

1 **A RESOLUTION URGING THE CONSOLIDATION OF CERTAIN FULTON**
2 **COUNTY CLERK OF COURT OPERATIONS UNDER THE FULTON COUNTY**
3 **SUPERIOR COURT CLERK; DIRECTING THE COUNTY MANAGER TO**
4 **ASSIST WITH FACILITATING SUCH CONSOLIDATION; AND FOR OTHER**
5 **PURPOSES.**

6
7 **WHEREAS**, Fulton County, Georgia, (the “County”) is a political subdivision of the
8 State of Georgia, existing as such under and by the Constitution, statutes, and laws of
9 the State; and

10 **WHEREAS**, the County’s Board of Commissioners (“BOC”) desires a more
11 judicious and efficient use of the County’s tax dollars, infrastructure, and personnel as it
12 relates to clerk of court operations in the County’s Superior, State and Magistrate Courts
13 (collectively “Clerk Operations”); and

14 **WHEREAS**, such judiciousness and efficiency can best be accomplished through
15 the consolidation of Clerk Operations under the County’s Clerk of Superior Court
16 (“Superior Court Clerk”); and

17 **WHEREAS**, consolidation of Clerk Operations would reduce overall costs to the
18 County by eliminating duplication of infrastructure, personnel, training, processes, and
19 functions; and

20 **WHEREAS**, pursuant to GA. CONST. art. IX, § 1, para. III, the Superior Court Clerk
21 is a constitutionally elected position; and

22 **WHEREAS**, pursuant to O.C.G.A. § 15-6-51, the Superior Court Clerk may
23 undertake additional court clerk duties by concurrently holding the office of clerk for other
24 courts within the County; and

25 **WHEREAS**, pursuant to 1999 Ga. L. 3781 (codified as Fulton County Code § 10-
26 184(a)), the Judges of the Fulton County’s State Court (“State Court Judges”) elect the

1 Chief Clerk of the Fulton County State Court (“State Court Clerk”); and

2 **WHEREAS**, on March 16, 2016, pursuant to O.C.G.A. § 15-10-105(b), and with
3 the consent of the Superior Court Clerk, the BOC adopted Resolution No.16-0263
4 appointing the Superior Court Clerk (“Appointment”) to serve as the Clerk of the Fulton
5 County Magistrate Court (“Magistrate Court Clerk”); and

6 **WHEREAS**, the BOC recognizes that reversing this Appointment would be a costly
7 and complicated endeavor that would require building new infrastructure that has not
8 previously existed in Magistrate Court, altering the budget of a constitutional officer, and
9 transferring employees possibly to the disruption and detriment of the courts and offices
10 in which they serve; and

11 **WHEREAS**, the expense of reversing the Appointment provided in Resolution No.
12 16-0263 will ultimately be borne by the tax paying residents of Fulton County; and

13 **WHEREAS**, the BOC intends to maintain the Appointment of the Superior Court
14 Clerk to the position of Magistrate Court Clerk; and

15 **WHEREAS**, the BOC desires that the Superior Court Clerk also serve as the State
16 Court Clerk.

17 **NOW THEREFORE, BE IT HEREBY RESOLVED**, that the Fulton County Board
18 of Commissioners urges the State Court Judges to elect the Superior Court Clerk to serve
19 as the State Court Clerk.

20 **BE IT FURTHER RESOLVED**, that the Fulton County Board of Commissioners
21 urges the Superior Court Clerk to consent to serving as the State Court Clerk if so elected,
22 which—in conjunction with the Appointment as the Magistrate Court Clerk set forth in
23 Resolution No. 16-0623—would result in consolidated Clerk Operations serving the

1 Fulton County Superior, State, and Magistrate Courts.

2 **BE IT FURTHER RESOLVED**, that the Fulton County Board of Commissioners
3 urges all stakeholders to work cohesively to achieve and/or maintain the consolidation of
4 Clerk Operations under the Superior Court Clerk.

5 **BE IT FINALLY RESOLVED**, that if all necessary parties (the Superior Court
6 Clerk, the Superior Court Chief Judge, the State Court Judges, and the Chief Magistrate)
7 agree, the Fulton County Board of Commissioners directs the County Manager and
8 County departments to facilitate consolidation of Clerk Operations and bring forth any
9 budgetary or legislative actions for which further BOC approval is required to achieve the
10 desired consolidation.

11 **SO PASSED AND ADOPTED** by the Board of Commissioners of Fulton County
12 this 15th day of March 2023.

13 **FULTON COUNTY**
14 **BOARD OF COMMISSIONERS**

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16 Robert L. Pitts, Chairman

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22 **ATTEST:**

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24 Tonya R. Grier, Clerk to the Commission
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1 **APPROVED AS TO FORM:**

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Y. Soo Jo, County Attorney

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