

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, IN THE AMOUNT OF \$4,897,313,**
4 **BASED ON CURRENT UNDERRUNS IN THE COUNTY'S OVERALL 2025 FISCAL**
5 **YEAR BUDGET; AND FOR OTHER PURPOSES.**

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

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

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

15 (1) Any increase in appropriation at the legal level of control of the local
16 government, whether accomplished through a change in anticipated
17 revenues in any fund or through a transfer of appropriations among
18 departments, shall require the approval of the governing authority. Such
19 amendment shall be adopted by ordinance or resolution;
20

21 (2) Transfers of appropriations within any fund below the local
22 government's legal level of control shall require only the approval of the
23 budget officer; and
24

25 (3) The governing authority of a local government may amend the legal
26 level of control to establish a more detailed level of budgetary control at
27 any time during the budget period. Said amendment shall be adopted by
28 ordinance or resolution; and
29

30 **WHEREAS,** the legal level of control for Fulton County is the departmental level;

31 and

32 **WHEREAS,** on January 29, 2025 via Item 25-0070, the Board of Commissioners
33 of Fulton County ("BOC") adopted the 2025 fiscal year budget; and

34 **WHEREAS,** the 2025 fiscal year budget includes a budget of \$27,547,416 for the

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 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 \$4,897,313 from available resources to the Public Defender to fund staffing and professional services.

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
BOARD OF COMMISSIONERS**

Sponsored by:

Moraima Ivory, Commissioner
District 4

ATTEST:

Tonya Grier
Clerk to the Commission

APPROVED AS TO FORM:

Y. Soo Jo
County Attorney