

1 **RESOLUTION TO ESTABLISH NEW SUPPLEMENTS FOR THE CIRCUIT PUBLIC**
2 **DEFENDER, SHERIFF AND SUPERIOR COURT CLERK; TO ESTABLISH NEW SALARIES**
3 **FOR THE SOLICITOR-GENERAL AND MARSHAL; 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") which is attached hereto as **Exhibit A**;
9 and

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

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

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

23 **Circuit Public Defender**

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

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

29 **WHEREAS**, neither the General Assembly nor the Board of Commissioners has provided
30 a county supplement for the Circuit Public Defender for the Atlanta Judicial Circuit which is
31 comprised solely of Fulton County; and

32 **WHEREAS**, the Board of Commissioners desires to create a county supplement for the
33 Circuit Public Defender for the Atlanta Judicial Circuit.

34 **Sheriff**

35 **WHEREAS**, the base salary of a sheriff is set forth in O.C.G.A. § 15-16-20(a)(1); and

1 **WHEREAS**, pursuant to O.C.G.A. § 15-16-20(a)(3), the Georgia General Assembly by
2 local law or the county governing authority may establish a county supplement for a sheriff; and

3 **WHEREAS**, pursuant to the 1998 Compensation Resolution passed on January 21,1998,
4 the Board of Commissioners established a county supplement for the Sheriff in the amount
5 necessary to make the compensation of the Sheriff equal to “ninety percent (90%) of the total
6 compensation of the Superior Court Judges including the percentage of any increase in State
7 compensation of Superior Court Judges which may be received July 1, 1998.”

8 **Superior Court Clerk**

9 **WHEREAS**, the base salary of a clerk of a superior court is set forth in O.C.G.A. § 15-6-
10 88(a)(1); and

11 **WHEREAS**, pursuant to O.C.G.A. § 15-6-88(d), the General Assembly by local law or the
12 county governing authority may establish a county supplement for a clerk of the superior court;
13 and

14 **WHEREAS**, pursuant to the 1998 Compensation Resolution passed on January 21,1998,
15 the Board of Commissioners established a county supplement for the Clerk of Superior Court in
16 the amount necessary to make the compensation of the Clerk of Superior Court equal to “ninety
17 percent (90%) of the total compensation of the Superior Court Judges including the percentage
18 of any increase in State compensation of Superior Court Judges which may be received July 1,
19 1998.”

20 **Solicitor-General**

21 **WHEREAS**, pursuant to O.C.G.A. § 15-18-67(a), solicitors-general of state courts shall be
22 compensated from county funds as provided by local law; and

23 **WHEREAS**, pursuant to O.C.G.A. § 15-18-67(b), “[t]he county governing authority is
24 authorized to supplement the minimum compensation to be paid to the solicitor-general of the
25 state court of that county as provided by local law”; and

26 **WHEREAS**, 1974 Ga. L. 2240, a local act passed by the General Assembly and codified
27 as Fulton County Code § 10-311, authorizes the Board of Commissioners to set the salary of the
28 Solicitor-General at no less than \$30,500 per year; and

29 **WHEREAS**, pursuant to the 1998 Compensation Resolution passed on January 21,1998,
30 the Board of Commissioners established the salary of the Solicitor-General as an amount equal
31 to ninety percent (90%) of the total compensation of the Superior Court Judges of Fulton County.

32 **Marshal**

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

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

3 **WHEREAS**, pursuant to Section 1 of 1960 Ga. L. 2347, a marshal serving the Civil Court
4 is to be paid a salary of \$11,000.00 per annum; and

5 **WHEREAS**, pursuant to Section 10 of 1976 Ga. L. 3023 provides for a marshal for the
6 newly created State Court of Fulton County with the compensation of the Marshal to be as
7 previously set by 1960 Ga. L. 2347; and

8 **WHEREAS**, the Board of Commissioners, via Resolution No. 2022-0194, has initiated its
9 Home Rule power to repeal Section 1 of 1960 Ga. L. 2347, to amend Section 10 of 1976 Ga. L.
10 3023 and to adopt a new salary for the Marshal.

11 **NOW, THEREFORE, BE IT RESOLVED**, that the Board of Commissioners hereby adopts
12 new county supplements for the Circuit Public Defender, the Sheriff and the Superior Court Clerk
13 as outlined in the Salaries and Supplements Schedule attached hereto.

14 **BE IT FURTHER RESOLVED**, that the Board of Commissioners hereby adopts a new
15 salary for the Solicitor-General as outlined in the Salaries and Supplements Schedule attached
16 hereto.

17 **BE IT FURTHER RESOLVED**, that the Board of Commissioners hereby adopts new
18 salary for the Marshal as outlined in the Salaries and Supplements Schedule attached hereto
19 subject to final adoption of Home Rule Resolution No. 2022-0194, repealing Section 1 of 1960
20 Ga. L. 2347 and amending Section 10 of 1976 Ga. L. 3023.

21 **BE IT FURTHER RESOLVED**, that whenever the state employees subject to
22 compensation plans authorized and approved in accordance with O.C.G.A. §45-20-4 receive a
23 cost-of-living increase or general performance based increase of a certain percentage or a certain
24 amount, the amounts to which the Solicitor-General and Marshal are entitled shall be increased
25 by the same percentage or same amount applicable to such state employees. If the cost-of-living
26 increase or general performance based increase received by state employees is in different
27 percentages or different amounts as to certain categories of employees, the amounts to which
28 the Solicitor-General and Marshal are entitled shall be increased by the highest percentage rate
29 or amount from that which is applied to the other non-judicial officials herein.

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

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

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

3 **PASSED AND ADOPTED** this 13th day of April, 2022.



**FULTON COUNTY
BOARD OF COMMISSIONERS**

Robert L. Pitts

Chairman Robert L. Pitts

12 **ATTEST:**

Tonya R. Grier

15 Tonya R. Grier
16 Clerk to the Commission

18 **APPROVED AS TO FORM:**

Y. Soo Jo

21 Y. Soo Jo
22 County Attorney

27
28 P:\CAProjects\Persnl\Salary and Supplements for Elected Appointed Officials\Resolutions per 21-0913\4.13.22 Resolution (1) Non-
29 Judicial Public Officials Salaries and Supplements (4.4.22 FINAL).docx

SALARIES AND SUPPLEMENTS SCHEDULE

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

(1) Circuit Public Defender	\$49,748
(2) Sheriff	\$40,128
(3) Superior Court Clerk	\$25,956

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

(1) Solicitor-General	\$200,902
(2) Marshal ^Δ	\$173,192

Whenever the state employees subject to compensation plans authorized and approved in accordance with O.C.G.A. §45-20-4 receive a cost-of-living increase or general performance based increase of a certain percentage or a certain amount, the salaries to which the Solicitor-General and Marshal are entitled shall be increased by the same percentage or same amount applicable to such state employees. If the cost-of-living increase or general performance based increase received by state employees is in different percentages or different amounts as to certain categories of employees, the amounts to which the Solicitor-General and Marshal are entitled shall be increased by the highest percentage rate or amount from that which is applied to other non-judicial officials.

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

2

Exhibit A

**A RESOLUTION PROVIDING FOR AN INCREASE IN
COMPENSATION FOR FULTON COUNTY EMPLOYEES**

WHEREAS, the 1998 Budget for Fulton County contains increases in compensation for County employees; and,

WHEREAS, there are sufficient funds available to finance said increases in compensation;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Fulton County as follows:

SECTION I

All Fulton County employees, classified and unclassified, except for contractual or fee paid employees shall have their compensation set in accordance with the budget law and/or the 1998 Pay Schedule and Compensation Plan, provided no employee shall receive compensation equal to or greater than that of his/her Department Head. All employees who are entitled to receive compensation, except for contractual or fee paid employees, will receive a four percent (4%) Salary Adjustment effective with the pay period beginning January 21, 1998. This would include an annual supplement for the Family and Children Services Administrator and Cooperative Extension Agent.

SECTION II

Effective July 22, 1998, all employees who are entitled to receive compensation, except for contractual, hourly-paid and fee paid employees, who were employed on January 1, 1998 will be granted a four percent (4%) increment/salary adjustment based on a proficient or better rating on an evaluation of performance as of June 30, 1998 by the Department Head or Appointing Authority. Effective July 22, 1998, all employees who are entitled to receive compensation, except for contractual, hourly-paid and fee paid employees who became employed on January 2, 1998, but no later than April 1, 1998, will be granted a two percent (2%) increment/salary adjustment based on a proficient or better evaluation of performance as of June 30, 1998 by the Department Head or Appointing Authority.

SECTION III

The District Attorney will receive such amount as to make his compensation equal to the total compensation of the Superior Court Judges including the percentage of any increase in State compensation which may be received July 1, 1998. The Superior Court Judges' supplement, at the present time, shall be fixed at the sum of \$30,600. The State Court Judges, Juvenile Court Judges, Judge of Probate Court, Clerk of Superior Court, Sheriff and State Court Solicitor will receive compensation equal to ninety percent (90%) of the total compensation of the Superior Court Judges including the percentage of any increase in State compensation of Superior Court Judges which may be received July 1, 1998. The full-time Magistrate Court Judges, Associate Juvenile Court Judges and the State Court Marshal will receive compensation equal to seventy five percent (75%) of the total compensation of the State Court Judges including the percentage of any increase the State Court Judges may receive as a result of increase in State Compensation of Superior Court Judges which may be received July 1, 1998. The increases referenced in Section I & Section II herein shall not apply to the positions enumerated in this Section III.

SECTION IV

This resolution shall become effective on the 21st day of January, 1998.



County Attorney

County Attorney