



# CHAIRMAN'S CORNER

NC Board Chairman Marcello Banes



When I decided to run for Chairman of the Newton County Board of Commissioners I developed a list of items to address in my initial term. I have since worked to improve unity in the community, collaboration among county and city officials and agencies, strengthening our infrastructure, getting the Board of Commissioners to work together and helping to improve the quality of life for our employees.

Among the County’s highest expenses, the issue of our legal fees and legal expenses has always caught my attention.

Throughout the last year I have discussed legal fees with many officials from our neighboring counties and our commissioners. In addition, I have researched the handling of legal needs, legal fees and legal expenses in several counties with similar populations and characteristics of Newton County. My research has shown a drastic difference between our legal fees and those of our neighbors.

Here is a summary of my findings:

COUNTY	POPULATION	TYPE OF ATTORNEY	FY2019 COUNTY	FY2019 SHERIFF	FY2020 COUNTY	FY2020 SHERIFF	FY2020 Total
*Henry	234,561	In-House	\$333,133.20	\$47,529.27	\$536,436.03	\$53,238.16	\$589,674.19
Hall	204,441	Contract	\$511,576.87	\$22,623.45	\$735,310	\$30,000	\$765,310
*Paulding	168,667	Contract	\$311,160.80	\$18,490.27	\$494,933.26	\$9,774.43	\$504,707.69
**Coweta	148,509	Contract	\$160,420.00	Included	\$141,999.73	Included	\$141,999.73
Douglas	146,343	Contract	Not Provided	Not Provided	\$253,935.00	Not Provided	\$253,935
*Lowndes	117,406	Contract	\$489,628.04	\$15,539.00	\$393,852.56	\$6,497.22	\$409,391.56
Fayette	114,421	In-House	\$202,178.27	Not Provided	\$150,167.80	Not Provided	\$150,167.80
<b>Newton</b>	<b>111,744</b>	<b>Contract</b>	<b>\$842,467.23</b>	<b>\$360,153.95</b>	<b>\$653,355.13</b>	<b>\$291,207.69</b>	<b>\$944,562.82</b>
Bartow	107,738	Contract/In-House	\$272,679	Included	\$124,340	Included	\$124,340
Walton	94,593	Contract	\$310,623.50	Included	\$217,152.50	Included	\$217,152.50
Rockdale	90,896	Contract	\$590,579.00	Included	\$640,165.00	Included	\$640,165

*\*Indicates that Sheriff’s Office legal fees and expenses are included within general fund budget but identified as separate line items and able to be separated for purposes of this chart.*

*\*\*Indicates that only nine months of records were available for fiscal year 2020.*

The above data was compiled from open records requests presented to the respective counties asking for legal fees and legal expenses paid by the county for legal services rendered to the county and sheriff's office for the last two fiscal years. While the start and end time of the fiscal year may differ among the counties, the period of time covered is 12 months, with the exception of Coweta County, which had only nine months available for FY2020.

It is important to note that these counties have liability insurance that provide legal defense for civil damage claims filed against the county or sheriff's office. There is a \$10,000 deductible that is paid by the county per claim. The fees associated with the deductible are not included in these figures.

Now that we have looked at a base of comparison, let me break down some of the individual county's legal representation a little further.

- Paulding County uses a local law firm in which they have entered a Contract for services that includes, attendance at all regular meetings and work session of the Board, drafting and revising ordinances and resolutions, negotiating, drafting, review of contracts and leases, management of all legal matters and claims, litigation services in prosecuting and defending actions against the County, providing legal opinion and advise to County, Board, County officers and department head, ongoing oversight of county policies, representation of affiliated unrepresented County boards, authorities and commissions and meeting with officials, officers, department heads or other representatives of the County or Board. The law firm bills at \$175 per hour for the attorney and \$85 per hour for all paralegal time.
- Douglas County uses a local law firm in which they have entered a contract for services that has three categories of charges. All legal matters pertaining to the board are capped at \$253,935. All funding matters, including but not limited to financing packages, bond indebtedness, sales tax revenue or other revenue generating matters are compensated at a negotiated fair market rate. The firm is also entitled to reimbursement of costs and expenses.
- Coweta County has a contract for services with three law firms. One law firm is local and handles mostly the general legal needs of the county. The other two law firms handle specialized areas.
- Lowndes County has a local law firm in which they have engaged to provide legal services for the County and the Sheriff.
- Bartow County contracts with outside attorneys based upon the practice area need (tax, contract dispute, zoning or condemnation of land as examples). However, the county administrator is an attorney and in addition to traditional duties of a county administrators, he handles ordinance drafting, contract reviews, and general legal issues. Bartow's current fiscal year amount is \$124,340.00 (Jan20-June20).

- Fayette County has a law department in which a budget is set to cover the in-house and specialty legal areas. In FY2019, the budget for the legal department was \$200,000 (\$164,604.11 was spent) and the specialty (labor issues) budget was \$32,000 (\$35,256.35 was spent). In FY2020, the budget for the legal department was \$233,500 (\$114,911.45 was spent) and the specialty (labor issues) budget was \$30,000 (\$37,574.16 was spent).
- Newton County, as you may know, has two contract law firms that provide legal services. One provides legal services for the county. The other provides legal services for the sheriff's office. Below are the legal fees and legal expenses paid for the last 10 fiscal years.

YEAR	COUNTY	SHERIFF	GRAND TOTAL
FY2010	\$680,812.88	\$41,267.87	\$721,780.75
FY2011	\$491,424.35	\$99,242.74	\$590,667.09
FY2012	\$431,762.04	\$99,122.80	\$530,884.84
FY2013	\$654,064.18	\$45,636.63	\$699,700.81
FY2014	\$1,110,020.49	\$138,420.55	\$1,248,441.04
FY2015	\$867,921.85	\$90,702.48	\$958,624.33
FY2016	\$1,066,617.28	\$153,977.92	\$1,220,595.20
FY2017	\$1,072,421.34	\$339,016.16	\$1,411,437.50
FY2018	\$959,825.42	\$349,866.92	\$1,309,692.34
FY2019	\$842,467.23	\$360,153.95	\$1,202,621.18
FY2020	\$653,355.13	\$291,207.69	\$944,562.82

Jarrad and Davis, LLP has been the contract law firm providing legal services to Newton County before my tenure as Chairman of the Board of Commissioners. I greatly appreciate the hard work that the law firm has done during a difficult transition period. However, it is clear that the time has come to address our legal costs in a more aggressive manner.

Based upon these findings, I believe that Newton County should quickly transition to an in-house attorney. After the incorporation of our new Strategic Plan, I am confident that our County Manager Lloyd Kerr, with the assistance of an in-house counsel, has the proper staffing to address Department and Human Resource legal issues that may arise on a daily. The creation of a County Legal Department with one salaried attorney and one support staff is an example of how we can drastically reduce our legal fees and legal expenses. As an alternative, if a contract attorney is chosen, the legal fees and legal expenses should be capped between \$350,000 and \$450,000, in line with the spending of multiple other comparable jurisdictions.

Marcello Banes

Chairman, Newton County Board of Commissioners

