

Riding the back roads of Rabun
on a 'chili' January night.

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Judge lifts SDS sanctions

Local entities are again eligible to receive state money

By Wayne Knuckles

The Clayton Tribune

CLAYTON—For the first time since 2015, Rabun County and local municipal governments can begin receiving certain grants, loans and permits from the state of Georgia.

Judge Albert B. Collier has

lifted the sanctions imposed by the Georgia Department of Community Affairs (DCA) against local and county governments over their failure to reach agreement on a Service Delivery Strategy (SDS)—at least for now.

Judge Collier, who will preside over attempts to bring all the parties into agreement on a new

SDS through the Superior Court of Rabun County, said in an order signed Jan. 25 that since a legal process is now underway in the court system, continuing to block local governments from seeking the state monies “will have a detrimental effect on the citizens of

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SDS

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Rabun County.”

He ordered the DCA to lift sanctions and “reinstate the qualified local government status for the cities and county immediately.”

A check of the DCA website earlier this week showed Rabun County is no longer listed as being non-SDS compliant.

It’s estimated the SDS sanctions cost local governments—and thus local taxpayers—in excess of \$1 million since 2015, not including attorney fees.

County Administrator Darrin Giles said Tuesday that local governments should be eligible for Local Maintenance Improvement Grants (LMIG) almost immediately with the lifting of the sanctions.

That means approximately \$430,000-plus for county government alone to use for local roadwork, Giles said.

“It’s good news for the taxpayers,” he added.

The cities of Clayton and Sky Valley had requested the sanctions be lifted while the SDS

dispute is resolved, Judge Collier noted.

Tallulah Falls and Dillard also sought sanctions relief while SDS mediation continues.

“I think this is good for our local governments and good for the taxpayers,” Clayton City Attorney Mitch Baker said Tuesday. “The sanctions that have restricted our ability to receive grants and permits have been temporarily lifted. We can qualify for permits and grants just like anyone else.”

“It’s a plus for the cities of Rabun County that we’re back in the good graces of everybody,” Sky Valley Mayor Robert MacNair said.

Rabun County Commission Chairman Greg James hailed the ruling as a step forward in the long-running dispute.

“We are excited, not only for the county, but for the municipalities as well,” James said Tuesday. “It’s something positive for the taxpayers.”

“I’m ecstatic that it’s going to benefit all citizens of Rabun County,” said Teri Dobbs, mayor of Tallulah Falls.

Tallulah Falls can move forward with grants, such as for the Tallulah Center to be

renovated, she said.

“I’m most appreciative to our attorney (Warren Tillery from Smith, Welch, Webb and White),” Dobbs said. “We (Tallulah Falls) needed funding and he showed us how we could get it,” Dobbs said in response to Tallulah Falls’ legal counsel taking action in December to have sanctions held in abeyance.”

Meeting in December, the Tallulah Falls council instructed their legal counsel to seek to have any sanctions arising from the lack of an SDS agreement against Tallulah Falls be put on hold.

An SDS is an intergovernmental agreement between a county and its cities that outlines the provider of certain services, including water, roads and animal control.

Rabun County’s agreement has been in dispute since 2015, when the delivery strategy in place expired. Without a signed agreement, the county and all its local governments lost their qualified local government designation and with it, the ability to seek state funds through grants and loans.

Debate over who had

the rights to service Boggs Mountain and other South Tiger customers—including the school system, which spends approximately \$97,000 per year for water—was at the heart of the dispute when negotiations on a new delivery strategy fell apart.

Part of the reason the SDS resolution has taken so long is because the disputed area was the subject of a lawsuit between Rabun County Water and Sewer Authority and the city of Clayton.

After Mountain Judicial Circuit Judge B. Chan Caudell ruled in favor of the authority in 2017, Clayton appealed the ruling, which further delayed negotiations.

Meetings between all local governments to craft a new SDS agreement began in 2018.

Along the way, the city of Clayton, several other municipalities, and Rabun County each hired outside legal representation for purposes of resolving the SDS dispute.

An open records request last year showed the total bill to taxpayers for outside attorney fees was approaching \$100,000

at the time, and is likely far more than that today.

All parties involved in the SDS dispute signed off on Judge Collier’s recent order.

The action comes none too soon for the city of Dillard, where the inability to apply for funds threatened their police fleet, Mayor Bill Robinson said Tuesday.

“At least it will help us keep radar in police cars,” Robinson said.

Robinson said they were at risk of having radar in police cars de-certified because of lack of funding.

Robinson also said Dillard now plans to apply for grants, specifically a grant to have electricity put underground in front of city hall so they can use it for festivals and other events. They had previously been denied a grant for this project.

“Everything’s good,” Robinson said.

Collier is expected to order all parties to the mediation table in an effort to strike an agreement.

No date had been set at press time.

Staff writer Megan Broome and previous reporting in The Clayton Tribune contributed to this story.