

1 **RESOLUTION TO ESTABLISH NEW SUPPLEMENTS FOR SUPERIOR COURT JUDGES,**  
2 **THE DISTRICT ATTORNEY AND THE CIRCUIT PUBLIC DEFENDER AFTER SUPPORTIVE**  
3 **OPINION RECEIVED FROM THE ATTORNEY GENERAL; 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”); and

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

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

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

21 **Superior Court Judge**

22 **WHEREAS**, the base salary of the judges of the superior court is set forth in O.C.G.A. §  
23 45-7-4(a)20; and

24 **WHEREAS**, O.C.G.A. § 15-6-29(c) authorizes a county supplement to be paid to superior  
25 court judges but provides that the amount of such county supplement must be created and  
26 changed by local legislation; and

27 **WHEREAS**, pursuant to 2013 Ga. L. 4397, the County supplement for Fulton County  
28 Superior Court Judges was set at \$49,748; and

29 **WHEREAS**, pursuant to O.C.G.A. § 15-6-29.1(c), “on and after January 1, 2016, no county  
30 or counties comprising the circuit shall increase an aggregate county salary supplement paid to  
31 a superior court judge, if such supplement is \$50,000.00 or more”; and

32 **WHEREAS**, DHRM has recommended increasing the county supplement paid to the  
33 Superior Court Judges for the Atlanta Judicial Circuit to an amount that is greater than \$50,000;  
34 and

1           **WHEREAS**, the County Attorney has requested an opinion from the Attorney General of  
2 Georgia clarifying the authority of the BOC to increase the County supplement paid to the Superior  
3 Court Judges to an amount above \$50,000.

4           **District Attorney**

5           **WHEREAS**, the base salary of the district attorney is set forth in O.C.G.A. § 45-7-4(a)(21);  
6 and

7           **WHEREAS**, pursuant to O.C.G.A. § 15-18-11, the governing authority of a county may  
8 provide a county supplement to the district attorney for the judicial circuit where the county lies;  
9 and

10           **WHEREAS**, Fulton County is the only county comprising the Atlanta Judicial Circuit; and

11           **WHEREAS**, pursuant to O.C.G.A. § 15-18-10.1(d), “on or after January 1, 2016, no county  
12 or counties comprising the circuit shall increase an aggregate county salary supplement paid to  
13 the district attorney or a state paid position appointed pursuant to this article, if such supplement  
14 is \$50,000.00 or more”; and

15           **WHEREAS**, the County has used the 1998 Compensation Resolution, which provides that  
16 the compensation for the district attorney be “equal to the total compensation of the Superior  
17 Court Judges including the percentage of an increase in State compensation which may be  
18 received July 1, 1998” as a basis to determine the supplement paid to the District Attorney for the  
19 Atlanta Judicial Circuit; and

20           **WHEREAS**, the supplement paid to the District Attorney for the Atlanta Judicial Circuit is  
21 less than \$50,000; and

22           **WHEREAS**, DHRM has recommended increasing the county supplement paid to the  
23 District Attorney for the Atlanta Judicial Circuit to an amount that is greater than \$50,000; and

24           **WHEREAS**, the County Attorney has requested an opinion from the Attorney General of  
25 Georgia that will provide clarification as to the authority of the BOC to increase the County  
26 supplement paid to the District Attorney to an amount above \$50,000.

27           **Circuit Public Defender**

28           **WHEREAS**, the base salary of circuit public defenders is set forth in O.C.G.A. § 17-12-  
29 25(a); and

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

33           **WHEREAS**, DHRM has recommended increasing the supplement paid to the Circuit  
34 Public Defender for the Atlanta Judicial Circuit to an amount that is greater than \$50,000; and

1           **WHEREAS**, the County Attorney has requested an opinion from the Attorney General of  
2 Georgia that will provide clarification as to the authority of the BOC to increase the County  
3 supplement paid to the Circuit Public Defender to an amount above \$50,000.

4           **NOW, THEREFORE, BE IT RESOLVED**, that the BOC hereby adopts a new county  
5 supplement for the Superior Court Judges to be included in the Salaries and Supplements  
6 Schedule attached hereto.

7           **BE IT FURTHER RESOLVED**, that the BOC hereby adopts new county supplements for  
8 the District Attorney and Circuit Public Defender as outlined in the Salaries and Supplements  
9 Schedule attached hereto.

10          **BE IT FURTHER RESOLVED** that the supplements authorized by this Resolution shall  
11 become effective on the first day of the applicable pay cycle that starts immediately after such  
12 contingencies are satisfied.

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

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

18          **PASSED AND ADOPTED** this 13<sup>th</sup> day of April, 2022.



**FULTON COUNTY  
BOARD OF COMMISSIONERS**

*Robert L. Pitts*  
Chairman Robert L. Pitts

27 ATTEST:  
28 *Tonya R. Grier*  
29  
30 Tonya R. Grier  
31 Clerk to the Commission

32  
33 APPROVED AS TO FORM:  
34 *Y. Soo Jo*  
35  
36 Y. Soo Jo  
37 County Attorney

ITEM # 22-0238 RM 4/13/22  
REGULAR MEETING

**ADDITIONS TO SALARIES AND SUPPLEMENTS SCHEDULE**

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

- (1) Superior Court Judge .....\$72,112
- (2) District Attorney .....\$72,112
- (3) Circuit Public Defender.....\$72,112