



# Lumpkin County, Georgia

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**Date:** Jan. 27, 2015

**Agenda Item:** Pay for Clerk of Courts

**Item Description:** Request for BOC direction and intent regarding pay for Clerk of Courts

**Facts & Historical Information:**

On January 12, 2016, Clerk of Courts Harkins notified staff that “. . . there was \$3,000 approved in the 2016 Board of Equalization Budget (100-005-15510-00051-511100) . . . based on HB202 effective July 1, 2015.” Clerk Harkins apparently submitted this request during the budget process to be a \$3,000 supplement added to her annual salary. However, while \$3,000 was listed in the BOE budget, it was not specified to either the Board of Commissioners or to staff that the money was intended to be a supplement to the Clerk’s salary.

HB202 includes the language below:

The operations of the appeal administrator under this Code section shall, for budgeting purposes, constitute a distinct budget unit within the county budget that is separate from the operations of the clerk of the superior court. The appeal administrator budget unit shall contain a separate line item for the compensation of the appeal administrator for the performance of duties required under this Code section as well as separate lines items for resources, facilities, and personnel as specified under subparagraphs (B) and (C) of this paragraph.

When calculating pay for elected officials, staff use the resource provided by ACCG, “Computing County Official Salaries for 2016”. This guide does not include any reference to pay for HB202 in its directions for computing the Clerk of Courts’ pay. When ACCG was contacted for guidance, the response was that the law does not direct that the Clerk of Courts is to be paid a specific dollar amount of compensation for acting as the appeal administrator nor does the law specify that a supplement has to be paid.

The ACCG guide states “County commissioners are authorized, but not required, to provide local supplements to the clerk of superior court in addition to the minimum compensation provided by general or local law. However, once a local supplement is given, it may not be

reduced or eliminated during the clerk of superior court's term of office." It would seem that paying the Clerk \$3,000 to function as the appeal administrator would be a supplement and while the Board may direct that the Clerk receive a supplement of any amount, that action must be taken in a clear and direct manner.

Staff requests that the Board of Commissioners give guidance regarding the Clerk's understanding that she should be receiving an additional \$3,000.