,000.00

FY 2012 = \$5,000.00

Difference = \$0

52.1202 Auditors

FY 2011 = \$2,000.00

FY 2012 = \$2,000.00

Difference = \$0

As I stated last year, I like to have a second set of eyes reviewing my books. This past year, Henderson and Godby, a CPA firm out of Valdosta performed a material weakness test and spot audit. I wish to have them come again this year and perform the same.

52.1204 Committal Hearings

FY 2011 = \$1,000.00

FY 2012 = \$1,000.00

Difference = \$0

These funds are used to pay for Committal Hearings heard by the probate court judge of Thomas County. When a person who is domiciled in Cook County is receiving treatment at Southwestern State Hospital on a 10-13 Order and additional treatment is needed, the Thomas County Probate Judge has a hearing to determine if committing the person for a longer period is needed. Since that person is domiciled in Cook County and certain people who are involved in those committal hearings were picked up on a Cook County 10-13 Order, we are required to cover the cost of that hearing.

52.1206 Indigent Attorneys

FY 2011 = \$7,000.00

FY 2012 = \$7,000.00

Difference = \$0

This is to cover the cost of court appointed attorneys on Guardianship and Probate cases in where they may be a minor or an adult ward involved who needs a guardian ad litem or an attorney to

represent their interest, however, they or their estate is not financially able to obtain one. This line item covers that aspect, as well as, our Public Defender fees for Criminal Court. Matthew Bennett, Probate Public Defender, bills the county \$125 per case for each one he is appointed. The court, assess \$150 restitution for those fees when a defendant is found guilty or pleads guilty. Most of these funds are collected through Probation and distributed back to the county. You will note a difference in the amount that is billed and the amount that is assessed. We add that additional \$25 to offset any cost of a case in where a person is not given probation and cannot pay the \$125 or if a person is found not guilty.

52.1213 Solicitor

FY 2011 = \$10,000.00

FY 2012 = \$20,000.00

Difference = \$10,000.00 Increase

So far, Clay Tomlinson has been a valuable asset to you, the Board of Commissioners, considering Clay's presence in court prevents Troopers and Deputies from having to prosecute their own cases. As I am sure each of you remember, in June 2009, I was forced to dismiss \$8,000 worth of traffic citations because no State Troopers came to court to prosecute their cases. The Georgia State Patrol has been good to Cook County in regards to writing citations that have helped produce a substantial amount of revenue. With them working three counties and serving several different courts, it is not possible to have them here all the time. Not to mention that we are prosecuting DUI's and Suspended License cases at a rapid pace that is resulting in the county getting their money quicker, as well allowing these defendants to dispose of these cases where they can move on with life. Since this program has been so successful, counties around the state are moving to hire Private Solicitors to work Probate Court and Municipal Courts (i.e. City of Adel). As of January 1, 2011, we have found that in the 18 months that Clay has been serving as Solicitor; he has handled and disposed of 475 cases that could still be on the Superior Court calendar waiting to be disposed of (we were told it would only be around 200 a year, so far it is averaging around 300 cases a year). The Probate Courts handling of these more serious misdemeanors is allowing the Superior Court to focus on more serious felonies and civil cases. Since the inception of the Solicitor's position, we have begun to asses a \$40 court cost on certain cases, as well as, we have doubled the failure to appear fine from \$50 to \$100. Since making those changes, in 2009 we collected \$38,131.31 in court cost and late fees and in 2010 we collected \$34,413.91 in court cost and late fees. That is a total of \$75,545.22 that has been collected in two years to offset the cost of having a solicitor and making a few minor changes in how we handle court every month. Clay has also been keeping a tally of hours that he works, handling Cook Probate Cases, so far, he has been averaging 30-40 hours per month on our court. Considering the going rate for an attorney is \$150 per hour, I feel that an increase to \$20,000 a year is reasonable, again, considering the amount of money that we have taken in per year to cover his cost. Taking those numbers into consideration, I request that you increase the Solicitors salary to \$20,000

52.1301 Microfilming

FY 2011 = \$300.00

FY 2012 = \$300.00

Difference = \$0

52.2320 Rental of Equipment

FY 2011 = \$2,808.00

FY 2012 = \$2,808.00

Difference = \$0

This covers our five year lease with Colson Printing on our fax/printing machine.

52.3110 Liability Insurance

FY 2011 = \$ 3,235.00

FY 2012 = \$ 3,235.00

Difference = \$0

FY 2012 figure is based on FY 2011 figure, subject to change.

52.3201 Telephone

FY 2011 = \$3,000.00

FY 2012 = \$3,000.00

Difference = \$0

52.3202 Postage

FY 2011 = \$3,000.00

FY 2012 = \$3,500.00

Difference = \$500.00 Increase

With the amount of citations being written and to be in accordance with state law in regards to issuing bench warrants for the arrest of individuals who fail to appear, we send letters to everyone who has not paid their citation two weeks prior to court. This helps us accomplish two things, the first being that no one cannot say they were unaware of their court date, because the date is written on the citation and we send them a letter advising them of their court date again. Second, under O.C.G.A. 17-7-90, a Uniform Traffic Citation is not sufficient by itself to meet the requirements of notifying a person of their court date. Therefore, by sending the letter this gives us cover in collecting our \$100 failure to appear charge and for issuing a bench warrant for failure to appear. I am asking for an increase in this line item for two reasons. The first is based on our pattern of using postage. In FY 09 we spent \$3359 and in FY 10 we spent \$3446 on postage. This year, the number is down due to the decrease in the amount of citations and in return the amount of arraignment notices being sent. With the number of citations now being written, I feel that a small increase would be warranted.

52.3203 Internet

FY 2009 = \$0

FY 2010 = \$0

Difference = \$0

52.3300 Advertising

FY 2011 = \$500.00

FY 2012 = \$750.00

Difference = \$250.00 Increase

This covers the invoices that we get from the Adel News Tribune regarding notices to parents in Guardianship cases in which a parent must be notified of the pending case and their whereabouts are unknown and the petitioner has filed as a pauper. With the economy in the state that it is in, DFCS appears to be sending more and more people to the Probate Court for guardianships. This increase should cover all citations that must appear in the newspaper.

52.3501 Employee Mileage

FY 2011 = \$750.00

FY 2012 = \$1,100.00

Difference = \$350.00 Increase

I have asked for this line item to be increased due to the raising of the millage rate by the county, as well as, the fact that the CPCJ has split our training into multiple weeks. At a minimum, I will have to travel to Athens twice and to Savannah once. We have also started a certified clerks training program in which my clerks will be required to travel to several parts of the state for training.

52.3502 Hotel/Motel Expenses

FY 2011 = \$800.00

FY 2012 = \$800.00

Difference = \$0

I would like to ensure that I have Hotel dollars for myself and clerks to attend state mandated training.

52.3503 Meals During Travel

FY 2011 = \$75.00

FY 2010 = \$100.00

Difference = \$50.00 Increase

52.3504 Other Travel Expenses

FY 2011 = \$150.00

FY 2012 = \$100.00

Difference = \$50.00 Decrease

52.3600 Dues and Fees

FY 2009 = \$200

FY 2010 = \$200

Difference = \$0

This covers my membership for COAG and the Council of Probate Court Judges

52.3601 Bailiff Fees

FY 2011= \$1,500.00

FY 2011 = \$2,000.00

Difference = \$500.00 Increase

I am asking for this increase to use a bailiff rather than deputies for court hearings, primarily, civil cases. I feel that it is more cost effective to use a bailiff rather than a Sheriff's Deputy.

52.3603 Witness Fees/Subpoena

FY 2011 = \$2,000.00

FY 2012 = \$2,000.00

Difference = \$0

We usually average 7 deputies per court day, I want to ensure we have enough money to pay them for coming to court. They are paid \$20 each for every court appearance they are subpoenaed too.

##.#### Court Reporter

FY 2011 = \$0.00

FY 2012 = \$500.00

Difference = \$500.00

I would like to request that a new line item be included to cover the cost of a court reporter. I have at least two trials that are coming up in which there is a strong chance, due to the assets, that these cases will end up at the Court of Appeals on appeal. I would like to be able to employ the services of a court reporter for these cases. Also, any criminal case that is appealed to the Court of Appeals will require a transcript, even though we record all hearing digitally, an actual transcript will be required. My research has led me to believe that it is cheaper to have a reporter in court rather than pay one to transcribe a hearing after the fact.

##.#### Translator

FY 2011 = \$0

FY 2012 = \$500.00

Difference = \$500.00

On August 16, 2010, we received a letter from Assistant U.S. Attorney General Thomas E. Perez of the Civil Rights Division of the US Justice Department informing us, and other courts in Georgia, that we are required to have certified court translators in our courts when processing those with a language barrier. We have also been put on notice that the Justice Department will begin to spot check courts in Georgia to ensure that they are in compliance. For your information, when we currently have a defendant who has a language barrier, they usually have someone with them who can translate. I ask these "translators" to sign an interrupters affidavit and we include it with the case file. It is my understanding that will not suffice. I respectfully ask you to include this new line item and fund it appropriately.

52.3700 Education and Training

FY 2011 = \$845.00

FY 2012 = \$845.00

Difference = \$0

This covers the cost of the fee that is charged by the University of Georgia for us to attend mandated training.

53.1102 Office Supplies

FY 2011 = \$4,500.00

FY 2012 = \$4,500.00

Difference = \$0

53.1300 Food

FY 2011 = \$325.00

FY 2012 = \$325.00

This cost will cover a Thanksgiving and Christmas Lunch for my employees.

53.1400 Books and Periodicals

FY 2011 = \$260.00

FY 2012 = \$400.00

Difference = \$140.00 Increase

54.2401 Computer Purchase

FY 2011 = \$1500.00

FY 2012 = \$1500.00

Difference = \$0

54.2402 Computer Maintenance

FY 2011 = \$20,000.00

FY 2012 = \$14,600.00

Difference = \$5,400.00 Decrease

In the FY 11 Budget, \$15,000.00 of the \$20,000 went to pay for our computer software. Our payment plan was to pay for the software in two years, totaling \$30,000. The software should be paid for in February, 2012, after that point, we will only be required to pay a service fee annually. Based on the contract, we will have to pay \$1,500 for 5 months of FY 12, and then pay \$300 a month for the remaining 7 months. In FY 12, we have \$9,600.00 that will be owed to the Software Company (ICON) and then additional \$5,000 for maintenance over the year.

54.2501 Office Equipment Purchase

FY 2011 = \$1,000.00

FY 2012 = \$6,000.00

Difference = \$5,000.00 Increase

In 2010, The Georgia General Assembly passed Senate Bill 308 which requires that all firearm permit applicants are to receive a license that has a photo, fingerprint, and a hologram on them starting January 1, 2012. It will look and feel similar to a Drivers License. The current license is a laminated piece of paper with a finger print only. The Council of Probate Court Judges attempted to have the implementation of this law pushed backed until 2013 until the Department of Administrative Services could get us a price tag on the equipment and materials. There appears to be only one vender approved by the state who can supply the courts with the computer, camera, technology, and materials. Due to this unfunded mandate, I am asking for a \$5,000 increase to cover the cost of these changes.

54.2502 Office Equipment Maintenance

FY 2011 = \$300.00

FY 2012 = \$300.00

Difference = \$0

TOTAL:

FY 2011 = \$211,960.00

FY 2012 = \$223,143.00

Increase = \$11,183.00

Additional Notes:

In addition to collecting \$75,545.22 in court cost to offset the salary of the Solicitor, we have also collected \$53,630.50 from old traffic citations. In January, 2009, I entered into a contract with SC Services, a firm that handles debts owed to governments/courts. SC Services is attempting to collect fines owed on thousands of citations that were not paid, that date back to 1985. This is money that the county was not getting prior to me taking office. Since January 1, 2009, I have collected \$129,175.72 in old fine money and court cost; this more than covers any increases that I wish to cover in this Fiscal Year. We are also working with our software vender, ICON, to keep a 2% surcharge on all online credit card payments for traffic citations; this should also add several thousands of dollars to the county's coffers. Please note that certain increases in my budget are due to Federal and State mandates in which I have any control over. I would also like to note that the increase in my budget reflects a 0.0014% increase to the county's total budget. I would greatly appreciate your consideration in funding my requests for FY 2012. Thank you for your time.

Gail White, Clerk of Court
Suzanne Bennett, Clerk
Martha Hall, Clerk
Clayton Tomlinson, Solicitor
Matthew Bennett, Public Defender

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