

# **Bond Case Briefs**

*Municipal Finance Law Since 1971*

---

## **POLITICAL SUBDIVISIONS - GEORGIA**

### **Board of Commissioners of Lowndes County v. Mayor of Valdosta**

**Court of Appeals of Georgia - October 21, 2019 - S.E.2d - 2019 WL 5304498**

County board of commissioners brought action against Department of Community Affairs (DCA) officials in their official and individual capacities and cities for injunctive, declaratory, and mandamus relief after DCA imposed sanctions on county and cities for their alleged failure to comply with Service Delivery Strategy Act (SDS Act) requirements.

Trial court ordered sanctions to be held in abeyance and ordered DCA to reinstate qualified local government status to county and cities. Trial court granted officials' motion to dismiss on the bases of sovereign immunity and failure to state a claim for mandamus relief.

The Court of Appeals held that:

- Board's claims against DCA officials in their individual capacities for declaratory and injunctive relief were precluded by sovereign immunity;
- DCA officials did not have clear legal duty to stop notifying state agencies that county and cities were ineligible for state-administered financial assistance; and
- Adequate legal remedy existed by which board could resolve dispute with DCA over compliance with SDS Act.

County board of commissioners' claims against officials for Department of Community Affairs (DCA) in their individual capacities for declaratory and injunctive relief arising out of DCA's determination that county violated Service Delivery Strategy Act (SDS Act) were in fact claims against state as real party in interest, and, thus, were precluded by sovereign immunity; board of commissioners alleged that DCA, not its officers, was the entity imposing sanctions on county, including by posting on DCA website, board's requested relief sought to control actions of state by requiring DCA officials to "direct" the DCA to take actions, officials lacked authority in their individual capacities to direct DCA to do anything, and relief could only be granted by state under SDS Act.

Board members and commissioner of Department of Community Affairs (DCA) did not have clear legal duty to stop notifying state agencies that county and cities, which DCA concluded violated Service Delivery Strategy Act (SDS Act) by failing to review and revise service delivery strategy, were ineligible for state-administered financial assistance, grants, loans, and permits due to expiration of prior service strategy agreement, and, thus, county was not entitled to writ of mandamus requiring DCA to retract notifications of ineligibility; SDS Act contained no requirements for DCA board members and commissioner at all, and SDS Act contemplated that a prior service strategy agreement would not continue unaltered if a municipality failed to review or revise it as required.

Adequate legal remedy existed by which county board of commissioners could resolve dispute with Department of Community Affairs (DCA) over whether county and cities had complied with Service

Delivery Strategy Act (SDS Act) and obtain relief from DCA's announcement that county was ineligible for state-administered financial assistance, grants, loans, and permits due to its non-compliance with SDS Act, and, thus, mandamus relief was unwarranted; SDS Act provided dispute resolution procedure applying to county's alleged noncompliance with requirements that it review and revise service delivery agreement, and trial court placed sanctions imposed by DCA in abeyance, such that county was still eligible for state-administered benefits.