

AN AMENDED ORDINANCE BY CITY UTILITIES COMMITTEE TO FIX A SCHEDULE FOR MONTHLY WATER AND SEWER RATES AND CHARGES FOR THE CITY OF ATLANTA, GEORGIA, AS AUTHORIZED BY CHAPTER 154, ARTICLE III, DIVISION 3, SECTIONS 154-111 AND 154-112 (WATER RATES AND CHARGES) AND CHAPTER 154, ARTICLE V, DIVISION 3, SECTIONS 154-276 AND 154-277 (SEWER RATES AND CHARGES) FOR THE TIME PERIOD BEGINNING JULY 1, 2016 AND TERMINATING JUNE 30, 2020 AS TO WHICH THERE WILL BE NO INCREASE; AND PURSUANT TO ATLANTA CITY CODE CHAPTER 154, ARTICLE III, DIVISION 3 (RATES, CHARGES AND RELATED MATTERS), SECTIONS 111 (AUTHORITY TO FIX WATER RATES) AND 112 (ESTABLISHED) TO SET A SEPARATE RATE FOR CUSTOMERS WITH METERS OR DEVICES THAT HAVE BEEN GRANTED EXEMPTIONS FROM THE SEWER SERVICE CHARGE PURSUANT TO ATLANTA CITY CODE CHAPTER 154, ARTICLE V, DIVISION 3 (RATES AND CHARGES), SECTION 277, (SEWER SERVICE CHARGE), SUBSECTION (E), TO ENCOURAGE CONSERVATION OF WATER RESOURCES; AND TO APPLY A PORTION OF REVENUES GENERATED FROM THE SPECIAL ONE PERCENT SALES AND USE TAX TO ALL TYPES OF WATER AND SEWER PROJECTS AND COSTS AS DEFINED IN O.C.G.A. § 48-8-200; AND FOR OTHER PURPOSES.

(AMENDED AND HELD 5/11/16)

WHEREAS, the City of Atlanta (“City”), pursuant to its charter, has the authority to and responsibility of providing water and sewer service to its water and sewer customers both inside and outside the corporate boundaries of the City; and

WHEREAS, it is necessary and in the best interests of the City to operate, maintain and expand the water and sewer systems to protect the public health, safety and welfare and to provide these services where such services are needed or desired; and

WHEREAS, in 1998 and 1999, the City resolved *Upper Chattahoochee Riverkeeper Fund, et al. v. City of Atlanta*, Civil Action File No.: 1:95-CV-2550-TWT and *United States of America, et al. v. City of Atlanta*, Civil Action File No. 1:98-CV-1956-TWT by entering court approved Consent Decrees with the Upper Chattahoochee Riverkeeper, the United States of America and the State of Georgia requiring the City to complete capital improvements and to implement improved operation and maintenance programs within specified time frames; and

WHEREAS, the City also resolved other regulatory enforcement matters with regard to its water system requiring the City to complete certain operational and capital improvements; and

WHEREAS, the Mayor and the City Council have, after extensive research and analysis, concluded that to maintain and upgrade the water treatment and distribution system and the wastewater treatment and collection system to comply with federal and state regulations, to implement best practices, and to meet the future demands of the City’s service area, a major program of capital improvement and enhanced operation and maintenance had to be initiated; and

WHEREAS, projected water and wastewater revenues at current rates and charges will be sufficient to support continued financing of the costs of these improvements and operations, known as the Clean Water Atlanta program, without significant additional borrowing or the need to increase the water and sewer rates to secure additional debt; and

WHEREAS, at this time it is therefore unnecessary for the City to implement increases in water and sewer rates and charges to maintain strong infrastructure and regulatory compliance; and

WHEREAS, the City has an interest in encouraging its citizens to conserve water resources and is required by the Metropolitan North Georgia Water Planning District's Water Supply and Water Conservation Management Plan to promote conservation through its water and sewer rate structure; and

WHEREAS, it is the desire of the Mayor and City Council to minimize, to the extent possible, the impact of rate increases on ratepayers and implement a rate structure that maintains affordability and promotes water conservation through the implementation of a graduated rate structure; and

WHEREAS, seventy five percent (75%) of presidential preference primary voters in the City voted "yes" in a referendum asking whether to re-impose a special one percent sales and use tax to fund water and sewer projects and costs for the time period beginning October 1, 2016 and terminating September 30, 2020; and

WHEREAS, it is in the best interests of the City to continue to apply the revenues generated and received from the special one percent sales and use tax to reduce the City's water and sewer rates on a dollar for dollar basis and to fund "water and sewer projects and costs" as defined by O.C.G.A. § 48-8-2004(4), as amended, including projects for storm-water collection and disposal systems; and

WHEREAS, the Atlanta City Code Chapter 154, Section 277, subsection (e) permits water customers who can show to the satisfaction of the Commissioner of the Department of Watershed Management that a significant portion of the water used by said customer, as measured by the water meter or meters, does not enter the water pollution control facilities, to install an additional meter or other device to establish the portion that does not enter the City's sewer system or another public sewer system and to not be billed the sewer service charge for said portion; and

WHEREAS, the Metropolitan North Georgia Water Planning District Act, O.C.G.A. § 12-5-570 *et seq.*, required the Metropolitan North Georgia Water Planning District to prepare, review and periodically update a Water Supply and Water Conservation Plan (the Plan) and Action Item 5.1 in the Plan requires that local water providers to establish an irrigation rate structure that reflects the impact of the use of irrigation meters on the local water system and the encouragement of conservation of our region's limited water supplies.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS:

SECTION 1: That as authorized by Chapter 154, Article III, Division 3 (Water Rates, Charges, and Related Matters), Section 154-111 and 154-112, the rates and charges for the city water service shall be established as follows and shall also be summarized in Exhibit “A” attached herein:

That the City of Atlanta water rate structure will include a graduated schedule of rate conditional on usage levels for domestic, commercial, industrial and other users of the City of Atlanta system, so as to encourage and promote conservation among all users.

The rates established are as follows:

July 1, 2016 - June 30, 2020

That monthly In-City water rates to be implemented July 1, 2016, for domestic, commercial, industrial and other users of the City of Atlanta system shall be \$2.58 per hundred cubic feet and \$3.51 per hundred cubic feet for Outside-City water users for usage of three hundred cubic feet or less between July 1, 2016 and June 30, 2020.

That monthly In-City water rates to be implemented July 1, 2016 for domestic, commercial, industrial and other users of the City of Atlanta system shall be \$5.34 and \$6.48 per hundred cubic feet for Outside-City water users for usage greater than three hundred cubic feet and less than or equal to six hundred cubic feet between July 1, 2016 and June 30, 2020.

That monthly In-City water rates to be implemented July 1, 2016 for domestic, commercial, industrial and other users of the City of Atlanta system shall be \$6.16 and \$7.47 per hundred cubic feet for Outside-City water users for usage greater than six hundred cubic feet between July 1, 2016 and June 30, 2020.

That monthly wholesale water rates to be implemented on July 1, 2016 shall be \$3.70 per hundred cubic feet for all usage between July 1, 2016 and June 30, 2020, plus any additional charges and fees, as defined in any duly authorized intergovernmental wholesale water service agreement.

That between July 1, 2016 and June 30, 2020, all monthly water rate structures for domestic, commercial, industrial and other users of the City of Atlanta system, include a base charge of \$6.56 regardless of actual usage.

SECTION 2: That as authorized by Chapter 154, Article V, Division 3 (Sewer Rates and Charges), Sections 154-276 and 154-277, the rates and charges for the city sewer service shall be established as follows:

July 1, 2016 - June 30, 2020

That monthly sewer service rates to be implemented on July 1, 2016 for domestic, commercial, industrial and other users of the City of Atlanta system will be \$9.74 per hundred cubic feet for the first three hundred cubic feet of water usage between July 1, 2016 and June 30, 2020.

That monthly sewer service rates to be implemented on July 1, 2016 for domestic, commercial, industrial and other users of the City of Atlanta system shall be \$13.64 per hundred cubic feet for water usage greater than three hundred cubic feet and less than or equal to six hundred cubic feet between July 1, 2016 and June 30, 2020.

That monthly sewer service rates to be implemented on July 1, 2016 for domestic, commercial, industrial and other users of the City of Atlanta system shall be \$15.69 per hundred cubic feet for water usage greater than six hundred cubic feet between July 1, 2016 and June 30, 2020.

That between July 1, 2016 and June 30, 2020, the monthly sewer service rate structure for domestic, commercial, industrial and other users of the City of Atlanta system shall include a base charge \$6.56 regardless of actual water usage.

SECTION 3: That the City shall apply the revenues generated and received from the special one percent sales and use tax to reduce on a dollar for dollar basis increases that otherwise would be required in the City's water and sewer rates and to otherwise fund "water and sewer projects and costs" as defined by O.C.G.A. § 48-8-200(4), as amended, that would not necessarily otherwise be paid for by revenue from water and sewer rates; provided however, that no more than ten percent (10%) of revenues derived from said tax on an annual basis shall be applied to projects that would not otherwise be paid for by revenue from water and sewer rates.

SECTION 4: That the City of Atlanta shall continue to evaluate and pursue financial structuring options, operational cost-saving measures, and opportunities to reduce the cost of capital improvements, as well as seek additional funds from other sources.

SECTION 5: That as authorized by Chapter 154, Article III, Division 3 (Rates, Charges, and Related Matters), Sections 111 and 112, the rates and charges for the city water service shall be implemented on July 1, 2016 and continue indefinitely as follows:

that monthly In-City and Outside City water rates for domestic, commercial, industrial and other users of the City of Atlanta system whose usage is measured by separate meters or devices and whose used water is not returned to the City's wastewater sewer system or another public wastewater sewer system and who are not charged a sewer service charge pursuant to Atlanta City Code § 154-277(e) shall be charged the applicable water rates charged to domestic, commercial, industrial and other users of the City of Atlanta system.

SECTION 6: If any provision, clause, sentence or paragraph of this ordinance, or the application thereof to any person or circumstances, shall be held invalid, such invalidity shall not affect the other provisions or application of the provisions of this ordinance which can be given effect without the invalid provisions or application and, to this end, the provisions of this ordinance are hereby declared to be severable.

SECTION 7: That all ordinances or parts of ordinances in conflict herewith are hereby waived to the extent of the conflict.

**CITY COUNCIL
ATLANTA, GEORGIA**

16-O-1208

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(Amended and Held 5/11/16)

Workflow List:

Cristi Walker	Skipped	04/26/2016 11:23 AM
Jo Ann Macrina	Completed	04/15/2016 12:56 PM
Finance	Completed	04/15/2016 2:26 PM
Marc Goncher	Completed	04/15/2016 2:40 PM
Information Technology	Skipped	04/26/2016 11:23 AM
Procurement	Skipped	04/26/2016 11:23 AM
Adam Smith	Skipped	04/26/2016 11:23 AM
Mayor's Office	Completed	04/15/2016 3:15 PM
Office of Research and Policy Analysis	Completed	04/21/2016 3:48 PM
Atlanta City Council	Completed	05/02/2016 1:00 PM
City Utilities Committee	Completed	05/10/2016 9:30 AM
Atlanta City Council	Completed	05/16/2016 1:00 PM
City Utilities Committee	Completed	05/24/2016 9:30 AM
Atlanta City Council	Pending	06/06/2016 1:00 PM
City Utilities Committee	Completed	04/26/2016 9:30 AM
Mayor's Office	Pending	

HISTORY:

04/26/16	City Utilities Committee	
05/02/16	Atlanta City Council	REFERRED TO COMMITTEE

RESULT: **REFERRED TO COMMITTEE [UNANIMOUS]** **Next: 5/10/2016 9:30 AM**
AYES: Bond, Norwood, Dickens, Smith, Hall, Young Jr., Winslow, Archibong, Wan, Shook,
Adrean, Moore, Martin, Bottoms, Sheperd

05/10/16 City Utilities Committee HELD IN COMMITTEE

RESULT: **HELD IN COMMITTEE** **Next: 5/16/2016 1:00 PM**

RESULT: **RETURNED AS HELD** **Next: 5/24/2016 9:30 AM**

Certified by Presiding Officer	Certified by Clerk
<p>Mayor's Action</p> <p><i>See Authentication Page Attachment</i></p>	