



Special Called Meeting - Final

June 02, 2025

6:00 PM

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- B. RES2025-011** Approval to adopt resolution RES2025-011 authorizing certain actions to secure legal action to resolve a dispute regarding the Service Delivery Strategy for Cobb County; and for other purposes and authorize the Mayor to sign and execute all related documents.



City of Smyrna

Issue Sheet

A Max Bacon
City Hall
2800 King Street
Smyrna, GA 30080

File Number: RES2025-011

Agenda Date: 6/2/2025

In Control: City Council

File Type: Resolution

Agenda Section:
Formal Business

Department: Finance

Agenda Title:

Approval to adopt resolution RES2025-011 authorizing certain actions to secure legal action to resolve a dispute regarding the Service Delivery Strategy for Cobb County; and for other purposes and authorize the Mayor to sign and execute all related documents.

Citywide

ISSUE AND BACKGROUND:

The Service Delivery Act, O.C.G.A. § 36-70-20, et seq., requires each county and all cities located therein to develop, approve, and implement a service delivery strategy that specifies the manner in which all local governmental services will be provided and funded.

Additionally, sanctions provided for in O.C.G.A. § 36-70-27 may soon be imposed on all local governments and governmental entities within Cobb County. Although a Service Delivery Agreement between Cobb County and the Cities of Acworth, Austell, Kennesaw, Marietta, Powder Springs, and Smyrna has been entered into and verified by the Georgia Department of Community Affairs, there is no Service Delivery Strategy Agreement between Cobb County and the City of Mableton that has been verified by the Georgia Department of Community Affairs.

The Service Delivery Act provides for a means by which local governments can resolve a dispute regarding a service delivery strategy.

Smyrna hereby authorizes the firm of Smith, Welch, Webb & White, LLC., as Special Counsel, upon the imposition of the sanctions provided for in O.C.G.A. § 36-70-27, to take all actions necessary or convenient toward seeking mandatory mediation and holding sanctions in abeyance, judicial resolution, or any other necessary legal endeavor, pursuant to the dispute resolution process provided for in the Service Delivery Act generally and O.C.G.A. § 36-70-25.l(d) particularly. Moreover, the firm of Smith, Welch, Webb & White, LLC. is hereby authorized to take all such other legal actions as may be necessary or convenient toward protecting the rights of the City of Smyrna related to the provision or funding of services and the Service Delivery Strategy for Cobb County as may be necessary by law.

RECOMMENDATION / REQUESTED ACTION:

Staff recommends approval to adopt resolution RES2025-011 authorizing certain actions to secure legal action to resolve a dispute regarding the Service Delivery Strategy for Cobb County; and for other purposes and authorize the Mayor to sign and execute all related documents.

RESOLUTION 2025-011

**STATE OF GEORGIA
COBB COUNTY
CITY OF SMYRNA**

A RESOLUTION OF THE CITY OF SMYRNA, GEORGIA, AUTHORIZING LEGAL ACTION TO RESOLVE A DISPUTE REGARDING THE SERVICE DELIVERY STRATEGY FOR COBB COUNTY; AND FOR OTHER PURPOSES.

WITNESSETH:

WHEREAS, the City of Smyrna, Georgia ("Smyrna") is a municipal corporation duly organized and existing under the laws of the State of Georgia; and,

WHEREAS, the Service Delivery Act, O.C.G.A. § 36-70-20, *et seq.*, requires each county and all cities located therein to develop, approve, and implement a service delivery strategy that specifies the manner in which all local governmental services will be provided and funded; and,

WHEREAS, the sanctions provided for in O.C.G.A. § 36-70-27 may soon be imposed on all local governments and governmental entities within Cobb County. Although a Service Delivery Agreement between Cobb County and the Cities of Acworth, Austell, Kennesaw, Marietta, Powder Springs, and Smyrna has been entered into and verified by the Georgia Department of Community Affairs, there is no Service Delivery Strategy Agreement between Cobb County and the City of Mableton that has been verified by the Georgia Department of Community Affairs; and,

WHEREAS, the Service Delivery Act provides for a means by which local governments can resolve a dispute regarding a service delivery strategy.

THEREFORE, IT IS NOW RESOLVED BY THE CITY COUNCIL OF THE CITY OF SMYRNA AS FOLLOWS:

- 1. Incorporation of Recitals.** The above-stated recitals are true and correct and are incorporated as though fully set forth herein.
- 2. Authorization to Legal Counsel.** Smyrna hereby authorizes the firm of Smith, Welch, Webb & White, LLC., as Special Counsel, upon the imposition of the sanctions provided for in O.C.G.A. § 36-70-27, to take all actions necessary or convenient toward seeking mandatory mediation and holding sanctions in abeyance, judicial resolution, or any other necessary legal endeavor, pursuant to the dispute resolution process provided for in the Service Delivery Act generally and O.C.G.A. § 36-70-25.l(d) particularly. Moreover, the firm of Smith, Welch, Webb & White, LLC. is hereby authorized to take all such other legal actions as may be necessary or convenient toward protecting the rights of

the City of Smyrna related to the provision or funding of services and the Service Delivery Strategy for Cobb County as may be necessary by law.

- 3. Additional Documents, Attestation, and Authorization.** Smyrna hereby authorizes the Mayor to execute any and all documents which may be necessary or convenient to effectuate this Resolution and for the City Clerk to attest same. Moreover, the City Administrator, City's attorneys, and other City personnel as may be necessary, are authorized to assist in all legal endeavors related to the purpose for this Resolution, including investigation, processing, and filing of petitions, lawsuits, mediation, motions, and any other action that may be necessary, including, but not limited to hiring experts or consultants to assist with the above-stated purposes.
- 4. Severability.** To the extent any portion of this Resolution is declared to be invalid, unenforceable, or nonbinding, that shall not affect the remaining portions of this Resolution.
- 5. Repeal of Conflicting Provisions.** All Smyrna resolutions are hereby repealed to the extent they are inconsistent with this Resolution.
- 6. Effective Date.** This Resolution shall take effect immediately.

This Resolution was adopted by the Governing Authority of the City of Smyrna, Georgia on the 2nd day of June, 2025.

CITY OF SMYRNA

Derek Norton, Mayor

ATTEST:

Heather K. Peacon-Corn, City Clerk

Approved as to Form:

Scott Cochran, City Attorney

CITY SEAL: