

**RESOLUTION
RES 2026 - 18**

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF DALLAS, GEORGIA APPROVING THE USE OF MAINTENANCE SURETY BONDS AS MAINTENANCE GUARANTEES FOR PUBLIC IMPROVEMENTS; AUTHORIZING THE CITY MANAGER AND DESIGNATED CITY OFFICIALS TO FINALIZE, ACCEPT, ADMINISTER, ENFORCE, AND RELEASE SUCH SECURITY CONSISTENT WITH THE UNIFIED DEVELOPMENT CODE; AUTHORIZING RELEASE OF RELATED PERFORMANCE GUARANTEES UPON SATISFACTION OF CONDITIONS; RECOGNIZING THAT A CONFORMING ORDINANCE AMENDMENT WILL BE FORTHCOMING TO CLARIFY AND AUTHORIZE ALTERNATIVE FORMS OF DEVELOPMENT SECURITY; AND FOR OTHER PURPOSES.

WHEREAS, the Unified Development Code of the City of Dallas, Georgia provides that a performance guarantee remains in full force and effect until released by written notice of the Mayor and Council;

WHEREAS, upon completion of bonded improvements, the Community Development Department is authorized to inspect the completed improvements, and the Mayor and Council may release the performance guarantee if the improvements have been completed to the satisfaction of the Community Development Department and a suitable maintenance guarantee has been provided;

WHEREAS, the UDC defines “maintenance guarantee” as any security which may be required and accepted by the City of Dallas to assure that necessary improvements will function as required for a specific period of time;

WHEREAS, the Mayor and Council desire to approve the use of maintenance surety bonds as an acceptable form of maintenance guarantee for public improvements required, accepted, or dedicated in connection with subdivisions, development plans, development approvals, permits, agreements, or other development projects within the City;

WHEREAS, the Mayor and Council further desire to authorize the City Manager, Community Development Director, Public Works Director, City Engineer, Finance Director, City Attorney, and their respective designees to finalize project-specific bond amounts, terms, surety qualifications, secured improvements, supporting documentation, and administrative acceptance procedures consistent with this Resolution and applicable City requirements;

WHEREAS, the Mayor and Council find that a maintenance surety bond, when approved as to form by the City Attorney and accepted by the City in accordance with this Resolution, may constitute suitable security to assure that accepted improvements will function as required during the applicable maintenance or warranty period;

WHEREAS, the Mayor and Council further recognize that a conforming ordinance amendment will be forthcoming for consideration to clarify and expressly authorize alternative forms of performance guarantees, maintenance guarantees, and related development security, including, without limitation, cash, escrow agreements, government securities, irrevocable letters of credit, surety bonds, and other equivalent security acceptable to the City;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Dallas, Georgia as follows:

1. **Approval of Maintenance Surety Bonds.** The Mayor and Council hereby approve the use and administrative acceptance of maintenance surety bonds as an acceptable form of maintenance guarantee under the UDC for public improvements required, accepted, or dedicated in connection with subdivisions, development plans, development approvals, permits, agreements, or other development projects within the City, subject to the requirements and conditions stated in this Resolution.
2. **Administrative Finalization.** The City Manager, Community Development Director, Public Works Director, City Engineer, Finance Director, City Attorney, and their respective designees are authorized to review, finalize, approve, accept, maintain, enforce, draw upon, release, and administer maintenance surety bonds and related security documents consistent with this Resolution, the UDC, applicable City requirements, and the approved City bond form.
3. **Bond Amount and Secured Improvements.** The final bond amount, maintenance or warranty period, secured improvements, commencement date, expiration date, and related administrative terms may be determined and finalized administratively by the City Manager or designee, based upon applicable City Code requirements, the City-approved cost estimate, accepted improvements, project conditions, and the level of security reasonably necessary to protect the City.
4. **Minimum Bond Requirements.** Each maintenance surety bond accepted under this Resolution shall name the City of Dallas, Georgia as obligee; shall be executed by the developer or other responsible party as principal; shall be issued by a surety authorized to transact surety business in Georgia and financially acceptable to the City; shall include a valid power of attorney for the executing attorney-in-fact; shall be approved as to form by the City Attorney; and shall include such terms as the City determines necessary to secure correction, repair, replacement, restoration, inspection, engineering, administrative, legal, and related costs arising from defects, failures, or noncompliance affecting the accepted improvements.
5. **No Obligation to Accept Inadequate Security.** Nothing in this Resolution requires the City to accept any bond, surety, amount, form, or security document that is determined by the City Manager, City Attorney, Finance Director, Public Works Director, Community Development Director, City Engineer, or their designees to be insufficient, incomplete, unenforceable, financially inadequate, inconsistent with City requirements, or otherwise not in the best interest of the City.
6. **Release of Related Performance Guarantee.** Upon final inspection, written staff certification that the applicable improvements have been completed to the City's satisfaction, receipt and administrative acceptance of an approved maintenance surety bond or other acceptable maintenance guarantee, and City Attorney approval as to form, the Mayor and Council hereby authorize the related performance guarantee to be released by written notice executed by the City Manager, Community Development Director, Public Works Director, City Engineer, or their designee.
7. **Execution Authority.** The Mayor, City Manager, Community Development Director, Public Works Director, City Engineer, Finance Director, City Attorney, and their respective designees are authorized to execute and deliver such notices, acceptance forms, releases, demands, acknowledgments, and related documents as may be necessary or appropriate to carry out the intent of this Resolution.

8. **Forthcoming Ordinance Amendment.** The Mayor and Council acknowledge and support the preparation and presentation of a conforming ordinance amendment to clarify acceptable forms of development security and to address any existing Code or UDC provisions that may refer to cash-only security. The anticipated amendment is intended to allow, subject to City approval and approval as to form by the City Attorney, alternative forms of security including cash, escrow agreements, government securities, irrevocable letters of credit, surety bonds, and other equivalent security acceptable to the City. Nothing in this Resolution shall be construed to adopt the forthcoming ordinance amendment before formal consideration and action by the Mayor and Council.
9. **Effective Date.** This Resolution shall be effective immediately upon adoption.

SO RESOLVED this ____ day of _____, 2026.

L. James Kelly, Mayor

James R. Henson, Councilmember

Cooper Cochran, Councilmember

Nancy R. Arnold, Councilmember

Christopher B. Carter, Councilmember

Leah Alls, Councilmember

Candace Callaway, Councilmember

ATTEST:

Tina Clark, City Clerk
City of Dallas, Georgia

Date

APPROVED AS TO FORM:

Darrin Keaton
City Attorney