

1 **A RESOLUTION TO AMEND FULTON COUNTY’S CURRENT BUDGET TO**
2 **INCREASE THE DEPARTMENTAL BUDGET FOR THE OFFICE OF THE PUBLIC**
3 **DEFENDER, ATLANTA JUDICIAL CIRCUIT, BY \$1,428,000, BASED ON CURRENT**
4 **UNDERRUNS IN THE COUNTY’S OVERALL 2025 FISCAL YEAR BUDGET; AND**
5 **FOR OTHER PURPOSES.**

6 **WHEREAS**, O.C.G.A. § 36-81-3 provides that counties “shall establish by
7 ordinance, local law, or appropriate resolution a fiscal year for the operations of the local
8 government” and that counties “shall adopt and operate under an annual balanced
9 budget” to be adopted by ordinance or resolution; and

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

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

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

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

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

25 **WHEREAS**, the legal level of control for Fulton County is the departmental level;
26 and

27 **WHEREAS**, on January 29, 2025 via Item 25-0070, the Board of Commissioners
28 of Fulton County (“BOC”) adopted the 2025 fiscal year budget; and

29 **WHEREAS**, the 2025 fiscal year budget includes a budget of \$27,547,416 for the
30 Office of the Public Defender, Atlanta Judicial Circuit (“Public Defender”); and

WHEREAS, the 2025 fiscal year budget for the Public Defender does not include the requested \$4,897,313 budget enhancement for staffing and professional services for the entirety of 2025 as identified in the Proposed Budget submitted on November 15, 2024; and

WHEREAS, on August 6, 2025, the Finance Department presented the mid-year budget review via Item 25-0564, which indicated the County is currently projected to have \$69 million in underruns in the 2025 fiscal year budget due to projected actual revenue being greater than earlier estimates and projected actual expenses being less than earlier estimates; and

WHEREAS, according to the Finance Department's presentation, the excess underruns will increase the fund balance beyond the amount of 16.66% of budgeted expenses as required by Fulton County Code Section 102-290; and

WHEREAS, the BOC finds it to be in the best interests of the County to utilize a portion of the underruns to increase the departmental budget for the Public Defender to fund staffing and professional services.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Fulton County that, pursuant to O.C.G.A. § 36-81-3(d), the current budget is to be amended by transferring \$1,428,000 from available resources to the Public Defender to fund staffing and professional services for the last three and a half months of 2025.

BE IT FURTHER RESOLVED that the Finance Department is directed to identify the appropriate departments and funding lines for effectuating such transfer and place the resulting budget soundings item on the agenda of the next Board of Commissioners meeting for approval.

BE IT FINALLY RESOLVED THAT all resolutions or parts thereof in conflict herewith are hereby repealed.

SO PASSED AND ADOPTED, this day of September, 2025.

FULTON COUNTY

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BOARD OF COMMISSIONERS

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Moraima Ivory, Commissioner
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Clerk to the Commission

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4 APPROVED AS TO FORM:

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Y. Soo Jo

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County Attorney