

**Columbus Consolidated Government
Council Meeting Agenda Item**

TO:	Mayor and Councilors
AGENDA SUBJECT:	Memorandum of Agreement between the Prosecuting Attorneys' Council and the Columbus Consolidated Government in Reference to the Compensation of the Acting District Attorney
AGENDA SUMMARY:	Approval is requested to execute a Memorandum of Agreement with the Prosecuting Attorneys' Council to compensate the Acting District Attorney, Sheneka J. Terry, at the same rate as is authorized by state law for the District Attorney.
INITIATED BY:	Finance Department

Recommendation: Approval is requested to execute a Memorandum of Agreement with the Prosecuting Attorneys' Council to compensate the Acting District Attorney, Sheneka J. Terry, at the same rate as is authorized by state law for the District Attorney.

Background and Analysis: Pursuant to O.C.G.A. § 45-5-6, Mark Jones was suspended as District Attorney for the Chattahoochee Judicial Circuit effective October 4, 2021. Prior to his suspension, Mark Jones designated Sheneka J. Terry as the chief assistant district attorney who upon Mark's suspension, became acting District Attorney of the Chattahoochee Judicial Circuit. At the time of Sheneka J. Terry's appointment, she was a non-state paid assistant district attorney and was a full-time employee of the Columbus Consolidated Government (CCG) receiving all benefits and emoluments. Acting District Attorney Sheneka Terry desires to remain on CCG payroll as an employee in order to retain all benefits and emoluments provided to full-time non-state paid assistant district attorneys. However, compensation for the acting District Attorney must be at the same rate as is authorized by state law for the District Attorney. Since the salary of a district attorney is paid from state funds, the Prosecuting Attorneys' Council will reimburse CCG for the difference between Mrs. Terry's current CCG salary and the state authorized salary payable to the District Attorney to include fringe benefits.

Financial Considerations: CCG will compensate Sheneka J. Terry at the annual rate of \$128,473.00 for the period of time that she holds the position of acting district attorney for the CCG which period began on October 4, 2021. The Prosecuting Attorneys' Council will reimburse CCG for the difference between Mrs. Terry's state DA salary of \$10,706.08 monthly and her current county ADA salary of \$6,317.89 monthly which will equal \$4,388.19 plus fringe benefits of \$394.94 (9% of \$4,388.19) for retirement contributions and \$335.69 (7.65% of \$4,388.19) for FICA contributions which totals \$5,118.82 monthly. The retirement contribution rate may be subject to change each fiscal year.

Legal Considerations: Council's approval is required to enter the Memorandum of Agreement as well as approve the temporary increase in budget appropriations for the District Attorney's Office to pay the increased salary rate.

Recommendation/Action: Approve execution of a Memorandum of Agreement with the Prosecuting Attorneys' Council to compensate the Acting District Attorney, Sheneka J. Terry, at the same rate as is authorized by state law for the District Attorney.

A RESOLUTION
NO. _____

A RESOLUTION AUTHORIZING THE EXECUTION OF A MEMORANDUM OF AGREEMENT BETWEEN THE PROSECUTING ATTORNEYS' COUNCIL AND THE COLUMBUS CONSOLIDATED GOVERNMENT TO COMPENSATE THE ACTING DISTRICT ATTORNEY AT THE SAME RATE AS IS AUTHORIZED BY STATE LAW FOR THE DISTRICT ATTORNEY.

WHEREAS, Pursuant to O.C.G.A. § 45-5-6, Mark Jones was suspended as District Attorney for the Chattahoochee Judicial Circuit effective October 4, 2021; and,

WHEREAS, upon the suspension of Mark Jones, Sheneka J. Terry became acting District Attorney of the Chattahoochee Judicial Circuit; and,

WHEREAS, on November 15, 2021, Mark Jones officially resigned as District Attorney of the Chattahoochee Judicial Circuit; and,

WHEREAS, O.C.G.A. § 15-18-16 provides that “[a]n assistant district attorney performing the duties of a deceased or resigned district attorney shall be compensated as provided for acting district attorneys in subsection (b) of Code Section 15-18-15;” and,

WHEREAS, Acting District Attorney Sheneka Terry desires to remain on CCG payroll as an employee in order to retain all benefits and emoluments provided to full-time non-state paid assistant district attorneys.

NOW, THEREFORE, THE COUNCIL OF COLUMBUS, GEORGIA, HEREBY RESOLVES AS FOLLOWS:

The City Manager is authorized to execute the attached Memorandum of Agreement to compensate the Acting District Attorney, Sheneka J. Terry, at the same rate as is authorized by state law for the District Attorney.

Introduced at a regular meeting of the Council of Columbus, Georgia, held the 11th day of January 2022, and adopted at said meeting by the affirmative vote of _____ members of Council.

Councilor Allen voting	_____.
Councilor Barnes voting	_____.
Councilor Crabb voting	_____.
Councilor Davis voting	_____.
Councilor Garrett voting	_____.
Councilor House voting	_____.
Councilor Huff voting	_____.
Councilor Thomas voting	_____.
Councilor Tucker voting	_____.
Councilor Woodson voting	_____.

Sandra T. Davis, Clerk of Council

B.H. “Skip” Henderson, Mayor

