

1 **A RESOLUTION DIRECTING THE COUNTY MANAGER AND CHIEF FINANCIAL**
2 **OFFICER TO REDIRECT FUNDS FROM THE FISCAL YEAR 2026 BUDGET OF THE**
3 **SUPERIOR COURT TO THE MAGISTRATE COURT IN THE AMOUNT OF THE**
4 **UNOBLIGATED PORTION OF THE \$780,000.00 PREVIOUSLY TRANSFERRED TO**
5 **THE SUPERIOR COURT'S BUDGET; AND FOR OTHER PURPOSES.**

6
7 **WHEREAS**, the Fulton County Board of Commissioners is responsible for
8 adopting and amending the County's annual budget and appropriating funds for County
9 operations and services; and

10 **WHEREAS**, O.C.G.A. § 36-81-3 provides that counties have the authority to
11 adopt an ordinance to establish their own fiscal year and budget preparation process;
12 and

13 **WHEREAS**, the Fulton County Board of Commissioners has determined that it is
14 in the best interest of Fulton County to have a streamlined budget preparation process
15 that provides the necessary legal requirements and removes previous time consuming
16 and burdensome practices; and

17 **WHEREAS**, O.C.G.A. § 36-81-3 provides that a county may amend its budget to
18 adopt to changing governmental needs during the budget period; and

19 **WHEREAS**, O.C.G.A. § 36-81-3(d) provides that amendments shall be made as
20 follows:

21 (1) Any increase in appropriation at the legal level of control of the local
22 government, whether accomplished through a change in anticipated revenues in any
23 fund or through a transfer of appropriations among departments, shall require the
24 approval of the governing authority. Such amendment shall be adopted by ordinance or
25 resolution; and

26 (2) Transfers of appropriations within any fund below the local government's legal
27 level of control shall require only the approval of the budget officer; and

28 (3) The governing authority of a local government may amend the legal level of
29 control to establish a more detailed level of budgetary control at any time during the
30 budget period. Said amendment shall be adopted by ordinance or resolution; and

31 **WHEREAS**, the legal level of control for Fulton County is the departmental level;
32 and

33 **WHEREAS**, both the Superior Court and Magistrate Court provide essential
34 judicial services to residents of Fulton County and play critical roles in the administration
35 of justice; and

36 **WHEREAS**, the Fulton County Board of Commissioners has identified funding
37 needs within the Magistrate Court that require additional financial resources to support
38 ongoing operations and service delivery; and

39 **WHEREAS**, on December 20, 2023, pursuant to Resolution No. 23-0967, the
40 Fulton County Board of Commissioners previously approved the transfer of funds from
41 the Magistrate Court budget to the Superior Court which resulted in transfer of funds in
42 the amount of \$780,000.00 for three full-time magistrates to support the management of
43 the Superior Court's criminal caseload for each year; and

44 **WHEREAS** the Superior Court and Magistrate Court agree that those three full-
45 time magistrates will be assigned to support the Superior Court and that the funding for
46 these three magistrates will be paid from the Magistrate Court's budget which requires
47 that the funding previously transferred to the Superior Court be re-directed to the
48 Magistrate Court's budget; and

49 **WHEREAS**, on January 21, 2026, the Fulton County Board of Commissioners
50 approved the FY2026 Final Adopted Budget and FY 2026 Budget Resolution (the
51 “FY2026 Final Budget”) through agenda Item 26-0032; and

52 **WHEREAS**, the Superior Court and Magistrate Court, through their respective
53 chief judges, have entered into a Memorandum of Understanding (MOU), filed with the
54 Clerk of the Superior Court on March 12, 2026, wherein both Courts agreed to the
55 transfer of these funds from Superior to Magistrate Court’s budget; and

56 **WHEREAS**, the Fulton County Board of Commissioners finds it to be in the best
57 interest of Fulton County to amend the approved Fiscal Year 2026 budget and redirect
58 funds from the Superior Court budget to the Magistrate Court budget for these three full-
59 time magistrate judges.

60 **NOW, THEREFORE, BE IT RESOLVED**, by the Fulton County Board of
61 Commissioners of Fulton County, Georgia, that, pursuant to O.C.G.A. § 36-81-3(d) and
62 Fulton County Code §2-261, the Superior Court budget shall be reduced by the amount
63 of funds remaining from the \$780,000 allocated for the three full-time magistrate judges
64 for Fiscal Year 2026 and the Magistrate Court budget shall be increased by that pro-rata
65 amount to maintain the level of services provided in Fiscal Year 2026 and recent years.

66 **BE IT FURTHER RESOLVED**, that the County Manager and the Department of
67 Finance are authorized and directed to take all actions necessary to implement the
68 transfer authorized by this Resolution in accordance with applicable County budgeting
69 policies and procedures; and

70 **BE IT FURTHER RESOLVED**, that the Finance Department is directed to place
71 the resulting budget soundings item, for the unobligated portion of \$780,000, on the
72 agenda of the next Board of Commissioners meeting for approval; and

73 **BE IT FURTHER RESOLVED**, that this Resolution shall become effective upon
74 adoption by the Fulton County Board of Commissioners.

75 **PASSED AND ADOPTED** by the Board of Commissioners of Fulton County,
76 Georgia this _____ day of _____, 2026.

77
78

79 **FULTON COUNTY BOARD OF**
80 **COMMISSIONERS**

81 **SPONSORED BY:**

82
83
84
85 _____
86 Robb Pitts, Chairman
87 (At-Large)

88
89
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92 **ATTEST:**

93
94 _____
95 Tonya R. Grier, Clerk to the Commission
96

97
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102 **APPROVED AS TO FORM:**

103
104 _____
105 Y. Soo Jo, County Attorney