

Minutes  
Historic Courthouse, Board Chambers, 3<sup>rd</sup> Floor  
225 North Board Street  
June 23, 2015

The 6:00 p.m. at the Historic Courthouse, Commission Chambers, with the following board members present:

Moses Gross, Chairman, Dist. 2	Kenneth E. Hickey, Vice-Chairman, Dist. 3
Merrill E. Baker, Jr., Dist. 1	Mark NeSmith, Dist. 4
Hershel P. Ansley, Dist. 5	Wiley E. Grady, Dist. 6
Phillip V. Brown, Dist. 7	J. Elaine Mays, Dist. 8

Staff present was Michael J. Stephenson, County Manager, Bruce Warren, County Attorney, Toyna Brooks, Board Secretary and Twink Monahan, County Clerk. No media was present.

Chairman Gross called the meeting to order.

Commissioner Hickey gave in invocation and led the Pledge of Allegiance to the Flag.

Chairman Gross recognized Commissioner NeSmith who made a motion to approve the minutes of the June 9, 2015 Board meeting. The motion was seconded by Commissioner Mays. Motion carried unanimously; Chairman Gross, Vice-Chairman Hickey and Commissioners Baker, Ansley, NeSmith, Grady, Brown and Mays voting aye.

Chairman Gross declared a Public Hearing to receive comments concerning application #15-6-1, Zora Jarvis the property owner on Stephens Road, 2.5 acres +/-, Map 43, Parcel 84A. Mr. Jarvis is requesting the R-1 zoning classification be changed to R-3 to allow for one (1) manufactured home on his property for personal use.

Chairman Gross asked if anyone present wanted to speak in favor of the request.

Chairman Gross recognized Gene Jarvis. Mr. Jarvis stated that he wanted to put a used mobile home on the lot. The storage unit and the camper will be removed from the site which leaves one tool shed to remain.

Chairman Gross asked if anyone present wanted to speak in opposition of the request.

Chairman Gross recognized Raymond Baggett. Mr. Baggett stated that allowing mobile home would open the area to more mobile homes and that would affect the property values.

Chairman Gross recognized Joel Hagen of Fredonia Road who questioned putting a mobile home among all the houses.

Mr. Stephenson asked Bill Eddings, Planning and Zoning Director, what the zoning was in the areas surrounding the land in question. Mr. Eddings stated that it was agricultural (AG) area. Mr. Stephenson brought to the attention of the board that all AG property is allowed to have mobile homes as long as certain criteria are met.

Chairman Gross also recognized Tim Stephens of the Hall Road. Mr. Stephens also is opposed.

Chairman Gross asked for additional comments and being none, closed the public hearing.

Chairman Gross recognized Commissioner Mays who made a motion to approve Application #15-6-1, Zora Jarvis,, zoning change for Stephens Road, 2.5 acres +/- , Map 43, Parcel 84A from R-1 to R-3 to allow for a manufactured home for the owner's personal residence. Chairman Gross called for a second of the motion twice. The motion failed for a lack of a second.

Chairman Gross recognized Commissioner Grady who made a motion to approve the Superior Court Reporter Protocol and Annual Budget as presented. The motion was seconded by Commissioner Mays. Motion carried unanimously; Chairman Gross, Vice-Chairman Hickey and Commissioners Baker, Ansley, NeSmith, Grady, Brown and Mays voting aye.

Protocol:

#### **SOUTHERN JUDICIAL CIRCUIT COURT REPORTING PROTOCOL**

This protocol is intended to provide Official Court Reporters, employed by the Southern Judicial Circuit, a reference as to job duties, responsibilities, compensation and benefits.

Beginning **July 1, 2015**, the Official Court Reporters serving for the Southern Judicial Circuit agree to become employees of the Counties of the Southern Judicial Circuit. The purpose of this agreement is to provide a pay and benefits package to each Official Court Reporter in exchange for establishing a fixed cost for court reporting, transcription, and copying for criminal cases involving indigent defendants. To implement that purpose, the Counties of the Southern Judicial Circuit will assume all costs of supplies, materials, equipment, and postage for the preparation and delivery of transcripts in indigent criminal cases. As discussed in greater detail herein, in performing their statutory duties in other types of cases, Official Court Reporters will be allowed the use of public equipment; however, any supplies used to produce transcripts for which the Official Court Reporter is paid by parties or counsel must be carefully accounted for and the cost billed to the Official Court Reporter.

Unauthorized use of government property for private use is prohibited.

For court reporting services in domestic relations cases, the salary of Official Court Reporters reflects the duties necessary to be available for take-down of such proceedings as directed by the Court. The Official Court Reporter is allowed to collect the statutory "take-down" fee from the litigants, and to charge the statutory rate for transcription and copies if requested by a litigant.

In non-domestic, civil cases (except habeas corpus cases) the Official Court Reporters perform similar duties as in domestic cases. They are available for take-down as directed by the Court, and shall be allowed to charge a statutory "take-down" fee to the litigants. Likewise, transcription and copying of transcripts in such cases are charged to the litigants at the statutory rate.

The duties of the Official Court Reporters include attendance to civil and domestic matters for which they are entitled to "take-down" and payment of transcription fees as established by law.

Preparation of transcripts in such matters is not prohibited as "outside employment"; however, preparation of transcripts in criminal proceedings involving indigent defendants shall receive priority in allocation of the usual work day such that the compensation paid by the Counties of the Southern Judicial Circuit is not compromised.

In keeping with the primary purpose to budget court reporting expenses incurred by the Counties of the Southern Judicial Circuit for the reporting, transcription and copying of criminal cases involving indigent defendants, this protocol attempts to outline the specific duties and responsibilities of the Official Court Reporters. If the court reporting duties prove inadequate to serve the express purpose, such duties may be altered to correct same.

### **Judges and Official Court Reporters**

The Southern Judicial Circuit Judges are responsible for the supervision of Official Court Reporters. An Official Court Reporter serves at the pleasure of the assigned Judge to whom he/she is designated as the Official Reporter, and is primarily accountable to that Judge regarding all matters of job performance. Official Court Reporters must conform to each Judge's courtroom schedule and method of courtroom management. The Official Court Reporters can best support the judicial process and the Judge by proper preparation and punctual attendance at all proceedings, and by performing all duties according to the standards established by the Judicial Council of Georgia.

### **Circuit Court Administrator and Official Court Reporters**

The Circuit Court Administrator shares with the Judges the responsibility for the supervision of the Official Court Reporters. The Circuit Court Administrator is the primary point of contact for Official Court Reporters and serves as the liaison between the Official Court Reporters and the other agencies within the judiciary.

Matters of compensation and benefits should be addressed by the Official Court Reporter to the Circuit Court Administrator who shall determine whether to submit an issue to the Judges for consideration and guidance.

The administration of payroll and coordination of accrued tenure, leave, and fringe benefits is performed through the Human Resources Department of the Counties of the Southern Judicial Circuit. Official Court Reporters will comply with the personnel rules and regulations regarding all matters of compensation and timekeeping, including accrual of annual/sick leave and application for use of annual/sick leave. Official Court Reporters should become familiar with such rules and regulations.

Except in matters for which the Official Court Reporter is compensated by the parties, all requests for transcripts must be submitted in writing on a prescribed form to the Official Court Reporter. The form must specifically designate the proceedings, or portion thereof, for which a transcript is requested. An Official Court Reporter shall not complete or assist in completion of any request for a transcript until receiving the direction of the assigned Judge.

#### **Courtroom Conduct and Demeanor**

An Official Court Reporter must always remain neutral regarding all parties during proceedings. It must be remembered that litigation frequently requires multiple appearances by the parties and by counsel and that counsel will likely represent future litigants before the Court. Any display of partiality, bias, or prejudice for or against a party or his/her counsel will inevitably erode the relationship between the Court and the parties, frustrating the ability of the Court to foster confidence in the impartial administration of justice. An Official Court Reporter should ensure that there is not an appearance of impropriety in the judicial process. An Official Court Reporter should never attempt to communicate with the Court on behalf of a party to any proceeding, unless that communication is on the record and in the presence of all other parties.

Collection and payment of take-down fees and costs of transcripts in civil matters should be handled exclusively between the Official Court Reporter and the responsible attorneys and parties.

### **Location, Attendance and Punctuality**

The Official Court Reporters of the Southern Judicial Circuit are full-time employees whose duties are primarily performed in Brooks, Colquitt, Echols, Lowndes and Thomas counties; however, occasionally Judges of the Southern Judicial Circuit are assigned to preside in other counties outside the circuit which assignments may require travel to other circuits by the assigned Official Court Reporter to that Judge.

The assigned Judge shall designate the "primary location" for his Official Court Reporter. Except on those occasions when the assigned Judge presides in a county other than the "primary location," the Official Court Reporter will report to work in the "primary location" each day and shall work at that location throughout the workday. If approved by the assigned Judge, his Official Court Reporter may perform transcription work at home or other locations designated by the assigned Judge.

To ensure the prompt commencement of courtroom proceedings, the Official Court Reporter must arrive at the designated courtroom in sufficient time before the assigned proceeding to setup all necessary equipment and test its proper functioning. When compliance is impossible for any reason, the Official Court Reporter should contact the Judge or his administrative assistant at the earliest possible time to avoid unnecessary inconvenience to the parties, counsel, and the Court.

### **General Duties**

The Official Court Reporter's general responsibilities are:

- (1) Attending court sessions and other official proceedings at the direction of the regularly assigned Judge;
- (2) Serving as substitute reporter as needed, at the direction of the Circuit Court Administrator;
- (3) Working cooperatively with court personnel to ensure efficient administration of courtroom processes;
- (4) Arranging through the Circuit Court Administrator or his designee for all necessary materials, supplies and equipment to perform all court reporting functions;
- (5) Maintaining and securing all notes, tapes, and recordings received by the court; production of timely, accurate, verbatim transcripts of court proceedings;
- (6) Recording and transcribing verbatim testimony of court hearings as directed by the Court and according to the standards of the Judicial Council of Georgia;
- (7) Transcribing, copying, and delivery of transcripts to requesting parties within reasonable and prescribed time limits, as set forth by the Judicial Council of Georgia.

### **Unassigned Days/Weeks - Availability**

Official Court Reporters who are not scheduled to work and whose services are not otherwise needed, will be subject to assignment in place of an Official Court Reporter who is absent due to illness or leave. Such assignment will be made on a rotating basis to assure that such assignments are fairly and equally distributed over time. To simplify this process, an assigned Official Court Reporter needing a substitute will first attempt to secure a substitute directly from the remaining Southern Circuit Official Court Reporters. If the assigned Official Court Reporter is unsuccessful in securing a replacement, he/she will notify the Circuit Court Administrator at the earliest possible time to allow an assignment without delaying any scheduled court proceeding. If the Circuit Court Administrator is unable to secure a substitute from the remaining Southern Circuit Official Court Reporters, a substitute court reporter from the private sector will be engaged and compensated at

the rate established by the Judicial Council of Georgia Court Reporters fee schedule. Any transcription requested of a substitute court reporter will be compensated at the prevailing rate established by the Judicial Council of Georgia Court Reporters fee schedule. The substitute court reporter will preserve reported proceedings and evidence as set forth above. Unless specifically assigned to other duties and specifically designated as unavailable for substitute service, every Official Court Reporter is subject to assignment as a substitute court reporter. Failure to comply with such substitute duty assignment will result in an appropriate sanction, including designation of that period of refusal as annual leave, suspension, or termination from employment, as determined by the assigned Judge.

To facilitate the assignment of substitute Official Court Reporters, and ensure compliance with the foregoing processes, every Official Court Reporter is required to provide a means by which she can be reached within a thirty (30) minute time frame.

### **Securing Recordings and Evidence**

The Official Court Reporters will develop a protocol for daily storage of recordings in secure facilities provided by the Courts of the Southern Judicial Circuit.

The recordings will be indexed and maintained for ready access by the Official Court Reporter who reported the proceedings. Any equipment, recordings, evidence, or other property that has come into the possession of the Official Court Reporter in the course of his or her employment by the Southern Judicial Circuit must be surrendered to the Circuit Court Administrator, and a proper accounting conducted by the Official Court Reporter and the Circuit Court Administrator upon termination of employment, and before any final pay and benefits will be released. Failure to make such accounting by an Official Court Reporter shall be cause for withholding such pay and benefits, and shall be reported to the Judicial Council of Georgia or its successor agency.

### **Job Qualifications**

Official Court Reporters employed by the Southern Judicial Circuit must meet and maintain the following minimum qualifications for employment:

#### **Education**

Applicants must have obtained a high school diploma or its equivalent prior to employment.

#### **Certification**

Applicants must have obtained one of the following diplomas or certifications prior to employment: an associate degree in court reporting from an accredited institution; a Certified Court Reporter (CCR) Certificate, a Registered Professional Reporter (RPR) certificate, or a Certified Verbatim Reporter (CVR) certificate; satisfactorily passing an examination required by the Board of Court Reporting of the Judicial Council of Georgia to obtain such license to practice court reporting in the State of Georgia.

#### **Licensure**

Official Court Reporters must remain licensed and in good standing with the Board of Court Reporting of the Judicial Council of Georgia or successor agency.

#### **Valid Driver's License**

As a condition of employment every Official Court Reporter shall maintain a valid driver's license issued by her state of residence.

#### **Experience**

Actual trial experience is preferred, but a prospective Official Court Reporter may be employed with other, comparable experience in consideration of her educational qualifications, within the discretion of the assigned Judge.

## **Compensation and Job Descriptions.**

### Job Descriptions of Official Court Reporters is as follows:

Attend and take down all hearings and trials mandated by the Judges of the Superior Court of the Southern Judicial Circuit.

Transcribe and deliver all transcripts as requested by the parties or as directed by the assigned Judge.

Transcribe and deliver to counsel or the parties the following proceedings:

#### Unified Appeal Hearings:

Hearings on motions for new trials

Habeas corpus hearings unless paid by the state

Felony jury trials resulting in a guilty verdict, upon the filing of a motion for new trial or notice of appeal by an indigent defendant, and with authorization by the Circuit Court Administrator.

Sentences in all felony cases.

Sentences in all other cases of indigent defendants, upon express request of the defendant or counsel, and with authorization by the Circuit Court Administrator.

Hearings related to pre-trial motions and post-trial proceedings of indigent defendants, upon express request of the defendant or counsel, and with authorization by the Circuit Court Administrator.

Such other proceedings as may be designated and/or approved by the Judges of the Southern Judicial Circuit.

### Compensation Rates for Official Court Reporters is as follows:

An annual salary applicable to all Official Court Reporters in this job description, plus travel expense provided to Official Court Reporters per monthly stipend from the Department of Administrative Services. As well, outside the specified salary, an Official Court Reporter may be paid by the private parties for take down of civil trials, and civil hearings, or as ordered by the assigned Judge. Take down fees for civil matters paid by the parties shall be at the rate established by the fee schedule approved by the Judicial Council of Georgia.

All expenses attendant to the position of Official Court Reporter will be the responsibility of the Counties of the Southern Judicial Circuit. Supplies, equipment, or operational costs may be utilized for work performed in which the Official Court Reporter will receive payment outside the salary structure only in strict compliance with the rules established by the Circuit Court Administrator. The Official Court Reporter shall record and account for such costs and ensure prompt reimbursement to the proper County through the Circuit Court Administrator.

The Counties of the Southern Judicial Circuit shall be responsible for costs up to \$200 annually per Official Court Reporter for mandatory continuing education requirements pursuant to the Rules of the Court Reporters Training Council for the Official Court Reporters of the Southern Judicial Circuit. A request for reimbursement for continuing education costs must first be submitted to the Circuit Court Administrator for approval before submission to the Counties for payment.

The compensation plan includes sick leave, annual leave and paid holidays as outlined in the County employee handbook, and in accordance with the court schedule set forth by the Southern Judicial Circuit.

All Official Court Reporters will be allowed additional compensation in matters which cannot practicably be transcribed during a normal business day. Any request for additional compensation must be submitted to the Circuit Court Administrator prior to performance of the assigned work, and may include the following:

Expedited transcripts as set forth in the Judicial Council of Georgia Court Reporters Fee Schedule.

Transcripts of death penalty cases resulting in a sentence of death.

Transcripts of extended criminal jury trials lasting more than four (4) weeks (excluding jury selection) resulting in a guilty verdict with a sentence of more than ten (10) years.

Transcripts of specific witnesses' testimony in cases ending in mistrials.

**Preparation and Delivery of Transcripts.**

Transcripts shall be prepared and filed in the Office of the Clerk of Superior Court in accordance with the foregoing protocol in a timely fashion, and in the manner set forth by the policies established by the Judicial Council of Georgia.

**Court Reporter's Budget:**

2015 BUDGET AMENDMENT 15-6-1  
 GENERAL FUND (100)  
 JUNE 23, 2015

<u>Account</u>	<u>Description</u>	<u>Original 2015 Budget</u>	<u>Amended Budget</u>	<u>Difference</u>
<b>Expenses</b>				
100-2150-51-1100	Salaries and Wages	129,800	47,200	-82,600
100-2150-51-2100	Group Insurance	20,000	0	-20,000
100-2150-51-2200	Social Security (FICA)	10,000	4,100	-5,900
100-2155-51-1100	Salaries and Wages	0	77,000	77,000
100-2155-51-2100	Group Insurance	0	20,000	20,000
100-2155-51-2200	Social Security (FICA)	0	5,900	5,900
100-2155-51-2400	Retirement Contributions	0	2,000	2,000
100-2155-51-2600	Unemployment Insurance	0	100	100
100-2155-51-2700	Worker's Compensation	0	500	500
100-2155-52-3200	Communications (Postage)	0	1,000	1,000
100-2155-53-1100	General Supplies and Materials	0	1,000	1,000
100-2155-53-1600	Small Equipment	0	1,000	1,000
	<b>Total</b>			<b>0</b>

**Net Increase to Expenses**

\$0

Chairman Gross recognized Commissioner NeSmith who made a motion to ratify a fuel purchase from Petroleum Products; \$1.9734per gallon for 7,500 gallons. The motion was seconded by Commissioner Baker. Motion carried unanimously; Chairman Gross, Vice-Chairman Hickey and Commissioners Baker, Ansley, NeSmith, Grady, Brown and Mays voting aye.

Chairman Gross recognized Commissioner NeSmith who made a motion to approve the purchase of a 2014 John Deere Wheel Loader, used, from Flint Equipment Co., 770 hours, with a full warranty of 5,770 hours, for a total of \$109,616. The motion was seconded by Vice-Chairman Hickey.

Open to Citizens

Chairman Gross recognized Alfonzo Dunbar who is inquiring about the lot at 107 5<sup>th</sup> Avenue. Bruce Warren stated he will look at the file but he doesn't believe we have good title. He will get with Mr. Dunbar.

Mr. Stephenson gave the board an update on the Health Screen and properties that are non-compliant for 911 Addressing.

In order to improve the Wellness Program process in regard to deductibles, the open enrollment period and the Health Screen need to be changed. The Health Screen will be moved to October and the Open Enrollment change date to January 1 annually. Employees will have from October to December to make changes in their coverage with an effective date of January 1. These two (2) changes will enable Taylor Benefit Resource to receive the wellness program information prior to the beginning of the plan year and new deductibles.

Mr. Stephenson stated that enforcement of the noncompliant addressing is being stepped up.

Mr. Stephenson also reminded the board of the luncheon celebrating the 9<sup>th</sup> anniversary of the Thomas County Area Transit System. The luncheon will be July 2 at 11:30 a.m. at the Transit office.

Chairman Gross recognized Commissioner Brown who made a motion to adjourn. The motion was seconded by Commissioner Mays. Motion carried unanimously; Chairman Gross, Vice-Chairman Hickey and Commissioners Baker, Ansley, NeSmith, Grady, Brown and Mays voting aye.

  
Moses L. Gross, Chairman

ATTEST:

  
M. Twink Monahan, County Clerk