

IN THE SUPERIOR COURT OF COBB COUNTY
STATE OF GEORGIA

COBB COUNTY, GEORGIA,

Petitioner,

v.

CITY OF ACWORTH, CITY OF
AUSTELL, CITY OF KENNESAW,
CITY OF MABLETON, CITY OF
MARIETTA, CITY OF POWDER
SPRINGS, AND CITY OF SMYRNA,

Respondent.

CIVIL ACTION FILE NO.

25CV-04122

CONSENT ORDER TEMPORARILY HOLDING SANCTIONS IN ABEYANCE

The Service Delivery Act requires counties and the municipalities therein to periodically approve and submit a Service Delivery Strategy agreement ("SDS Agreement") to the Georgia Department of Community Affairs. O.C.G.A. §§ 36-70-21, 36-70-26. If a county and its municipalities are unable to complete and submit an SDS Agreement by their deadline, sanctions are automatically imposed pursuant to O.C.G.A. § 36-70-27 (a) and the parties will be ineligible for any state administered financial assistance or grant, loan, or permit.

In an effort to reach an SDS Agreement prior to the May 31, 2025, deadline and to avoid the imposition of sanctions, the County and each of the Cities conducted voluntary mediation on May 23, 2025. Nevertheless, the parties were unable to finalize their SDS Agreement until June 2, 2025. As such, the Parties were unable to obtain verification on their SDS Agreement by the Georgia Department of Community Affairs ("DCA") by the May 31, 2025, deadline. Consequently, as of June 1, 2025, the Parties are temporarily subject to sanctions under the Service Delivery Act and are ineligible for state administered financial assistance, grants, loans, or permits pursuant to O.C.G.A. § 36-70-27 (a).

CONNIE TAYLOR
SUPERIOR COURT CLERK
COBB COUNTY, GEORGIA

FILED IN COURT
THIS 6.2.2025
AT 4:46 PM
BOBBIE DAVIS
DEPUTY CLERK

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Where, as here, the necessary parties are unable to obtain DCA approval of an SDS Agreement by the deadline, any party may file a petition in the superior court seeking an order holding the sanctions in abeyance pending the judicial resolution of the issues pursuant to O.C.G.A. § 36-70-25.1 (d)(2). Cobb County has filed a Petition for Relief from SDS Sanctions. The Parties collectively consent to this relief because the imposition of O.C.G.A. § 36-70-27 sanctions will have a detrimental effect on the citizens of the County and the Cities and because relief from the sanctions will serve the best interest of the citizens of the County and the Cities.

NOW THEREFORE, in an effort to comply with the intent of the SDS Act, O.C.G.A. § 36-70-20, *et seq.*, **IT IS HEREBY ORDERED** as follows:

- A. Effective immediately, the sanctions imposed on Cobb County and the Cities of Acworth, Austell, Kennesaw, Mableton, Marietta, Powder Springs, and Smyrna pursuant to O.C.G.A. § 36-70-27 are hereby held in abeyance retroactively from June 1, 2025 until the Parties become eligible for state administered financial assistance, grants, loans, and permits on the first day of the month following verification by DCA that the requirements of O.C.G.A. § 36-70-26 have been met or September 1, 2025, whichever first occurs;
- B. DCA is hereby authorized and directed to immediately restore the Qualified Local Government Status for Cobb County and the Cities of Acworth, Austell, Kennesaw, Mableton, Marietta, Powder Springs, and Smyrna;
- C. The Parties shall update the Court as to the status of Cobb County's SDS Agreement prior to September 1, 2025; and
- D. Pursuant to O.C.G.A. § 36-70-25.1 (e), a copy of this Order shall be sent to DCA.

Consent Order Temporarily Holding Sanctions in Abeyance
Cobb County v. City of Acworth, *et al.*

SO ORDERED, this 2nd day of June, 2025.

Hon. _____

Judge, ~~Supreme Court of Georgia~~
Superior Court
Cobb Judicial Circuit

Order Prepared and Consented to By:

/s/ Ken E. Jarrard

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Order Consented to By:

/s/ Brandon F. Palmer

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Consent Order Temporarily Holding Sanctions in Abeyance
Cobb County v. City of Acworth, *et al.*