

# CHATHAM COUNTY ATTORNEY

**R. JONATHAN HART**  
COUNTY ATTORNEY  
[rjhart@chathamcounty.org](mailto:rjhart@chathamcounty.org)

124 BULL STREET  
ROOM 230  
SAVANNAH, GEORGIA 31401

PLEASE REPLY TO:  
P.O. BOX 8161  
SAVANNAH, Ga 31412  
T: 912-652-7881

**REGINALD C. MARTIN**  
ASSISTANT COUNTY ATTORNEY  
[rmartin@chathamcounty.org](mailto:rmartin@chathamcounty.org)

**ANDRE PRETORIUS**  
ASSISTANT COUNTY ATTORNEY  
[anpretorius@chathamcounty.org](mailto:anpretorius@chathamcounty.org)

April 26, 2023

Conrad T. Kearns  
CEO, Chatham Emergency Services  
[ckearns@chathames.org](mailto:ckearns@chathames.org)

RE: Dispute Resolution

Chief Kearns,

The County received your letter, dated April 20, 2023, indicating a serious dispute between CES and the County after receiving our response to your budget request. In your letter, CES requested to invoke Article III, Section 7 of the Fire Protection Services Agreement for dispute resolution. However, under the terms of that contract, the County believes, CES may not invoke Article III, Section 7 of the Fire Protection Services Agreement, as there has been no breach of any material terms. The contract in Article I Section 12 specifically states:

CES will provide an annual budget to the County Manager on March 1, 2022, and each March thereafter for the annual period starting July 1<sup>st</sup>. The budget will include all costs of operations for unincorporated area fire services, roadside emergency response, and debt service. CES will participate in County budget meetings and will provide detailed information about its budget requests to the County Manager. The County Manager will then provide a formal budget recommendation to the Board of Commissioners. CES agrees that any budget approved by the Board of Commissioners will

represent the County's total operational cost for the ensuing twelve-month period beginning July 1<sup>st</sup>.

Currently, the contract is not up for renewal until December 17, 2023. All terms of the contract have been complied with by Chatham County. As the Board of Commissioners has neither approved nor denied the budget for the total operational cost for the Fire Protection Services for Chatham County, this issue is not ripe for dispute resolution. Your request for \$17.8 million for budget year 2023/24 will have to be considered and denied by the Board of Commissioners for there to be a dispute that would invoke Article III, Section 7 of the agreement. Additionally, as clearly stated by Article I, Section 12 of the agreement, the County Manager's recommendation is not the triggering effect for dispute resolution.

It is our position that Chatham County and the CES Board may still come to an amicable resolution regarding the proposed budget before July 1<sup>st</sup>, 2023. Again, the dispute resolution cannot be invoked at this time as there has been no material breach of the Fire Protection Services Agreement.

Thanks,



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Andre Pretorius

Assistant County Attorney