

## RESOLUTION 2019 - 014

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**A RESOLUTION AUTHORIZING THE SALE OF THE CITY OF POWDER SPRINGS WATER DISTRIBUTION AND WASTE WATER COLLECTION SYSTEM TO COBB COUNTY; AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH COBB COUNTY TO EFFECTUATE THE SALE; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

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**WHEREAS**, as authorized by law, the City of Powder Springs (hereinafter, “the City”) owns and operates a public water distribution and waste water collection system (the “System”); and

**WHEREAS**, the City initiated discussions about the potential sale of the System in 2008 and resumed discussions in 2015 at which time the Mayor and Council directed the City Manager to inquire whether Cobb County was interested in purchasing the system and to gather data related to the potential transfer of the System; and

**WHEREAS**, based upon the County’s expressed interest and requests for information about the System, the Mayor and Council thereafter engaged Woolpert, Inc. and Atkins Global in 2015 to begin the inventory, mapping and limited assessment of the System and a preliminary asset management plan for and valuation of the System, respectively; and

**WHEREAS**, the City also requested Woolpert Inc. to more closely examine the conditions and capacity of the System in the downtown area and make recommendations needed for System improvements; and

**WHEREAS**, said engineering firms completed their respective projects in 2017 and 2018, which indicated that the sale of the system to Cobb County would provide the most effective and efficient way to sustain the System for present use and future growth and provide comparable or better service and water quality, with an improved economy of scale at the County level that would result in lower water and sewerage fees for Powder Springs customers; and

**WHEREAS**, the City may sell the System, on such terms and conditions as the City deems proper, but as a prerequisite to doing so, the City must publish a notice of intention to make such sale setting out the price and general terms and conditions of the proposed sale once a week for three consecutive weeks as required by O.C.G.A. §36-37-8, and

**WHEREAS**, the City did so publish the notice of intent on January 11, 18 and 25, 2019;

**WHEREAS**, Cobb County has proposed to purchase the City’s water and sewer system for a total price of \$5,500,000 to be paid in ten (10) annual installments; and

**WHEREAS**, the Mayor and Council find that the sale of the System furthers the interest of public health, safety and welfare and therefore desire to proceed with the sale;


**NOW THEREFORE BE IT HEREBY RESOLVED** by the Mayor and Council for the City of Powder Springs that the sale of the City’s public water distribution and waste water collection system to Cobb County is hereby approved for an amount of \$5,500,000 payable in ten annual installments, which will offset debt service payments made from the General Fund.


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**BE IT FURTHER RESOLVED**, that the Mayor is authorized to execute an agreement with Cobb County in form substantially similar to the attached, subject to review and approval by the City attorney and establishment by resolution of a restricted capital project fund and council-approved investments for the System reserves. This resolution shall become effective immediately upon adoption.

**SO RESOLVED** this 4<sup>th</sup> day of February, 2019.

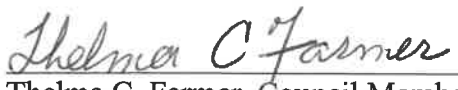
  
Albert Thurman, Mayor

  
Patrick Bordelon, Council Member


  
Doris Dawkins, Council Member

*no*   
Patricia Wisdom, Council Member

  
Henry Lust, Council Member

*no*   
Thelma C. Farmer, Council Member

Attest:

  
Kelly Axt, City Clerk