

**AN ORDINANCE TO AMEND THE FY2023 OPERATING AND CAPITAL BUDGET FOR ATHENS-CLARKE COUNTY, GEORGIA SO AS TO PROVIDE STATE AND LOCAL GRANT FUNDING FOR JUVENILE COURT JUDGES SALARIES AND BENEFITS; AND FOR OTHER PURPOSES.**

The Commission of Athens-Clarke County, Georgia hereby ordains as follows:

SECTION 1. The Commission of Athens-Clarke County, Georgia desires to amend the General Fund Operating Budget to provide funding from the state and Oconee County for salary and benefits of Juvenile Court judges.

Said Operating & Capital budget is hereby amended as follows:

**General Fund:**

REVENUES:

Increase:

State Grant funding	\$58,640
Oconee County funding	<u>\$25,360</u>
Total	\$84,000

EXPENDITURES

Increase:

Juvenile Court:	
Salary and Benefits	\$84,000

SECTION 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**THE UNIFIED GOVERNMENT OF ATHENS-CLARKE COUNTY  
COMMISSION AGENDA ITEM**

**SUBJECT:** Intergovernmental Agreement Between Oconee County and the Unified Government of Athens-Clarke County - Juvenile Court Judge Cost Sharing

**DATE:** April 27, 2022

**BUDGET INFORMATION:**

REVENUES:	\$100,000	State Grant
	<u>\$ 25,360</u>	<u>Oconee County based on case load</u>
	\$125,360	TOTAL available for salaries of juvenile court judges

EXPENSES:		
ANNUAL:	\$ 84,000	Part-time Juvenile Court Judge
	<u>\$142,800</u>	<u>Full-time Judge (already on ACCGov payroll)</u>
	\$226,800	TOTAL (approximate for Judges salaries)

	<u>\$84,000</u>	<u>Approximate cost to add part-time judge to ACCGov payroll</u>
--	-----------------	--

CAPITAL:

OTHER:

FUNDING SOURCES:	State Grant (Council of Juvenile Court Judges) Oconee County
------------------	---

**COMMISSION ACTION REQUESTED ON:** June 7, 2022

---

**PURPOSE:**

To request that the Mayor and Commission:

- a. Authorize the execution of the Intergovernmental Agreement between Oconee County and the Unified Government of Athens-Clarke County (ACCGov) for the Juvenile Court judges cost sharing (**Attachment #1**);
- b. Authorize moving the part-time judge position from Oconee County to ACCGov's payroll;
- c. Approve a budget amendment (**Attachment #2**) to the FY23 Operating Budget for Juvenile Court; and

- d. Authorize the Mayor and appropriate staff to execute all related documents and to allocate the budget based on the intergovernmental agreement.

---

**HISTORY:**

1. On October 1, 2020, following the end of term and retirement of Judge Robin Shearer, Amanda Trimble was appointed Presiding Judge of the Juvenile Court by majority vote of all the Superior Court Judges of the Western Judicial Circuit, pursuant to O.C.G.A. § 15-11-50 and O.C.G.A § 15-11-52,.
2. On October 1, 2020, Kamau Hull was appointed as the part-time judge for Juvenile Court by majority vote of all the Superior Court Judges of the Western Judicial Circuit.
3. On February 23, 2022, staff received notice of ARPA grant funds awarded to the Western Judicial Circuit. This included \$26,600 to increase the number of days for the part-time judge. Funding is guaranteed through December 31, 2022 for year one of the grant. Circuits are allowed to reapply for funding for CY23 and CY24.

---

**FACTS & ISSUES:**

1. Athens-Clarke County and Oconee County make up the Western Judicial Circuit, sharing two Juvenile Court judges with one being employed full-time and one being employed part-time. Currently, the full-time judge is on ACCGov's payroll, and the part-time judge is on Oconee's payroll.
2. O.C.G.A § 15-11-52 sets the minimum salary for Juvenile Court judges at no less than \$20K for each day worked weekly. The compensation of the full-time or part-time juvenile court judge is set by the Superior Court with approval of the governing authority of the counties. Following the appointment of Judge Kamau Hull as the part-time judge for Juvenile Court, the Superior Court judges decided to increase the part-time position from an average of 2.5 days per week at \$50,000 to an average of 3 days per week at \$60,000 in order to efficiently manage the current caseload and expand mediation services to better serve the children and families that come through Juvenile Court.
3. Although the Juvenile Court has one full-time and one part-time judge, it is well known that the part-time judge has historically performed the workload closer to a full-time judge. With the appointment of two new judges in the Juvenile Court, in addition to the challenges brought on by the COVID-19 pandemic, it is reasonable to increase the number of days for the part-time judge.
4. Pursuant to O.C.G.A. § 15-11-52, the State shall contribute toward the salary of the judges on a per circuit basis with each circuit having one or more juvenile court judges receiving a state grant of \$100,000.

5. Oconee County and ACCGov have agreed to move the part-time judge position to ACCGov's payroll, and in return ACCGov shall receive one hundred percent (100%) of the state grant funds, the entirety of which will be applied to the salaries of the juvenile court judges pursuant to O.C.G.A. § 15-11-52.
6. Historically, the cost sharing of the juvenile court judges has been calculated based on the case load for each respective county. Oconee County and ACCGov wish to split the additional cost of compensation and benefits for the juvenile court judges based on the relative usage of the court by each county's case load. Based on recent case counts, the mutually agreed upon amount for Oconee County's cost share is \$25,360, which is twenty percent (20%) of the juvenile court judges' approved compensation after accounting for the total state grant (**Attachment #3**).
7. Mayor and Commission Goals and Strategies Area: Provide responsive, equitable, and humane public safety services, including judicial operations through community collaboration.

---

**OPTIONS:**

1. Mayor and Commission:
  - a. Authorize the execution of the Intergovernmental Agreement between Oconee County and the Unified Government of Athens-Clarke County (ACCGov) for the Juvenile Court judges cost sharing (**Attachment #1**).
  - b. Authorize moving the part-time judge position from Oconee County to ACCGov's payroll;
  - c. Approve a budget amendment (**Attachment #2**) to the FY23 Operating Budget for Juvenile Court; and
  - d. Authorize the Mayor and appropriate staff to execute all related documents and to allocate the budget based on the intergovernmental agreement.
2. Mayor and Commission deny acceptance of the intergovernmental agreement between Oconee County and the Unified Government of Athens-Clarke County.
3. Mayor and Commission defined option.

---

**DEPARTMENT RECOMMENDED ACTION:** Option #1 a, b, c & d

---

**DEPARTMENT:**

Prepared by: Elisa Zarate

*Elisa Zarate*

Elisa Zarate

4/27/2022

Date:

---

**ADMINISTRATIVE COMMENTS:**

---

**ADMINISTRATIVE RECOMMENDATION:** Option #1 a, b, c, & d



Manager

May 11, 2022

Date:

**ATTACHMENTS:**

Attachment 1 - Intergovernmental Agreement

Attachment 2 – Budget Ordinance

**INTERGOVERNMENTAL AGREEMENT BY AND BETWEEN OCONEE COUNTY  
AND THE UNIFIED GOVERNMENT OF ATHENS-CLARKE COUNTY**

This Intergovernmental Agreement, made and entered into as of the effective date hereinafter described, by and between Oconee County, Georgia, a body politic and corporate and a political subdivision of the State of Georgia (“OCONEE”), and the Unified Government of Athens-Clarke County, Georgia, a body politic and corporate and a political subdivision of the State of Georgia (the “ACCGov”),

**WITNESSETH:**

WHEREAS, the Constitution of the State of Georgia authorizes governments in this state to enter into contracts with each other for governmental purposes; and

WHEREAS, Athens-Clarke County and Oconee County makes up the Western Judicial Circuit, and as such, share two juvenile court judges with one being employed full-time and one being employed part-time; and

WHEREAS, pursuant to O.C.G.A. § 15-11-52 the compensation of the full-time or part-time juvenile court judge shall be set by the superior court with approval of the governing authority of the counties; and

WHEREAS, further pursuant to O.C.G.A. § 15-11-52 the state shall contribute toward the salary of the judges on a per circuit basis with each circuit having one or more juvenile court judges receiving a state grant of one hundred thousand dollars (\$100,000); and

WHEREAS, OCONEE and ACCGOV agree that ACCGOV shall place both judges on ACCGov payroll and in return ACCGov shall receive one hundred percent (100%) of the state grant funds, the entirety of which will be applied to the salaries of the juvenile court judges pursuant to O.C.G.A. § 15-11-52; and

WHEREAS, OCONEE and ACCGov wish to split the additional cost of compensation and benefits for the juvenile court judges based on the relative usage of the court by each county’s case load.

NOW THEREFORE, for and in consideration of the mutual covenants contained herein, the sufficiency of such consideration being hereby acknowledged, the parties do hereby agree as follows:

1. Payment by OCONEE to ACCGOV

- a. Subject to the provisions of this section, OCONEE will be responsible for reimbursing ACCGOV the agreed upon share of the juvenile court judges’ approved compensation after accounting for the total state grant. For the Fiscal Year 2023 this amount shall be \$25,360.00 and the method of calculating same is attached as Exhibit A.

- b. The parties agree that they will review the amount paid hereunder every three years and include in that review consideration for the case load, approved benefits and approved compensation. Changes to juvenile court judges' compensation or benefit package should be approved by both counties for inclusion in the 3-year review.
- c. All payments by OCONEE to ACCGOV shall be made by September 15<sup>th</sup> of each year during the term of this Agreement and shall be sent to the following address:

Athens-Clarke County Government  
Attn: Finance Department  
375 Satula Avenue  
Athens, GA 30601

- 2. It is mutually agreed between the parties hereto that this Agreement shall be deemed to have been executed in the State of Georgia, and that all questions of interpretation and construction shall be governed by the laws of the State of Georgia.
- 3. The covenants herein contained shall, except as otherwise provided, accrue to the benefit of and be binding upon the successors and assigns of the parties hereto.
- 4. If any provision of this amendment is determined to be invalid or unenforceable, the remaining provisions shall remain in force and unaffected to the fullest extent permitted by law and regulation.
- 5. Nothing contained herein shall be construed as conferring upon or giving to any person, other than the parties hereto, any rights or benefits under or by reason of this Agreement.
- 6. The above "Whereas" clauses are hereby incorporated by reference as though fully set forth herein.
- 7. This Agreement supersedes all prior negotiations, discussion, statements and agreements between the parties and constitutes the full, complete and entire agreement between the Parties with respect hereto; no member, officer, employee or agent of either party has authority to make, or has made, any statement, agreement, representation or contemporaneous agreement, oral or written, in connection herewith, amending, supplementing, modifying, adding to, deleting from, or changing the terms and conditions of this Agreement. No modification of or amendment to this Agreement will be binding on either Party hereto unless such modification or amendment will be properly authorized, in writing, properly signed by both Parties and incorporated in and by reference made a part hereof.
- 8. The initial term of this agreement shall begin July 1, 2022, and shall run for a period of ten years with two automatic renewals of five years each. Either party may elect to not renew this agreement by giving written notice to the other party between July 1 and December 31 of the last year of the then current term.

9. The effective date shall be the date that the last party hereto executes this Agreement.

In Witness Whereof, the parties hereto have executed this Agreement as of the effective date described hereinabove.

OCONEE COUNTY BOARD OF COMMISSIONERS

By: \_\_\_\_\_  
Chairman, Oconee County Board of Commissioners

Attest: \_\_\_\_\_  
Clerk of Commission

**(SEAL)**

THE UNIFIED GOVERNMENT OF  
ATHENS-CLARKE COUNTY, GEORGIA

By: \_\_\_\_\_  
Mayor

Attest: \_\_\_\_\_  
Clerk of Commission

**(SEAL)**

# Juvenile Court Judge Cost Sharing

## EXHIBIT A      Exhibit A

Judge I - Approved Salary	FT	102,000
Judge II - Approved Salary	PT	60,000
Total Salaries		<u>162,000</u>
Fringe 40%		<u>64,800</u>
Total Expense		226,800
State Grant		<u>(100,000)</u>
Net Expense		<u><u>126,800</u></u>
Oconee Share	20%	25,360