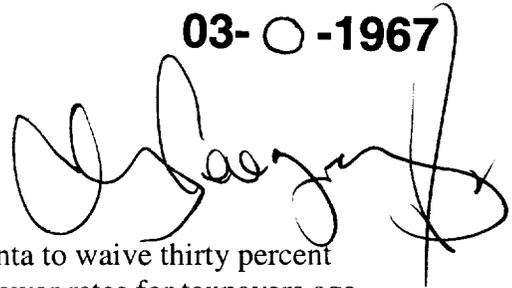


AN ORDINANCE

Councilmember Jim Maddox

Carla Smith
Natasha Archibald



An Ordinance authorizing the City of Atlanta to waive thirty percent (30%) of the City of Atlanta Water and Sewer rates for taxpayers age sixty-five and over whose annual household income does not exceed twenty-five thousand (\$25,000) dollars; and for other purposes

WHEREAS, the City of Atlanta is under a consent decree to upgrade its water and sewer systems; and

WHEREAS, this is a massive undertaking that has been neglected for decades; and

WHEREAS, it is estimated that this project could exceed \$3 billion over the next five years; and

WHEREAS, the cost of these improvements are such that resources are not available for construction within the existing water and sewer revenue fund; and

WHEREAS, the Mayor and Council have, after extensive research and analysis, concluded that to maintain and upgrade the water treatment and distribution system and wastewater treatment and collection system to meet federal and state regulations and the future demands of economic growth in the City, a major program of capital improvements had to be initiated; and

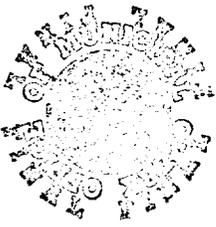
WHEREAS, after extensively searching for needed funding, it has been determined that these charges must be passed along to the ratepayers in the form of increased rates, possibly tripling their bills; and

WHEREAS, this increase will place a heavy burden on the City's low income senior citizens; and

WHEREAS, it is the desire of the City Council to provide some relief to this segment of the population.

THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA as follows:

Section 1: That Chapter 154, Article III, Division 3 (Water Rates, Charges and Related Matters), Sections 154-111 and 154-112 be amended to add a new paragraph to read:



"Water rates are hereby waived by thirty (30%) percent for domestic customers, aged sixty-five and older, with a maximum household income of twenty-five thousand (\$25,000) or less.

Section 2: That Chapter 154, Article V, Division 3 (Sewer Rates and Charges), Sections 154-276 and 154-277 be amended to add a paragraph to read:

"Sewer rates are hereby waived by thirty (30%) percent for domestic customers, aged sixty-five and older, with a maximum household income of twenty-five thousand (\$25,000) or less.

Section 3: Said ratepayer shall be required to file for an overage exemption with the Treasury Division in the City of Atlanta's Finance Department.

Section 4: The income value in this ordinance is the resident's adjusted gross income together with the adjusted gross income of the resident's spouse who resides at such address, and does not exceed the maximum amount that may be received by an individual and an individual's spouse under the Federal Social Security Act.

Section 5: That all ordinances and parts of ordinances in conflict herewith are hereby repealed.

A true copy,

Rhonda Daughin Johnson
Municipal Clerk, CMC

ADOPTED as amended by Council
VETOED by the Mayor
OVERRIDEN by the Council

DEC 01, 2004
DEC 09, 2004
JAN 05, 2004

RCS# 5192
12/01/03
5:18 PM

Atlanta City Council

Regular Session

03-0-1967

WAIVE 30% WATER & SEWER RATES TAXPAYERS
65 & OVER ANNUAL INCOME \$25,000 OR LESS
ADOPT

YEAS: 11
NAYS: 4
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 0

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

03-0-1967



CITY OF ATLANTA

SHIRLEY FRANKLIN
MAYOR

55 TRINITY AVENUE, S.W.
ATLANTA, GEORGIA 30335-0300
TEL (404) 330-6100

December 9, 2003

Council President Cathy Woolard
Members of the Atlanta City Council
City Hall 2nd Floor Suite 2900
55 Trinity Avenue, SW
Atlanta, Georgia 30335

Dear President Woolard and Members of Council:

I hereby return with my veto, Ordinance # 03-O-1967.

It is with sincere regret that I must veto Ordinance #03-O-1967, adopted by the Atlanta City Council on December 1, 2003. Ordinance #03-O-1967 proposes to authorize the City to waive thirty percent (30%) of the City of Atlanta Water and Sewer rates for taxpayers age sixty-five and over whose annual household income does not exceed twenty-five thousand (\$25,000) dollars. The Law Department has advised the City that Ordinance #03-O-1967, as adopted, is unconstitutional.

I am painfully aware of the impact of the proposed water sewer rates on the senior citizens who built Atlanta. Through their sacrifice, we enjoy a vibrant, livable city that is facing tough economic times due to delayed action on our infrastructure. I will continue to work towards easing the burden of higher rates on senior citizens. Our system is crumbling and requires immediate improvements to comply with federal and state Consent Decrees and Consent Orders. Without these improvements, we risk being in violation of our consent decrees, bringing future economic development and job creation to a halt, and permanently damaging our public health and quality of life. For these reasons, I have proposed rate increases with a conservation lifeline rate of 3 ccf (2,500 gallons) per month to upgrade our infrastructure.

Page 2
President Cathy Woolard
Members of Atlanta City Council
December 9, 2003

In January 2002, I took an oath of office to be "governed by the public good and interests of the city" and to uphold federal, state and local laws. I have always taken a firm stance in support of open, honest and good government. Approval of this ordinance would violate the oath I took to serve the City of Atlanta and its citizens.

I am advised that the ordinance would be in direct conflict with the Georgia Constitution, which prohibits gratuities. Therefore, it is the opinion of the Law Department that it would be unlawful.

As Mayor, I have vigorously supported other options the City can employ, such as the conservation lifeline rate and the Care and Conserve Fund, options that will provide some financial relief to all customers, especially the senior citizens who have contributed to this City's success.

Based on the rationale as outlined in this letter, I urge you to sustain my veto of Ordinance #03-O-1967.

Sincerely,

A handwritten signature in black ink, appearing to read "Shirley Franklin". The signature is written in a cursive, flowing style with a large initial 'S'.

Shirley Franklin

RCS# 5287
1/05/04
3:12 PM

Atlanta City Council

Regular Session

03-0-1967

WAIVE 30% WATER AND SEWER RATES FOR TAX-
PAYERS 65 & OVER INCOME \$25,000 OR LESS
OVERRIDE VETO

YEAS: 10
NAYS: 5
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 0

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

03-0-1967

#14

03-0-1967
(Do Not Write Above This Line)

AN ORDINANCE *Waive water charges*

Councilmember *Jim Maddox*

An Ordinance authorizing the City of Atlanta to waive thirty percent (30%) of the City of Atlanta Water and Sewer rates for taxpayers age sixty-five and over whose annual household income does not exceed twenty-five thousand (\$25,000) dollars; and for other purposes

ADOPTED BY

DEC 0 1 2003

COUNCIL

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

Date Referred 11/3/03

Referred To: Finance / Executive

Date Referred 11/17/03

Referred To: City Utilities

Date Referred

Referred To:

First Reading

Committee _____
Date _____
Chair _____
Referred To _____

FIN Committee
Date 11-13-03
Chair *[Signature]*
Action *no*

Fav, Adv, Hold (see rev. side)

Members *[Signature]*

Refer To

[Signature]

[Signature]

Refer To

Committee *FIN/HR*

Date *12/5/2003*

Chair *[Signature]*

Action *[Signature]*

Fav, Adv, Hold (see rev. side)

Other

Members

[Signature]

[Signature]

[Signature]

[Signature]

Refer To

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Members

Refer To

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

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

CERTIFIED

DEC 0 1 2003

JAN 0 5 2004

CERTIFIED

DEC 0 1 2003

JAN 0 5 2004
Randy Strickland
MUNICIPAL CLERK

MAYOR'S ACTION

MAYOR

[Signature]