

1 **RESOLUTION OF THE FULTON COUNTY BOARD OF COMMISSIONERS TO**
2 **INCREASE THE BUDGET OF THE DISTRICT ATTORNEY IN THE AMOUNT**
3 **REQUIRED TO CONVERT THE CURRENT PROJECT "ORCA" ATTORNEY**
4 **POSITIONS IN THAT DEPARTMENT TO PERMANENT POSITIONS IN THE 2024**
5 **FISCAL YEAR BUDGET, FUNDED AT THE CURRENT RATE OF PAY FOR EACH**
6 **POSITION; TO PROVIDE FUNDING FOR SUCH INCREASE FROM THE GENERAL**
7 **FUND; AND FOR OTHER PURPOSES.**

8 **WHEREAS**, pursuant to O.C.G.A. § 36-81-3(d)(1), "[a]ny increase in appropriation
9 at the legal level of control of the local government, whether accomplished through a
10 change in anticipated revenues in any fund or through a transfer of appropriations among
11 departments, shall require the approval of the governing authority. Such amendment shall
12 be adopted by ordinance or resolution" and;

13 **WHEREAS**, the Board of Commissioners has "exclusive jurisdiction and control
14 over ...directing and controlling all the property of the county, as they may deem
15 expedient, according to law" as provided in Fulton County Code ("FCC") Section 1-117;
16 and

17 **WHEREAS**, the District Attorney has utilized the services of attorneys funded
18 through the federal American Rescue Plan Act ("ARPA") grant to alleviate the backlog of
19 criminal cases caused and contributed to by the COVID pandemic emergency; and

20 **WHEREAS**, the Board of Commissioners finds that it is in the best interest of
21 Fulton County to ensure that such legal work can continue regardless of the availability
22 of the ARPA funding or other uses of the ARPA funding by the County that may be
23 required; and

24 **WHEREAS**, the seamless transition of the non-permanent attorney positions
25 utilized by the District Attorney to permanent positions--funded through the addition of
26 these attorney positions to the total budget of the District Attorney in the 2024 fiscal year

1 -- will ensure there is no disruption of the District Attorney’s operations and will facilitate
2 the swift adjudication of criminal cases.

3 **NOW THEREFORE, BE IT RESOLVED** that the Board of Commissioners hereby
4 directs the Finance Department to calculate the amount of funding required to convert
5 each Project ORCA attorney position assigned to the Office of the District Attorney into a
6 permanent County-funded attorney position in the 2024 fiscal year budget, to be funded
7 at the current rate of pay for such position, and to transfer that total amount from general
8 fund monies into the 2024 fiscal year budget of the Office of the District Attorney upon the
9 expiration of ARPA funds or as soon as practicable this year to ensure the Project ORCA
10 positions are transitioned without any break in position availability.

11 **BE FURTHER RESOLVED** that the Finance Director and Chief Human Resources
12 Officer shall take all necessary action to create such permanent positions in the Office of
13 the District Attorney for the 2024 fiscal year.

14 **BE IT FINALLY RESOLVED** that notwithstanding the creation of such permanent
15 positions in the 2024 fiscal year, the Board of Commissioners is neither bound to such
16 appropriations nor restricted in any way in future years’ budgeting decisions.

17 **SO PASSED AND ADOPTED**, by the Board of Commissioners of Fulton County
18 Georgia this 15th day of May, 2024.

19 **FULTON COUNTY BOARD**
20 **OF COMMISSIONERS**

21 **SPONSORED BY:**

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Vice-Chair Khadijah Abdur-Rahman,
25 Commissioner District 6
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ATTEST:

Tonya R. Grier
Clerk to the Commission

APPROVED AS TO FORM:

Y. Soo Jo
County Attorney