

**A RESOLUTION BY**

**CITY UTILITIES COMMITTEE**

**02-R-2073**

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AMENDMENT TO THE RIVER/LAKE MANAGEMENT SERVICES AGREEMENT AUTHORIZED BY RESOLUTION 01-R-0576 AND FOR OTHER PURPOSES.**

**WHEREAS**, pursuant to Resolution 01-R-0576, an Agreement for River/Lake Management Services (“the Service Agreement”) was renewed by and between the City of Atlanta (“City”), the Atlanta Regional Commission (“ARC”), the Atlanta-Fulton County Water Resources Commission (“AFWRC”), Cobb County-Marietta Water Authority (“CCMWA”) and DeKalb County (“DeKalb”) (collectively referred to as “the Participants”); and

**WHEREAS**, under the Service Agreement the Atlanta Regional Commission acts as the agent of the Participants in facilitating the release of water from Lake Lanier and Morgan Falls Dam to enable the withdrawal of water from the Chattahoochee River by the Participants for municipal and industrial water supply needs, such activities being referred to in the Service Agreement as the “project”; and

**WHEREAS**, the Service Agreement anticipated and indicated that the Participants would have to bear future costs imposed by the U.S. Government for the benefits derived from the project, such as the benefit of water storage; and

**WHEREAS**, to facilitate river/lake management services under the Service Agreement and provide for existing water supply needs, including reasonable increases, the Atlanta Regional Commission plans to enter into a Water Supply Agreement (“Supply Agreement”) with the U.S. Army Corps of Engineers to pay for the cost of the use of storage imposed by the U. S. government; and

**WHEREAS**, the said costs are being imposed as a result of the settlement of a lawsuit filed by Southeastern Federal Power Customers, Inc. (“SeFPC”) against the U.S. Army and the Army Corps of Engineers (the “Army”), styled *Southeastern Federal Power Customers, Inc. v. Caldera, et al.*, Civil Action File 1:00-CV-02975, U.S. District Court for the District of Columbia, in which the Participants (who were not parties to the lawsuit) met with and mediated with the parties and, in that same capacity and to preserve the benefits conferred by said settlement, will sign the Settlement Agreement; and



**WHEREAS**, the City of Atlanta desires to reaffirm the obligations and responsibilities carried out under the Service Agreement previously authorized by Resolution 01-R-0576 and to amend the Service Agreement to authorize the Atlanta Regional Commission to negotiate and contract for the use of water storage in the Lake Lanier Project at a projected annual cost to the City of Atlanta of Two Hundred Twenty-Five Thousand and 00/100 Dollars (\$225,000) to provide for current and future water supply; and

**NOW, THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA**, that the Mayor be, and is hereby, authorized on behalf of the City of Atlanta to execute any and all documents necessary to effectuate the purposes of this resolution including, specifically, an amendment to the said Service Agreement for River/Lake Management Services by and between the City of Atlanta, the Atlanta Regional Commission, the Atlanta-Fulton Water Resources Commission, Cobb County-Marietta Water Authority and DeKalb County for the purposes described hereinabove and the Settlement Agreement by which the Participants will use water storage space in Lake Lanier for water supply as set forth above.

**BE IT FURTHER RESOLVED**, that the City of Atlanta Chief Financial Officer is authorized to make appropriate payment for services rendered under the amendment to this Service Agreement as budgeted by the Department of Watershed Management and paid from account number 2J01 524001 Q21101 in an amount not to exceed Two Hundred and Twenty-Five Thousand and 00/100 Dollars (\$225,000.00), comprised of \$150,000.00 for Atlanta's intake and \$75,000.00 for Atlanta's portion of the Atlanta-Fulton Water Resources Commission's intake.

**BE IT FURTHER RESOLVED**, that the City Attorney is directed to prepare an amendment to the said Agreement for River/Lake Management Services for execution by the Mayor, containing terms and conditions appropriate and/or legally required for this transaction and approved by the City Attorney as to form.

**BE IT FURTHER RESOLVED**, that the amendment to the Service Agreement will not become binding upon the City and the City will incur no liability under it until the Mayor has executed it, it has been attested to by the Municipal Clerk and delivered to the other signatories to the Service Agreement.

A true copy,

*Rhonda Daughin Johnson*  
Municipal Clerk, CMC

ADOPTED by the Council  
APPROVED by the Mayor

DEC 02, 2002  
DEC 10, 2002



COUNTY OF FULTON,  
STATE OF GEORGIA

## AGREEMENT FOR PAYMENT OF FEE

This Agreement for Payment of Fee (hereinafter the "Agreement") is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2002, by and between the Metropolitan North Georgia Water Planning District (hereinafter the "District"), an entity of the State of Georgia pursuant to O.C.G.A. §§ 12-5-570 – 586 ("Act") and the City of Atlanta, a local governing body within the State of Georgia (hereinafter the "Local Government").

WHEREAS, the General Assembly of Georgia created the District for the purpose of establishing policy, creating plans, and promoting intergovernmental coordination for all water issues within the boundaries of the District; and

WHEREAS, the Local Government falls within the boundaries of the District and is represented on Metropolitan North Georgia Water Planning District Governing Board (hereinafter the "Board") by virtue of O.C.G.A. § 12-5-575(a); and

WHEREAS, O.C.G.A. § 12-5-577(a) provides that the District's budget, which includes funding sources, shall be adopted annually by the Board; and

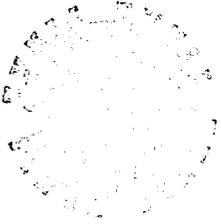
WHEREAS, the Local Government is required by the Act to pay dues to assist in funding the operations of the District; and

WHEREAS, O.C.G.A. § 12-5-577(b) provides that the aggregate total of all such dues from cities and counties within the District shall be no less than One Million Dollars per calendar year; and

WHEREAS, the Board at its June 6, 2002, meeting determined that the total dues for calendar year 2003 shall be \$ 2,186,064, which is Fifty-five Cents per person based upon the population fixed by the 2000 Decennial Census and allocated among the Local Governments based on the population certified to reside within that jurisdiction in said Census.

Now, therefore, for and in consideration of the mutual promises and covenants herein contained, the District and the Local Government agree as follows:

1. Based upon the formula established by the Board, the Local Government's dues to assist in the funding of the operations of the District for calendar year 2003 is presently set at **Two Hundred Twenty Nine Thousand Sixty One and no/100 Dollars (229,061)**. The Local Government agrees to pay said amount to the District in two installments. The first payment, in the amount of **One Hundred Four Thousand Seven Hundred Eighty Two and no/100 Dollars (\$104,782)**, shall be paid no later than close of business on January 1, 2003. The balance, in



the amount of **One Hundred Twenty Four Thousand Two Hundred Seventy Nine and no/100 Dollars (\$124,279)**, shall be paid in six equal monthly payments, each payment due on the first business day of each calendar month beginning January 2, 2003.

2. The District shall use such dues in accordance with the budget of the District adopted at the meeting of the Board on June 6, 2002.
3. In addition to the planning budget, the District will contract one separate regional project- The Georgia Institute of Technology's Center for Geographic Information Systems Impervious Surface Study. City of Atlanta's portion for the Georgia Institute of Technology Impervious Surface Study is not to exceed Seventy Five Thousand and No/100 Dollars (\$75,000.00). Payment for the above project will be paid in the lump sum of \$75,000.00 to the District by January 1, 2003.

In witness whereof the parties, acting through their authorized representatives acting within the scope of their delegate powers, have caused to be set their hands and seals this the day and date first above set out.

METROPOLITAN NORTH GEORGIA  
WATER PLANNING DISTRICT

CITY OF ATLANTA,  
GEORGIA

\_\_\_\_\_  
JOEL H. COWAN  
Chief Executive Officer/Chair

\_\_\_\_\_  
SHIRLEY FRANKLIN  
Mayor, City of Atlanta

ATTEST:

\_\_\_\_\_  
J. T. WILLIAMS  
Secretary/Treasurer

\_\_\_\_\_  
NAME

RCS# 4251  
12/02/02  
2:31 PM

Atlanta City Council

Regular Session

CONSENT I

Pgs. 1-22; Except 02-O-2096;02-R-2094  
02-R-2114; 02-R-2118  
ADOPT

YEAS: 9  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 7  
EXCUSED: 0  
ABSENT 0

NV Smith	Y Archibong	Y Moore	Y Mitchell
NV Starnes	Y Fauver	Y Martin	Y Norwood
Y Young	Y Shook	NV Maddox	NV Willis
Y Winslow	NV Muller	NV Boazman	NV Woolard

CONSENT I

**ITEMS ADOPTED ON CONSENT**

**AGENDA**

- |               |               |               |
|---------------|---------------|---------------|
| 1. 02-O-1925  | 31. 02-O-1920 | 62. 02-R-2104 |
| 2. 02-O-1926  | 32. 02-O-1921 | 63. 02-R-2112 |
| 3. 02-O-1927  | 33. 02-O-2001 | 64. 02-R-2113 |
| 4. 02-O-1928  | 34. 02-O-2097 | 65. 02-R-2115 |
| 5. 02-O-1929  | 35. 02-O-2098 | 66. 02-R-2116 |
| 6. 02-O-1969  | 36. 02-O-2099 | 67. 02-R-2117 |
| 7. 02-O-1976  | 37. 02-O-2100 | 68. 02-R-2125 |
| 8. 02-O-2095  | 38. 02-R-1593 | 69. 02-R-2126 |
| 9. 02-O-1998  | 39. 02-R-1848 | 70. 02-R-2016 |
| 10. 02-O-1892 | 40. 02-R-1849 | 71. 02-R-2017 |
| 11. 02-O-1903 | 41. 02-R-1850 | 72. 02-R-2018 |
| 12. 02-O-1907 | 42. 02-R-1985 | 73. 02-R-2019 |
| 13. 02-O-1139 | 43. 02-R-2003 | 74. 02-R-2022 |
| 14. 02-O-1292 | 44. 02-R-2004 | 75. 02-R-2060 |
| 15. 02-O-1913 | 45. 02-R-2009 | 76. 02-R-2061 |
| 16. 02-O-1930 | 46. 02-R-2010 | 77. 02-R-2062 |
| 17. 02-O-2103 | 47. 02-R-2011 | 78. 02-R-2069 |
| 18. 02-O-1922 | 48. 02-R-2012 | 79. 02-R-2072 |
| 19. 02-O-1923 | 49. 02-R-2013 | 80. 02-R-2074 |
| 20. 02-O-2091 | 50. 02-R-2014 | 81. 02-R-2122 |
| 21. 02-O-2092 | 51. 02-R-2057 | 82. 02-R-2023 |
| 22. 02-O-2105 | 52. 02-R-2058 | 83. 02-R-2064 |
| 23. 02-O-1396 | 53. 02-R-2073 | 84. 02-R-2065 |
| 24. 02-O-1792 | 54. 02-R-2015 | 85. 02-R-2066 |
| 25. 02-O-1914 | 55. 02-R-2059 | 86. 02-R-2070 |
| 26. 02-O-1915 | 56. 02-R-1216 | 87. 02-R-2028 |
| 27. 02-O-1916 | 57. 02-R-2119 | 88. 02-R-2029 |
| 28. 02-O-1917 | 58. 02-R-2123 | 89. 02-R-2030 |
| 29. 02-O-1918 | 59. 02-R-2055 | 90. 02-R-2031 |
| 30. 02-O-1919 | 60. 02-R-2063 | 91. 02-R-2032 |
|               |               | 92. 02-R-2033 |
|               |               | 93. 02-R-2034 |
|               |               | 94. 02-R-2035 |
|               |               | 95. 02-R-2036 |
|               |               | 96. 02-R-2037 |

**ITEMS ADVERSED ON CONSENT**

**AGENDA**

- |                |                |
|----------------|----------------|
| 97. 02-R-2027  | 107. 02-R-2047 |
| 98. 02-R-2038  | 108. 02-R-2048 |
| 99. 02-R-2039  | 109. 02-R-2049 |
| 100. 02-R-2040 | 110. 02-R-2050 |
| 101. 02-R-2041 | 111. 02-R-2051 |
| 102. 02-R-2042 | 112. 02-R-2052 |
| 103. 02-R-2043 | 113. 02-R-2053 |
| 104. 02-R-2044 | 114. 02-R-2054 |
| 105. 02-R-2045 |                |
| 106. 02-R-2046 |                |

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Consent I Vote: 9 Yeas; 0 Nays (See RCS #4251)

Items Removed from the Consent Agenda: 02-O-2096; 02-R-2094; 02-R-2114; 02-R-2118

02- A -2073

(Do Not Write Above This Line)

A RESOLUTION BY CITY UTILITIES COMMITTEE A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AMENDMENT TO THE RIVER/LAKE MANAGEMENT SERVICES AGREEMENT AUTHORIZED BY RESOLUTION 01-R-0576 AND FOR OTHER PURPOSES.

APPROVED BY  
DEC 0 2 2002  
COUNCIL

- CONSENT REFER
REGULAR REPORT REFER
ADVERTISE & REFER
1st ADOPT 2nd READ & REFER

Date Referred

Referred To:

First Reading

Committee
Date
Chair

Committee: City Utilities
Date: Nov 26 2002
Chair: Clint Mully
Action: Fav, Adv, Held (see rev. side)
Members: [Signatures]

Refer To

Committee
Date
Chair

Committee
Date
Chair
Action: Fav, Adv, Held (see rev. side)
Other:
Members

Refer To

Committee

Date

Chair

Action: Fav, Adv, Held (see rev. side)
Other:

Members

Refer To

Committee

Date

Chair

Action: Fav, Adv, Held (see rev. side)
Other:

Members

Refer To

COUNCIL ACTION

2nd 1st & 2nd 3rd Readings

Consent V Vote RC Vote

CERTIFIED

DEC 0 2 2002

CERTIFIED
DEC 0 2 2002

Rachel Dunham Johnson
MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED
DEC 10 2002