

PUBLIC UTILITIES

**WATER SERVICE**

**SERVICE DELIVERY AGREEMENT**

THIS SERVICE DELIVERY AGREEMENT, is made and entered into this \_\_\_\_ day of October, 2022, by and among **Whitfield County, Georgia**, a body politic and political subdivision of the State of Georgia (hereinafter referred to as the “County”), the **cities of Dalton, Varnell and Tunnel Hill** and the **Town of Cohutta**, municipal corporations organized and existing under the laws of the State of Georgia, (hereinafter referred to collectively as the “Cities” and individually as a “City” or “Town.”)

**WHEREAS, OCGA §36-70-20 et seq.** 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;

**WHEREAS, OCGA §36-70-24(1)** 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, OCGA §36-70-25** mandates that said Service Delivery Strategy receive the approval of Whitfield County and the governing authorities of municipalities located within Whitfield County, as is more particularly described in that Code Section;

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

**WITNESSETH**

**1. Description of Current Service Delivery Arrangements.**

The provision of water services by Whitfield County or any municipality within its corporate limits is discretionary. To meet the needs of its citizens, the City of Dalton, in 1873, took the first steps to create a water 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 Water, Light and Sinking Fund Commissioners, which is the governing body that presently operates the utilities of the City of Dalton. This Board and its operating entity (hereinafter “Dalton Utilities”) presently provide gas, electric, water and sewer services to the City of Dalton, Certain

unincorporated portions of Murray, Gordon, and Floyd counties. Other than the provision of utility services 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 water, sewer, gas or electric services to their citizens. Sufficient electrical service has been provided to all county residents by Dalton Utilities, North Georgia Electric Membership Corporation and Georgia Power Company. The demands of the county and municipalities other than Dalton for potable water and sewage treatment have been satisfied by the drilling of wells and installation of individual septic systems.

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 wells and septic systems having been substantially developed, the development of less suitable lands has resulted in a growing need for the expansion of water through Whitfield County.

On September 14, 1998, as a result of detailed negotiation, the Board of Water, Light and Sinking Fund Commissioners entered into a Utility Service Agreement with Whitfield County. The Agreement reflects the commitment of Dalton Utilities to provide potable water throughout Whitfield County, as agreed upon between Dalton Utilities and Whitfield County. The Agreement reflects the commitment of Dalton Utilities to provide potable water throughout Whitfield County, as agreed upon between Dalton Utilities and Whitfield County. The method of payment for the capital improvements is described therein and is viewed as beneficial to all parties involved. The Agreement having been negotiated and entered into subsequent to the passage of House Bill 489, the Agreement incorporates a goal of said law in assuring water rates which are based on the cost of providing the services, and not on arbitrary standards.

## **2. Future Service Delivery Strategy.**

The parties hereto agree that the current service delivery arrangements described above are efficient, effective, and responsive to all citizens of Whitfield County. In order to further serve those above stated goals, the parties additionally agree that the expansion of water service into unincorporated areas of the municipalities other than the City of Dalton shall be subject to the adoption of separate intergovernmental agreements at the time of any such project. The parties agree that water service shall be funded through rates.

Further, the parties hereto agree that no duplication exists in the provision of water service within Whitfield County, 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.

**Whitfield County, Georgia**

By: \_\_\_\_\_

Jevin S. Jensen, Chairman

**City of Dalton, Georgia**

By: \_\_\_\_\_

David Pennington, Mayor

**City of Tunnel Hill, Georgia**

By: \_\_\_\_\_

Ken Gowin, Mayor

**City of Varnell, Georgia**

By: \_\_\_\_\_

Tom Dickson, Mayor

**Town of Cohutta**

By: \_\_\_\_\_

Ron Shinnick, Mayor