

1 **RESOLUTION TO ESTABLISH NEW SUPPLEMENTS AND SALARIES FOR**
2 **CERTAIN NON-JUDICIAL ELECTED AND APPOINTED OFFICIALS; AND FOR**
3 **OTHER PURPOSES.**
4

5 **WHEREAS**, the last time the Board of Commissioners comprehensively evaluated
6 the compensation of many of the County’s elected officials and state appointees was on
7 January 21, 1998, when it adopted “Resolution Providing for an Increase in Compensation
8 for Fulton County Employees” (“1998 Compensation Resolution”); and

9 **WHEREAS**, on November 17, 2021, in Agenda Item No. 21-0913, the Department
10 of Human Resources Management (“DHRM”) presented the Board of Commissioners a
11 proposal to establish new salaries and/or county supplements for certain elected and
12 appointed officials to the extent allowed by law and where such authority is vested in the
13 Board of Commissioners; and

14 **WHEREAS**, DHRM’s compensation model did not include tethering the salaries or
15 supplements for elected and appointed officials to the compensation of other elected
16 officials; and

17 **WHEREAS**, the Board of Commissioners, recognizing the salaries and/or county
18 supplements of certain elected and appointed officials are not currently at market rates
19 based on the size of their operations and the compensation of their counterparts in other
20 counties, approved the new compensation model presented by DHRM which is based on
21 specific roles of each official and departs from using a waterfall approach that tethers the
22 total compensation to the Superior and State Court Judges of Fulton County.

23 **Superior Court Clerk**

24 **WHEREAS**, the base salary of a clerk of a superior court is set forth in O.C.G.A. §
25 15-6-88(a)(1); and

26 **WHEREAS**, pursuant to O.C.G.A. § 15-6-88(d), the General Assembly by local law
27 or the county governing authority may establish a county supplement for a clerk of the
28 superior court; and

29 **WHEREAS**, pursuant to the 1998 Compensation Resolution passed on January
30 21, 1998, the Board of Commissioners established a county supplement for the Clerk of
31 Superior Court in the amount necessary to make the compensation of the Clerk of
32 Superior Court equal to “ninety percent (90%) of the total compensation of the Superior

1 Court Judges including the percentage of any increase in State compensation of Superior
2 Court Judges which may be received July 1, 1998.”

3 **Sheriff**

4 **WHEREAS**, the base salary of a sheriff is set forth in O.C.G.A. § 15-16-20(a)(1);
5 and

6 **WHEREAS**, pursuant to O.C.G.A. § 15-16-20(a)(3), the Georgia General
7 Assembly by local law or the county governing authority may establish a county
8 supplement for a sheriff; and

9 **WHEREAS**, pursuant to the 1998 Compensation Resolution passed on January
10 21,1998, the Board of Commissioners established a county supplement for the Sheriff in
11 the amount necessary to make the compensation of the Sheriff equal to “ninety percent
12 (90%) of the total compensation of the Superior Court Judges including the percentage
13 of any increase in State compensation of Superior Court Judges which may be received
14 July 1, 1998.”

15 **Circuit Public Defender**

16 **WHEREAS**, the base salary of circuit public defenders are set forth in O.C.G.A. §
17 17-12-25(a); and

18 **WHEREAS**, pursuant to O.C.G.A. § 17-12-25(b) the General Assembly by local
19 law or the county governing authority for the judicial circuit may establish a county
20 supplement for a public defender, the greater of which shall prevail as the county
21 supplement to be paid; and

22 **WHEREAS**, neither the General Assembly nor the Board of Commissioners has
23 provided a county supplement for Circuit Public Defender for the Atlanta Judicial Circuit
24 which is comprised of Fulton County.

25 **Solicitor-General**

26 **WHEREAS**, pursuant to O.C.G.A. § 15-18-67(a), solicitors-general of state courts
27 shall be compensated from county funds as provided by local law; and

28 **WHEREAS**, pursuant to O.C.G.A. § 15-18-67(b), “[t]he county governing authority
29 is authorized to supplement the minimum compensation to be paid to the solicitor-general
30 of the state court of that county as provided by local law”; and

1 **WHEREAS**, 1974 Ga. Laws, p. 2240, a local act passed by the General Assembly
2 and codified as Fulton County Code § 10-311, authorizes the Board of Commissioners to
3 set the salary of the Solicitor-General at no less than \$30,500 per year; and

4 **WHEREAS**, pursuant to the 1998 Compensation Resolution passed on January
5 21,1998, the Board of Commissioners established the salary of the Solicitor-General as
6 an amount equal to ninety percent (90%) of the total compensation of the Superior Court
7 Judges of Fulton County.

8 **Marshal**

9 **WHEREAS**, in Fulton County, the Marshal serves both the State Court and the
10 Magistrate Court, but is appointed under the process applicable for serving State Court;
11 and

12 **WHEREAS**, O.C.G.A. § 15-10-100(c.1)(1) allows “the governing authority” of a
13 county to employ a marshal in lieu of a constable to serve magistrate court; and

14 **WHEREAS**, pursuant to 1960 Ga. Laws, p. 2347, a marshal serving the Civil Court
15 is to be paid a salary of \$11,000.00 per annum; and

16 **WHEREAS**, 1976 Ga. Laws, p. 3023 provides for a marshal for the newly created
17 State Court of Fulton County with the compensation of the Marshal to be as previously
18 set by 1960 Ga. Laws, p. 2347.

19 **District Attorney**

20 **WHEREAS**, the base salary of the district attorney is set forth in O.C.G.A. § 45-7-
21 4(a)21; and

22 **WHEREAS**, pursuant to O.C.G.A. § 15-18-11, the governing authority of a county
23 may provide a county supplement to the district attorney for the judicial circuit where the
24 county lies; and

25 **WHEREAS**, pursuant to O.C.G.A. § 15-18-10.1(d), as of January 1, 2016, such
26 county supplement paid to a district attorney may not exceed \$50,000; and

27 **WHEREAS**, the Department of Human Resources Management has
28 recommended a county supplement to be paid to the District Attorney for the Atlanta
29 Judicial Circuit (Fulton County) that exceeds \$50,000.

1 **NOW, THEREFORE, BE IT RESOLVED**, that the Board of Commissioners hereby
2 adopts a new county supplement for the Superior Court Clerk as outlined in the Salaries
3 and Supplements Schedule attached hereto.

4 **BE IT FURTHER RESOLVED**, that the Board of Commissioners hereby adopts a
5 new county supplement for the Sheriff as outlined in the Salaries and Supplements
6 Schedule attached hereto.

7 **BE IT FURTHER RESOLVED**, that the Board of Commissioners hereby adopts a
8 new county supplement for the Circuit Public Defender for the Atlanta Judicial Circuit as
9 outlined in the Salaries and Supplements Schedule attached hereto.

10 **BE IT FURTHER RESOLVED**, that the Board of Commissioners hereby adopts a
11 new salary for the Solicitor-General as outlined in the Salaries and Supplements
12 Schedule attached hereto.

13 **BE IT FURTHER RESOLVED**, that the Board of Commissioners hereby adopts
14 new salary for the Marshal as outlined in the Salaries and Supplements Schedule
15 attached hereto subject to approval of Home Rule Resolution No. 22-_____ planned for
16 adoption at the March 16, 2022 and April 13, 2022 meetings.

17 **BE IT FURTHER RESOLVED**, that whenever the state employees subject to
18 compensation plans authorized and approved in accordance with Code Section 45-20-4
19 receive a cost-of-living increase or general performance based increase of a certain
20 percentage or a certain amount, the salaries to which the Solicitor-General and Marshal
21 are entitled shall be increased by the same percentage or same amount applicable to
22 such state employees. If the cost-of-living increase or general performance based
23 increase received by state employees is in different percentages or different amounts as
24 to certain categories of employees, the amounts to which the Solicitor-General and
25 Marshal are entitled shall be increased by the highest percentage rate or amount from
26 that which is applied to the Superior Court Clerk and the Sheriff.

27 **BE IT FURTHER RESOLVED**, that pursuant to its inherent authority to advocate
28 for laws and legislation that will benefit Fulton County and its citizens, the Board of
29 Commissioners hereby encourages the General Assembly of the State of Georgia to
30 amend O.C.G.A. § 15-18-10.1 by removing subsection (d) which limits the amount of a
31 county supplement that may be paid to a district attorney to a maximum of \$50,000.

1 **BE IT FURTHER RESOLVED** that this Resolution shall be effective April 1, 2022.

2 **BE IT FURTHER RESOLVED** that DHRM shall review the salaries and
3 supplements of the elected and appointed officials referenced herein in tandem and as
4 part of future county-wide classification and compensation salary surveys.

5 **BE IT FINALLY RESOLVED** that all resolutions and parts of resolutions in conflict
6 with this Resolution are hereby repealed to the extent of the conflict.

7 **PASSED AND ADOPTED** this _____ day of _____, 2022.

8
9 **FULTON COUNTY**
10 **BOARD OF COMMISSIONERS**

11
12
13 _____
14 Chairman Robert L. Pitts

15
16 ATTEST:

17
18 _____
19 Tonya R. Grier
20 Clerk to the Commission

21
22 APPROVED AS TO FORM:

23
24 _____
25 Y. Soo Jo
26 County Attorney

1 **SALARIES AND SUPPLEMENTS SCHEDULE**
2 **FOR CERTAIN NON-JUDICIAL ELECTED AND APPOINTED OFFICIALS**
3 **EFFECTIVE APRIL 1, 2022 PURSUANT TO RESOLUTION NO. _____**
4

5 The county supplement for each of the officials listed below shall be fixed as
6 follows:

7

8 (1) Superior Court Clerk	\$25,956
9 (2) Sheriff.....	\$40,128
10 (3) Circuit Public Defender, Atlanta Judicial Circuit	\$93,902

11

12 The annual salary of each of the officials listed below shall be fixed as follows:

13

14 (1) Solicitor-General	\$200,902
15 (2) Marshal	\$173,192

16

17 Whenever the state employees subject to compensation plans authorized and
18 approved in accordance with Code Section 45-20-4 receive a cost-of-living increase or
19 general performance based increase of a certain percentage or a certain amount, the
20 salaries to which the Solicitor-General and Marshal are entitled shall be increased by the
21 same percentage or same amount applicable to such state employees. If the cost-of-living
22 increase or general performance based increase received by state employees is in
23 different percentages or different amounts as to certain categories of employees, the
24 amounts to which the Solicitor-General and Marshal are entitled shall be increased by the
25 highest percentage rate or amount from that which is applied to the Superior Court Clerk
26 and the Sheriff.

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