

RESOLUTION 98-\_\_\_\_\_

A RESOLUTION BY THE MAYOR AND COUNCIL OF  
THE CITY OF SKY VALLEY

WHEREAS, the State of Georgia has enacted House Bills 489 and 1603 relating to Service Delivery Strategy for Georgia Counties and Cities, and

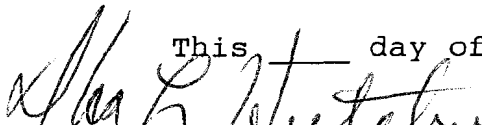
WHEREAS, H. B. 489 requires that Georgia Counties and Cities formulate a Dispute Resolution Process with regard to Annexation of land by Cities by July 1, 1998, and

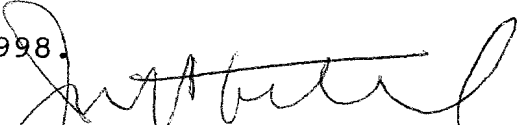
WHEREAS, Rabun County has prepared and submitted a proposed Dispute Resolution Process for the county and all cities within the county,


NOW, THEREFORE, after due consideration of the proposed Dispute Resolution Process, made pursuant to the said H.B. 489, the Council of the City of Sky Valley, at a regular meeting thereof does hereby approve the said proposed agreement for a Land Use and Annexation Dispute Resolution Process, a copy of which is hereto attached and made a part hereof, and

The Council does request that the Mayor of the City of Sky Valley execute the said agreement in behalf of the City of Sky Valley, that the City Clerk duly attest the execution thereof and deliver the executed agreement, with a copy of this Resolution to the Board of Commissioners of Rabun County.

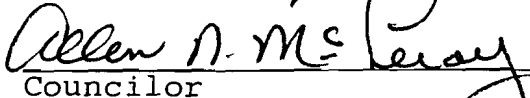
This \_\_\_\_\_ day of June 1998.

  
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President of City Council

  
\_\_\_\_\_  
Councilor

  
\_\_\_\_\_  
Councilor


  
\_\_\_\_\_  
Councilor

  
\_\_\_\_\_  
Councilor

Prepared by:

  
\_\_\_\_\_  
City Attorney

Attested by:

  
\_\_\_\_\_  
City Clerk

**SERVICE DELIVERY STRATEGY  
DISPUTE RESOLUTION PROCESS**  
for  
**Rabun County and Municipalities**

The Cities of Clayton, Dillard, Mountain City, Sky Valley, Tallulah Falls, and Tiger, and Rabun County hereby agree to implement the following process for resolving land use disputes over annexation effective July 1, 1998.

1. Prior to initiating any formal annexation activities,<sup>1</sup> the City will notify the county government of a proposed annexation and provide information on location of property, size of area, and proposed land use or zoning classification(s) (if applicable) of the property upon annexation. Such information shall be provided to Rabun County within 10 working days of receipt of annexation petition.

Within 15 working days following receipt of the above information, the county will forward to the city a statement either: (a) indicating that the county has no objection to the proposed land use for the property; or (b) describing its bona fide objection(s) to the city's proposed land use classification, providing supporting information, and listing any possible stipulations or conditions that would alleviate the county's objection(s);

2. If the county has no objection to the city's proposed land use or zoning classification, the city is free to proceed with the annexation. If the county fails to respond to the city's notice in writing within the deadline, the city is free to proceed with the annexation and the county loses its right to invoke the dispute resolution process, stop the annexation or object to land use changes after the annexation.
3. If the county notifies the city that it has a *bona fide* land use classification objection(s)<sup>2</sup>, the city will respond to the county in writing within 15 working days of receiving the county's objection(s) by either: (a) agreeing to implement the county's stipulations and conditions and thereby resolving the county's objection(s); (b) agreeing with the county and stopping action on the proposed annexation; (c) disagreeing that the county's objection(s) are *bona fide* and notifying the county that the city will seek a declaratory judgement in court; or (d) initiating a 30-day (maximum) mediation process to discuss possible compromises.<sup>3</sup>
4. If any of the cities initiate mediation, that city and the county will engage in a mediation process. This mediation process is outlined in an addendum which is considered a part of this document. Any costs associated with the mediation will be shared equally by the parties (local governments) participating.

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<sup>1</sup>Cities should not validate a petition for annexation or adopt a resolution of intent to annex prior to completion of this annexation dispute resolution process.

<sup>2</sup>As defined in O.C.G.A. 36-36-11(b)

<sup>3</sup>At this point, it is important to notify the property owner(s) of the status of his annexation request.

# ***RABUN COUNTY AND MUNICIPALITIES DISPUTE RESOLUTION PROCESS***

## ***MEDIATION PROCESS***

### **Mediation Committee**

The city and county will each select two individuals to serve on a Mediation Committee. An additional or 5th member will be selected by the four appointees. The GMRDC will then provide the names of three mediators from which the five committee members will select one. The mediator will serve to guide the committee through the process.

### **Parties to the Mediation**

The jurisdiction requesting the mediation and the jurisdiction required to act on the proposed change in land use will be parties to the mediation. The mediation sessions will be open to the public but general public comment will not be taken during the mediation sessions. Public input will be allowed in the regular public hearing after the mediation and before the continued hearing is ended. This procedure will allow public comment on the results of the mediation before final action.

### **Choice of Mediator**

The GMRDC will be asked to propose three mediators. If the jurisdictions in conflict cannot agree on a mediator from among this pool, the GMRDC will select a fourth mediator to conduct the mediation. The party requesting the mediation will coordinate the selection process and make arrangements with the mediator.

### **Payment for the Mediation**

The parties (local governments) participating in the mediation will equally share the cost of the mediation. Parties will be prepared to pay at each session or in the manner negotiated with the mediator.

### **Scheduling the Mediation**

The jurisdiction requesting the mediation in consultation with the other parties and the mediator will select the time for the mediation. The jurisdiction acting on the proposed land use change will arrange a facility for the mediation. The initial mediation session will be scheduled for two hours. Additional sessions will be determined by participants during the first session.

### Results of the Mediation

The mediator will provide to all parties a written report, including any agreements between the parties in conflict. The mediator will also specify any remaining conflicts and will provide an assessment of the potential value of any further mediation.

The legislative body of the jurisdiction acting on the proposed land use change will consider the results (the mediator's report and any agreements) of the mediation as part of the hearing process and part of the official record of the hearing.

Agreements made during the mediation will become part of the final action on the proposed land use change.

If no agreement regarding any specific conflict results from the mediation, the parties retain their rights to legal remedies.