

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF WALTON COUNTY, GEORGIA, TO PROVIDE FOR LOCALITY PAY AND RETIREMENT SUPPLEMENTS FOR SUPERIOR COURT JUDGES OF THE ALCOVY JUDICIAL CIRCUIT, TO REPEAL CONFLICTING RESOLUTIONS AND PORTIONS THEREOF, AND TO PROVIDE FOR RELATED MATTERS

WHEREAS, the compensation of superior court judges in Georgia has historically consisted of a state salary along with local supplements provided by the constituent counties of the respective judicial circuits in which the superior court judges served (hereinafter "Legacy Compensation");

WHEREAS, during its 2025-2026 regular session, the Georgia General Assembly enacted House Bill 85 ("H.B. 85"), the Superior Court Judicial Compensation Reform Act, which modified the protocol for the compensation of superior court judges, among other things;

WHEREAS, during its 2025-2026 regular session, the Georgia General Assembly enacted House Bill 86 ("H.B. 86") wherein it revised O.C.G.A. § 45-7-4(d) to generally provide that the state funded base salaries of Georgia's superior court judges shall be set by the Georgia General Assembly in the General Appropriations Act so as not to exceed 90 percent of the annual salary fixed for the judges of the United States District Court for the Northern District of Georgia;

WHEREAS, the base salary for superior judges established by the Georgia General Assembly pursuant to O.C.G.A. § 45-7-4(d) will be \$201,060.00 effective January 1, 2026;

WHEREAS, O.C.G.A. § 15-6-29.2, enacted as part of H.B. 85, generally provides that on and after July 1, 2025, the counties comprising a judicial circuit may provide the judges of such circuit locality pay, up to an aggregate maximum of the lesser of \$20,106.00 or 10 percent of the state annual base salary for superior court judges established pursuant to O.C.G.A. § 45-7-4(d), but that such locality pay shall be decreased to the extent that the base salary established pursuant to O.C.G.A. § 45-7-4 exceeds \$201,600.00, and that such locality pay shall be in lieu of county salary supplements;

WHEREAS, O.C.G.A. § 15-6-29(b), enacted as part of H.B. 85, provides *inter alia* that any superior court judge in office as of July 1, 2025 shall have the right to continue to receive Legacy Compensation but that any such superior court judge may, in the alternative, elect to receive the base salary provided for by O.C.G.A. § 45-7-4(d) and the locality pay provided for by O.C.G.A. § 15-6-29.2 (hereinafter collectively referred to as the "Revised Compensation Structure") in lieu of Legacy Compensation;

WHEREAS, O.C.G.A. § 47-23-106(a) provides that "[w]henever any county within a judicial circuit supplements the state salary paid to active superior court judges...of said circuit, the governing authority of such county shall be authorized, but not required, to supplement the [retirement] benefit being paid pursuant to [said] chapter to...any retired superior court judge...of

said circuit who is receiving [retirement] benefits pursuant to [said] chapter or to supplement the [retirement] benefit being paid pursuant to [said] chapter to any beneficiary of any deceased superior court judge....”

WHEREAS, O.C.G.A. § 15-6-29.2(g) provides that “[n]othing in [O.C.G.A. § 15-6-29.2] or in [O.C.G.A. § 15-6-29(b)] shall operate to alter, amend, contract, expand, extend, limit, modify or terminate retirement benefits or rights thereto in existence prior to July 1, 2025” and that, “[t]o the extent otherwise permitted by law, each county within a judicial circuit is authorized, but not required, to provide retirement benefits based upon the locality pay it provides pursuant to [O.C.G.A. § 15-6-29.2(a)].”

WHEREAS, Walton County and Newton County together constitute the Alcovy Judicial Circuit;

WHEREAS, all active superior court judges of the Alcovy Judicial Circuit who would have been eligible to continue to receive Legacy Compensation, have opted in to the Revised Compensation Structure in lieu of Legacy Compensation;

WHEREAS, the Walton County Board of Commissioners (“Board”) desires for the judges of the Alcovy Judicial Circuit to be paid the maximum locality pay allowed by law, with half of said amount to be paid by each of the two counties of the Alcovy Judicial Circuit, with the intention that the locality pay to which the judges of the Alcovy Judicial Circuit are paid will decrease over time as the base state salary for superior court judges increases over time in accordance with the Revised Compensation Structure; and

WHEREAS, Walton County currently provides a supplement with respect to the state retirement benefit paid to retired Alcovy Judicial Circuit superior court judges and their survivors and the Board desires for Walton County to continue to provide such a supplement as provided herein;

NOW BE IT HEREBY RESOLVED BY THE BOARD OF COMMISSIONERS OF WALTON COUNTY that:

1.

Effective January 1, 2026, Walton County shall pay locality pay to each superior court judge of the Alcovy Judicial Circuit who opts in to the Revised Compensation Structure in an amount equal to one half of the maximum locality pay allowed by law which may be paid to a superior court judge.

2.

The Board authorizes the payment of the locality pay provided for herein with the expectation that Newton County, the other county of the Alcovy Judicial Circuit, will also pay to each judge of the Alcovy Judicial Circuit opting in to the Revised Compensation Structure an amount equal to one half of the maximum locality pay allowed by law which may be paid to a superior court judge, such that each superior court judge of the Alcovy Judicial Circuit opting in

to the Revised Compensation Structure will receive collectively from the two counties of the Alcovy Judicial Circuit the maximum locality pay allowed by law.

3.

The Board authorizes the locality pay provided for herein with the expectation that the maximum amount of locality pay authorized by law, and Walton County's share of the same, will decrease over time pursuant to state law as the state funded base salary paid to superior court judges increases.

4.

Walton County shall supplement the state retirement benefit paid to retired judges of the Alcovy Judicial Circuit as follows:

- (a) For superior court judges retiring prior to January 1, 2021, the Walton County retirement supplement paid to each such judge shall bear the same ratio to such judge's state retirement benefit as the salary supplement paid by Walton County to an active Alcovy Judicial Circuit superior court judge bears to the state salary paid to such judges. However, in no event shall the ratio that the Walton County retirement supplement paid to a such a judge bears to the state retirement benefit paid to such a judge be less than the ratio that the Walton County salary supplement that was paid to such judge immediately prior to the time of his retirement bears to the state salary paid to him or her at such time. The supplement provided for herein shall be paid in equal monthly installments.
- (b) For superior court judges retiring on or after January 1, 2021, without having opted in to the Revised Compensation Structure, Walton County shall supplement the state retirement benefit paid to such judges in an amount equal to two-thirds of the salary supplement paid by Walton County to active judges of the Alcovy Judicial Circuit. The supplement provided for herein shall be paid in equal monthly installments.
- (c) For superior court judges retiring on or after January 1, 2026 who have opted in to the Revised Compensation Structure, or are subject to the Revised Compensation Structure by operation of law, Walton County shall supplement the state retirement benefit in an amount equal to two-thirds of the locality pay provided by Walton County to superior court judges of the Alcovy Judicial Circuit pursuant to O.C.G.A. § 15-6-29.2. The supplement provided for herein shall be paid in equal monthly installments.

5.

If any provision of this resolution is held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such provision shall not affect any of the other provisions of this Resolution, which shall remain in full force and effect.

6.

Any resolutions or portions of resolutions of the Board which conflict with any of the provisions of this Resolution are hereby repealed.

7.

This resolution shall take effect upon its adoption.

SO RESOLVED and ADOPTED this _____ day of _____, 2025.

BOARD OF COMMISSIONERS OF WALTON COUNTY

David Thompson
Chair

Attest: _____

Rhonda Hawk
County Clerk

[COUNTY SEAL]