

HABERSHAM COUNTY BOARD OF COMMISSIONERS

EXECUTIVE SUMMARY

**SUBJECT:** Mountain Judicial Circuit Wide Billing Intergovernmental Agreement (IGA)

**DATE:** November 12, 2024

**BUDGET INFORMATION:** Revenue Generating MOU  
ANNUAL-  
CAPITAL-

RECOMMENDATION  
 POLICY DISCUSSION  
 STATUS REPORT  
 OTHER

**PRESENTED BY:** Tim Sims

**COMMISSION ACTION REQUESTED ON:** November 18, 2024

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**PURPOSE:** This Executive Summary is requesting Commission approval of the attached Intergovernmental Agreement (IGA) regarding the Mountain Judicial Circuit expenses that are paid by Habersham County as the administrator of the Circuit. This IGA is between the Habersham County Board of Commissioners, Rabun County, Stephens County and now Banks County for billing of Circuit wide expenses of the Judicial Circuit.

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**BACKGROUND / HISTORY:** Habersham County has an IGA in effect for the billing of these expenses and how the costs are divided up currently. Population figures are the current method of sharing the costs incurred that are true County Wide expenses for the Circuit. Population numbers are updated every 5 years based upon census numbers. This affects the following departments. The Superior Court, District Attorney, Public Defender and the Juvenile Court. The current agreement has been in place since 2009 with a minor revision in 2015. With Banks County joining the Mountain Judicial Circuit in January 2025, the IGA has been updated showing the distribution of expenses with adding Banks County and updated a few items in the old IGA that are no longer practiced.

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**FACTS AND ISSUES:**

- 1) All county expenses associated with the operation of the MJC shall, except as otherwise provided for herein below, be apportioned among Banks, Habersham, Rabun and Stephens in amounts proportionate to their respective populations as determined by the decennial census or the available population estimates every fifth year. The initial apportionment of the MJC county expenses shall be paid at the following percentages until they can be recalculated based upon the 2030 Census information:
    - a) Habersham County 42.8%
    - b) Stephens County 24.1%
    - c) Banks County 17.5%
    - d) Rabun County 15.6%
  - 2) Specifically, Habersham will administer the following as set forth attached hereto and incorporated herein by reference thereto:
    - a) The base-salary payroll and benefits for the Superior Court's court reporters and the payroll supplements for the Superior Courts' state paid staff attorneys, court administrator and judicial assistants. The covered court reporters will continue to charge the individual counties for their respective transcripts and copies as needed.
    - b) The payroll, payroll supplements, benefits, fuel costs, travel costs, cell phone costs and other miscellaneous costs. for the District Attorney as budgeted by the circuit, including the travel, fuel and cell phone expenses of the Chief Investigator for the District Attorney.
    - c) The cost of the Chief Public Defender's salary supplement, the salary and benefits for the secretary
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position and all other county expenses for the Public Defender excluding the expenses for one investigator position. A reimbursement for the Chief Public Defender's salary supplement may be paid by the state to each county.

- d) All Juvenile Court expenses, including payroll and benefits for the part-time Juvenile Court Judge and the Juvenile Court Clerk.
- 3) Automatically renews at the beginning of each Fiscal Year unless given notice otherwise.

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**OPTIONS:**

- 1) Recommend approval of the Intergovernmental Agreement for the Mountain Judicial Circuit (Habersham, Stephens, Banks and Rabun Counties) for the cost sharing of the Circuit Wide Expenses as set forth in the IGA.
- 2) Deny the recommendation of the Intergovernmental Agreement for the Mountain Judicial Circuit (Habersham, Stephens, Banks and Rabun Counties) for the cost sharing of the Circuit Wide Expenses as set forth in the IGA.
- 3) Commission defined alternative

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**RECOMMENDED SAMPLE MOTION:**

Motion to approve the Intergovernmental Agreement for the Mountain Judicial Circuit (Habersham, Stephens, Banks and Rabun Counties) for the cost sharing of the Circuit Wide Expenses as set forth in the IGA.

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**DEPARTMENT:**

Prepared by: Finance on behalf of the Mountain Judicial Circuit

Director: \_\_\_\_\_

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**ADMINISTRATIVE  
COMMENTS:** \_\_\_\_\_

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\_\_\_\_\_ **DATE:** \_\_\_\_\_

County Manager

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**INTERGOVERNMENTAL AGREEMENT FOR PAYMENT OF EXPENSES  
ASSOCIATED WITH THE MOUNTAIN JUDICIAL CIRCUIT AMONG BANKS  
COUNTY, HABERSHAM COUNTY, RABUN COUNTY AND STEPHENS COUNTY**

This Intergovernmental Agreement made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2024 by and among the Board of Commissioners of Banks County (hereinafter referred to as "Banks"), the Board of Commissioners of Habersham County (hereinafter referred to as "Habersham"), the Board of Commissioners of Rabun County (hereinafter referred to as "Rabun") and the Board of Commissioners of Stephens County (hereinafter referred to as "Stephens").

WHEREAS, Banks, Habersham, Rabun and Stephens are the four counties comprising the Mountain Judicial Circuit (hereinafter referred to as "MJC") effective January 1, 2025; and

WHEREAS, the MJC is served by a Public Defender, Juvenile Court, Superior Courts, and District Attorney in Banks, Habersham, Rabun and Stephens; and

WHEREAS, the Public Defender, Juvenile Court, Superior Courts, and District Attorney provide identical services for Banks, Habersham, Rabun and Stephens; and

WHEREAS, Banks, Habersham, Rabun and Stephens have significantly different populations; and

WHEREAS, the resources of the Public Defender, Juvenile Court, Superior Courts, and District Attorney are used disproportionately among Banks, Habersham, Rabun and Stephens because of the differing populations; and

WHEREAS, Banks, Habersham, Rabun and Stephens recognize that fairness dictates that the disproportionate use of the resources of the Public Defender, Juvenile Court, Superior Courts, and District Attorney by the counties should not be funded on an equal basis among the four counties; and

WHEREAS, Banks, Habersham, Rabun and Stephens wish to recognize the differing populations among the four counties and apportion the required funding for the Public Defender, Juvenile Court, Superior Courts, and District Attorney accordingly.

THEREFORE, it is hereby agreed as follows:

1.

All county expenses associated with the operation of the MJC shall, except as otherwise provided for herein below, be apportioned among Banks, Habersham, Rabun and Stephens in amounts proportionate to their respective populations as determined by the decennial census or the available population estimates every fifth year. The initial apportionment of the MJC county expenses

shall be paid at the following percentages until they can be recalculated based upon the 2030 Census information:

Habersham	42.8%
Stephens	24.1%
Banks	17.5%
Rabun	15.6%

2.

The parties hereto agree that Habersham will administer the joint funding for the Public Defender, Juvenile Court, Superior Court, and District Attorney. Banks, Rabun and Stephens shall pay their proportionate share of the required expenses no later than ten days after being invoiced by Habersham. A late fee of ten percent shall be assessed for any payments received after the deadline set forth above.

3.

Specifically, Habersham will administer the following as set forth in Exhibit A attached hereto and incorporated herein by reference thereto:

- (a) The base-salary payroll and benefits for the Superior Court's court reporters and the payroll supplements for the Superior Courts' state paid staff attorneys, court administrator and judicial assistants. The covered court reporters will continue to charge the individual counties for their respective transcripts and copies as needed.
- (b) The payroll, payroll supplements, benefits, fuel costs, travel costs, cell phone costs and other miscellaneous costs for the District Attorney as budgeted by the circuit, including the travel, fuel and cell phone expenses of the Chief Investigator for the District Attorney.
- (c) The cost of the Chief Public Defender's salary supplement, the salary and benefits for the secretary position and all other county expenses for the Public Defender excluding the expenses for one investigator position. A reimbursement for the Chief Public Defender's salary supplement may be paid by the state to each county.
- (d) All Juvenile Court expenses, including payroll and benefits for the part-time Juvenile Court Judge and the Juvenile Court Clerk.

4.

Habersham shall be paid a five percent administrative fee which shall be reflected on each invoice sent to Banks, Rabun and Stephens. Additionally, the cost of any required audits for the various departments covered by this agreement shall be shared according to the percentages set forth herein above.

5.

The initial term of this agreement shall be for a period of six months commencing on the 1<sup>st</sup> day of January, 2025 and ending on the 30th day of June, 2025, with said agreement automatically renewing for a subsequent 12-month term at the end of the initial term and for a 12-month term at the end of each term thereafter unless any party shall give notice to the other parties no less than 30 days prior the end of any term of this agreement whether it be the original term or any subsequent renewal term thereafter.

6.

This agreement reflects the entire understanding of the Parties.

HABERSHAM COUNTY  
BOARD OF COMMISSIONERS

By: \_\_\_\_\_  
Chairman

Attest:

\_\_\_\_\_  
Clerk

BANKS COUNTY  
BOARD OF COMMISSIONERS

By: \_\_\_\_\_  
Chairman

Attest:

\_\_\_\_\_  
Clerk

RABUN COUNTY  
BOARD OF COMMISSIONERS

By: \_\_\_\_\_  
Chairman

Attest:

\_\_\_\_\_  
Clerk

STEPHENS COUNTY  
BOARD OF COMMISSIONERS

By: \_\_\_\_\_  
Chairman

Attest:

\_\_\_\_\_  
Clerk

	FY 2025 Budget W/ Banks County Added		Difference
<b>Superior Court</b>		303,040	
Habersham County	42.80%	\$ 129,701	\$ (17,446)
Stephens County	24.10%	\$ 73,033	\$ (12,731)
Rabun County	15.60%	\$ 47,274	\$ (6,651)
Banks County	17.50%	\$ 53,032	
		\$ 303,040	
<b>District Attorney</b>		105,848	
Habersham County	42.80%	\$ 45,303	\$ (5,533)
Stephens County	24.10%	\$ 25,509	\$ (4,120)
Rabun County	15.60%	\$ 16,512	\$ (2,118)
Banks County	17.50%	\$ 18,523	
		\$ 105,848	
<b>Public Defender</b>		892,849	
Habersham County	42.80%	\$ 382,139	\$ (65,004)
Stephens County	24.10%	\$ 215,177	\$ (45,439)
Rabun County	15.60%	\$ 139,284	\$ (24,581)
Banks County	17.50%	\$ 156,249	
		\$ 892,849	
<b>Juvenile Court</b>		277,297	
Habersham County	42.80%	\$ 118,683	\$ (4,799)
Stephens County	24.10%	\$ 66,829	\$ (5,142)
Rabun County	15.60%	\$ 43,258	\$ (1,994)
Banks County	17.50%	\$ 48,527	
		\$ 277,297	
		\$ 1,579,034	
Savings to Stephens			
Savings to Rabun			
Savings to Habersham			

265 Superior Court

Superior Court Circuitwide Reimbursement	Proposed 2025 Budget
Salary (Moore/Short/Smith)	\$ 172,147
Health/Life	56,029
Retirement	8,056
FICA	13,169
W/C	585
Vision	195
Dental	654
Salary Supplements (Julian/Rickman/Wilson)	\$ 45,000
<b>Total Expenses Charged to Circuitwide</b>	<b>\$ 295,836</b>
Habersham 51.3%	\$ 151,764
Stephens 29.9%	88,455
Rabun 18.8%	55,617
<b>Circuitwide Distribution</b>	<b>\$ 295,836</b>
Stephens Admin	\$ 4,423
Rabun Admin	2,781
<b>Total Administrative Fee</b>	<b>\$ 7,204</b>
<b>Stephens Total Projected Reimb. Budget</b>	<b>\$ 92,878</b>
<b>Rabun Total Projected Reimb. Budget</b>	<b>\$ 58,398</b>



266 District Attorney

District Attorney Circuitwide Reimbursement	Proposed 2025 Budget
Salary (Patterson)	56,542
Supplement (Pearson)	12,000
Health/Life	27,048
FICA	4,058
W/C	180
Vision	65
Dental	218
Telephone ( Head Investigator Megan Lewis)	485
Gas/Oil District Attorney (Head Investigator Megan Lewis)	2,590
Veh Parts/Repair/Maintenance	600
<b>Total Expenses Charged to Circuitwide</b>	<b>\$ 103,786</b>
Habersham 51.3%	\$ 53,242
Stephens 29.9%	31,032
Rabun 18.8%	19,512
<b>Circuitwide Distribution</b>	<b>\$ 103,786</b>
Stephens Admin	\$ 1,086
Rabun Admin	976
<b>Total Administrative Fee</b>	<b>\$ 2,062</b>
<b>Stephens Total Projected Reimb. Budget</b>	<b>\$ 32,118</b>
<b>Rabun Total Projected Reimb. Budget</b>	<b>\$ 20,487</b>

267 Public Defender

Public Defender Circuitwide Reimbursement

Proposed 2025 Budget

Salary (Thomason and Newsome)	82,029
Health/Life	20,561
Retirement	3,859
FICA	6,275
W/C	279
Vision	130
Dental	436
Advertising	-
Travel Expense	200
Witnesses	-
Postage	300
Training/Conferences	1,000
Dues	100
Non Vehicle Parts/Repairs/Maintenance	-
Contracted Services (Total minus investigators billed 100% to Stephens & Habersham)	650,956
Rent (billed to Circuit NOT an expense to Hab - based on population breakdown)	75,000
Interpreter	4,000
Utilities	6,000
Supplies	20,500
Small Equipment under 5,000	-
<b>Total Expenses Charged to Circuitwide</b>	<b>\$ 871,625</b>

Habersham 51.3% (does not include rent expense)

Stephens 29.9%

Rabun 18.8%

	447,144
	260,616
	163,865
<b>Circuitwide Distribution</b>	<b>\$ 871,625</b>

Stephens Admin

Rabun Admin

	\$ 13,081
	8,193
<b>Total Administrative Fee</b>	<b>\$ 21,224</b>

Stephens Total Projected Reimb. Budget

Rabun Total Projected Reimb. Budget

	\$ 273,647
	\$ 172,059

268 Juvenile Court

Juvenile Court Circuitwide Reimbursement	Proposed 2025 Budget
Salary (Dailey and Baggett)	\$ 89,639
Juvenile Court Judge Carswell supplement	35,000
Part Time Assistant Judge	60,000
Health/Life	37,622
Retirement	3,725
FICA	17,598
W/C	782
Vision	195
Dental	654
Telephone	540
Advertising	-
Travel	6,000
Postage	250
Training/Conferences	3,000
Dues	1,500
Non Vehicle Parts/Repairs/Maintenance	-
Contracted Services (Legal Research & Emergency Juc	11,200
Supplies	1,500
Small Equip under \$5,000	1,500
<b>Total Expenses Charged to Circuitwide</b>	<b>\$ 270,705</b>
Circuitwide Distribution	
Habersham 51.3%	\$ 138,872
Stephens 29.9%	80,941
Rabun 18.8%	50,893
<b>Circuitwide Distribution</b>	<b>\$ 270,705</b>
Stephens Admin	\$ 4,047
Rabun Admin	2,545
<b>Total Administrative fee</b>	<b>\$ 6,592</b>
<b>Stephens Total Projected Reimb. Budget</b>	<b>\$ 84,988</b>
<b>Rabun Total Projected Reimb. Budget</b>	<b>\$ 53,437</b>