

HORNE & EDELBERG, P.C.

Post Office Box 37  
215 Morrison Moore Parkway East  
Dahlonega, Georgia 30533  
706-864-7303 Fax 706-864-8059

KELSO C. HORNE, JR.  
JOY L. EDELBERG

JUNE EDGENS HORNE  
(1983-1992)

February 1, 2016

Stan Kelley, County Manager  
Lumpkin County  
99 Court House Hill, Ste H  
Dahlonega, GA 30533

Re: Coroner Pay

Stan:

The purpose of this letter is to provide an opinion regarding the coroner's compensation. It is my understanding that the coroner believes that his salary had been set by the County at \$12,000 per year in consideration of his agreement to waive all death investigation fees. It is further my understanding that the Board of Commissioners did not take any official action regarding the coroner's compensation.

I have researched Georgia law regarding coroner's compensation. Since Lumpkin County has no local legislation in place, the relevant statute governing the minimum annual salary of the coroner is O.C.G.A. §45-16-11. Pursuant to this statute, the Lumpkin County coroner is entitled to an annual minimum salary of \$3,600.00, plus applicable cost-of-living and longevity increases.

The county governing authority may supplement the minimum annual salary of the coroner in such amount as it may fix from time to time; **but no coroner's compensation supplement shall be decreased during any term of office.**

**The minimum annual salary shall be in addition to any death investigation fees provided for under O.C.G.A. §45-16-27 and any expenses.**

The death investigation fee is \$175 where no jury is impaneled and \$250 where a jury is impaneled. Such fee shall be paid within ten days after receipt of the coroner's monthly statement by the county where the investigation or inquest is held except in counties where the coroner receives an annual salary established through local legislation, in which case no fee shall be imposed upon the county by such salaried coroner or deputy coroner.

**Based on these two statutes, short of local legislation, I find no way to fix the coroner's annual salary at \$12,000 per year. The Board may supplement the minimum annual salary by an amount that ensures a total annual salary of at least \$12,000.00, however, this will not prohibit the coroner from claiming any death investigation fees provided by law.** The coroner may now state that he does not intend to claim any death investigation fees; however, if he later elects to do so, the County would most likely be obligated to pay the fees in addition to the salary. Additionally, a deputy coroner is entitled to the same death investigation fee as the coroner for the performance of services in place of the coroner.

The Board may request local legislation to fix the annual salary of the coroner at an amount higher than the minimum annual salary set by statute. If local legislation is passed establishing an annual salary, the coroner will not be entitled to death investigation fees unless the local Act provides for a salary in an amount less than the amount of compensation the coroner would be entitled to if the coroner were paid death investigation fees. In that case, the coroner could elect to be compensated based on death investigation fees in lieu of the compensation established under the local Act.

Please let us know if you have any further questions. Thank you.

Sincerely,

**Horne & Edelberg, P.C.**  
**County Attorneys**

Joy L. Edelberg

