

KEN HARPER LAW OFFICE

June 29, 2020

Ms. Loretta Brantley
County Administrator
913 Jackson Street
Office of Board of Supervisors
Vicksburg, Mississippi 39183

RE: Budget Request

Dear Ms. Brantley:

I am sending this letter in lieu of the forms you sent me for my 2020-2021 budget request due to the fact that my office really does not have a budget, per se, since my office consists only of myself, my salary and my expense allowance. My current expense allowance is \$1,500.00 per month which I am willing to continue to accept without change.

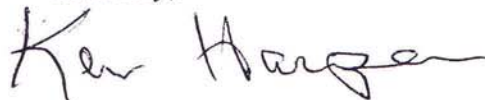
The salary which I am currently receiving is a salary that was set in 2008 for the former prosecuting attorney who worked part time as prosecutor and maintained a private law practice. When I took office the Board of Supervisors expressed its desire that I serve full time as County Prosecutor. I have done this and no longer have my private practice. To be perfectly honest, the current demands of this office would not allow me to have a private practice even if I so desired. Warren County has never had a full time County Prosecutor until I took office. Section 25-3-9(2)(uu)(ii) of the Mississippi Code of 1972, annotated, provides that the Warren County Prosecuting Attorney serving full time can receive a salary equal to 90% of the salary of the County Judge. I am requesting that my salary be set at 90% of the County Judge's salary. The County Judge's salary is \$135,000.00 per year which would make the County Prosecutor's salary \$121,500.00 per year.

I certainly do not believe this is an unreasonable amount due to the fact that I am responsible for three (3) different courts and spend nearly every day in court. This time in court requires preparation, i.e. research, phone calls, interviews, etc. which often have to be done at night and on weekends. In addition, my wife works full time for the county receiving no compensation and has to deal with all the paperwork, phone calls, etc. which are required and necessary while I am in court nearly every day.

Ms. Loretta Brantley
Page Two

In closing, I do not believe that this is an unreasonable salary for an attorney with my years of experience and professional background. I gave up my entire private practice in good faith because the Board asked me to. I realize that the current salary had already been budgeted for the first 9 months of 2020 and I have accepted that. I would like to request an opportunity to meet with the Board during the budgeting process in order to discuss this request and answer any questions which any Board members may have.

Sincerely,

A handwritten signature in black ink that reads "Ken Harper". The signature is written in a cursive, flowing style.

KEN HARPER

cc: Donna Hardy, Warren County Chancery Clerk
Hon. B. Blake Teller, Board Attorney
Hon. Marcie T. Southerland, Warren County Judge

LSB

PAGE 1

GIMLED70 06/30/2020 09:13 W/C ACCOUNTING CURRENT YEAR
 General Ledger Budgeted Expenditures
 2019 - 2020 Fiscal Year through June

Obj.	Description	June Disbursements	Year to Date	Adjusted To Date	Annual Budget	Prorated Budget	Percent to Date	Amount Unexpended
----- COUNTY ATTORNEY -----								
001-169	GENERAL							
400	SALARIES-OFFICIALS	6,018.25	54,164.25	54,164.25	72,219.00	54,164.25	75.0	18,054.75
	DEPARTMENT TOTAL	6,018.25	54,164.25	54,164.25	72,219.00	54,164.25	75.0	18,054.75
	FUND TOTAL	6,018.25	54,164.25	54,164.25	72,219.00	54,164.25	75.0	18,054.75
	REPORT TOTAL	6,018.25	54,164.25	54,164.25	72,219.00	54,164.25	75.0	18,054.75

Book 57 Page 550

Supervisor Barfield and carried unanimously, to approve and authorize the Board President to sign the resolution and order accepting the donated services. A copy of the order is attached hereto as Exhibit 11 and incorporated herein by reference.

Approve Resolution Allowing County Prosecutor
Office Expense Reimbursement

Mr. Teller asked the Board to approve and authorize the President to sign a resolution and order allowing the County Prosecutor to submit monthly invoices for reimbursement for office expenses up to \$1,500.00 through the remainder of the budget year 2019/2020. Motion was made by Supervisor Banks, seconded by Supervisor Barfield and carried unanimously, to approve and authorize the Board President to sign the resolution and order. A copy of the resolution is attached hereto as Exhibit 12 and incorporated herein by reference.

Approve Lease for Polling Place at
Eagle Lake Fire Station

Mr. Teller asked the Board to approve and authorize the President to sign a lease for a polling place at Eagle Lake Fire Station. Motion was made by Supervisor Banks, seconded by Supervisor Herring and carried unanimously, to approve and authorize the Board President to sign the lease. A copy of the lease is attached hereto as Exhibit 13 and incorporated herein by reference.

Approve Right of Way for Entergy
Freetown Road

Mr. Teller asked the Board to approve and authorize the President to sign right of way instrument along Freetown Road in favor of Entergy related to the utility line improvement project. Motion was made by Supervisor Jackson, seconded by Supervisor Herring and carried unanimously, to approve and authorize the Board President to sign the right of way. A copy is attached hereto as Exhibit 14 and incorporated herein by reference.

Loretta Brantley, County Administrator

Approval to Advertise for a Maintenance Technician

Ms. Brantley asked the Board for approval to advertise for the position of Maintenance Technician. Motion was made by Supervisor Barfield, seconded by Supervisor Jackson and carried unanimously.

Authorize Travel for Supervisors
Jail Tours

Ms. Brantley asked the Board to approve any Supervisor to travel for jail tours to Tate County and Desoto County, Mississippi and Garland County, Arkansas on March 17-18, 2020. Motion was made by Supervisor Jackson, seconded by Supervisor Barfield and carried unanimously.

BOOK 57 PAGE 593

Ex. 12

RESOLUTION AND ORDER

WHEREAS, the County is authorized to reimburse or pay the Warren County Prosecuting Attorney for secretarial services and office administration expenses; and

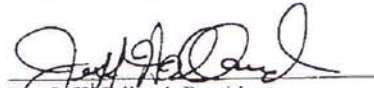
WHEREAS, the County presently reimburses the Warren County Prosecuting Attorney up to \$1,000.00 each month for such services; and

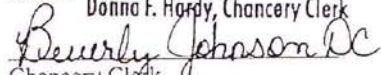
WHEREAS, the County desires to increase the reimbursement for such services to \$1,500.00 for the remainder of the 2019-2020 budget year to take effect beginning April 1, 2020.

NOW, THEREFORE, upon motion by Supervisor Banks, seconded by Supervisor Barfield, the Board of Supervisors approved by majority vote increasing reimbursement to Warren County Prosecuting Attorney an amount not to exceed \$1,500.00 each month for secretarial assistance services and office administration costs for the remainder of the 2019-2020 fiscal budget year. This shall take effect beginning April 1, 2020.

SO RESOLVED AND ORDERED this the 16th day of March, 2020.

Warren County Board of Supervisors


By: Jeff Holland, President

Attest: Donna F. Hardy, Chancery Clerk

Chancery Clerk



KEN HARPER LAW OFFICE

TAX ID 64-0532198

January 27, 2020

Warren County Board of Supervisors
913 Jackson Street
Vicksburg, Mississippi 39180

Dear Board Members:

Shortly after I was elected to the position of Warren County Prosecuting Attorney, I spoke to two of the members of your Board regarding my willingness to serve in the position on a full time basis. I informed them that I was willing to serve on this basis if an acceptable compensation package could be agreed upon. During these conversations and once in writing I requested a meeting with the Board to discuss, and hopefully agree upon, an acceptable compensation package. I was told such a meeting would take place, but to this date it has not.

On Thursday January 24th I was advised by the interim County Administrator that it had been decided that I was to serve on a full time basis with a compensation package that had not been discussed with me or agreed to by me. I am writing to inform you that I cannot serve as County Prosecuting Attorney on a full time basis at the compensation package that she informed me I was to receive.

Interestingly enough, during the oral conversations and written communication that I had with the two members of your Board, salary did not seem to be an issue. It was my impression that only the amount of office expenses was in question. I mentioned to them a figure which arose out of a discussion I had with my accountant at May & Company. After researching and reviewing expenses, etc., I determined that a great deal of what was included in the figure I mentioned was made up of items that were legitimate private business expenses, but which were not the type of office expenses which I feel I should ask the County to absorb. I had planned to clarify all of this in the meeting which we never had.

Since taking office I have spent all but 3 of the calendar working days in either Youth Court or Justice Court and in some instances both. The other days were mostly spent on matters relating to what was coming up in these courts. I cannot continue to do this for the compensation package which I was told I am to receive and which has not been discussed with me as the basis for me accepting the full time option for this office.

Warren County Board of Supervisors
Page Two

Since the law allows me the choice to serve on a part time basis, this is the option which I will have to take, and allocate my time accordingly, unless an acceptable compensation package can be agreed upon. I believe that such an agreement can be reached if we have the opportunity to discuss it. I believe this must be done immediately as I understand payroll is being processed this week and I do not feel I can accept anything until this is resolved.

Please contact me, I can be reached at any time on my cell phone, 601-529-9436. My office number is 601-636-0313.

Sincerely,

A handwritten signature in black ink that reads "Ken". The "K" is large and stylized, with a long horizontal stroke extending to the right. The "e" is smaller and follows the "K".

KEN HARPER

KH:th

cc: Donna Hardy, Warren County Chancery Clerk
Hon. Marcie T. Southerland, Warren County Judge

MISSISSIPPI LEGISLATURE

REGULAR SESSION 2008

By: Representatives Gunn, Monsour

To: Judiciary A; County
Affairs

HOUSE BILL NO. 1326

1 AN ACT TO AMEND SECTION 25-3-9, MISSISSIPPI CODE OF 1972, TO
2 AUTHORIZE CERTAIN COUNTIES TO EMPLOY A COUNTY PROSECUTING ATTORNEY
3 FULL TIME; AND FOR RELATED PURPOSES.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

5 SECTION 1. Section 25-3-9, Mississippi Code of 1972, is
6 amended as follows:

7 25-3-9. (1) Except as provided in subsections (2), (3) and
8 (4) of this section, the county prosecuting attorney may receive
9 for his services an annual salary to be paid by the board of
10 supervisors as follows:

11 (a) For counties with a total population of more than
12 two hundred thousand (200,000), a salary not to exceed
13 Twenty-eight Thousand Five Hundred Dollars (\$28,500.00).

14 (b) For counties with a total population of more than
15 one hundred thousand (100,000) and not more than two hundred
16 thousand (200,000), a salary not to exceed Twenty-six Thousand
17 Five Hundred Dollars (\$26,500.00).

18 (c) For counties with a total population of more than
19 fifty thousand (50,000) and not more than one hundred thousand
20 (100,000), a salary not to exceed Twenty-one Thousand Seven
21 Hundred Dollars (\$21,700.00).

22 (d) For counties with a total population of more than
23 thirty-five thousand (35,000) and not more than fifty thousand
24 (50,000), a salary not to exceed Twenty Thousand Four Hundred
25 Dollars (\$20,400.00).

26 (e) For counties with a total population of more than
27 twenty-five thousand (25,000) and not more than thirty-five



424 discretion, may pay the county prosecuting attorney an annual
425 salary in the amount of Twenty-two Thousand Dollars (\$22,000.00).

426 (tt) In any county in which Interstate Highway 59 and
427 U.S. Highway 84 intersect, the board of supervisors, in its
428 discretion, may pay the county prosecuting attorney an annual
429 salary equal to the annual salary of members of the board of
430 supervisors in the county.

431 (uu) (i) In any county bordering on the Mississippi
432 River having a population greater than fifty thousand (50,000)
433 according to the 1980 federal decennial census and also having a
434 national military park and national cemetery, the board of
435 supervisors of the county shall pay an annual salary of
436 Twenty-five Thousand Dollars (\$25,000.00) or a salary equal to
437 that of a member of the board of supervisors, whichever is
438 greater, if not employed on a full-time basis. In addition, the
439 county prosecuting attorney shall be paid the sum of One Thousand
440 Dollars (\$1,000.00) per month for the purpose of defraying
441 secretarial expenses, if not employed on a full-time basis; or

442 (ii) The board of supervisors of the county
443 described in subparagraph (i) of this act, in its discretion, may
444 employ the elected county prosecuting attorney on a full-time
445 basis during his or her term of office and may pay compensation to
446 the full-time prosecuting attorney in an amount of not more than
447 ninety percent (90%) of the annual compensation and salary of the
448 County Court Judge of Warren County as authorized by law, and may
449 provide adequate office space and reasonable office expenses to
450 the county prosecuting attorney. The salary authorized herein by
451 this subparagraph (ii) for the county prosecuting attorney shall
452 be the sole and complete salary paid by the county for the
453 prosecuting attorney in Warren County, notwithstanding any other
454 provisions of law to the contrary.

455 (3) In any case where a salary, expense allowance or other
456 sum is authorized or paid by the board of supervisors pursuant to



457 this section, that salary, expense allowance or other sum shall
458 not be reduced or terminated during the term for which the county
459 attorney was elected.

460 (4) Notwithstanding any provision of this section to the
461 contrary, no county prosecuting attorney shall receive for his
462 services an annual salary less than the salary paid to a justice
463 court judge in his respective county.

464 **SECTION 2.** The Attorney General of the State of Mississippi
465 shall submit this act, immediately upon approval by the Governor,
466 or upon approval by the Legislature subsequent to a veto, to the
467 Attorney General of the United States or to the United States
468 District Court for the District of Columbia in accordance with the
469 provisions of the Voting Rights Act of 1965, as amended and
470 extended.

471 **SECTION 3.** This act shall take effect and be in force from
472 and after the date it is effectuated under Section 5 of the Voting
473 Rights Act of 1965, as amended and extended.

