

Bond Case Briefs

Municipal Finance Law Since 1971

PUBLIC UTILITIES - GEORGIA

City of Winder v. Barrow County

Supreme Court of Georgia - March 5, 2024 - S.E.2d - 2024 WL 923102

County brought action against city under the dispute resolution provisions of the Service Delivery Strategy (SDS) Act, challenging the manner of funding road maintenance and rates assessed for water utility services.

The Superior Court denied city's motion to dismiss and for summary judgment, and granted county's motion for partial summary judgment. City appealed, and the Court of Appeals affirmed. City petitioned for certiorari.

As matters of first impression, the Supreme Court held that:

- Determining whether the maintenance of county roads primarily benefited the unincorporated area of a county required consideration of the totality of the circumstances involved and could not be resolved as a matter of law;
- Services primarily for the benefit of the unincorporated area of the county must be funded through the mechanisms listed in the SDS Act; and
- Superior court did not have authority under the SDS Act to determine whether city's water charges were an illegal tax on residents of unincorporated areas of the county, or whether city could transfer profits from providing water services to its general fund.