

SERVICE DELIVERY STRATEGY

SUMMARY OF SERVICE DELIVERY ARRANGEMENTS



Instructions:

Make copies of this form and complete one for each service listed on page 1, Section III. Use exactly the same service names listed on page 1. Answer each question below, attaching additional pages as necessary. If the contact person for this service (listed at the bottom of the page) changes, this should be reported to the Department of Community Affairs.

County: Whitfield Service: Public Sewer

1. Check the box that best describes the agreed upon delivery arrangement for this service:

- Service will be provided countywide (i.e., including all cities and unincorporated areas) by a single service provider. (If this box is checked, identify the government, authority or organization providing the service.) Dalton Utilities
- Service will be provided only in the unincorporated portion of the county by a single service provider. (If this box is checked, identify the government, authority or organization providing the service.)
- One or more cities will provide this service only within their incorporated boundaries, and the service will not be provided in unincorporated areas. (If this box is checked, identify the government(s), authority or organization providing the service.)
- One or more cities will provide this service only within their incorporated boundaries, and the county will provide the service in unincorporated areas. (If this box is checked, identify the government(s), authority or organization providing the service.)
- Other. (If this box is checked, attach a legible map delineating the service area of each service provider, and identify the government, authority, or other organization that will provide service within each service area.)

2. In developing the strategy, were overlapping service areas, unnecessary competition and/or duplication of this service identified?
 yes no

If these conditions will continue under the strategy, attach an explanation for continuing the arrangement (i.e., overlapping but higher levels of service (See O.C.G.A. 36-70-24(1)), overriding benefits of the duplication, or reasons that overlapping service areas or competition cannot be eliminated).

If these conditions will be eliminated under the strategy, attach an implementation schedule listing each step or action that will be taken to eliminate them, the responsible party and the agreed upon deadline for completing it.

3. List each government or authority that will help to pay for this service and indicate how the service will be funded (e.g., enterprise funds, user fees, general funds, special service district revenues, hotel/motel taxes, franchise taxes, impact fees, bonded indebtedness, etc)

Local Government or Authority:	Funding Method:
Whitfield County	General Fund
City of Dalton	Enterprise Fund/User Fees
City of Tunnel Hill	No expenditures
City of Cohutta	No expenditures
City of Varnell	No expenditures

4. How will the strategy change the previous arrangements for providing and/or funding this service within the county?

Whitfield County intends to sell its sewage facility assets to Dalton Utilities.

5. List any formal service delivery agreements or intergovernmental contracts that will be used to implement the strategy for this service

Agreement Name:	Contracting Parties:	Effective and Ending Dates:
Formal agreement pending *		
*RECEIVED 5/13/04		

6. What other mechanisms (if any) will be used to implement the strategy for this service (e.g., ordinances, resolutions, local acts of the General Assembly, rate or fee changes, etc.), and when will they take effect?

7. Person completing form: Robert H. Smalley, III, County Attorney

Phone number: 706-278-4499 Date completed: 12/10/01

8. Is this the person who should be contacted by state agencies when evaluating whether proposed local government projects are consistent with the service delivery strategy? yes no
If not, provide designated contact person(s) and phone number(s) below:

SERVICE DELIVERY STRATEGY SUMMARY OF LAND USE AGREEMENTS



Instructions:

Answer each question below, attaching additional pages as necessary. Please note that any changes to the answers provided will require updating of the service delivery strategy. If the contact person for this service (listed at the bottom of this page) changes, this should be reported to the Department of Community Affairs.

County: Whitfield

1. What incompatibilities or conflicts between the land use plans of local governments were identified in the process of developing the service delivery strategy?

No conflicts or incompatibilities exist. Whitfield County and the Cities of Dalton, Cohutta, Tunnel Hill, and Varnell jointly prepared a new Joint Comprehensive Plan for the years 2000 - 2020. The Plan has been approved by each government for submittal to the Georgia Department of Community Affairs and is currently under review for meeting the State's Minimum Planning Standards and Procedures. The Plan consists of agreed upon land use objectives and policies and a single Future Land Use Map for the entire county, which reflects the desires of each governing authority.

2. Check the boxes indicating how these incompatibilities or conflicts were addressed:

- amendments to existing comprehensive plans
- adoption of a joint comprehensive plan
- other measures (amend zoning ordinances, add environmental regulations, etc.)

Note: If the necessary plan amendments, regulations, ordinances, etc. have not yet been formally adopted, indicate when each of the affected local governments will adopt them.

If "other measures" was checked, describe these measures:

Upon completion of the State review for compliance with the Minimum Planning Standards and Procedures (expected on February 6, 2001), local governments will adopt the Joint Comprehensive Plan during the month of February.

3. Summarize the process that will be used to resolve disputes when a county disagrees with the proposed land use classification(s) for areas to be annexed into a city. If the conflict resolution process will vary for different cities in the county, summarize each process.

Whitfield County has entered Land Use Classification Objection Dispute Resolution Agreements with the Cities of Cohutta, Dalton, Tunnel Hill and Varnell. Copies of these agreements are attached.

4. What policies, procedures and/or processes have been established by local governments (and water and sewer authorities) to ensure that new extraterritorial water and sewer service will be consistent with all applicable land use plans and ordinances?

Whitfield County has entered into agreement with Dalton Utilities to provide potable public water to all remaining areas of the County currently not served with public water services. The Joint Comprehensive Plan, which has been approved by all jurisdictions has been developed based on the provision of public water services to all residents in the county. The Joint Comprehensive Plan also proposes a number of policies regarding the provision of public sewer services and further recommends the extension of public sewer services to specific areas that are consistent with the Future Land Use Map. An Appointed Sewer Service Expansion Team (ASSET Committee) has been appointed by Whitfield County and City of Dalton to determine the feasibility, priorities and financing mechanisms for implementing the recommendations of the Comprehensive Plan.

5. Person completing form: Robert H. Smalley, III County Attorney
Phone number: 706-278-4499 Date completed: 12/10/01

6. Is this the person who should be contacted by state agencies when evaluating whether proposed local government projects are consistent with land use plans of applicable jurisdictions? yes no

If not, provide designated contact person(s) and phone number(s) below:

Ex B

SERVICE DELIVERY STRATEGY UPDATE
CERTIFICATIONS



Instructions:

This two page form must, at a minimum, be signed by an authorized representative of the following governments: 1) the county; 2) the city serving as the county seat; 3) all cities having a 2000 population of over 9,000 residing within the county; and 4) no less than 50% of all other cities with a 2000 population of between 500 and 9,000 residing within the county. Cities with a 2000 population below 500 and local authorities providing services under the strategy are not required to sign this form, but are encouraged to do so.

UPDATED SERVICE DELIVERY STRATEGY FOR Whitfield COUNTY

We, the undersigned authorized representatives of the jurisdictions listed below, certify that:

- 1. We have reviewed our existing Service Delivery Strategy and have determined that:
(Check only one box for question #1)
 - A. Our Strategy continues to accurately reflect our preferred arrangements for providing local services throughout our county and no changes in our Strategy are needed at this time; or
 - B. Our Strategy has been revised to reflect our preferred arrangements for providing local services.

If Option A is selected, only this form, signed by the appropriate local government representatives must be provided to DCA.

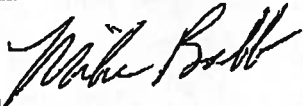
If Option B is selected, this form, signed by the appropriate local government representatives, must be submitted to DCA along with:

- an updated "Summary of Service Arrangements" form (page 2) for each local service that has been revised/updated;
- any supporting local agreements pertaining to each of these services that has been revised/updated; and
- an updated service area map depicting the agreed upon service area for each provider if there is more than one service provider for each service that has been revised/updated within the county, and if the agreed upon service areas do not coincide with local political boundaries.

- 2. Each of our governing bodies (County Commission and City Councils) that are a party to this strategy have adopted resolutions agreeing to the Service Delivery arrangements identified in our strategy and have executed agreements for implementation of our service delivery strategy (O.C.G.A. 36-70-21);
- 3. Our service delivery strategy continues to promote the delivery of local government services in the most efficient, effective, and responsive manner for all residents, individuals and property owners throughout the county (O.C.G.A. 36-70-24(1));
- 4. Our service delivery strategy continues to provide that water or sewer fees charged to customers located outside the geographic boundaries of a service provider are reasonable and are not arbitrarily higher than the fees charged to customers located within the geographic boundaries of the service provider (O.C.G.A. 36-70-24 (2));
- 5. Our service delivery strategy continues to ensure that the cost of any services the county government provides (including those jointly funded by the county and one or more municipalities) primarily for the benefit of the unincorporated area of the county are borne by the unincorporated area residents, individuals, and property owners who receive such service (O.C.G.A. 36-70-24 (3));

6. Our Service Delivery Strategy continues to ensure that the officially adopted County and City land use plans of all local governments located in the County are compatible and nonconflicting (O.C.G.A. 36-70-24 (4)(A));
7. Our Service Delivery Strategy continues to ensure that the provision of extraterritorial water and sewer services by any jurisdiction is consistent with all County and City land use plans and ordinances (O.C.G.A. 36-70-24 (4)(B)); and
8. Our Service Delivery Strategy continues to contain an agreed upon process between the county government and each city located in the county to resolve land use classification disputes when the county objects to the proposed land use of an area to be annexed into a city within the county (O.C.G.A. 36-70-24 (4)(C))' and;
9. DCA has been provided a copy of this certification and copies of all forms, maps and supporting agreements needed to accurately depict our agreed upon strategy (O.C.G.A. 36-70-27).

'If the County does not have an Annexation/Land Use dispute resolution process with each of its cities, list the cities where no agreed upon process exists:

SIGNATURE:	NAME: (Please print or type)	TITLE:	JURISDICTION:	DATE:
	Mike Babb Ray Elrod Ken Gowin Lindsey Metcalf Don Henderson	Commission Chair Mayor Mayor Mayor Mayor	Whitfield County City of Dalton City of Tunnel Hill City of Varnell City of Cohutta	

RESOLUTION

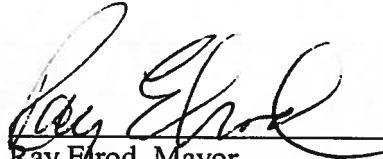
WHEREAS, Whitfield County and the Cities of Dalton, Cohutta, Tunnel Hill, and Varnell entered into a series of agreements, known as the Service Delivery Strategy, for the purpose of ensuring that duplication of governmental services is eliminated or minimized, on or about June 20, 1999; and

WHEREAS, since such time, said local governments have jointly compiled and submitted for review a proposed Joint Comprehensive Plan, in accordance with the *Georgia Planning Act of 1989*; and

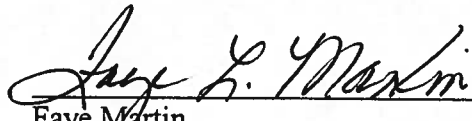
WHEREAS, since such time, certain provisions of the Service Delivery Strategy have been amended, the effect of which is to provide more efficient and effective services to the citizens of Whitfield County and of the Cities of Dalton, Cohutta, Tunnel Hill, and Varnell.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Dalton that it approves of and acknowledges the contents of those certain documents known as the "*Summary of Service Delivery Strategy Arrangements*" and "*Summary of Land Use Agreements*," copies of which are attached hereto as Exhibit "A" and incorporated herewith by this reference, which describe said amendments and therefore authorize Mayor Ray Elrod to execute on behalf of the City of Dalton that document entitled "*Service Delivery Strategy Update – Certifications*," a copy of which is attached hereto as Exhibit "B" and incorporated herewith by this reference.

This 17th day of December, 2001.


Ray Eirod, Mayor

Attest:


Faye Martin
City Clerk

Resolution of Tunnel Hill City Council

WHEREAS, Whitfield County and the Cities of Dalton, Cohutta, Tunnel Hill, and Varnell entered into a series of agreements, known as the Service Delivery Strategy, for the purpose of ensuring that duplication of governmental services is eliminated or minimized, on or about June 20, 1999; and

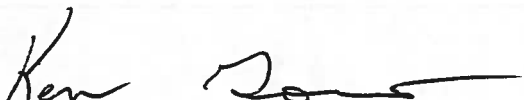
WHEREAS, since such time, said local governments have jointly compiled and submitted for review a proposed Joint Comprehensive Plan, in accordance with the *Georgia Planning Act of 1989*; and

WHEREAS, since such time, certain provisions of the Service Delivery Strategy have been amended, the effect of which is to provide more efficient and effective services to the citizens of Whitfield County and of the Cities of Dalton, Cohutta, Tunnel Hill, and Varnell.

NOW, THEREFORE, BE IT RESOLVED by the Tunnel Hill City Council that it approves of and acknowledges the contents of those certain documents known as the "*Summary of Service Delivery Strategy Arrangements*" and "*Summary of Land Use Agreements*," copies of which are attached hereto as Exhibit "A" and incorporated herewith by this reference, which describe said amendments and therefore authorize Mayor Ken Gowin to execute on behalf of the Tunnel Hill City Council that document entitled "*Service*


**Delivery Strategy Update – Certifications," a copy of which is attached hereto as Exhibit "b"
and incorporated herewith by this reference**

This ____ day of December, 2001.



Ken Gowin, Mayor

Attest:



Asst. City Clerk

CITY OF VARNELL
200 CITY HALL DRIVE P.O. BOX 62
VARNELL, GEORGIA 30756
PHONE 706-694-8800

Resolution of Varnell City Council

WHEREAS, Whitfield County and the Cities of Dalton, Cohutta, Tunnel Hill, and Varnell entered into a series of agreements, known as the Service Delivery Strategy, for the purpose of ensuring that duplication of governmental services is eliminated or minimized, on or about June 20, 1999; and

WHEREAS, since such time, said local governments have jointly compiled and submitted for review a proposed Joint Comprehensive Plan, in accordance with the *Georgia Planning Act of 1989*; and

WHEREAS, since such time, certain provisions of the Service Delivery Strategy have been amended, the effect of which is to provide more efficient and effective services to the citizens of Whitfield County and of the Cities of Dalton, Cohutta, Tunnel Hill, and Varnell.

NOW, THEREFORE, BE IT RESOLVED by the Varnell City Council that it approves of and acknowledges the contents of those certain documents known as the "*Summary of Service Delivery Strategy Arrangements*" and "*Summary of Land Use Agreements*," copies of which are attached hereto as Exhibit "A" and incorporated herewith by this reference, which describe said amendments and therefore authorize Mayor Lindsey Metcalf to execute on behalf of the Varnell City Council that document entitled "Service

Delivery Strategy Update - Certifications," a copy of which is attached hereto as Exhibit "b" and incorporated herewith by this reference

This 10th day of December, 2001.

Lindsay E. Metcalf
Lindsay Metcalf, Mayor

Attest:

Margaret Karamon
City Clerk

Resolution # R 12 10 0 1

MAY 13 2004

LAW OFFICES

MCCAMY, PHILLIPS, TUGGLE & FORDHAM, LLP

POST OFFICE BOX 1105
DALTON, GEORGIA 30722-1105

JAMES H. PHILLIPS
JAMES T. FORDHAM
DANIEL T. STRAIN
C. LEE DANIEL, III
STEPHEN A. WILLIAMS
ROBERT H. SMALLEY, III (GA. & TN.)

CARLTON C. MCCAMY
(1910 - 1993)

JOSEPH T. TUGGLE, JR.
(1940 - 1999)

CURTIS KLEEM

411 WEST CRAWFORD STREET
TELEPHONE: (706) 278-4499
FAX NUMBER: (706) 278-5002
WWW.MCCAMYLAW.COM

TELECOPY COVER LETTER

TO: Mike Gleaton
cc: Bradley Arnold, County Administrator
cc: Jim Bisson, City of Dalton Attorney
cc: Todd Johnson, City of Cohuna Attorney
cc: Terry Miller, City of Varnell Attorney
cc: Don Cope, CEO, Dalton Utilities

FAX NUMBER: 404-679-0646
706-275-7501
706-278-3569
706-6943173
706-278-3040
706-281-1094

FROM: Robert Smalley

DATE: May 13, 2004

RE: Whitfield County and Cities' Sewer Services Agreement

NUMBER OF PAGES: (Including Cover Sheet): 4

MESSAGE:

Dear Mike:

Enclosed is an executed copy of the Sewer Service Agreement about which we have had many conversations. As you can see, it has been executed by the requisite number of communities for the purposes of the Service Delivery Strategy law. I will forward other amended agreements to you via hard copy, but am faxing this agreement today as we discussed. Please advise immediately if you require any further action or information.

Thank you for your attention to this matter.

Robert Smalley

PLEASE CALL VALERIE IF YOU HAVE
DIFFICULTY WITH THIS TRANSMITTAL
(706) 278-4499

LAW OFFICES

MCCAMY, PHILLIPS, TUGGLE & FORDHAM, LLP

POST OFFICE BOX 1105
DALTON, GEORGIA 30722-1105
July 10, 2003

JUL 14 2003

JAMES H. PHILLIPS
JAMES T. FORDHAM
DANIEL T. STRAIN
C. LEE DANIEL, III
STEPHEN A. WILLIAMS
ROBERT H. SMALLEY, III (GA. & TN.)

CARLTON C. MCCAMY
(1910 - 1993)

JOSEPH T. TUGGLE, JR.
(1940 - 1999)

CURTIS KLEEM

411 WEST CRAWFORD STREET
TELEPHONE: (706) 278-4499
FAX NUMBER: (706) 278-5002
WWW.MCCAMYLAW.COM

Mr. Mike Gleaton
Georgia Department of Community Affairs
60 Executive Park South, NE
Atlanta, Georgia 30329-2231

RE: HB 489 Sewer Service Agreement for Whitfield County Service Delivery Strategy

Dear Mike:

Enclosed please find an original executed Sewer Service Agreement, which was recently negotiated among local governments within Whitfield County.

As we have discussed previously, the Cities of Cohutta and Varnell have, to this point, declined to execute these agreements.

Please do not hesitate to contact me at any time if you would like to discuss any of these matters further.

Very truly yours,

MCCAMY, PHILLIPS, TUGGLE & FORDHAM LLP



Robert H. Smalley, III

RHS/jtp

Enclosure as Noted

cc: Bradley Arnold
County Administrator, Whitfield County
301 W. Crawford Street
Dalton, GA. 30720

Mr. James C. Sanders
City Administrator, City of Dalton
Post Office Box 1205
Dalton, GA. 30722-1205

Mr. Terry Miller, City Attorney, City of Varnell
Post Office Box 668
Dalton, GA. 30722-0668

Mr. Todd Johnson, City Attorney, City of Cohutta
Post Office Box 48
Cohutta, GA. 30710

Mr. Curtis Kleem, City Attorney, City of Tunnel Hill, via hand delivery

Verified by ^{MAY 13 2004} DCA 5/14/04

Public Utilities

Sewer Service

Service Delivery Agreement

THIS SERVICE DELIVERY AGREEMENT, between Whitfield County, a political subdivision of the State of Georgia formed and existing pursuant to the Constitution of the State of Georgia, and the City of Dalton, the City of Cohutta, the City of Tunnel Hill, and the City of Varnell, all being municipal corporations chartered and existing pursuant to the laws of the State of Georgia;

WHEREAS, §§ 36-70-20 through 36-70-28, Official Code of Georgia Annotated, mandate that Whitfield County and all municipalities located therein shall participate in the development of a **Service Delivery Strategy** through which Whitfield County and said municipalities shall create and maintain a service delivery system which is efficient, effective, and responsive to all citizens of Whitfield County; and

WHEREAS, § 36-70-24(1), Official Code of Georgia Annotated, mandates that said Service Delivery Strategy shall identify steps which will be taken to remediate or avoid overlapping and unnecessary competition and duplication of service delivery and that said Service Delivery Strategy shall identify the time frame in which such steps shall be taken; and

WHEREAS, § 36-70-25, Official Code of Georgia Annotated, mandates that said Service Delivery Strategy receive the approval of Whitfield County and the governing authorities of municipalities located within Whitfield County on terms more particularly described in said Code Section;

NOW, THEREFORE, we, the undersigned, being duly authorized to act on behalf of the above-named entities, in consideration of the mutual covenants and promises contained herein, agree as follows concerning the provision of **Sewer Service** within Whitfield County:

WITNESSETH:

1. Description of Current Service Delivery Agreement.

The provision of sewer services in Whitfield County and its municipalities will be provided by the City of Dalton through Dalton Utilities. To meet the needs of its citizens, the City of Dalton, in 1873, took the first steps to create a sewer works system, by local act of the Georgia Legislature. The City of Dalton, in 1913, by an act of the Georgia General Assembly, reorganized its utility division by creating the Board of Sewer, Light and Sinking Fund Commissioners, which governing body presently operates the utilities

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of the City of Dalton. This Board and its operating entity (herein "Dalton Utilities") presently provide sewer services to the City of Dalton and certain unincorporated portions of Whitfield County. Other than the provision of this utility service through Whitfield County to certain areas in the county, neither Whitfield County, nor any of the other municipalities within its borders own, operate or provide sewer services to their citizens.

With the growth of the entire county and its municipalities, greater demand has been made upon the area's natural resources. Lands ideal for installation and operation of septic systems having been substantially developed, the development of less suitable lands has resulted in a growing need for the expansion of sewer throughout Whitfield County.

The County and its municipalities jointly developed the future land use plan. This land use plan and amendments thereto shall be of main consideration in developing a wastewater master plan and amendments thereto detailing the collection and treatment strategy to support future development patterns.

2. Future Service Delivery Strategy.

The parties hereto agree that the service delivery arrangements described above are efficient, effective, and responsive to all citizens of Whitfield County. Therefore, the parties hereto agree that no need exists to change said service delivery arrangements.

Further, the parties hereto agree that no duplication exists in the provision of sewer service within Whitfield County by Dalton Utilities, for the reasons set forth above.

The parties hereto agree that should any party undertake any action which may result in overlapping, competition, or duplication in the current service delivery arrangements or in the future service delivery strategy described in this Service Delivery Agreement, that party shall notify the other parties to this Agreement, so as to facilitate continued compliance with the requirements of Georgia law as referenced above.

IN WITNESS WHEREOF, each of the undersigned has executed this Service Delivery Agreement on behalf of the respective party set forth below, pursuant to the authority granted to each of the undersigned in the resolution by which each party approved and adopted this Service Delivery Agreement.

- ALL SIGNATURES APPEAR ON THE FOLLOWING PAGE -

MAY 13 2004

WHITFIELD COUNTY

BY: Mike Babb
W. Michael Babb
Chairman, Whitfield County
Board of Commissioners

Attest: Barbara Sue

County Seal:

THE CITY OF DALTON

BY: Ray Elrod
Ray Elrod
Mayor

Attest: Dunadette Macon

City Seal:

THE CITY OF TUNNEL HILL

BY: Kenneth Gowin
Kenneth Gowin
Mayor

Attest: [Signature]

City Seal:

THE CITY OF COHUTTA

BY: Don Henderson
Don Henderson
Mayor

Attest: [Signature]

City Seal:

THE CITY OF VARNELL

BY: _____
Lindsey Metcalf
Mayor

Attest: _____

City Seal: