

1 **RESOLUTION TO EXERCISE HOME RULE TO REPEAL SECTION 1 OF LOCAL**
2 **LAW 1960 Ga. L. 2347; TO AMEND SECTION 10 OF LOCAL LAW 1976 Ga. L. 3023;**
3 **TO ESTABLISH THE SALARY OF THE MARSHAL PURSUANT TO O.C.G.A. § 15-**
4 **10-100; AND FOR OTHER PURPOSES.**
5

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

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

11 **WHEREAS**, Section 1 of 1960 Ga. L. p. 2347 (“1960 Local Law”) set the salary of
12 the Marshal as \$11,000.00 per annum (a true and correct copy of the 1960 Local Law is
13 attached hereto as Exhibit A); and

14 **WHEREAS**, 1976 Ga. L. p. 3023 (“1976 Local Law”) consolidated the Civil Court
15 of Fulton County and the Criminal Court of Fulton County to create the State Court of
16 Fulton County (a true and correct copy of the 1976 Local Law is attached hereto as Exhibit
17 B); and

18 **WHEREAS**, pursuant to Section 10 of the 1976 Local Law, the compensation of
19 the Marshal remains as previously set by the 1960 Local Law; and

20 **WHEREAS**, Article 9, Section 2, Paragraph I(b) of the Georgia Constitution
21 provides each county with Home Rule authority to repeal and amend Local Acts that are
22 applicable to that particular county; and

23 **WHEREAS**, on January 21, 1998, the Board of Commissioners adopted a
24 Resolution establishing the salary for the Marshal equal to seventy-five percent (75%) of
25 the total compensation of the State Court Judges of Fulton County (“1998 Resolution”);
26 and

27 **WHEREAS**, the 1998 Resolution was not adopted using the Fulton County Board
28 of Commissioners’ Home Rule authority and therefore did not repeal or amend the
29 compensation provisions of the 1960 and 1976 Local Laws; and

30 **WHEREAS**, the Board of Commissioners elects to exercise its Home Rule power
31 to repeal Section 1 of the 1960 Local Law to remove the provision which sets the
32 compensation of the Marshal at \$11,000 annually; and

1 **WHEREAS**, the Board of Commissioners elects to exercise its Home Rule power
2 to amend Section 10 of the 1976 Local Law to remove the provision which sets the salary
3 of the Marshal as the amount set by the 1960 Local Law to read as follows:

4 **Section 10.** At the time of the creation of this Court the Marshal and Deputy
5 Marshals of the Civil Court of Fulton County shall become the Marshal and
6 Deputy Marshals of the State Court of Fulton County, and exercise the
7 same jurisdiction, power and authority as was reposed in them as the
8 Marshal and Deputy Marshals of the Civil Court of Fulton County. The
9 qualifications, method of election or selection, and terms of office for the
10 Marshal and Deputy Marshals of the State Court of Fulton County will be
11 the same as provided for them as Marshal and Deputy Marshals of the Civil
12 Court of Fulton County at the time of the creation of this Court. [Sidenote:
13 Marshal, etc.]

14 **NOW, THEREFORE, BE IT RESOLVED**, that pursuant to its Home Rule authority,
15 the Board of Commissioners hereby repeals Section 1 of the 1960 Local Law and amends
16 Section 10 of the 1976 Local Law to change the salary of the Marshal.

17 **BE IT FURTHER RESOLVED**, that the salary of the Marshal shall be \$173,192
18 per annum until such time as a new salary is adopted by the Board of Commissioners or
19 is otherwise provided by law.

20 **BE IT FURTHER RESOLVED**, that the Clerk of the Fulton County Board of
21 Commissioners shall insure that this resolution is duly adopted at two regular consecutive
22 meetings of the Board of Commissioners not less than seven nor more than sixty days
23 apart; shall file a copy of the proposed repeal and amendment with the Clerk of the
24 Superior Court of the County for the purpose of examination and inspection by the public;
25 shall publish a notice containing a synopsis of the proposed repeal and amendment in
26 the official county organ once a week for three weeks within a period of sixty days
27 immediately preceding its final adoption (such notice shall state that a copies of the
28 proposed repeal and amendment are on file in the office of the clerk of the superior court
29 of the county for inspection by the public) and shall file with the Secretary of State of
30 Georgia a copy of this Resolution as finally adopted along with the notice of publication
31 and affidavit of publication.

