CITY OF PORT WENTWORTH
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June 25, 2026

Chatham County Commissioners
124 Bull Street #210
Savannah, GA 31401

Dear Chairman Ellis and County Commissioners:

Thank you for allowing the City of Port Wentworth an up-or-down vote on adding us into the Chatham Area Transit (CAT) Tax District. Since our Resolution and letter to you last year on June 16, 2025, we have been excited to fully join the CAT transportation network and support the One Chatham initiative to work collaboratively with the County and Municipalities for every citizen's benefit.

When Port Wentworth coordinated with CAT to expand transportation options to over 15,000 residents on the west side of the County, we all saw this as the first stepping stone to bringing affordable and reliable transportation options to an underserved area. And as we continue to experience explosive growth, expanded public transportation options are absolutely essential tools to address the traffic we all experience everyday.

The City demonstrated our commitment with over $400,000 from our general funds to help support CAT's expansion. But this commitment leaves us short of fully committing our City to CAT, its operations, and its future. In our MOU with CAT, it was always considered that "future Port Wentworth operating contributions" would be "offset by expansion of the Chatham County Transit Tax assessment area." The City was never meant to bear this burden with General Fund dollars permanently.

It is with this background, that the City of Port Wentworth informs you that the City cannot continue to paying for CAT out of our General Funds. The County has the ability to add us into the CAT Tax District by a simple "yes" vote. This would be a vote for "yes" to transportation options to the west Chatham, this would be a "yes" to the One Chatham Initiative championed by Chairman Ellis, and this would be a "yes" to all of the citizens that currently use and will use CAT in the future.

Your letter last week noted that the ongoing litigation between Chatham County and CAT prevents you from voting "yes." That is simply incorrect, and attached to this letter is a legal memo showing you do have the power to vote "yes."

Also attached to this letter is the notice that the City will be forced to send to CAT notifying them that we will be leaving the CAT transportation district should the County vote "no". The City of Port Wentworth, the Mayor and Council, and every citizen hopes I do not have to sign this second letter. We want to be a part of the CAT transportation district and support the One Chatham Initiative. We hope the "yesses" carry the day.

Thank you,

Tracy Saunders

Tracy Saunders, Mayor
City of Port Wentworth
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LEGAL MEMORANDUM

TO: Mayor Saunders
FROM: Scott C. Robichaux, City Attorney
DATE: June 25, 2026
RE: CAT and Chatham County – Litigation Analyses

This legal memo will address whether the ongoing litigation between Chatham County and CAT would somehow prevent the County from adding Port Wentworth into the CAT Tax District. The answer is simple - the current lawsuits in no way impede or prohibit the County from voting to include Port Wentworth in the CAT Tax District.

CAT Enabling Legislation

As an initial matter, the initial 1986 CAT enabling legislation outlined the procedure for setting the CAT Tax District. Section 3.2 of that initial legislation simply states the Chatham County Board of Commissions can set it, as authorized by the GA Constitution. Going to the GA Constitution, Art IX, Sec II, Para VI, subsection (c), it allows a special tax district simply "by municipal or county ordinance or resolution."

The 1986 CAT legislation has been amended a few times, but that section has never been amended or changed - so it is still the governing legislation. What has been changed and amended a few times is the makeup of the CAT Board, which is the entire basis of the current lawsuits. Neither of the lawsuits seek to amend or challenge this procedure that allows the County to set the CAT tax district by simple resolution - this is not part of either lawsuit.

County v. CAT Lawsuit - County challenging new board makeup as unconstitutional

The lawsuit County v. CAT is the County challenging the constitutionality of the 2025 legislation amending the CAT Board. The GA Attorney General took over CAT's defense, and the County's request for an injunction and their entire lawsuit was dismissed by the Superior Court Judge. The County appealed to the GA Supreme Court, which remanded to the GA Court of Appeals, who recently remanded back to the Superior Court for clarification of his Order dismissing the County's lawsuit. (Attached).

Essentially, the Superior Court found that CAT's Sovereign Immunity, among a host of other reasons, prevented any injunctive relief that the County was seeking. It also dismissed the overall case, in part based on CAT's Sovereign Immunity - although this part of the Order did not make specific findings. The GA Supreme Court and GA Court of Appeals wanted specific findings on Sovereign Immunity, since it is a threshold issue.

It is important to note that either of the higher courts could have told the Superior Court that its findings and order with regard to CAT's Sovereign Immunity – or any other issue – preventing the injunction was incorrect, but neither higher court did that. They did not dispute that CAT has Sovereign Immunity and therefore could not be sued on this basis, they just wanted it part of the record of the Superior Court's Order before they made their ruling.

This first lawsuit has nothing to do with the County's ability to set the CAT Tax District. The County is challenging the constitutionality of the new CAT Board makeup. They are not challenging any other part of the CAT legislation (to include not challenging the process by which the County can simply set the CAT Tax District by a simple resolution - that is not challenged or affected by this litigation whatsoever).

<u>CAT v. County - CAT stopping the County from unilaterally changing the Board makeup</u>

The other lawsuit is one in which CAT sought to stop the County from unilaterally changing the CAT Board makeup. The County was attempting to unilaterally change the CAT Board via Home Rule powers, and CAT wanted to maintain the Board as set by the GA Legislature. This is more or less an offshoot of the previous lawsuit, with the County attempting to sidestep the entire new CAT Board, and essentially saying they're ignoring the law and are just going to reset the Board however they want.

CAT sought an injunction to prevent this, and the Superior Court agreed and granted CAT's injunction against the County. This lawsuit is also entirely about the makeup of the CAT Board. It does not affect or seek to change any other part of the CAT legislation. A quote from the Court's Order granting CAT's injunction against the County:

"The Court finds that [CAT] has demonstrated it will be irreparably harmed by the [County's unilateral attempt at] amending H.B. 756 under the County Home Rule Provision. It is apparent that without an interlocutory injunction, the threat of confusion and instability surrounding [CAT's] executive power and corporate governance would jeopardize its ability to enter into critical contracts and agreements, which would negatively impact everything from is [sic] ability to negotiate and contract day-to-day operations. Granting the injunction preserves the status quo (a board constituted under H.B. 756) and allows the Authority to continue its business operations as currently functioning." Order at 4-5.

I believe this is where the talk of "status quo" is coming from. And as you can plainly see from the text itself, it was not that CAT is prevented from running and better serving the people of Chatham County - but the exact opposite. The Court specifically did not want to jeopardize CAT's executive power and corporate governance. The "status quo" which the injunction preserved is simply - by the Injunction's own language - preserving the board constituted under H.B. 756.

This second lawsuit also has nothing to do with the County's ability to set the CAT Tax District. It also is not preventing the County from voting to add Port Wentworth into that taxing district.

Conclusion

I have attempted to give as complete and thorough a breakdown of the two pending lawsuits' impact on the County's ability to vote and add Port Wentworth into the CAT Taxing District. It is clear that neither lawsuit prevents, impedes, or prohibits the County from adding Port Wentworth into the CAT Tax District.

Please let me know if there are any questions, or if I can further clarify anything.