

**IN THE SUPERIOR COURT OF CHATHAM COUNTY
STATE OF GEORGIA**

CHATHAM AREA TRANSIT
AUTHORITY,

Plaintiff,

v.

BOARD of COMMISSIONERS of
CHATHAM COUNTY,

Defendant.

Civil Action File No.

**CHATHAM AREA TRANSIT AUTHORITY’S VERIFIED COMPLAINT
FOR DECLARATORY AND INJUNCTIVE RELIEF**

Chatham Area Transit Authority (“Authority” or “Plaintiff”) hereby files this Verified Complaint against the Board of Commissioners of Chatham County (“Commission” or “Defendant”) (collectively, the “Parties”), respectfully seeking emergency and declaratory relief as follows:

INTRODUCTION

1. On May 14, 2025, House Bill 756 (“H.B. 756”), was enacted as Local Act 323, which recreated the board memberships of the Authority with new appointment provisions.

2. Since the enactment of H.B. 756, the Commission has launched a retributive campaign against the Authority, which has severely impaired its ability to provide dependable services to its riders.

3. At its regularly scheduled meeting on August 22, 2025, the Commission adopted “CAT repeal resolution 2025-rev. 08.21.2025,” (attached as Ex. A), the first of two actions to adopt a home rule amendment ostensibly designed to amend H.B. 756.

4. The Commission is scheduled to adopt Ordinance 7753 (attached as Ex. B) at 9:30 A.M. on Friday, September 5, 2025, unlawfully amending the membership of the Authority board, returning the board to its prior form under H.B. 1275. *See* 2012 Ga. Laws. 5296 (the “2012 Act”).

5. The Commission’s proposed amendment to H.B. 756 is its latest attempt in a series of actions directed at improperly gaining control of the Authority’s Board of Directors.

6. The Commission does not have the authority to amend H.B. 756.

7. The Commission is ostensibly invoking the County Home Rule Provision of the Georgia Constitution, Ga. Const. Art. IX, § II, ¶ 1(b)(1), to unlawfully amend H.B. 756.

8. The Commission has failed to comply with the procedural and substantive requirements necessary to invoke the County Home Rule Provision.

9. Further, the Commission improperly maintains that H.B. 756 is unconstitutional because it conflicts with the Transit Authority Act, despite the Superior Court of Chatham County’s ruling to the contrary. O.C.G.A. § 32-

9-9; *See* Order Granting Motion to Dismiss, No. SPCV25-00791-WA (Ga. Super. Ct. Chatham Cnty. July 2, 2025), attached as Ex. C.

10. The Commission's retributive campaign against the Authority must cease immediately to stop the crippling of the Authority's operations, the brunt of which the riders of the Chatham Area ultimately bear.

PARTIES, JURISDICTION, AND VENUE

11. The Authority is a public corporation and state authority organized under the laws of the State of Georgia. It submits itself to the jurisdiction of the Court.

12. The Commission is a governmental entity organized under the laws of the State of Georgia. The Commission is located in Chatham County and was created by the State of Georgia as a political subdivision of state power to serve its citizens. The Commission may be served through the County Attorney's Office, located at 124 Bull Street # 240, Savannah, Georgia 31401.

13. This Court has subject matter jurisdiction over this dispute pursuant to O.C.G.A. § 15-6-8.

14. Venue is proper in this Court pursuant to Ga. Const. Art. VI, § 2, ¶ III and O.C.G.A. § 50-21-28, because the County Attorney's Office is located in Chatham County.

FACTUAL BACKGROUND

A. Local Acts governing the Authority's board composition.

15. The Authority was created in 1986 when the General Assembly passed H.B. 1699 (1986 Ga. Laws p. 5082) (the "1986 Act").

16. The 1986 Act established the Authority's board membership and powers. *See* 1986 Act § 2.2.

17. The Authority board was to include: (1) a Savannah resident appointed by the mayor and aldermen; (2) a resident of unincorporated Chatham County appointed by the Commission; and (3) one resident of any municipality other than Savannah that is within a special service district for transit services, as provided by the Commission. *Id.* §§ 2.2(1)–(3).

18. The third member would be appointed by a resolution adopted by the municipality governing each special service district for transit services (other than Savannah). *Id.* § 2.2(b).

19. In 2012, the General Assembly enacted the 2012 Act.

20. The 2012 Act expanded the Authority board's membership from three to nine members, including: (1) three members of the Commission; (2) one resident of unincorporated Chatham County appointed by the Commission; (3) one resident of Chatham County who is a person with a disability, also appointed by the Commission; (4) one resident of Chatham County at large, also appointed by the Commission; (5) a member of

Savannah’s Board of Aldermen; (6) one Savannah resident appointed by the Mayor and Aldermen; and (7) one resident of a Chatham County special service district for transit services other than Savannah, who would be appointed by a majority of the governing authorities of special service district for transit municipalities. *Id.* §§ 2.2(a)(1)–(7).

21. During the General Assembly’s 2025 session, it adopted, and the Governor signed, H.B. 756, which vacated the current Authority board memberships, abolished the board memberships, and recreated the board memberships with new appointment provisions. *See* H.B. 756 (2025 Ga. Gen. Assem.) § (a)(1).¹

22. The new board consists of up to 11 members. *Id.* § (a)(2). There are ten mandatory members: (1) two members of the Commission appointed by the Commission; (2) one member of the Board of Aldermen of Savannah appointed by that board; (3) one member of the Garden City Council appointed by that council; (4) one member appointed by the Savannah-Georgia Convention Center Authority; (5) one member appointed by the Commission who is a person with a disability; (6) one Savannah resident appointed by the Board of Aldermen of Savannah; (7) one member or employee of a business advocacy organization appointed by the Chatham County legislative delegation; (8) one

¹ Available at <https://gov.georgia.gov/document/2025-signed-legislation/hb-756/download>.

member of a tourism advocacy organization appointed by the Chatham County legislative delegation; and (9) one resident of Chatham County appointed by the Chatham County legislative delegation. *Id.* §§ (2)(A)–(B), (D)–(J). There is one optional member: if Port Wentworth chooses to participate, its City Council may appoint one of its members. *Id.* § 2(C).

B. The Georgia Constitution’s County Home Rule Provision.

23. The County Home Rule Provision, Article IX, Section II, Paragraph 1 of the Georgia Constitution, allows counties to adopt “clearly reasonable ordinances, resolutions, or regulations relating to its property, local affairs, and local government” when there is no provision of “general law” that governs such matters and the enacted legislation is consistent with the Constitution and “any local law applicable thereto.” Ga. Const. Art. IX, § 2, ¶ 1(a).

24. The County Home Rule Provision also allows counties to amend or repeal the local acts applicable to its governing authority through two procedures.

25. As relevant here, one of those procedures allows a county to amend or repeal the act “by a resolution or ordinance duly adopted at two regular consecutive meetings of the county governing authority not less than seven nor more than 60 days apart.” Ga. Const. Art. IX, § II, ¶ 1(b)(1).

26. When using this procedure, the county must provide the public with sufficient notice of the amendment.

27. Notice is sufficient when a description of the amendment is “published in the official county organ once a week for three weeks within a period of 60 days immediately preceding its final adoption.” *Id.* The notice “shall state that a copy of the proposed amendment or repeal is on file in the office of the clerk of the superior court of the county for the purpose of examination and inspection by the public.” *Id.* The clerk of the superior court shall then “furnish anyone, upon written request, a copy of the proposed amendment or appeal.” *Id.*

28. On August 4, 11, and 18, 2025, the Commission posted the following publication in the Savannah Morning News:

Notice of Public Hearing The Board of Commissioners of Chatham County, Georgia will on Friday August 22, 2025 at its regularly scheduled meeting of the Chatham County Board of Commissioners beginning at 9:30 a.m. on the 2nd Floor of the Chatham County Courthouse Administrative Legislative Building located on Wright Square, 124 Bull Street, Savannah, GA 31401 shall at this meeting conduct a public hearing concerning a resolution to amend a local 323 passed as House Bill 756 at the 2025 session of the Georgia General Assembly that unconstitutionally vacates the board of directors of the Chatham Area Transit Authority (CAT) in violation of the Transit Authority Act, O.C.G.A. §32-9-9 back to the current law.

29. This publication notably omits whether the proposed amendment is on file in the office of the clerk of the Chatham County Superior Court.

C. The Commission's Retaliation Against the Authority.

30. Since the adoption of H.B. 756, Chairman Ellis and the Commission have used the Commission's purse strings to retaliate against the State and cripple the Authority's operations, all with patent disregard for the impact on Chatham County residents and riders.

31. The Commission has impeded the Authority's funding through two channels: special purpose location option sales tax ("SPLOST") funding and the Authority's millage rate.

32. SPLOST funds are essential to the Authority's budget, as they are relied upon for necessary capital investments—such as bus repairs and fleet maintenance—as well as operational costs. Affidavit of Authority Interim CEO Stephanie Cutter, attached as Ex. D, ¶ 8.

33. In May 2025, the Authority submitted a \$48.2 million request for SPLOST funding with a report of its intended projects through 2032. *Id.* ¶ 7.

34. The Authority did not receive a response from the Commission regarding this request.

35. On May 22, 2025, Ms. Cutter sent a letter to County Manager Michael Kaigler regarding the Authority's SPLOST requests, highlighting the critical need for SPLOST funding.

36. Despite the Authority's requests, there is *no funding* listed for the Authority in the SPLOST agreement approved by the Commission on June 18, 2025. *Id.* ¶ 10.

37. Nor is there any indication from the Commission that it intends to allocate any SPLOST funds to the Authority otherwise. *Id.* ¶ 9.

38. In July, Chairman Ellis and the Commission further retaliated against the Authority by refusing to approve the Authority's recommended millage rate. *Id.* ¶ 14.

39. Instead, Chairman Ellis pushed the Commission to *cut* the Authority's millage by half—a decision which would have resulted in a \$9 million reduction in tax revenue for the Authority. *Id.* ¶ 15.

40. Though Chairman Ellis' proposed cut was not approved by the Commission, he and Commissioner Kicklighter still successfully persuaded the Commission to cut the Authority's millage, resulting in a \$1.9 million reduction in tax revenue. *Id.* ¶ 14.

41. Withholding SPLOST funds and cutting the Authority's millage will result in fewer routes, sparser schedules, deferred maintenance for rolling stock and facilities, and, ultimately, deprivation of transit services for riders in the Chatham Area.

42. As a direct result of the Commission’s actions, the Authority had to amend its proposed budget to reflect a \$4.8 million reduction in revenue projections. *Id.* ¶ 22.

43. This unanticipated reduction in revenue will ultimately require the Authority to further modify and eliminate routes and schedules. *Id.* ¶ 20.

44. Additionally, the funding cuts severely limit the Authority’s ability to meet federal grant local match requirements for critical capital purchases in FY 2026—including bus maintenance and repair, and operational costs required to support ongoing federal subsidies. *Id.*

45. Importantly, the deprivation of SPLOST funds and the reduced millage rate are not run-of-the-mill budget cuts which could be reasonably anticipated as part of Chatham County’s budgeting process.

46. Rather, these decisions are direct evidence of the retributive motivations shared by Chairman Chester Ellis, Commissioner Dean Kicklighter, and the Commission towards the State’s reorganized Authority board.

47. In the Commission’s July 24, 2025 meeting, Commissioner Kicklighter stated that “all we control as far as Chatham Transit Authority, now, *especially now that the state decided to jump in*—all we control is that budget at the moment, and [Chairman Ellis is] utilizing the only tool [the

Commission] ha[s] to direct the services in areas where the people are actually paying.” *Id.* ¶ 17.

48. Chairman Ellis responded, “You understand exactly what I’m trying to do.” *Id.*

49. Commissioner Kicklighter further stated that, “it’s a brilliant move, and it’s your only move, and our only move if we want to have any say now, ***especially since the state jumped in there and restructured the whole thing.*** We control the purse strings at the moment[.]” *Id.* ¶ 18.

50. Chairman Ellis agreed. *Id.*

51. The Commission’s proposed amendment to H.B. 756 is its latest attempt in a series of actions directed at improperly gaining control of the Authority’s Board of Directors.

52. The Commission has proven that it cannot be trusted to make decisions in the Authority’s best interests, as evidenced by its efforts to grievously cut the Authority’s revenue.

53. As such, allowing the Commission to repeal H.B. 756 and reinstate an Authority board under its control will only further harm the Authority and the riders of the Chatham Area.

COUNT I – VIOLATION OF COUNTY HOME RULE PROVISION, GA.
CONST. ART. IX, § II ¶(1)(B)(1)

54. The Authority incorporates and re-alleges paragraphs 1–53 of this Complaint as if fully set forth herein.

55. The Commission does not meet the procedural and substantive requirements to invoke the County Home Rule Provision.

56. To amend a local act under the County Home Rule Provision, the county must satisfy all the Constitution’s mandatory procedural requirements. *See generally* Ga. Const. Art. IX, § II, ¶ 1(b)(1).

57. The Commission’s attempt to amend H.B. 756 suffers from a critical procedural flaw.

58. The substance of the Commission’s notice in the county organ was deficient.

59. The notice in the county organ must state that “proposed amendment or repeal is on file in the office of the clerk of the superior court of the county[.]” *Id.*

60. The Commission’s publication notably omits whether the proposed amendment is on file in the office of the clerk of the Chatham County Superior Court, thereby depriving the public of the opportunity to examine the Commission’s proposed amendment.

61. Accordingly, the Commission’s use of the County Home Rule Provision to undo H.B. 756 is procedurally defective.

62. Although the procedural flaw is fatal to the Commission’s ability to invoke the County Home Rule Provision, the Commission’s efforts likewise fail on two substantive grounds, as the Provision does not allow the Commission to amend a local act regarding an entity outside of its control or to supersede general laws of the General Assembly.

63. The County Home Rule Provision only allows the governing authority of a county to adopt clearly reasonable ordinances, resolutions, or regulations “relating to its property, affairs, and local government[.]” Ga. Const. Art. IX, § 2, ¶ 1(a). As such, a county’s home rule powers only extend to that which it owns or controls.

64. The Authority was created by the General Assembly as an instrumentality of the State of Georgia and a public corporation empowered with contracting authority, the ability to bring and maintain actions, and the power to complain and defend in all courts of law and equity. 1986 Act § 2.1.

65. The Authority also maintains discrete membership, powers, and duties from the Commission, *see generally, id.* Chs. 2–3, and its “[r]evenue bonds issued . . . shall not be deemed to constitute a debt of the State of Georgia, Chatham County, or any municipality served by the authority.” *Id.* § 4.11.

66. Accordingly, the Authority is separate and apart from Chatham County and thus beyond the scope of entities which can be regulated by the Commission pursuant to County Home Rule.

67. Additionally, the Commission contends that it can amend H.B. 756 via the County Home Rule Provision because the Act “created a board of eleven (11) members, only five of whom are appointed by the City of Savannah and Chatham County, which is not a majority of the Commission and is in violation of the Transit Authority Act.” *See Ex. A at 1.*

68. But as the Eastern Judicial Circuit has already held, the Commission’s myopic reading of the Transit Authority Act misreads the General Assembly’s meaning and does not give rise to any such conflict between H.B. 756 and Code Section 32-9-9. *See Ex. C at 16–17.*

69. Rather, H.B. 756 apportions the right of appointment entirely to entities within Chatham County and Savannah and thus does not violate the majority appointment requirement in Code Section 32-9-9(d).

70. Code Section 32-9-9(d) requires that the relevant county and city be allowed to appoint, at a minimum, the majority of the local transit authority’s board.

71. However, the statute is silent as to whether the appointment authority belongs to the county or city government—only that it belongs to the “county” or “central city.” O.C.G.A. § 32-9-9(d).

72. Accordingly, and contrary to the Commission’s Resolution, Code Section 32-9-9(d)’s text does not require that a county’s commissioners or a city’s aldermen be given the majority of appointments.

73. Moreover, Code Section 32-9-9(d) vests in the *legislature* the power to determine qualifications for membership and apportionment of the right of appointment. *Id.*

74. As such, although the “county” or counties served and the “central city” have the right to appoint the majority of the board, the legislature is empowered to determine who qualifies as a board member—meaning that it may grant appointments to governmental units representing the interests of the *entire* city or county.

75. This includes Chatham County’s state government, other cities in Chatham, and the Convention Authority, in addition to the Chatham County and City of Savannah governing authorities.

REQUEST FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that the Court:

1. Declare that the Commission does not have the authority under the County Home Rule Provision to amend or repeal H.B. 756;
2. Preliminarily and permanently enjoin the Commission from taking any further action regarding the amendment or repeal of H.B. 756;

3. Preliminarily and permanently enjoin the Commission from taking any further adverse action in retaliation against the Authority;
4. Award attorneys' fees and costs and expenses incurred in connection with the litigation of this matter; and
5. Award such other and further relief as this Court may deem just, proper, and equitable.

Respectfully submitted this 4th day of September 2025.

/s/ David B. Dove

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VERIFICATION

Personally appeared before me, the undersigned officer, duly authorized to administer oaths, **Detric Leggett**, who, after being duly sworn, says that he is the Chairman of the Chatham Area Transit Authority Board of Directors as described in the above-referenced Complaint; that he signs this Verification freely and is duly authorized to do so; that the facts stated in the foregoing *Verified Complaint for Declaratory Judgment and Injunctive Relief* are true and correct to the best of his knowledge, information and belief.


Detric Leggett

Sworn to and subscribed
before me this 24th day of September 2025.

Beverly Dumas
Notary Public

My Commission Expires:
September 13, 2026

