



Office of

MICHEAL E. JIMERSON
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Rusk County Courthouse
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July, 17, 2023

Rusk County Judge
Rusk County Auditor

Re: 2024 budget and attachments

Gentlemen,


Thank you for the opportunity to take a little more time to review these matters. I'm having some difficulty budgeting the purported SB22 funds because they are not certain and though prohibited by statute from forcing me to use them to subsidize the county there likewise is such a prohibition regarding forfeitures in Code Crim Pro. 59.06 (d) *A Commissioners Court may not use the existence of an award to offset or decrease total salaries ...* Likewise, Attorney General Opinion JM70 prohibits the State Supplement from such purpose. I'm grateful the legislature tried to remedy the imminent emergency in funding/defunding DA's Offices but I will believe in the two hundred seventy-five thousand when I see it and it isn't funneled or offsetting something else. That is to say last year's entire debacle could have been avoided by adherence to the law.

Additionally, I've enclosed my duties under 41.106 Tex. Govt. Code which authorizes the prosecuting attorney to "fix salaries". I see no distinction between it and the authority of the district judge to set auditor staff salaries.

I made only necessary deviations from the form you proposed though we disagree over whether it is required in the exact form, which I submit is misleading to the public. Last year's hearing with comments arguing we should pay people holding juris doctorates the same as custodians hasn't increased the number of people willing to sacrifice and incur over hundred thousand in education debt nor will more bureaucratic boondoggles of money allocated but ultimately unspent going to help me in my sworn duty to do justice.

Certainly, I love our community and for eighteen years had only minor budget concerns but ironically in the year the county expended vastly more than ever in our history, I had the greatest difficulty accomplishing my duty to the people of Texas.

Sincerely,


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County and District Attorney
Rusk County, Texas



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Compliance and Submission Pursuant to Section 41.106 Tex. Govt. Code

WHEREAS Sec. 41.106 AUTHORIZES and REQUIRES the prosecuting attorney fix the salaries of assistant prosecuting attorneys, investigators, secretaries, and other office personnel, to wit:

Sec. 41.106. Compensation.

(a) A prosecuting attorney shall fix the salaries of his assistant prosecuting attorneys, investigators, secretaries, and other office personnel, subject to the approval of the commissioners court of the county or counties composing the district.

(b) In addition to their salaries, assistant prosecuting attorneys and investigators may be allowed actual and necessary travel expenses incurred in the discharge of their duties, not to exceed the amount fixed by the prosecuting attorney and approved by the commissioners court of the county or counties composing the district. The county may pay claims for travel expenses from the general fund, the officers' salary fund, or any other available funds of the county.

WHEREAS on Friday July 14, 2023 said prosecuting attorney after notice by posting held a public meeting wherein the following FINDINGS and RECOMMENDATIONS were made:

Chief Prosecuting Attorney currently Allen Ross ONE HUNDERED THIRTY THOUSAND PER YEAR (\$130,000)

BASIS: He is a district court chief and thirty years' experience is a valuable commodity.

CCL Court Chief currently Nick Bennett EIGHTY-NINE THOUSAND DOLLARS PER YEAR (\$89,000)

BASIS: On TDCAA's posting board there are postings between 85,000 and 115,000 for new assistants even in rural counties. Nick Bennett is coming up on a year with the office in a business where a year in a DA's office is considered a fair amount.

Two Attorney positions currently unfilled EIGHTY-FIVE THOUSAND (\$85,000)

BASIS: We're not getting any resumes now. You can't pay attorneys like custodians because we clean up nastier messes.

Felony Secretary currently Cindy Clifton FORTY-NINE THOUSAND PER YEAR (\$49,000)

BASIS: My predecessor folded two positions into one to afford to real legal secretary. Once she retired the terminology from felony secretary to chief clerk slowly took hold and the salary was reduced effectively and officially ending the other position. Most of the responsibility didn't change. Respectfully Cindy creates so many plea documents, orders, and judgement that it requires two clerks in another office to stamp and categorize them. The number is derived because the District Judge has a similar authority to set the auditor and staff subject to court approval. He has determined 49,000 proper for an auditor staff position to review money transactions and generates the documents and checks necessary to keep the county from being cheated. I cannot imagine any less for the person who generates the documents that insures criminals can't escape their sentences.

Misdemeanor Secretary currently Edna Adams FORTY-NINE THOUSAND PER YEAR (\$49,000)

BASIS: Edna is currently working on CJIS compliance to reach the August 1, deadline. There are three people in another office working on such. Again, the number is derived because the District Judge has a similar authority to set the auditor and staff subject to court approval. He has determined 49,000 proper for an auditor staff position to review money transactions. Edna also is in charge of misdemeanor discovery. She also has to go onto the web and download case submission lately from different locations sometimes for the same agency.

Additional legal secretaries currently none FORTY-FIVE THOUSAND (\$45,000)

BASIS If we can't get attorneys then legal secretaries. I never saw in private practice the volume of paperwork ADA do here most of which is done by probation, clerks, and court staff in other counties.

Victims Coordinator currently Sam Brown THIRTY-NINE SIX HUNDERED THIRTEEN (\$39,613)

BASIS Every agency is supposed to have a victim's coordinator. As a practical matter there is one for the entire county. The person in direct charge of victims should be compensated like a chief. Additionally, he oversees discovery so our part time staffer gets all the copying done.

Investigator currently Craig Sweeney SIXTY THOUSAND (\$60,000)

BASIS I submit if he had stayed at the police department as chief of detectives he would have exceeded the amount by now. He should also get a travel allowance or a unit comparable to a SO investigator.

Sincerely,



MICHAEL E. JIMERSON
County and District Attorney
Rusk County, Texas

Account Name	Request 2024 Budget
Salary, District Attorney	18,000.00
Salary, Asst. Attorney	130,000
Salary, Secretary/Admin. Asst.	49,000
Salary, Criminal Victims Coo	39,613
Part Time Help	10,000.00
Longevity	29.00
Part Time-Lit Pkg	21,036.00
State Supplement	Income not expenditure cannot be used to subsidize what County already should be paying See Attorney General JM70
Salary, Special Investigator	50,500 *
Salary, Asst. Attorney	89,000
Salary, Secretary/Chief Deputy	49,000
Salary, Asst. Attorney UNFILLED	85,000
Salary, Asst. Attorney UNFILLED really need flexibility like a business to get additional staff or investigator if remaining unfilled	85,000
FICA	Change based on above
Group Insurance	Change based on above
Retirement	Change based on above
Workers Compensation	3,000.00
Office Supplies	23,000.00
Equipment Rental	
Telephone D.A.	4,000.00
Travel & Conference D.A.	11,000.00
Investigator Travel D.A.	9,500.00 *
Bond D.A.	1000
Special Trial Fund D.A.	100,000.00

*denotes one employee drawing county funds from an additional line item

Tex. Gov't Code § 41.106

This document is current through the 2023 Regular Session of the 88th legislature bills: hb 1, hb49, hb109, hb242, hb290, hb446, hb450, hb467, hb474, hb492, hb567, hb586, hb598, hb609, hb624, hb692, hb785, hb793, hb796, hb842, hb914, hb998, hb1038, hb1088, hb1161, hb1207, hb1255, hb1315, hb1333, hb1535, hb1550, hb1565, hb1602, hb1740, hb1748, hb1755, hb1760, hb1761, hb1772, hb1809, hb1845, hb1890, hb1910, hb1949, hb2015, hb2073, hb2109, hb2183, hb2308, hb2371, hb2460, hb2464, hb2575, hb2664, hb2691, hb2755, hb2759, hb3060, hb3065, hb3106, hb3108, hb3290, hb3345, hb3437, hb3507, hb3665, hb3731, hb4015, hb4422, hb4964, hb5325; sb49, sb58, sb59, sb60, sb63, sb65, sb68, sb159, sb188, sb240, sb271, sb281, sb294, sb347, sb349, sb371, sb380, sb412, sb415, sb423, sb435, sb464, sb483, sb490, sb497, sb502, sb505, sb507, sb508, sb510, sb569, sb578, sb580, sb593, sb602, sb617, sb622, sb656, sb664, sb699, sb702, sb761, sb729, sb760, sb768, sb784, sb806, sb811, sb818, sb820, sb825, sb838, sb840, sb850, sb855, sb861, sb869, sb870, sb876, sb887, sb888, sb926, sb922, sb929, sb938, sb943, sb957, sb989, sb1002, sb1003, sb1004, sb1008, sb1016, sb1017, sb1032, sb1021, sb1023, sb1047, sb1052, sb1054, sb1055, sb1088, sb1093, sb1097, sb1112, sb1115, sb1124, sb1145, sb1155, sb1158, sb1170, sb1180, sb1187, sb1191, sb1207, sb1210, sb1213, sb1222, sb1226, sb1237, sb1243, sb1249, sb1259, sb1260, sb1286, sb1300, sb1305, sb1319, sb1322, sb1325, sb1332, sb1333, sb1343, sb1371, sb1372, sb1373, sb1375, sb1381, sb1401, sb1403, sb1413, sb1425, sb1429, sb1469, sb1484, sb1495, sb1506, sb1509, sb1514, sb1523, sb1524, sb1527, sb1563, sb1577, sb 1588, sb1592, sb1598, sb1602, sb1603, sb1612, sb1639, sb1645, sb1646, sb1648, sb1716, sb1730, sb1732, sb1741, sb1766, sb1768, sb1778, sb1780, sb1801, sb1809, sb1831, sb1837, sb1839, sb1841, sb1850, sb1852, sb1859, sb1866, sb1869, sb1887, sb1914, sb1965, sb1985, sb1991, sb2038, sb2057, sb2069, sb2085, sb2101, sb2123, sb2124, sb2144, sb2158, sb2171, sb2173, sb2193, sb2196, sb2214, sb2221, sb2232, sb2233, sb2258, sb2261, sb2284, sb2566, sb2358, sb 2571, sb2576, sb2577, sb2579, sb2580, sb2583, sb2599, sb2600, sb2603; and the 2023 ballot proposition contingencies to date. Additional 2023 bills may be current, but not reflected in this currency statement.

Texas Statutes & Codes Annotated by LexisNexis® > Government Code > Title 2 Judicial Branch (Subts. A — M) > Subtitle C Prosecuting Attorneys (Chs. 41 — 50) > Chapter 41 General Provisions (Subchs. A — F) > Subchapter B Staff of Prosecuting Attorney (§§ 41.101 — 41.111)

Sec. 41.106. Compensation.

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History

Enacted by Acts 1985, 69th Leg., ch. 480 (S.B. 1228), § 1, effective September 1, 1985.

Annotations

Notes to Decisions
