

GWINNETT COUNTY

BOARD OF COMMISSIONERS

LAWRENCEVILLE, GEORGIA

RESOLUTION ENTITLED: A RESOLUTION SETTING THE SALARY OF THE CHAIRPERSON OF THE GWINNETT COUNTY BOARD OF COMMISSIONERS

ADOPTION DATE:

At the regular meeting of the Gwinnett County Board of Commissioners held in the Gwinnett Justice and Administration Center, Auditorium, 75 Langley Drive, Lawrenceville, Georgia.

Name	Present	Vote
Nicole L. Hendrickson, Chairwoman		
Kirkland D. Carden, District I		
Ben Ku, District 2		
Jasper Watkins, III, District 3		
Matthew Holtkamp, District 4		

On motion of Commissioner _____, which carried by a vote of ____, the following is hereby adopted:

A RESOLUTION SETTING THE SALARY OF THE CHAIRPERSON OF THE GWINNETT COUNTY BOARD OF COMMISSIONERS

WHEREAS, the General Assembly, effective April 27, 2001, enacted a law (Official Code of Georgia Annotated § 36-5-24) that provides a procedure for members of the county governing authorities to set the salaries for their members; and

WHEREAS, in 2019 the General Assembly reset the State minimum salaries of certain local government officials, including the Clerk of Superior Court, Judge of the Probate Court, the Sheriff, and the Tax Commissioner; and

WHEREAS, in 2019 and as amended in 2020, the General Assembly further clarified the eligibility of certain local government officials for State authorized cost-of-living salary adjustments; and

WHEREAS, the salaries as reset by the General Assembly went into effect on January 1, 2021; and

WHEREAS, the salary of the Chairperson of the Gwinnett County Board of Commissioners was last set by a Resolution of the Board of Commissioners dated January 16, 2007; and

WHEREAS, the Board of Commissioners recognizes that the current salary of the Chairperson is not commensurate with the salaries of the Chairs of the governing authorities of similarly situated counties in the Atlanta Metropolitan Area; and

WHEREAS, the Board of Commissioners further recognizes that the current salary of the Chairperson is not commensurate with the salaries of other elected officials of Gwinnett County; and

WHEREAS, during the 2023-2024 Legislative Session the General Assembly enacted House Bill 777, which set the salary of the Chairperson of the Board of Commissioners at a level that was commensurate with the salary of the Sheriff of Gwinnett County; and

WHEREAS, in order for House Bill 777 to become effective, the General Assembly needed to repeal an Act fixing the compensation of the board of commissioners of counties having a population in excess of 500,000, according to the 1970 United States Census, or any future census, and providing that the commissioners shall be authorized to fix the compensation of the chairman and commissioners within certain limitations, approved March 30, 1971 (Ga. L. 1971, p. 2369), as amended, particularly by an Act approved May 17, 2002 (Ga. L. 2002, p. 1473); and

WHEREAS, the General Assembly has not repealed the Act; and

WHEREAS, as the governing authority of the second largest county in Georgia and one of the largest service providers in Georgia, the Chairperson devotes significant time and work in performing her duties and responsibilities; and

WHEREAS, the Board of Commissioners desires to set the salary for the Chairperson at a level that recognizes the number of hours necessary to provide studied and thoughtful initiatives and direction to position Gwinnett County as a benchmark in Georgia and the nation, as well as to provide studied and thoughtful responses to the issues facing the citizens of Gwinnett County; and

WHEREAS, reflecting the approach taken by the General Assembly in House Bill 777, the Board of Commissioners desires to set the salary for the Chairperson at a level that is commensurate with the salary of the Sheriff of Gwinnett County; and

WHEREAS, the Board of Commissioners further desires to codify and clarify language related to State and County cost-of-living adjustments for the salary of the Chairperson in accordance with the County's previous resolutions and state law; and

WHEREAS, as required by law, a notice of intent to take this action, including its fiscal impact has been published in the county legal organ at least once a week for three consecutive weeks immediately preceding this meeting, specifically the Notice was published on February 7, 2024, February 11, 2024, February 14, 2024, February 18, 2024, February 21, 2024, and February 25, 2024;

NOW, THEREFORE, BE IT RESOLVED by the Gwinnett County Board of Commissioners that in accordance with Official Code of Georgia Annotated § 36-5-24, the compensation of the Chairperson of the Board of Commissioners as set forth in Subsection (a) of Section 7 of the enabling legislation of the Gwinnett County Board of Commissioners is reset as follows:

(a) Commissioners' Compensation.

1. **Base Salary.** The Chairperson shall receive, for service as chairperson, a base salary equal to 100% of the minimum salary of the Sheriff of Gwinnett County as set forth in general state law as of January 1, 2024 including the Sheriff's base salary, any supplement authorized by Official Code of Georgia Annotated § 15-16-20.1, and any cost-of-living increase awarded by the State and applicable to the Sheriff's salary since the Sheriff's base salary was last reset. The Chairperson's base salary shall also include any County supplement authorized for the Sheriff by the County and any cost-of-living increase awarded by the County applicable to such supplement since the supplement was established.

2. **Cost-of-Living Increases.**

- (a) In accordance with Official Code of Georgia § 36-5-28, the Chairperson shall receive any cost-of-living increases awarded generally to State employees and any cost-of-living increases awarded generally to County employees on or after January 1, 2024.

At such times as the State resets the base salary of the Sheriff, that portion of the Chairperson's base salary determined by the Sheriff's base salary shall also be reset to the same base salary as the Sheriff unless such reset would reduce the Chairperson's total salary, in which event the Chairperson's salary shall not be reset and the Chairperson shall continue to receive any State and County cost-of-living increases awarded since the Sheriff's base salary was previously reset.

At such times as the State resets the base salary of the Sheriff and that portion of the Chairperson's base salary determined by the Sheriff's base salary is also reset, any State and County cost-of-living increases that have been applied to that portion of the Chairperson's salary prior to each such reset shall thereafter cease to be applied. At such times as the State resets the base salary of the Sheriff and that portion of the Chairperson's base salary determined by the Sheriff's base salary is also reset, the Chairperson shall receive any State and County cost-of-living increases after each such reset.

- (b) Each member of the Board of Commissioners, excluding the Chairperson, shall continue to receive any cost-of-living

increases awarded generally to State employees and any cost-of-living increases awarded generally to County employees since January 1, 2017.

- 3. **Supplemental Compensation.** In addition to the above, all members shall be entitled to receive any training certification supplement in accordance with Official Code of Georgia § 36-5-27, any longevity increase in accordance with Official Code of Georgia § 36-5-29 or other form of compensation provided for by law.

BE IT FURTHER RESOLVED, that this Resolution shall be effective on January 1, 2025, as provided by Official Code of Georgia Annotated § 36-5-24.

BE IT FURTHER RESOLVED, that all local laws and resolutions in conflict with this Resolution are hereby repealed, provided however, nothing contained herein shall change or reset the base salary of the members of the Board of Commissioners who are District Commissioners as set forth in the Resolution dated March 1, 2016.

SO RESOLVED by official act of the Board of Commissioners of Gwinnett County this ____ day of February, 2024.

BY: _____
KIRKLAND D. GARDEN, DISTRICT 1 COMMISSIONER

BY: _____
BEN KU, DISTRICT 2 COMMISSIONER

BY: _____
JASPER WATKINS, III, DISTRICT 3 COMMISSIONER

BY: _____
MATTHEW HOLTKAMP, DISTRICT 4 COMMISSIONER

BY: _____
NICOLE L. HENDRICKSON, CHAIRWOMAN

ATTEST:

BY: _____ (SEAL)
TINA KING, COUNTY CLERK

APPROVED AS TO FORM:

BY: _____
COUNTY ATTORNEY