

Mayor

Derek Easterling

City Manager

Jeff Drobney, ICMA-CM

City Clerk

Lea Alvarez, CMC

**Council**

Madelyn Orochena

Tracey Viars

Pat Ferris

Antonio Jones

Anthony Gutierrez

City Council**Special Called Meeting Agenda**

May 30, 2025 10:00 AM

Council Chambers

(2529 J.O. Stephenson Avenue, Kennesaw, GA 30144)

Livestream: www.kennesaw-ga.gov/publicmeetings/

1. Invocation**2. Pledge of Allegiance****3. Call to Order****4. Public Comment**

This section is for comment on any item on the agenda.

5. Executive Session

Pursuant to the provisions of O.C.G.A 50-14-3, the City Council could, at any time during the meeting, vote to close the public meeting and move to executive session to discuss matters relating to litigation, legal actions and/or communications from the City Attorney; and/or personnel matters; and/or real estate matters.

6. New Business**A. Resolution: Service Delivery Strategy**

Consideration to approve a Resolution authorizing certain actions to secure legal action to resolve a dispute regarding the service delivery strategy for Cobb County; and for other purposes

7. Adjourn



Item Report

TO: The Honorable Mayor and City Council

FROM:

DATE: May 30, 2025

TITLE: **Resolution: Service Delivery Strategy**

Consideration to approve a Resolution authorizing certain actions to secure legal action to resolve a dispute regarding the service delivery strategy for Cobb County; and for other purposes

Summary:

Recommendation:

Fiscal Impact:

Attachments:

1. RES 2025 - Authorize Legal Action SDS - Kennesaw

**A RESOLUTION OF THE CITY OF KENNESAW, 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 Kennesaw, Georgia ("Kennesaw") 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
KENNESAW 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.** Kennesaw 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. § 36-70-25.1(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 Kennesaw 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.** Kennesaw 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 Manager, 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 Kennesaw resolutions are hereby repealed to the extent they are inconsistent with this Resolution.
6. **Effective Date.** This Resolution shall take effect immediately.

BE IT SO RESOLVED, this ____ day of May, 2025.

DEREK EASTERLING, MAYOR

APPROVED AS TO FORM:

ATTEST:

FRED BENTLEY, CITY ATTORNEY

LEA ALVAREZ, CITY CLERK