

A RESOLUTION TO APPROVE AND AUTHORIZE THE EXECUTION OF A SETTLEMENT AGREEMENT AND RELEASE RESOLVING CONTRACTUAL DISPUTES BETWEEN THE CITY AND CHA CONSULTING, INC. REGARDING THE GARDEN CITY GYM COMPLEX PROJECT; TO AUTHORIZE THE CITY MANAGER TO EXECUTE SAID AGREEMENT ON BEHALF OF THE CITY; AND FOR OTHER LAWFUL PURPOSES.

WHEREAS, The Mayor and Council of Garden City, Georgia (the "City") is a municipal corporation duly chartered and existing under the laws of the State of Georgia; and,

WHEREAS, the City and CHA Consulting, Inc. ("CHA") entered into a professional services agreement dated June 20, 2026, whereby CHA served as the architect and design professional for the Garden City Gym Complex Project (the "Project"); and,

WHEREAS, a dispute arose between the City and CHA concerning alleged project delays, wherein the City sought reimbursement of delay costs charged to the City by the Project contractor arising out of or related to delays by CHA in responding to Requests for Information (RFIs) and design requests, and in procuring a swimming pool permit from the Chatham County Department of Health (the "Dispute"); and,

WHEREAS, the City formally asserted claims against CHA concerning the Dispute through initial notice of claim correspondence regarding the contractor's change order for delay costs; and

WHEREAS, CHA has expressly denied any and all liability, fault, or wrongdoing whatsoever regarding the City's allegations, maintaining that its performance was at all times professional, adequate, and in accordance with applicable standards; and,

WHEREAS, the City administration, working in conjunction with legal counsel, has negotiated a mutually agreeable Settlement Agreement and Release to fully and finally resolve the Dispute and all claims that were raised or could have been raised in connection therewith, avoiding the time, expense, and uncertainty of formal arbitration; and,

WHEREAS, the Mayor and Council have reviewed the proposed Settlement Agreement and Release, have determined that entering into said agreement is in the best financial and operational interests of the City and its citizens, and desire to formally authorize its acceptance and execution;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF GARDEN CITY, GEORGIA, AS FOLLOWS:

Section 1. Approval of Settlement Agreement

The Mayor and Council hereby approve the **Settlement Agreement and Release** by and between The Mayor and Council of Garden City, Georgia and CHA Consulting, Inc., resolving all claims and disputes arising out of or related to the Garden City Gym Complex Project as set forth in the initial notice of claim correspondence. A copy of said Settlement Agreement and Release shall be maintained on file in the Office of the City Clerk.

Section 2. Authorization of City Manager

The City Manager, Rhonda Ferrell-Bowles, or her designated authorized representative, is hereby authorized, empowered, and directed to execute the Settlement Agreement and Release, along with any other related documents, checks, wire transfer instructions, or instruments necessary to effectuate the terms of the settlement on behalf of The Mayor and Council of Garden City, Georgia.

Section 3. Compliance with Georgia Open Records Act

The City acknowledges its obligations under the Georgia Open Records Act (O.C.G.A. § 50-18-70 *et seq.*) and directs that this Resolution and associated public records be maintained and disclosed in accordance with statutory requirements.

Section 4. Severability

If any section, subsection, sentence, clause, or phrase of this Resolution is declared unconstitutional or invalid by a court of competent jurisdiction, such invalidity shall not affect the validity of the remaining portions of this Resolution, which shall remain in full force and effect.

Section 5. Effective Date

This Resolution shall take effect immediately upon its adoption by the Mayor and Council of Garden City, Georgia.

ADOPTED this _____ day of September, 2026.

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Clerk of Council

RECEIVED AND APPROVED this _____ day of September, 2026.

BRUCE CAMPBELL, Mayor