

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

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

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

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

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

21 **Probate Judge**

22 **WHEREAS**, the base salary of the Probate Judge of Fulton County is set forth in O.C.G.A.
23 § 15-9-63(a); and

24 **WHEREAS**, pursuant to O.C.G.A. § 15-9-63(a)(3) a county supplement paid to the
25 Probate Judge of Fulton County may be established by the county governing authority or the
26 General Assembly by local law; and

27 **WHEREAS**, in 2015, the Board of Commissioners passed Resolution No. 2015-0943
28 which established a county supplement for the Probate Judge; and

29 **WHEREAS**, Section 1(a) of 2017 Ga. L. 3948 purportedly established the annual salary
30 of the Probate Judge as equal to ninety percent (90%) of the total state salary plus the county
31 supplement now or hereafter paid to a judge of the Superior Court of Fulton County but has been
32 interpreted as establishment of a county supplement for the Probate Judge since the annual base
33 salary of a county probate judge is set by general law, specifically O.C.G.A. § 15-9-63(a); and

34 **WHEREAS**, the Section 1(a) of 2017 Ga. L. 3948 superseded Resolution No. 2015-0943;
35 and

1 **WHEREAS**, the Board of Commissioners, via Resolution No. 2022-0191, has initiated its
2 Home Rule power to repeal Section 1(a) of 2017 Ga. L. 3948 and to permit the Board of
3 Commissioners to adopt a new supplement for the Probate Judge.

4 **State Court Judge**

5 **WHEREAS**, pursuant to O.C.G.A. § 15-7-22, the salary of a state court judge shall be paid
6 “as provided by local law”; and

7 **WHEREAS**, 2017 Ga. L. 3948 established the salary of a state court judge as “equal to
8 95 percent of the total of the state salary plus the county supplement now or hereafter paid to a
9 judge of the Superior Court of Fulton County;” and

10 **WHEREAS**, pursuant to O.C.G.A. § 15-7-22, the county governing authority may provide
11 for a supplement to a state court judge; and

12 **WHEREAS**, the Board of Commissioners has not adopted a current County supplement
13 for the Fulton County State Court Judges.

14 **Chief Magistrate and Other Magistrates**

15 **WHEREAS**, the base salary of a full-time chief magistrate is set forth in O.C.G.A. § 15-
16 10-23(a)(2), and the minimum monthly salary for other full-time magistrates is set forth in O.C.G.A.
17 § 15-10-23(a)(4); and

18 **WHEREAS**, pursuant to O.C.G.A. § 15-10-23(d), “[t]he county governing authority may
19 supplement the minimum annual salary of the chief or other magistrate in such amount as it may
20 fix from time to time...”; and

21 **WHEREAS**, on October 21, 2015, the Board of Commissioners adopted Resolution No.
22 2015-0943 which established a county supplement of not less than \$6,000 for the Chief
23 Magistrate Judge but has not adopted a general supplement.

24 **Juvenile Court Judges and Associate Juvenile Court Judges**

25 **WHEREAS**, pursuant to O.C.G.A. § 15-11-52(b), the salary of judges of a Juvenile Court,
26 other than associate judges, is set by the Superior Court with the approval of the governing
27 authority; and

28 **WHEREAS**, in the 1998 Compensation Resolution, the salary for a juvenile court judge
29 was set as “equal to ninety percent (90%) of the total compensation of the Superior Court Judges
30 including the percentage of any increase in State compensation of Superior Court Judges which
31 may be received July 1, 1998”; and

32 **WHEREAS**, the General Assembly in 2000, in 2000 Ga. L. 3904, adopted a base salary
33 for the Juvenile Court Judges using the same amount listed in the 1998 Compensation

1 Resolution, as ninety percent (90%) of the state salary plus county supplement paid to a superior
2 court judge; and

3 **WHEREAS**, in 2015 the Board of Commissioners passed Resolution No. 2015-0943
4 which established a county supplement for the Chief Judge of Juvenile Court; and

5 **WHEREAS**, Section 1(a) of 2017 Ga. L. 3948 passed by the General Assembly, continued
6 the annual salary of the Juvenile Court Judges as equal to ninety percent (90%) of the total state
7 salary plus the county supplement now or hereafter paid to a judge of the Superior Court of Fulton
8 County; and

9 **WHEREAS**, there is no authority for a county supplement as established in Resolution
10 No. 2015-0943; and

11 **WHEREAS**, there is no authority for the General Assembly to establish the salary of
12 Juvenile Court Judges as established in 2017 Ga. L. 3948; and

13 **WHEREAS**, the Board of Commissioners, via Resolution No. 2022-0191, has initiated its
14 Home Rule power to repeal Section 1(a) of 2017 Ga. L. 3948 to eliminate superfluous local law
15 that conflicts with general law regarding the establishment of the salary for the Juvenile Court
16 Judges; and

17 **WHEREAS**, DHRM has confirmed that the Superior Court supports the proposed salary
18 presented for the Juvenile Court Judges; and

19 **WHEREAS**, pursuant to O.C.G.A. § 15-11-60, the salary of an associate juvenile court
20 judge is set by the juvenile court judge by whom s/he is appointed with the approval of the county
21 governing authority; and

22 **WHEREAS**, pursuant to the 1998 Compensation Resolution, the Board of Commissioners
23 established the salary of Associate Juvenile Court Judges to be “equal to seventy-five (75%) of
24 the total compensation of the State Court Judges including the percentage of any increase the
25 State Court Judges may receive as a result of increase in State Compensation of Superior Court
26 Judges which may be received July 1, 1998”; and

27 **WHEREAS**, DHRM has confirmed that the Juvenile Court Judge, who appoints all
28 Associate Juvenile Court Judges, supports the proposed salary presented for the Associate
29 Juvenile Court Judges.

30 **NOW, THEREFORE, BE IT RESOLVED**, that the Board of Commissioners hereby adopts
31 a new county supplement for the Probate Judge as outlined in the Salaries and Supplements
32 Schedule attached hereto subject to final adoption of Home Rule Resolution No. 2022-0191
33 repealing Section 1(a) of 2017 Ga. L. 3948.

1 **BE IT FURTHER RESOLVED**, that the Board of Commissioners hereby adopts new
2 county supplements for the State Court Judges, Chief Magistrate and Other Magistrates as
3 outlined in the Salaries and Supplements Schedule attached hereto.

4 **BE IT FURTHER RESOLVED**, that the Board of Commissioners hereby adopts new
5 salaries for the Chief Juvenile Court Judge, Juvenile Court Judges, and Associate Juvenile Court
6 Judges as outlined in the Salaries and Supplements Schedule attached hereto.

7 **BE IT FURTHER RESOLVED**, that this Resolution is not intended to replace, repeal or
8 supersede 2013 Ga. L. 4392, a local act of the General Assembly, which provides for an additional
9 supplement specific to the chief judge role in State Court.

10 **BE IT FURTHER RESOLVED**, that, with respect to the Chief Juvenile Court Judge, this
11 Resolution is intended to replace, repeal and supersede Resolution No. 2015-0493 passed by
12 the Board of Commissioners, thereby eliminating the supplement specific to the chief judge role
13 in the Juvenile Court.

14 **BE IT FURTHER RESOLVED**, that whenever the state employees subject to
15 compensation plans authorized and approved in accordance with O.C.G.A. §45-20-4 receive a
16 cost-of-living increase or general performance based increase of a certain percentage or a certain
17 amount, the amounts to which the Chief Juvenile Court Judge, Juvenile Court Judges and
18 Associate Juvenile Court Judges are entitled shall be increased by the same percentage or same
19 amount applicable to such state employees. If the cost-of-living increase or general performance
20 based increase received by state employees is in different percentages or different amounts as
21 to certain categories of employees, the amounts to which the Chief Juvenile Court Judge, Juvenile
22 Court Judge and Associate Juvenile Court Judge are entitled shall be increased by the highest
23 percentage rate or amount from that which is applied to the other judicial officials herein.

24 **BE IT FURTHER RESOLVED** that this Resolution shall be effective on April 13, 2022 for
25 bi-weekly payments and on April 23, 2022 for monthly payments.

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

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

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

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33 **FULTON COUNTY**
34 **BOARD OF COMMISSIONERS**
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Chairman Robert L. Pitts

ATTEST:

Tonya R. Grier
Clerk to the Commission

APPROVED AS TO FORM:

Y. Soo Jo
County Attorney

1 **SALARIES AND SUPPLEMENTS SCHEDULE**

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

4
5 (1) Probate Judge ^Δ\$66,868
6 (2) State Court Judge.....\$71,625
7 (3) Chief Magistrate\$66,868
8 (4) Other Full-Time Magistrate\$48,472
9

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

11
12 (1) Chief Juvenile Court Judge.....\$179,192
13 (2) Juvenile Court Judge.....\$173,192
14 (3) Associate Juvenile Court Judge.....\$162,801
15

16 Whenever the state employees subject to compensation plans authorized and approved
17 in accordance with O.C.G.A. §45-20-4 receive a cost-of-living increase or general performance
18 based increase of a certain percentage or a certain amount, the amounts to which the Chief
19 Juvenile Court Judge, a Juvenile Court Judge and an Associate Juvenile Court Judge are entitled
20 shall be increased by the same percentage or same amount applicable to such state employees.
21 If the cost-of-living increase or general performance based increase received by state employees
22 is in different percentages or different amounts as to certain categories of employees, the
23 amounts to which the Chief Juvenile Court Judge, Juvenile Court Judge and Associate Juvenile
24 Court Judge are entitled shall be increased by the highest percentage rate or amount from that
25 which is applied to other judicial officials.
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28 ^Δ Subject to final adoption of any additional legally required legislation.
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