

House Bill 1407 (AS PASSED HOUSE AND SENATE)

By: Representatives LaHood of the 175<sup>th</sup>, Burchett of the 176<sup>th</sup>, Corbett of the 174<sup>th</sup>, Anderson of the 10<sup>th</sup>, and Prince of the 132<sup>nd</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 70 of Title 36 of the Official Code of Georgia Annotated, relating to  
2 coordinated and comprehensive planning and service delivery by counties and municipalities,  
3 so as to revise provisions for establishing, negotiating, reviewing, revising, and filing local  
4 government service delivery strategies; to revise provisions related to funds derived from  
5 certain special districts; to revise the dispute resolution process; to provide for judicial  
6 resolution of certain disputes; to revise provisions related to sanctions; to require and limit  
7 the promulgation of certain rules and regulations; to provide for related matters; to provide  
8 for an effective date; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 Chapter 70 of Title 36 of the Official Code of Georgia Annotated, relating to coordinated and  
12 comprehensive planning and service delivery by counties and municipalities, is amended by  
13 revising Article 2, relating to service delivery, as follows:

## 14 "ARTICLE 2

15 36-70-20.

16 The intent of this article is to provide a flexible framework within which local governments  
17 in each county can develop a service delivery system that is both efficient and responsive  
18 to citizens in their county. The General Assembly recognizes that the unique  
19 characteristics of each county throughout the state preclude a mandated legislative outcome  
20 for the delivery of services in every county. The process provided by this article is  
21 intended to minimize inefficiencies resulting from duplication of services and competition  
22 between local governments and to provide a mechanism to resolve disputes over local  
23 government service delivery, funding equity, and land use. The local government service  
24 delivery process should result in the minimization of ~~noncompatible~~ incompatible  
25 municipal and county land use plans and in a simple, concise agreement describing which  
26 local governments will provide which service in specified areas within a county and how  
27 provision of such services will be funded.

28 36-70-21.

29 (a) Each county and municipality shall execute an agreement for the implementation of a  
30 local government service delivery strategy as set forth in this article by July 1, 1999;

31 (1) By December 31st of each year following the year in which the county's ten-year  
32 comprehensive plan update is due in accordance with the rules promulgated by the  
33 department pursuant to this chapter or Article 1 of Chapter 8 of Title 50; and

34 (2) Within 180 days of the occurrence of an event requiring review and revision pursuant  
35 to subsection (b) of Code Section 36-70-28.

36 (b) For municipalities located within multiple counties, the review and deadline for an  
37 agreement for the implementation of a local government service delivery strategy shall be

38 applicable for the portion of the municipality that lies within a given county in conjunction  
39 with such county's review and deadline.

40 (c) The provisions of this article shall not apply to any consolidated government in which  
41 no other municipal corporation exists within the county.

42 36-70-22.

43 (a)(1) Each county shall initiate the process for developing a local government service  
44 delivery strategy after July 1, 1997, but no later than January 1, 1998 required by  
45 paragraph (1) of subsection (a) of Code Section 36-70-21 no earlier than April 1st and no  
46 later than July 1st of the year following any year in which the county's ten-year  
47 comprehensive plan update is due.

48 (2) Each county shall initiate the process for developing a local government service  
49 delivery strategy required by a triggering event under paragraph (2) of subsection (a) of  
50 Code Section 36-70-21 no later than 30 days following the occurrence of the event. If  
51 the county does not initiate such process within the 30 day period, any municipality in the  
52 county may initiate the process.

53 (3) Any municipality affected by a change in service delivery or revenue distribution  
54 arrangements as described in subsection (b.1) of Code Section 36-70-28 may initiate the  
55 process of amending a local government service delivery strategy pursuant to  
56 subsection (b.1) of Code Section 36-70-28.

57 (b) Initiation of the strategy shall be accomplished by the provision of a written notice  
58 from the county to the governing bodies of all municipalities located wholly or partially  
59 within the county or providing services within the county and to other counties providing  
60 services within the county. Such notice shall:

61 (1) State state the date, time, and place for a joint meeting at which designated  
62 representatives of all local governing bodies shall assemble for the purpose of  
63 commencing deliberations on the service delivery strategy. ~~The notice shall be:~~

64 (2) Be sent not more than 45 and not less than 15 days prior to the meeting date; and

65 (3) Identify all local governments to which the notice will be delivered.

66 (c) In the event the county governing authority fails to initiate the process by ~~January 1,~~  
67 1998 July 1 of the year following any year in which the county's ten-year comprehensive  
68 plan update is due, any municipality within the county may do so by sending a written  
69 notice, containing the required information, to the county and all other municipalities.

70 36-70-22.1.

71 (a) Within 60 days of the initiation of the process for developing a local government  
72 service delivery strategy, all local governments that received the written notice provided  
73 for in Code Section 36-70-22 shall provide all other local governments identified in such  
74 written notice with a written proposal of a local government service delivery strategy  
75 containing the components required by Code Section 36-70-23, and in compliance with the  
76 criteria required by Code Section 36-70-24 together with all such factual information, data,  
77 and evidence supporting such proposal.

78 (b) Such written proposal for each local government may be modified periodically with  
79 written notice provided to all local governments that received the written notice provided  
80 for in Code Section 36-70-22; provided, however, that written proposals shall be finalized  
81 by each local government prior to an agreement to enter into nonbinding arbitration under  
82 Code Section 36-70-25.2 and the judicial process provided for in Code Section 36-70-25.3.  
83 Modifications to written proposals pursuant to this subsection may include written  
84 responses to any written proposal of another local government in the same county.

85 (c) All such written proposals and supporting documentation shall be considered public  
86 records and subject to disclosure pursuant to Code Section 50-18-71.

87 36-70-23.

88 Each local government service delivery strategy shall include the following components:

- 89 (1) An identification of all local government services presently provided or primarily  
90 funded by each general purpose local government and each authority within the county,  
91 or providing services within the county, and a description of the geographic area in which  
92 the identified services are provided by each jurisdiction;
- 93 (2) An assignment of which local government or authority, pursuant to the requirements  
94 of this article, will provide each service, the geographic areas of the county in which such  
95 services are to be provided, and a description of any services to be provided by any local  
96 government to any geographic area outside its geographical boundaries. In the event two  
97 or more local governments within the county are assigned responsibility for providing  
98 identical services within the same geographic area, the strategy shall include an  
99 explanation of such arrangement;
- 100 (3) A description of the source of the funding for each service identified pursuant to  
101 paragraph (2) of this Code section; and
- 102 (4) An identification of the mechanisms to be utilized to facilitate the implementation of  
103 the services and funding responsibilities identified pursuant to paragraphs (2) and (3) of  
104 this Code section.

105 36-70-23.1.

106 The department shall develop state-wide mapping standards in consultation with the  
107 Georgia Geospatial Advisory Council created under Article 13 of Chapter 8 of Title 50,  
108 which shall be used for any service delivery strategy for which the parties elect to describe  
109 geographic areas for local government services within each county by using maps. Such  
110 state-wide mapping standards shall include standards for describing geographical areas to  
111 include by jurisdiction level, census tract, and parcel number. The department shall  
112 promulgate such mapping standards by rule or regulation on or before March 1, 2026.

113 36-70-24.

114 In the development of a service delivery strategy, the following criteria shall be met:

115 (1) The strategy shall promote the delivery of local government services in the most  
116 efficient, effective, and responsive manner. The strategy shall identify steps which will  
117 be taken to remediate or avoid overlapping and unnecessary competition and duplication  
118 of service delivery and shall identify the time frame in which such steps shall be taken.  
119 When a municipality provides a service at a higher level than the base level of service  
120 provided throughout the geographic area of the county by the county, such service shall  
121 not be considered a duplication of the county service;

122 (2)(A) The strategy shall provide that water or sewer fees charged to customers located  
123 outside the geographic boundaries of a service provider shall not be arbitrarily higher  
124 than the fees charged to customers receiving such service which are located within the  
125 geographic boundaries of the service provider.

126 (B) If a governing authority disputes the reasonableness of water and sewer rate  
127 differentials imposed within its jurisdiction by another governing authority, that  
128 disputing governing authority may hold a public hearing for the purpose of reviewing  
129 the rate differential. Following the preparation of a rate study by a qualified engineer,  
130 the governing authority may challenge the arbitrary rate differentials on behalf of its  
131 residents in a court of competent jurisdiction. Prior to such challenge, the dispute shall  
132 be submitted to some form of alternative dispute resolution;

133 (3)(A) The strategy shall ensure that the cost of any service which a county provides  
134 primarily for the benefit of the unincorporated area of the county shall be borne by the  
135 unincorporated area residents, individuals, and property owners who receive the  
136 service. Further, when the county and one or more municipalities jointly fund a  
137 county-wide service, the county share of such funding shall be borne by the  
138 unincorporated residents, individuals, and property owners that receive the service.

139 (B) Such funding shall be derived from:

140 (i) Special ~~special~~ service districts created by the county in which ad valorem  
 141 property taxes, ~~insurance premium taxes~~, assessments, or user fees are levied or  
 142 imposed;

143 (ii) Grants;

144 (iii) Cable franchise fees, alcohol excise taxes, financial institution taxes, hotel-motel,  
 145 occupation taxes, railroad equipment taxes, insurance premium taxes, rental car excise  
 146 taxes, impact fees, stormwater fees or title ad valorem taxes, excluding any amounts  
 147 of such taxes or fees to the extent such amount is derived from incorporated areas of  
 148 the county;

149 (iv) Revenues apportioned to the county as part of an intergovernmental agreement  
 150 from the county and one or more municipalities; or

151 (v) Through ~~through~~ such other mechanism agreed upon by the ~~affected~~ parties  
 152 approving the strategy which complies with the intent of subparagraph (A) of this  
 153 paragraph; and

154 (4)(A) Local governments within the same county shall, if necessary, amend their land  
 155 use plans so that such plans are compatible and nonconflicting, or, as an alternative,  
 156 they shall adopt a single land use plan for the unincorporated and incorporated areas of  
 157 the county.

158 (B) The provision of extraterritorial water and sewer services by any jurisdiction shall  
 159 be consistent with all applicable land use plans and ordinances.

160 36-70-25.

161 (a) ~~Approval of the local government service delivery strategy shall be accomplished as~~  
 162 ~~provided for in this Code section.~~

163 ~~(b)~~ The county and each municipality within the county shall participate in the  
 164 development of the strategy.

165 ~~(b) Approval of the a local government service delivery~~ strategy shall be accomplished by  
166 adoption of a resolution:

167 (1) By the county governing authority;

168 (2) By the governing authority of municipalities located within the county which have  
169 a population of 9,000 or greater within the county;

170 (3) By the municipality which serves as the county site if not included in paragraph (2)  
171 of this subsection; and

172 (4) By no less than 50 percent of the remaining municipalities within the county which  
173 contain at least 500 persons within the county if not included in paragraph (2) or (3) of  
174 this subsection.

175 (c) For the purpose of determining population for the purposes of this article, the  
176 population in the most recent United States decennial census shall be utilized.

177 ~~(d) The adoption of a service delivery strategy specified in Code Section 36-70-21 may~~  
178 ~~be extended to a date certain no later than 120 days following the date otherwise specified~~  
179 ~~in Code Section 36-70-21 upon written agreement of the local governments enumerated in~~  
180 ~~subsection (b) of this Code section. In the event such an agreement is executed, the~~  
181 ~~sanctions specified in Code Section 36-70-27 shall not apply until on and after such~~  
182 ~~extended date.~~

183 36-70-25.1.

184 (a) As used in this Code section, the term 'affected municipality' means the county seat and  
185 each municipality of at least 500 persons ~~required to adopt a resolution approving the local~~  
186 ~~government service delivery strategy pursuant to subsection (b) of Code Section 36-70-25.~~

187 (b) If a county and the affected municipalities in the county ~~do not~~ are unable to reach an  
188 agreement on ~~a service delivery strategy, the provisions of this Code section shall be~~  
189 ~~followed as the process to resolve the dispute~~ all services within 90 days of initiation of the  
190 process provided for in Code Section 36-70-22, the county and all affected municipalities

191 shall, by such ninetieth day, commence mediation in an attempt to reach a final agreement.  
192 Such mediation shall be limited to discussing only those services and geographic areas  
193 which remain to be agreed upon.

194 ~~(c) If a county and the affected municipalities in the county are unable to reach an~~  
195 ~~agreement on the strategy prior to the imposition of the sanctions provided in Code~~  
196 ~~Section 36-70-27, a means for facilitating an agreement through some form of alternative~~  
197 ~~dispute resolution shall be employed. Where the alternative dispute resolution action is~~  
198 ~~unsuccessful, the neutral party or parties shall prepare a report which shall be provided to~~  
199 ~~each governing authority and made a public record. The cost of alternative dispute~~  
200 ~~resolution authorized by this subsection shall be shared by the parties to the dispute pro rata~~  
201 ~~based on each party's population according to the most recent United States decennial~~  
202 ~~census. The county's share shall be based upon~~ The costs of the mediation process  
203 undergone pursuant to this Code section shall be shared by the parties to the mediation pro  
204 rata based on each party's population according to the most recent United States decennial  
205 census with the county's population including only the unincorporated population of the  
206 county.

207 ~~(d) In the event that the county and the affected municipalities in the county fail to reach~~  
208 ~~an agreement after the imposition of sanctions provided in Code Section 36-70-27, then the~~  
209 ~~following process is available to the parties:~~

210 ~~(1)(A) The county or any affected municipality located within the county may file a~~  
211 ~~petition in superior court of the county seeking mandatory mediation. Such petition~~  
212 ~~shall be assigned to a judge, pursuant to Code Section 15-1-9.1 or 15-6-13, who is not~~  
213 ~~a judge in the circuit in which the county is located. The judge selected may also be a~~  
214 ~~senior judge pursuant to Code Section 15-1-9.2 who resides in another circuit.~~

215 ~~(B) The visiting or senior judge shall appoint a mediator within 30 days of receipt of~~  
216 ~~the petition. Mediation shall commence within 30 days of the appointment of a~~  
217 ~~mediator. The mandatory mediation process shall be completed within 60 days~~

218 ~~following the appointment of the mediator. A majority of the members of the~~  
219 ~~governing body of the county and each affected municipality shall attend the initial~~  
220 ~~mediation. Following the initial meeting, the mediation shall proceed in the manner~~  
221 ~~established at the initial meeting. If there is no agreement on how the mediation should~~  
222 ~~proceed, a majority of the members of the governing body of the county and each~~  
223 ~~affected municipality shall be required to attend each mediation session unless another~~  
224 ~~process is agreed upon. Unless otherwise provided in accordance with paragraph (2)~~  
225 ~~of this subsection, the cost of alternative dispute resolution authorized by this~~  
226 ~~subsection shall be shared by the parties to the dispute pro rata based on each party's~~  
227 ~~population according to the most recent United States decennial census.~~  
228 ~~(C) During the mediation process described in this subsection, the sanctions imposed~~  
229 ~~pursuant to Code Section 36-70-27 may, by order of the court, be held in abeyance by~~  
230 ~~the judge against any or all of the parties participating in such mediation process.~~  
231 ~~(D) The judge may, by order of the court, substitute any mediation entered into~~  
232 ~~pursuant to subsection (c) of this Code section for the mediation required pursuant to~~  
233 ~~this subsection; and~~  
234 ~~(2) If no service delivery strategy has been submitted for verification to the Department~~  
235 ~~of Community Affairs at the conclusion of the mediation, any aggrieved party may~~  
236 ~~petition the superior court and seek resolution of the items remaining in dispute. The~~  
237 ~~visiting or senior judge shall conduct an evidentiary hearing or hearings as such judge~~  
238 ~~deems necessary and render a decision with regard to the disputed items. In rendering~~  
239 ~~the decision, the judge shall consider the required elements of a service delivery strategy~~  
240 ~~with a goal of achieving the intent of this article as specified in Code Section 36-70-20.~~  
241 ~~It shall be in the discretion of the judge to hold the sanctions specified in Code~~  
242 ~~Section 36-70-27 against one or more of the parties in abeyance pending the disposition~~  
243 ~~of the action. The court is authorized to utilize its contempt powers to obtain compliance~~  
244 ~~with its decision relating to the disputed items under review. The judge shall be~~

245 authorized to impose mediation costs and court costs against any party upon a finding of  
246 bad faith.

247 ~~(e) The court shall notify, or cause to be notified, the Department of Community Affairs~~  
248 ~~in the event that penalties are abated during the pendency of mediation or litigation held~~  
249 ~~pursuant to subsection (d) of this Code section. A notice shall also be sent in the event~~  
250 ~~penalties become applicable to the parties.~~

251 ~~(f) Any service delivery agreement implemented as a result of the process set forth in this~~  
252 ~~Code section shall remain in effect until revised pursuant to Code Section 36-70-28.~~

253 36-70-25.2.

254 (a) As used in this Code section, the term 'affected municipality' means the county seat  
255 and each municipality of at least 500 persons.

256 (b)(1) After completing the mediation process required by Code Section 36-70-25.1, but  
257 prior to the 180th day following the initiation of the process under this article, the county  
258 and any affected municipalities with outstanding disagreements related to the service  
259 delivery strategy may elect to begin nonbinding arbitration in an attempt to resolve only  
260 such outstanding disagreements.

261 (2) Evidence presented as part of any such nonbinding arbitration shall be limited to  
262 information included in the written proposals required by Code Section 36-70-22.1 and  
263 any written documentation associated with the required mediation conducted pursuant to  
264 Code Section 36-70-25.1.

265 (3) Within 15 days of the conclusion of the evidentiary phase of the nonbinding  
266 arbitration, the arbitrator shall issue to the parties its written decision, which shall be  
267 considered a public record and subject to disclosure pursuant to Code Section 50-18-71.

268 (c)(1) The costs of the arbitration process undergone pursuant to this Code section shall  
269 be shared by the parties to the arbitration pro rata based on each party's population

270 according to the most recent United States decennial census with the county's population  
271 including only the unincorporated population of the county.

272 (2) Notwithstanding the provisions of paragraph (1) of this subsection, if the arbitrator  
273 issues a written determination that any party or parties advanced a position that lacked  
274 substantial justification, which shall mean substantially frivolous, substantially  
275 groundless, or substantially vexatious, the costs shall be borne by such party or parties  
276 that advanced such position.

277 36-70-25.3.

278 (a) As used in this Code section, the term 'participating local government' means:

279 (1) Any county that completed the mediation process required by Code  
280 Section 36-70-25.1 and requested or participated in non-binding arbitration pursuant to  
281 Code Section 36-70-25.2; and

282 (2) Any municipality required to adopt a resolution approving the local government  
283 service delivery strategy pursuant to subsection (b) of Code Section 36-70-25 that  
284 completed the mediation process required by Code Section 36-70-25.1 and requested or  
285 participated in non-binding arbitration pursuant to Code Section 36-70-25.2.

286 (b) Subsequent to the completion of the mediation process required by Code  
287 Section 36-70-25.1 and non-binding arbitration, if any, requested pursuant to Code  
288 Section 36-70-25.2, a participating local government with outstanding disagreements  
289 related to the service delivery strategy may petition the superior court of the county to  
290 resolve such disagreements. Such petition shall be assigned pursuant to Code  
291 Section 15-1-9.1 or Code Section 15-6-13 to a judge who is not a judge in the circuit in  
292 which the county is located and is a senior judge under Code Section 15-1-9.2.

293 (c) The assigned judge shall conduct one or more evidentiary hearings as he or she  
294 determines are necessary and render a decision with regard to the disputed items. In

295 rendering the decision, such judge shall consider the required elements of a service delivery  
296 strategy and seek to satisfy the intent of this article as provided in Code Section 36-70-20.

297 (d) Evidence presented as part of the judicial process established by this Code section  
298 shall be limited to:

299 (1) Information included in the written proposals required by Code Section 36-70-22.1;

300 (2) Written documentation associated with the required mediation conducted pursuant  
301 to Code Section 36-70-25.1; and

302 (3) The decision or final report issued with respect to any nonbinding arbitration  
303 conducted pursuant to Code Section 36-70-25.2.

304 (e) The assigned judge shall be authorized to utilize the power of contempt to obtain  
305 compliance with the decision rendered pursuant to this Code section.

306 36-70-26.

307 (a) Each county shall file the agreement for the implementation of strategy required by  
308 Code Section 36-70-21 with the department after the agreement has been adopted by  
309 resolution as provided for in Code Section 36-70-25.

310 (b) The department shall, within 30 days of receipt, verify that the strategy includes the  
311 components enumerated in Code Section 36-70-23 and the minimum criteria enumerated  
312 in Code Section 36-70-24. The department, however, shall neither approve nor disapprove  
313 the specific elements or outcomes of the strategy.

314 (c) In the event that no agreement is properly filed by a county by December 31 of the year  
315 following the year in which the county's ten-year comprehensive plan update is due or  
316 within 180 days of the triggering event under paragraph (2) of subsection (a) of Code  
317 Section 36-70-21, the department shall notify the affected local governments and all  
318 relevant state agencies that the jurisdictions are out of compliance with the laws regarding  
319 service delivery strategies, and the sanctions provided for in Code Section 36-70-27 shall  
320 apply; provided, however, that, in the event the local governments are participating in a

321 nonbinding arbitration pursuant to Code Section 36-70-25.2, the deadline shall not be  
 322 extended for more than 180 days.

323 (d) The department shall promulgate rules and regulations only to the extent necessary to  
 324 implement the provisions of this Code section.

325 36-70-27.

326 (a)(1) No state administered financial assistance or grant, loan, or permit shall be issued  
 327 to any local government or authority which is not included in a ~~department verified~~  
 328 strategy local government service delivery strategy that the department has verified as  
 329 meeting the requirements of Code Section 36-70-26, or for any project which is  
 330 inconsistent with such strategy; provided, however, that a municipality or authority  
 331 located or operating in more than one county shall be included in a department verified  
 332 strategy for each county wherein the municipality or authority is located or operating.

333 (2) Paragraph (1) of this subsection shall not apply to any:

334 (A) Drinking drinking water or wastewater project of the Georgia Environmental  
 335 Finance Authority;

336 (B) Public safety or Environmental Protection Division permits; or

337 (C) County, municipality, or authority that establishes to the satisfaction of the  
 338 department through the adoption of a resolution that such county, municipality, or  
 339 authority does not have any outstanding disagreements related to the service delivery  
 340 strategy and is not otherwise responsible for such service delivery strategy not being  
 341 verified by the department

342 ~~or of any local government or authority if such project is a proposed drinking water~~  
 343 ~~supply reservoir or any water withdrawal, treatment, distribution, or other potable water~~  
 344 ~~facility associated with such reservoir and the project shall furnish potable water to~~  
 345 ~~wholesale users in incorporated areas in one or more counties. Within one year after such~~  
 346 ~~proposed drinking water supply reservoir becomes operational, the local governments and~~

347 ~~authorities in the affected county or counties shall update their service delivery strategy~~  
348 ~~or strategies to be consistent with water supply arrangements resulting from the operation~~  
349 ~~of such reservoir.~~

350 ~~(b)(1) If a municipality containing fewer than 500 persons within the county fails to~~  
351 ~~establish a process to resolve disputes as required by subparagraph (C) of paragraph (4) of~~  
352 ~~Code Section 36-70-24, the sanctions specified in subsection (a) of this Code section shall~~  
353 ~~not be imposed upon:~~

354 ~~(A) The county within which any such municipality or portion of any such~~  
355 ~~municipality is located; or~~

356 ~~(B) Any other municipality located in such county.~~

357 ~~(2) The provisions of this subsection shall apply only if a process to resolve disputes~~  
358 ~~required by subparagraph (C) of paragraph (4) of Code Section 36-70-24 has been~~  
359 ~~established between the county and each municipality containing 500 or more persons~~  
360 ~~within the county.~~

361 ~~(c) Any local government or authority which is subject to the sanctions specified in~~  
362 ~~subsection (a) of this Code section shall become eligible for state administered financial~~  
363 ~~assistance or grants, loans, or permits on the first day of the month following verification~~  
364 ~~by the department that the requirements of Code Section 36-70-26 have been met.~~

365 ~~(c) The sanctions specified in subsection (a) of this Code section shall not apply to any~~  
366 ~~state administered financial assistance or grant, loan, or permit that the applicable state~~  
367 ~~agency or department determines is intended to address any of the following:~~

368 ~~(1) A state of emergency declared by any federal, state, or local emergency management~~  
369 ~~agency, official, or authority;~~

370 ~~(2) A natural disaster;~~

371 ~~(3) Any set of conditions or circumstances that pose a danger to the health, safety, or~~  
372 ~~welfare of any person or property; or~~

373 ~~(4) The order of any federal or state agency or court.~~

374 36-70-28.

375 (a) As used in this Code section, the term 'affected municipality' means the county seat and  
 376 each municipality of at least 500 persons required to adopt a resolution approving the local  
 377 government service delivery strategy pursuant to subsection (b) of Code Section 36-70-25.

378 (b) In addition to the ten-year update required by paragraph (1) of subsection (a) of Code  
 379 Section 36-70-21, each Each county and affected municipality shall review; and revise if  
 380 necessary; the approved strategy:

381 (1) ~~In conjunction with updates of the comprehensive plan as required by Article 1 of~~  
 382 ~~this chapter;~~

383 ~~(2) Whenever necessary to change service delivery or revenue distribution arrangements;~~

384 ~~(3) Whenever necessary due to changes in revenue distribution arrangements;~~

385 ~~(4)~~(2) In the event of the creation, abolition, or consolidation of local governments;

386 ~~(5)~~(3) When the existing service delivery strategy agreement expires; or and

387 ~~(6)~~(4) Whenever the county and affected municipalities agree to revise the strategy.

388 (b.1)(1) In the event that a change in service delivery or revenue distribution  
 389 arrangements affects less than all of the local governments that are parties to the approved  
 390 strategy, an amendment to the strategy limited to such changed service or services or  
 391 revenue distribution arrangements between only those specific local governments may  
 392 be submitted solely by the affected local governments and without the approval of the  
 393 other nonimpacted county and affected municipalities in the county whose approval  
 394 would otherwise be required under subsection (b) of Code Section 36-70-25.

395 (2) Any amendments to the approved strategy or revenue distribution arrangement which  
 396 affect less than all of the local governments that are parties to the approved strategy shall  
 397 be subject to review and revision whenever the service delivery strategy affecting the  
 398 county and all municipalities within the county becomes subject to review and revision

399 under paragraph (1) of subsection (a) of Code Section 36-70-21 or subsection (b) of this  
400 Code section.

401 (c) In the event that a county or an affected municipality located within the county refuses  
402 to review and revise, ~~if necessary,~~ a strategy in accordance with ~~paragraphs~~ paragraph (2)  
403 ~~and (3)~~ of subsection (b) of this Code section, then any of the parties may use the  
404 ~~alternative dispute resolution and appeal procedures set forth in subsection (d) of Code~~  
405 ~~Section 36-70-25.1~~ mediation or nonbinding arbitration processes provided for in this  
406 article.

407 36-70-29.

408 The department shall be prohibited from acting or promulgating rules or regulations  
409 regarding this article except to the extent explicitly provided for in this article."

410 **SECTION 2.**

411 This Act shall become effective on January 1, 2026.

412 **SECTION 3.**

413 All laws and parts of laws in conflict with this Act are repealed.