

1     **RESOLUTION TO EXERCISE HOME RULE TO REPEAL SECTION 1(a) OF LOCAL**  
2     **LAW 2017 Ga. L. 3948; TO CONTINUE THE COUNTY SUPPLEMENT PAID TO THE**  
3     **PROBATE JUDGE; TO CONTINUE THE SALARY PAID TO THE JUVENILE COURT**  
4     **JUDGES; AND FOR OTHER PURPOSES.**  
5

6             **WHEREAS**, pursuant to O.C.G.A. § 15-11-52(b), the salary of judges, other than  
7 associate judges, of the Fulton County Juvenile Court is set by the Superior Court of  
8 Fulton County with the approval of the Fulton County Board of Commissioners; and

9             **WHEREAS**, the base salary of the Probate Judge of Fulton County is set forth in  
10 O.C.G.A. § 15-9-63(a); and

11            **WHEREAS**, pursuant to O.C.G.A. § 15-9-63(a)(3) a county supplement paid to the  
12 Probate Judge of Fulton County may be established by the county governing authority or  
13 the General Assembly by local law; and

14            **WHEREAS**, in 2015 the Fulton County Board of Commissioners passed  
15 Resolution No. 2015-0943 (“2015 Resolution”) which established a county supplement  
16 for the Probate Judge and for the Chief Judge of Juvenile Court; and

17            **WHEREAS**, Section 1(a) of 2017 Ga. L. pg. 3948 (“2017 Local Law”) established  
18 the annual salary of the Probate Judge and the Juvenile Court Judges as equal to ninety  
19 percent (90%) of the total state salary plus the county supplement now or hereafter paid  
20 to a judge of the Superior Court of Fulton County (a true and correct copy of the 2017  
21 Local Law is attached hereto as Exhibit A); and

22            **WHEREAS**, Section 1(a) of the 2017 Local Law, although providing for an annual  
23 salary in its text, is interpreted as establishment of a county supplement for the Probate  
24 Judge since the annual base salary of a county probate judge is set by general law,  
25 specifically O.C.G.A. § 15-9-63(a); and

26            **WHEREAS**, the 2017 Local Law superseded the 2015 Resolution; and

27            **WHEREAS**, Section 1(a) of the 2017 Local Law as it pertains to Juvenile Court  
28 Judges was superseded by O.C.G.A. § 15-11-52(b); and

29            **WHEREAS**, Article 9, Section 2, Paragraph I(b) of the Georgia Constitution  
30 provides each county with Home Rule authority to repeal and amend Local Acts that are  
31 applicable to that particular county; and

32            **WHEREAS**, the Board of Commissioners elects to exercise its Home Rule power  
33 to repeal Section 1(a) of the 2017 Local Law; and

1           **WHEREAS**, the Board of Commissioners wishes to continue payment of the  
2 existing county supplement amount to the Probate Judge and the existing salary amount  
3 to the Juvenile Court Judges after repeal of the 2017 Local Law.

4           **NOW, THEREFORE, BE IT RESOLVED**, that pursuant to its Home Rule authority,  
5 the Board of Commissioners hereby repeals Section 1(a) of the 2017 Local Law.

6           **BE IT FURTHER RESOLVED**, that the county supplement currently paid to the  
7 Probate Judge per annum shall continue to be paid to the Probate Judge until such time  
8 the Board of Commissioners establishes a new county supplement or as otherwise  
9 provided by law.

10          **BE IT FURTHER RESOLVED**, that the salary paid to the judges, other than  
11 associate judges, of the Fulton County Juvenile Court per annum shall continue to be  
12 paid to the Juvenile Court Judges until such time the Superior Court of Fulton County with  
13 the approval of the Fulton County Board of Commissioners establishes a new salary or  
14 as otherwise provided by law.

15          **BE IT FURTHER RESOLVED**, that the Clerk of the Fulton County Board of  
16 Commissioners shall insure that this resolution is duly adopted at two regular consecutive  
17 meetings of the Board of Commissioners not less than seven nor more than sixty days  
18 apart; shall file a copy of the proposed repeal and amendment with the Clerk of the  
19 Superior Court of the County for the purpose of examination and inspection by the public;  
20 shall publish a notice containing a synopsis of the proposed repeal in the official county  
21 organ once a week for three weeks within a period of sixty days immediately preceding  
22 its final adoption (such notice shall state that a copies of the proposed repeal are on file  
23 in the office of the clerk of the superior court of the county for inspection by the public)  
24 and shall file with the Secretary of State of Georgia a copy of this Resolution as finally  
25 adopted along with the notice of publication and affidavit of publication.

26          **BE IT FURTHER RESOLVED**, that this Resolution shall become effective upon  
27 adoption.

28          **BE IT FINALLY RESOLVED**, that all ordinances, resolutions, including the 2015  
29 Resolution, and parts of resolutions in conflict with this Resolution are hereby repealed to  
30 the extent of the conflict.

1 **PASSED AND ADOPTED** this \_\_\_\_ day of March, 2022 and this \_\_\_\_ day of  
2 April, 2022.

3 **FULTON COUNTY**  
4 **BOARD OF COMMISSIONERS**

5  
6  
7 \_\_\_\_\_  
8 Chairman Robert L. Pitts

9 **ATTEST:**

10  
11 \_\_\_\_\_  
12 Tonya R. Grier  
13 Clerk to the Commission  
14

15  
16 **APPROVED AS TO FORM:**

17  
18 \_\_\_\_\_  
19 Y. Soo Jo  
20 County Attorney  
21

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23  
24 P:\CAProjects\Persnl\Salary and Supplements for Elected Appointed Officials\Resolutions per 21-0913\Resolution\_  
25 Probate Judge - supplement Juvenile Court Judges (3.8.22) (002).docx  
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