


AN ORDINANCE BY

C.T. Marbo

AN ORDINANCE TO AMEND SECTION 3 OF ORDINANCE 12-O-0391 TO AUTHORIZE THE CITY 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.

WHEREAS, the City of Atlanta (“City”) has been granted such powers as may be necessary and proper to promote the safety, health, peace, and general welfare of the city and its inhabitants; and

WHEREAS, the City is authorized to provide a system of drains within its corporate boundaries as may be necessary for the collection, treatment, and disposal of stormwater pursuant to Article 9, Section 2, Paragraphs II and III (a)(6), (c), and (d) of the Constitution of the State of Georgia, O.C.G.A. §§ 36-82-61 (4) (C) (ii) and 36-82-62 (a)(2), the Atlanta City Charter § 1-102 (c)(9), (13), and (22); and

WHEREAS, the Federal Clean Water Act, as amended by the Water Quality Act of 1987 (33 U.S.C. § 1251 *et seq.*) and the Georgia Water Quality Control Act (O.C.G.A. § 12-5-20 *et seq.*) (the "Acts"), and rules promulgated by the United States Environmental Protection Agency and the Georgia Environmental Protection Division pursuant to the Acts, require Atlanta to develop, implement, and enforce a stormwater program designed to reduce the discharge of pollutants from the municipal separate storm sewer system to the maximum extent practicable and to minimize any adverse impact from stormwater in the combined sewer system on water quality; and

WHEREAS, the Atlanta City Code § 154-277 (b) governing water and sewer changes prohibits the use of water and sewer revenue to construct storm sewers; and

WHEREAS, the Article 4, Chapter 8 of Title 48 of the Official Code of Georgia Annotated (O.C.G.A. § 48-8-200 *et seq.*), authorizes the City of Atlanta to impose a one-percent sales and use tax to fund water and sewer projects and costs if authorized by a referendum as specified by the statute; and

WHEREAS, a majority of qualified voters residing within the corporate limits of the City have thrice approved referenda to impose the one percent sales and use tax for water and sewer purposes allowing the City to impose the tax uninterrupted from October 1, 2004 through September 30, 2016; and

WHEREAS, the Atlanta City Council may authorize a fourth and final referendum to continue to impose the tax through September 30, 2020; and

WHEREAS, the revenue from the one percent sales and use tax may be utilized for “water and sewer projects and costs” pursuant to O.C.G.A. § 48-8-212 (a); and

WHEREAS, “water and sewer projects and costs” is defined by O.C.G.A. § 48-8-200(4) to mean: “(A) Any capital outlay project or projects for the development, storage, treatment, purification, or distribution of water; (B) Any capital outlay project or projects for **storm-water and sewage collection and disposal systems**; (C)(i) With respect to any project or projects provided for under subparagraph (A) or (B) of this paragraph: (I) Any cost of project or cost of any project as defined under paragraph (3) of Code Section 50-23-4; and (II) Any maintenance and operation costs.” **(emphasis added)**; and

WHEREAS, the current water and sewer rate ordinance, Section 3 of 12-O-0391, requires that the revenues generated and received from the special one percent sales and use tax to be used to reduce on a dollar for dollar basis increases that otherwise would be required in the City’s water and sewer rates; and

WHEREAS, the Second Amendment to the First Amended Consent Decree, entered September 24, 2012, provides the City with greater regulatory and financial flexibility to achieve Consent Decree compliance while also addressing other components of its watershed infrastructure that are important for delivering essential service and protecting public health and the environment; and

WHEREAS, implementing watershed protection, green infrastructure projects and other stormwater-related projects would improve water quality, create public amenities, address localized flooding, address stormwater asset repair and replacement needs, and facilitate compliance with clean water laws and the Consent Decree.

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

SECTION 1: That Section 3 of 12-O-0391 is hereby repealed and replaced with the following:

“**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.”

SECTION 2: That all ordinances or parts of ordinances in conflict herewith are hereby waived to the extent of the conflict.

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Committee _____
 Date _____
 Chair _____
 Referred To _____

First Reading

Committee

Date

Chair

Action
 Fav, Adv, Hold (see rev. side)
 Other

Members

Refer To

Committee

Date

Chair

Action
 Fav, Adv, Hold (see rev. side)
 Other

Members

Refer To

Committee

Date

Chair

Action
 Fav, Adv, Hold (see rev. side)
 Other

Members

Committee

Date

Chair

Action
 Fav, Adv, Hold (see rev. side)
 Other

Members

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1ST ADOPT 2ND READ & REFER
- PERSONAL PAPER REFER

Date Referred

9/2/14

Referred To:

Date Referred

Referred To:

Date Referred

Referred To:

- FINAL COUNCIL ACTION
- 2nd
 - 1st & 2nd
 - 3rd
 - Consent
 - V Vote
 - RC Vote

CERTIFIED

MAYOR'S ACTION