

STATE OF GEORGIA
COUNTY FULTON

A RESOLUTION TO AUTHORIZE A COST STUDY BY A QUALIFIED ENGINEER FOR THE DELIVERY OF WATER SERVICES WITHIN THE CORPORATE CITY LIMITS OF THE CITY OF SANDY SPRINGS, GEORGIA AND TO AUTHORIZE REPRESENTATIVES OF THE CITY TO NEGOTIATE AND/OR MEDIATE A POTENTIAL SERVICE DELIVERY STRATEGY AGREEMENT WITH FULTON COUNTY, GEORGIA AND PARTICIPATING MUNICIPALITIES WITHIN FULTON COUNTY.

WHEREAS, the City of Sandy Springs (“Sandy Springs”) was created by act of the State of Georgia General Assembly in 2005, which was ratified by its citizens by referendum to create an effective date for the new city of December 1, 2005; and

WHEREAS, the City of Atlanta (“Atlanta”) currently distributes water through a distribution pipe system, pump stations, water towers, and various other facilities (“Facilities”), which, in part, are located within the municipal boundaries of Sandy Springs, and, as a whole, functions to provide water service to the residents of Sandy Springs, as water customers residing outside Atlanta’s municipal boundaries; and

WHEREAS, the creation of Sandy Springs, as a new municipality created wholly within Fulton County (“County”), requires entry of an agreement as to the provision of water services for Atlanta to continue to provide this service within the new municipal boundaries of Sandy Springs pursuant to the processes and procedures of the Service Delivery Strategy Act (“Act”), O.C.G.A. Section 36-70-20, *et seq.*; and

WHEREAS, pursuant to the Act, the Service Delivery Strategy Agreement between Fulton County and the municipalities within its jurisdiction, dated September 27, 1999 (“Service Delivery Strategy Agreement”) must be revised and a new agreement entered by the County and all municipalities located within the County; and

WHEREAS, a new Service Delivery Strategy Agreement has not been negotiated as of the date of this resolution so that Sandy Springs is not currently a participant in the Service Delivery Strategy Agreement or a service delivery agreement with any other entity; and

WHEREAS, pursuant to § 36-70-24 of the Act, certain criteria must be met in the development of a service delivery strategy, including that the strategy shall promote the delivery of local government services in the most efficient, effective, and responsive manner. In addition, the strategy shall provide that water or sewer fees charged to customers located outside the geographic boundaries of a service provider shall not be arbitrarily higher than the fees charged to customers receiving such service which are located within the geographic boundaries. O.C.G.A. § 36-70-24 further provides that if a governing authority disputes the reasonableness of water and sewer rate differentials imposed within its jurisdiction by another governing authority, that disputing governing authority may hold a public hearing for the purpose of reviewing the rate differential. A study must be prepared by a qualified engineer before the governing authority may challenge the arbitrary rate differentials on behalf of its residents in a court of competent jurisdiction. Prior to such challenge, the dispute shall be submitted to some form of alternative dispute resolution, such as mediation; and

WHEREAS, Sandy Springs desires to investigate the reasonableness of the fees charged to customers in Sandy Springs for water service by Atlanta in preparation for a possible challenge as provided in the Act; and

WHEREAS, Sandy Springs desires to contract with a qualified engineer to prepare a cost study as the basis for a possible challenge to arbitrary rate differentials; and

WHEREAS, it is necessary for Sandy Springs to enter into negotiations with the County and other municipalities within the County (“participating municipalities”) concerning a Service Delivery Strategy Agreement or to mediate a potential Service Delivery Strategy Agreement with the County and participating municipalities;

NOW THEREFORE, BE IT RESOLVED, that the City Council of Sandy Springs, as its governing authority, by adoption of this resolution, does authorize the following:

1. The City Manager is hereby authorized to obtain proposals from qualified engineers and to enter into a contract for the preparation of a cost study for water services within the corporate city limits of Sandy Springs to accomplish the purposes of this resolution; provided, however, that the amount of the contract shall be in accordance with the City Manager’s financial authority as approved by City Council; and
2. The City Manager and the City Attorney are hereby authorized to represent Sandy Springs in negotiations and possible mediation of a potential Service Delivery Strategy Agreement with Fulton County and participating municipalities within the County; and
3. The City Manager and the City Attorney are hereby authorized to take such action as shall be deemed necessary to accomplish the purposes of this resolution.

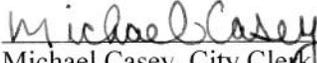
APPROVED AND ADOPTED this 15th day of September, 2009.

Approved:



Eva Galambos, Mayor

Attest:



Michael Casey, City Clerk
(Seal)

