

1 **RESOLUTION TO ESTABLISH NEW SUPPLEMENTS FOR SUPERIOR COURT JUDGES,**
2 **THE DISTRICT ATTORNEY AND THE CIRCUIT PUBLIC DEFENDER AFTER SUPPORTIVE**
3 **OPINION RECEIVED FROM THE ATTORNEY GENERAL; AND FOR OTHER PURPOSES.**
4

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

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

22 **WHEREAS**, the base salary of the judges of the superior court is set forth in O.C.G.A. §
23 45-7-4(a)20; and

24 **WHEREAS**, O.C.G.A. § 15-6-29(c) authorizes a county supplement to be paid to superior
25 court judges but provides that the amount of such county supplement must be created and
26 changed by local legislation; and

27 **WHEREAS**, pursuant to 2013 Ga. L. 4397, the County supplement for Fulton County
28 Superior Court Judges was set at \$49,748; and

29 **WHEREAS**, pursuant to O.C.G.A. § 15-6-29.1(c), “on and after January 1, 2016, no county
30 or counties comprising the circuit shall increase an aggregate county salary supplement paid to
31 a superior court judge, if such supplement is \$50,000.00 or more”; and

32 **WHEREAS**, DHRM has recommended increasing the county supplement paid to the
33 Superior Court Judges for the Atlanta Judicial Circuit to an amount that is greater than \$50,000;
34 and

1 **WHEREAS**, the County Attorney has requested an opinion from the Attorney General of
2 Georgia clarifying the authority of the BOC to increase the County supplement paid to the Superior
3 Court Judges to an amount above \$50,000.

4 **District Attorney**

5 **WHEREAS**, the base salary of the district attorney is set forth in O.C.G.A. § 45-7-4(a)(21);
6 and

7 **WHEREAS**, pursuant to O.C.G.A. § 15-18-11, the governing authority of a county may
8 provide a county supplement to the district attorney for the judicial circuit where the county lies;
9 and

10 **WHEREAS**, Fulton County is the only county comprising the Atlanta Judicial Circuit; and

11 **WHEREAS**, pursuant to O.C.G.A. § 15-18-10.1(d), “on or after January 1, 2016, no county
12 or counties comprising the circuit shall increase an aggregate county salary supplement paid to
13 the district attorney or a state paid position appointed pursuant to this article, if such supplement
14 is \$50,000.00 or more”; and

15 **WHEREAS**, the County has used the 1998 Compensation Resolution, which provides that
16 the compensation for the district attorney be “equal to the total compensation of the Superior
17 Court Judges including the percentage of an increase in State compensation which may be
18 received July 1, 1998” as a basis to determine the supplement paid to the District Attorney for the
19 Atlanta Judicial Circuit; and

20 **WHEREAS**, the supplement paid to the District Attorney for the Atlanta Judicial Circuit is
21 less than \$50,000; and

22 **WHEREAS**, DHRM has recommended increasing the county supplement paid to the
23 District Attorney for the Atlanta Judicial Circuit to an amount that is greater than \$50,000; and

24 **WHEREAS**, the County Attorney has requested an opinion from the Attorney General of
25 Georgia that will provide clarification as to the authority of the BOC to increase the County
26 supplement paid to the District Attorney to an amount above \$50,000.

27 **Circuit Public Defender**

28 **WHEREAS**, the base salary of circuit public defenders is set forth in O.C.G.A. § 17-12-
29 25(a); and

30 **WHEREAS**, pursuant to O.C.G.A. § 17-12-25(b), the General Assembly by local law or
31 the county governing authority for the judicial circuit may establish a county supplement for a
32 circuit public defender, the greater of which shall prevail as the county supplement to be paid; and

33 **WHEREAS**, DHRM has recommended increasing the supplement paid to the Circuit
34 Public Defender for the Atlanta Judicial Circuit to an amount that is greater than \$50,000; and

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Contingent Salaries and Supplements (4.7.22 Final).docx

ADDITIONS TO SALARIES AND SUPPLEMENTS SCHEDULE

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

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| (1) Superior Court Judge ^{ΔΣ} | \$72,112 |
| (2) District Attorney ^Σ | \$72,112 |
| (3) Circuit Public Defender ^Σ | \$72,112 |

^Δ Subject to final adoption of any additional legally required legislation.

^Σ Subject to receipt of supportive opinion from the Attorney General regarding the amount.