

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26 **WHEREAS**, the 2017 Local Law superseded the 2015 Resolution; and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28 Judges was superseded by O.C.G.A. § 15-11-52(b); and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 1(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
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

PASSED AND ADOPTED this 11th day of March, 2022 and this 13th day of April, 2022.

FULTON COUNTY
BOARD OF COMMISSIONERS

[Signature]
Chairman Robert L. Pitts

ATTEST:

[Signature]
Tonya R. Grier
Clerk to the Commission



APPROVED AS TO FORM:

[Signature]
Y. Soo Jo
County Attorney

P:\CAPProjects\Persnl\Salary and Supplements for Elected Appointed Officials\Resolutions per 21-0913\Resolution_Probate Judge - supplement Juvenile Court Judges (3.8.22) (002).docx

ITEM # 22-0191 RCS 3/16/22
RECESS MEETING

ITEM # 22-0191 RM 4/13/22
REGULAR MEETING

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

EXHIBIT A

3948 LOCAL AND SPECIAL ACTS AND RESOLUTIONS, VOL. II

FULTON COUNTY – STATE COURT; JUDGES; COMPENSATION.

No. 159 (House Bill No. 603).

AN ACT

To amend an Act to provide for the compensation of the judges of the State Court of Fulton County, the judges of the Juvenile Court of Fulton County, and the judge of the Probate Court of Fulton County, approved April 19, 2000 (Ga. L. 2000, p. 3904), so as to modify the compensation of the judges of the State Court of Fulton County; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

An Act to provide for the compensation of the judges of the State Court of Fulton County, the judges of the Juvenile Court of Fulton County, and the judge of the Probate Court of Fulton County, approved April 19, 2000 (Ga. L. 2000, p. 3904), is amended by revising Section 1 as follows:

"SECTION 1.

- (a) Each of the judges of the Juvenile Court of Fulton County and the judge of the Probate Court of Fulton County shall be paid an annual salary equal to 90 percent of the total of the state salary plus the county supplement now or hereafter paid to a judge of the Superior Court of Fulton County. Such salaries shall be paid in equal monthly installments from the funds of Fulton County. This section shall not affect, reduce, or repeal any sum payable in addition to compensation as provided by local law to the chief judge of the State Court of Fulton County for performing the duties of chief judge.
- (b) Each of the judges of the State Court of Fulton County shall be paid an annual salary equal to 95 percent of the total of the state salary plus the county supplement now or hereafter paid to a judge of the Superior Court of Fulton County. Such salaries shall be paid in equal monthly installments from the funds of Fulton County. This section shall not